

Index

ABANDONMENT

- Appeal, of
 - commentary, **28:53**
 - notice of, **28:54**
- Commentary, **13:36**
- Costs of abandoned motion, application or appeal
 - affidavit, failure to appear, **23:34**
 - affidavit, no filing, **23:33**
 - commentary, **23:32**
- Notice of, **13:37; 28:54**
- Simplified procedure, claim of plaintiff, **31:8**

ABSENCE OF PUBLIC, HEARING OF MOTION IN

See IN CAMERA

ABSENTEE

- Affidavit of service, **3:9**

ABUSE OF PROCESS

- Motion to strike for
 - affidavit, **6:73**
 - commentary, **6:71**
 - notice of motion, **6:72**
 - order, **6:724**

ACCOUNTING

- Judgment, form of, **18:24**
- Prayer for relief, **4:24**

ACCOUNTS

- Judgment directing reference to take, **18:26**
- On reference
 - affidavit of verification of accounts, **19:16**
 - general form, on reference, **19:14**
 - objections, **19:17**
 - sale of property under power of attorney, **19:15**
- Report after taking of
 - default, **19:45**
 - occupation rent, **19:46**
 - repairs and improvements, **19:47**

ACCOUNTS—Cont'd

- Report after taking of—Cont'd
 - willful neglect, **19:44**
 - with rests, **19:43**
- Running, statement of claim, **5:3**

ACKNOWLEDGMENT

- Expert's duty, of, **17:40**
- Receipt card, of, **3:16**
- Service by mail, **3:16**
 - affidavit of service, **3:17**

ACTIONS

- See also SUBSEQUENT ACTION
- Heading
 - Court of Appeal, **1:40**
 - Divisional Court, **1:42**
 - Superior Court of Justice, **1:36**
- Strike out
 - See STRIKE, MOTION TO

ADDING PARTIES

- Consent, on, **4:57**
 - simplified procedure, **31:14**
- Motion, on, **2:27**
- Reference
 - notice to, **19:6**
 - order on, **19:5**

ADMINISTRATION OF ESTATE

- See also ESTATE; ESTATE TRUSTEE
- Judgment, form of, **18:9**
- Report on reference, **19:42**

ADMINISTRATOR AD LITEM

- See LITIGATION GUARDIAN

ADMINISTRATOR PENDENTE LITE

- See ESTATE TRUSTEE

ADMINISTRATORS

- See ESTATE

ADMISSIONS

- Consent to withdrawal of, **15:59**
- Motion for judgment based on, **15:60**
- Request to admit, **15:57**
 - commentary, **15:56**

ADMISSIONS—Cont'd

- Request to admit, **15:57**—Cont'd
 - response to, **15:58**
- Withdraw, motion to
 - affidavit in opposition, **6:90**
 - affidavit in support, **6:89**
 - commentary, **6:87**
 - notice of motion, **6:88**
 - order, **6:91**

ADVERSE PARTY

- Notice of intention to call as witness on motion, **13:47**

ADVERTISING

- Claimants on reference
 - general form, **19:10**
 - shareholders, **19:12**
- Sale on reference
 - conditions of sale, **19:23**
 - form of, **19:22**

AFFIDAVIT

- Anton Piller motion, **14:78; 14:79**
- Auctioneer's, on reference, **19:24**
- Commissioning of, checklist, **1:53.50**
- Disbursements, of, **23:73**
- Documents
 - See AFFIDAVIT OF DOCUMENTS
- Evidence at trial, by
 - bank records, **17:28**
 - commentary, **15:52**
 - microfilm records, **17:29**
 - motion for
 - affidavit, **15:54**
 - notice of motion, **15:53**
 - order, **15:55**
 - municipal records, **17:27**
- Evidence on motion, by, **13:39**
- Execution, of, **4:63**
- Judicial review
 - See JUDICIAL REVIEW
- Jurat
 - blind or illiterate deponent, **1:54**
 - general form, **1:54**
 - multiple deponents, **1:54**
- Litigation guardian, **2:10**

AFFIDAVIT—Cont'd

- Payment into court of
 - gift to a mentally incapable person in will, **20:6**
 - minor's gift over 016710,000 in will, **20:5**
- Service, of
 - See SERVICE
- Verification of accounts, on reference, **19:16**
- Verification of list of claims, on reference, **19:12**

AFFIDAVIT OF DOCUMENTS

- See also DISCOVERY; FURTHER AND BETTER AFFIDAVIT OF DOCUMENTS
- Certificate of lawyer, **9:7**
- Corporation, **9:3**
- Documents no longer in the possession of the party, **9:12**
- Documents to be produced, **9:10**
- Individual, **9:2**
- Motion for better affidavit of documents
 - commentary, **9:17**
 - insufficient description
 - notice of motion, **9:21**
 - order, **9:22**
 - insufficient disclosure
 - affidavit, **9:19**
 - notice of motion, **9:18**
 - order, **9:20**
- Motion to require delivery of
 - affidavit, **9:15**
 - motion, **9:14**
 - order, **9:16**
- Partnership, **9:4**
- Privileged documents, **9:11**
- Supplementary, **9:5**

AGENTS

- Insurance
 - claim for failure to obtain available coverage, **5:40**
 - claim for failure to obtain sufficient coverage, **5:41**

AMENDMENT

- Judgment
 - commentary, **18:43**
 - facts subsequently discovered
 - commentary, **18:57**
 - motion to vary
 - affidavit, **18:59**

AMENDMENT—Cont'd

Judgment—Cont'd

facts subsequently discovered—Cont'd

motion to vary—Cont'd

notice of motion, **18:58**

order, **18:60**

fraud

commentary, **18:50**

motion to set aside

affidavit, **18:55**

notice of motion, **18:54**

ordernotice of motion, **18:56**

motion to vary

affidavit, **18:52**

notice of motion, **18:51**

order, **18:53**

no adjudication, motion to amend

affidavit, **18:48**

notice of motion, **18:47**

order, **18:49**

slip, motion to amend, **18:44**

Pleadings

consent to, **4:56**

simplified procedure, **31:13**

Statement of claim, motion to

add new cause of action

affidavit, **6:78**

draft amended statement of claim, **6:77**

notice of motion, **6:76**

order, **6:79**

commentary, **6:75**

increase damages amount

affidavit, **6:81**

notice of motion, **6:80**

order, **6:82**

Statement of defence, motion to

add counterclaim

affidavit, **6:94**

commentary, **6:92**

notice of motion, **6:93**

order, **6:95**

add new defence

affidavit, **6:85**

notice of motion, **6:84**

AMENDMENT—Cont'd

Statement of defence, motion to—Cont'd
add new defence—Cont'd
order, **6:86**
withdraw admission in
affidavit in opposition, **6:90**
affidavit in support, **6:89**
commentary, **6:87**
notice of motion, **6:88**
order, **6:91**

ANOTHER PROCEEDING ELSEWHERE

Motion to stay or dismiss
commentary, **6:14**
pending before a foreign court
affidavit of defendant, **6:16**
affidavit of translator, **6:17**
notice of motion, **6:15**
order, **6:18**
pending before an Ontario tribunal
affidavit, **6:20**
notice of motion, **6:19**
order, **6:21**
prior Ontario action pending
affidavit, **6:23**
notice of motion, **6:22**
order, **6:24**

ANTON PILLER ORDER

Commentary, **14:76**
Consent of receiver, **14:80**
Motion
affidavits, **14:78; 14:79**
notice of, **14:77**
Order
continuation, **14:84**
interim, **14:83**
Prayer for relief, **4:18**
Receiver, consent of, **14:80**
Undertaking
lawyer, of, **14:81**
plaintiff, of, **14:82**

APPEAL

Bill of costs, **23:71**

APPEAL—Cont'd

- Book and compendium, **28:117**
 - certificate of completeness, **28:118**
 - certificate of perfection, **28:119**
 - exhibit book, **28:119**
- Certificate
 - completeness, of, **28:118**
 - order under subrule 61.09(2), of, **28:124**
 - perfection, of, **28:120**
 - stay, of, **28:64**
 - time required, **28:124**
- Class proceedings
 - See CLASS PROCEEDINGS
- Compendium
 - appeal book, and, **28:117**
 - respondent's, **28:126**
- Confirmation of motion form, **28:127**
- Costs orders
 - abandoned appeal
 - affidavit, failure to appear, **23:34**
 - affidavit, no filing, **23:33**
 - commentary, **23:32**
 - appellant
 - general form, **23:27**
 - new trial, **23:28**
 - one set of costs, **23:29**
 - security for, motion
 - See Security for costs, motion for, *infra*
- Counsel slip and hearing information form, **28:128**
- COVID-19, commentary, **28:1.50**
- Cross-appeal
 - abandonment, notice of, **28:54**
 - commentary, **28:114.50**
 - dismissal of appeal, election to proceed on, **28:56**
 - notice of, **28:52**
 - supplementary notice, **28:115**
- Delay, motion to dismiss for
 - affidavit, **28:75**
 - notice of motion, **28:74**
 - order, **28:76**
- Delay of motion for leave, motion to dismiss for
 - affidavit, **28:79**
 - notice of motion, **28:78**
 - order, **28:80**

APPEAL—Cont'd

Evidence, further, motion to receive

affidavit, **28:95**

notice of motion, **28:94**

order, **28:96**

Exhibit book, **28:119**

Expedite, motion to

affidavit, **28:91**

notice of motion, **28:90**

order, **28:92**

Extension of time

commence appeal, to, motion for

affidavit, **28:99**

notice of motion, **28:98**

order, **28:100**

perfect appeal, to, motion for

affidavit, **28:103**

notice of motion, **28:102**

order, **28:104**

Factum

appellant, **28:122**

longer factum, motion for leave to file

affidavit, **28:111**

commentary, **28:109**

notice of motion, **28:110**

order, **28:112**

oral argument, certificate of time required, **28:124**

respondent, **28:123**

Final order, from

See APPEAL FROM FINAL ORDER

hearing of appeals together, motion for

affidavit, **28:107**

notice of motion, **28:106**

order, **28:108**

Interlocutory

See INTERLOCUTORY APPEALS

Intervene, motion for leave to

affidavit, **28:87**

notice of motion, **28:86**

order, **28:88**

Longer factum, motion for leave to file

affidavit, **28:111**

commentary, **28:109**

notice of motion, **28:110**

APPEAL—Cont'd

- Longer factum, motion for leave to file—Cont'd
 - order, **28:112**
- Motion confirmation form, **28:127**
- Order, general form, **18:7**
- Quash, motion to
 - affidavit, **28:71**
 - notice of motion, **28:70**
 - order, **28:72**
- Security for costs, motion for
 - affidavit, **28:83**
 - notice of motion, **28:82**
 - order, **28:84**
- Stay pending appeal, motion for
 - affidavit, **28:62**
 - certificate of stay, **28:64**
 - checklist, **28:60**
 - commentary, **28:59**
 - lift, motion to
 - affidavit, **28:67**
 - commentary, **28:65**
 - notice of motion, **28:66**
 - order, **28:68**
 - notice of motion, **28:61**
 - order, **28:63**
 - requisition for a stay, landlord and tenant board, **28:65.50**

APPEAL FROM FINAL ORDER

- Certificate of assessment of costs, from
 - Court of Appeal proceeding
 - checklist
 - appellant, **28:47**
 - respondent, **28:48**
 - commentary, **28:46**
 - notice of appeal, **28:49**
 - order, **28:50**
 - Superior Court of Justice proceeding
 - checklist
 - appellant, **28:42**
 - respondent, **28:43**
 - commentary, **28:41**
 - notice of appeal, **28:44**
 - order, **28:45**
- Confirmation form, **28:26**

APPEAL FROM FINAL ORDER—Cont'd

Divisional Court to Court of Appeal

checklist

appellant, **28:30**

respondent, **28:31**

commentary, **28:29**

notice

appeal, of, **28:34**

motion of, for leave, **28:32**

order, **28:35**

granting leave, **28:33**

Judge to Court of Appeal

checklist

appellant, **28:37**

respondent, **28:38**

commentary, **28:36**

notice of appeal, **28:39**

order, **28:40**

Judge to Divisional Court

See Master or judge to Divisional Court, *infra*

Master or judge to Divisional Court

checklist

appellant, **28:24**

respondent, **28:25**

commentary, **28:23**

confirmation form, **28:26**

notice of appeal, **28:27**

order, **28:28**

APPLICATIONS

Accounts, application to pass

affidavit, **27:47**

commentary, **27:45**

judgment

contested application, **27:49**

notice of, **27:46**

unopposed application, **27:48**

notice of, **27:46**

Administrator

order to, to do or refrain from act

affidavit, **27:20**

judgment, **27:21**

notice of application, **27:19**

removal of

affidavit, **27:16**

APPLICATIONS—Cont'd

Administrator—Cont'd

removal of—Cont'd

judgment, **27:17**

notice of application, **27:15**

replacement of

affidavit, **27:16**

judgment, **27:17**

notice of application, **27:15**

Appearance

confirmation, **27:6**

notice, **27:5**

Approval

arrangement, compromise, purchase, sale, mortgage or lease

affidavit, **27:24**

commentary, **27:22**

judgment, **27:25**

notice of application, **27:23**

settlement

See Settlement, approval of, *infra*

Arbitration Act

appointment of arbitrator

affidavit, **27:57**

judgment, **27:58**

notice of application, **27:56**

enforcement of award

affidavit, **27:64.50**

judgment, **27:65**

notice of application, **27:64**

enforcement pending appeal

affidavit, **27:61**

judgment, **27:62**

notice of application, **27:60**

setting aside award

affidavit, **27:67**

judgment, **27:69**

notice of application, **27:67**

Bankruptcy and Insolvency Act, s. 38

affidavit, **27:72**

judgment, **27:73**

notice of application, **27:71**

Bill of costs, **23:70**

APPLICATIONS—Cont'd

Canada Business Corporations Act

derivative action

affidavit, **27:90**

judgment, **27:91**

notice of application, **27:89**

oppression remedy

affidavit, **27:86**

judgment, **27:87**

notice of application, **27:85**

shareholders meeting to compel

affidavit, **27:94**

judgment, **27:95**

notice of application, **27:93**

winding-up

affidavit, **27:86**

judgment, **27:87**

notice of application, **27:85**

Canadian Charter of Rights, remedy under

affidavit, **27:36**

commentary, **27:34**

judgment, **27:37**

notice of application, **27:35**

Checklist

applicant, **27:2**

respondent, **27:3**

Commentary, **27:1**

Commercial list, when available, **1:49**

Companies' Creditors Arrangement Act

affidavit, **27:77**

judgment, **27:78**

monitor's consent, **27:79**

notice of application, **27:76**

Costs orders

abandoned application

affidavit, failure to appear, **23:34**

affidavit, no filing, **23:33**

commentary, **23:32**

applicant

general form, **23:21**

settlement offer exceeded, **23:23**

substantial indemnity costs scale, **23:22**

respondent

general form, **23:24**

APPLICATIONS—Cont'd

Costs orders—Cont'd
 respondent—Cont'd
 settlement offer exceeded, **23:25**
 substantial indemnity costs scale, **23:26**

Counter-applications
 affidavit, **27:134**
 commentary, **27:132**
 judgment, **27:135**
 notice of, **27:133**

COVID-19. commentary, **27:1.50**

Deed, interpretation of
 affidavit, **27:28**
 judgment, **27:29**
 notice of application, **27:27**

Directions
 affidavit, **27:52**
 commentary, **27:50**
 notice of application, **27:51**
 order
 pleadings directed, **27:53**
 trial of issues directed, **27:54**

Estate trustee, appointment of
 See ESTATE TRUSTEE

Examinations
 commentary, **27:136**
 notice of, **27:137**
 summons to witness, **27:138**

Executor
 order to, to do or refrain from act
 affidavit, **27:20**
 judgment, **27:21**
 notice of application, **27:19**
 removal of
 affidavit, **27:16**
 judgment, **27:17**
 notice of application, **27:15**
 replacement of
 affidavit, **27:16**
 judgment, **27:17**
 notice of application, **27:15**

Factums
 See FACTUM

APPLICATIONS—Cont'd

Foreign judgments, enforcement of
affidavit, default judgment, **27:130**
application, notice of, **27:129**
judgment, **27:131**
reciprocal legislation, under
See Reciprocal enforcement of judgments, *infra*

Heading
commercial list, **1:49**
Court of Appeal, **1:41**
Divisional Court, **1:43**
Superior Court of Justice, **1:36**

Judicial review
See JUDICIAL REVIEW

Land, declaration of interest in
affidavit, **27:32**
judgment, **27:33**
notice of application, **27:31**

Letters rogatory, enforcement of
affidavit, **27:126**
commentary, **27:124**
judgment, **27:127**
notice of application, **27:125**

Municipal Act, quashing of by-law
affidavit, **27:82**
commentary, **27:80**
judgment, **27:83**
notice of application, **27:81**

Municipal by-law, interpretation of
affidavit, **27:28**
judgment, **27:29**
notice of application, **27:27**

Notice of, **27:4**

Ontario Business Corporations Act
derivative action
affidavit, **27:90**
judgment, **27:91**
notice of application, **27:89**
oppression remedy
affidavit, **27:86**
judgment, **27:87**
notice of application, **27:85**
winding-up
affidavit, **27:86**

APPLICATIONS—Cont'd

Ontario Business Corporations Act—Cont'd

winding-up—Cont'd

judgment, **27:87**

notice of application, **27:85**

Partition Act

affidavit, **27:98**

commentary, **27:96**

judgment, **27:99**

notice of application, **27:97**

Partnerships Act

affidavit, **27:102**

judgment, **27:103**

notice of application, **27:101**

Personal Property Security Act

discharge of security

affidavit, **27:110**

judgment, **27:111**

notice of application, **27:109**

priorities, determination of

affidavit, **27:106**

judgment, **27:107**

notice of application, **27:105**

Persons under a disability

See PERSONS UNDER DISABILITY

Priority of charges, declaration of

affidavit, **27:32**

judgment, **27:33**

notice of application, **27:31**

Reciprocal enforcement of judgments

general

affidavit, **27:114**

judgment, **27:115**

notice of application, **27:113**

United Kingdom

affidavit, **27:118**

judgment, **27:117**

notice of application, **27:117**

Record

applicant, of, **27:140**

commentary, **27:139**

respondent, of, **27:141**

APPLICATIONS—Cont'd

Settlement, approval of
affidavit

client, of, **27:41**

lawyer, of, **27:40**

commentary, **27:38**

consent, **27:43**

judgment, **27:44**

minutes of settlement, **27:42**

notice of application, **27:39**

Statutes, interpretation of

See also under particular statute names

affidavit, **27:28**

judgment, **27:29**

notice of application, **27:27**

Trust

opinion, advice or directions concerning

affidavit, **27:12**

commentary, **27:10**

judgment, **27:13**

notice of application, **27:11**

trustee

See Trustee, *infra*

variation of

affidavit, **27:24**

commentary, **27:22**

judgment, **27:25**

notice of application, **27:23**

Trustee

order to, to do or refrain from act

affidavit, **27:20**

judgment, **27:21**

notice of application, **27:19**

removal of

affidavit, **27:16**

judgment, **27:17**

notice of application, **27:15**

replacement of

affidavit, **27:16**

judgment, **27:17**

notice of application, **27:15**

Vendors and Purchasers Act

affidavit, **27:122**

judgment, **27:123**

APPLICATIONS—Cont'd

Vendors and Purchasers Act—Cont'd

notice of application, **27:121**

Wills

interpretation of

affidavit, **27:28**

judgment, **27:29**

notice of application, **27:27**

opinion, advice or directions re

affidavit, **27:12**

commentary, **27:10**

judgment, **27:13**

notice of application, **27:11**

APPOINTMENT

New referee, of

commentary, **19:36**

motion for

affidavit, **19:38**

notice of motion, **19:37**

order, **19:39**

Settle order

affidavit of clerk on appointment, **18:40**

commentary, **18:37**

disputed order, **18:42**

memorandum of approval, **18:38**

notice of, **18:39; 18:41**

registrar unsatisfied, **18:39**

unapproved, **18:38**

Settle report on reference, **19:40**

APPRAISAL

Motion for inspection to permit

affidavit, **11:3**

notice of motion, **11:2**

order, **11:4**

ARBITRATION ACT

Appoint arbitrator, application to

affidavit, **27:57**

commentary, **27:55**

notice of motion, **27:56**

order, **27:58**

Award, application to

enforce

commentary, **27:63**

ARBITRATION ACT—Cont'd

- Award, application to—Cont'd
 - enforce—Cont'd
 - judgment, **27:65**
 - notice of application, **27:64**
 - set aside
 - affidavit, **27:68**
 - commentary, **27:66**
 - notice of motion, **27:67**
 - order, **27:69**
- Pending appeal
 - affidavit, **27:61**
 - commentary, **27:59**
 - judgment, **27:62**
 - notice of application, **27:60**
- Stay under
 - affidavit, **6:35**
 - notice of motion, **6:34**
 - order, **6:36**

ARREST

- See also FALSE ARREST AND IMPRISONMENT
- Contempt, warrant for arrest, **22:73**
- Defaulting witness
 - commentary, **17:24**
 - warrant for arrest, **17:25**

