

Index

ABRIDGMENT OF TIME

Generally, **4:18**

ABSCONDING DEBTORS ACT

Generally, **4:115**

ABSENTEE

Personal service on, **4:42**

ABSENTEES ACT

Generally, **4:21**

ABUSE OF PROCESS

Authority of court, **3:176**

Costs on motion, **4:99**

Summons a witness, **4:107**

ACCEPTANCE OF OFFER

See Offer to settle

ACTIONS

Place of commencement and trial,
4:33

Settlement conference required,
4:75

ADJOURNMENT

Generally, **4:100, 4:101**

Motion, **4:97**

Trial, **4:102**

ADMINISTRATION OF JUSTICE ACT

Generally, **4:109**

ADMISSIONS

Defence, in, **4:54**

AFFIDAVITS

Consolidation orders, **4:123**

Default judgment, **4:62 to 4:64**

Default of payment, **5:1 (Form
20M)**

AFFIDAVITS—Cont'd

Enforcement requests, for, **4:115 to
4:126**

form, **5:1 (Form 20P)**

personal property, **4:119, 4:120**

Establishing proper forum, **4:33 to
4:35**

Evidence on motion

see Motions

Fee waiver requests, **5:5**

Garnishment, **4:122**

General, **5:1 (Form 15B)**

Jurisdiction, for, **5:1 (Form 11A)**

Motions, **4:93**

form, **5:1 (Form 15B)**

Partnership, proceeding by or

against, **4:27 to 4:32**

Service, of, **4:43, 4:46, 5:1 (Form
8A)**

Trial, use at, **4:105**

Writ of seizure and sale of land, **5:1
(Form 20O)**

AGENTS

See Parties; Solicitors

AGREED FACTS

Generally, **3:43**

AMENDMENT

Claim, **4:72**

Court, by, **4:73**

Defence, **4:72**

Response, whether required in, **4:72**

Service of amended document, **4:72**

added party, upon, **4:72**

limitation period, **4:72**

“ANTI-SLAPP” MOTIONS

Not in Small Claims Court, **1:5,
3:169**

APPEALS

- Generally, **3:47**
- Costs, **3:164**
- Court of Appeal, **3:4 to 3:11**
- Divisional Court, **3:165**
- Financial viability of, **6:1**
- Judicial review, **6:1**
- Procedure on, **6:1**
 - affected by COVID-19, **6:1**
- Review, standard of, **6:1**
- Right of appeal, **6:1**
- Second potential appeal, **6:1**
- What is an appeal, **6:1**

APPROVAL

- Offer to settle, party under disability, **4:25**

ARREST

- Warrant of committal, **4:125, 5:1 (Form 20J)**
- Witness who fails to attend, **4:107**

ARTICLED STUDENTS

- Right to appear before courts/tribunals, **4:112**

ASSESSMENT OF COSTS

- See Costs

AWARDS

- See Costs; Damages

BAIL ACT

- Generally, **4:115**

BANK ACT

- Generally, **4:115**

**BANKRUPTCY AND
INSOLVENCY ACT**

- Generally, **4:115**

BIAS, JUDICIAL

- Generally, **3:47**

BILINGUAL PROCEEDINGS

- Generally, **3:156, 3:157**
- How to obtain, **5:6**

CANADA SHIPPING ACT

- Generally, **4:115**

CAPACITY

- Party under disability, see Parties under disability

CASE MANAGEMENT MASTERS

- Generally, **3:112, 3:113**

**CERTIFICATE OF PENDING
LITIGATION**

- Generally, **3:133**

CHILDREN'S LAWYER

- See Litigation guardian; Parties under disability

CHOICE OF LAW

- Generally, **4:33**

CLAIM

- See also Commencement of proceedings
- Striking out, **4:73**

CLERKS

- See Small Claims Court

**COMMENCEMENT OF
PROCEEDINGS**

- Plaintiff's claim, **4:36, 5:1 (Form 7A)**
 - based on document, **4:36**
 - contents, **4:36**
 - electronic filing, **4:36**

COMMITAL, WARRANT OF

- Generally, **4:125**

COMMON LAW AND EQUITY

- Generally, **3:126**

COMPLIANCE

- Dispensing with compliance with rules, **4:16**

COMPUTATION OF TIME

- See Time

CONSENT

- Clerk's order, **4:62**
- request for, **5:1 (Form 11.2A)**
- General, **5:1 (Form 13B)**
- Litigation guardian agreeing to act, **4:20**

CONSOLIDATION ORDER

- Generally, **4:117**
- Adding creditors after order made, **4:123**
- Affidavit supporting, **4:123**
- Contents, **4:123**
- Creditor's submissions, **4:123**
- Enforcement limited during duration of, **4:123**
- Equal distribution among creditors, **4:123**
- Notice of motion, **4:123**
- Proceedings in different courts, **3:137**
- Termination
 - default, **4:123**
 - effect, **4:123**
 - subsequent order against debtor, **4:123**
- Wages Act, subject to, **4:123**
- When made, **4:123**

