CHAPTER 1. HOT TOPICS

- § 1:1 Current Practice Directions
- § 1:2 Guidelines to Determine Hearing Method in the Small Claims Court
- § 1:3 Consolidated Notice to the Profession and Public Respecting the Small Claims Court
- § 1:4 Resuming Administrative Dismissal Notices and Orders
- § 1:5 Legislative Developments
- § 1:6 Survey of Recent Case Law

CHAPTER 2. A SELF-HELP OVERVIEW

§ 2:1 How to Proceed in Small Claims Court

CHAPTER 3. COURTS OF JUSTICE ACT

I. INTRODUCTION

- § 3:1 [History]
- § 3:2 [Section 1. Definitions]
- § 3:3 [Section 1.1 References to former names of courts]

II. PART I COURT OF APPEAL FOR ONTARIO (SS. 2-9)

- § 3:4 [Section 2. Court of Appeal]
- § 3:5 [Section 3. Composition of court]
- § 3:6 [Section 4. Assignment of judges from Superior Court of Justice]
- § 3:7 [Section 5. Powers and duties of Chief Justice]
- § 3:8 [Section 6. Court of Appeal jurisdiction]
- § 3:9 [Section 7. Composition of court]
- § 3:10 [Section 8. References to Court of Appeal]
- § 3:11 [Section 9. Meeting of judges]

III. PART II COURT OF ONTARIO (SS. 10-53)

A. SECTION 10

§ 3:12 [Section 10. Court of Ontario]

B. SUPERIOR COURT OF JUSTICE

- § 3:13 [Section 11. Superior Court of Justice]
- § 3:14 [Section 12. Composition of Superior Court of Justice]
- § 3:15 [Section 13. Assignment of judges from Court of Appeal]
- § 3:16 [Section 14. Chief Justice, Associate Chief Justice and regional senior judges of Superior Court of Justice; Senior Judge of Family Court]
- § 3:17 [Section 15. Judges assigned to regions]
- § 3:18 [Section 16. Composition of court for hearings]
- § 3:19 [Section 17. Appeals to Superior Court of Justice]

C. DIVISIONAL COURT

- § 3:20 [Section 18. Divisional Court]
- § 3:21 [Section 19. Divisional Court jurisdiction]
- § 3:22 [Section 20. Place for hearing]
- § 3:23 [Section 21. Composition of court for hearings]

D. FAMILY COURT

- § 3:24 [Section 21.1 Family Court]
- § 3:25 [Section 21.2 Composition of Family Court]
- § 3:26 [Section 21.3 Transitional measure]
- § 3:27 [Sections 21.4–21.6 Repealed 1998, c. 20, Sched. A, s. 5.]
- § 3:28 [Section 21.7 Composition of court for hearings]
- § 3:29 [Section 21.8 Proceedings in Family Court]
- § 3:30 [Section 21.9 Other jurisdiction]
- § 3:31 [Section 21.9.1 Repealed 2020, c. 25, Sched. 2, s. 3.]
- § 3:32 [Section 21.10 Orders of predecessor court]
- § 3:33 [Section 21.11 Place where proceeding commenced]
- § 3:34 [Section 21.12 Enforcement of orders]
- § 3:35 [Section 21.13 Community liaison committee]
- § 3:36 [Section 21.14 Community resources committee]
- § 3:37 [Section 21.15 Dispute resolution service]

E. SMALL CLAIMS COURT

- § 3:38 [Section 22. Small Claims Court]
- § 3:39 [Section 23. Jurisdiction]
- § 3:40 [Section 24. Composition of court for hearings]
- § 3:41 [Section 25. Summary hearings]
- § 3:42 [Section 26. Representation]
- § 3:43 [Section 27. Evidence]

