

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, **3:177**
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, 4:34**
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, **3:170**

APPEALS

- Generally, **3:47**
- Costs, **3:163**
- Court of Appeal, **3:4 to 3:11**
- Divisional Court, **3:166**
- Financial viability of, **6:1**
- Judicial review, **6:1**
- Leave to appeal required, **3:165**
- Own decision, not to hear appeal, **3:164**
- Powers, **3:166**
- 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, **3:157, 3:158**
- How to obtain, **5:6**

CANADA SHIPPING ACT

- Generally, **4:115**

CAPACITY

- Party under disability, see Parties under disability

**CERTIFICATE OF PENDING
LITIGATION**

- Generally, **3:134**

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, **3:127 to 3:131**

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, **3:138**
- 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**

CONSUL

- Official representative, **3:183**

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)**

CONTEMPT—Cont'd

- 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, **3:160, 3:161**
- Jurisdiction to grant costs immunity, **3:138**
- 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, **3:161**
- Prejudgment interest exclusion, **3:160**
- Representation fee, **4:112**
- Request to clerk for assessment hearing, **1:3**
- Self-represented parties, **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**

COUNTERCLAIM—Cont'd

Tried within main action, **4:59**

COURT FORMS

See Forms

COURT PROCEEDINGS

Application of part, **3:126**

COURTS, ADMINISTRATION OF

See Payment into court; Payment out of court

Annual report, **3:105**

Appointment of staff, **3:96**

Attendance at meetings, conferences, seminars, **3:109**

Attorney general role, **3:95**

Chief judge powers, **3:98**

Court officers and staff, **3:96**

Courts Advisory Council, **3:101**

Courts Management Advisory Committee, **3:102 to 3:104**

Definition, **4:3**

Destruction of documents, **3:97**

Direction of staff, **3:99**

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

Goals, **3:94**

Jurisdiction, **3:21**

Memo of understanding, **3:100**

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

Public access to court files and documents, **3:169**

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, **3:91**

Rules, **3:92**

DAMAGES

Advance payments, **3:152**

Appeal, **3:151**

Assessment, **3:149**

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

service of order, **4:41**

Court giving guidance to jury, **3:150**

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

Periodic payment, **3:147**

medical malpractice, **3:148**

Review, **3:147**

Set-off of debts, **3:142**

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, **3:128**

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)**

DEFAULT OF PAYMENT—Cont'd
Notice, **5:1 (Form 20L)****DEFAULT PROCEEDINGS**Availability of remedy to plaintiff,
4:61Consequences, **4:65**Defendants outside territorial juris-
diction, **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 dis-
abilityClaims by, **4:56, 5:1 (Form 10A)**against whom made, **4:56**agreement preventing, **3:144**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****DEFENDANT—Cont'd**Claims by, **4:56, 5:1 (Form 10A)**

—Cont'd

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, com-
munications, signatures, **4:8**Electronic filing, issuance of, **4:7**Seal of court, **3:185**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**

**ELECTRONIC FILING,
ISSUANCE OF DOCUMENTS**

—Cont'd

Small Claims Court E-Filing Service Portal, **4:9**

Writs, **4:121**

**ENFORCEMENT OF BONDS AND
RECOGNIZANCES**

Generally, **3:180**

**ENFORCEMENT OF CERTAIN
TRADE AGREEMENTS**

Generally, **3:187 to 3:189**

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, **3:182**

Power of court, **4:116**

ENFORCEMENT OF ORDERS

—Cont'd

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)**

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**

EXAMINATION OF DEBTOR**—Cont'd**

- 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, **3:89**
- Rules, **3:90**

FAMILY LAW MEDIATION AND INFORMATION SERVICES

- Generally, **3:190**

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**

FEES—Cont'd

- Waiver of, **5:5—Cont'd**
 - 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 proprietorships

FOREIGN JUDGMENTS, ENFORCEMENT OF

- Generally, **4:33**

FOREIGN MONEY OBLIGATIONS

- Generally, **3:153**

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, **3:172**
- Dismissal of proceeding that limits debate, **3:170**
- Joint liability, **3:176**
- Multiplicity proceedings, **3:175**
- Procedure, **3:171**
- Stay of related tribunal proceeding, **3:173**

GARNISHMENT

- Availability, **4:122**
- Dispute of garnishment, **4:122**
- Distribution of money to creditor, **4:122**
- Enforcement
 - against garnishee, **4:122**
- Equal distribution amongst creditors, **4:122**
- Garnishee statement, **4:122, 5:1 (Form 20F)**
- Garnishing
 - Canadian Armed Forces, **4:115, 4:122**
 - 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**

GARNISHMENT—Cont'd

- 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, **3:146**
- INTEREST**
 - Bank rate, defined, **3:159**
 - Calculation, **3:159**
 - Discretion of court, **3:162**
 - Postjudgment
 - generally, **3:161**
 - calculation of, **3:159, 4:115**
 - costs, **3:161**
 - Prejudgment
 - calculation of, **3:159**
 - entitlement, **3:160**
 - rate, definition, **3:159**
 - transitional provisions, **3:160**
 - Publication of rate, **3:159**
 - Quarter, defined, **3:159**
 - Tables, **3:159, 3:160**
- INTERPRETERS**
 - Generally, **4:107**
- JOINT DEBTS**
 - See Garnishment

