

Table of Contents

PROCEDURAL GUIDE

- § PG:1 Introduction
- § PG:2 Major Steps in an Action
- § PG:3 Major Steps in an Action Under Rule 76 — Simplified Procedure
- § PG:4 Major Steps in an Application
- § PG:5 Applications for Judicial Review to the Divisional Court: Rule 68
- § PG:6 Motions (Except Motions Without Notice and Motions in an Appellate Court)
- § PG:7 Appeals to an Appellate Court (Court of Appeal or Divisional Court) — Rule 61
- § PG:8 Appeals from Interlocutory Orders and Other Appeals to A Judge — Rule 62

COURTS OF JUSTICE ACT

- § CJA:1 Introduction
- 1 Definitions
- 1.1 References to former names of courts

PART I COURT OF APPEAL FOR ONTARIO

- 2 Court of Appeal
 - § CJA2:1 Case Law
- 3 Composition of court
- 4 Assignment of judges from Superior Court of Justice
- 5 Powers and duties of Chief Justice
- 6 Court of Appeal jurisdiction
 - § CJA6:1 Case Law
- 7 Composition of court for hearings
 - § CJA7:1 Case Law
- 8 References to Court of Appeal
- 9 Meeting of judges

PART II COURT OF ONTARIO

- 10 Court of Ontario
 - § CJA10:1 Case Law
- 11 Superior Court of Justice
 - § CJA11:1 Case Law
- 12 Composition of Superior Court of Justice
- 13 Assignment of judges from Court of Appeal
 - § CJA13:1 Case Law
- 14 Powers and duties of Chief Justice of Superior Court of Justice
 - § CJA14:1 Case Law
- 15 Judges assigned to regions
- 16 Composition of court for hearings

- 17 Appeals to Superior Court of Justice
 - § CJA17:1 Case Law

DIVISIONAL COURT

- 18 Divisional Court
 - § CJA18:1 Case Law
- 19 Divisional Court jurisdiction
 - § CJA19:1 Case Law
- 20 Appeals heard in regions
 - § CJA20:1 Case Law
- 21 Composition of court for hearings
 - § CJA21:1 Case Law

FAMILY COURT

- 21.1 Family Court
- 21.2 Composition of Family Court
- 21.3 Transitional measure
- 21.1 to 21.6 [*Repealed.* 1998, c. 20, Sch. A, s. 5.]
- 21.7 Composition of court for hearings
- 21.8 Proceedings in Family Court
 - § CJA21.8:1 Case Law
- 21.9 Other jurisdiction
- 21.9.1 [*Repealed.* 2020, c. 25, Sched. 2, s. 3.]
 - § CJA21.9.1:1 Case Law
- 21.10 Orders of predecessor court
- 21.11 Place where proceeding commenced
 - § CJA21.11:1 Case Law
- 21.12 Enforcement of orders
- 21.13 Community liaison committee
- 21.14 Community resources committee
- 21.15 Dispute resolution service

SMALL CLAIMS COURT

- 22 Small Claims Court
 - § CJA22:1 Case Law
- 23 Jurisdiction
 - § CJA23:1 Case Law
- 24 Composition of court for hearings
 - § CJA24:1 Case Law
- 25 Summary hearings
 - § CJA25:1 Case Law
- 26 Representation
 - § CJA26:1 Case Law
- 27 Evidence
 - § CJA27:1 Case Law
- 28 Instalment orders
- 29 Limit on costs
 - § CJA29:1 Case Law

TABLE OF CONTENTS

- 30 Contempt hearing for failure to attend examination
- 31 Appeals
 - § CJA31:1 Case Law
- 32 Deputy judges
 - § CJA32:1 Case Law
- 33 Deputy Judges Council
- 33.1 Complaint

ONTARIO COURT OF JUSTICE

- 34 Ontario Court of Justice
- 35 Composition of Ontario Court of Justice
- 36 Powers and duties of Chief Justice of the Ontario Court of Justice
- 37 Judges assigned to regions
- 38 Criminal jurisdiction
- 39 Judge to preside
- 40 Appeals
- 41 Penalty for disturbance outside courtroom

PROVINCIAL JUDGES

- 42 Appointment of Provincial judges
- 43 Judicial Appointments Advisory Committee

JUDICIAL APPOINTMENTS ADVISORY COMMITTEE

- 43.1 Functions
- 44 Full and part-time service
- 45 Application for order that needs be accommodated
- 46 Outside activities
- 47 Retirement
- 48 Resignation of judge

ONTARIO JUDICIAL COUNCIL

- 49 Judicial Council
- 50 Complaint against Chief Justice of the Ontario Court of Justice
- 51 Provision of information to public
 - 51.1 Rules
 - 51.2 Use of official languages of courts
 - 51.3 Complaints
 - 51.4 Review by subcommittee
 - 51.5 Mediation
 - 51.6 Adjudication by Council
 - § CJA51.6:1 Case Law
 - 51.7 Compensation
 - 51.8 Removal for cause
 - 51.9 Standards of conduct
 - 51.10 Continuing education
 - 51.10.1 Establishment of courses
 - 51.11 Performance evaluation
 - 51.12 Consultation

PROVINCIAL JUDGES' REMUNERATION

- 51.13 Provincial Judges Remuneration Commission
 - § CJA51.13:1 Case Law

MISCELLANEOUS

- 52 Meeting of Superior Court of Justice judges
- 53 Regulations
 - § CJA53:1 Case Law

PART III

PART IV RULES OF COURT

- 65 Civil Rules Committee
- 66 Civil Rules
 - § CJA66:1 Case Law
- 67 Family Rules Committee
- 68 Family Rules

CIVIL, FAMILY RULES MADE BY THE ATTORNEY GENERAL

- 68.1 Civil rules
- 69 Criminal Rules Committee
- 70 Criminal Rules
- 70.1 Provincial offences rules

PART V ADMINISTRATION OF THE COURTS

- 71 Goals
- 72 Role of Attorney General
- 73 Court officers and staff — Appointment
- 74 Destruction of documents
- 75 Powers of Chief or regional senior judge
- 76 Direction of court staff
- 77 Memoranda of understanding between Attorney General and Chief Justices — Court of Appeal
- 78 Ontario Courts Advisory Council
- 79 [*Repealed.* 2024, c. 28, Sched. 4, s. 4.]
- 79.1 Regions
 - § CJA79.1:1 Case Law
- 79.2 [*Repealed.* 2024, c. 28, Sched. 4, s. 4.]
- 79.3 Annual report on administration of courts

PART VI JUDGES AND OFFICERS

- 80 Oath of office
- 81 *Persona designata* abolished
- 82 Liability of judges and other officers
- 83 Attendance at meetings, conferences and seminars
- 84 Extra-judicial services
- 85 Judges' gowns
- 86 How certain judges to be addressed

TABLE OF CONTENTS

- 86.1 Associate judges
 - § CJA86.1:1 Case Law
- 86.2 Complaint re associate judge
 - § CJA86.2:1 Case Law
- 87 *[Repealed. 2020, c. 11, Sched. 5, s. 8.]*
- 87.1 *[Repealed. 2023, c. 2, Sched. 2, s. 3.]*
- 87.2 Small Claims Court Administrative Judge
- 87.3 Complaint
- 88 Regulations
- 89 Children’s Lawyer
 - § CJA89:1 Case Law
- 90 Assessment officers
- 91 Officers of court
- 92 Administration of oaths
- 93 Money held by officer of court
- 94 Disposition of court fees

PART VII COURT PROCEEDINGS

- 95 Application of Part

COMMON LAW AND EQUITY

- 96 Rules of law and equity
 - § CJA96:1 Case Law
- 97 Declaratory orders
 - § CJA97:1 Case Law
- 98 Relief against penalties
 - § CJA98:1 Case Law—Generally
 - § CJA98:2 —Insurance
- 99 Damages in substitution for injunction or specific performance
- 100 Vesting orders
 - § CJA100:1 Case Law

INTERLOCUTORY ORDERS

- 101 Injunctions and receivers
 - § CJA101:1 Case Law—Injunctions — Principles—For general purposes
 - § CJA101:2 — —The test is different in patent and trademark cases
 - § CJA101:3 — —In libel actions
 - § CJA101:4 — —In interlocutory mandatory injunction cases
 - § CJA101:5 — —As to undertaking
 - § CJA101:6 — —Anti-suit injunctions
 - § CJA101:7 — —Use of funds
 - § CJA101:8 —Particular Applications of Principle—Family law
 - § CJA101:9 — —Banks
 - § CJA101:10 — —Mortgages
 - § CJA101:11 — —Companies
 - § CJA101:12 — —Injunctions granted
 - § CJA101:13 — —Injunctions refused
 - § CJA101:14 — —Injunctions — employment

- § CJA101:15 — —Mareva injunctions
- § CJA101:16 — —Anton Piller orders
- § CJA101:17 — —Receiver
- § CJA101:18 — —Costs
- 102 “Labour dispute” defined
 - § CJA102:1 Case Law
- 103 Certificate of pending litigation
 - § CJA103:1 Case Law—Generally
 - § CJA103:2 —Damages as Alternative
 - § CJA103:3 —Liability for Registration
 - § CJA103:4 —Interest in Land
 - § CJA103:5 —Delay
 - § CJA103:6 —Discretion
 - § CJA103:7 —Certificate Vacated
 - § CJA103:8 —Security
 - § CJA103:9 —Practice
 - § CJA103:10 —Miscellaneous
- 104 Interim order for recovery of personal property
 - § CJA104:1 Case Law
- 105 “Health practitioner” defined
 - § CJA105:1 Case Law—Generally
 - § CJA105:2 —Further Examinations
- 106 Stay of proceedings
 - § CJA106:1 Case Law—Generally
 - § CJA106:2 —Convenient Forum
 - § CJA106:3 —Foreign Judgment
 - § CJA106:4 —Arbitration
 - § CJA106:5 —Criminal — Civil
 - § CJA106:6 —Matrimonial
 - § CJA106:7 —Administrative Tribunal
 - § CJA106:8 —Federal Court
 - § CJA106:9 —Forum Selection Clause
- 107 Consolidation of proceedings in different courts
 - § CJA107:1 Case Law

PROCEDURAL MATTERS

- 108 Jury trials
 - § CJA108:1 Case Law—Generally
 - § CJA108:2 —Municipalities
 - § CJA108:3 —Libel
 - § CJA108:4 —Trial Judge’s Power to Vary Verdict
 - § CJA108:5 —Equitable Relief
 - § CJA108:6 —Declaratory Relief
- 109 Notice of constitutional question
 - § CJA109:1 Case Law
- 110 Proceeding in wrong forum
 - § CJA110:1 Case Law
- 111 Set off

TABLE OF CONTENTS

§ CJA111:1	Case Law
112	Report of Children's Lawyer
§ CJA112:1	Case Law
113	Agreement preventing third party claim or crossclaim
114	Agreement as to place of hearing
115	Security
116	Periodic payment and review of damages
§ CJA116:1	Case Law
116.1	Periodic payment, medical malpractice actions
117	Assessment of damages
§ CJA117:1	Case Law
118	Guidance and submissions
§ CJA118:1	Case Law
119	Power of court on appeal
§ CJA119:1	Case Law
120	Advance payments
§ CJA120:1	Case Law
121	Foreign money obligations
§ CJA121:1	Case Law
122	Actions for accounting
123	[Giving decisions] — Definitions
§ CJA123:1	Case Law
124	[<i>Repealed</i> . 2009, c. 33, Sch. 2, s. 20(17).]