examination] § 3:47 [Section 31. Appeals] § 3:48 [Section 32. Deputy judges] § 3:49 [Section 33. Deputy Judges Council] § 3:50 [Section 33.1 Complaint] F. ONTARIO COURT OF JUSTICE § 3:51 [Section 34. Ontario Court of Justice] § 3:52 [Section 35. Composition of Ontario Court of Justice] § 3:53 [Section 36. Chief Justice, Associate Chief Justice and regional senior judges of Ontario Court of Justice] § 3:54 [Section 37. Judges assigned to regions] § 3:55 [Section 38. Jurisdiction of Ontario Court of Justice] § 3:56 [Section 39. Judge to preside] § 3:57 [Section 40. Appeals] § 3:58 [Section 41. Penalty for disturbance outside courtroom]
 § 3:48 [Section 32. Deputy judges] § 3:49 [Section 33. Deputy Judges Council] § 3:50 [Section 33.1 Complaint] F. ONTARIO COURT OF JUSTICE § 3:51 [Section 34. Ontario Court of Justice] § 3:52 [Section 35. Composition of Ontario Court of Justice] § 3:53 [Section 36. Chief Justice, Associate Chief Justice and regional senior judges of Ontario Court of Justice] § 3:54 [Section 37. Judges assigned to regions] § 3:55 [Section 38. Jurisdiction of Ontario Court of Justice] § 3:56 [Section 39. Judge to preside] § 3:57 [Section 40. Appeals] § 3:58 [Section 41. Penalty for disturbance outside]
 § 3:49 [Section 33. Deputy Judges Council] § 3:50 [Section 33.1 Complaint] F. ONTARIO COURT OF JUSTICE § 3:51 [Section 34. Ontario Court of Justice] § 3:52 [Section 35. Composition of Ontario Court of Justice] § 3:53 [Section 36. Chief Justice, Associate Chief Justice and regional senior judges of Ontario Court of Justice] § 3:54 [Section 37. Judges assigned to regions] § 3:55 [Section 38. Jurisdiction of Ontario Court of Justice] § 3:56 [Section 39. Judge to preside] § 3:57 [Section 40. Appeals] § 3:58 [Section 41. Penalty for disturbance outside]
 § 3:50 [Section 33.1 Complaint] F. ONTARIO COURT OF JUSTICE § 3:51 [Section 34. Ontario Court of Justice] § 3:52 [Section 35. Composition of Ontario Court of Justice] § 3:53 [Section 36. Chief Justice, Associate Chief Justice and regional senior judges of Ontario Court of Justice] § 3:54 [Section 37. Judges assigned to regions] § 3:55 [Section 38. Jurisdiction of Ontario Court of Justice] § 3:56 [Section 39. Judge to preside] § 3:57 [Section 40. Appeals] § 3:58 [Section 41. Penalty for disturbance outside]
F. ONTARIO COURT OF JUSTICE § 3:51 [Section 34. Ontario Court of Justice] § 3:52 [Section 35. Composition of Ontario Court of Justice] § 3:53 [Section 36. Chief Justice, Associate Chief Justice and regional senior judges of Ontario Court of Justice] § 3:54 [Section 37. Judges assigned to regions] § 3:55 [Section 38. Jurisdiction of Ontario Court of Justice] § 3:56 [Section 39. Judge to preside] § 3:57 [Section 40. Appeals] § 3:58 [Section 41. Penalty for disturbance outside]
 § 3:51 [Section 34. Ontario Court of Justice] § 3:52 [Section 35. Composition of Ontario Court of Justice] § 3:53 [Section 36. Chief Justice, Associate Chief Justice and regional senior judges of Ontario Court of Justice] § 3:54 [Section 37. Judges assigned to regions] § 3:55 [Section 38. Jurisdiction of Ontario Court of Justice] § 3:56 [Section 39. Judge to preside] § 3:57 [Section 40. Appeals] § 3:58 [Section 41. Penalty for disturbance outside]
