Publisher's Note

An Update has Arrived in Your Library for:

Please circulate this notice to anyone in may be interested in	n your office who this publication. Distribution List

O'BRIEN'S DIVISION VIII ONTARIO — COURT FORMS

by W. Bruce Drake and Christopher Wirth Release No. 2, October 2025

What's New in this Update:

This release features updates Chapter 1, Preliminary Matters and Chapter 27, Applications.

Highlights include updates to:

Preliminary Matters — Case Management — Rule 77.02 exempts certain matters from Case Management:

 actions or applications placed on the Commercial List established by practice direction in the Toronto Region

Thomson Reuters® Customer Support

1-416-609-3800 (Toronto & International) 1-800-387-5164 (Toll Free Canada & U.S.)

 $\hbox{E-mail Customer Support. Legal Tax Canada@TR.com}\\$

This publisher's note may be scanned electronically and photocopied for the purpose of circulating copies within your organization.

- applications under Rule 2.2 (Vexatious Litigant Orders);
- actions or applications under Rule 74, 74.1 or 75 (Estates);
- applications for the removal or replacement of personal representatives under the *Trustee Act*;
- applications under Part V of the Succession Law Reform Act
- applications for guardianship of property or persons under the *Substitute Decisions Act*, 1992;
- actions under Rule 64 (Mortgage Actions);
- actions under Rule 76 (Simplified Procedure);
- actions or applications under the *Construction Act*, except trust claims;
- actions or applications under the federal *Bankruptcy and Insolvency Act*; and
- actions or applications under the *Class Proceedings Act*, 1992 that have been certified as class proceedings (if certification has been denied, then Case Management applies).

Preliminary Matters — Mandatory Mediation — The exceptions about which proceedings require mediation pertain to estates, trust or substitute decision cases which have their own procedures under Rule 75.1 and forms which are dealt with more fully in Chapter 30. Merely because an estate or trust is a party to a proceeding is not a sufficient reason to use the estate mandatory mediation procedures under Rule 75.1. It is only when one of the specific types of proceedings contemplated by Rule 75.1 is involved that the estates mandatory mediation procedures are used. Otherwise, the Rule 24.1 procedures apply even when an estate or trust is a party to the proceedings. Other exceptions include:

- Actions subject to mediation under section 258.6 of the *Insurance Act*, R.S.O. 1990, c. I.8, in certain circumstances:
- Actions placed on the Commercial List established by practice direction in the Toronto Region;
- Actions under rules 64 (Mortgage Actions);
- Actions under the *Construction Act*, R.S.O. 1990, c. C.30, except trust claims;
- Actions under the Bankruptcy and Insolvency Act, (R.S.C., 1985, c. B-3); and
- Actions certified as class proceedings under the *Class Proceedings Act*, 1992, unless the certification has been denied, in which case mandatory mediation applies.

Now available on WestlawNext Canada

The following O'Brien's Divisions are available on WestlawNext Canada:

Division I, Commercial and General

Division II, Corporations

Division IV, Leases

Division V, Wills and Trusts

Division VI, Ontario — Family Law

Division VII, Labour Relations and Employment

Division VIII, Ontario — Court Forms

Division IX, Municipal Corporations

Division X, Computers and Information Technology

Master Subject Index

Subscribers must register in order to receive an access code. If you are not a registered user, please contact Customer Support at CustomerSupport.LegalTaxCanada@TR.com or call 1-416-609-3800, toll free 1-800-387-5164.