LANGUAGE

125	Official languages of the courts
§ CJA125:1	Case Law
126	Use of French
§ CJA126:1	Case Law

INTEREST AND COSTS

127	Prejudgment and Postjudgment interest rates — Definitions
128	Prejudgment interest
§ CJA128:1	Case Law—Generally
§ CJA128:2	—Matrimonial
§ CJA128:3	—Payable by Other Right
129	Postjudgment interest
§ CJA129:1	Case Law
130	Discretion of court
§ CJA130:1	Case Law—Prejudgment
§ CJA130:2	—Postjudgment
§ CJA130:3	—Matrimonial
131	Costs
§ CJA131:1	Case Law—Generally
§ CJA131:2	—Substantial Indemnity
§ CJA131:3	—Substantial Indemnity Denied
§ CJA131:4	—Against Successful Party
§ CJA131:5	—No Costs

- § CJA131:6 —Offers to Settle
- § CJA131:7 —Quantum
- § CJA131:8 —Allowable Costs
- § CJA131:9 —Award Against Non-Party
- § CJA131:10 —Bullock/Sanderson
- § CJA131:11 —Matrimonial
- § CJA131:12 —Unrepresented Parties
- § CJA131:13 —Unwarranted Allegations
- § CJA131:14 —Advance Cost Award
- § CJA131:15 —Crown Costs

APPEALS

- 132 Judge not to hear appeal from own decision
- 133 Leave to appeal required
 - § CJA133:1 Case Law
- 134 Powers on appeal
 - § CJA134:1 Case Law—Generally
 - § CJA134:2 —New Trial
 - § CJA134:3 —New Evidence
 - § CJA134:4 —Findings of Fact
 - § CJA134:5 —Damages
 - § CJA134:6 —Standard of Review
 - § CJA134:7 —Moot Appeals
 - § CJA134:8 —New Issues
 - § CJA134:9 —Adequacy of Reasons
 - § CJA134:10 —Jury Trials
 - § CJA134:11 —Judicial Conduct
 - § CJA134:12 —Interim Orders

PUBLIC ACCESS

- 135 Public hearings
 - § CJA135:1 Case Law
- 136 Prohibition against photography, etc., at court hearing
 - § CJA136:1 Case Law
- 137 Documents public
 - § CJA137:1 Case Law

PREVENTION OF PROCEEDINGS THAT LIMIT FREEDOM OF EXPRESSION ON MATTERS OF PUBLIC INTEREST (GAG PROCEEDINGS)

- 137.1 Dismissal of proceeding that limits debate
 - § CJA137.1:1 Case Law
- 137.2 Procedural matters — Commencement
 - § CJA137.2:1 Case Law
- 137.3 Appeal to be heard as soon as practicable
- 137.4 Stay of related tribunal proceeding
- 137.5 Application

TABLE OF CONTENTS

MISCELLANEOUS

- 138 Multiplicity of proceedings
 - § CJA138:1 Case Law
- 139 Joint liability not affected by judgment or release
 - § CJA139:1 Case Law
- 140 Vexatious proceedings
 - § CJA140:1 Case Law
- 141 Civil orders directed to sheriffs
- 142 Protection for acting under court order
 - § CJA142:1 Case Law
- 143 Enforcement — bonds and recognizances
 - § CJA143:1 Case Law
- 143.1 [*Repealed*. S.O. 1999, c. 12, Sch. B, s. 4(4).]
- 144 Orders enforceable by police
 - § CJA144:1 Case Law
- 145 *Consul* as official representative
- 146 Where procedures not provided
 - § CJA146:1 Case Law
- 147 Seal of court
- 148 Jurisdiction of Federal Court

PART VII.1 ENFORCEMENT OF CERTAIN TRADE AGREEMENTS

- 148.1 Application
- 148.2 Enforcement of order to pay tariff costs
- 148.3 Regulations

PART VIII MISCELLANEOUS

- 149 Family law mediation and information services
- 150 Renewal of writs of execution issued before January 1, 1985
- 151 References to counties for judicial purposes
 - 151.1 Meaning unchanged

JUDICIAL REVIEW PROCEDURE ACT

- § JRPA:1 Synopsis
- 1 Definitions
 - § JRPA1:1 Case Law—Generally
 - § JRPA1:2 —Statutory Power of Decision
- 2 Applications for Judicial Review
 - § JRPA2:1 Case Law—Generally
 - § JRPA2:2 —Standard of Review
 - § JRPA2:3 —Rights of Appeal, Prematurity
 - § JRPA2:4 —Affidavit Evidence
 - § JRPA2:5 —Examination of Witnesses
- 3 Defects in form, technical irregularities
 - § JRPA3:1 Case Law
- 4 Interim order
 - § JRPA4:1 Case Law

- 5 Time for bringing application
 - § JRPA5:1 Case Law
- 6 Application to Divisional Court
 - § JRPA6:1 Case Law
- 7 Summary disposition of mandamus, etc.
- 8 Summary disposition of actions
 - § JRPA8:1 Case Law
- 9 Sufficiency of application
 - § JRPA9:1 Case Law
- 10 Record to be filed in Superior Court of Justice
 - § JRPA10:1 Case Law
- 11 References in other acts, etc.

CLASS PROCEEDINGS ACT, 1992

- § CP:1 Synopsis
- 1 Definitions
 - 1.1 Determining same or similar subject matter
- 2 Plaintiff's class proceeding
 - § CP2:1 Case Law
- 3 Defendant's class proceeding
- 4 Classing defendants
 - § CP4:1 Case Law
- 4.1 Early resolution of issues
 - § CP4.1:1 Case Law
- 5 Certification
 - § CP5:1 Case Law—Generally
 - § CP5:2 —Procedure
 - § CP5:3 —Common Issue
 - § CP5:4 —Preferable Procedure
 - § CP5:5 —Allowed
 - § CP5:6 —Not Allowed
- 5.1 Motion to certify, multi-jurisdictional class proceeding
 - § CP5.1:1 Case Law—Generally
- 6 Certain matters not bar to certification
 - § CP6:1 Case Law
- 7 Refusal to certify
 - § CP7:1 Case Law
- 8 Contents of certification order
 - § CP8:1 Case Law
- 9 Opting out
 - § CP9:1 Case Law
- 10 Where it appears conditions for certification not satisfied
 - § CP10:1 Case Law
- 11 Stages of class proceedings
- 12 Court may determine conduct of proceeding
 - § CP12:1 Case Law—Generally
- 13 Court may stay any other proceeding
 - § CP13:1 Case Law

TABLE OF CONTENTS

13.1	Carriage motions
§	CP13.1:1 Case Law
14	Participation of class members
§	CP14:1 Case Law
15	Discovery of parties
§	CP15:1 Case Law
16	Examination of class members before a motion or application
§	CP16:1 Case Law
17	Notice of certification
§	CP17:1 Case Law
18	Notice where individual participation is required
19	Notice to protect interests of affected persons
§	CP19:1 Case Law
20	Notices, general requirements
§	CP20:1 Case Law
21	Delivery of notice
22	Costs of notice
23	Statistical evidence
§	CP23:1 Case Law
24	Aggregate assessment of monetary relief
§	CP24:1 Case Law
25	Individual issues
§	CP25:1 Case Law
26	Judgment distribution
§	CP26:1 Case Law
27	Judgment on common issues
§	CP27:1 Case Law
27.1	Settlement
§	CP27.1:1 Case Law
27.2	Distribution on <i>cy-près</i> basis
§	CP27.2:1 Case Law
27.3	Subrogated claims
28	Limitations
§	CP28:1 Case Law
29	Discontinuance, abandonment and dismissal for delay
§	CP29:1 Case Law
29.1	Mandatory dismissal for delay
§	CP29.1:1 Case Law
30	Appeals
§	CP30:1 Case Law
31	Costs
§	CP31:1 Case Law
32	Fees and disbursements
§	CP32:1 Case Law
33	Agreements for payment only in the event of success
§	CP33:1 Case Law
33.1	Third-party funding agreements
§	CP33.1:1 Case Law

- 34 Motions
 - § CP34:1 Case Law
- 35 Rules of court
- 36 Crown bound
- 37 Application of Act
 - § CP37:1 Case Law
- 38 Regulations
- 39 Transition

LIMITATIONS ACT, 2002

- § LIMA:1 An Ontario Limitations Act, 2002 Questionnaire

DEFINITIONS AND APPLICATION

- 1 Definitions
 - § LIMA1:1 Case Law
- 2 Application
 - § LIMA2:1 Case Law
- 3 Crown

BASIC LIMITATION PERIOD

- 4 Basic limitation period
 - § LIMA4:1 Case Law
- 5 Discovery
 - § LIMA5:1 Case Law—Generally
 - § LIMA5:2 —Discoverability
- 6 Minors
 - § LIMA6:1 Case Law
- 7 Incapable persons
 - § LIMA7:1 Case Law
- 8 Litigation guardians
- 9 Definitions
 - § LIMA9:1 Case Law
- 10 [*Repealed*. 2016, c. 2, Sch. 2, s. 2.]
- 11 Attempted resolution
 - § LIMA11:1 Case Law
- 12 Successors
 - § LIMA12:1 Case Law
- 13 Acknowledgments
 - § LIMA13:1 Case Law
- 14 Notice of possible claim

ULTIMATE LIMITATION PERIODS

- 15 Ultimate limitation periods
 - § LIMA15:1 Case Law

NO LIMITATION PERIOD

- 16 No limitation period
 - § LIMA16:1 Case Law

TABLE OF CONTENTS

17 Undiscovered environmental claims

GENERAL RULES

- 18 Contribution and indemnity
 - § LIMA18:1 Case Law
- 19 Other Acts, etc.
 - § LIMA19:1 Case Law
- 20 Statutory variation of time limits
 - § LIMA20:1 Case Law
- 21 Adding party
 - § LIMA21:1 Case Law
- 22 Limitation periods apply despite agreements
 - § LIMA22:1 Case Law
- 23 Conflict of laws

TRANSITION

- 24 Definitions
 - § LIMA24:1 Case Law

AMENDMENTS AND REPEALS

- 25 to 50 [Ed. Note: Sections 25 to 50 omitted. Amends or repeals other acts.]
- 51 Commencement
- 52 Short title

[SCHEDULE]

Schedule

RULES OF CIVIL PROCEDURE

- § RCP:1 Advocacy Notes — An Introduction

GENERAL MATTERS

RULE 1 CITATION, APPLICATION AND INTERPRETATION

- § RCP1:1 Synopsis
- 1.01 CITATION
- 1.02 APPLICATION OF RULES
- 1.03 DEFINITIONS
 - § RCP1.03:1 Case Law
- 1.04 INTERPRETATION
 - § RCP1.04:1 Case Law
- 1.05 ORDERS ON TERMS
 - § RCP1.05:1 Case Law
- 1.06 FORMS
- 1.07 PRACTICE DIRECTIONS
- 1.08 METHOD OF ATTENDANCE AT HEARINGS, ETC.
 - § RCP1.08:1 Case Law
- 1.08.1 [*Revoked*. O. Reg. 689/20, s. 1.]