 § 3:52 [Section 35. Composition of Ontario Court of Justice] § 3:53 [Section 36. Chief Justice, Associate Chief Justice and regional senior judges of Ontario Court of Justice] § 3:54 [Section 37. Judges assigned to regions] § 3:55 [Section 38. Jurisdiction of Ontario Court of Justice] § 3:56 [Section 39. Judge to preside] § 3:57 [Section 40. Appeals] § 3:58 [Section 41. Penalty for disturbance outside
Justice] § 3:53 [Section 36. Chief Justice, Associate Chief Justice and regional senior judges of Ontario Court of Justice] § 3:54 [Section 37. Judges assigned to regions] § 3:55 [Section 38. Jurisdiction of Ontario Court of Justice] § 3:56 [Section 39. Judge to preside] § 3:57 [Section 40. Appeals] § 3:58 [Section 41. Penalty for disturbance outside
and regional senior judges of Ontario Court of Justice] § 3:54 [Section 37. Judges assigned to regions] § 3:55 [Section 38. Jurisdiction of Ontario Court of Justice] § 3:56 [Section 39. Judge to preside] § 3:57 [Section 40. Appeals] § 3:58 [Section 41. Penalty for disturbance outside]
 § 3:55 [Section 38. Jurisdiction of Ontario Court of Justice] § 3:56 [Section 39. Judge to preside] § 3:57 [Section 40. Appeals] § 3:58 [Section 41. Penalty for disturbance outside]
 § 3:55 [Section 38. Jurisdiction of Ontario Court of Justice] § 3:56 [Section 39. Judge to preside] § 3:57 [Section 40. Appeals] § 3:58 [Section 41. Penalty for disturbance outside]
§ 3:57 [Section 40. Appeals] § 3:58 [Section 41. Penalty for disturbance outside
§ 3:58 [Section 41. Penalty for disturbance outside
·
G. PROVINCIAL JUDGES
§ 3:59 [Section 42. Appointment of provincial judges]
§ 3:60 [Section 43. Judicial Appointments Advisory Committee]
§ 3:61 [Section 43.1 Judicial Appointments Advisory Committee]
§ 3:62 [Section 44. Full and part-time service]
§ 3:63 [Section 45. Application for order that needs be accommodated]
§ 5:04 Section 46. Outside activities
§ 3:64 [Section 46. Outside activities] § 3:65 [Section 47. Retirement]
§ 3:65 [Section 47. Retirement]
§ 3:65 [Section 47. Retirement] § 3:66 [Section 48. Resignation and election] H. ONTARIO JUDICIAL COUNCIL
§ 3:65 [Section 47. Retirement] § 3:66 [Section 48. Resignation and election] H. ONTARIO JUDICIAL COUNCIL § 3:67 [Section 49. Judicial Council]
§ 3:65 [Section 47. Retirement] § 3:66 [Section 48. Resignation and election] H. ONTARIO JUDICIAL COUNCIL § 3:67 [Section 49. Judicial Council]
§ 3:65 [Section 47. Retirement] § 3:66 [Section 48. Resignation and election] H. ONTARIO JUDICIAL COUNCIL § 3:67 [Section 49. Judicial Council] § 3:68 [Section 50. Complaint against Chief Justice, Associate Chief Justice or regional senior judge of
§ 3:65 [Section 47. Retirement] § 3:66 [Section 48. Resignation and election] H. ONTARIO JUDICIAL COUNCIL § 3:67 [Section 49. Judicial Council] § 3:68 [Section 50. Complaint against Chief Justice, Associate Chief Justice or regional senior judge of the Ontario Court of Justice]