ASSAULT AND BATTERY

- Exhibit book, **28:119**
- Statement of claim, **5:61**

ASSESSMENT OF COSTS

- Between a solicitor and the client
 - commentary, **24:2**
 - order for assessment, client application
 - order, **24:6**
 - requisition, **24:5**
 - order for assessment, party paying
 - commentary, **24:9**
 - judgment, **24:12**
 - notice of application, **24:10**
 - notice of appointment, **24:15**
 - notice of motion, **24:13**
 - order, **24:14**
 - order for assessment, solicitor application
 - order, **24:8**

ASSESSMENT OF COSTS—Cont'd

- Between a solicitor and the client—Cont'd
 - order for assessment, solicitor application—Cont'd
 - requisition, **24:7**
 - order for delivery and assessment
 - order, **24:4**
 - requisition, **24:3**
 - report of the assessment officer, **24:16**
- In a proceeding
 - certificate of assessment, **23:78**
 - notice of appointment, **23:74**
 - notice to deliver bill, **23:75**
 - objections to assessment, **23:76**
 - response to objections, **23:77**

ATTACHMENT

- Absconding Debtors Act
 - commentary, **22:125**
 - motion for
 - affidavit of acquaintance, **22:128**
 - affidavit of plaintiff, **22:127**
 - notice of motion, **22:126**
 - notice of order, **22:130**
 - order, **22:129**

ATTENDANCE

- Discovery, motion for sanctions for failure to attend on
 - affidavit, **10:51**
 - notice of motion, **10:50**
 - order, **10:52**

ATTORNEY-GENERAL

- Affidavit of service, **3:8**
- Notice of constitutional question, **1:109**

AUCTIONEER

- Affidavit of, sale on reference, **19:24**

AUTHORIZATION

- See also CONSENTS; RETAINERS
- Canada Revenue Agency, release income tax records, **1:12**
- Doctor, release records, **1:8**
- Employer, release of employment records, **1:11**
- Hospital, to
 - release records, **1:9**
 - request to retain records, **1:10**
- Income tax records, release of, **1:12**

AUTHORIZATION—Cont'd

- Life insurance policy, to obtain, **1:19**
- Litigation Guardian, act as, **2:10**
- OHIP, **1:23**
 - letter, in regard to, **1:22**
- School records, release of, **1:20**
- Service
 - See SERVICE, outside Ontario

BACKSHEET

- General form, **1:53**
- Short title of proceeding, **1:52**
- Writ of seizure and sale, **22:3**

BAILMENT

- Statement of claim, **5:104**

BANKING

- Records, evidence of by affidavit at trial, **17:28**

BANKRUPTCY AND INSOLVENCY

- Application under s. 38 of Act
 - affidavit, **27:77**
 - commentary, **27:75**
 - judgment, **27:78**
 - notice of application, **27:76**

BATTERY

- See also ASSAULT AND BATTERY
- Medical, **5:62**
 - hospital negligence, **5:85**
 - plastic surgery, **5:84**

BILL OF COSTS

- Appeal, **23:71**
- Application, **23:70**
- Draft forms for security for costs
 - appeal, **25:7**
 - application, **25:6**
 - entire action, **25:5**
 - staged
 - to setting down for trial, **25:3**
 - to trial, **25:4**
- Motion, **23:68**
- Outline of costs, **23:72**
- Trial, **23:69**

BOARD

Affidavit of service, **3:4**

BRIDGE

Failure to maintain, notice to municipality for, **1:103**

BRIEF

Agreement regarding document use, **17:7**

Chronology, **17:5**

Commentary, **17:2**

Pre-trial conference, Toronto actions, **15:69**

Proof outline, **17:5**

Trial outline

jury, **17:4**

non-jury, **17:3**

BRING FORWARD SYSTEM

See TICKLER SYSTEM

BULK SALES ACT

Application, **27:74**

BULLOCH ORDER

General form, **23:15**

BUSINESS

See also COMMERCIAL LIST

Records

commentary, **17:33**

notice of intention, **17:34**

notice to produce for inspection, **17:35**

CANADA

Affidavit of service, **3:6**

Constitutional question, **1:109**

Proceedings against federal Crown agency, **1:106**

CANADA BUSINESS CORPORATIONS ACT

Oppression remedy, application for

affidavit, **27:86**

commentary, **27:84**

judgment, **27:87**

notice of application, **27:85**

Winding-up, application for

affidavit, **27:86**

commentary, **27:84**

judgment, **27:87**

notice of application, **27:85**

CANADA REVENUE AGENCY

Authorization to release records, **1:12**

CAPACITY

Lack of, motion to stay or dismiss
defendant

affidavit, **6:12**

commentary, **6:10**

notice of motion, **6:11**

order, **6:13**

plaintiff

affidavit, **6:8**

commentary, **6:6**

notice of motion, **6:7**

order, **6:9**

CASE, SPECIAL

See SPECIAL CASE

CASE MANAGEMENT

Information for court use, **1:61**

Letter to client, **1:7**

Motions

commentary, **13:66**

Request for (Toronto), **1:62**

Transfer of proceeding to

See TRANSFER OF PROCEEDINGS

CAUSE OF ACTION

Motion to add new

affidavit, **6:78**

draft amended statement of claim, **6:77**

notice of motion, **6:76**

prder, **6:79**

Motion to strike for disclosing no, **6:57**

Multiple, prayer for relief, **4:8**

CERTIFICATE

Appointment, of, estate trustee

See ESTATE TRUSTEE

Completeness, of, **28:118**

Corporate document for use at trial, of

certificate, **17:47**

commentary, **17:46**

Evidence, on appeal, **28:113; 28:113.50; 28:114**

Judgment, of, Small Claims Court, **32:34**

Order under subrule 61.09, of; **28:124**

CERTIFICATE—Cont’d

Perfection, of, **28:120; 29:15**
 Stay, of, **28:64**
 Time required, **28:124**

CERTIFICATE OF PENDING LITIGATION

Certificate, **14:46**
 Commentary, **14:43**
 Discharge, motion to
 affidavit, **14:50**
 consent, **14:51**
 notice of motion, **14:49**
 order, **14:52**
 Judgment where relief claimed, **18:36**
 Notice of motion to obtain, **14:44**
 affidavit, **14:45**
 Order, **14:47**
 leasehold interest, **14:48**
 Prayer for relief, **4:20**

CERTIFICATION

Appeals
 certification granted
 motion for leave, **26:42**
 notice of appeal, **26:43**
 certification refused, notice of appeal
 applicant, by, **26:40**
 defendant, by, **26:41**
 plaintiff, by, **26:40**
 respondent, by, **26:41**
 Applicant’s motion for
 affidavit, **26:18**
 commentary, **26:16**
 notice of motion, **26:17**
 order, **26:19**
 Class members, notice to
 certification, of
 application, **26:37**
 general form, **26:35**
 individual claims, **26:36**
 opting out, **26:38**
 Defendant’s motion for
 affidavit
 defendant, **26:22**
 plaintiff, **26:23**

CERTIFICATION—Cont'd

Defendant's motion for—Cont'd

commentary, **26:20**

notice of motion, **26:21**

order, **26:24**

representative

See Representative defendant's motion for, *infra*

Extension of time for

affidavit, **26:14**

commentary, **26:12**

notice of motion, **26:13**

order, **26:15**

Plaintiff's motion for

extension of time

See Extension of time for, *supra*

general form

affidavit, **26:7**

commentary, **26:5**

notice of motion, **26:6**

order, **26:8**

subclasses

affidavit, **26:10**

notice of motion, **26:9**

order, **26:11**

Representative defendant's motion for

affidavit, **26:32**

commentary, **26:30**

notice of motion, **26:31**

order, **26:33**

Respondent's motion for

affidavit

applicant, of, **26:28**

commentary, **26:25**

notice of motion, **26:26**

order, **26:29**

respondent, of, **26:27**

CHANGE, NOTICE OF

Lawyers, **1:80**

CHARTER OF RIGHTS AND FREEDOMS

Notice of constitutional question, **1:109**

Remedy under, application

affidavit, **27:36**

judgment, **27:37**

CHARTER OF RIGHTS AND FREEDOMS—Cont'd

Remedy under, application—Cont'd
notice of application, **27:35**

CHECKLISTS

Appeal from final orders

certificate of assessment of costs issued in Court of Appeal
appellant, **28:47**
respondent, **28:48**

certificate of assessment of costs issued in Superior Court of Justice
appellant, **28:42**
respondent, **28:43**

Divisional Court to Court of Appeal

appellant, **28:30**
respondent, **28:31**

judge to Court of Appeal

appellant, **28:37**
respondent, **28:38**

master or judge to Divisional Court

appellant, **28:24**
respondent, **28:25**

Default proceedings

judgment

motion for, where registrar uncertain about interest
affidavit, **7:27**
checklist, **7:25**
judgment, **7:28**
notice of motion, **7:26**

motion for, where registrar uncertain as to claim
checklist, **7:21**
commentary, **7:20**
judgment, **7:23**
notice of motion, **7:22**

requisition for, **7:19**

person under disability, motion to note in default, **7:8**

Discovery, **10:1**

Initial checklist

defendant, **1:3**
plaintiff, **1:2**

Interlocutory appeals

Divisional Court to Court of Appeal

appellant, **28:16**
respondent, **28:17**

judge to Divisional Court

appellant, **28:9**

CHECKLISTS—Cont'd

- Interlocutory appeals—Cont'd
 - judge to Divisional Court—Cont'd
 - respondent, **28:10**
 - master to judge
 - appellant, **28:3**
 - respondent, **28:4**
- Mandatory mediation, **1:118**
- Pre-trial, **15:64**
- Sale of lands by sheriff checklist, **22:41**
- Settlement for persons under disability, **21:63**
- Trial management, simplified procedure, **31:20**
- Witness interview checklist, wrongful dismissal, **1:15**
- Writ of execution checklist, **22:2**

CHILDREN'S LAWYER

- Status hearing, request for
 - commentary, **16:8**
 - notice to register, **16:9**
 - order, **16:11**
 - timetable, **16:10**

CHRONOLOGY

- General form, **17:5**

CLAIMANTS

- Advertisement for, on reference
 - general form, **19:10**
 - shareholders, **19:12**

CLAIMS

- Abandonment of by plaintiff, simplified procedure, **31:8**
- Affidavit of verification of list of, on reference, **19:12**
- Notice of contested, on reference, **19:13**
- Notice to creditor, **19:61**

CLASS ACTIONS

- See CLASS PROCEEDINGS

CLASS PROCEEDINGS

- Appeal from orders
 - certification granted
 - motion for leave to appeal, **26:42**
 - notice of appeal, **26:43**
 - certification refused, notice of appeal
 - applicant, by, **26:40**
 - defendant, by, **26:41**

CLASS PROCEEDINGS—Cont'd

- Appeal from orders—Cont'd
 - certification refused, notice of appeal—Cont'd
 - plaintiff, by, **26:40**
 - respondent, by, **26:41**
 - commentary, **26:39**
- Application, notice of, interpretation of insurance policy, **26:4**
- Certification
 - See CERTIFICATION
- Costs orders
 - successful defendant
 - application to Law Foundation, **23:43**
 - general form, **23:42**
 - successful plaintiff, **23:41**
- Extension of time, motion for
 - affidavit of plaintiff, **26:14**
 - commentary, **26:12**
 - notice of motion, **26:13**
 - order, **26:15**
- Headings
 - action, **1:50**
 - application, **1:51**
- Opting out, notice of, **26:38**
- Statement of claim
 - contest failure, **26:3**
 - defective product, **26:2**
- Statistical evidence, notice of
 - commentary, **26:44**
 - government statistics, **26:45**
 - private survey data, **26:48**
 - real estate values, **26:47**
 - stock market quotations, **26:46**
- Statistical evidence, notice to produce, **26:49**

CLIENT

- Act in person, **1:82**
- Appointment of lawyer, **1:81**
- Letter
 - case management, **1:7**
 - engagement by corporation, **1:78**
 - initial to new client, **1:6**
 - offer to settle, consequences of
 - commentary, **21:1**
 - general form, **21:2**
 - to defendant where no plaintiffs offer, **21:5**

CLIENT—Cont'd

Letter—Cont'd

offer to settle, consequences of—Cont'd

to defendant where offer from plaintiff, **21:6**

to plaintiff where no offer from defendant, **21:3**

to plaintiff where offer from defendant, **21:4**

Representative, affidavit, change of venue motion, **15:8**

Retainer

contingency fee, **1:69**

corporate, **1:77; 1:78**

authorization of, resolution, **1:79**

estate administration, **1:70**

intestacy, **1:71**

long form, **1:65**

multiple parties, **1:67**

personal, **1:64**

Settlement instructions

defendant accepting offer, **21:7**

direction

to lawyer, **21:12**

to other firm, **21:13**

plaintiff accepting offer, **21:8**

reject offer against recommendation, **21:10**

reject recommendation to submit offer, **21:11**

wrongful dismissal, **21:9**

CLIENT INFORMATION SHEET

Generally, **1:4**

CLINICAL RECORDS

Motion for production of

affidavit, **9:40**

notice of motion, **9:39**

order, **9:41**

COLLATERAL CONTRACT

Statement of claim, **5:10**

COLLECTION

See CONTRACTS, statements of claim

COMMERCIAL LIST

Case timetable, **27:9**

Commentary, **1:1**

Heading, **1:49**

Motion

commentary, **13:25**

COMMERCIAL LIST—Cont’d

Motion—Cont’d

general form, **13:26**

Request form, **27:8**

COMMISSION

Affidavit, checklist, **1:53.50**

Affidavit of service on, **3:4**

Evidence

See COMMISSION EVIDENCE

Statement of claim, services, **5:19**

COMMISSION EVIDENCE

Commentary, **15:44**

Commission, **10:18; 15:48**

Commissioner, consent to act as, **15:51**

Examination of other witnesses, consent to, **15:50**

Letter of request, **10:19; 15:49**

Motion for

affidavit, **15:46**

notice of motion, **15:45**

order, **15:47**

COMMITTAL

Warrant for committal, **22:74; 32:49**

COMPANIES’ CREDITORS ARRANGEMENT ACT

Application

affidavit, **27:77**

commentary, **27:75**

consent of monitor, **27:79**

judgment, **27:78**

notice of application, **27:76**

COMPENDIUM

Appeal book and, **28:117**

Respondent, of, **28:126**

COMPETITION

Employee, interlocutory injunction

affidavit of co-worker, **14:5**

affidavit of defendant in response, **14:6**

affidavit of superior, **14:4**

commentary, **14:2**

notice of motion, **14:3**

order, injunction granted, **14:8**

order, injunction not granted, terms imposed, **14:9**

COMPETITION—Cont'd

- Employee, interlocutory injunction—Cont'd
 - undertaking as to damages, **14:7**
- Restrictive covenant, interlocutory injunction
 - affidavit, **14:25**
 - commentary, **14:23**
 - notice of motion, **14:24**
 - order, **14:26**

COMPLEX MOTIONS

- Letter on, Toronto Motions Court, **13:10**
- Motion to designate single judge to hear
 - affidavit, **13:80**
 - commentary, **13:78**
 - form of, **13:79**
 - order, **13:81**

COMPLEX TRACK

- See CASE MANAGEMENT

CONDITIONS OF SALE

- On reference, **19:23**

CONFIDENTIALITY ORDER

- Consent, **18:75**
- Notice of motion, **18:74**
- Order, **18:76**

CONFIRMATION

- Appeal motion, of, **28:127**
- Immediate confirmation
 - consent to, **19:60**
 - motion for
 - affidavit, **19:53**
 - notice of motion, **19:52**
 - order, **19:54**
- Motion to confirm
 - notice of motion, **19:50**
 - order, **19:51**
- Motion to oppose confirmation
 - order confirming in part, **19:58**
 - order dismissing motion and confirming report, **19:57**
 - order referring report back to referee, **19:59**

CONFIRMATION OF MOTION STATUS

- Form of, **13:8**

CONSENTS

- Addition as plaintiff or applicant, **4:60**
- Addition of party, **4:57**
 - simplified procedure, **31:14**
- Amendment of pleadings, to, **4:56**
 - simplified procedure, **31:13**
- Commissioner, to act as, **15:51**
- Confidentiality order, **18:75**
- Continue, to, simplified procedure, **31:11**
- Dismiss action, **4:62**
 - simplified procedure, **31:17**
- Examination of other witnesses, **15:50**
- Extend time, **4:61**
- Monitor, of, **27:79**
- Motions in writing
 - commentary, **13:58**
 - consent motion in writing, **13:59**
 - consent to, **13:60**
 - unopposed motion in writing
 - notice of motion, **13:61**
 - responding party's notice, **13:62**
- Security for costs, consent to order, **25:16**
- Set aside
 - default judgment, simplified procedure, **31:16**
 - noting in default, **7:12**
 - simplified procedure, **31:15**
- Settlement, person under disability, **21:68; 27:43**
- Small Claims Court
 - clerk's order, **32:22**
 - general form, **32:22**
- Substitution of party, **4:59**

CONSOLIDATION

- Motion for, **2:33**

CONSTITUTIONAL QUESTION

- Notice of, **1:109**

CONSTRUCTION

- Claims, report on reference, **19:48**
- Contractor's claim for payment, **5:55**
- Lien
 - certificate of action, **5:59**
 - claim for, **5:57**
 - statement of claim, **5:58**
- Owner's claim for deficient work, **5:56**

CONSTRUCTIVE DISMISSAL

Statement of claim, **5:49**

CONTEMPT

Commentary, **22:69**

Motion for, general form

affidavit, **22:71**

notice of motion, **22:70**

order, **22:72**

Motion for where a failure to obey discovery order

affidavit, **10:62**

commentary, **10:60**

notice of motion, **10:61**

order, **10:63**

warrant of committal, **10:64**

Warrant for arrest, **22:73**

Warrant for committal, **22:74**

CONTESTED

Motion, Small Claims Court

affidavit, **32:25**

notice of motion, **32:24**

Notice of claim, on reference, **19:13**

CONTINGENCY FEE

Retainer, **1:68**

CONTRACTOR

See CONSTRUCTION

CONTRACTS

Insurance

See INSURANCE

Interpretation of, application

affidavit, **27:28**

judgment, **27:29**

notice of, **27:27**

Statements of claim

collateral contract, **5:10**

collection

design and supply goods, **5:5**

running account, **5:3**

specific items, **5:2**

unpaid invoice list, **5:4**

construction claims

liens

certificate of action, **5:59**

CONTRACTS—Cont'd

- Statements of claim—Cont'd
 - construction claims—Cont'd
 - liens—Cont'd
 - claim for, **5:57**
 - statement of claim, **5:58**
 - owner's claim for deficient work, **5:56**
 - payment to contractor, **5:55**
 - damages
 - breach of warranty, for, **5:9**
 - failure of purchaser to close real estate transaction, for, **5:32**
 - non-acceptance of goods, for, **5:6**
 - non-delivery of goods, for, **5:7**
 - lease, commercial
 - claim for breach of lease agreement, **5:52**
 - claim for breach of unexecuted lease, **5:50**
 - distress, claim for damages, **5:54**
 - misrepresentation
 - contract, in, **5:43**
 - inducing contract, **5:45**
 - rectification, **5:33**
 - services
 - commission, **5:19**
 - faulty services (promotional deliveries), **5:23**
 - faulty work
 - customs broker, **5:25**
 - printing, **5:22**
 - fixed price, **5:12**
 - against funeral home, **5:14**
 - by funeral home, **5:13**
 - hourly rate, **5:15**
 - lawyers fees, hourly rate
 - no written retainer, **5:18**
 - written retainer, **5:17**
 - misrepresentation, **5:43**
 - percentage fee, **5:16**
 - piece work, **5:20**
 - quantum meruit, **5:16**
 - time and materials, **5:21**
 - specific performance
 - goods, **5:8**
 - land
 - against purchaser, **5:31**
 - against vendor, **5:30**

CONTRACTS—Cont'd

Statements of claim—Cont'd

wrongful dismissal

See WRONGFUL DISMISSAL ACTION

Statements of defence

claim for payment, to, **5:11**

claim for specific performance by purchaser, to, **5:34**

faulty services

customs broker, **5:26**

promotional deliveries, **5:24**

lease, commercial

defence to claim for breach of lease agreement, **5:53**

defence to claim for breach of unexecuted lease, **5:51**

CONTUMELIOUS DELAY

Motion to dismiss for

affidavit, **16:18**

notice of motion, **16:17**

order, **16:19**

CONVERSION

Statement of claim, **5:68**

COPY

Copy for use at trial

notice of intention, **17:36**

notice of intention to dispute, **17:37**

CORPORATIONS

Affidavit of service, **3:3**

Application for winding-up or oppression remedy

See APPLICATIONS, Canada Business Corporations Act, Ontario Business Corporations Act

Certificate of corporate document for use at trial

certificate, **17:47**

commentary, **17:46**

Costs order against officer of party personally, **23:46**

Discovery, substitute corporate representative on

affidavit, **10:22**

commentary, **10:20**

notice of motion, **10:21**

order, **10:23**

Retainer, **1:77**

engagement letter, **1:78**

resolution authorizing, **1:79**

CORPORATIONS—Cont'd

Security for costs
 affidavit, **25:34**
 notice of motion, **25:33**
 order, **25:35**