1.09 COMMUNICATIONS OUT OF COURT

§ RCP1.09:1 Case Law

RULE 2 NON-COMPLIANCE WITH THE RULES

§ RCP2:1 Synopsis and Comment

2.01 EFFECT OF NON-COMPLIANCE

§ RCP2.01:1 Case Law

2.02 ATTACKING IRREGULARITY

§ RCP2.02:1 Case Law

2.03 COURT MAY DISPENSE WITH COMPLIANCE

§ RCP2.03:1 Case Law

RULE 2.1 FRIVOLOUS, VEXATIOUS OR ABUSIVE PROCEEDINGS

§ RCP2.1:1 Synopsis

2.1.01 STAY OR DISMISSAL OF PROCEEDINGS

§ RCP2.1.01:1 Case Law

2.1.02 STAY OR DISMISSAL OF MOTIONS

§ RCP2.1.02:1 Case Law—Generally

2.1.03 [*Revoked*. O. Reg. 322/24, s. 1.]

RULE 2.2 VEXATIOUS LITIGANT ORDERS

§ RCP2.2:1 Synopsis

2.2.01 INTERPRETATION

2.2.02 VEXATIOUS LITIGANT ORDER

2.2.03 ORDER SOUGHT BY PERSON

2.2.04 ON JUDGE'S OWN INITIATIVE

2.2.05 RESPONSE AND REPLY

2.2.06 INITIAL REVIEW AND ORDER

2.2.07 HEARING AND DISPOSITION

2.2.08 LEAVE DESPITE ORDER

2.2.09 PROCEEDING INSTITUTED, CONTINUED WITHOUT LEAVE

RULE 3 TIME

§ RCP3:1 Synopsis and Advocacy Notes

3.01 COMPUTATION

§ RCP3.01:1 Case Law

3.02 EXTENSION OR ABRIDGMENT

§ RCP3.02:1 Case Law—Generally

§ RCP3.02:2 —General Powers of Court

§ RCP3.02:3 —Appeals

3.03 WHEN PROCEEDINGS MAY BE HEARD

3.04 TIMETABLES

§ RCP3.04:1 Case Law

RULE 4 COURT DOCUMENTS

§ RCP4:1 Synopsis and Advocacy Notes

TABLE OF CONTENTS

4.01	DOCUMENT STANDARDS
4.01.1	ELECTRONIC SIGNATURES
4.02	CONTENTS
4.02.1	BILINGUAL DOCUMENTS
4.03	CERTIFIED COPIES OF COURT DOCUMENTS
4.04	NOTICE TO BE IN WRITING OR ELECTRONICALLY
4.05	ISSUING AND FILING OF DOCUMENTS
4.05.1	CIVIL CLAIMS ONLINE PORTAL
4.05.2	CIVIL SUBMISSIONS ONLINE PORTAL
4.05.2.1	ONTARIO COURTS PUBLIC PORTAL
4.05.3	CASE CENTER
4.06	AFFIDAVITS
4.06.1	FACTUMS
4.07	BINDING OF DOCUMENTS
4.08	REQUISITION
4.09	TRANSCRIPTS
4.10	TRANSMISSION OF DOCUMENTS
4.11	NOTICE OF CONSTITUTIONAL QUESTION
4.12	E-MAILING OF DOCUMENTS, COMMUNICATIONS BY REGISTRAR

RULE 4.1 DUTY OF EXPERT

§ RCP4.1:1	Synopsis
4.1.01	DUTY OF EXPERT
§ RCP4.1.01:1	Case Law

PARTIES AND JOINDER

RULE 5 JOINDER OF CLAIMS AND PARTIES

§ RCP5:1	Synopsis and Comment
5.01	JOINDER OF CLAIMS
§ RCP5.01:1	Case Law
5.02	JOINDER OF PARTIES
§ RCP5.02:1	Case Law
5.03	JOINDER OF NECESSARY PARTIES
§ RCP5.03:1	Case Law
5.04	MISJOINDER, NON-JOINDER AND PARTIES INCORRECTLY NAMED
§ RCP5.04:1	Case Law—Generally
§ RCP5.04:2	—Limitation Period
§ RCP5.04:3	—Limitation Period Expired
§ RCP5.04:4	—Insurers
5.05	RELIEF AGAINST JOINDER
§ RCP5.05:1	Case Law

RULE 6 CONSOLIDATION OR HEARING TOGETHER

§ RCP6:1	Synopsis and Comment
6.01	WHERE ORDER MAY BE MADE

- § RCP6.01:1 Case Law
- 6.02 DISCRETION OF PRESIDING JUDGE

RULE 6.1 SEPARATE HEARINGS

- § RCP6.1:1 Synopsis
- 6.1.01 SEPARATE HEARINGS
- § RCP6.1.01:1 Case Law

RULE 7 PARTIES UNDER DISABILITY

- § RCP7:1 Synopsis
- 7.01 REPRESENTATION BY LITIGATION GUARDIAN
- § RCP7.01:1 Case Law
- 7.01.1 DETERMINING LITIGATION GUARDIAN FOR PARTY UNDER DISABILITY
- 7.02 LITIGATION GUARDIAN FOR PLAINTIFF OR APPLICANT, WITHOUT COURT ORDER
- § RCP7.02:1 Case Law
- 7.03 LITIGATION GUARDIAN FOR DEFENDANT OR RESPONDENT, WITHOUT COURT ORDER
- § RCP7.03:1 Case Law
- 7.03.1 ORDER FOR APPOINTMENT OF LITIGATION GUARDIAN FOR PARTY UNDER DISABILITY
- 7.04 REPRESENTATION OF PERSONS UNDER DISABILITY
- 7.05 [Repealed O. Reg. 173/25, s. 6.]
- § RCP7.05:1 Case Law
- 7.06 REMOVAL OR SUBSTITUTION OF LITIGATION GUARDIAN
- § RCP7.06:1 Case Law
- 7.07 NOTING PARTY UNDER DISABILITY IN DEFAULT
- § RCP7.07:1 Case Law
- 7.07.1 DISCONTINUANCE BY OR AGAINST PARTY UNDER DISABILITY
- 7.08 Approval of Settlement
- § RCP7.08:1 Case Law
- 7.09 MONEY TO BE PAID INTO COURT
- § RCP7.09:1 Case Law

RULE 8 PARTNERSHIPS AND SOLE PROPRIETORSHIPS

- § RCP8:1 Synopsis
- 8.01 PARTNERSHIPS
- § RCP8.01:1 Case Law
- 8.02 DEFENCE
- 8.03 NOTICE TO ALLEGED PARTNER WHERE ENFORCEMENT SOUGHT AGAINST PARTNER
- § RCP8.03:1 Case Law
- 8.04 PERSON DEFENDING SEPARATELY
- 8.05 DISCLOSURE OF PARTNERS
- 8.06 ENFORCEMENT OF ORDER
- 8.07 SOLE PROPRIETORSHIPS

RULE 9 ESTATES AND TRUSTS

TABLE OF CONTENTS

- § RCP9:1 Synopsis
- 9.01 PROCEEDINGS BY OR AGAINST EXECUTOR, ADMINISTRATOR OR TRUSTEE
 - § RCP9.01:1 Case Law
- 9.02 PROCEEDING AGAINST ESTATE THAT HAS NO EXECUTOR OR ADMINISTRATOR
- 9.03 REMEDIAL PROVISIONS
 - § RCP9.03:1 Case Law

RULE 10 REPRESENTATION ORDER

- § RCP10:1 Synopsis
- 10.01 REPRESENTATION OF AN INTERESTED PERSON WHO CANNOT BE ASCERTAINED
 - § RCP10.01:1 Case Law
- 10.02 REPRESENTATION OF A DECEASED PERSON
 - § RCP10.02:1 Case Law
- 10.03 RELIEF FROM BINDING EFFECT OF ORDER

RULE 11 TRANSFER OR TRANSMISSION OF INTEREST

- § RCP11:1 Synopsis
- 11.01 EFFECT OF TRANSFER OR TRANSMISSION
 - § RCP11.01:1 Case Law
- 11.02 ORDER TO CONTINUE
 - § RCP11.02:1 Case Law
- 11.03 FAILURE TO OBTAIN ORDER TO CONTINUE ACTION
 - § RCP11.03:1 Case Law

RULE 12 CLASS PROCEEDINGS AND OTHER REPRESENTATIVE PROCEEDINGS

- § RCP12:1 Synopsis
- 12.01 DEFINITION
- 12.02 TITLE OF PROCEEDING
- 12.03 DISCOVERY OF CLASS MEMBERS
 - § RCP12.03:1 Case Law
- 12.04 COSTS
 - § RCP12.04:1 Case Law
- 12.05 CONTENTS OF JUDGMENTS AND ORDERS
- 12.06 LEAVE TO APPEAL
- 12.07 PROCEEDING AGAINST REPRESENTATIVE DEFENDANT
 - § RCP12.07:1 Case Law
- 12.08 PROCEEDING BY UNINCORPORATED ASSOCIATION OR TRADE UNION
 - § RCP12.08:1 Case Law

RULE 13 INTERVENTION

- § RCP13:1 Synopsis and Comment
- 13.01 LEAVE TO INTERVENE AS ADDED PARTY

- § RCP13.01:1 Case Law—Generally
- § RCP13.01:2 —Charter
- 13.02 LEAVE TO INTERVENE AS FRIEND OF THE COURT
- § RCP13.02:1 Case Law
- 13.03 LEAVE TO INTERVENE IN DIVISIONAL COURT OR COURT OF APPEAL
- § RCP13.03:1 Case Law

COMMENCEMENT OF PROCEEDINGS

RULE 13.1 PLACE OF COMMENCEMENT AND HEARING OR TRIAL

- § RCP13.1:1 Synopsis
- 13.1.01 PLACE OF COMMENCEMENT
- § RCP13.1.01:1 Case Law
- 13.1.02 TRANSFER
- § RCP13.1.02:1 Case Law

RULE 14 ORIGINATING PROCESS

- § RCP14:1 Synopsis, Comment and Advocacy Notes
- 14.01 HOW PROCEEDINGS COMMENCED
- 14.01.1 WHERE LEAVE TO COMMENCE IS REQUIRED
- 14.02 PROCEEDINGS BY ACTION AS GENERAL RULE
- 14.03 ACTIONS — BY STATEMENT OF CLAIM OR NOTICE OF ACTION
- § RCP14.03:1 Case Law
- 14.03.1 ORDINARY AND SIMPLIFIED PROCEDURE
- 14.04 ELECTRONIC FILING OF ORIGINATING PROCESS FOR ACTION
[Revoked. O. Reg. 584/17, s. 6.]
- 14.05 APPLICATIONS — BY NOTICE OF APPLICATION OR APPLICATION FOR CERTIFICATE
- § RCP14.05:1 Case Law—Application under Statute
- § RCP14.05:2 —Application under Rules—Generally
- § RCP14.05:3 —3(a), (b) and (c) — Estates
- § RCP14.05:4 —3(d) — Interpretation of an instrument or statute
- § RCP14.05:5 —3(e), (f) — Interest in land, trusts
- § RCP14.05:6 —3(g) — Injunction or receiver
- § RCP14.05:7 —3(g.1) — Charter
- § RCP14.05:8 —3(h) — No material facts in dispute
- 14.06 TITLE OF PROCEEDING
- § RCP14.06:1 Case Law
- 14.07 HOW ORIGINATING PROCESS ISSUED
- 14.08 TIME FOR SERVICE IN ACTIONS
- 14.09 STRIKING OUT OR AMENDING
- 14.10 DISMISSAL OF ACTION WHERE DEFENDANT PAYS CLAIM