CONSTRUCTION OF RULES

- Generally, **4:4**

CONTEMPT

- Debtor examination, **4:124**
- Hearing, **3:46, 4:125**
- Nature of, **4:125**
- Notice of contempt hearing, **4:125**
- Orders, **4:123**
- Setting aside order for contempt hearing, **4:125**
- Warrant for arrest, **4:115**
- Warrant of committal, **4:115, 4:124, 4:125, 5:1 (Form 20J)**
- Wilful failure to attend examination, **4:115**

CORPORATIONS

- Service, **4:42, 4:43**

COSTS

- Generally, **4:108 to 4:114**
- Assessment officers, **3:120**
- Compensation for inconvenience/expense, **4:113**
- Disbursements, **4:109**
- Discretion of court, **3:162**
- Interest, **3:159, 3:160**
- Jurisdiction to grant costs immunity, **3:137**
- Limit on, **3:45, 4:110**
- Litigation guardian, **3:119**
- Motions, **1:5, 4:99**
- Multi-day trials, **4:112**
- Offer to settle, **4:87, 4:92**
 - plaintiff, **4:92**
 - self-represented party, **4:92**
- Penalty, **4:114**
- Postjudgment interest, **3:160**
- Prejudgment interest exclusion, **3:159**
- Representation fee, **4:112**
- Request to clerk for assessment hearing, **1:3**
- Security for, **1:5**
- Self-represented parties, **1:5, 4:112**
- Service outside Ontario, **4:45**
- Settlement conference, **4:84**
- Student-at-law, **4:112**
- Subsequent, **4:112**
- Trial, **4:109**

COUNTERCLAIM

- Generally, **4:56**
- Application of rules to, **4:60**
- Contents, **4:56**
- Defence to, **4:58**
- Issuance, **4:56**
- Service, **4:57**
- Third party rights, **4:59**
- Tried within main action, **4:59**

COURT FORMS

See Forms

COURTS, ADMINISTRATION OF

See Payment into court; Payment out of court

Annual report, **3:104**

Appointment of staff, **3:95**

Attorney general role, **3:94**

Chief judge powers, **3:97**

Courts Advisory Council, **3:100**

Courts Management Advisory Committee, **3:101 to 3:103**

Definition, **4:3**

Destruction of documents, **3:96**

Direction of staff, **3:98**

Disposition of court fees, **3:124**

Goals, **3:93**

Jurisdiction, **3:21**

Memo of understanding, **3:99**

Payment into and out of court, **3:38**

Public access to court files and documents, **3:168**

COVID-19 PANDEMIC

Effect on courts, **1:1 to 1:3**

Effect on procedure in appeals, **6:1**

Practice directions, **1:1 to 1:3**

Suspension of court operations, **1:3**

CREDITOR

Defined, **4:115**

CRIMINAL CODE

Restitution orders, **4:115**

Summary conviction proceedings, **3:42**

CRIMINAL RULES COMMITTEE

Generally, **3:90**

Rules, **3:91**

DAMAGES

Advance payments, **3:151**

Appeal, **3:150**

Assessment, **1:5, 3:148**

DAMAGES—Cont'd

Assessment at trial, default judgment, **4:64**

service of order, **4:41**

Court giving guidance to jury, **3:149**

Liquidated, defendant default judgment, **4:62**

Periodic payment, **3:146**

medical malpractice, **3:147**

Review, **3:146**

Set-off of debts, **3:141**

DEBTOR

See also Enforcement of orders; Examination of debtor

Defined, **4:115**

Examination in aid of execution, **4:124**

Financial information form, **4:124**

DECLARATORY ORDERS

Generally, **3:127**

DEFAULT JUDGMENT

See also Default proceedings

Consequences of, **4:65**

Debt, **4:62**

Defendant's claim, **4:64**

Failure of defendant to appear, **4:54**

General, **5:1 (Form 11B)**

Liquidated claims, **4:62**

Onus, **4:63**

Plaintiff's claim, **4:62**

Scenarios, **4:62**

Service of, **4:41, 4:62, 4:63**

Setting aside, **4:66**

Unliquidated claims, **4:63**

DEFAULT OF PAYMENT

Affidavit, **5:1 (Form 20M)**

Notice, **5:1 (Form 20L)**

DEFAULT PROCEEDINGS

Availability of remedy to plaintiff, **4:61**

Consequences, **4:65**

DEFAULT PROCEEDINGS

—**Cont’d**

- Defendants outside territorial jurisdiction, **4:61**
- No defence delivered, **4:61**
- Party under disability
 - leave required, **4:61**
 - setting aside, **4:24**
- Setting aside judgment, **4:66**

DEFENCE

- Admission of liability, **4:54**
- Based on document, **4:53**
- Contents, **4:53**
- Counterclaim, **4:56**
- Defendant’s claim, to, **4:58**
- Filing, **4:52**
- Financial Information Form, **4:54**
- Proposal for payment, **4:54**
 - disputed by plaintiff, **4:54**
 - request for hearing dispute, **5:1 (Form 9B)**
 - not disputed by plaintiff, **4:54**
 - order for terms of payment, **4:54**
- Service, **4:52**
- Service, manner of, **4:54**
- Striking out, **4:73**