COST ESTIMATES

Applicant, **1:27**
 Defendant, **1:26**
 Plaintiff, **1:25**
 Respondent, **1:28**

COSTS

Abandoned motion, application or appeal
 affidavit, failure to appear, **23:34**
 affidavit, no filing, **23:33**
 commentary, **23:32**
 Affidavit of disbursements, **23:73**
 Against lawyer personally
 disallow fees, **23:48**
 order for reimbursement, **23:50**
 order to pay costs of another party, **23:51**
 order to repay, **23:49**
 Against officer of party personally, **23:46**
 Against successful party, **23:45**
 Appeals
 appellant
 general form, **23:27**
 new trial, **23:28**
 one set of costs, **23:29**
 respondent
 undertaking by appellant to pay in any event, **23:31**
 Applications
 applicant
 general form, **23:21**
 settlement offer exceeded, **23:23**
 substantial indemnity costs scale, **23:22**
 respondent
 general form, **23:24**
 settlement offer exceeded, **23:25**
 substantial indemnity costs scale, **23:26**
 Assessment between a solicitor and the client
 appointment, notice of, **24:15**
 commentary, **24:2**

COSTS—Cont'd

Assessment between a solicitor and the client—Cont'd

order for assessment, client application

order, **24:6**

requisition, **24:5**

order for assessment, party paying

commentary, **24:9**

judgment, **24:12**

notice of application, **24:10**

notice of motion, **24:13**

order, **24:14**

order for assessment, solicitor application

order, **24:8**

requisition, **24:7**

order for delivery and assessment

order, **24:4**

requisition, **24:3**

report of the assessment officer, **24:16**

Assessments in a proceeding

certificate of assessment, **23:78**

notice of appointment, **23:74**

notice to deliver bill, **23:75**

objections to assessment, **23:76**

response to objections, **23:77**

Bill of costs

appeal, **23:71**

application, **23:70**

motion, **23:68**

outline of, **23:72**

trial, **23:69**

Bulloch order, **23:15**

Class actions

successful defendant

application to Law Foundation, **23:43**

general form, **23:42**

successful plaintiff, **23:41**

Costs if demanded, **23:55**

Counterclaim, **23:17**

Defendant

general form, **23:8**

offer to contribute, **23:11**

one set of costs, **23:12**

settlement offer exceeded, **23:9**

substantial indemnity costs scale, **23:10**

COSTS—Cont'd

- Demanded, if, **23:7; 23:13**
 - motion, **13:99**
- Directions from trial judge to assessment officer
 - approach to assessment, **23:66**
 - experts, **23:64**
 - translation, **23:67**
 - travel and accommodation of party, **23:65**
- Estate matters
 - estate trustee during litigation, **23:39**
 - executor, **23:36**
 - other party paid out of estate, **23:37**
 - other party to pay to estate, **23:38**
- Estimates
 - See COST ESTIMATES
- Fixed costs
 - general form, **23:61**
 - items fixed, **23:62**
- General form, prayer for relief, **4:2**
- Intervenor, **23:54**
- Litigation guardian
 - recovery from plaintiff, **23:52**
 - recovery limited, **23:53**
- Motions
 - commentary, **13:90**
 - costs in any event, **13:92**
 - costs in the cause, **13:94**
 - demanded, if, **13:99**
 - fixed costs, **13:91**
 - multiple motions, one set of costs, **13:98**
 - no costs, **13:97**
 - party in the cause, costs to, **13:93**
 - relief from costs of cross-examinations, **13:96**
 - trial judge, costs reserved to, **13:95**
- No costs, **23:56**
- Non-party, award against, **23:14**
- One set of costs
 - appeals, **23:29**
 - defendant, **23:12**
- Plaintiff
 - complete indemnity scale, **23:4**
 - general form, **23:2**
 - mistrial, **23:6**
 - settlement offer exceeded, **23:5**

COSTS—Cont'd

Plaintiff—Cont'd

substantial indemnity costs scale, **23:3**

Reduced costs

general form, **23:58**

mixed, **23:60**

percentage, **23:59**

Sanderson order, **23:16**

Security for costs

alternative orders

bond, **25:71**

commentary, **25:70**

letter of credit, **25:72**

another proceeding

in Ontario, motion for security

affidavit, **25:22**

notice of motion, **25:21**

order, **25:23**

outside Ontario

affidavit, **25:25**

notice of motion, **25:24**

order, **25:26**

appeal

dismiss appeal, **25:51**

foreign appellant, **25:48**

frivolous and vexatious, **25:45**

appeal, motion for

affidavit, **28:83**

commentary, **28:81**

notice of motion, **28:82**

order, **28:84**

bills of costs

appeal, **25:7**

application, **25:6**

entire action, **25:5**

staged

to setting down for trial, **25:3**

to trial, **25:4**

bond, **25:72**

corporate plaintiff

affidavit, **25:34**

notice of motion, **25:33**

order, **25:35**

counterclaim, **25:63**

COSTS—Cont'd

- Security for costs—Cont'd
 - eliminate security, **25:77**
 - foreign plaintiff
 - commentary, **25:8**
 - demand for declaration of residence
 - commentary, **25:8**
 - demand for declaration, **25:9**
 - response, **25:10**
 - motion for security
 - affidavit, **25:15**
 - consent, **25:16**
 - notice of motion, **25:14**
 - order, **25:17**
 - motion to stay where a failure to respond
 - affidavit, **25:12**
 - notice of motion, **25:11**
 - order, **25:13**
 - frivolous and vexatious
 - action
 - affidavit, **25:40**
 - notice of motion, **25:39**
 - order, **25:41**
 - application
 - affidavit, **25:43**
 - notice of motion, **25:42**
 - order, **25:44**
 - increase amount of security, commentary
 - affidavit, **25:75**
 - commentary, **25:73**
 - notice of motion, **25:74**
 - order, **25:76**
 - letter of credit, **25:72**
 - nominal applicant
 - affidavit, **25:37**
 - notice of motion, **25:36**
 - order, **25:38**
 - notice of compliance, **25:66**
 - statute, by, Libel and Slander Act, **25:54**
 - third party claim
 - against defendant, **25:57**
 - against plaintiff, **25:60**

COSTS—Cont'd

Security for costs—Cont'd

unpaid, motion to strike where ordered on prior motion for summary judgment

affidavit, **8:16**

notice of motion, **8:15**

order, **8:17**

unpaid costs

another proceeding, motion for security

affidavit, **25:31**

notice of motion, **25:30**

order, **25:32**

same proceeding, motion for security

affidavit, **25:28**

notice of motion, **25:27**

order, **25:29**

unpaid security for costs, motion to dismiss

affidavit, **25:68**

notice of motion, **25:67**

order, **25:69**

Solicitor and client

order

applicant, to, **23:22**

defendant, to, **23:10**

plaintiff, to, **23:3**

respondent, to, **23:26**

prayer for relief, **4:29**

Statement of claim, request for substantial indemnity, **4:29**

Third party claims

action and third party claim dismissed, **23:19**

general form, **23:18**

no costs, **23:20**

Unpaid costs

another proceeding, motion for security

affidavit, **25:31**

notice of motion, **25:30**

order, **25:32**

motion to stay

affidavit, **23:80**

notice of motion, **23:79**

order, **23:81**

motion to strike defence

affidavit, **23:83**

notice of motion, **23:82**

COSTS—Cont'd

- Unpaid costs—Cont'd
 - motion to strike defence—Cont'd
 - order, **23:84**
 - same proceeding, motion for security
 - affidavit, **25:28**
 - notice of motion, **25:27**
 - order, **25:29**

COUNTERCLAIM

- Commentary, **4:40**
- Costs order on, **23:17**
- Defence to, **4:44**
 - reply and, **4:43**
 - reply to, **4:45**
- Election to proceed where action dismissed for delay, **16:31**
- Faulty services, customs broker, **5:26**
 - promotional deliveries, **5:24**
- General form
 - added parties, **4:42**
 - no added parties, **4:41**
- Heading, added parties, **1:44**
- Motion to amend defence to
 - affidavit, **6:94**
 - commentary, **6:92**
 - notice of motion, **6:93**
 - order, **6:95**
- Reply and defence to, **4:43**
- Security for costs, **25:63**
- Surrender of in offer to settle, **21:33**

COURT

- Appeal, of
 - commentary, **13:17**
 - motion to registrar to dismiss for delay, **13:19**
 - affidavit, **13:20**
 - order, **13:21**
 - notice of motion, general form, **13:18**
- Foreign, action proceeding in, motion to stay or dismiss Ontario action
 - affidavit of defendant, **6:16**
 - affidavit of translator, **6:17**
 - notice of motion, **6:15**
 - order, **6:18**
- Small claims
 - See SMALL CLAIMS COURT

COURT FORMS

Commentary, **1:35**

COVENANT NOT TO SUE

General form, **21:109**

COVID-19

Commentary, **27:1.50; 28:1.50; 29:1.50**

CREDITOR

Creditors' Relief Act

obtain funds where no writ, motion to
affidavit, **22:132**
notice of motion, **22:131**
order, **22:133**

unsatisfied execution

affidavit of creditor, **22:134**
affidavit of debtor, **22:140**
affidavit of service, **22:137**
affidavit of sheriff, **22:135**
affidavit on application to determine claim, **22:144**
certificate, **22:138**
creditor's contestation affidavit, **22:141**
election, **22:139**
judgment, **22:145**
notice of application to determine claim, **22:143**
notice of claim, **22:136**
notice of contestation, **22:142**

Notice to creditor, **19:61**

CROSSCLAIM

Commentary, **4:46**

Counterclaim, in, **4:48**

Defence to, **4:50**

reply to, **4:51**

General form, **4:47**

Reply to defence to, **4:51**

Third party claim, in, **4:49**

CROSS-EXAMINATION

Evidence for motions by way of

commentary, **13:40**
notice of examination, **13:41**
relief from costs of, **13:96**

Relief from costs of, **13:96**

Simplified procedure, notice of intention to, **31:25**

CROSS-MOTION

Commentary, **13:34**
Notice of motion, **13:35**

CROWN

Affidavit of service
Canada, **3:6**
Ontario, **3:7**

CROWN AGENCY

Affidavit of service, **3:4**
Proceedings against federal Crown agency, **1:106**

DAMAGES

See also SPECIAL DAMAGES
Assessment of, report on reference for, **19:49**
General, prayer for relief, **4:2**
General damages, **4:9**
Judgment
 advance payments, **18:15**
 general form, **18:14**
Liquidated damages, **4:10**
Motion to increase amount of
 affidavit, **6:81**
 notice of motion, **6:80**
 order, **6:82**
Undertaking, interlocutory injunction, **14:7**

DE BENE ESSE

Affidavit, **15:40**
Commentary, **15:38**
Consent to examination, **15:42**
Consent to use of transcript, **15:43**
Notice of motion, **15:39**
Order, **15:41**

DEBT

Co-owner of, notice to, **32:45**
Judgment
 general form, **18:12**
 set-off, **18:13**
Prayer for relief, **4:12**

DECLARATIONS

Judgment, form of, **18:16**
Prayer for relief, **4:13**

DEFAMATION

- Notice to newspaper, **1:107**
- Notice to radio or television broadcaster, **1:108**
- Security for costs, **25:54**
- Slander, statement of claim, **5:69**

DEFAULT

- Checklist, motion to note person under disability in, **7:8**
- Consent to set aside noting in default, **7:12**
- Motion by co-defendant to note in default, **7:4**
- Payment of
 - affidavit, **32:52**
 - notice of, **32:51**
- Person under disability, motion to note in default, **7:8**
- Report on taking of accounts where, **19:45**
- Requisition to note in default, **7:3**
- Set aside noting in default, **7:13**

DEFAULT JUDGMENT

- Checklist
 - motion for, **7:21; 7:25**
 - requisition for, **7:18**
- Commentary, **7:20; 7:24; 7:29**
- Forms of judgment
 - debt or liquidated demand, **7:35**
 - recovery of possession of land, **7:36**
 - recovery of possession of personal property, **7:37**
- Motion for
 - registrar uncertain about interest
 - affidavit, **7:27**
 - checklist, **7:25**
 - commentary, **7:24**
 - notice of motion, **7:26**
 - order, **7:27**
 - registrar uncertain as to class of claim
 - checklist, **7:21**
 - commentary, **7:20**
 - notice of motion, **7:22**
 - order, **7:23**
- Motion for judgment
 - affidavit, **7:32**
 - checklist, **7:30**
 - commentary, **7:29**
 - judgment, **7:33**
 - notice of motion, **7:31**

DEFAULT JUDGMENT—Cont'd

- Requisition for, **7:19**
- Set aside default judgment
 - affidavit of client, **7:41**
 - affidavit of lawyer, **7:40**
 - commentary, **7:38**
 - consent to set aside, **7:42**
 - notice of motion, **7:39**
 - order, **7:43**
 - simplified procedure, notice of intention to, **31:16**
- Small Claims Court, **32:20**
 - affidavit
 - assessment hearing in writing, **32:18**
 - jurisdiction, for, **32:17**
 - notice of motion, assessment hearing, **32:18**

DEFENCE

- Add counterclaim, motion to
 - affidavit, **6:94**
 - commentary, **6:92**
 - notice of motion, **6:93**
 - order, **6:95**
- Amend, motion to
 - add new defence
 - affidavit, **6:85**
 - notice of motion, **6:84**
 - order, **6:86**
 - commentary, **6:83**
 - withdraw admission
 - affidavit in opposition, **6:90**
 - affidavit in support, **6:89**
 - notice of motion, **6:88**
 - order, **6:91**
- Counterclaim, **4:43; 4:45**
- Crossclaim, **4:50**
- General form, **4:35**
- Motion to strike, no reasonable, **6:59**
- Notice of intent to defend, **4:36**
- Small Claims Court
 - defendant's claim, to, **32:13**
 - plaintiff's claim, to, **32:11**
- Third party, **4:54**
- Withdrawal of defence, notice of, **4:37**

DEFENDANTS

Claim, Small Claims Court, **32:12**

defence to, **32:13**

Costs orders

general form, **23:8**

offer to contribute, **23:11**

one set of costs, **23:12**

settlement offer exceeded, **23:9**

substantial indemnity costs scale, **23:10**

successful defendant in a class action

affidavit, **23:44**

application to Law Foundation, **23:43**

Lack of capacity, motion to stay or dismiss

affidavit, **6:12**

commentary, **6:10**

notice of motion, **6:11**

order, **6:13**

Motion by co-defendant to note in default, **7:4**

Multiple, offer to settle by defendant

by all, **21:35**

by some, **21:34**

Multiple, offer to settle by plaintiff

joint, **21:24**

offer to some, **21:23**

separate claims, **21:22**

Offer to contribute, **21:36**

Offer to settle by

commentary, **21:31**

defendant under disability, **21:37**

general form, **21:32**

multiple defendants

made by all, **21:35**

made by one, **21:34**

offer to contribute, **21:36**

plaintiff under disability, **21:38**

surrender counterclaim, **21:33**

Outside Ontario endorsement, **4:31**

Representative, class proceedings

See CERTIFICATION

DELAY

Dismissal of proceedings for

appeal

affidavit, **28:75**

commentary, **28:73**

DELAY—Cont'd

Dismissal of proceedings for—Cont'd

appeal—Cont'd

notice of motion, **28:74**

order, **28:76**

commentary, **16:16**

contumelious delay

affidavit, **16:18**

notice of motion, **16:17**

order, **16:19**

inordinate delay

affidavit, **16:21**

notice of motion, **16:20**

order, **16:22**

leave for appeal

affidavit, **28:79**

commentary, **28:77**

notice of motion, **28:78**

order, **28:80**

Motion to strike pleading for

affidavit, **6:64**

commentary, **6:62**

notice of motion, **6:63**

order, **6:65**

Setting aside order of dismissal for

commentary, **16:23**

motion for

affidavit, **16:25**

notice of motion, **16:24**

order, **16:26**

DELIVERY

Damages for non-delivery, **5:7**

Writ of

general form, **22:67**

requisition, **22:68**

DENTIST

Examination of opposite party by, motion for

affidavit, **12:12**

notice of motion, **12:11**

order, **12:13**

Malpractice, **5:86**

DEPONENT

See JURATS

DEPOSIT OF DOCUMENTS WITH REGISTRAR

Motion for
inspect document deposited with registrar
affidavit, **9:52**
notice of motion, **9:51**
order, **9:53**
leave to deposit document with registrar
affidavit, **9:49**
notice of motion, **9:48**
order, **9:50**

DETERMINATION OF QUESTION OF LAW

Motion for
commentary, **6:37**
consent to admit evidence, **6:39**
notice of motion, **6:38**
order, **6:40**

DIARY SYSTEM

Card, **1:94**
Memorandum, **1:95**

DIRECTION

Lawyer, to, **21:13**
Other firm, to, **21:12**
Release, by employee, **21:108**

DIRECTION TO ENFORCE WRIT

Heading, **1:47**

DISABILITY INSURANCE

Statement of claim, **5:39**

DISABLED PERSONS

See also PERSONS UNDER DISABILITY

Interim payment to party under disability

mentally incapable
affidavit, **20:31**
notice of motion, **20:30**
order, **20:32**

minor
affidavit, **20:28**
notice of motion, **20:27**
order, **20:29**

Motion to note person under disability in default, **7:8**

Payment into and out of court for minors or persons under a legal disability,
32:54

DISABLED PERSONS—Cont'd

Settlement, approval of
See PERSONS UNDER DISABILITY

DISCLOSURE

See also INSPECTION OF DOCUMENTS
Letter to client explaining requirements, **9:8**

DISCONTINUANCE

Consent to
 against one defendant, **21:82**
 general form, **21:81**
Notice of
 all claims, **21:74**
 all claims but only for some parties, **21:76**
 counterclaim, of, **21:79**
 crossclaim, of, **21:78**
 some claims and some parties only, **21:77**
 some claims only, **21:75**
 third party claim, of, **21:80**

DISCOVERY

See also DISCOVERY BY WRITTEN QUESTIONS AND ANSWERS;
 DISCOVERY OF DOCUMENTS; EXAMINATION FOR DISCOVERY
Deemed undertaking
 affidavit, **10:90**
 commentary, **10:88**
 notice of motion, **10:89**
 order, **10:91**
Outline
 general, **10:5**
 motor vehicle, **10:6**
 wrongful dismissal, **10:7**
Plan, **10:101**

DISCOVERY BY WRITTEN QUESTIONS AND ANSWERS

Answers, form of, **10:72**
Both written and oral, motion to allow, **10:81**
Commentary, **10:68**
Failure to answer, motion to strike for, **10:73**
Failure to produce documents, motion to strike for, **10:76**
Require further answer, motion to, **10:79**
Terminate, motion to, **10:83**
Written questions, first list
 general form, **10:69**
 wrongful dismissal, **10:70**

DISCOVERY BY WRITTEN QUESTIONS AND ANSWERS—Cont'd

Written questions, further list, **10:71**

DISCOVERY OF DOCUMENTS

Affidavit of documents

certificate of lawyer, **9:7**

corporation, **9:3**

documents no longer in the possession of the party, **9:12**

documents to be produced, **9:10**

individual, **9:2**

motion for better affidavit of documents

commentary, **9:17**

inadequate description

notice of motion, **9:21**

order, **9:22**

insufficient disclosure

affidavit, **9:19**

notice of motion, **9:18**

order, **9:20**

motion to require delivery of

affidavit, **9:15**

notice of, **9:14**

order, **9:16**

partnership, **9:4**

privileged documents, **9:11**

supplementary, **9:5**

Deemed undertaking

commentary, **10:88**

enforce, motion to

affidavit, **10:90**

notice of motion, **10:89**

order, **10:91**

permit disclosure of documents, motion to

affidavit, **10:96**

discovery use agreement, **10:98**

notice of motion, **10:95**

order, **10:97**

prohibit disclosure of documents, motion to

affidavit, **10:93**

notice of motion, **10:92**

order, **10:94**

Divided disclosure, motion for

affidavit, **9:46**

notice of, **9:45**

order, **9:47**

DISCOVERY OF DOCUMENTS—Cont'd

- Inspection of documents
 - clinical records, **9:41**
 - deposit of document, motion for
 - inspect document deposited with registrar, **9:53**
 - leave to deposit document with registrar, **9:50**
 - divided disclosure, motion for, **9:45-9:47**
 - employment records, **9:42-9:44**
 - hospital records, **9:36-9:38**
 - in possession of subsidiary or affiliated corporation, motion for, **9:31-9:33**
 - motion for inspection of confidential documents, **9:27-9:30**
 - motion to require production for inspection, **9:24-9:26**
 - request to inspect, **9:23**
- Lawyer's certificate, **9:7**
- Non-parties, production of documents from
 - clinical records, **9:39-9:41**
 - employment records, **9:42-9:44**
 - hospital records, **9:36-9:38**
- Plan, **10:101**
- Privilege claim, motion to determine
 - notice of motion, **9:34**
 - order, **9:35**
- Production from non-parties, motion for
 - clinical records, **9:39-9:41**
 - employment records, **9:42-9:44**
 - hospital records, **9:36-9:38**