- § 3:72 [Section 51.3 Complaint re provincial judge]
- § 3:73 [Section 51.4 Role of subcommittee]
- § 3:74 [Section 51.5 Mediation]
- § 3:75 [Section 51.6 Adjudication by Council]
- § 3:76 [Section 51.7 Compensation]
- § 3:77 [Section 51.8 Removal for cause]
- § 3:78 [Section 51.9 Standards of conduct]
- § 3:79 [Section 51.10 Continuing education]
- § 3:80 [Section 51.10.1 Establishment of courses]
- § 3:81 [Section 51.11 Performance evaluation]
- § 3:82 [Section 51.12 Consultation]

I. PROVINCIAL JUDGES' REMUNERATION

§ 3:83 [Section 51.13 Remuneration and framework agreement]

J. MISCELLANEOUS

- § 3:84 [Section 52. Meetings of judges]
- § 3:85 [Section 53. Regulations]

IV. PART III (SS. 54-64)

§ 3:86 [Sections 54–64 Repealed 1994, c. 12, s. 19.]

V. PART IV RULES OF COURT (SS. 65–70.1)

A. SECTIONS 65-69

- § 3:87 [Section 65. Civil Rules Committee]
- § 3:88 [Section 66. Civil rules]
- § 3:89 [Section 67. Family Rules Committee]
- § 3:90 [Section 68. Family rules]
- § 3:91 [Section 69. Criminal Rules Committee]

B. CRIMINAL AND PROVINCIAL OFFENCES RULES

- § 3:92 [Section 70. Criminal rules]
- § 3:93 [Section 70.1 Provincial offences rules]

VI. PART V ADMINISTRATION OF THE COURTS (SS. 71–79.3)

- § 3:94 [Section 71. Goals]
- § 3:95 [Section 72. Role of Attorney General]
- § 3:96 [Section 73. Court officers and staff]

m			
TABLE	OF	Contents	٩

§ 3:97	[Section 74. Destruction of documents]
§ 3:98	[Section 75. Powers of chief or regional senior judge]
§ 3:99	[Section 76. Direction of court staff]
§ 3:100	[Section 77. Memoranda of understanding between Attorney General and Chief Justices]
§ 3:101	[Section 78. Ontario Courts Advisory Council]
§ 3:102	[Section 79. Ontario Courts Management Advisory Committee]
§ 3:103	[Section 79.1 Regions]
§ 3:104	[Section 79.2 Regional Courts Management Advisory Committee]
§ 3:105	[Section 79.3 Annual report on administration of courts]

VII. PART VI JUDGES AND OFFICERS (SS. 80-94)

- § 3:106 [Section 80. Oath of office]
- § 3:107 [Section 81. Persona designata abolished]
- § 3:108 [Section 82. Liability of judges and other officers]
- § 3:109 [Section 83. Attendance at meetings, conferences and seminars]
- § 3:110 [Section 84. Extra-judicial services]
- § 3:111 [Section 85. Judges' gowns]
- § 3:112 [Section 86. How certain judges to be addressed]
- § 3:113 [Section 86.1 Associate judges]
- § 3:114 [Section 86.2 Complaint re associate judge]
- § 3:115 [Section 87. Repealed 2020, c. 11, Sched. 5, s. 8.]
- § 3:116 [Section 87.1 Small Claims Court judges]
- § 3:117 [Section 87.2 Small Claims Court Administrative Judge]
- § 3:118 [Section 87.3 Complaint]
- § 3:119 [Section 88. Regulations]
- § 3:120 [Section 89. Children's Lawyer]
- § 3:121 [Section 90. Assessment officers]
- § 3:122 [Section 91. Officers of court]
- § 3:123 [Section 92. Administration of oaths]
- § 3:124 [Section 93. Money held by officer of court]
- § 3:125 [Section 94. Disposition of court fees]

VIII. PART VII COURT PROCEEDINGS (SS. 95–148)

A. SECTION 95

§ 3:126 [Section 95. Application of Part]