DEFENDANT

- See also Parties; Parties under disability
- Claims by, **4:56, 5:1 (Form 10A)**
 - against whom made, **4:56**
 - agreement preventing, **3:143**
 - application of rules to, **4:60**
 - contents, **4:56**
 - copies provided to court, **4:56**
 - default judgment, **4:60**
 - defence to, **4:58**
 - form, **4:56**
 - issuance, **4:56**
 - service, **4:57**
 - third party rights, **4:59**
 - tried within main action, **4:59**
- Failure to make payments, **4:54**

DEPUTY JUDGES

- See also Small Claims Court
- Generally, **3:48**

DISABILITY

- See also Parties under disability
- Defined, **4:3**
- Parties under, **4:19**

DISBURSEMENTS

- Generally, **4:109**

DISCONTINUANCE

- Generally, **4:63**

DISMISSAL BY CLERK

- Defended actions, **4:67**
- Service, **4:67**
- Undefended actions, **4:67**

DISMISSAL BY COURT

- Generally, **4:73**

DIVISIONAL COURT

- Generally, **2:1, 3:1, 3:20 to 3:57**

DOCUMENTS

- Admission of, **3:43, 4:106**
- E-filing service portal, **4:9**
- Electronic court documents, communications, signatures, **4:8**
- Electronic filing, issuance of, **4:7**
- Standards for, **4:6**
- Submissions online portal, **4:10**

**ELECTRONIC FILING,
ISSUANCE OF DOCUMENTS**

- Claim, issuance of, **4:37**
- Default judgment, **4:41**
- Filing, issuance of documents, **4:7**
- Small Claims Court E-Filing Service Portal, **4:9**
- Writs, **4:121**

**ENFORCEMENT OF BONDS AND
RECOGNIZANCES**

- Generally, **3:179**

**ENFORCEMENT OF CERTAIN
TRADE AGREEMENTS**

Generally, **3:186 to 3:188**

ENFORCEMENT OF ORDERS

Affidavit for enforcement

request(s), **5:1 (Form 20P)**

Assignment of judgments, **4:115**

Bailiff's storage costs, **4:119**

Certificate of default, jurisdiction,
4:115

Certificate of judgment

content, **4:118**

from another location, **4:115**

issuance, **4:118**

Consolidation order, **4:115, 4:123**

see also Consolidation order

Contempt hearing, **4:115, 4:125**

Definitions, **4:115**

Delivery of personal property, **4:119**

Examination of debtor, **4:124**

see also Examination of debtor

Execution Act, **4:115**

Garnishment, **4:122**

see also Garnishment

Limitation period, **4:115**

Limitation upon, **4:116**

Methods of enforcement, **4:117**

Multiple judgments, **4:115**

Periodic payment order in force,
4:116

Personal Property Security Act
search, **4:124**

Police, by, **3:181**

Power of court, **4:116**

Repair and Storage Liens Act, **4:116**

Restitution orders under Criminal
Code, **4:115, 4:125**

Satisfaction of order, **4:126**

Seizure of other personal property,
4:119

Stay due to bankruptcy, **4:116**

Stay of enforcement, **4:116**

Writ of delivery, **4:115, 5:1 (Form
20B)**

ENFORCEMENT OF ORDERS

—Cont'd

Writ of seizure and sale of land,

4:115, 4:121, 5:1 (Form 20D)

affidavit, **5:1 (Form 20O)**

Writ of seizure and sale of personal
property, **4:115, 4:120, 5:1**

(Form 20C)

direction to enforce, **4:120**

duration, **4:120**

inventory of property seized,
4:120

renewal, **4:120, 5:1 (Form 20N)**

sale of property seized, **4:120**

EVIDENCE

See also Motions; Trials

Generally, **4:105 to 4:107**

Generally, **3:43**

Admissibility, **3:43**

Documents, **4:106**

Expert, **3:43**

Forms of, **3:43**

Summons to witness, **4:107**

EXAMINATION OF DEBTOR

Availability, **4:124**

Creditor's affidavit, **4:124**

Duties of person to be examined,
4:124

Financial information form, **4:124**

Notice of examination, **5:1 (Form
20H)**

service, **4:124**

Order as to payment, **4:124**

limitation of enforcement during,
4:124

Private, **4:124**

Scope of examination, **4:124**

Who may be examined, **4:124**

corporate debtors, **4:124**

EXECUTION

See Enforcement of orders; Writs of
execution

EXECUTION ACT

Generally, **4:115**

EXPERT EVIDENCE

Generally, **3:43**

FACTS

Admissions

see Admissions

Agreed, **3:43**

FAMILY COURT

Generally, **3:24 to 3:37**

Family Rules Committee, **3:88**

Rules, **3:89**

**FAMILY LAW MEDIATION AND
INFORMATION SERVICES**

Generally, **3:189**

FEES

Generally, **4:109**

Allowances, and, **5:4**

bailiff, **5:2**

clerk, **5:2**

witnesses, **5:2**

Court of Appeal, **5:5**

Court transcripts, **5:6**

Expert, **4:112**

Sheriffs, **5:4**

Superior Court of Justice, **5:5**

Waiver of, **5:5**

eligibility criteria, **5:5**

exempted fees, **5:5**

exempted persons, **5:5**

forms, **5:5, 5:6**

litigation guardian, by, **5:5**

request for, **5:5**

supporting financial information,
5:5

**FINANCIAL INFORMATION
FORM**

Generally, **4:41, 4:54, 4:122, 5:1**
(Form 20I)