RULE 15 REPRESENTATION BY LAWYER

- § RCP15:1 Synopsis, Limited Scope Retainers, Comment and Advocacy Notes

TABLE OF CONTENTS

- 15.01 WHERE LAWYER IS REQUIRED
 - § RCP15.01:1 Case Law
- 15.01.1 INTERPRETATION
- 15.02 NOTICE OF AUTHORITY TO COMMENCE PROCEEDING
 - § RCP15.02:1 Case Law
- 15.03 CHANGE IN REPRESENTATION BY PARTY
 - § RCP15.03:1 Case Law
- 15.04 MOTION BY LAWYER FOR REMOVAL AS LAWYER OF RECORD
 - § RCP15.04:1 Case Law
- 15.05 DUTY OF LAWYER OF RECORD
 - § RCP15.05:1 Case Law—Generally
 - § RCP15.05:2 —Conflict
 - § RCP15.05:3 —Witness at Trial
 - § RCP15.05:4 —Confidential Information
 - § RCP15.05:5 —Appearance of Impropriety
 - § RCP15.05:6 —Screening Mechanism
- 15.06 WHERE A LAWYER OF RECORD HAS CEASED TO PRACTISE
- 15.07 LAWYER FROM ANOTHER PROVINCE

SERVICE

RULE 16 SERVICE OF DOCUMENTS

- § RCP16:1 Synopsis
- 16.01 GENERAL RULES FOR MANNER OF SERVICE
 - § RCP16.01:1 Case Law
- 16.02 PERSONAL SERVICE
 - § RCP16.02:1 Case Law
- 16.03 ALTERNATIVES TO PERSONAL SERVICE
 - § RCP16.03:1 Case Law
- 16.04 SUBSTITUTED SERVICE OR DISPENSING WITH SERVICE
 - § RCP16.04:1 Case Law
- 16.05 SERVICE ON LAWYER OF RECORD
- 16.06 SERVICE BY MAIL
 - 16.06.1 SERVICE BY E-MAIL
 - 16.06.2 SERVICE BY COURIER
- 16.07 WHERE DOCUMENT DOES NOT REACH PERSON SERVED
 - § RCP16.07:1 Case Law
- 16.08 VALIDATING SERVICE
 - § RCP16.08:1 Case Law
- 16.09 PROOF OF SERVICE

RULE 17 SERVICE OUTSIDE ONTARIO

- § RCP17:1 Synopsis and Comment
- 17.01 DEFINITION
 - § RCP17.01:1 Case Law
- 17.02 SERVICE OUTSIDE ONTARIO WITHOUT LEAVE
 - § RCP17.02:1 Case Law—Generally
 - § RCP17.02:2 —Contracts

- § RCP17.02:3 —Damage Sustained in Ontario
- § RCP17.02:4 —Ordinarily Resident
- § RCP17.02:5 —Tort Committed in Ontario
- § RCP17.02:6 —Business in Ontario
- § RCP17.02:7 —Counterclaim
- § RCP17.02:8 —Injunctions
- § RCP17.02:9 —Property in Ontario
- 17.03 SERVICE OUTSIDE ONTARIO WITH LEAVE
 - § RCP17.03:1 Case Law
- 17.04 ADDITIONAL REQUIREMENTS FOR SERVICE OUTSIDE ONTARIO
 - § RCP17.04:1 Case Law
- 17.05 MANNER OF SERVICE OUTSIDE ONTARIO
 - § RCP17.05:1 Case Law
- 17.06 MOTION TO SET ASIDE SERVICE OUTSIDE ONTARIO
 - § RCP17.06:1 Case Law—Generally
 - § RCP17.06:2 —Tort
 - § RCP17.06:3 —Contracts
 - § RCP17.06:4 —Forum Non Conveniens

RULE 18 TIME FOR DELIVERY OF STATEMENT OF DEFENCE

- § RCP18:1 Synopsis and Comment
- 18.01 TIME FOR DELIVERY OF STATEMENT OF DEFENCE
- 18.02 NOTICE OF INTENT TO DEFEND
 - § RCP18.02:1 Case Law
- 18.03 NOTICE OF DEFENCE [*Revoked*. O. Reg. 457/01, s. 4.]

DISPOSITION WITHOUT TRIAL

RULE 19 DEFAULT PROCEEDINGS

- § RCP19:1 Synopsis and Advocacy Notes
- 19.01 NOTING DEFAULT
 - § RCP19.01:1 Case Law
- 19.02 CONSEQUENCES OF NOTING DEFAULT
 - § RCP19.02:1 Case Law
- 19.03 SETTING ASIDE THE NOTING OF DEFAULT
 - § RCP19.03:1 Case Law
- 19.04 BY SIGNING DEFAULT JUDGMENT
 - § RCP19.04:1 Case Law—Liquidated
 - § RCP19.04:2 —Recovery of Land
- 19.05 BY MOTION FOR JUDGMENT
 - § RCP19.05:1 Case Law
- 19.06 FACTS MUST ENTITLE PLAINTIFF TO JUDGMENT
 - § RCP19.06:1 Case Law
- 19.07 EFFECT OF DEFAULT JUDGMENT
- 19.08 SETTING ASIDE DEFAULT JUDGMENT
 - § RCP19.08:1 Case Law—Generally
 - § RCP19.08:2 —Defence on the Merits
 - § RCP19.08:3 —Delay

TABLE OF CONTENTS

19.09 APPLICATION TO COUNTERCLAIMS, CROSSCLAIMS AND THIRD
PARTY CLAIMS

RULE 20 SUMMARY JUDGMENT

- § RCP20:1 Synopsis and Advocacy Notes
- 20.01 WHERE AVAILABLE
 - § RCP20.01:1 Case Law—Generally
 - § RCP20.01:2 —Partial Judgment
- 20.02 EVIDENCE ON MOTION
 - § RCP20.02:1 Case Law
- 20.03 FACTUMS REQUIRED
 - § RCP20.03:1 Case Law
- 20.04 DISPOSITION OF MOTION
 - § RCP20.04:1 Case Law—Generally
 - § RCP20.04:2 —Partial Judgment
 - § RCP20.04:3 —Content of Affidavit
 - § RCP20.04:4 —Evidence
 - § RCP20.04:5 —Admissions
 - § RCP20.04:6 —Foreign Judgment
 - § RCP20.04:7 —Separate Claims
 - § RCP20.04:8 —By Defendant
 - § RCP20.04:9 —Limitation Period
 - § RCP20.04:10 —Guarantees, Letters of Credit, Promissory Notes
 - § RCP20.04:11 —Genuine Issue Requiring Trial
 - § RCP20.04:12 —No Genuine Issue
 - § RCP20.04:13 —Question of Law
- 20.05 WHERE TRIAL IS NECESSARY
 - § RCP20.05:1 Case Law
- 20.06 COSTS SANCTIONS FOR IMPROPER USE OF RULE
 - § RCP20.06:1 Case Law
- 20.07 EFFECT OF SUMMARY JUDGMENT
- 20.08 STAY OF EXECUTION
 - § RCP20.08:1 Case Law
- 20.09 APPLICATION TO COUNTERCLAIMS, CROSSCLAIMS AND THIRD
PARTY CLAIMS
 - § RCP20.09:1 Case Law

RULE 21 DETERMINATION OF AN ISSUE BEFORE TRIAL

- § RCP21:1 Synopsis and Comment
- 21.01 WHERE AVAILABLE
 - § RCP21.01:1 Case Law—Generally
 - § RCP21.01:2 —No Cause of Action
 - § RCP21.01:3 —Question of Law
 - § RCP21.01:4 —Jurisdiction
 - § RCP21.01:5 —No Jurisdiction
 - § RCP21.01:6 —Capacity
 - § RCP21.01:7 —Facts as Pleaded
 - § RCP21.01:8 —Limitation Period

- § RCP21.01:9 —Privilege
- § RCP21.01:10 —Abuse of Process
- § RCP21.01:11 —Another Proceeding Pending
- § RCP21.01:12 —Stay
- 21.02 MOTION TO BE MADE PROMPTLY
- § RCP21.02:1 Case Law
- 21.03 FACTUMS REQUIRED

RULE 22 SPECIAL CASE

- § RCP22:1 Synopsis and Comment
- 22.01 WHERE AVAILABLE
- § RCP22.01:1 Case Law
- 22.02 FACTUMS REQUIRED
- 22.03 REMOVAL INTO COURT OF APPEAL
- § RCP22.03:1 Case Law
- 22.04 FORM OF SPECIAL CASE
- § RCP22.04:1 Case Law
- 22.05 HEARING OF SPECIAL CASE
- § RCP22.05:1 Case Law

RULE 23 DISCONTINUANCE AND WITHDRAWAL

- § RCP23:1 Synopsis and Comment
- 23.01 DISCONTINUANCE BY PLAINTIFF
- § RCP23.01:1 Case Law
- 23.02 EFFECT OF DISCONTINUANCE ON COUNTERCLAIM
- 23.03 EFFECT OF DISCONTINUANCE ON CROSSCLAIM OR THIRD PARTY CLAIM
- 23.04 EFFECT OF DISCONTINUANCE ON SUBSEQUENT ACTION
- 23.05 COSTS OF DISCONTINUANCE, DEEMED DISMISSAL
- § RCP23.05:1 Case Law
- 23.06 WITHDRAWAL BY DEFENDANT
- 23.07 APPLICATION TO COUNTERCLAIMS, CROSSCLAIMS AND THIRD PARTY CLAIMS

RULE 24 DISMISSAL OF ACTION FOR DELAY

- § RCP24:1 Synopsis and Advocacy Notes
- 24.01 WHERE AVAILABLE
- § RCP24.01:1 Case Law—Generally
- § RCP24.01:2 —Evidence
- 24.02 WHERE PLAINTIFF UNDER DISABILITY
- 24.02.1 NOTICE OF ORDER
- 24.03 EFFECT OF DISMISSAL ON COUNTERCLAIM
- 24.04 EFFECT OF DISMISSAL ON CROSSCLAIM OR THIRD PARTY CLAIM
- § RCP24.04:1 Case Law
- 24.05 EFFECT ON SUBSEQUENT ACTION
- § RCP24.05:1 Case Law
- 24.05.1 COSTS OF DISMISSAL, DEEMED DISMISSAL