DISMISS OR STAY, MOTION TO

- Action, where a failure to pay security for costs imposed on prior motion for summary judgment, **8:15-8:17**
- Another proceeding elsewhere
 - commentary, **6:14**
 - pending before a foreign court, **6:15-6:18**
 - pending before an Ontario tribunal, **6:19-6:21**
 - prior Ontario action pending, **6:22-6:24**
- Commentary, **6:1**
- Defendant without capacity, **6:10-6:13**
- Delay, for
 - appeal
 - See APPEAL
 - commentary, **16:16**
 - contumelious delay, **16:17-6:19**
 - inordinate delay, **16:20-16:22**
- Frivolous or vexatious, **6:25**
- General stay, **6:29-6:32**

DISMISS OR STAY, MOTION TO—Cont'd

- No jurisdiction over subject-matter, **6:2-6:5**
- Order, sample, **13:86**
- Plaintiff without capacity, **6:6-6:9**
- Set aside registrar's order
 - commentary, **16:23**
 - motion to, **16:24-16:26**
- Stay subsequent action dismissed for delay
 - commentary, **16:27**
 - motion to, **16:28-16:30**
- Unpaid security for costs, **25:67-25:69**

DIVIDED DISCLOSURE OF DOCUMENTS

- Motion for, **9:45-9:47**

DIVIDED DISCOVERY

- Motion for, **10:38-10:40**

DIVISIONAL COURT

- Judicial review
 - See JUDICIAL REVIEW
- Motion to
 - commentary, **13:22**
 - confirmation of hearing status, **13:24**
 - notice of motion, **13:23**

DOCTORS

- Authorization to release records, **1:8**
- Examination of opposite party by, motion for, **12:2-12:4**
- Malpractice, negligence and battery claim, **5:84**
- Report for trial
 - commentary, **17:42**
 - notice of, **17:43**

DOCUMENTS

- Agreement regarding use at trial, **17:7**
- Authenticity, motion for inspection
 - affidavit, **11:23**
 - commentary, **11:21**
 - notice of motion, **11:22**
 - order, **11:24**
- Divided disclosure of, **9:47**
- General court forms, commentary, **1:35**

ELECTION

- To proceed with counterclaim, action dismissed by registrar, **16:31**

E-MAIL

- Service by, on a non-party, **3:26**
- Service by, on a party acting in person, **3:26**
- Service by, on lawyer, **3:25**

EMPLOYEES

- Breach of fiduciary duty, **5:105**
- Competing, interlocutory injunction, **14:9**
- Confidentiality covenant, **21:107**
- Covenant and warranty, **21:105**
- Restrictive covenant, interlocutory injunction, **14:26**

EMPLOYMENT COVENANTS

- Confidentiality, **21:107**
- Enforcement of
 - affidavit, **14:25**
 - notice of motion, **14:24**
 - order, **14:26**
- Warranty, and, **21:105**

EMPLOYMENT RECORDS

- Authorization to release records, **1:11**
- Motion for production of, **9:42-9:44**

ENDORSEMENT

- Consent to order, Form A, Central East Region, **13:11**
- In camera hearing, **13:68**
- Originating process, simplified procedure, **31:2**
- Short service, for, **13:7**

ESTATE

- Administration of, application
 - affidavit, **27:20**
 - judgment, **27:21**
 - notice of, **27:19**
- Affidavits concerning will or codicil
 - condition, affidavit of, **30:4**
 - execution, affidavit of, **30:2**
 - handwriting and signature, affidavit attesting to, **30:3**
- Appointment, scheduling confirmation, **30:140**
- Assistance, orders for
 - appointment, acceptance or refusal of
 - without will, **30:88**
 - with will, **30:87**
 - beneficiary witness, **30:94**
 - estate trustee, requiring to pass accounts, **30:96**

ESTATE—Cont'd

Assistance, orders for—Cont'd

proposed appointment, accepting or objecting to

without will

notice of objection, **30:92**

order, **30:91**

with will

notice of objection, **30:89**

order, **30:90**

spouse, former, **30:95**

statement of assets, filing of, **30:93**

Bonds

affidavit, **30:86**

guarantee company, **30:84**

insurance company, **30:84**

personal surety, **30:85**

Certificate of appointment

See ESTATE TRUSTEE

Claim against estate, **30:125**

contestation, notice of, **30:124**

Commencement of proceedings, request for notice, **30:6**

Consent, **30:138**

Cost orders

estate trustee during litigation, **23:39**

executor, **23:36**

other party paid out of estate, **23:37**

other party to pay to estate, **23:38**

Court, **1:124**

Directions

application for

notice of, **30:114**

order, **30:115; 30:116**

motion for

notice of motion, **30:117**

order, **30:118; 30:119**

statement of claim pursuant to order, **30:120**

Estate trustees

See ESTATE TRUSTEE

Hearing

confirmation, **30:140**

date request form, **30:141**

Judgment for administration, **18:9**

Mediation

assignment of mediator, request for, **30:131**

ESTATE—Cont'd

Mediation—Cont'd

- directions for conduct, **30:128**
- non-compliance, certificate of, **30:134**
- notice by mediator, **30:132**
- statement of issues, **30:133**

Order, **30:139**

Passing of accounts

- affidavit verifying accounts, **30:98**
- application, notice of, **30:97**
- judgment
 - contested, **30:109**
 - unopposed, **30:108**
 - affidavit in support of, **30:99**
- non-objection, notice of, **30:104**
- non-participation, notice of, **30:103**
- objection to accounts, notice of, **30:100**
 - withdrawal of, **30:102**
- request for costs, **30:105**
- request for further notice, **30:101**
- request for increased costs, **30:106; 30:107**

Pre-trial conference form, **30:144**

Reconstitute, motion to, **2:25**

Report on administration of, **19:42**

Settlement

- notice of, **30:122**
- rejection of, **30:123**

Small estate

- certificate, **30:147**
 - amended, **30:150**
 - application for, **30:145**
 - application to amend, **30:149**
 - registrar's notice to applicant for, **30:148**
 - request to file and application for, **30:146**

General Form, **30:151**

Submission of rights to court, **30:121**

Title of proceedings, **2:23**

Urgent motion/application date, request for, **30:143**

ESTATE TRUSTEE

See also ESTATE

Administrator pendente lite

- See Litigation, estate trustee during, *infra*

ESTATE TRUSTEE—Cont'd

Application without will

- certificate of appointment, **30:51**
- renunciation of right to, **30:49**
- consent to appointment, **30:46**
- corporate application, **30:46**
- individual application, **30:45**
- notice of, **30:47**
- affidavit of service, **30:48**

Application with will

- certificate of appointment, **30:21**
 - limited to assets referred to in will (Corporate), **30:27**
 - limited to assets referred to in will (individual), **30:26**
- renunciation of right to, **30:19**
- consent to appointment, **30:20**
- corporate application, **30:11**
- individual application, **30:8; 30:10**
- notice of, **30:14; 30:16**
 - affidavit of service, **30:17; 30:18**
- succeeding estate trustee, limited to assets referred to in will, **30:70**

Certificate of appointment

- ancillary appointment with will, **30:60**
- application without will, **30:51**
- application with will, **30:21; 30:22**
- application with will limited to assets referred to in will, **30:23**
- foreign estate trustee nominee, **30:63**
- Lawyer's Certificate of Service, **30:18.50**
- objection to issuance of
 - appearance, notice of, **30:113**
 - notice of, **30:110**
 - notice of filing of, **30:111**
 - notice to objector, **30:112**
 - order for, limited to assets referred to in will, **30:28**
- succeeding estate trustee
 - with will, **30:69**
 - limited to assets referred to in will, **30:23**

Estate trustee (proposed) resides outside Ontario and commonwealth

- affidavit, **30:34**
- consent, **30:36**
- notice of motion, **30:34**
- order, **30:37**

Foreign estate trustee, application by nominee of

- application, **30:62**
- certificate of appointment, **30:65**

ESTATE TRUSTEE—Cont'd

- Foreign estate trustee, application by nominee of—Cont'd
 - foreign court, certificate of, **30:64**
 - nomination of applicant, **30:63**
- Litigation, estate trustee during
 - beneficiary, consent of, **30:80**
 - certificate of appointment, **30:82**
 - application for, **30:81**
 - estate trustee, consent of, **30:79**
- Lost will, proof of
 - affidavit of execution, **30:40**
 - affidavit of lawyer, **30:41**
 - consent, **30:42**
 - notice of motion, **30:39**
 - order, **30:43**
- Succeeding estate trustee, application by, without will
 - application, **30:74**
 - certificate of appointment, **30:77**
 - renunciation of right, **30:75**
 - consent to appointment, **30:76**
- Succeeding estate trustee, application by, with will
 - application, **30:66**
 - limited to assets referred to in will, **30:70**
 - certificate of appointment, **30:69**
 - limited to assets referred to in will, **30:73**
 - order for, limited to assets referred to in will, **30:72**
 - renunciation of right, **30:67**
 - consent to appointment, **30:68**
- Tax estimate, **30:30**
 - affidavit, additional tax payable, **30:32**
 - affidavit, refund claimed, **30:31**
 - undertaking, **30:30**
 - limited to assets referred to in will, **30:71**

EVALUATION

- Witness evaluation, **1:14**

EVIDENCE

- Affidavit evidence at trial
 - bank records, **17:28**
 - commentary, **15:52**
 - microfilm records, **17:29**
 - motion to permit, **15:52-15:55**
 - municipal records, **17:27**

EVIDENCE—Cont'd

- Certificate of corporate document for use at trial
 - certificate, **17:47**
 - commentary, **17:46**
- Expert
 - See EXPERT
- Further evidence, motion to receive on appeal, **28:93-28:96**
- Motion, oral, evidence by affidavit
 - affidavit, **13:39**
 - commentary, **13:38**
- Obtaining of before trial commission
 - affidavit, **15:46**
 - commentary, **15:44**
 - consent to act as commissioner, **15:51**
 - consent to examine other witnesses, **15:50**
 - form of, **15:48**
 - letter of request, **15:49**
 - notice of motion, **15:45**
 - order, **15:47**
- witness in Ontario
 - affidavit, **15:40**
 - commentary, **15:38**
 - examination, consent to, **15:42**
 - notice of motion, **15:39**
 - order, **15:41**
 - use of transcript at trial, consent to, **15:43**
- Statement of agreed facts at trial
 - commentary, **17:30**
 - statement, **17:31**
- Weather data, request for, **1:21**

EXAMINATION

- Medical
 - See MEDICAL, examination, motion for
- Mental
 - See MENTAL EXAMINATION
- Notice of, **27:137**
- Summons to witness, **27:138**

EXAMINATION FOR DISCOVERY

- Abandoning privilege, letter, **10:12**
- Answering objected to questions, letter, **10:13**
- Attendance at examination
 - notice of examination, **10:15**

EXAMINATION FOR DISCOVERY—Cont'd

- Attendance at examination—Cont'd
 - summons to witness
 - non-party Ontario resident, **10:16**
 - person resident outside Ontario, **10:17**
- Comment form, **10:10**
- Commission, **10:18**
- Contempt, motion for where failure to obey discovery order, **10:60-10:64**
- Deemed undertaking
 - commentary, **10:88**
 - enforce, motion to, **10:91**
 - permit disclosure of discovery evidence, motion to, **10:92-10:94**
- Directions, motion for where improper conduct of examination, **10:65-10:67**
- Divided examinations, motion for, **10:38-10:40**
- Examination notes form, **10:4**
- Explanatory memorandum, **10:3**
- Extension of time, motion for
 - affidavit, **10:48**
 - notice of motion, **10:47**
 - order, **10:49**
- Failure to attend, motion for sanctions for, **10:50-10:52**
- Letter of request, **10:19**
- Letter to client
 - pre-discovery, **10:2**
 - report on discovery, **10:8**
 - requesting comments on discovery transcript, **10:9**
- Multiple examinations, motion to limit, **10:34-10:36**
- Notice of examination, **10:15**
- Objections, letter answering, **10:13**
- Objections, motion to compel answers to, **10:53-10:59**
- Order of examinations, motion for, **10:28-10:30**
- Outline
 - general, **10:5**
 - motor vehicle, **10:6**
 - wrongful dismissal, **10:7**
- Permit second examination prior to completion of first examination, motion to, **10:31-10:33**
- Plan, **10:101**
- Refusals and undertakings chart
 - moving party, served by, **10:58**
 - responding party, served by, **10:59**
- Transcript correction letter, **10:11**

EXAMINATION FOR DISCOVERY—Cont'd

Undertakings

chart

moving party, served by, **10:58**

responding party, served by, **10:59**

motion to compel answers to, **10:53-10:59**

Videotaping, motion to permit, **10:41-10:45**

Witness on discovery

non-party, motion to examine, **10:24-10:26**

substitute corporate representative, **10:20-10:23**

EXAMINATION IN AID OF EXECUTION

Commentary, **22:98**

Documents, motion to compel production, **22:123**

Examination of person other than debtor

affidavit, **22:107**

commentary, **22:105**

motion for, **22:106**

notice of motion, **22:106**

order, **22:108**

Motion for additional examination, **22:102**

Motion for contempt for failure to attend as ordered, **22:113**

Motion for sanctions for failure to attend

affidavit, **22:111**

commentary, **22:109**

notice of, **22:110**

order, **22:112**

Notice of examination, **22:99**

Objections, motion to compel answers, **22:120**

Sample questions

corporation, **22:101**

individual, **22:100**

Small Claims Court

See SMALL CLAIMS COURT

Undertakings, motion to compel answers, **22:116-22:118**

EXECUTION

Affidavit of, **4:63**

Attachment under Absconding Debtors Act

affidavit of acquaintance, **22:127**

commentary, **22:125**

notice of motion, **22:126**

notice of order, **22:130**

order, **22:129**

EXECUTION—Cont'd

Creditors' Relief Act

- obtain funds where no writ, motion to, **22:131**
- unsatisfied execution
 - affidavit of creditor, **22:134**
 - affidavit of debtor, **22:140**
 - affidavit of service, **22:137**
 - affidavit of sheriff, **22:135**
 - affidavit on application to determine claim, **22:144**
 - certificate, **22:138**
 - creditor's contestation affidavit, **22:141**
 - election, **22:139**
 - judgment, **22:145**
 - notice of application to determine claim, **22:143**
 - notice of claim, **22:136**
 - notice of contestation, **22:142**

Examination in aid of

See EXAMINATION IN AID OF EXECUTION

Exemption from execution, motion to determine, **22:32-22:34**

Funds in court, application to obtain, **22:146-22:148**

Notice of garnishment

- affidavit, **22:44**
- garnishee's statement, **22:45**
- general form, **22:42**
- heading, **1:46**
- motion by creditor for payment by garnishee, **22:54**
- motion for leave to issue, **22:51**
- notice of termination of garnishment, **22:46**
- requisition for garnishment, **22:43**

Objection to scheme of distribution

- judge's appointment, **22:152**
- notice of application for adjudication, **22:150**
- notice of contestation, **22:151**
- notice of objection, **22:149**

Sale of lands by sheriff checklist, **22:41**

Sheriff's report

- motion to require report, **22:86**
- notice of claim, **22:84**
- request to report, **22:85**

Withdrawal of writ of execution

- motion to require withdrawal, **22:91**
- notice of payment, **22:89**
- notice of withdrawal, **22:90**

EXECUTION—Cont'd

Writ of delivery

affidavit, **22:7**

American funds, in, **22:9**

backsheet, **22:3**

change debtor's address, **22:10**

general form, **22:67**

requisition, **22:68**

Writ of execution checklist, **22:2**

Writ of seizure and sale

change debtor's name

add alias, **22:26-22:28**

corporate debtor, **22:20-22:22**

personal debtor, **22:23-22:25**

spelling variation, **22:29-22:31**

direction to enforce, **22:6**

exemption from execution, motion to determine, **22:32-22:34**

general form, **22:2**

leave to issue

condition on enforcement

affidavit, **22:18**

commentary, **22:16**

notice of motion, **22:17**

order, **22:19**

elapse of six years

affidavit, **22:14**

commentary, **22:12**

notice of motion, **22:13**

order, **22:15**

mortgage, seizure of

direction to sheriff, **22:39**

notice to mortgagor, **22:40**

sheriff's notice, **22:38**

request to renew, **22:8**

seizure of property in possession of third parties

affidavit, **22:37**

bond, **22:35**

instructions, **22:36**

statutory declaration, **22:5**

Writ of sequestration

commentary, **22:57**

general form, **22:58**

motion for leave to issue, **22:59-22:61**

EX PARTE

See MOTIONS, without notice

EXPERT

Acknowledgment of duty, **17:40**

Directions from trial judge to assessment officer, **23:64**

Expert at trial

affidavit, **17:20**

notice of motion, **17:19**

Expert report for trial

acknowledgment of expert's duty, **17:40**

commentary, **17:38**

notice of, **17:39**

EXTENSION OF TIME

Appeal, to commence

affidavit, **28:99**

notice of motion, **28:98**

order, **28:100**

Class proceedings

See CLASS PROCEEDINGS

FACTS SUBSEQUENTLY DISCOVERED

Commentary, **18:57**

Motion to vary judgment, **18:57-18:60**

FACTUM

Appeal, on

appellant, **28:122**

certificate of time, **28:124**

longer factum, motion for leave to file, **28:109-28:112**

respondent, **28:123**

Application

applicant's factum, **27:143**

judicial review, **29:18**

respondent's factum, **27:144**

judicial review, **29:19**

Moving party, **13:55**

Responding party

commentary, **13:57**

form of, **13:57**

FALSE ARREST AND IMPRISONMENT

Statement of claim, **5:63**

FAMILY LAW

Add parties after expiry of limitation period, **1:98**

FAMILY LAW—Cont'd

Fatality in unsafe premises, **5:107**

Fatal motor vehicle accident, **5:106**

FIDUCIARY DUTY

Breach by departed employee, **5:105**

FIRE INSURANCE

Statement of claim, **5:38**

FOREIGN CURRENCY

Canadian funds, conversion into on judgment, **18:29**

Foreign funds, judgment, **18:30**

Prayer for relief, **4:27**

FOREIGN JUDGMENTS, ENFORCEMENT OF

General form 0246

affidavit, default judgment, **27:130**

application, notice of, **27:129**

judgment, **27:131**

Reciprocal Enforcement of Judgments Act, under 0246

affidavit, **27:114**

application, notice of, **27:113**

judgment, **27:115**

Reciprocal Enforcement of Judgments (U.K.) Act, under 0246

affidavit, **27:118**

application, notice of, **27:117**

judgment, **27:119**

FORUM CONVENIENS

Motion to set aside service outside Ontario, **3:44**

FRAUD

Breach of trust, statement of claim, **5:77**

Judgment due to

commentary, **18:50**

motion to set aside, **18:54-18:56**

motion to vary, **18:50-18:53**

FRIVOLOUS ACTION

Motion to strike, **6:66-6:70**

Security for costs

action, **25:39-25:41**

application, **25:42-25:44**

FURTHER AND BETTER AFFIDAVIT OF DOCUMENTS

Affidavit of documents, motion for

inadequate description of documents, **9:21; 9:22**

FURTHER AND BETTER AFFIDAVIT OF DOCUMENTS—Cont'd

Affidavit of documents, motion for—Cont'd
insufficient disclosure, **9:18-9:20**

GARNISHMENT

Affidavit, **22:44**
Co-owner, notice to, **22:48**
Creditor, motion by for payment by garnishee
affidavit, **22:55**
notice of motion, **22:54**
order, **22:56**
Garnishee's statement, **22:45; 32:44**
General form of, **22:42**
Heading, **1:46**
Leave to issue notice of garnishment, motion for
affidavit, **22:52**
notice of motion, **22:51**
order, **22:53**
Notice of, Small Claims Court, **32:41**
hearing, **32:46**
Renewal of
notice of, **22:50**
requisition of, **22:49**
Requisition for garnishment, **22:43**
American funds, **22:7**
Statement of garnishee, **22:45**
Termination, notice of, **22:46**

GOODS

Collection
See CONTRACTS, statements of claim
Damages
breach of warranty, for, **5:9**
non-acceptance, for, **5:6**
non-delivery, for, **5:7**
Specific performance, **5:8**

GOVERNMENT

See CROWN; CROWN AGENCY

GUARDIAN AD LITEM

See LITIGATION GUARDIAN

HAGUE CONVENTION

Commentary, **3:47**
Notice and summary of documents, **3:50**
Request for service abroad, **3:48**

HAGUE CONVENTION—Cont'd

Summary of documents, **3:49**

HANDWRITING

Samples of, motion for inspection to obtain, **11:21-11:24**

HARMONIZED SALES TAX

Costs, prayer for relief, **4:2**

Damages, prayer for relief, **4:30**

HEADINGS

Class proceedings

actions, **1:50**

applications, **1:51**

Commercial list, **1:49**

Counterclaim

added parties, **1:44**

Execution

direction to enforce writ, **1:47**

garnishment, **1:46**

General form

actions, **1:36**

applications, **1:37**

Mortgage actions, **1:48**

Orders

Court of Appeal

actions, **1:40**

applications, **1:41**

Divisional Court

actions, **1:42**

application, **1:43**

Superior Court of Justice

appeal in, **1:39**

general form, **1:38**

Third and subsequent party actions, **1:45**

HEALTH PRACTITIONERS

Report for trial

commentary, **17:42**

notice of, **17:43**

HIGHWAYS

Failure to maintain, notice for

Minister of Transportation, **1:104**

municipality, **1:103**

HOSPITALS

Authorization to disclose records, **1:9**
Malpractice, **5:85**
Records
 motion for production of, **9:36-9:38**
 notice to retain, **1:10**