FIRMS

See Partnerships; Sole proprietor-
ships

**FOREIGN JUDGMENTS,
ENFORCEMENT OF**

Generally, **4:33**

**FOREIGN MONEY
OBLIGATIONS**

Generally, **3:152**

FORMS

Generally, **4:11**

Additional debtors, **4:11**

Additional parties, **4:11**

Table of, **4:11, 5:1**

FORUM

See Jurisdiction

FORUM NON CONVENIENS

Generally, **4:33**

**GAG PROCEEDINGS
("ANTI-SLAPP"
LEGISLATION)**

Appeal, **3:171**

Dismissal of proceeding that limits
debate, **3:169**

Procedure, **3:170**

Stay of related tribunal proceeding,
3:172

GARNISHMENT

Availability, **4:122**

Dispute of garnishment, **4:122**

Distribution of money to creditor,
4:122

Enforcement

against garnishee, **4:122**

Equal distribution amongst credi-
tors, **4:122**

Garnishee statement, **4:122, 5:1**
(Form 20F)

Garnishing

Canadian Armed Forces, **4:115,**
4:122

GARNISHMENT—Cont'd

Garnishing—Cont'd

Federal/Provincial employees,
4:115, 4:122

Hearing, **4:122**

Joint debts, **4:122**

Liability of garnishee, **4:122**

Notice of garnishment, **5:1 (Form 20E)**

duration and renewal, **4:122**

financial institution, **4:122**

hearing, **5:1 (Form 20Q)**

issuance, **4:122**

obtaining, **4:122**

service, **4:41, 4:122**

Notice to co-owner of debt, **4:122, 5:1 (Form 20G)**

Payment of money by garnishee
distribution, **4:122**

less than amount due, **4:122**

return of money to garnishee,
4:122

subject to Wages Act, **4:122**

to clerk, **4:122**

to person other than clerk, **4:122**

where debt jointly owned, **4:122**

Small Claims court case flow chart,
4:123

Superior Court garnishments not
having precedence over Small
Claims Court garnishments,
4:122

When garnishee becomes liable,
4:122

**GENERAL POWER TO STAY,
DISMISS**

Action, **4:73**

Motion, **4:73**

GLOSSARY

Legal terms, **6:1**

HOLIDAY

Defined, **4:3**

IDENTIFICATION FORM

Generally, **5:1 (Form 20K)**

INDIAN ACT

Generally, **4:115**

INSPECTION OF PROPERTY

Trial, **4:103**

INSURANCE ACT

Generally, **3:145**

INTEREST

Bank rate, defined, **3:158**

Calculation, **3:158**

Discretion of court, **3:161**

Postjudgment

generally, **3:160**

calculation of, **3:158, 4:115**

costs, **3:160**

Prejudgment

calculation of, **3:158**

entitlement, **3:159**

rate, definition, **3:158**

transitional provisions, **3:159**

Publication of rate, **3:158**

Quarter, defined, **3:158**

Tables, **3:158, 3:159**

INTERPRETERS

Generally, **4:107**

JOINT DEBTS

See Garnishment

JUDGES AND OFFICERS

See also Referees; Small Claims
Court

Bias, **3:47**

Council of judges, **3:67**

Defined, **3:38**

Delayed decisions, **3:154**

Disqualified

failure to give decisions, **3:154**

not to preside after holding pre-
trial, **4:82**

Extra-judicial services, **3:109**

JUDGES AND OFFICERS

—Cont'd

Judicial Appointments Advisory Committee, **3:60, 3:61**
 Judicial council, **3:67 to 3:82**
 Liability, **3:107**
 Oath of office, **3:105**
 Persona designata abolished, **3:106**
 Provincial, **3:59**
 Remuneration of provincial judges, **3:82**

JUDGMENTS

Certificate of judgment, **5:1 (Form 20A)**
 Default
 see Default judgment; Default proceedings
 Enforcement of, foreign, **4:33**
 Enforcement of, generally, **4:115**
 Offer to settle, failure to comply, **4:91**
 Setting aside
 default judgment, **4:66**
 failure to attend trial, **4:101**

JUDICIAL BIAS

Generally, **3:47**

JUDICIAL REGIONS

Generally, **5:1**

JUDICIAL REVIEW

Generally, **6:1**

JURISDICTION

Generally, **3:39**
 Family law matters, **3:39**
 Reasons for judgment, sufficiency of, **1:5**
 Residential tenancy matters, **1:5, 3:39, 4:85 to 4:92, 4:115 to 4:126**