В.	COMMON LAW AND EQUITY
§ 3:127 § 3:128 § 3:129 § 3:130	[Section 96. Rules of law and equity] [Section 97. Declaratory orders] [Section 98. Relief against penalties] [Section 99. Damages in substitution for injunction
§ 3:131	or specific performance] [Section 100. Vesting orders]
C.	INTERLOCUTORY ORDERS
§ 3:132	[Section 101. Injunctions and receivers]
§ 3:133	[Section 102. Injunction in labour dispute]
§ 3:134	[Section 103. Certificate of pending litigation]
§ 3:135	[Section 104. Interim order for recovery of personal property]
§ 3:136	[Section 105. Physical or mental examination]
§ 3:137	[Section 106. Stay of proceedings]
§ 3:138	[Section 107. Consolidation of proceedings in
	different courts]
D.	PROCEDURAL MATTERS
§ 3:139	[Section 108. Jury trials]
§ 3:140	[Section 109. Notice of constitutional question]
§ 3:141	[Section 110. Proceeding in wrong forum]
§ 3:142	[Section 111. Set off]
§ 3:143	[Section 112. Report of Children's Lawyer]
§ 3:143 § 3:144	[Section 112. Report of Children's Lawyer] [Section 113. Agreement preventing third party claim or crossclaim]
	[Section 113. Agreement preventing third party
§ 3:144	[Section 113. Agreement preventing third party claim or crossclaim]
§ 3:144 § 3:145	[Section 113. Agreement preventing third party claim or crossclaim] [Section 114. Agreement as to place of hearing]
§ 3:144 § 3:145 § 3:146	[Section 113. Agreement preventing third party claim or crossclaim] [Section 114. Agreement as to place of hearing] [Section 115. Security] [Section 116. Periodic payment and review of damages] [Section 116.1 Periodic payment, medical
§ 3:144 § 3:145 § 3:146 § 3:147 § 3:148	[Section 113. Agreement preventing third party claim or crossclaim] [Section 114. Agreement as to place of hearing] [Section 115. Security] [Section 116. Periodic payment and review of damages] [Section 116.1 Periodic payment, medical malpractice actions]
\$ 3:144 \$ 3:145 \$ 3:146 \$ 3:147 \$ 3:148 \$ 3:149	[Section 113. Agreement preventing third party claim or crossclaim] [Section 114. Agreement as to place of hearing] [Section 115. Security] [Section 116. Periodic payment and review of damages] [Section 116.1 Periodic payment, medical
§ 3:144 § 3:145 § 3:146 § 3:147 § 3:148	[Section 113. Agreement preventing third party claim or crossclaim] [Section 114. Agreement as to place of hearing] [Section 115. Security] [Section 116. Periodic payment and review of damages] [Section 116.1 Periodic payment, medical malpractice actions] [Section 117. Assessment of damages]
\$ 3:144 \$ 3:145 \$ 3:146 \$ 3:147 \$ 3:148 \$ 3:149 \$ 3:150	[Section 113. Agreement preventing third party claim or crossclaim] [Section 114. Agreement as to place of hearing] [Section 115. Security] [Section 116. Periodic payment and review of damages] [Section 116.1 Periodic payment, medical malpractice actions] [Section 117. Assessment of damages] [Section 118. Guidance and submissions]
\$ 3:144 \$ 3:145 \$ 3:146 \$ 3:147 \$ 3:148 \$ 3:149 \$ 3:150 \$ 3:151	[Section 113. Agreement preventing third party claim or crossclaim] [Section 114. Agreement as to place of hearing] [Section 115. Security] [Section 116. Periodic payment and review of damages] [Section 116.1 Periodic payment, medical malpractice actions] [Section 117. Assessment of damages] [Section 118. Guidance and submissions] [Section 119. Power of court on appeal]
\$ 3:144 \$ 3:145 \$ 3:146 \$ 3:147 \$ 3:148 \$ 3:149 \$ 3:150 \$ 3:151 \$ 3:152	[Section 113. Agreement preventing third party claim or crossclaim] [Section 114. Agreement as to place of hearing] [Section 115. Security] [Section 116. Periodic payment and review of damages] [Section 116.1 Periodic payment, medical malpractice actions] [Section 117. Assessment of damages] [Section 118. Guidance and submissions] [Section 119. Power of court on appeal] [Section 120. Advance payments]

[Section 124. Repealed 2009, c. 33, Sched. 2, s.

§ 3:156

20(17).]

E.	LANGUAGE
§ 3:157 § 3:158	[Section 125. Official languages of the courts] [Section 126. Use of French]
F.	INTEREST AND COSTS
§ 3:159	[Section 127. Prejudgment and postjudgment interest rates]
§ 3:160 § 3:161 § 3:162 § 3:163	[Section 128. Prejudgment interest] [Section 129. Postjudgment interest] [Section 130. Discretion of court] [Section 131. Costs]
G.	APPEALS
§ 3:164	[Section 132. Judge not to hear appeal from own decision]
§ 3:165 § 3:166	[Section 133. Leave to appeal required] [Section 134. Powers on appeal]
Н.	PUBLIC ACCESS
§ 3:167 § 3:168	[Section 135. Public hearings] [Section 136. Prohibition against photography, etc., at court hearing]
§ 3:169	[Section 137. Documents public]
I.	PREVENTION OF PROCEEDINGS THAT LIMIT FREEDOM OF EXPRESSION ON MATTERS OF PUBLIC INTEREST (GAG PROCEEDINGS)
§ 3:170	[Section 137.1 Dismissal of proceeding that limits debate]
§ 3:171	[Section 137.2 Procedural matters]
§ 3:172	[Section 137.3 Appeal to be heard as soon as practicable]
§ 3:173 § 3:174	[Section 137.4 Stay of related tribunal proceeding] [Section 137.5 Application]
J.	MISCELLANEOUS
§ 3:175	[Section 138. Multiplicity of proceedings]
§ 3:176	[Section 139. Joint liability not affected by judgment or release]
§ 3:177 § 3:178	[Section 140. Vexatious proceedings] [Section 141. Civil orders directed to sheriffs]