ILLITERATE DEPONENT

Jurat for, **1:54**

IMMEDIATE CONFIRMATION

Report, motion for, of, **19:52-19:54**

IMPRISONMENT

See FALSE ARREST AND IMPRISONMENT

IMPROPER CONDUCT

Discovery
 directions, motion for, **10:65-10:67**
 motions for sanctions, **10:50-10:52**

IMPROVEMENTS

Report on taking of accounts for, **19:47**

IN CAMERA

Motion for hearing
 affidavit, **13:69**
 commentary, **13:67**
 endorsement in
 notice of motion, **13:68**
 order, **13:70**

INCOME TAX

Authorization to release records, **1:12**

INFANTS

See PERSONS UNDER DISABILITY

INITIAL LETTER TO CLIENT

Generally, **1:6**

INJUNCTIONS

Interlocutory
 commentary, **14:1**
 competing employee, **14:2-14:9**
 nuisance, **14:13-14:15**
 power of sale, **14:10-14:12**
 restrictive covenant
 employee, **14:23-14:26**

INJUNCTIONS—Cont'd

Interlocutory—Cont'd

restrictive covenant—Cont'd

sale of business, **14:19-14:22**

sanctions for failure to comply with

dismiss proceedings, motion to, **22:78-22:80**

stay, motion to, **22:75-22:77**

strike defence, motion to, **22:81-22:83**

trespass, **14:16-14:18**

undertaking as to damages, **14:7**

Judgment, permanent, **18:17**

Mandatory order

interlocutory

affidavit, **14:29**

commentary, **14:27**

notice of motion, **14:28**

order, **14:30**

permanent judgment, **18:18**

Mareva

commentary, **14:31**

restrain disposal of assets in Ontario, motion to, **14:35-14:37**

restrain removal of assets from Ontario, motion to, **14:32-14:34**

Prayer for relief

interlocutory, **4:15**

mandatory, **4:16**

Mareva, **4:17**

permanent, **4:14**

INORDINATE DELAY

Motion to dismiss for, **16:20-16:22**

INSPECTION OF DOCUMENTS

Clinical records, **9:39-9:41**

Deposit of document, motion for

inspect document deposited with registrar, **9:51-9:53**

leave to deposit document with registrar, **9:48-9:50**

Divided disclosure, motion for, **9:45-9:47**

Employment records, **9:42-9:44**

Hospital records, **9:36-9:38**

Motion for

in possession of subsidiary or affiliated corporation, **9:31-9:33**

inspection of confidential documents, **9:27-9:30**

Motion to require production for inspection, **9:24-9:26**

Request to inspect, **9:23**

INSPECTION OF PROPERTY

- Personal property
 - document authenticity, **11:21-11:24**
 - photography, **11:11-11:13**
 - physical inspection, **11:14-11:16**
 - samples, **11:17-11:20**
- Real property
 - appraisal, access for, **11:2-11:4**
 - photography, access for, **11:8-11:10**
 - survey, access for, **11:5-11:7**

INSTRUCTIONS

- See SETTLEMENT

INSURANCE

- Agent
 - claim for failure to obtain available coverage, **5:40**
 - claim for failure to obtain sufficient coverage, **5:41**
- Declaration as to coverage, **5:42**
- Disability proceeds, claim for, **5:39**
- Fire proceeds, claim for, **5:38**
- Life
 - See LIFE INSURANCE

INTEREST

- Agreement, prayer for relief, **4:28**
- General form, **4:2**
- Judgment, **18:33**
- Motion for default judgment, registrar uncertain about interest, **7:24-7:28**

INTERIM PRESERVATION OF PERSONAL PROPERTY

- Anton Piller
 - See ANTON PILLER ORDER
- Motion for, **14:85-14:87**
- Recover property held as security, motion for, **14:95-14:97**
- Sale, motion for
 - commentary, **14:88**
 - motion, **14:88-14:91**
- Specific fund, motion concerning, **14:92-14:94**

INTERIM RECOVERY OF PERSONAL PROPERTY

- Obtain, motion to
 - affidavit, **14:62**
 - bond, **14:64**
 - commentary, **14:60**
 - form of, **14:61**
 - order, **14:63**

INTERIM RECOVERY OF PERSONAL PROPERTY—Cont'd

- Release security motion to
 - affidavit, **14:73**
 - consent, **14:75**
 - form of, **14:72**
 - order, **14:74**
- Seize other property, motion to, **14:68-14:71**
- Set aside, motion to, **14:65-14:67**

INTERLOCUTORY APPEALS

- Confirmation form, **28:5**
- Divisional Court to Court of Appeal
 - checklist
 - appellant, **28:16**
 - respondent, **28:17**
 - commentary, **28:15**
 - notice
 - appeal of, **28:20**
 - motion, of, for leave, **28:18**
 - order, **28:21**
 - granting leave, **28:19**
- Judge to Divisional Court
 - checklist
 - appellant, **28:9**
 - respondent, **28:10**
 - commentary, **28:8**
 - notice
 - appeal of, **28:13**
 - motion, of, for leave, **28:11**
 - order, **28:14**
 - granting leave, **28:12**
- Landlord and tenant board to Divisional Court
 - notice of appeal, **28:14.50**
- Master to judge
 - checklist
 - appellant, **28:3**
 - respondent, **28:4**
 - commentary, **28:2**
 - confirmation form, **28:5**
 - Form A, **28:5**
 - notice of appeal, **28:6**
 - order, **28:7**

INTERPLEADER

- Application for, no proceeding commenced, **14:54-14:56**

INTERPLEADER—Cont'd

Commentary, **14:53**
 Motion for, **14:57-14:59**

INTERVENOR

Appeal proceedings, motion for leave to intervene, **28:85-28:88**
 Costs order, **23:54**

JOINDER

Add party as defendant, motion to, **2:27**
 Consolidate, motion to, **2:33**
 Substitute parties, motion to, **2:30**

JUDGE

Motion to
 commentary, **13:5**
 confirmation of motion status, Toronto, **13:8**
 consent to order Form A, Central East Region, **13:11**
 motions scheduling court, requisition to attend, Toronto, **13:10**
 notice of motion, **13:6**
 single judge on complex motions
 affidavit, **13:80**
 commentary, **13:78**
 general form of, **13:79**
 order, **13:81**

JUDGMENT

Accepted settlement
 commentary, **21:54**
 motion for
 outside rule, **21:58-21:61**
 under rule, **21:54-21:57**
 Action, form of, **18:4**
 Administration of estate, form of, **18:9**
 Amendment
 adjudication not made on particular motion, **18:47-18:49**
 commentary, **18:43**
 facts subsequently discovered
 commentary, **18:57-18:60**
 motion to vary, **18:57-18:60**
 fraud
 commentary, **18:50**
 motion to set aside, **18:54-18:56**
 motion to vary, **18:50-18:53**
 slip, motion to amend, **18:44-18:46**
 Application, form of, **18:5**

JUDGMENT—Cont'd

Applications

See APPLICATIONS under particular headings

Carry order into operation, **18:65-18:68**

Certificate of, Small Claims Court, **32:34**

Default, forms of

debt or liquidated demand, **7:35**

recovery of possession of land, **7:36**

recovery of possession of personal property, **7:37**

Small Claims Court, **32:20**

Directing reference

agreed person, **18:27**

general form, **18:25**

take accounts, **18:26**

Dismissing claim

discharge of certificate of pending litigation, **18:36**

general form, **18:34**

subsidiary claim, **18:35**

Foreign, statement of claim to enforce, **5:102**

Foreign, U.K., notice of application to register, **5:100**

affidavit, **5:101**

Foreign currency

Canadian funds, conversion to, **18:29**

foreign funds, **18:30**

Judicial review

See JUDICIAL REVIEW

Minor estate, form of, **18:8**

Motion, form of judgment, **18:6**

Motion for

after noting defendant in default, **7:29-7:33**

based on admission

in response to request to admit, **15:60**

of fact or document, **8:22-8:24**

Motion for default judgment

registrar uncertain about interest, **7:24-7:28**

registrar uncertain as to class of claim, **7:20-7:23**

Partition and sale, form of, **18:10**

Requisition for default judgment, **7:19**

Satisfaction piece

commentary, **18:70**

general form, **18:71**

partial satisfaction, **18:72**

Set aside default judgment, **7:38-7:43**

Set aside sale, **18:28**

JUDGMENT—Cont'd

Summary

- by defendant, **8:12-8:14**
- by plaintiff, **8:3-8:8**
- case information sheet, **8:8**
- leave to serve motion for, with statement of claim, **8:9-8:11**

Suspend order

- commentary, **18:61**
- motion for, **18:61**

Variation of

- commentary, **18:44**
- facts subsequently discovered
 - commentary, **18:57**
 - motion for, **18:57-18:60**
- order obtained by fraud
 - commentary, **18:50**
 - motion for, **18:50-18:53**
- slip occurred
 - motion for, **18:44-18:46**

JUDGMENT DEBTOR EXAMINATION

See EXAMINATION IN AID OF EXECUTION

JUDICIAL REVIEW

- Affidavit, **29:5; 29:11**
- Appearance, notice of, **29:21**
- Application, notice of, **29:4; 29:10**
- Certificate of perfection, **29:15**
- Certificate of time, **29:20**
- Confirmation form, **29:9**
- COVID-19, commentary, **29:1.50**
- Divisional Court, application to
 - affidavit, **29:5**
 - checklist
 - appellant, **29:2**
 - respondent, **29:3**
 - judgment, **29:6**
 - notice of, **29:4**
- Factum
 - applicant, **29:18**
 - respondent, **29:19**
- Judgment, **29:6; 29:12**
- Record
 - applicant, **29:14**
 - certificate of perfection, **29:15**

JUDICIAL REVIEW—Cont'd

Record—Cont'd

respondent, **29:16**

Superior Court of Justice, application to
affidavit, **29:11**

checklist

appellant, **29:7**

respondent, **29:8**

confirmation form, **29:9**

judgment, **29:12**

notice of, **29:10**

JURATS

Blind or illiterate deponent, **1:54**

General form, **1:54**

Multiple deponents, **1:54**

JURISDICTION

Subject-matter, motion to dismiss, **6:2-6:5**

JURY NOTICE

Commentary, **15:11**

Delivery, motion to extend time, **15:13-15:16**

Form of, **15:12**

Strike, motion to

jury trial inappropriate

commentary, **15:24**

notice of motion, **15:25**

order, **15:26**

late delivery

affidavit, **15:22**

commentary, **15:20**

notice of motion, **15:21**

order, **15:23**

statute prohibits jury

commentary, **15:17**

notice of motion, **15:18**

order, **15:19**

LAND

Damages for failure to close, **5:32**

Declaration of interest in, application

affidavit, **27:32**

judgment, **27:33**

notice of, **27:31**

Defence to claim for specific performance by purchaser, **5:34**

LAND—Cont'd

- Defence to claim for specific performance by vendor, **5:35**
- Rectification, **5:33**
- Set aside sale of, prayer for relief, **4:20**
- Specific performance
 - claim against purchaser, **5:31**
 - claim against vendor, **5:30**

LAW

- Motion for determination of question of, **6:37-6:40**

LAW FOUNDATION

- Costs of successful defendant in a class action
 - affidavit, **23:44**
 - application to Law Foundation, **23:43**

LAWYER

- Acceptance of service by, **3:30**
- Act in person, notice of, **1:82**
- Appointment, notice of, **1:81**
- Costs orders against lawyer personally
 - disallow fees, **23:48**
 - order for reimbursement, **23:50**
 - order to pay costs of another party, **23:51**
 - order to repay, **23:49**
- Malpractice, **5:87**
- Motion to get off record, **1:83**
- Notice of change, **1:80**
- Opposing lawyer, motion to remove
 - affidavit in support, **1:91**
 - case information sheet, **8:8**
 - consent to removal as lawyer of record, **1:85**
 - notice of motion, **1:90**
 - order, **1:92**
- Payment out of court to
 - affidavit, **20:26**
 - requisition, **20:25**
- Retirement of lawyer, motion for removal
 - affidavit, **1:84**
 - dismissal of proceedings, motion for
 - affidavit, **1:88**
 - notice of motion, **1:87**
 - order, **1:89**
 - notice of motion, **1:83**
 - order permitting removal, **1:86**

LAWYER—Cont'd

Service on
courier, by, **3:24**
e-mail, by, **3:25**
mail, by, **3:22**

LEASES

Commercial
claim for breach of lease agreement, **5:52**
defence, **5:53**
claim for breach of unexecuted lease, **5:50**
defence, **5:51**
distress, claim for damages, **5:54**

LETTER OF REQUEST

Discovery evidence, **10:19**
Enforcement of
affidavit, **27:126**
application, notice of, **27:125**
commentary, **27:124**
judgment, **27:127**
Trial evidence
See COMMISSION EVIDENCE

LETTERS

Abandoning privilege, **10:12**
Answering questions objected to on discovery, **10:13**
Client
case management, Toronto, **1:7**
discovery report, **10:8**
initial, **1:6**
offer to settle, cost consequences explained to client
commentary, **21:1**
general from, **21:2**
to defendant where no plaintiffs offer, **21:5**
to defendant where offer from plaintiff, **21:6**
to plaintiff where no offer from defendant, **21:3**
to plaintiff where offer from defendant, **21:4**
pre-discovery, **10:2**
transcript comments, **10:10**
Transcript correction, **10:11**

LETTERS ROGATORY

See LETTER OF REQUEST

LIBEL

Notice to newspaper, **1:107**

LIBEL—Cont'd

Notice to radio or television broadcaster, **1:108**
Security for costs, **25:54**

LIFE INSURANCE

Authorization to release policy, **1:16**
Statement of claim, **5:37**

LIMITATION PERIODS

Commentary, **1:93**
Expiry of
motion to dismiss for, **1:96**
order, **1:97**
Extend
affidavit in support, **1:99**
motion to, and add parties, Family Law Act, **1:98**
order to, **1:100**
Tickler
card, **1:94**
memorandum, **1:95**
Tolling agreement, **1:101**

LIS ALIBI PENDENS

See ANOTHER PROCEEDING ELSEWHERE

LIS PENDENS

See CERTIFICATE OF PENDING LITIGATION

LIST

See also COMMERCIAL LIST
Of claims, affidavit of verification of, on reference, **19:12**

LITIGATION CLERK

Venue change, affidavit of, **15:9**

LITIGATION GUARDIAN

Affidavit, **2:10**
Consent to act as, Small Claims Court, **32:4**
Costs orders
recovery from plaintiff, **23:52**
recovery limited, **23:53**
Medical examination of person under disability, motion to attend, **12:17-12:19**
Request to appoint, **2:13**
Substitute, motion to, **2:19**

MALICIOUS PROSECUTION

Individual, **5:66**

MALICIOUS PROSECUTION—Cont'd

Police, **5:65**

MALPRACTICE

Dental, **5:86**

Hospital, **5:85**

Lawyer, **5:87**

Medical, **5:84**

MANDATORY MEDIATION

Assigned mediator, notice by, **1:121**

Certificate of non-compliance, **1:123; 30:134**

Checklist, **1:118**

Commentary, **1:117**

Date of session, notice of, **1:119**

Issues, statement of, **1:122; 30:133**

Mediator

notice by, **30:132**

notice of name of, **1:119**

Non-compliance, certificate of, **1:123**

Postponement, consent to, **1:120**

Request for assignment of mediator, **30:131**

Statement of issues, **1:122; 30:133**

MANDATORY ORDER

Commentary, **14:27**

Motion for, **14:27-14:30**

MAREVA INJUNCTION

Commentary, **14:31**

Restrain disposal of assets in Ontario, motion to, **14:35-14:37**

Restrain removal of assets from Ontario, motion to, **14:32-14:34**

MASTERS

Motions

commentary, **13:13**

long motion, requisition to schedule, **13:15**

notice of, **13:14**

MEDIATION, MANDATORY

See MANDATORY MEDIATION

MEDICAL

Authorization

release medical records, to, **1:8**

release OHIP treatment records, to, **1:23**

letter, **1:22**

MEDICAL—Cont'd

- Examination, motion for
 - commentary, **12:34**
 - consent to
 - commentary, **12:34**
 - form of, **12:35**
 - dentist, by, **12:8-12:10**
 - directions as to scope of, form, **12:14-12:16**
 - doctor, by, **12:2-12:4**
 - litigation guardian
 - affidavit, **12:18**
 - notice of motion, **12:17**
 - order, **12:19**
 - psychiatrist, by, **12:5-12:7**
 - sanctions for failure to comply
 - failure to attend, **12:28-12:30**
 - failure to provide medical information, **12:31-12:33**
 - second examination, **12:25-12:27**
 - tape recording of
 - commentary, **12:20**
 - motion to permit, **12:20-12:24**
- Information, motion to strike for failure to provide, **12:31-12:33**
- Malpractice, **5:84**
- Record, motion for production of, **9:36-9:38**

MEMORANDUM

- Approval of order, **18:38**
- Explanatory, for discovery, **10:3**

MENTAL EXAMINATION

- Motion for
 - consent to
 - commentary, **12:34**
 - form of, **12:35**
 - directions as to scope of examination, **12:14-12:16**
 - directions as to who may attend, **12:17-12:19**
 - psychiatrist, by, **12:5-12:7**
 - psychologist, by, **12:11-12:13**
 - sanctions for failure to comply
 - failure to attend, **12:28-12:30**
 - failure to provide medical information, **12:31-12:33**
 - second examination, **12:25-12:27**

MENTAL INCOMPETENTS

- See PERSONS UNDER DISABILITY

MENTALLY INCAPABLE PERSONS

See PERSONS UNDER DISABILITY

MERGE FILES

Client information sheet, **1:4**

MICROFILM

Records, evidence of by affidavit at trial, **17:29**

MINISTER OF TRANSPORTATION

Service of notice of claim on, **1:104**

MINORS

See also PERSONS UNDER DISABILITY

Affidavit of service, **3:10**

Approval of settlement

affidavit of lawyer, **21:67**

affidavit of litigation guardian, **21:66**

checklist, **21:63**

commentary, **21:62**

consent of minor, **21:68**

judgment, **21:69**

notice of application, **21:64**

notice of motion, **21:65**

Interim payment to, **20:27-20:29**

Judgment, form of, **18:8**

Order to continue, **2:12**

requisition for, **1:60**

Payment out of court on majority

affidavit, **20:24**

commentary, **20:22**

requisition, **20:23**

Plaintiff's offer to settle

defendant under disability, **21:27**

plaintiff under disability, **21:26**

MINUTES OF SETTLEMENT

General form, **21:83**

MISREPRESENTATION

Contract, claim for

contract, in, **5:43**

inducing contract, **5:45**

Contractual, defence, **5:44**

MISTRIAL

Costs to plaintiff of, **23:6**

MONEY

- Foreign currency, prayer for relief, **4:27**
- Lent, statement of claim, **5:36**

MORTGAGES

- Action, heading, defendant added on reference, **1:48**
- Seizure of
 - direction to sheriff, **22:39**
 - notice to mortgagor, **22:40**
 - sheriff's notice, **22:38**

MOTIONS

- Abandonment
 - See ABANDONMENT
- Appeal proceedings
 - See APPEAL
- Case management
 - See CASE MANAGEMENT
- Class proceedings
 - See CERTIFICATION; CLASS PROCEEDINGS
- Complex motions
 - See COMPLEX MOTIONS
- Confidentiality order
 - See CONFIDENTIALITY ORDER
- Contested
 - affidavit, **32:25**
 - notice of, **32:24**
- Costs
 - See COSTS
- Cross-motion
 - commentary, **13:34**
 - notice of, **13:35**
- Divisional Court
 - confirmation of hearing status, **13:24**
 - general form, **13:23**
- Examination for discovery, extension of time
 - See EXAMINATION FOR DISCOVERY
- In writing
 - assessment hearing
 - affidavit, **32:19**
 - notice of, **32:18**
 - consent motion
 - consent, **13:60**
 - notice of motion, **13:59**