TABLE OF CONTENTS

24.06 APPLICATION TO COUNTERCLAIMS, CROSSCLAIMS AND THIRD PARTY CLAIMS

RULE 24.1 MANDATORY MEDIATION

- § RCP24.1:1 Synopsis
- 24.1.01 PURPOSE
- 24.1.02 NATURE OF MEDIATION
- 24.1.03 DEFINITIONS
- 24.1.04 APPLICATION
- 24.1.05 EXEMPTION FROM MEDIATION
 - § RCP24.1.05:1 Case Law
- 24.1.06 MEDIATION CO-ORDINATOR
- 24.1.07 LOCAL MEDIATION COMMITTEES
- 24.1.08 MEDIATORS
- 24.1.09 MEDIATION SESSION
 - § RCP24.1.09:1 Case Law
- 24.1.09.1 [*Revoked.* O. Reg. 438/08, s. 21.]
- 24.1.10 PROCEDURE BEFORE MEDIATION SESSION
- 24.1.11 ATTENDANCE AT MEDIATION SESSION
 - § RCP24.1.11:1 Case Law
- 24.1.12 FAILURE TO ATTEND
- 24.1.13 NON-COMPLIANCE
 - § RCP24.1.13:1 Case Law
- 24.1.14 CONFIDENTIALITY
 - § RCP24.1.14:1 Case Law
- 24.1.15 OUTCOME OF MEDIATION
 - § RCP24.1.15:1 Case Law
- 24.1.16 CONSENT ORDER FOR ADDITIONAL MEDIATION SESSION
 - § RCP24.1.16:1 Case Law

PLEADINGS

RULE 25 PLEADINGS IN AN ACTION

- § RCP25:1 Synopsis and Advocacy Notes
- 25.01 PLEADINGS REQUIRED OR PERMITTED
 - § RCP25.01:1 Case Law
- 25.02 FORM OF PLEADINGS
- 25.03 SERVICE OF PLEADINGS
- 25.04 TIME FOR DELIVERY OF PLEADINGS
 - § RCP25.04:1 Case Law
- 25.05 CLOSE OF PLEADINGS
 - § RCP25.05:1 Case Law
- 25.06 RULES OF PLEADING—APPLICABLE TO ALL PLEADINGS
 - § RCP25.06:1 Case Law—Generally
 - § RCP25.06:2 —Material Facts
 - § RCP25.06:3 —Pleading Law
 - § RCP25.06:4 —Subsequent Pleading
 - § RCP25.06:5 —Condition Precedent

- § RCP25.06:6 —Claim for Relief
- § RCP25.06:7 —Full Particulars
- 25.07 RULES OF PLEADING—APPLICABLE TO DEFENCES
 - § RCP25.07:1 Case Law
- 25.08 WHERE A REPLY IS NECESSARY
 - § RCP25.08:1 Case Law
- 25.09 RULES OF PLEADING—APPLICABLE TO REPLIES
- 25.10 PARTICULARS
 - § RCP25.10:1 Case Law—Generally
 - § RCP25.10:2 —Purpose of Particulars
 - § RCP25.10:3 —Practice
 - § RCP25.10:4 —Libel and Slander Cases
 - § RCP25.10:5 —Pleading Law
 - § RCP25.10:6 —Material Facts
 - § RCP25.10:7 —Miscellaneous
- 25.11 STRIKING OUT A PLEADING OR OTHER DOCUMENT
 - § RCP25.11:1 Case Law—Generally
 - § RCP25.11:2 —Relevance
 - § RCP25.11:3 —Abuse of Process
 - § RCP25.11:4 —Libel and Slander
 - § RCP25.11:5 —Miscellaneous

RULE 26 AMENDMENT OF PLEADINGS

- § RCP26:1 Synopsis and Advocacy Notes
- 26.01 GENERAL POWER OF COURT
 - § RCP26.01:1 Case Law—Generally
 - § RCP26.01:2 —Principles
 - § RCP26.01:3 —Procedure
 - § RCP26.01:4 —Miscellaneous
 - § RCP26.01:5 —Expiry of Limitation Period—Generally
 - § RCP26.01:6 — —Infants and Disabled
 - § RCP26.01:7 — —Family Law Act
 - § RCP26.01:8 —Increased Damages
 - § RCP26.01:9 —Abuse of Process
- 26.02 WHEN AMENDMENTS MAY BE MADE
 - § RCP26.02:1 Case Law
- 26.03 HOW AMENDMENTS MADE
- 26.04 SERVICE OF AMENDED PLEADING
- 26.05 RESPONDING TO AN AMENDED PLEADING
 - § RCP26.05:1 Case Law—By Defendant
- 26.06 AMENDMENT AT TRIAL
 - § RCP26.06:1 Case Law

RULE 27 COUNTERCLAIM

- § RCP27:1 Synopsis
- 27.01 WHERE AVAILABLE
 - § RCP27.01:1 Case Law
- 27.02 STATEMENT OF DEFENCE AND COUNTERCLAIM

TABLE OF CONTENTS

- § RCP27.02:1 Case Law
- 27.03 COUNTERCLAIM TO BE ISSUED WHERE DEFENDANT TO
COUNTERCLAIM NOT ALREADY PARTY TO MAIN ACTION
- § RCP27.03:1 Case Law
- 27.04 TIME FOR DELIVERY OR SERVICE OF DEFENCE AND
COUNTERCLAIM
- 27.05 TIME FOR DELIVERY OF DEFENCE TO COUNTERCLAIM
- 27.06 TIME FOR DELIVERY OF REPLY TO DEFENCE TO
COUNTERCLAIM
- 27.07 AMENDING DEFENCE TO ADD COUNTERCLAIM
- § RCP27.07:1 Case Law
- 27.08 TRIAL OF COUNTERCLAIM
- § RCP27.08:1 Case Law
- 27.09 DISPOSITION OF COUNTERCLAIM
- § RCP27.09:1 Case Law
- 27.10 APPLICATION TO COUNTERCLAIMS, CROSSCLAIMS AND THIRD
PARTY CLAIMS
- § RCP27.10:1 Case Law

RULE 28 CROSSCLAIM

- § RCP28:1 Synopsis
- 28.01 WHERE AVAILABLE
- § RCP28.01:1 Case Law
- 28.02 STATEMENT OF DEFENCE AND CROSSCLAIM
- § RCP28.02:1 Case Law
- 28.03 AMENDING DEFENCE TO ADD CROSSCLAIM
- § RCP28.03:1 Case Law
- 28.04 TIME FOR DELIVERY OF STATEMENT OF DEFENCE AND
CROSSCLAIM
- 28.05 TIME FOR DELIVERY OF DEFENCE TO CROSSCLAIM
- 28.06 CONTENTS OF DEFENCE TO CROSSCLAIM
- 28.07 EFFECT OF DEFAULT OF DEFENCE TO CROSSCLAIM
- 28.08 TIME FOR DELIVERY OF REPLY TO DEFENCE TO CROSSCLAIM
- 28.09 TRIAL OF CROSSCLAIM
- 28.10 PREJUDICE OR DELAY TO PLAINTIFF
- 28.11 APPLICATION TO COUNTERCLAIMS AND THIRD PARTY CLAIMS

RULE 29 THIRD PARTY CLAIM

- § RCP29:1 Synopsis
- 29.01 WHERE AVAILABLE
- § RCP29.01:1 Case Law—Generally
- § RCP29.01:2 —Insurer
- 29.02 TIME FOR THIRD PARTY CLAIM
- § RCP29.02:1 Case Law
- 29.03 THIRD PARTY DEFENCE
- 29.04 REPLY TO THIRD PARTY DEFENCE
- 29.05 DEFENCE OF MAIN ACTION BY THIRD PARTY
- § RCP29.05:1 Case Law

- 29.06 EFFECT OF THIRD PARTY DEFENCE
 - § RCP29.06:1 Case Law
- 29.07 EFFECT OF DEFAULT OF THIRD PARTY
- 29.08 TRIAL OF THIRD PARTY CLAIM
 - § RCP29.08:1 Case Law
- 29.09 PREJUDICE OR DELAY TO PLAINTIFF
 - § RCP29.09:1 Case Law
- 29.10 THIRD PARTY DIRECTIONS
- 29.11 FOURTH AND SUBSEQUENT PARTY CLAIMS
 - § RCP29.11:1 Case Law
- 29.12 APPLICATION TO FOURTH AND SUBSEQUENT PARTY CLAIMS
- 29.13 APPLICATION TO COUNTERCLAIMS AND CROSSCLAIMS
- 29.14 FILE NUMBER

DISCOVERY

- § RCP:2 Summary of Discovery

RULE 29.1 DISCOVERY PLAN

- § RCP29.1:1 Synopsis
- 29.1.01 NON-APPLICATION OF RULE
- 29.1.02 DEFINITION
- 29.1.03 DISCOVERY PLAN
 - § RCP29.1.03:1 Case Law
- 29.1.04 DUTY TO UPDATE PLAN
- 29.1.05 FAILURE TO AGREE TO PLAN
 - § RCP29.1.05:1 Case Law

RULE 29.2 PROPORTIONALITY IN DISCOVERY

- § RCP29.2:1 Synopsis
- 29.2.01 DEFINITION
- 29.2.02 APPLICATION
- 29.2.03 CONSIDERATIONS
 - § RCP29.2.03:1 Case Law

RULE 30 DISCOVERY OF DOCUMENTS

- § RCP30:1 Synopsis and Advocacy Notes
- 30.01 INTERPRETATION
 - § RCP30.01:1 Case Law
- 30.02 SCOPE OF DOCUMENTARY DISCOVERY
 - § RCP30.02:1 Case Law—Generally
 - § RCP30.02:2 —Confidentiality
 - § RCP30.02:3 —Medical Records and Reports
 - § RCP30.02:4 —Privilege—Generally
 - § RCP30.02:5 — —Litigation
 - § RCP30.02:6 — —Settlement
 - § RCP30.02:7 — —Solicitor and client
 - § RCP30.02:8 — —Insurers

TABLE OF CONTENTS

- § RCP30.02:9 — —Crown
- § RCP30.02:10 —Insurance Policy
- § RCP30.02:11 —E-Discovery
- 30.03 AFFIDAVIT OF DOCUMENTS
 - § RCP30.03:1 Case Law
- 30.04 INSPECTION OF DOCUMENTS
 - § RCP30.04:1 Case Law—Generally
 - § RCP30.04:2 —Divided Production
- 30.05 DISCLOSURE OR PRODUCTION NOT ADMISSION OF RELEVANCE
- 30.06 WHERE AFFIDAVIT INCOMPLETE OR PRIVILEGE IMPROPERLY CLAIMED
 - § RCP30.06:1 Case Law
- 30.07 DOCUMENTS OR ERRORS SUBSEQUENTLY DISCOVERED
 - § RCP30.07:1 Case Law
- 30.08 EFFECT OF FAILURE TO DISCLOSE OR PRODUCE FOR INSPECTION
 - § RCP30.08:1 Case Law
- 30.09 **PRIVILEGED DOCUMENT NOT TO BE USED WITHOUT LEAVE**
 - § RCP30.09:1 Case Law
- 30.10 PRODUCTION FROM NON-PARTIES WITH LEAVE
 - § RCP30.10:1 Case Law—Generally
 - § RCP30.10:2 —Medical Reports
- 30.11 DOCUMENT DEPOSITED FOR SAFE KEEPING
 - § RCP30.11:1 Case Law

RULE 30.1 DEEMED UNDERTAKING

- § RCP30.1:1 Synopsis and Comment
- 30.1.01 APPLICATION
 - § RCP30.1.01:1 Case Law—Generally
 - § RCP30.1.01:2 —Where Applicable
 - § RCP30.1.01:3 —Exception