[Section 142. Protection for acting under court § 3:179 § 3:180 [Section 143. Enforcement] § 3:181 [Section 143.1 Repealed 1999, c. 12, Sched. B, s. § 3:182 [Section 144. Orders enforceable by police] § 3:183 [Section 145. Consul as official representative] [Section 146. Where procedures not provided] § 3:184 [Section 147. Seal of court] § 3:185 § 3:186 [Section 148. Jurisdiction of Federal Court]

IX. PART VII.1 ENFORCEMENT OF CERTAIN TRADE AGREEMENTS (SS. 148.1–148.3)

§ 3:187 [Section 148.1 Application]
 § 3:188 [Section 148.2 Enforcement of order to pay tariff costs]
 § 3:189 [Section 148.3 Regulations]

X. PART VIII MISCELLANEOUS (SS. 149–151.1)

§ 3:190 [Section 149. Family law mediation and information services]
§ 3:191 [Section 150. Renewal of writs of execution issued before January 1, 1985]
§ 3:192 [Section 151. References to counties for judicial purposes]
§ 3:193 [Section 151.1 Meaning unchanged]

XI. SCHEDULE [NOT REPRODUCED]

§ 3:194 [Reserved]

CHAPTER 4. RULES OF THE SMALL CLAIMS COURT

I. INTRODUCTION

§ 4:1 [History]

II. RULE 1—GENERAL

- § 4:2 [1.01 Citation]
- § 4:3 [1.02 Definitions]
- § 4:4 [1.03 General Principle]
- § 4:5 [1.04 Orders on Terms]
- § 4:6 [1.05 Standards for Documents]

xvi

- § 4:7 [1.05.1 Electronic Filing, Issuance of Documents]
- § 4:8 [1.05.2 Electronic Court Documents, Communications, Signatures]
- § 4:9 [1.05.3 Small Claims Court E-Filing Service Portal]
- § 4:10 [1.05.4 Small Claims Court Submissions Online Portal]
- § 4:11 [1.06 Forms]
- § 4:12 [1.07 Telephone and Video Conferences—Where Available]
- § 4:13 [1.08 Representation]
- § 4:14 [1.09 Ceasing to be a Representative]

III. RULE 2—NON-COMPLIANCE WITH THE RULES

- § 4:15 [2.01 Effect of Non-Compliance]
- § 4:16 [2.02 Court May Dispense With Compliance]

IV. RULE 3—TIME

- § 4:17 [3.01 Computation]
- § 4:18 [3.02 Powers of Court]

V. RULE 4—PARTIES UNDER DISABILITY

- § 4:19 [4.01 Plaintiff's Litigation Guardian]
- § 4:20 [4.02 Defendant's Litigation Guardian]
- § 4:21 [4.03 Who May Be Litigation Guardian]
- § 4:22 [4.04 Duties of Litigation Guardian]
- § 4:23 [4.05 Power of Court]
- § 4:24 [4.06 Setting Aside Judgment, etc.]
- § 4:25 [4.07 Settlement Requires Court's Approval]
- § 4:26 [4.08 Money to be Paid into Court]

VI. RULE 5—PARTNERSHIPS AND SOLE PROPRIETORSHIPS

- § 4:27 [5.01 Partnerships]
- § 4:28 [5.02 Defence]
- § 4:29 [5.03 Notice to Alleged Partner]
- § 4:30 [5.04 Disclosure of Partners]
- § 4:31 [5.05 Enforcement of Order]
- § 4:32 [5.06 Sole Proprietorships]

VII. RULE 6—FORUM AND JURISDICTION

§ 4:33 [6.01 Place of Commencement and Trial]

- § 4:34 [6.02 No Division for Jurisdictional Purposes]
- § 4:35 [6.03 Repealed O. Reg. 78/06, s. 8(2).]