MOTIONS—Cont'd

In writing—Cont'd

opposed motion

notice of motion, **13:63**

responding party's agreement, **13:64**

responding party's notice, **13:65**

unopposed motion

notice of motion, **13:61**

responding party's notice, **13:62**

Masters, to

See MASTERS

Oral

commercial list

See COMMERCIAL LIST

complex motion, **13:10**

confirmation of motion status, **13:8**

consent to order, **13:11**

Court of Appeal, **13:8**

cross-motion

See Cross-motion, *supra*

Divisional Court, **13:22-13:24**

endorsement, short service, **13:7**

general form, **13:6**

master, motion to

commentary, **13:40**

notice of examination, **13:41**

pre-proceeding, **13:27-13:29**

return of, notice, **13:33**

telephone conference call, **13:31**

Pre-proceeding

See PRE-PROCEEDING MOTIONS

Registrar, to, **13:16**

Return of

commentary, **13:32**

notice of motion, **13:33**

Simplified procedure, **31:12**

action, dismissal of, **31:17**

party, addition of, **31:14**

pleading, amendment of, **31:13**

setting aside

default judgment, **31:16**

noting in default, **31:15**

Transfer to estates list, **30:137**

MOTIONS—Cont'd

Vexatious

See VEXATIOUS

Without notice motions

vary where failure to disclose

affidavit, **13:73**

commentary, **13:71**

notice of motion, **13:72**

order, **13:74**

vary where order obtained by mistake

affidavit, **13:76**

notice of motion, **13:75**

order, **13:77**

Written

See In writing, *supra*; see also under particular headings

MOVING PARTY

Factum, **13:55**

Record, **13:53**

MTC

See MINISTER OF TRANSPORTATION

MULTIPLE PARTIES

Contingency fee retainer, **1:69**

Prayer for relief, **4:7**

Retainer, **1:67**

contingency fee, **1:69**

potential conflict, letter disclosing, **1:68**

MUNICIPAL ACT

Quash by-law, application to, **27:80**

MUNICIPALITY

Affidavit of service, **3:2**

By-law applications

See APPLICATIONS, municipal by-law

Municipal records, evidence of by affidavit at trial, **17:27**

Notice for failure to maintain road or bridge, **1:103**

NEGLECT

Report on taking of accounts for willful, **19:44**

NEWSPAPER

Libel notice, **1:107**

NON-PARTY

Cost award against, **23:14**

O'BRIEN'S VIII—ONTARIO—COURT FORMS

NON-PARTY—Cont'd

- Motion for production of documents from
 - clinical records, **9:39-9:41**
 - employment records, **9:42-9:44**
 - hospital records, **9:36-9:38**
- Motion to examine for discovery, **10:24**

NON-RESIDENT

- Carrying on business in Ontario, affidavit of service, **3:5**

NO REASONABLE CAUSE OF ACTION

- Motion to strike for, **6:57**

NO REASONABLE DEFENCE

- Motion to strike for, **6:59**

NOTICE OF PAYMENT INTO COURT

- Generally, **20:3**

NOTICE OF REFERENCE

- Heading, **1:48**

NOTICE PERIODS

- Canada, proceedings against Crown agency, **1:106**
- Commentary, **1:102**
- Constitutional question, **1:109**
- Libel
 - notice to newspaper, **1:107**
 - notice to radio or television broadcaster, **1:108**
- Minister of Transportation for failure to maintain highway, **1:104**
- Municipality for failure to maintain road or bridge, **1:103**
- Ontario, proceedings against the Crown, **1:105**

NOTICES

- Business records
 - commentary, **17:33**
 - notice of intention, **17:34**
 - notice to produce for inspection, **17:35**
- Copies of originals
 - notice of intention, **17:36**
 - notice of intention to dispute, **17:37**
- Doctor's report
 - commentary, **17:42**
 - notice, **17:43**
- Expert report
 - acknowledgment of expert's duty, **17:40**
 - commentary, **17:38**
 - notice, **17:39**

NOTICES—Cont'd

- Foreign will
 - notice of probate of, **17:41**
- Health practitioner
 - commentary, **17:42**
 - notice, **17:43**
- Mediator, by, **30:132**
- Payment into court, **20:3**
- Periods
 - See NOTICE PERIODS
- Reference of, added party
 - heading, **1:48**
 - motion to set aside, **19:7**
 - notice, **19:6**
- Registry instruments
 - notice of, **17:44**
 - notice of intention to dispute, **17:45**
- Simplified procedure, whether under, **31:9**
- Small Claims Court
 - See SMALL CLAIMS COURT

NOTING IN DEFAULT

- Consent to set aside, **7:12**
- Motion by co-defendant to, **7:4**
- Person under disability, **7:8**
- Requisition to, **7:3**
- Setting aside, **7:13**
 - simplified procedure, **31:15**

NUISANCE

- Interlocutory injunction, **14:13**

OBJECTIONS

- Discovery, motion to compel answers to, **10:53**
- Simplified procedure
 - See SIMPLIFIED PROCEDURE

OCCUPIERS' LIABILITY

- Statements of claim
 - hazard on premises, **5:94**
 - icy walkway, **5:91**
 - premises, **5:89**
 - restaurant, **5:95; 5:96**
 - retail premises, **5:93**
 - uneven pavement, parking garage, **5:92**
- Statements of defence, premises, **5:90**

OFFER TO CONTRIBUTE

By defendant, **21:36**

By third party, **21:43**

OFFER TO SETTLE

See SETTLEMENT

OFFICE FORMS

See also AUTHORIZATION

Case management, letter to client, **1:7**

Client information sheet, **1:4**

Letters to client

case management, **1:7**

explanation of pre-trial, **15:65**

initial, **1:6**

reporting on pre-trial, **15:71**

Notice of dismissal

by registrar to defendant client, **16:7**

by registrar to plaintiff client, **16:6**

Notice of status hearing

to defendant client, **16:3**

to plaintiff client, **16:2**

Witness

evaluation, **1:16**

interview checklist, **1:14**

statement outline, **1:13**

OFFICIAL GUARDIAN

See CHILDREN'S LAWYER

ORAL MOTIONS

See MOTIONS

ORDER

Affidavit of clerk on appointment, **18:40**

Appeal, general form, **18:7**

Appointment to settle

commentary, **18:37**

disputed order, **18:42**

memorandum of approval, **18:38**

notice of, **18:39; 18:41**

registrar unsatisfied, **18:41**

unapproved, **18:39**

affidavit of clerk, **18:40**

Approval, **18:38**

Carry order into operation, **18:65-18:68**

ORDER—Cont'd

- Clerk's
 - consent for, **32:22**
 - request for, **32:21**
- Commentary, **18:2**
- Confidentiality order
 - See CONFIDENTIALITY ORDER
- Directing reference
 - agreed person, **18:27**
 - general form, **18:25**
 - take accounts, **18:26**
- Examinations for discovery, of, motion for, **10:28**
- General form, **18:3**
- Headings
 - Court of Appeal
 - actions, **1:40**
 - applications, **1:41**
 - Divisional Court
 - actions, **1:42**
 - application, **1:43**
 - Superior Court of Justice
 - appeal in, **1:39**
 - general form, **1:38**
- Sample orders
 - dismissal of motion, **13:86**
 - estates, **30:139**
 - partial relief, **13:87**
 - speedy trial, **13:88**
 - trial of an issue, **13:89**
- Satisfaction piece
 - general form, **18:71**
 - partial satisfaction, **18:72**
- Stop order, **18:11**
- Suspend order
 - affidavit, **18:63**
 - commentary, **18:61**
 - notice of motion, **18:62**
 - order, **18:64**
- Variation of
 - commentary, **18:43**
 - facts subsequently discovered
 - affidavit, **18:59**
 - commentary, **18:43**
 - notice of motion, **18:58**

ORDER—Cont'd

Variation of—Cont'd

facts subsequently discovered—Cont'd

order, **18:60**

failure to disclose

affidavit, **13:73**

commentary, **13:71**

notice of motion, **13:72**

order, **13:74**

order obtained by fraud

affidavit, **18:52**

commentary, **18:50**

notice of motion, **18:51**

order, **18:53**

order obtained by mistake

affidavit, **13:76**

notice of motion, **13:75**

order, **13:77**

slip

affidavit, **18:45**

notice of motion, **18:44**

order, **18:46**

Vesting

personal property, **18:32**

real property, **18:31**

ORDER TO CONTINUE

Minor reaching majority, **2:12**

requisition for, **1:60**

Transfer or transmission of interest, **2:36**

ORDER TO PROCEED

See ORDER TO CONTINUE

OUTSIDE ONTARIO

See SERVICE

PARTICULARS

Demand for, **6:48**

Motion for, **6:50**

Reply to demand for, **6:49**

PARTIES

Addition of

consent, on, **4:57**

simplified procedure, **31:14**

motion, on, **2:27**

PARTIES—Cont'd

- Addition of—Cont'd
 - reference, on, **19:5**
 - Small Claims Court, **32:2**
- Consent to be added as plaintiff or applicant, **4:60**
- Costs order against officer of party personally, **23:46**
- Deletion of, consent, **4:58**
- Directions from trial judge for travel and accommodation, **23:65**
- Multiple
 - prayer for relief, **4:7**
 - retainer, **1:67**
 - contingency fee, **1:69**
 - potential conflict, letter disclosing, **1:68**
- Notice to call adverse party
 - commentary, **17:21**
 - notice
 - officer, director, partner or sole proprietor, **17:23**
 - personal party, **17:22**
- Partners
 - See PARTNERSHIPS
- Service on
 - See SERVICE
- Sole proprietor
 - See SOLE PROPRIETORSHIP
- Substitution of
 - consent, on, **4:59**
 - motion, on, **2:30**
- Transmission of interest, order for, **2:36**
- Under disability
 - See PERSONS UNDER DISABILITY

PARTITION ACT

- Application, **27:96-27:99**

PARTITION AND SALE

- Judgment, **18:10**

PARTNERSHIPS

- Affidavit of service, **3:13**
- Notice by, **32:7**
- Notice disclosing partners' names and addresses, **2:3**
- Notice requiring disclosure of partners' names, **2:2**
- Notice to, **32:6**
 - alleged partner, **2:1; 32:5**
- Title of proceedings, **2:4**

PARTNERSHIPS ACT

Application, **27:100-27:103**

PASSING OF ACCOUNTS

See ESTATE

PAYMENT INTO COURT

Acceptance of offer to settle

conditional on payment into court, **21:50**

notice of, **20:3**

Commentary, **20:1**

Gift to mentally incapable person in will, of, **20:6**

minor's gift over 10,000 dollars in will, of, **20:5**

Motion to strike where failure to pay into court as ordered on prior summary judgment motion, **8:18-18:21**

Notice of, **20:3**

Pursuant to settlement offer, **21:25**

Requisition for, **20:2**

PAYMENT OUT OF COURT

After stop order, **20:37-20:39**

Consent, pursuant to

affidavit, **20:18**

affidavit of insurer, **20:21**

commentary, **20:16**

consent, **20:19**

consent by insurer, **20:20**

requisition for, **20:17**

Consent to payment out of sale proceeds on reference

by purchaser, **19:34**

by purchaser's lawyer, **19:35**

Directly to lawyer

affidavit, **20:26**

requisition, **20:25**

Interim payment to party under disability

mentally incapable person, **20:30-20:32**

minor, **20:27-20:29**

Minor attaining majority

affidavit, **20:24**

commentary, **20:22**

requisition, **20:23**

Order, pursuant to

affidavit, **20:9**

commentary, **20:7**

requisition for, **20:8**

PAYMENT OUT OF COURT—Cont'd

Report after reference, pursuant to
 affidavit, **20:15**
 commentary, **20:10**
 general form, **20:11**
 requisition for
 consent, **20:12**
 transfer, **20:14**
 vesting order, **20:13**

PENDING LITIGATION, CERTIFICATE OF

See CERTIFICATE OF PENDING LITIGATION

PERSONAL PROPERTY

Inspection of
 See INSPECTION OF PROPERTY
 Interim preservation of
 See INTERIM PRESERVATION OF PERSONAL PROPERTY
 Interim recovery of
 See INTERIM RECOVERY OF PERSONAL PROPERTY
 Offer to settle claim for, **21:19**
 Recovery of, prayer for relief, **4:25**
 Set aside sale of, prayer for relief, **4:26**
 Vesting order, **18:32**

PERSONAL PROPERTY SECURITY ACT

Discharge of security, **27:108-27:111**
 Priorities, determination of, **27:104-27:107**

PERSONAL SERVICE

See SERVICE

PERSONS UNDER DISABILITY

See also DISABLED PERSONS
 Appoint litigation guardian, motion to, **2:14**
 Approval of settlement
 affidavit of client, **27:41**
 affidavit of lawyer, **27:40**
 checklist, **21:63**
 commentary, **21:62; 27:38**
 consent of minor, **21:68; 27:43**
 judgment, **21:69; 27:44**
 minutes of settlement, **27:42**
 notice of application, **21:64; 27:39**
 notice of motion, **21:65**
 Default
 See DEFAULT

PERSONS UNDER DISABILITY—Cont'd

- Interim payment to party under disability
 - mentally incapable person, **20:30-20:32**
 - minor, **20:27-20:29**
- Litigation guardian, title of proceeding, **2:11**
- Litigation guardian affidavit, **2:10**
- Mentally incapable person, affidavit of service
 - guardian appointed, **3:11**
 - power of attorney, **3:12**
- Minors
 - See MINORS
- Motion to note in default, **7:8**
- Order to continue, **2:12**
 - requisition for, **1:60**
- Plaintiff's offer to settle
 - defendant under disability, **21:27**
 - plaintiff under disability, **21:26**
- Request to appoint litigation guardian, **2:13**
- Substitute litigation guardian, motion to, **2:19**

PHOTOGRAPHY

- Permission to inspect, motion for
 - personal property, **11:11-11:13**
 - real property, **11:8-11:10**

PLAINTIFF

- Claim of, Small Claims Court, **32:12**
 - defence to, **32:11**
- Costs orders
 - class actions, **23:41**
 - complete indemnity scale, **23:4**
 - general form, **23:2**
 - mistrial, **23:6**
 - settlement offer exceeded, **23:5**
 - substantial indemnity costs scale, **23:3**
- Foreign, security for costs
 - demand for declaration of residence, **25:8-25:10**
 - motion for security, **25:14-25:17**
 - motion to stay where a failure to respond, **25:11-25:13**
- Lack of capacity, motion to stay or dismiss, **6:6-6:9**

PLEADINGS

- Amendment to
 - consent, on, **4:56**
 - simplified procedure, **31:13**

PLEADINGS—Cont'd

Counterclaim

- add counterclaim, motion to amend defence to, **6:92-6:95**
- commentary, **4:40**
- general form
 - added parties, **4:42**
 - defence to, **4:44**
 - no added parties, **4:41**
 - reply and defence to, **4:43**
 - reply to defence to, **4:45**

Crossclaim

- commentary, **4:46**
- counterclaim, in, **4:48**
- defence to, **4:50**
- general form, **4:47**
- reply to defence to, **4:51**
- third party claim, in, **4:49**

No reasonable cause of action, motion to strike for, **6:57**

No reasonable defence, motion to strike for, **6:59**

Notice of action

- commentary, **4:32**
- general form, **4:33**

Particulars

- demand for, **6:48**
- motion for, **6:50**
- reply to demand for, **6:49**

Rejoinder, leave to deliver pleading subsequent to reply, **6:53-6:55**

Reply

- commentary, **4:38**
- general form, **4:39**
- leave to deliver pleading subsequent to, **6:53-6:55**

Sample pleadings

See individual subject headings, particularly CONTRACTS; TORTS

Statement of claim

See STATEMENT OF CLAIM

Statement of defence

See STATEMENT OF DEFENCE

Strike pleading

See STRIKE, MOTION TO

Third party and subsequent claims

- defence, **4:54**
- general form, **4:53**
- reply to defence to, **4:55**

POSSESSION

- Commentary, **22:62**
- General form of writ, **22:63**
- Motion for writ of
 - general form, **22:64**
 - on reference, **19:31-19:33**

POWER OF SALE

- Interlocutory injunction, **14:10**

POWERS OF ATTORNEY

- Accounts for sale of property under, on reference, **19:15**

PRAYER FOR RELIEF

- Accounting, **4:24**
- Anton Piller order, **4:18**
- Certificate of pending litigation, **4:20**
- Costs
 - general form, **4:2**
 - substantial indemnity costs scale, **4:29**
- Damages, general form, **4:2**
- Debt, **4:12**
- Declaration, **4:13**
- Foreign currency, **4:27**
- Forms of action, multiple, **4:8**
- Harmonized Sales Tax as damages, **4:30**
- Injunction
 - interlocutory, **4:15**
 - mandatory, **4:16**
 - Mareva, **4:17**
 - permanent, **4:14**
- Interest
 - agreement, by, **4:28**
 - Courts of Justice Act, general form, by, **4:2**
- Multiple claims, **4:8**
- Parties, multiple, **4:7**
- Personal property, recovery of, **4:25**
- Receiver and manager, appointment of, **4:23**
- Rectification, **4:21**
- Rescission, **4:22**
- Set aside sale, **4:26**
- Special damages
 - ascertained amount, **4:2**
 - unknown amount, **4:11**
- Specific performance, **4:19**

PREJUDGMENT INTEREST

See INTEREST

PREJUDICE

Motion to strike pleading for, **6:62**

PREMISES

See OCCUPIERS' LIABILITY

PRE-PROCEEDING MOTIONS

Commentary, **13:27**

Notice of motion, **13:28**

Undertaking to commence action, **13:29**

PRE-TRIAL CONFERENCE

Brief, Toronto actions, **15:69**

Certificate, Toronto, **15:66**

Checklist, **15:64**

Client

letter explaining, **15:65**

reporting on, **15:71**

Commentary, **15:63**

Estates, **30:144**

Memorandum, **15:68**

Notice of readiness, **15:36**

simplified procedure, **31:18**

Post pre-trial conference memorandum, **15:70**

Pre-trial and trial dates, certification form, Toronto, **15:67**

Waiver of, **15:72**

PRIVILEGE

Affidavit of documents, **9:11**

Motion to determine claim for

notice of motion, **9:34**

order, **9:35**

PRODUCTION

Divided, motion for

affidavit, **9:46**

notice of motion, **9:45**

order, **9:47**

Non-parties, from, motion for

clinical records, **9:39-9:41**

employment records, **9:42-9:44**

hospital records, **9:36-9:38**

Vouchers on reference, motion to obtain, **19:18**

PRODUCT LIABILITY

- Statement of defence, consumer product, **5:99**
- Statements of claim
 - class proceedings, **26:2**
 - consumer product, **5:98**
 - drug, **5:97**

PROFESSIONAL MALPRACTICE

- See MALPRACTICE

PROPERTY

- Vesting order
 - personal property
 - See PERSONAL PROPERTY
 - real property, **18:31**

PSYCHIATRIST

- Examination of opposite party by, motion for, **12:5-12:7**

PSYCHOLOGIST

- Examination of opposite party by, motion for, **12:11-12:13**

PUBLIC, HEARING OF MOTION IN ABSENCE OF

- See IN CAMERA

PUBLIC GUARDIAN AND TRUSTEE

- Status hearing to, notice, **16:5**

PURCHASER

- Consent to payment out of sale proceeds on reference
 - by purchaser, **19:34**
 - by purchaser's lawyer, **19:35**
- Vesting order on reference, motion for, **19:29; 19:30**

QUANTUM MERUIT

- Statement of claim, services, **5:16**

RADIO

- Libel notice, **1:107**

RECEIVER

- Consent of, Anton Piller Order, **14:80**
- Enforcement proceedings, equitable execution, motion for
 - affidavit, **22:96**
 - commentary, **22:94**
 - notice to appoint, **22:95**
 - order, **22:97**
- Motion to appoint
 - affidavit, **14:40**

RECEIVER—Cont'd

Motion to appoint—Cont'd
 commentary, **14:38**
 consent of, **14:41**
 notice of motion, **14:39**
 order, **14:42**

RECEIVER AND MANAGER

Prayer for relief, **4:23**

RECIPROCAL ENFORCEMENT OF JUDGMENTS ACT

Application, **27:112-27:115**

RECONSTITUTE

Motion to, **2:24**

RECORDINGS

Medical examination using
 commentary, **12:20**
 motion to permit, **12:20-12:24**

RECORDS

Application record
 applicant, **27:140**
 respondent, **27:141**
 Business
 commentary, **17:33**
 notice of intention, **17:34**
 notice to produce for inspection, **17:35**
 Clinical, motion for production of, **9:39-9:41**
 Employment, motion for production of, **9:42-9:44**
 Hospital, motion for production of, **9:36-9:38**
 Judicial review
 applicant, of, **29:14**
 certificate of perfection, **29:15**
 respondent, of, **29:16**
 Motion record
 commentary, **13:52**
 form of, **13:53**
 responding party, **13:54**
 Motion to get off record, **1:83**
 Municipal, evidence of by affidavit at trial, **17:27**

RECTIFICATION

Judgment, form of, **18:22**
 Prayer for relief, **4:21**
 Statement of claim, **5:33**

REFEREE

See REFERENCE

REFERENCE

Appointment to settle report, **19:40**

Hearing for directions

notice of hearing, **19:3**

order

adding parties, **19:5**

general form, **19:4**

Interim report on sale, **19:25**

Judgment, form of

agreed parties, **18:27**

general, **18:25**

take accounts, **18:26**

Notice to party added, **19:6**

heading, **1:48**

Referee, new, appointment of

affidavit, **19:38**

commentary, **19:36**

notice of motion (death), **19:37**

order, **19:39**

Report on

accounts

default, **19:45**

occupation rent, **19:46**

repairs and improvements, **19:47**

willful neglect, **19:44**

with rests, **19:43**

administration of estate, **19:42**

appointment to settle, **19:40**

assessment of damages, **19:49**

confirmation of, motion to oppose, **19:55-19:60**

commentary, **19:55**

construction claim, **19:48**

general form on reference, **19:41**

interim, sale on reference, **19:25**

Sale, conduct of, on

advertisement, **19:22**

auctioneer's affidavit, **19:24**

commentary, **19:21**

conditions of sale, **19:23**

consent to payment out of sale proceeds

by purchaser, **19:34**

by purchaser's lawyer, **19:35**

REFERENCE—Cont'd

- Sale, conduct of, on—Cont'd
 - interim report, **19:25**
 - property under power of attorney, **19:15**
 - set aside, motion to, **19:26-19:28**