JURISDICTION OF SMALL CLAIMS COURT

Generally, **3:39**
 Affidavit for, **5:1 (Form 11A)**

JURISDICTION OF SMALL CLAIMS COURT—Cont'd

Bankruptcy, **3:39**
 Commencement, place of, **4:33**
 Dividing cause of action to bring within, **4:34**
 Monetary, **1:5, 4:36**
 Monetary, comparative chart of provinces, **5:6**
 Parental Responsibility Act, **2:1, 3:39**
 Residential tenancy cases, **3:39**
 Simpliciter, **4:33**
 Trial, place of, **4:33**

JURY TRIALS

Generally, **3:138**

LANDLORD AND TENANT BOARD

Generally, **3:39, 4:115**

LAND TITLES ACT

Generally, **4:115**

LANGUAGE OF PROCEEDINGS

See Bilingual proceedings

LAW SOCIETY ACT

Generally, **3:42**

LAWYER

See Solicitors

LEAVE

Evidence at trial, **4:106**
 affidavit evidence, **4:105**
 Motions, further, **4:96**
 Parties under disability in default, **4:24**

LEGAL TERMS, GLOSSARY

Generally, **Glossary**

LINE FENCES ACT

Generally, **4:115**

LITIGATION GUARDIAN

See also Parties under disability
 Generally, **3:42**

LITIGATION GUARDIAN

—Cont'd

- Children's lawyer, **3:119, 3:142, 4:22**
 - service on, **4:43**
- Consent to act as defendant's litigation guardian, **5:1 (Form 4A)**
- Consent to act as plaintiff's litigation guardian, **5:1 (Form 4A)**
- Duties, **4:22**
- Public guardian and trustee, **4:22**
 - service on, **4:43**
- Removal or substitution by court, **4:23**

MEMORANDUM

- Settlement conferences, **4:80**

MINING ACT

- Generally, **4:115**

MONETARY LIMITS

- Comparative chart of provinces, **5:6**

MOTIONS

- Adjournment of, **4:97**
- Affidavit in support, **4:93, 5:1 (Form 15B)**
- Commencement, **4:93**
- Costs, **4:99**
- Extension of time, **4:18**
- Forms
 - notice of motion, **5:1 (Form 15A)**
 - service, **4:93**
- Hearing, method of, **4:94**
- Leave, without, **4:96**
- New trial, for, **4:104**
- Notice, without, **1:3, 4:95**
- Notice of motion and affidavit
 - service, **4:93, 4:123**
- Set aside, to, **4:95**
- Small Claims Court flow chart, **4:99**
- Supplementary affidavit, **4:93**
- Telephone/video conferences, **4:12, 5:1 (Form 1B)**
- Types of motion, **4:93**

MOTIONS—Cont'd

- Vary, to, **4:95**
- Withdrawal of, **4:98**
- Writing, in, **4:94**

NEW TRIAL

- Availability, **4:104**
- Conditions, **4:104**
- Powers of court, **4:104**
- Service of transcript, **4:104**
- Transcript, **4:104**

NOTICE

- Co-owner of debt, **5:1 (Form 20G)**
- Default of payment, **5:1 (Form 20L)**
- Examination, **5:1 (Form 20H)**
- Garnishment, **4:122, 5:1 (Form 20E)**
- Garnishment hearing, **5:1 (Form 20Q)**
- Motion, **4:93**
- Sale of property seized under writ, **4:120**
- Trial, generally, **4:100**
- Trial, settlement conferences and, **4:81**
- Withdrawal of offer to settle, **4:88**
- Writ of seizure and sale of personal property, **4:120**

NOTING IN DEFAULT

- See Default judgment/EM;
EMDefault proceedings

OFFER TO SETTLE

- Generally, **2:1**
- Acceptance, **4:90, 5:1 (Form 14B)**
 - payment into court as condition, **4:90**
 - failure to pay into court, **4:90**
- Cost consequences, **4:90, 4:92**
- Expiry when court disposes of claim, **4:88**
- Failure to comply with accepted offer, **4:91**
- Forms, use of, **4:86**

OFFER TO SETTLE—Cont'd
 General, **5:1 (Form 14A)**
 No disclosure to trial judge, **4:89**
 Service, **4:85**
 Terms of settlement, **4:86**
 Time for making, **4:87**
 Withdrawal, **4:88, 5:1 (Form 14C)**
 Written documents, **4:86**

OFFICERS

See Judges and officers

ORDERS

Enforcement
 see Enforcement of orders
 Extending or abridging time, **4:18**
 For restitution, **4:115, 4:125**
 Interlocutory, **3:131**
 Ministry of Labour, **4:115**
 Recovery of personal property,
 3:134
 Setting aside default judgment, **4:66**
 Settlement conferences, **4:79**
 Stay or suspension of pending
 appeal, **4:115**
 Terms, **4:5**

PARALEGAL

Legal services permitted, **3:41**
 Representation, **3:42**
 fee, **4:112**

**PARENTAL RESPONSIBILITY
 ACT**

Generally, **2:1, 3:39, 3:167**

PARTIES

Additional, **5:1 (Form 1A)**
 Costs against successful parties,
 4:109
 Partnerships
 see Partnerships
 Pleadings
 see Pleadings
 References, **4:127**
 Representation, **3:42**
 acting by agent, **3:42**