VIII. RULE 7—COMMENCEMENT OF PROCEEDINGS

- § 4:36 [7.01 Plaintiff's Claim]
- § 4:37 [7.02 Issuing Claim]
- § 4:38 [7.03 Repealed O. Reg. 249/21, s. 3.]
- § 4:39 [7.04 Repealed O. Reg. 249/21, s. 3.]

IX. RULE 8—SERVICE

- § 4:40 [Summary]
- § 4:41 [8.01 Service of Particular Documents—Plaintiff's or Defendant's Claim]
- § 4:42 [8.02 Personal Service]
- § 4:43 [8.03 Alternatives to Personal Service]
- § 4:44 [8.04 Substituted Service]
- § 4:45 [8.05 Service Outside Ontario]
- § 4:46 [8.06 Repealed O. Reg. 521/22, s. 3.]
- § 4:47 [8.07 Service by Mail]
- § 4:48 [8.07.1 Service by Courier]
- § 4:49 [8.08 Service by Email]
- § 4:50 [8.09 Notice of Change of Address]
- § 4:50.50 [8.09.1 Proof of Service]
- § 4:51 [8.10 Failure to Receive Document]

X. RULE 9—DEFENCE

- § 4:52 [9.01 Defence]
- § 4:53 [9.02 Contents of Defence, Attachments]
- § 4:54 [9.03 Admission of Liability and Proposal of Terms of Payment]

XI. RULE 10—DEFENDANT'S CLAIM

- § 4:55 [Introduction]
- § 4:56 [10.01 Defendant's Claim]
- § 4:57 [10.02 Service]
- § 4:58 [10.03 Defence]
- § 4:59 [10.04 Defendant's Claim to be Tried with Main Action]
- § 4:60 [10.05 Application of Rules to Defendant's Claim]

XII. RULE 11—DEFAULT PROCEEDINGS

§ 4:61 [11.01 Noting Defendant in Default]

xviii

- § 4:62 [11.02 Default Judgment, Plaintiff's Claim, Debt or Liquidated Demand]
 § 4:63 [11.03 Default Judgment, Plaintiff's Claim,
- § 4:63 [11.03 Default Judgment, Plaintiff's Claim, Unliquidated Demand]
- § 4:64 [11.04 Default Judgment, Defendant's Claim]
- § 4:65 [11.05 Consequences of Noting in Default]
- § 4:66 [11.06 Setting Aside Noting of Default by Court on Motion]

XIII. RULE 11.1—DISMISSAL BY CLERK

- § 4:67 [11.1.01 Dismissal]
- § 4:68 [11.1.02 Effect of dismissal on defendant's claim]

XIV. RULE 11.2—REQUEST FOR CLERK'S ORDER ON CONSENT

§ 4:69 [11.2.01 Consent Order]

XV. RULE 11.3—DISCONTINUANCE

- § 4:70 [11.3.01 Discontinuance by Plaintiff in Undefended Action]
- § 4:71 [11.3.02 Effect of Discontinuance on Subsequent Action]

XVI. RULE 12—AMENDMENT, STRIKING OUT, STAY AND DISMISSAL

- § 4:72 [12.01 Right to Amend]
- § 4:73 [12.02 Motion to Strike out or Amend a Document]
- \$ 4:74 [12.03 Stay or Dismissal if No Leave under *Courts of Justice Act*]

XVII. RULE 13—SETTLEMENT CONFERENCES

- § 4:75 [13.01 Settlement Conference Required in Defended Action]
- § 4:76 [13.02 Attendance]
- § 4:77 [13.03 Purposes of Settlement Conference]
- § 4:78 [13.04 Recommendations to Parties]
- § 4:79 [13.05 Orders at Settlement Conference]
- § 4:80 [13.06 Memorandum]
- § 4:81 [13.07 Notice of Trial]
- § 4:82 [13.08 Judge Not To Preside At Trial]
- § 4:83 [13.09 Withdrawal of Claim]
- § 4:84 [13.10 Costs]