REFUSALS AND UNDERTAKINGS CHART

- Moving party, served by, **10:58**
- Responding party, served by, **10:59**

REGISTRAR, DEPOSIT OF DOCUMENTS WITH

- Motion for
 - inspect document deposited with registrar, **9:51-9:53**
 - leave to deposit document with registrar, **9:48-9:50**

REGISTRY

- Instruments for use at trial
 - notice of, **17:44**
 - notice of intention to dispute, **17:45**

REJOINDER

- Leave to deliver pleading subsequent to reply, **6:53-6:55**

RELEASES

- Bar to further actions, **21:100**
- Claims, **21:93**
- Commentary, **21:84**
- Confidentiality, **21:99**
- Consideration, **21:89**
- Direction, **21:108**
- Employee
 - confidentiality covenant, **21:107**
 - covenant and warranty, **21:105**
- Employer, covenant to return property to, **21:106**
- Future injuries, **21:104**
- General form, **21:85**
- Indemnity, **21:97**
- Independent legal advice, **21:98**
- Motor vehicle, **21:86**
- Mutual release, **21:88**
- No admission, **21:96**
- No assignment of, **21:101**
- No claims over, **21:95**
- Releasee, **21:92**
- Releasor, **21:90**
- Reservation of rights, **21:102; 21:103**
- Scope, **21:94**

RELEASES—Cont'd

Words of, **21:91**

Wrongful dismissal, **21:87**

REMOVAL

Motion for removal of special case into Court of Appeal, **6:44-6:46**

RENT

Occupation rent, report on taking of accounts for, **19:46**

REPAIRS AND IMPROVEMENTS

Report on taking of accounts for, **19:47**

REPLY

Commentary, **4:38**

General form, **4:39**

counterclaim

defence, and, **4:43**

defence to defence to, **4:45**

crossclaim, to defence to, **4:51**

third party defence, to, **4:55**

Leave to deliver pleading subsequent to, **6:53-6:55**

REPORTS

Accounts

default, **19:45**

occupation rent, **19:46**

repairs and improvements, **19:47**

willful neglect, **19:44**

with rests, **19:43**

Administration of estate, **19:42**

Appointment to settle, **19:40**

Assessment of damages, **19:49**

Assessment officer, **24:16**

Construction claim, **19:48**

Expert

commentary, **17:38**

notice of, **17:39**

General form on reference, **19:41**

Interim, sale on reference, **19:25**

REPRESENTATION

See **LAWYERS; RETAINERS**

REQUISITION

Default judgment, **7:19**

Delivery, writ of, **22:67; 22:68**

REQUISITION—Cont'd

- Garnishment
 - American funds, **22:47**
 - general, **22:43**
- Minor reaching majority, order to continue, **1:60**
- Note in default, **7:3**
- Payment into court, **20:3**
- Writ of seizure and sale, **22:4; 22:10**

RESCISSION

- Judgment, form of, **18:23**
- Prayer for relief, **4:22**

RESOLUTIONS

- Corporate, authorizing retainer of lawyers, **1:79**

RESPONDING PARTY

- Factum
 - appeal, on, **28:123**
 - form of, **13:57**
- Notice of, unopposed to motion in writing, **13:62**
- Notice of agreement contested motion in writing, **13:64**
- Notice of consent to motion in writing, **13:60**
- Notice of oral argument, **13:65**
- Record, **13:54**

RESTORATION OF ACTION STRUCK OFF LIST

- Affidavit, **16:14**
- Commentary, **16:12**
- Notice of motion, **16:13**
- Order, **16:15**

RESTRICTIVE COVENANTS

- Interlocutory injunction
 - employee, **14:23-14:26**
 - sale of business, **14:19-14:22**
 - statement of claim, damages for breach, **5:28**

RETAINERS

- Commentary, **1:63**
- Contingency fee, **1:69**
- Corporate, **1:77**
 - engagement letter, **1:78**
 - resolution authorizing, **1:79**
- Estate administration, **1:70**
- Intestacy, **1:71**

RETAINERS—Cont'd

Limited scope, **1:72**

defendant or respondent, **1:74**

motion, appear on, **1:75**

plaintiff or applicant, **1:73**

specific legal task, **1:76**

Multiple parties, **1:67**

potential conflict, letter disclosing, **1:68**

Personal

long form, **1:65**

short form, **1:64**

RETURN OF MOTION

See MOTIONS

RULES OF CIVIL PROCEDURE

Commentary, **1:1**

SALE OF BUSINESS

Restrictive covenant, interlocutory injunction, **14:19-14:22**

SALES

On reference

advertisement, **19:22**

auctioneer's affidavit, **19:24**

commentary, **19:21**

conditions of sale, **19:23**

consent to payment out of sale proceeds

by purchaser, **19:34**

by purchaser's lawyer, **19:35**

interim report, **19:25**

property under power of attorney, **19:15**

set aside, motion to, **19:26-19:28**

SAMPLES

Inspection to obtain, motion for, **11:17-11:20**

SANDERSON ORDER

General form, **23:16**

SCANDALOUS PLEADINGS

Motion to strike, **6:66-6:70**

SCOTT SCHEDULE

Commentary, **17:48**

Form of, **17:49**

SECURITY FOR COSTS

- Alternative orders
 - bond, **25:71**
 - commentary, **25:70**
 - letter of credit, **25:72**
- Another proceeding
 - in Ontario, motion for security, **25:21-25:23**
 - outside Ontario, **25:24-25:26**
- Appeal
 - dismiss appeal, **25:51**
 - foreign appellant, **25:48**
 - frivolous and vexatious, **25:45**
 - general form, **28:81-28:84**
- Bills of costs
 - appeal, **25:7**
 - application, **25:6**
 - entire action, **25:5**
 - staged
 - to setting down for trial, **25:3**
 - to trial, **25:4**
- Bond, **25:71**
- Corporate plaintiff, **25:33-25:35**
- Counterclaim, **25:63**
- Eliminate security, motion for, **25:77-25:79**
- Foreign plaintiff
 - demand for declaration of residence, **25:8-25:10**
 - motion for security, **25:14-25:17**
 - motion to stay where a failure to respond, **25:11-25:13**
 - response to demand, **25:11-25:13**
- Frivolous and vexatious
 - action, **25:39-25:41**
 - application, **25:42-25:44**
- Increase amount of security, commentary, **25:73-25:76**
- Letter of credit, **25:72**
- Nominal applicant, **25:36-25:38**
- Nominal plaintiff
 - See Nominal applicant, *supra*
- Notice of compliance, **25:66**
- Statute, by, Libel and Slander Act, **25:54**
- Third party claim
 - against defendant, **25:57**
 - against plaintiff, **25:60**
- Unpaid, motion to strike where ordered on prior motion for summary judgment, **8:15**

SECURITY FOR COSTS—Cont'd

Unpaid costs

another proceeding, motion for security, **25:30-25:32**

same proceeding, motion for security, **25:27-25:29**

Unpaid security for costs, motion to dismiss, **25:67-25:69**

SEIZURE AND SALE

Change debtor's name

add alias, **22:26-22:28**

corporate debtor, **22:20-22:22**

personal debtor, **22:23-22:25**

spelling variation, **22:29-22:31**

Exemption from execution, motion to determine, **22:32-22:34**

Leave to issue

condition on enforcement

affidavit, **22:18**

commentary, **22:16**

notice of motion, **22:17**

order, **22:19**

elapse of six years

affidavit, **22:14**

commentary, **22:12**

notice of motion, **22:13**

order, **22:15**

Mortgage, seizure of

direction to sheriff, **22:39**

notice to mortgagor, **22:40**

sheriff's notice, **22:38**

Sale of lands by sheriff checklist, **22:41**

Seizure of property in possession of third parties

affidavit, **22:37**

bond, **22:35**

instructions, **22:36**

Writ of

affidavit, conduct of examination, **22:7**

backsheet, **22:3**

direction to enforce, **22:6**

general form, **22:2**

request to

renew, **22:8**

withdraw, **22:11**

Small Claims Court, **32:38**

affidavit for, **32:37**

renew, request to, **32:40**

statutory declaration, **22:5**

SEQUESTRATION

- Commentary, **22:57**
- General form, **22:58**
- Motion for leave to issue, **22:59-22:61**

SERVICE

- Acknowledgment of receipt card, **3:16**
- Admission of service, lawyer's, **3:20**
- Affidavit of
 - absentee, **3:9**
 - adult in same household, **3:18**
 - Attorney General, **3:8**
 - board, **3:4**
 - business, person outside Ontario, **3:5**
 - commission, **3:4**
 - corporation, **3:3**
 - last address, service on, **3:20**
 - Crown, **3:6; 3:7**
 - lawyer
 - courier, by, **3:24**
 - e-mail, by, **3:25**
 - mail, by, **3:18**
 - mail, by, last known address, **3:19**
 - mentally incapable, **3:11; 3:12**
 - minor, **3:10**
 - partnership, **3:13**
 - personal service, **3:1**
 - Small Claims Court, **32:14**
 - sole proprietor, **3:14**
- Alternatives to personal service, **3:15**
- Extend time to serve statement of claim, motion for, **1:110**
- Lawyer, by leaving copy with, **3:29**
- Lawyer's acceptance of, **3:30**
- Outside Ontario
 - Hague Convention service
 - commentary, **3:47**
 - notice and summary of documents, **3:50**
 - request for service abroad, **3:48**
 - summary of documents, **3:49**
 - permitting, motion for
 - affidavit in support, **3:41**
 - notice of, **3:40**
 - order, **3:42**
 - set aside, motion for
 - affidavit in support, **3:45**

SERVICE—Cont'd

Outside Ontario—Cont'd

set aside, motion for—Cont'd

notice of, **3:44**

order, **3:46**

Short service, endorsement for, **13:7**

Substituted service, motion for

commentary, **3:32**

lawyer's affidavit, **3:34**

notice of, **3:33**

order, **3:36**

process server, affidavit of, **3:39**

Validate service, motion for

lawyer's affidavit, **3:38**

notice of, **3:37**

order, **3:39**

SERVICES

Statements of claim

See CONTRACT

Statements of defence, faulty services

See CONTRACT

SET ASIDE

Judgment, fraud

motion to set aside, **18:54-18:56**

Noting in default, motion for, **7:13**

Parties added on reference, motion to, **19:7**

Registrar's order of dismissal

commentary, **16:23**

motion for, **16:24-16:26**

Sale

judgment, form of, **18:28**

on reference, **19:26-19:28**

prayer for relief, **4:26**

Summons, motion to

affidavit, **13:50**

commentary, **13:48**

notice of motion, **13:49**

order, **13:51**

SETTLEMENT

Acceptance of offer

conditional on payment into court, **21:50**

notice of, **20:3**

offer, **21:50**

SETTLEMENT—Cont'd

Acceptance of offer—Cont'd

conditional on payment to trustee

notice of payment to, **21:52**

offer, **21:51**

general form, **21:49**

party under disability, **21:53**

Application

commentary, **21:44**

general form

by applicant, **21:45**

by respondent, **21:46**

Client letter

commentary, **21:1**

general form, **21:2**

to defendant where no plaintiffs offer, **21:5**

to defendant where offer from plaintiff, **21:6**

to plaintiff where no offer from defendant, **21:3**

to plaintiff where offer from defendant, **21:4**

Covenant not to sue, **21:109**

Defendant, offer to settle by

See Offer to settle by defendant, *infra*

Discontinuance

consent to

against one defendant, **21:82**

general form, **21:81**

notice of discontinuance

all claims, **21:74**

all claims but only for some parties, **21:76**

counterclaim, of, **21:79**

crossclaim of, **21:78**

some claims and some parties only, **21:77**

some claims only, **21:75**

third part claim, of, **21:80**

Estates

notice of, **30:122**

rejection of settlement, **30:123**

Instructions

defendant accepting offer, **21:7**

direction

to lawyer, **21:12**

to other firm, **21:13**

plaintiff accepting offer, **21:8**

reject offer against recommendation, **21:10**

SETTLEMENT—Cont'd

Instructions—Cont'd

- reject recommendation to submit offer, **21:11**
- wrongful dismissal, **21:9**

Judgment on accepted settlement, motion for

- outside rule, **21:58-21:61**
- under rule, **21:54-21:57**

Minutes of settlement, **21:83**

Motion, payment out of court, **32:54**

Motion, proposal to settle

- commentary, **21:70**
- general form
 - moving party, **21:71**
 - responding party, **21:72**

Offer to settle by defendant

- commentary, **21:31**
- defendant under disability, **21:37**
- general form, **21:32**
- multiple defendants
 - made by all, **21:35**
 - made by one, **21:34**
- offer to contribute, **21:36**
- plaintiff under disability, **21:38**
- surrender counterclaim, **21:33**

Offer to settle by plaintiff

- commentary, **21:14**
- defendant under disability, **21:27**
- general form, **21:15**
- multiple defendants
 - joint, **21:24**
 - offer to some, **21:23**
 - separate claims, **21:22**
- offer by letter, **21:29**
- partial settlement, **21:18**
- payment into court or to a trustee, **21:25**
- payment out of court, motion for, **32:54**
- payment over time, **21:17**
- return of personal property, **21:19**
- single amount, **21:16**
- specific performance, **21:20**
- structured settlement, **21:30**
- subsequent offer, **21:28**
- under disability, **21:26**
- wrongful dismissal, **21:21**

SETTLEMENT—Cont'd

Orders, of

- appointment to settle
 - affidavit of clerk on appointment, **18:40**
 - disputed order, **18:42**
 - notice of, **18:39; 18:41**
 - registrar unsatisfied, **18:39**
 - unapproved, **18:38**
- commentary, **18:37**
- memorandum of approval, **18:38**

Persons under disability, approval of

See PERSONS UNDER DISABILITY, approval of settlement

Plaintiff, offer to settle by

See Offer to settle by plaintiff, *supra*

Releases

- bar to further action, **21:100**
- claims released, **21:93**
- commentary, **21:84**
- confidentiality, **21:99**
- consideration, **21:89**
- direction, **21:108**
- employee, **21:105; 21:107**
- employer, covenant to return property, **21:106**
- future injuries, **21:104**
- general form, **21:85**
- indemnity, **21:97**
- independent legal advice, **21:98**
- motor vehicle, **21:86**
- mutual release, **21:88**
- no admission, **21:96**
- no claims over, **21:95**
- non-assignability of, **21:101**
- releasee, **21:92**
- releasor, **21:90**
- reservation of rights, **21:102; 21:103**
- scope, **21:94**
- words of release, **21:91**
- wrongful dismissal, **21:87**

Small Claims Court

See SMALL CLAIMS COURT

Third party claim

- by defendant, **21:40**
- by third party
 - both plaintiff's and defendant's claim, **21:42**

SETTLEMENT—Cont'd

Third party claim—Cont'd
by third party—Cont'd
defendant's claim, **21:41**
commentary, **21:39**
offer to contribute, **21:43**
Withdrawal of offer, **21:48**

SHAREHOLDERS

Advertisement for claimants on reference, **19:11**

SHERIFF

Report on execution of writ
motion to require report
affidavit, **22:87**
notice of motion, **22:86**
order, **22:88**
notice of claim, **22:84**
request to report, **22:85**

SHOPLIFTING

Statement of claim, false arrest, **5:63**

SHORT TITLE OF PROCEEDINGS

Action, application or appeal, **1:52**
Garnishment, **1:52**
Third party action, **1:52**

SIMPLIFIED PROCEDURE

Abandonment of claim by plaintiff, **31:8**
Action, dismissal of on consent, **31:17**
Consent, continue to, **31:11**
Consent motions
addition of party, **31:14**
default judgment, setting aside of, **31:16**
dismissal of action, **31:17**
noting in default, setting aside of, **31:15**
Default judgment, setting aside of, **31:16**
Endorsement, originating process, **31:2**
Motions
consent
See Consent motions, supra
general form, **31:12**
Notice that action under rule 76, **31:9**
Noting in default, setting aside of, **31:15**
Objections to
defendant, by, statement of defence, in, **31:3**

SIMPLIFIED PROCEDURE—Cont’d

- Objections to—Cont’d
 - defendant by counterclaim, by, statement of defence to counterclaim, in, **31:3**
 - defendant to crossclaim, by, defence to crossclaim, in, **31:5**
 - third party, by, third party defence, in, **31:6**
- Originating process endorsement, **31:2**
- Pre-trial conference, notice of readiness, **31:18**
- Statement of issues, **31:19**
- Summary trial
 - affidavit, **31:24**
 - cross-examine, notice of intention to, **31:25**
 - trial record
 - lawyer’s certificate, **31:22**
 - table of contents, **31:21**
- Trial management checklist, **31:20**
- Trial record
 - lawyer’s certificate, **31:22**
 - table of contents, **31:21**

SLANDER

- Statement of claim, **5:69**

SLIP

- Amend judgment, motion to, **18:44-18:46**

SMALL CLAIMS COURT

- Additional parties, **32:2**
- Claim
 - defendant, of, **32:12**
 - defence to, **32:13**
 - plaintiff, of, **32:1**
 - defence to, **32:11**
- Clerk, request to, **32:15**
- Committal, warrant of, **32:49**
- Conference
 - settlement, list of proposed witnesses, **32:26**
 - telephone, request for, **32:23**
 - video, request for, **32:23**
- Consent order
 - clerk’s order, **32:22**
 - request for, **32:21**
 - general form, **32:22**
- Contested motions
 - affidavit, **32:25**
 - notice of motion, **32:24**

SMALL CLAIMS COURT—Cont'd

- Debt, notice to co-owner of, **32:45**
- Default judgment
 - assessment hearing in writing
 - affidavit, **32:19**
 - notice of motion, **32:18**
 - general form, **32:20**
 - jurisdiction, affidavit for, **32:17**
- Default of payment
 - affidavit of, **32:52**
 - notice of, **32:51**
- Delivery, writ of, **32:36**
- Enforcement request, affidavit for, **32:35**
- Examination, notice of, **32:47**
- Financial information form, **32:48**
- Garnishee's statement, **32:44**
- Garnishment
 - hearing, notice of, **32:46**
 - notice of, **32:41**
- Identification form, **32:50**
- Judgment, certificate of, **32:34**
- Litigation guardian, consent to act as, **32:4**
- Partner, notice to alleged, **32:5**
- Partnership
 - notice by, **32:7**
 - notice to, **32:6**
- Service, affidavit of, **32:14**
- Settlement
 - offer to settle, **32:27**
 - acceptance of, **32:28**
 - withdrawal of, notice of, **32:29**
 - terms of, **32:30**
- Sole proprietor, notice to alleged, **32:8**
- Sole proprietorship
 - notice by, **32:10**
 - notice to, **32:9**
- Warrant of committal, **32:49**
- Witness
 - defaulting, warrant for arrest of, **32:33**
 - summons to, **32:32**
- Writ
 - delivery, of, **32:36**
 - seizure and sale, of, **32:38**
 - affidavit for, **32:37**

SMALL CLAIMS COURT—Cont'd

Writ—Cont'd

seizure and sale, of, **32:38**—Cont'd
renew, request to, **32:40**

SOLE PROPRIETORSHIP

Affidavit of service, **3:14**
Disclose, notice to, **2:7**
Notice to alleged sole proprietor, **2:6**
Title of proceedings, **2:8**

SOLICITOR AND CLIENT COSTS

See COSTS

SOLICITORS

See LAWYERS

SPECIAL CASE

General form of, **6:42**
Motion for removal into Court of Appeal, **6:44-6:46**

SPECIAL DAMAGES

Prayer for relief
ascertained amount, **4:2**
unknown amount, **4:11**

SPECIFIC PERFORMANCE

Judgment, form of
chattel, **18:19**
land
abatement, **18:21**
general, **18:20**
Offer to settle claim for, **21:20**
Prayer for relief, **4:19**
Statement of claim
goods, **5:8**
land
against purchaser, **5:31**
against vendor, **5:30**
Statement of defence
claim by purchaser, to, **5:34**