PARTIES—Cont'd

Representation, **3:42—Cont'd**
 acting by solicitor, **3:42**
 Service
 see Service
 Settlement conferences, attendance
 at, **4:76**
 Sole proprietorships
 see Sole proprietorships
 Trial, failure to attend, **4:101**
 Under disability
 see Parties under disability

PARTIES UNDER DISABILITY

Generally, **4:19**
 Litigation guardian
 absentee
 committee of estate, **4:21**
 public guardian and trustee,
 4:21
 defendant minor
 appointment by court, **4:20**
 consent form, filing, **4:20, 5:1**
 (Form 4A)
 defending action, **4:20**
 mentally incapable person
 attorney under power of
 attorney, **4:21**
 guardian with authority to act,
 4:21
 public guardian and trustee,
 4:21
 plaintiff minor
 commencement of action, **4:19**
 consent form, filing, **4:19, 5:1**
 (Form 4A)
 exception to rule, **4:19**
 who may be, minor, **4:21**
 children's lawyer, **4:21**
 parent, **4:21**
 Setting aside judgment against, **4:24**
 Settlement of claims
 approval of court, **4:25**
 money payable under, **4:26**

PARTNERSHIPS

Generally, **4:27 to 4:32**
Firm name, use of, **4:27**
Notice to alleged partner, **5:1 (Form 5A)**
Parties to an action, as, **4:27**
Proceedings by or against, **4:27**
disclosure of partners, **4:30**
enforcement of orders, **4:31**
notice to alleged partner, **4:29**
persons defending separately, **4:28, 4:29**
persons served with notice deemed to be partners, **4:29**
Service upon, **4:42**

PAYMENT INTO COURT

Accountant's receipt, **4:131**
Bank's duties, **4:131**
Direction, **4:131**
Filing with clerk or accountant, **4:131**
Money payable to party under disability, **4:26**
Offer to settle, **4:90**
Payment, **4:131**
Proof of payment, **4:131**

PAYMENT OUT OF COURT

Accountant's duties, **4:132**
Affidavit, **5:1 (Form 4B)**
Children's lawyer/public guardian and trustee, **4:132**
Documents to be filed, **4:132**
Minor age of majority, **4:132**
Party under disability, **4:26**

PERSONS

Under disability, **4:19, 4:20**

PLAINTIFFS

Counterclaims against
see Counterclaims
Offer to settle
see Offer to settle

PLAINTIFFS—Cont'd

Suing in different capacities, under disability
see Parties under disability

PLEADINGS

See Claim; Defence

POSTJUDGMENT INTEREST

See Interest

PROOF OF SERVICE

See Service

PROPOSED WITNESSES, LIST OF

Generally, **3:43, 4:77, 5:1 (Form 13A)**

PROVINCIAL COURTS

See Small Claims Court

PROVINCIAL OFFENCES ACT

Generally, **3:56, 4:115**

PROVINCIAL OFFENCES RULES

Generally, **3:92**

PUBLIC ACCESS

Court files and documents, **3:168**
Hearings, **3:166**

REAL EVIDENCE

Generally, **4:105**

RECIPROCAL ENFORCEMENT OF JUDGMENTS ACT

Generally, **4:115**

RECOVERY OF COSTS

See Costs

REFEREES

Generally, **4:127**
Examination of debtor, **4:124**
Function, **4:127**
Powers, **4:127**

REGIONAL SENIOR JUSTICES

See also Small Claims Court
List of, **5:3**

**REPAIR AND STORAGE LIENS
ACT**

Enforcement of orders under, **4:116**
Jurisdiction, **2:1, 3:39**
Procedure, **3:145**

**REPRESENTATION BY
SOLICITOR**

See Solicitors

**REPRESENTATION BY
UNAUTHORIZED PERSONS**

Generally, **4:13**

**RESTITUTION ORDERS,
CRIMINAL CODE, UNDER**

Generally, **4:115, 4:125**

RULES

Admission of documents under
18.02, **3:43**
limits on, **1:5**
Citation, **4:2**
Construction, **4:4**
Matters not provided for, **4:4**
Non-compliance
dispensing with compliance, **4:16**
effect, **4:15**

SECURITY

Court proceedings, **3:145**

**SELF-REPRESENTED
LITIGANTS**

Defined, **4:3**
Judges, general suggestions for,
4:100

SERVICE

See also Service outside Ontario
Generally, **4:40 to 4:51**
Affidavit of service, **4:46, 5:1**
(**Form 8A**)
Alternatives to personal service,
4:43
acceptance of service by lawyer
or paralegal, **4:43**