JUDGES AND OFFICERS

- See also Referees; Small Claims Court
- Associate judges, **3:113, 3:114**
- Bias, **3:47**
- Council of judges, **3:67**
- Defined, **3:38**
- Delayed decisions, **3:155**
- Disqualified
 - failure to give decisions, **3:155**
 - not to preside after holding pre-trial, **4:82**
- Extra-judicial services, **3:110**
- Judges addressed, **3:112**
- Judges gowns, **3:111**
- Judicial Appointments Advisory Committee, **3:60, 3:61**
- Judicial council, **3:67 to 3:82**
- Liability, **3:108**
- Lieutenant Governor, regulations, **3:85, 3:119**
- Meetings, **3:84**
- Oath of office, **3:106**
- Officers of court, **3:122 to 3:124**
- Persona designata abolished, **3:107**
- Provincial, **3:59**
 - full and part-time service, **3:62**
- Remuneration of provincial judges, **3:83**

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**
- Counties judicial purposes, **3:192**

JUDICIAL REVIEW

- Generally, **6:1**

JURISDICTION

- Generally, **3:39**
- Family law matters, **3:39**
- Federal court, **3:186**
- Reasons for judgment, sufficiency of, **1:5**
- Residential tenancy matters, **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)**
- 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, **3:139**

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**
Children's lawyer, **3:119, 3:143,**
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, **5:7**

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**

MOTIONS—Cont'd

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**
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**
Resuming administrative dismissal
orders, **1:4**
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**

NOTICE—Cont'd

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**
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, **3:132 to 3:138**
Ministry of Labour, **4:115**
Recovery of personal property, **3:135**
Resuming administrative dismissal notices, **1:4**
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, 3:168**

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**
 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**

PARTIES UNDER DISABILITY

—Cont'd

- Litigation guardian—Cont'd
- mentally incapable person
 - Cont'd
 - 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**

PAYMENT INTO COURT—Cont'd

- 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
- 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, **3:93**

PUBLIC ACCESS

Court files and documents, **3:169**
Hearings, **3:167**

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, **3:146**

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**
Citation, **4:2**
Construction, **4:4**
Matters not provided for, **4:4**
Non-compliance
dispensing with compliance, **4:16**

RULES—Cont'd

Non-compliance—Cont'd
effect, **4:15**

SECURITY

Court proceedings, **3:146**

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 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**

SERVICE—Cont'd

- E-mail, by—Cont'd
 - 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 examination, **4:124**
- 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**
- 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**
- 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**

SMALL CLAIMS COURT—Cont'd

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**
 Civil Rules, **3:88**
 Civil Rules Committee, **3:87**
 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)**
 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**
 Guidelines to determine hearing method, **1:2**
 Interpreters, **4:107**
 Judges
 generally, **3:116 to 3:118, 5:6**
 jurisdiction, **3:38**
 regional senior, **5:6**
 Jurisdiction, **3:39**
 comparative chart of provinces, **5:6**
 Legislative developments, **1:5**
 Ontario Courts Advisory Council, **3:101**
 Ontario Courts Management Advisory Committee, **3:102 to 3:104**
 Orders
 enforcement, **3:46, 3:178, 4:115 to 4:126**

SMALL CLAIMS COURT—Cont'd

Orders—Cont'd
 instalment, **3:44**
 Referee, **3:95**
 Regional Courts Management Advisory Committee, **3:103**
 Representation, **3:42**
 Submissions online portal, **4:10**
 Summary hearings, **3:41**
 Survey of recent case law, **1:6**
 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**

SUMMONS TO WITNESS

—Cont'd

- 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**

TIME—Cont'd

- 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, **3:187**
- Enforcement to pay tariff costs, **3:188**
- Regulations, **3:189**

TRANSFERS

- Action, on consent, **3:39**
- Action, within monetary jurisdiction of lower court, **3:39**
- Proceedings in wrong forum, **3:141**

TRANSITIONAL PROVISIONS

- Prejudgment interest, **3:160**

TRIALS

- Adjournment, **4:100, 4:102, 4:106**
- Amendment of pleadings, **4:72**
- Assessment of damages, **3:149**
- 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 property, **4:103**

TRIALS—Cont'd

- 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, **3:167**
- 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**
- Discontinuance by plaintiff, **4:63**

VEXATIOUS PROCEEDINGS

- Availability of order prohibiting, **3:177**
- Leave to proceed, **3:177**

VIDEO CONFERENCE

- Arrangements for, **4:12**
- Availability of, **4:12**
- Balance of convenience, **4:12**
- General, **5:1 (Form 1B)**

VIDEO CONFERENCE—Cont'd

- 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**
- 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 execution, renewal, **3:191**
- Writ of seizure and sale of land, **5:1 (Form 20D)**
 - affidavit, **5:1 (Form 20O)**
 - electronically filed request, **4:121**
 - request to renew, **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)**