RULE 31 EXAMINATION FOR DISCOVERY

- § RCP31:1 Synopsis, Comment and Advocacy Notes
- 31.01 DEFINITION
- 31.02 FORM OF EXAMINATION
 - § RCP31.02:1 Case Law
- 31.03 WHO MAY EXAMINE AND BE EXAMINED
 - § RCP31.03:1 Case Law—Generally
 - § RCP31.03:2 —Parties Adverse in Interest
 - § RCP31.03:3 —On Behalf of Corporation
 - § RCP31.03:4 —In Place of Person Under Disability
 - § RCP31.03:5 —Nominal Party
- 31.04 WHEN EXAMINATION MAY BE INITIATED
 - § RCP31.04:1 Case Law
- 31.05 ORAL EXAMINATION BY MORE THAN ONE PARTY

- § RCP31.05:1 Case Law
- 31.05.1 TIME LIMIT
 - § RCP31.05.1:1 Case Law
- 31.06 SCOPE OF EXAMINATION
 - § RCP31.06:1 Case Law—Generally
 - § RCP31.06:2 —Witnesses
 - § RCP31.06:3 —Expert Opinions
 - § RCP31.06:4 —Surveillance Information
 - § RCP31.06:5 —Privilege—Generally
 - § RCP31.06:6 — —Solicitor and client
 - § RCP31.06:7 —Insurance Policies
 - § RCP31.06:8 —Examinee Informing Himself
 - § RCP31.06:9 —Divided Discovery
- 31.07 FAILURE TO ANSWER ON DISCOVERY
 - § RCP31.07:1 Case Law
- 31.08 EFFECT OF COUNSEL ANSWERING
 - § RCP31.08:1 Case Law
- 31.09 INFORMATION SUBSEQUENTLY OBTAINED
 - § RCP31.09:1 Case Law
- 31.10 DISCOVERY OF NON-PARTIES WITH LEAVE
 - § RCP31.10:1 Case Law
- 31.11 USE OF EXAMINATION FOR DISCOVERY AT TRIAL
 - § RCP31.11:1 Case Law

RULE 32 INSPECTION OF PROPERTY

- § RCP32:1 Synopsis
- 32.01 ORDER FOR INSPECTION
 - § RCP32.01:1 Case Law

RULE 33 MEDICAL EXAMINATION OF PARTIES

- § RCP33:1 Synopsis and Comment
- 33.01 MOTION FOR MEDICAL EXAMINATION
 - § RCP33.01:1 Case Law
- 33.02 ORDER FOR EXAMINATION
 - § RCP33.02:1 Case Law
- 33.03 DISPUTE AS TO SCOPE OF EXAMINATION
 - § RCP33.03:1 Case Law
- 33.04 PROVISION OF INFORMATION TO PARTY OBTAINING ORDER
 - § RCP33.04:1 Case Law
- 33.05 WHO MAY ATTEND ON EXAMINATION
 - § RCP33.05:1 Case Law
- 33.06 MEDICAL REPORTS
 - § RCP33.06:1 Case Law
- 33.07 PENALTY FOR FAILURE TO COMPLY
- 33.08 EXAMINATION BY CONSENT
 - § RCP33.08:1 Case Law

EXAMINATIONS OUT OF COURT

RULE 34 PROCEDURE ON ORAL EXAMINATIONS

TABLE OF CONTENTS

§ RCP34:1	Synopsis
34.01	APPLICATION OF THE RULE
34.02	BEFORE WHOM TO BE HELD
§ RCP34.02:1	Case Law
34.03	PLACE OF EXAMINATION
§ RCP34.03:1	Case Law
34.04	HOW ATTENDANCE REQUIRED
§ RCP34.04:1	Case Law
34.04.1	AGREEMENT TO EXAMINATION BEFORE PERSON OTHER THAN OFFICIAL EXAMINER [<i>Revoked</i> . O. Reg. 171/98, s. 9.]
34.05	NOTICE OF TIME AND PLACE
§ RCP34.05:1	Case Law
34.06	EXAMINATIONS ON CONSENT
34.07	WHERE PERSON TO BE EXAMINED RESIDES OUTSIDE ONTARIO
§ RCP34.07:1	Case Law
34.08	PERSON TO BE EXAMINED TO BE SWORN
§ RCP34.08:1	Case Law
34.09	INTERPRETER
§ RCP34.09:1	Case Law
34.10	PRODUCTION OF DOCUMENTS ON EXAMINATION
§ RCP34.10:1	Case Law
34.11	RE-EXAMINATION
§ RCP34.11:1	Case Law
34.12	OBJECTIONS AND RULINGS
§ RCP34.12:1	Case Law
34.13	RULINGS BY OFFICIAL EXAMINER [<i>Revoked</i> . O. Reg. 171/98, s. 10.]
34.14	IMPROPER CONDUCT OF EXAMINATION
§ RCP34.14:1	Case Law
34.15	SANCTIONS FOR DEFAULT OR MISCONDUCT BY PERSON TO BE EXAMINED
§ RCP34.15:1	Case Law
34.16	EXAMINATION TO BE RECORDED
34.17	TYPED TRANSCRIPT
34.18	FILING OF TRANSCRIPT
34.19	VIDEOTAPING OR OTHER RECORDING OF EXAMINATION
§ RCP34.19:1	Case Law

RULE 35 PROCEDURE ON EXAMINATION FOR DISCOVERY BY WRITTEN QUESTIONS

§ RCP35:1	Synopsis and Comment
35.01	QUESTIONS
35.02	ANSWERS
35.03	OBJECTIONS
35.04	FAILURE TO ANSWER
§ RCP35.04:1	Case Law
35.05	IMPROPER CONDUCT OF EXAMINATION
35.06	FILING QUESTIONS AND ANSWERS

RULE 36 TAKING EVIDENCE BEFORE TRIAL

- § RCP36:1 Synopsis and Comment
- 36.01 WHERE AVAILABLE
 - § RCP36.01:1 Case Law
- 36.02 PROCEDURE
- 36.03 EXAMINATIONS OUTSIDE ONTARIO
- 36.04 USE AT TRIAL
 - § RCP36.04:1 Case Law

MOTIONS AND APPLICATIONS

RULE 37 MOTIONS — JURISDICTION AND PROCEDURE

- § RCP37:1 Synopsis and Advocacy Notes
- § RCP37:2 Case Law
- 37.01 NOTICE OF MOTION
- 37.02 JURISDICTION TO HEAR A MOTION
 - § RCP37.02:1 Case Law—Jurisdiction of an Associate Judge
- 37.03 WHERE MOTIONS TO BE BROUGHT
 - § RCP37.03:1 Case Law
- 37.04 MOTIONS—TO WHOM TO BE MADE
 - § RCP37.04:1 Case Law
- 37.05 HEARING DATE FOR MOTIONS
- 37.06 CONTENT OF NOTICE
 - § RCP37.06:1 Case Law
 - § RCP37.06:2 —Notice of Motion - Grounds
- 37.07 SERVICE OF NOTICE
 - § RCP37.07:1 Case Law
- 37.08 FILING OF NOTICE OF MOTION
- 37.09 ABANDONED MOTIONS
 - § RCP37.09:1 Case Law
- 37.10 MATERIAL FOR USE ON MOTIONS
 - § RCP37.10:1 Case Law
- 37.10.1 CONFIRMATION OF MOTION
 - § RCP37.10.1:1 Case Law
- 37.11 HEARING IN ABSENCE OF PUBLIC
 - § RCP37.11:1 Case Law
- 37.12 HEARING BY CONFERENCE TELEPHONE [*Revoked*. O. Reg. 288/99, s. 15.]
 - 37.12.1 HEARING WITHOUT ORAL ARGUMENT
 - § RCP37.12.1:1 Case Law
- 37.13 DISPOSITION OF MOTION
 - § RCP37.13:1 Case Law
- 37.14 SETTING ASIDE, VARYING OR AMENDING ORDERS
 - § RCP37.14:1 Case Law
- 37.15 Motions in a Complicated Proceeding or Series of Proceedings
 - § RCP37.15:1 Case Law
- 37.16 PROHIBITING MOTIONS WITHOUT LEAVE
 - § RCP37.16:1 Case Law

TABLE OF CONTENTS

- 37.17 MOTION BEFORE COMMENCEMENT OF PROCEEDING
 - § RCP37.17:1 Case Law

RULE 38 APPLICATIONS — JURISDICTION AND PROCEDURE

- § RCP38:1 Synopsis
- 38.01 APPLICATION OF THE RULE
- 38.02 APPLICATIONS—TO WHOM TO BE MADE
- 38.03 PLACE AND DATE OF HEARING
 - § RCP38.03:1 Case Law
- 38.04 CONTENT OF NOTICE
 - § RCP38.04:1 Case Law
- 38.05 ISSUING OF NOTICE
- 38.06 SERVICE OF NOTICE
 - § RCP38.06:1 Case Law
- 38.07 NOTICE OF APPEARANCE
- 38.07.1 NOTICE OF DEFENCE
- 38.08 ABANDONED APPLICATIONS
 - § RCP38.08:1 Case Law
- 38.09 MATERIAL FOR USE ON APPLICATION
- 38.09.1 CONFIRMATION OF APPLICATION
- 38.10 DISPOSITION OF APPLICATION
 - § RCP38.10:1 Case Law
- 38.11 Setting Aside Judgment on Application Made Without Notice
 - § RCP38.11:1 Case Law
- 38.12 STRIKING OUT A DOCUMENT
- 38.13 APPLICATIONS UNDER S. 140(3), COURTS OF JUSTICE ACT

RULE 39 EVIDENCE ON MOTIONS AND APPLICATIONS

- § RCP39:1 Synopsis and Comment
- 39.01 EVIDENCE BY AFFIDAVIT
 - § RCP39.01:1 Case Law—Generally
 - § RCP39.01:2 —Information and Belief
 - § RCP39.01:3 —Full and Fair Disclosure
 - § RCP39.01:4 —Counsel on Motion
 - § RCP39.01:5 —Privilege—Generally
- 39.02 EVIDENCE BY CROSS-EXAMINATION ON AFFIDAVIT
 - § RCP39.02:1 Case Law—Generally
 - § RCP39.02:2 —Subsequent Affidavit
 - § RCP39.02:3 —Costs
- 39.03 EVIDENCE BY EXAMINATION OF A WITNESS
 - § RCP39.03:1 Case Law—Generally
 - § RCP39.03:2 —Before the Hearing
 - § RCP39.03:3 —At the Hearing
 - § RCP39.03:4 —Summons to Witness
- 39.04 EVIDENCE BY EXAMINATION FOR DISCOVERY
 - § RCP39.04:1 Case Law

PRESERVATION OF RIGHTS IN PENDING LITIGATION

§ RCP:3 Comment on Preservation of Rights

RULE 40 INTERLOCUTORY INJUNCTION OR MANDATORY ORDER

- § RCP40:1 Synopsis
- § RCP40:2 Case Law
- 40.01 HOW OBTAINED
 - § RCP40.01:1 Case Law
- 40.02 WHERE MOTION MADE WITHOUT NOTICE
 - § RCP40.02:1 Case Law
- 40.03 UNDERTAKING
 - § RCP40.03:1 Case Law
- 40.04 FACTUMS REQUIRED

RULE 41 APPOINTMENT OF RECEIVER

- § RCP41:1 Synopsis
- 41.01 DEFINITION
- 41.02 HOW OBTAINED
- 41.03 FORM OF ORDER
- 41.04 REFERENCE OF CONDUCT OF RECEIVERSHIP
- 41.05 DIRECTIONS
- 41.06 DISCHARGE
 - § RCP41.06:1 Case Law