SERVICE—Cont'd

Alternatives to personal service,
4:43—Cont'd
service at place of residence,
4:43
service by mail to last known
address, **4:43**
service on corporation by mail,
4:43
Amended document, **4:72**
Assessment order, **4:41**
Chart, documents and service rules,
4:50 to 4:51
Claim, **4:41**
limitation period, **4:41**
Costs of effecting, **4:109**
Courier, by
generally, **4:48**
alternative, as, **4:43**
Deemed service
failure to receive document, **4:51**
Default judgment, **4:41**
Defendant's claim, **4:57**
Documents not referred to in rules,
4:41
E-mail, by
generally, **4:49**
Children's Lawyer, on, **4:43**
clerk, by, **4:49**
Crown, on, **4:43**
effective date, **4:49**
Public Guardian and Trustee, on,
4:43
requirements, **4:49**
Mail, by
generally, **4:47**
effective date, **4:43, 4:47**
exceptions, **4:47**
Notice of change of address, **4:50**
Notice of contempt hearing, **4:41**
Notice of default judgment, **4:41**
Notice of examination, **4:41**
Notice of garnishment, **4:41, 4:122**
Notice of judgment debtor examina-
tion, **4:124**

SERVICE—Cont’d

Notice of motion and affidavit, **4:93**
Notice of trial, **4:100**
Offer to settle, **4:85**
Outside Ontario, **4:45**
Personal service
absentee, **4:42**
board or commission, **4:42**
corporation, **4:42**
Crown in right of Canada, **4:42**
Crown in right of Ontario, **4:42**
individual, **4:42**
mentally incapable person, **4:42**
minor, **4:42**
municipality, **4:42**
partnership, **4:42**
person outside Ontario carrying
on business in Ontario, **4:42**
sole proprietorship, **4:42**
Proof of service, **4:46**
“Self-represented” defined, **4:3**
Settlement conference order, **4:41**
Substituted service, **4:44**
Summons to witness, **4:41, 4:107**

SERVICE OUTSIDE ONTARIO

Generally, **4:45**

SETTING ASIDE

Default judgment, **4:66**
Judgment against party who failed
to attend trial, **4:101**
Non-compliance with Rules, **4:15,**
4:16

SETTLEMENT CONFERENCE

Attendance, **4:76**
Costs, **4:84**
Dismissal of action, **1:5, 4:79**
General, **1:3, 2:1**
Judge, presiding, **4:82**
Memorandum, **4:80**
Notice of trial, **4:81**
Orders, **4:79**
Purposes of, **4:77**
Recommendations, **4:78**

SETTLEMENT CONFERENCE

—Cont’d

Requirement of, **4:75**
Service of order, **4:41**
Withdrawal of claim, **4:83**

SETTLEMENTS

Approval where party under disability, **4:25**
Offers to settle
see Offer to settle
Pre-trial conference
general, **4:76**
telephone/video, **4:12, 5:1 (Form 1B)**
terms of, **5:1 (Form 14D)**

SETTLING AND SIGNING ORDERS

See Orders

SHERIFF

Warrant of committal, **5:1 (Form 20J)**
Writ of delivery, **5:1 (Form 20B)**
Writ of seizure and sale of land, **5:1 (Form 20D)**
Writ of seizure and sale of personal
property, **5:1 (Form 20C)**

SMALL CLAIMS COURT

Generally, **3:38**
Affidavits, **4:11, 5:1 (Form 15B)**
Appeals, **3:47**
Branch of the Superior Court of
Justice (formerly Ontario
Court (General Division)),
3:38
Case flow chart, **4:78, 4:99, 4:123**
Clerks
appointment, **3:95**
communication by email, **4:8**
fees and allowances, **5:2**
order of, request for, **5:1 (Form 11.2A)**
request of, **5:1 (Form 9B)**

SMALL CLAIMS COURT—Cont'd

- Composition of court for hearings, **3:40**
- Continuation of action, **3:39**
- Costs, limitation, **3:45**
- Court forms, **4:11, 5:1**
- Court offices, **5:2**
- Deputy judges, **3:48, 3:49**
- E-filing service portal, **4:9**
- Evidence, **3:43**
- Interpreters, **4:107**
- Judges
 - generally, **3:115 to 3:117, 5:6**
 - jurisdiction, **3:38**
 - regional senior, **5:6**
- Jurisdiction, **3:39**
 - comparative chart of provinces, **5:6**
- Ontario Courts Advisory Council, **3:100**
- Ontario Courts Management Advisory Committee, **3:101 to 3:103**
- Orders
 - enforcement, **3:46, 3:177, 4:115 to 4:126**
 - instalment, **3:44**
- Referee, **3:95**
- Regional Courts Management Advisory Committee, **3:103**
- Representation, **3:42**
- Rules, **3:87**
- Rules Committee, **3:86**
- Submissions online portal, **4:10**
- Summary hearings, **3:41**
- Transfer from Superior Court of Justice (formerly Ontario Court (General Division)), **3:39**
- Warrants of committal, **4:115, 4:125, 5:1 (Form 20J)**

SOLE PROPRIETORSHIPS

- Application of partnership rules to, **4:32**
- Proceedings by and against, **4:32**