XVIII. RULE 14—OFFER TO SETTLE

- § 4:85 [14.01 Offer To Settle]
- § 4:86 [14.01.1 Written Documents]
- § 4:87 [14.02 Time for Making Offer]
- § 4:88 [14.03 Withdrawal]
- § 4:89 [14.04 No Disclosure to Trial Judge]
- § 4:90 [14.05 Acceptance of an Offer to Settle]
- § 4:91 [14.06 Failure to Comply With Accepted Offer]
- § 4:92 [14.07 Costs Consequences of Failure to Accept]

XIX. RULE 15—MOTIONS

- § 4:93 [15.01 Notice of Motion and Supporting Affidavit]
- § 4:94 [15.02 Method of Hearing]
- § 4:95 [15.03 Motion Without Notice]
- § 4:96 [15.04 No Further Motions Without Leave]
- § 4:97 [15.05 Adjournment of Motion]
- § 4:98 [15.06 Withdrawal of Motion]
- § 4:99 [15.07 Costs]

XX. RULE 16—NOTICE OF TRIAL

§ 4:100 [16.01 Clerk Fixes Date and Serves Notice]

XXI. RULE 17—TRIAL

- § 4:101 [17.01 Failure to Attend]
- § 4:102 [17.02 Adjournment]
- § 4:103 [17.03 Inspection]
- § 4:104 [17.04 Motion for New Trial]

XXII. RULE 18—EVIDENCE AT TRIAL

- § 4:105 [18.01 Affidavit]
- § 4:106 [18.02 Written Statements, Documents and Records]
- § 4:107 [18.03 Summons to Witness]

XXIII. RULE 19—COSTS

- § 4:108 [Introduction]
- § 4:109 [19.01 Disbursements]
- § 4:110 [19.02 Limit]
- § 4:111 [19.03 Repealed O. Reg. 440/10, s. 4.]
- § 4:112 [19.04 Representation Fee]
- § 4:113 [19.05 Compensation for Inconvenience and Expense]

8	4:114	[19.06 Penalty]	١
- 3	T.IIT	110.00 I CHairy	ı

XXIV. RULE 20—ENFORCEMENT OF ORDERS

- § 4:115 [20.01 Definitions]
- § 4:116 [20.02 Power of Court]
- § 4:117 [20.03 General]
- § 4:118 [20.04 Certificate of Judgment]
- § 4:119 [20.05 Delivery of Personal Property]
- § 4:120 [20.06 Writ of Seizure and Sale of Personal Property]
- § 4:121 [20.07 Writ of Seizure and Sale of Land]
- § 4:122 [20.08 Garnishment]
- § 4:123 [20.09 Consolidation Order]
- § 4:124 [20.10 Examination of Debtor or Other Person]
- § 4:125 [20.11 Contempt Hearing]
- § 4:126 [20.12 Satisfaction of Order]

XXV. RULE 21—REFEREE

§ 4:127 [21.01 Referee]

XXVI. RULE 22—PAYMENT INTO AND OUT OF COURT

- § 4:128 [22. Repealed O. Reg. 400/12, s. 2.]
- § 4:129 [22.01 Definitions]
- § 4:130 [22.02 Non-Application of Rule]
- § 4:131 [22.03 Payment into Court]
- § 4:132 [22.04 Payment Out of Court]
- § 4:133 [22.05 Transition]

XXVII. RULE 23

§ 4:134 [23]

CHAPTER 5. COURT FORMS, COURT FEES AND JUDGES

- § 5:1 [Schedule 1—Court Forms in Small Claims Court]
- § 5:2 [Ont. Reg. 332/16—Small Claims Court—Fees and Allowances]
- § 5:3 [Ont. Reg. 293/92—Superior Court of Justice and Court of Appeal—Fees]
- § 5:4 [Ont. Reg. 294/92—Sheriffs—Fees]
- § 5:5 [Ont. Reg. 2/05—Fee Waiver]
- § 5:6 [Ont. Reg. 94/14—Fees for Court Transcripts]

§ 5:7 [Monetary Limits—Comparison Chart]

CHAPTER 6. APPEALS

§ 6:1 Appeals

Glossary

Table of Cases

Index