STANDARD TRACK

See CASE MANAGEMENT

STATEMENT

Issues, of, simplified procedure, **31:19**
Witness statement outline, **1:13**

STATEMENT OF AGREED FACTS

Commentary, **17:30**

Statement, **17:31**

STATEMENT OF CLAIM

See also **CONTRACTS; TORTS**

Action, where action commenced by notice of, **4:3**

Animal bite, dog, **5:81**

dog on dog, **5:82**

wild animal, **5:83**

Arrest, false, **5:63**

Assault and battery, **5:61**

Bailment, **5:104**

Breach of restrictive covenant, damages for, **5:28**

Commentary, **4:1**

Commercial lease

breach of agreement, **5:52**

breach of unexecuted lease, **5:50**

distress, illegal, damages for, **5:54**

Construction

construction lien, **5:58**

contractor's claim, **5:55**

owner's claim, deficient work, **5:56**

Contractual bonus, **5:27**

Contractual misrepresentation, **5:43**

misrepresentation inducing contract, **5:45**

Conversion, **5:68**

Copyright infringement, **5:108**

Defamation, **5:69**

Escape of fire, **5:80**

Escape of water, **5:79**

Extend time to serve, motion for, **1:110**

Family members' claims

fatal motor vehicle accident, **5:106**

unsafe premises, **5:107**

Fiduciary duty, breach of by departed employee, **5:105**

Foreclosure, **4:4**

Foreign judgment enforcement, **5:102**

Fraud and deceit (breach of trust), **5:77**

General form, **4:2**

Imprisonment, false, **5:63**

Insurance

agent, against

failure to obtain available coverage, **5:40**

failure to obtain sufficient coverage, **5:41**

STATEMENT OF CLAIM—Cont'd

Insurance—Cont'd

declaration as to coverage, **5:42**

disability, **5:39**

fire insurance proceeds, **5:38**

Invasion of privacy (intrusion and seclusion), **5:73**

life insurance proceeds, **5:37**

Lease

See Commercial lease, *infra*

Loan, unpaid, **5:36**

Malicious prosecution, **5:65; 5:66**

Malpractice

dental, **5:86**

hospital, **5:85**

lawyer, **5:87**

medical, **5:84**

Medical battery, **5:62**

Money paid in error, **5:103**

Motor vehicle, rear end collision, **5:70**

Occupiers' liability

hazard on premises, **5:94**

icy walkway, **5:91**

parking garage, **5:92**

pavement, uneven, **5:92**

premises, **5:89**

restaurant, **5:95; 5:96**

retail premises, **5:93**

Prayer for relief

See PRAYER FOR RELIEF

Product liability

consumer product, **5:98**

drug, **5:97**

Rear end collision, **5:70**

Sale of goods

collection

design and supply of, **5:5**

running account, **5:3**

specific items, **5:2**

unpaid invoices, **5:4**

damages

collateral contract, breach of, **5:10**

non-acceptance, for, **5:6**

non-delivery, for, **5:7**

warranty, breach of, **5:9**

STATEMENT OF CLAIM—Cont'd

- Sale of goods—Cont'd
 - specific performance, **5:8**
- Sale of land
 - damages, failure to close, **5:32**
 - mortgage action, **4:5**
 - rectification, **5:33**
 - specific performance
 - purchaser, against, **5:31**
 - vendor, against, **5:30**
- Services
 - See CONTRACT, statement of claim
- Trespass to adjoining property, **5:75**
- Wrongful dismissal, **5:47**
 - constructive dismissal, **5:49**

STATEMENT OF DEFENCE

- Admission in, motion for withdrawal of, **6:83**
- Commentary, **4:34**
- Commercial lease, to claim for breach of, **5:51; 5:53**
- Contractual misrepresentation, to claim for, **5:44**
- Extend time to deliver, motion for, **1:114**
- General form, **4:35**
- Occupiers' liability, to claim for, **5:90**
- Payment, claim for, **5:11**
- Product liability, consumer product, **5:99**
- Rear end collision, **5:71**
- Services, to claim for unsatisfactory
 - customs broker, **5:26**
 - promotional deliveries, **5:24**
- Specific performance, to claim for
 - by purchaser, **5:34**
 - by vendor, **5:35**
- Strike, motion to where no reasonable defence, **6:59**
- Wrongful dismissal, to claim for, cause asserted, **5:48**

STATUS HEARINGS

- Commentary, **16:1**
- Notice of
 - to defendant client, **16:3**
 - to plaintiff client, **16:2**
- Notice of dismissal
 - by registrar to defendant client, **16:7**
 - by registrar to plaintiff client, **16:6**

STATUS HEARINGS—Cont'd

- Notice to
 - Children's Lawyer by defendant, **16:4**
 - defendant client, **16:3**
 - plaintiff client, **16:2**
 - Public Guardian and Trustee by defendant, **16:5**
 - registrar requiring status hearing, **16:9**
- Request for
 - commentary, **16:8**
 - notice to registrar, **16:9**
 - order, **16:11**
 - timetable, **16:10**

STAY OR DISMISS, MOTION TO

- Another proceeding elsewhere
 - commentary, **6:14**
 - pending before a foreign court, **6:15-6:18**
 - pending before an Ontario tribunal, **6:19-6:21**
 - prior Ontario action pending, **6:22-6:24**
- Arbitration Act, under, **6:33-6:36**
- Defendant without capacity, **6:10-6:13**
- Failure to comply with interlocutory order
 - motion to dismiss, **22:78-22:80**
 - motion to stay, **22:75-22:77**
- Failure to respond to a demand for declaration of residence, **25:11-25:13**
- Frivolous or vexatious, **6:25-6:28**
- General commentary, **6:1**
- General stay, **6:29-6:32**
- No jurisdiction over subject-matter, **6:2-6:5**
- Plaintiff without capacity, **6:6-6:9**
- Unpaid costs, **23:79-23:81**

STOP ORDER

- Motion for, **20:33-20:36**
- Order, general form, **18:11**
- Payment out after stop order, **20:37-20:39**

STRIKE, MOTION TO

- Abuse of process, **6:71-6:74**
- Defence
 - for failure to make payment into court as ordered on prior motion for summary judgment, **8:18-8:21**
 - for failure to obey interlocutory order, **22:81**
- Jury notice
 - jury trial inappropriate
 - commentary, **15:17-15:24**

STRIKE, MOTION TO—Cont'd

Jury notice—Cont'd

jury trial inappropriate—Cont'd

form of, **15:25**

order, **15:26**

late delivery of

affidavit, **15:22**

commentary, **15:20**

form of, **15:21**

order, **15:23**

prohibited by statute

commentary, **15:17**

form of, **15:18**

order, **15:19**

No reasonable cause of action, **6:57**

No reasonable defence, **6:59**

Prejudice or delay trial, **6:62-6:65**

Scandalous, frivolous or vexatious, **6:66-6:70**

STRUCTURED SETTLEMENT

Offer to settle, **21:30**

STYLE OF CAUSE

See HEADINGS; TITLE OF PROCEEDINGS

SUBJECT-MATTER

No jurisdiction over, **6:2-6:5**

SUBSEQUENT ACTION

Motion to stay subsequent action dismissed for delay

affidavit, **16:29**

commentary, **16:27**

notice of motion, **16:28**

order, **16:30**

SUBSIDIARY CLAIMS

Judgment where dismissed, **18:35**

SUBSTITUTED SERVICE

Motion for, **3:33**

SUMMARY JUDGMENT

Leave to serve summary judgment motion with statement of claim, **8:9-8:11**

Motion for

by defendant, **8:12-8:14**

by plaintiff, **8:3-8:8**

case information sheet, **8:8**

SUMMARY JUDGMENT—Cont'd

Motion for—Cont'd

- failure to abide by terms imposed on prior motion
- failure to make payment into court, **8:18-8:21**
- security for costs unpaid, **8:15-8:17**

SUMMARY TRIAL

- Affidavit, **31:24**
- Cross-examine, notice of intention to, **31:25**
- Lawyer's certificate, **31:22**
- Trial record, **31:21**

SUMMONS

Discovery

- Ontario resident, **10:16**
- person outside Ontario, **10:17**

Evidence for motion

- hearing, at, **13:46**
- interprovincial, **13:44**
- witness in Ontario, **13:43**

Examination out of court, **27:138**

Set aside summons, motion to

- affidavit, **13:50**
- form of, **13:49**
- order, **13:51**

Substituted service

- affidavit
- lawyer, **17:14**
- process server, **17:13**
- commentary, **17:11**
- motion for, **17:12**
- order, **17:15**

Trial

- witness in Ontario, **17:9**
- witness outside Ontario, **17:10**

SURVEY

- Motion for inspection to permit, **11:5-11:7**

TAKING OF ACCOUNTS

- Affidavit of verification of accounts, **19:16**
- Default, **19:45**
- General form, on reference, **19:14**
- Judgment directing reference, **18:26**
- Objections, **19:17**
- Occupation rent, **19:46**

TAKING OF ACCOUNTS—Cont'd

- Repairs and improvements, **19:47**
- Sale of property under power of attorney, **19:15**
- Willful neglect, **19:44**
- With rests, **19:43**

TAPE RECORDING

- See RECORDING

TELEPHONE CONFERENCE MOTIONS

- Commentary, **13:30**
- Notice of motion, **13:31**
- Small Claims Court, **32:23**

TELEVISION

- Libel notice, **1:108**

THIRD PARTY AND SUBSEQUENT PARTY ACTIONS

- Commentary, **4:52**
- Costs order on
 - action and third party claim dismissed, **23:19**
 - general form, **23:18**
 - no costs, **23:20**
- Defence, **4:54**
 - reply to, **4:55**
- General form, **4:53**
- Heading, **1:45**
- Reply, **4:55**
- Security for costs
 - against defendant, **25:57**
 - against plaintiff, **25:60**
- Settlement of
 - by defendant, **21:40**
 - by third party
 - both plaintiff's and defendant's claim, **21:42**
 - defendant's claim, **21:41**
 - commentary, **21:39**
 - offer to contribute, **21:43**

TICKLER SYSTEM

- Card, **1:94**
- Memorandum, **1:95**

TIME

- Consent to extend time, **4:61**
- Extend time to deliver statement of defence, motion for, **1:114**
- Extend time to serve statement of claim, motion for, **1:110**

TIME—Cont'd

- Limitation period
 - motion to dismiss due to expiry of, **1:96**
 - motion to extend and add parties, Family Law Act, **1:98**

TIME AND MATERIALS

- Statement of claim, **5:21**

TITLE OF PROCEEDINGS

- See also HEADINGS
- Estate trustees, **2:23**
- Litigation guardian, **2:11**
- Partnership, **2:4**
- Pseudonym in, **1:5**
- Short title of proceedings, **1:52**
- Sole proprietorship, **2:7**

TORTS

- Assault and battery, **5:62**
- Conversion, **5:68**
- Defamation, **5:69**
- False arrest and imprisonment, **5:63**
- Malpractice, medical, **5:84**
- Motor vehicle, rear end collision
 - statement of cause, **5:70**
 - statement of defence, **5:71**

TRANSFER OF PROCEEDINGS

- Case management, to
 - consent, on
 - consent, **1:30**
 - notice of motion, **1:29**
 - order, **1:31**
 - contested motion
 - affidavit, **1:33**
 - notice of motion, **1:32**
 - order, **1:34**

TRANSFER OR TRANSMISSION OF INTEREST

- Order to continue, **2:36**

TRESPASS

- Interlocutory injunction, **14:16-14:18**
- To adjoining property, **5:75**

TRESPASS TO GOODS

- Statement of claim, **5:68**

TRIAL

Bill of costs, **23:69**

Brief

agreement regarding document use, **17:7**

chronology, **17:5**

commentary, **17:2**

proof outline, **17:6**

trial outline

jury, **17:4**

non-jury, **17:3**

Business records

commentary, **17:33**

notice of intention, **17:34**

notice to produce for inspection, **17:35**

Certificate of corporate document

certificate, **17:47**

commentary, **17:46**

Consolidation of proceedings

commentary, **2:33**

motion for, **2:33**

Copies for use at trial

notice of intention, **17:36**

notice of intention to dispute, **17:37**

Evidence, obtaining prior to

affidavit evidence at trial

bank records, **17:28**

commentary, **15:52-15:55**

microfilm records, **17:29**

motion for, **15:52**

municipal records, **17:27**

commission

affidavit, **15:46**

commentary, **15:44**

consent to act as commissioner, **15:51**

consent to examine other witnesses, **15:50**

form of, **15:48**

letter of request, **15:49**

notice of motion, **15:45**

order, **15:47**

witness in Ontario

commentary, **15:38**

consent to examination, **15:42**

consent to use transcript of party at trial, **15:43**

motion to permit taking evidence of, **15:38-15:43**

TRIAL—Cont'd

- Expert at trial
 - affidavit, **17:20**
 - notice of motion, **17:19**
- Experts report of
 - duty of, acknowledgment, **17:40**
 - report, **17:40**
 - commentary, **17:38**
 - notice of, **17:39**
- Foreign will
 - commentary, **17:41**
 - notice of probate of, **17:41**
- Health practitioner's report
 - commentary, **17:42**
 - notice of, **17:43**
- Issue, of, sample orders, **13:89**
- Listing for
 - abridge time to place on list outside Toronto
 - affidavit, **15:34**
 - commentary, **15:32**
 - notice of motion, **15:33**
 - order, **15:35**
 - consent to early listing, **15:30**
 - lawyer's certificate, **15:29**
 - trial record, **15:28**
- Outline
 - jury, **17:5**
 - non-jury, **17:3**
 - proof, **17:6**
- Record, simplified procedure
 - lawyer's certificate, **31:22**
 - table of contents, **31:21**
- Registry instruments for use at trial
 - commentary, **17:44**
 - notice of, **17:44**
 - notice of intention to dispute, **17:45**
- Scott Schedule
 - commentary, **17:48**
 - schedule, **17:49**
- Speedy trial, sample orders on motion, **13:88**
- Statement of agreed facts
 - commentary, **17:30**
 - statement, **17:31**

TRIAL—Cont'd

Summary

See SUMMARY TRIAL

Summons

Small Claims Court, **32:32**

substituted service of

affidavit, **17:13**

commentary, **17:11**

notice of motion, **17:12**

order, **17:14**

witness at trial

witness in Ontario, **17:9**

witness outside Ontario, **17:10**

Venue

change of, **15:6-15:10**

commentary, **15:1**

proper, **15:2-15:5**

TRIAL BRIEF

See TRIAL

TRIAL LIST

Motion to restore action struck off

affidavit, **16:14**

commentary, **16:12**

notice of motion, **16:13**

order, **16:15**

TRIBUNAL

Proceedings pending in, motion to stay or dismiss Ontario action, **6:19**

TRUSTEES

Acceptance of settlement offer conditional on payment to

notice of payment to, **21:52**

offer, **21:51**

Applications re

See APPLICATIONS

Estate

See ESTATE

Payment to pursuant to settlement offer, **21:25**

UNDERTAKINGS

Damages on interlocutory injunction, as to, **14:7**

Discovery

deemed

motion to enforce deemed undertaking, **10:89-10:91**

motion to permit disclosure of discovery evidence, **10:95-10:98**

UNDERTAKINGS—Cont’d

Discovery—Cont’d
 motion to compel answers to, **10:53-10:59**

VARIATION

Judgment
 commentary, **18:43**
 facts subsequently discovered
 commentary, **18:57**
 motion to vary, **18:57-18:60**
 fraud
 motion to set aside, **18:54-18:56**
 motion to vary, **18:50-18:53**
 no adjudication, motion to amend, **18:47-18:49**
 slip, motion to amend, **18:44-18:46**
 Order obtained without notice
 failure to disclose
 affidavit, **13:73**
 commentary, **13:71**
 notice of motion, **13:75**
 order, **13:74**
 mistake, by
 affidavit, **13:76**
 notice of motion, **13:72-13:75**
 order, **13:77**

VENDORS AND PURCHASERS ACT

Affidavit, **27:122**
 Application, **27:121**
 Judgment, **27:123**

VENUE

Affidavit, **15:8; 15:9**
 Change of, **15:6-15:10**
 Commentary, **15:1**
 Notice of motion, **15:7**
 Order, **15:10**
 Proper venue, move to
 affidavit, **15:4**
 commentary, **15:2**
 notice of motion, **15:3**
 order, **15:5**

VERIFICATION

Of accounts, on reference, **19:16**
 Of list of claims, on reference, **19:12**

VESTING ORDER

Motion for, by purchaser, **19:29; 19:30**
Personal property, **18:32**
Real property, **18:31**

VEXATIOUS

Action, motion to stay or dismiss, **6:25-6:28**
Motions, motion to prohibit
 affidavit, **13:84**
 commentary, **13:82**
 form of, **13:83**
 order, **13:85**
Pleading, motion to strike, **6:66-6:70**

VIDEOTAPING

Discovery, motion to permit, **10:41-10:45**

WAIVER

Pre-trial conference of, **15:72**

WARRANT

Arrest of defaulting witness
 commentary, **17:24**
 warrant for arrest, **17:25; 32:33**
Committal, **22:74**
 Small Claims Court, **32:49**
Contempt, arrest, **22:73**

WARRANTY

Damages for breach of, **5:9**

WILLFUL NEGLIGENCE

See NEGLIGENCE

WILLS

Applications re
 See APPLICATIONS
Exhibit stamp or endorsement, **1:55**
Foreign, at trial
 commentary, **17:41**
 notice of probate of, **17:41**
Lost will
 See ESTATE TRUSTEE
Payment into court of
 gift to mentally incapable person, **20:6**
 minor's gift over 10,000 dollars, **20:5**

WITHDRAWAL

- Offer to settle, **21:48**
- Writ of execution of
 - motion to require withdrawal, **22:91**
 - notice of payment, **22:89**
 - notice of withdrawal, **22:90**
- Writ of seizure and sale, **22:11**

WITHERNAM

- Generally, **14:68-14:71**

WITNESSES

- Case resolved, letter advising, **1:18**
- Checklist, wrongful dismissal, **1:15**
- Defaulting
 - commentary, **17:24**
 - warrant for arrest, **17:25; 32:33**
- Evaluation, **1:16**
- Interview checklist, **1:14**
- Letter to
 - advising case resolved, **1:18**
 - statement, with, **1:17**
- Notice to call adverse party
 - commentary, **17:21**
 - notice
 - officer, director, partner or sole proprietor, **17:23**
 - personal party, **17:22**
- On motion
 - adverse party as, **13:47**
 - at hearing, **13:46**
 - in Ontario, **13:43**
 - interprovincial, **13:44**
 - set aside summons, motion to, **13:48-13:52**
- Proposed list of, **32:26**
- Statement outline, **1:13**
- Substituted service of summons
 - affidavit, **17:13; 17:14**
 - commentary, **17:11**
 - notice of motion, **17:12**
- Trial
 - Small Claims Court, **32:32**
 - witness in Ontario, **17:9**
 - witness outside Ontario, **17:10**

WRIT

- Checklist, **22:2**

WRIT—Cont'd

Delivery, of

- general form, **22:67**
- requisition, **22:68**
- Small Claims Court, **32:36**

Possession, of

- commentary, **22:62**
- general form of writ, **22:63**
- motion for leave to issue
 - affidavit, **22:65**
 - notice of motion, **22:64**
 - order, **22:66**

Reference, on

- affidavit, **19:27**
- notice of motion, **19:31**
- order, **19:33**

Seizure and sale, of

- American funds, **22:9**
- backsheet, **22:3**
- change debtor's name
 - add alias, **22:26-22:28**
 - corporate debtor, **22:20-22:22**
 - personal debtor, **22:23-22:25**
 - spelling variation, **22:29-22:31**
- direction to enforce, **22:6**
- examination, conduct of, affidavit, **22:7**
- exemption from execution, motion to determine, **22:32-22:34**
- general form, **22:2**
- leave to issue
 - condition on enforcement
 - affidavit, **22:18**
 - commentary, **22:16**
 - notice of motion, **22:17**
 - order, **22:19**
 - elapse of six years
 - affidavit, **22:14**
 - commentary, **22:12**
 - notice of motion, **22:13**
 - order, **22:15**
- mortgage, seizure of
 - direction to sheriff, **22:39**
 - mortgagor, notice to, **22:40**
 - sheriff's notice, **22:38**
- request to renew, **22:8**

WRIT—Cont'd

- Seizure and sale, of—Cont'd
 - request to withdraw, **22:11**
 - requisition, **22:4**
 - amend creditor's name, to, **22:10**
 - seizure of property in possession of third parties
 - affidavit, **22:37**
 - bond, **22:36**
 - instructions, **22:35**
 - Small Claims Court, **32:38**
 - affidavit for, **32:37**
 - request to renew, **32:40**
 - statutory declaration, **22:5**
 - withdrawal of, request for, **22:11**
- Sequestration, of
 - commentary, **22:57**
 - general form, **22:58**
 - motion for leave to issue, **22:59-22:61**
- Sheriff's report on execution of
 - claim, notice of, **22:84**
 - request to sheriff, **22:85**
 - require sheriff to report, motion to, **22:86-22:88**
- Withdrawal of writ of execution
 - motion to require withdrawal
 - affidavit, **22:92**
 - notice of, **22:91**
 - order, **22:93**
 - payment, notice of, **22:89**
 - withdrawal, notice of, **22:90**

WRITING, MOTIONS IN

- See MOTIONS, in writing

WRONGFUL DISMISSAL ACTION

- Constructive dismissal, statement of claim, **5:49**
- Offer by plaintiff to settle claim for, **21:21**
- Settlement instructions, **21:9**
- Statement of claim, **5:47**
- Statement of defence, cause, **5:48**
- Witness interview checklist, **1:15**

X-RAYS

- Failure to provide to examining doctor, motion to strike for, **12:31-12:33**