RULE 42 CERTIFICATE OF PENDING LITIGATION

- § RCP42:1 Synopsis
- 42.01 ISSUING OF CERTIFICATE
 - § RCP42.01:1 Case Law
- 42.02 DISCHARGE OF CERTIFICATE
 - § RCP42.02:1 Case Law

RULE 43 INTERPLEADER

- § RCP43:1 Synopsis
- 43.01 GENERAL
- 43.02 WHERE AVAILABLE
 - § RCP43.02:1 Case Law
- 43.03 HOW OBTAINED
 - § RCP43.03:1 Case Law
- 43.04 DISPOSITION
 - § RCP43.04:1 Case Law

RULE 44 INTERIM RECOVERY OF PERSONAL PROPERTY

- § RCP44:1 Synopsis
- 44.01 MOTION FOR INTERIM ORDER
 - § RCP44.01:1 Case Law
- 44.02 ORDER TO CONTAIN DESCRIPTION AND VALUE OF PROPERTY
- 44.03 DISPOSITION OF MOTION

TABLE OF CONTENTS

- § RCP44.03:1 Case Law
- 44.04 CONDITION AND FORM OF SECURITY
- 44.05 SETTING ASIDE ORDER
- 44.06 RELEASE OF SECURITY
- 44.07 DUTY OF SHERIFF
- 44.08 WHERE DEFENDANT PREVENTS RECOVERY

RULE 45 INTERIM PRESERVATION OF PROPERTY

- § RCP45:1 Synopsis
- 45.01 INTERIM ORDER FOR PRESERVATION OR SALE
- § RCP45.01:1 Case Law
- 45.02 SPECIFIC FUND
- § RCP45.02:1 Case Law
- 45.03 RECOVERY OF PERSONAL PROPERTY HELD AS SECURITY

PRE-TRIAL PROCEDURES

RULE 46 PLACE OF TRIAL

- § RCP46:1 Synopsis
- 46.01 COUNTY WHERE PROCEEDING COMMENCED OR TRANSFERRED
- § RCP46.01:1 Case Law
- 46.02 WHERE TRIAL TO BE HELD [*Revoked*. O. Reg. 14/04, s. 25.]
- 46.03 ORDER CHANGING PLACE OF TRIAL [*Revoked*. O. Reg. 14/04, s. 25.]
- § RCP46.03:1 Case Law

RULE 47 JURY NOTICE

- § RCP47:1 Synopsis
- 47.01 ACTIONS TO BE TRIED WITH A JURY
- § RCP47.01:1 Case Law
- 47.02 STRIKING OUT JURY NOTICE
- § RCP47.02:1 Case Law—Where Jury Notice Not in Accordance with Statute or Rules
- § RCP47.02:2 —Where Jury Trial Inappropriate
- § RCP47.02:3 —Where Jury Trial Appropriate

RULE 48 LISTING FOR TRIAL

- § RCP48:1 Synopsis
- 48.01 WHEN AND BY WHOM ACTION MAY BE SET DOWN FOR TRIAL
- § RCP48.01:1 Case Law
- 48.02 HOW ACTION IS SET DOWN FOR TRIAL
- 48.03 TRIAL RECORD
- 48.04 CONSEQUENCES OF SETTING DOWN
- § RCP48.04:1 Case Law
- 48.05 PLACING ACTION ON TRIAL LIST
- 48.06 [*Revoked*. O. Reg. 343/21, s. 2.]

- § RCP48.06:1 Case Law
- 48.07 CONSEQUENCES OF ACTION BEING PLACED ON TRIAL LIST
- 48.08 SEPARATE TRIAL LISTS
- 48.09 SEPARATE SPEEDY TRIAL LIST
- 48.10 ACTIONS TRAVERSED OR REMAINING ON LIST AT CONCLUSION
OF SITTING
- 48.11 ACTIONS STRUCK OFF TRIAL LIST
 - § RCP48.11:1 Case Law
- 48.12 DUTY TO INFORM REGISTRAR OF SETTLEMENT
- 48.13 APPLICATION OF THE RULE
- 48.14 DISMISSAL OF ACTION FOR DELAY
 - § RCP48.14:1 Case Law
- 48.15 [*Revoked.* O. Reg. 170/14, s. 10.]

**RULE 49 SETTLEMENT [HEADING AMENDED BY O. REG. 50/
25, S. 2.]**

- § RCP49:1 Synopsis, Comment and Advocacy Notes
- 49.01.1 DEFINITIONS
- 49.01
- 49.02 WHERE AVAILABLE
 - § RCP49.02:1 Case Law
- 49.03 TIME FOR MAKING OFFER
 - § RCP49.03:1 Case Law
- 49.04 WITHDRAWAL OR EXPIRY OF OFFER
 - § RCP49.04:1 Case Law
- 49.05 EFFECT OF OFFER
- 49.06 DISCLOSURE OF OFFER TO COURT
 - § RCP49.06:1 Case Law
- 49.07 ACCEPTANCE OF OFFER
 - § RCP49.07:1 Case Law—Generally
 - § RCP49.07:2 —Successive Offers
- 49.08 PARTY UNDER DISABILITY
 - § RCP49.08:1 Case Law
- 49.09 FAILURE TO COMPLY WITH ACCEPTED OFFER
 - § RCP49.09:1 Case Law—Generally
 - § RCP49.09:2 —Judgment Granted
 - § RCP49.09:3 —Judgment Refused
- 49.10 COSTS CONSEQUENCES OF FAILURE TO ACCEPT
 - § RCP49.10:1 Case Law—Generally
 - § RCP49.10:2 —Timing
 - § RCP49.10:3 —Interest
 - § RCP49.10:4 —Costs
 - § RCP49.10:5 —Order Otherwise
 - § RCP49.10:6 —Judgment More Favourable
 - § RCP49.10:7 —Multiple Offers
 - § RCP49.10:8 —Appeals
- 49.11 MULTIPLE DEFENDANTS
 - § RCP49.11:1 Case Law

TABLE OF CONTENTS

- 49.12 OFFER TO CONTRIBUTE
 - § RCP49.12:1 Case Law
- 49.13 DISCRETION OF COURT
 - § RCP49.13:1 Case Law
- 49.14 PARTIAL SETTLEMENT AGREEMENTS
 - § RCP49.14:1 Case Law

RULE 50 CONFERENCES

- § RCP50:1 Synopsis, Comment and Advocacy Notes
- 50.01 PURPOSE
- 50.02 PRE-TRIAL CONFERENCES FOR ACTIONS
- 50.03 PRE-TRIAL CONFERENCES FOR APPLICATIONS
- 50.03.1 CERTIFICATE OF READINESS TO BE FILED (ACTIONS)
- 50.04 MATERIALS TO BE FILED
- 50.05 ATTENDANCE
- 50.06 MATTERS TO BE CONSIDERED
- 50.07 POWERS
 - § RCP50.07:1 Case Law
- 50.08 PRE-TRIAL CONFERENCE REPORT
- 50.09 NO DISCLOSURE
 - § RCP50.09:1 Case Law
- 50.10 PRE-TRIAL JUDGE NOT TO PRESIDE AT HEARING
 - § RCP50.10:1 Case Law
- 50.11 DOCUMENTS TO BE MADE AVAILABLE
- 50.12 COSTS OF PRE-TRIAL CONFERENCE
- 50.13 CASE CONFERENCES FOR ACTIONS AND APPLICATIONS
 - § RCP50.13:1 Case Law

RULE 51 ADMISSIONS

- § RCP51:1 Synopsis and Comment
- 51.01 INTERPRETATION
 - § RCP51.01:1 Case Law
- 51.02 REQUEST TO ADMIT FACT OR DOCUMENT
 - § RCP51.02:1 Case Law
- 51.03 EFFECT OF REQUEST TO ADMIT
 - § RCP51.03:1 Case Law
- 51.04 COSTS ON REFUSAL TO ADMIT
 - § RCP51.04:1 Case Law
- 51.05 WITHDRAWAL OF ADMISSION
 - § RCP51.05:1 Case Law
- 51.06 ORDER BASED ON ADMISSION OF FACT OR DOCUMENT
 - § RCP51.06:1 Case Law

TRIALS

RULE 52 TRIAL PROCEDURE

- § RCP52:1 Synopsis, Comment and Advocacy Notes
- 52.01 FAILURE TO ATTEND AT TRIAL

- § RCP52.01:1 Case Law
- 52.02 ADJOURNMENT OF TRIAL
 - § RCP52.02:1 Case Law
- 52.03 COURT APPOINTED EXPERTS
 - § RCP52.03:1 Case Law
- 52.04 EXHIBITS
 - § RCP52.04:1 Case Law
- 52.05 VIEW BY JUDGE OR JURY
- 52.06 EXCLUSION OF WITNESSES
 - § RCP52.06:1 Case Law
- 52.07 ORDER OF PRESENTATION IN JURY TRIALS
 - § RCP52.07:1 Case Law
- 52.08 DISAGREEMENT OF THE JURY
 - § RCP52.08:1 Case Law
- 52.09 RECORDING JURY VERDICT
 - § RCP52.09:1 Case Law
- 52.10 FAILURE TO PROVE A FACT OR DOCUMENT
 - § RCP52.10:1 Case Law

RULE 53 EVIDENCE AT TRIAL

- § RCP53:1 Synopsis and Comment
- 53.01 EVIDENCE BY WITNESSES
 - § RCP53.01:1 Case Law
- 53.02 EVIDENCE BY AFFIDAVIT
 - § RCP53.02:1 Case Law
- 53.03 EXPERT WITNESSES
 - § RCP53.03:1 Case Law
- 53.04 COMPELLING ATTENDANCE AT TRIAL
 - § RCP53.04:1 Case Law
- 53.05 INTERPROVINCIAL SUBPOENA
- 53.06 COMPELLING ATTENDANCE OF WITNESS IN CUSTODY
- 53.07 CALLING ADVERSE PARTY AS WITNESS
 - § RCP53.07:1 Case Law
- 53.08 EVIDENCE ADMISSIBLE ONLY WITH LEAVE
 - § RCP53.08:1 Case Law
- 53.09 CALCULATION OF AWARDS FOR FUTURE PECUNIARY DAMAGES
 - § RCP53.09:1 Case Law
- 53.10 PREJUDGMENT INTEREST RATE FOR NON-PECUNIARY DAMAGES
 - § RCP53.10:1 Case Law

REFERENCES

RULE 54 DIRECTING A REFERENCE

- § RCP54:1 Synopsis and Comment
- 54.01 APPLICATION OF RULES 54 AND 55
- 54.02 WHERE REFERENCE MAY BE DIRECTED
 - § RCP54.02:1 Case Law