SOLICITORS

- Generally, **3:42**
- Accounts, **4:62**
- Ceasing to represent, **4:14**

STANDARDS FOR DOCUMENTS

- Generally, **4:6**

**STATUTORY POWERS
PROCEDURE ACT**

- Generally, **4:115**

STRIKING OUT

- Action off trial list, **4:101**
- Claim, **4:73**
- Defence, **4:73**

STUDENTS-AT-LAW

- Authority to appear before courts/tribunals, **4:112**

SUMMARY JUDGMENT

- Motion for, **3:41**

SUMMONS TO WITNESS

- Attendance money, **4:107**
- Contents, **4:107**
- Detention of witness for failure to attend, **4:107**
- Identification form, **4:107, 5:1 (Form 20K)**
- Interpreter, **4:107**
- Service, **4:41**

SUPERIOR COURT OF JUSTICE

- Appeals to, **3:19**
- Transfer from Small Claims Court, **1:5, 3:39**
- Transfer to Small Claims Court, **1:5, 3:39**

TELEPHONE CONFERENCE

- Arrangements for, **4:12**
- Availability of, **4:12**
- Balance of convenience, **4:12**
- General, **5:1 (Form 1B)**
- Request for, **4:12**
- Setting aside/varying order, **4:12**

TERMS

Adjournment of trial, **4:102**
Amendments, **4:15, 4:72**
Setting aside default judgment, **4:66**
Stay of enforcement, **4:116**

THIRD PARTIES (FORMERLY)

Generally, **4:56**
Availability of third party claim,
4:56
Contents, **4:56**
Defence, **4:58**
Defence of main action by third
party, **4:58**
Issuance, **4:56**
Rights of, **4:59**

TIME

Generally, **4:17**
Abridgment, **4:18**
Computation, **4:17**
Defence, **4:56**
Disputing garnishment, **4:122**
Extension
 consent of parties, **4:18**
 powers of court, **4:18**
Motions
 filing affidavit, **4:93**
 filing notice of motion, **4:93**
New trial, **4:104**
Offers to settle, **4:87**
Service by mail, **4:47**
Stay pending appeal, **4:116**
Third party claims (formerly), **4:56**

TRADE AGREEMENTS

ENFORCEMENT

Generally, **3:186**
Enforcement to pay tariff costs,
3:187
Regulations, **3:188**

TRANSFERS

Action, on consent, **3:39**
Action, within monetary jurisdic-
tion of lower court, **3:39**
Action in wrong forum, **3:140**

TRANSITIONAL PROVISIONS

Prejudgment interest, **3:159**

TRIALS

Adjournment, **4:100, 4:102, 4:106**
Amendment of pleadings, **4:72**
Assessment of damages, **3:148**
Cross-examine, right to, **1:5**
Dates, **1:3, 4:100**
Defendant failing to attend, **4:101**
Estimated time for, **4:100**

Evidence

affidavit, **4:105**
documents, **4:106**
written statements, **4:106**
 cross-examination of witness/
 author, **4:106**
 particulars of witness/author,
 4:106

Failure of party to attend, **4:101**

Inspection of real or personal prop-
erty, **4:103**

Motion for new trial, **4:104**

conditions, **4:104**
powers of court, **4:104**
transcripts, **4:104**

Notice of trial, **4:100**

service of, **4:100**

Preparation, **4:76**

Public access, **3:166**

Reference to referee, **4:127**

Setting action down for, **4:100**

Setting aside judgment made in
party's absence, **4:101**

Witness

apprehension, **4:107**
failure to attend, **4:107**
summons, **4:107, 5:1 (Form
18A)**
 abuse of power, **4:107**
warrant for arrest, **4:107, 5:1
(Form 18B)**

UNDEFENDED ACTIONS

Affidavit evidence permitted at trial,
4:105

UNDEFENDED ACTIONS

—Cont’d

Discontinuance by plaintiff, **4:63**

VEXATIOUS PROCEEDINGS

Generally, **1:5**

Availability of order prohibiting,
3:176

Leave to proceed, **3:176**

Summary dismissal of, **1:5**

VIDEO CONFERENCE

Arrangements for, **4:12**

Availability of, **4:12**

Balance of convenience, **4:12**

General, **5:1 (Form 1B)**

Request for, **4:12**

Setting aside/varying order, **4:12**

WAGES ACT

Generally, **4:115, 4:122, 4:123**

WARRANTS

Arrest

contempt, **4:115**

failure to attend or remain at trial,
4:107

WARRANTS—Cont’d

Committal, **4:115, 4:125, 5:1**
(Form 20J)

WITHDRAWAL

Offer to settle, **4:88**

deemed, **4:88**

WITNESSES

Fees payable to, **5:2**

List of proposed, **3:43, 4:77, 5:1**
(Form 13A)

WRITS

Writ of delivery, **5:1 (Form 20B))**

Writ of seizure and sale of land, **5:1**
(Form 20D)

affidavit, **5:1 (Form 20O)**

electronically filed request, **4:121**

request to renew, **1:5, 4:121, 5:1**
(Form 20N)

Writ of seizure and sale of personal
property, **5:1 (Form 20C)**

general, **5:1 (Form 20C)**

holding period, **4:115**

request to renew, **5:1 (Form**
20N)