TABLE OF CONTENTS

54.03 TO WHOM REFERENCE MAY BE DIRECTED

§ RCP54.03:1 Case Law

54.04 ORDER DIRECTING A REFERENCE

§ RCP54.04:1 Case Law

54.05 MOTIONS ON A REFERENCE

54.06 REPORT ON REFERENCE

54.07 REPORT MUST BE CONFIRMED

54.08 CONFIRMATION ON MOTION WHERE REPORT BACK REQUIRED

54.09 CONFIRMATION BY PASSAGE OF TIME WHERE REPORT BACK NOT REQUIRED

§ RCP54.09:1 Case Law

54.10 REFEREE UNABLE TO CONTINUE OR COMPLETE REFERENCE

RULE 55 PROCEDURE ON A REFERENCE

§ RCP55:1 Synopsis

55.01 GENERAL PROVISIONS FOR CONDUCT OF REFERENCE

§ RCP55.01:1 Case Law

55.02 PROCEDURE ON A REFERENCE GENERALLY

§ RCP55.02:1 Case Law

55.03 PROCEDURE TO ASCERTAIN INTERESTED PERSONS AND VERIFY CLAIMS

55.04 PROCEDURE ON TAKING OF ACCOUNTS

§ RCP55.04:1 Case Law

55.05 DIRECTION FOR PAYMENT OF MONEY

55.06 REFERENCE FOR CONDUCT OF SALE

§ RCP55.06:1 Case Law

55.07 REFERENCE TO APPOINT GUARDIAN OR RECEIVER

COSTS

RULE 56 SECURITY FOR COSTS

§ RCP56:1 Synopsis and Comment

56.01 WHERE AVAILABLE

§ RCP56.01:1 Case Law—Generally

§ RCP56.01:2 —Counterclaim

§ RCP56.01:3 —Resident Out of Ontario (clause (a))

§ RCP56.01:4 —Other Proceedings (clause (b))

§ RCP56.01:5 —Unpaid Costs (clause (c))

§ RCP56.01:6 —Corporation or Nominal Plaintiff (clause (d))

§ RCP56.01:7 —Impecuniosity

§ RCP56.01:8 —Other Statutes (Clause (f))

56.02 DECLARATION OF PLAINTIFF'S OR APPLICANT'S PLACE OF RESIDENCE

§ RCP56.02:1 Case Law

56.03 MOTION FOR SECURITY

§ RCP56.03:1 Case Law

§ RCP56.03:2 —Delay

56.04 AMOUNT AND FORM OF SECURITY AND TIME FOR FURNISHING

- 56.05 FORM AND EFFECT OF ORDER
 - § RCP56.05:1 Case Law
- 56.06 DEFAULT OF PLAINTIFF OR APPLICANT
 - § RCP56.06:1 Case Law
- 56.07 AMOUNT MAY BE VARIED
 - § RCP56.07:1 Case Law—Generally
 - § RCP56.07:2 —Time for Motion
- 56.08 NOTICE OF COMPLIANCE
- 56.09 SECURITY FOR COSTS AS TERM OF RELIEF
 - § RCP56.09:1 Case Law

RULE 57 COSTS OF PROCEEDINGS

- § RCP57:1 Synopsis and Comment
- 57.01 GENERAL PRINCIPLES
 - § RCP57.01:1 Case Law—Generally
 - § RCP57.01:2 —Assessment Ordered
- 57.02 DIRECTIONS TO ASSESSMENT OFFICER
 - § RCP57.02:1 Case Law
- 57.03 COSTS OF A MOTION
 - § RCP57.03:1 Case Law
- 57.04 COSTS ON SETTLEMENT
- 57.05 COSTS WHERE ACTION BROUGHT IN WRONG COURT
 - § RCP57.05:1 Case Law
- 57.06 COSTS OF LITIGATION GUARDIAN
 - § RCP57.06:1 Case Law
- 57.07 LIABILITY OF LAWYER FOR COSTS
 - § RCP57.07:1 Case Law

RULE 58 ASSESSMENT OF COSTS

- § RCP58:1 Synopsis and Comment
- 58.01 GENERAL
 - § RCP58.01:1 Case Law
- 58.02 WHO MAY ASSESS COSTS
 - § RCP58.02:1 Case Law
- 58.03 ASSESSMENT AT INSTANCE OF PARTY ENTITLED
 - § RCP58.03:1 Case Law
- 58.04 ASSESSMENT AT INSTANCE OF PARTY LIABLE
- 58.05 ASSESSMENT IN ACCORDANCE WITH TARIFFS
 - § RCP58.05:1 Case Law—Disbursement Items
 - § RCP58.05:2 —Set-off
 - § RCP58.05:3 —Expropriations
 - § RCP58.05:4 —Miscellaneous
 - § RCP58.05:5 —Costs of Assessment
- 58.06 FACTORS TO BE CONSIDERED ON ASSESSMENT
 - § RCP58.06:1 Case Law—Generally
 - § RCP58.06:2 —Quantum of Counsel Fees
 - § RCP58.06:3 —Court Directions (subrule (2))
 - § RCP58.06:4 —Solicitor and Client

TABLE OF CONTENTS

58.07	COSTS OF ABANDONED PROCEEDING
58.08	COSTS OF PARTICULAR PROCEEDINGS
58.09	CERTIFICATE OF ASSESSMENT
58.10	OBJECTIONS TO ASSESSMENT
§ RCP58.10:1	Case Law
58.11	APPEAL FROM ASSESSMENT
§ RCP58.11:1	Case Law
58.12	COSTS OF A SHERIFF
58.13	COSTS FIXED BY REGISTRAR

ORDERS

RULE 59 ORDERS

§ RCP59:1	Synopsis
59.01	EFFECTIVE DATE
§ RCP59.01:1	Case Law
59.02	ENDORSEMENT OF ORDERS
§ RCP59.02:1	Case Law
59.03	PREPARATION AND FORM OF ORDER
§ RCP59.03:1	Case Law
59.04	ISSUING ORDERS
§ RCP59.04:1	Case Law
59.05	ENTERING ORDERS
59.06	AMENDING, SETTING ASIDE OR VARYING ORDER
§ RCP59.06:1	Case Law—Generally
§ RCP59.06:2	—Amending
§ RCP59.06:3	—Setting Aside or Varying
59.07	SATISFACTION OF ORDER
§ RCP59.07:1	Case Law
59.08	LIMITED SCOPE RETAINER

RULE 60 ENFORCEMENT OF ORDERS

§ RCP60:1	Synopsis
60.01	DEFINITIONS
§ RCP60.01:1	Case Law
60.02	ENFORCEMENT OF ORDER FOR PAYMENT OR RECOVERY OF MONEY
§ RCP60.02:1	Case Law
60.03	ENFORCEMENT OF ORDER FOR POSSESSION OF LAND
§ RCP60.03:1	Case Law
60.04	ENFORCEMENT OF ORDER FOR RECOVERY OF PERSONAL PROPERTY
60.05	ENFORCEMENT OF ORDER TO DO OR ABSTAIN FROM DOING ANY ACT
60.06	ENFORCEMENT BY OR AGAINST A PERSON NOT A PARTY
§ RCP60.06:1	Case Law
60.07	WRIT OF SEIZURE AND SALE
§ RCP60.07:1	Case Law—Issuance and Renewal

- § RCP60.07:2 —Direction to Enforce
- § RCP60.07:3 —Sale of Land
- 60.07.1 DOCUMENTS DIRECTED TO SHERIFF UNDER AN ACT
- 60.08 GARNISHMENT
 - § RCP60.08:1 Case Law
- 60.09 WRIT OF SEQUESTRATION
- 60.10 WRIT OF POSSESSION
 - § RCP60.10:1 Case Law—Generally
 - § RCP60.10:2 —Duration
- 60.11 CONTEMPT ORDER
 - § RCP60.11:1 Case Law
- 60.12 FAILURE TO COMPLY WITH INTERLOCUTORY ORDER
 - § RCP60.12:1 Case Law
- 60.13 DISPUTE OF OWNERSHIP OF PROPERTY SEIZED BY SHERIFF
- 60.14 SHERIFF'S REPORT ON EXECUTION OF WRIT
- 60.15 REMOVAL OR WITHDRAWAL OF WRIT FROM SHERIFF'S FILE
- 60.16 DUTY OF PERSON FILING WRIT WITH SHERIFF
- 60.17 MOTION FOR DIRECTIONS
 - § RCP60.17:1 Case Law
- 60.18 EXAMINATION IN AID OF EXECUTION
 - § RCP60.18:1 Case Law
- 60.19 COSTS OF ENFORCEMENT
 - § RCP60.19:1 Case Law
- 60.20 [*Revoked.* O. Reg. 221/25, s. 13.]

APPEALS

- § RCP:4 Summary of Appeals

RULE 61 APPEALS TO AN APPELLATE COURT

- § RCP61:1 Synopsis and Advocacy Notes
- 61.01 APPLICATION OF THE RULE
- 61.02 DEFINITION
- 61.03 MOTION FOR LEAVE TO APPEAL TO DIVISIONAL COURT
 - § RCP61.03:1 Case Law
- 61.03.1 MOTION FOR LEAVE TO APPEAL TO COURT OF APPEAL
 - § RCP61.03.1:1 Case Law
- 61.04 COMMENCEMENT OF APPEALS
 - § RCP61.04:1 Case Law
- 61.05 CERTIFICATE OR AGREEMENT RESPECTING EVIDENCE
 - § RCP61.05:1 Case Law
- 61.06 SECURITY FOR COSTS OF APPEAL
 - § RCP61.06:1 Case Law
- 61.07 CROSS-APPEALS
 - § RCP61.07:1 Case Law
- 61.08 AMENDMENT OF NOTICE OF APPEAL OR CROSS-APPEAL
 - § RCP61.08:1 Case Law
- 61.09 PERFECTING APPEALS
 - § RCP61.09:1 Case Law

TABLE OF CONTENTS

61.10	APPEAL BOOK AND COMPENDIUM
§ RCP61.10:1	Case Law
61.10.1	EXHIBIT BOOK
61.11	APPELLANT'S FACTUM
§ RCP61.11:1	Case Law
61.12	RESPONDENT'S FACTUM AND COMPENDIUM
61.13	DISMISSAL FOR DELAY
§ RCP61.13:1	Case Law
61.13.0.1	AUTOMATIC DISMISSAL BY REGISTRAR FOR DELAY, DIVISIONAL COURT APPEAL
61.13.1	FAILURE TO OBTAIN ORDER TO CONTINUE APPEAL
§ RCP61.13.1:1	Case Law
61.14	ABANDONED APPEALS
§ RCP61.14:1	Case Law
61.15	CROSS-APPEAL WHERE APPEAL DISMISSED FOR DELAY OR ABANDONED
61.16	MOTIONS IN APPELLATE COURT
§ RCP61.16:1	Case Law

RULE 62 APPEALS FROM INTERLOCUTORY ORDERS, AND OTHER APPEALS

§ RCP62:1	Synopsis
62.01	PROCEDURE ON APPEAL
§ RCP62.01:1	Case Law
62.02	MOTION FOR LEAVE TO APPEAL
§ RCP62.02:1	Case Law—Orders—Final or interlocutory—(a) Final determination
§ RCP62.02:2	— — —(b) Interlocutory
§ RCP62.02:3	— — —(c) Non-party
§ RCP62.02:4	— — —(d) Costs
§ RCP62.02:5	— — —(e) Mortgage proceedings
§ RCP62.02:6	—Grounds for Leave
§ RCP62.02:7	—Miscellaneous

RULE 63 STAY PENDING APPEAL

§ RCP63:1	Synopsis and Comment
63.01	AUTOMATIC STAY ON DELIVERY OF NOTICE OF APPEAL
§ RCP63.01:1	Case Law—Generally
§ RCP63.01:2	—Lifting Stay
63.02	STAY BY ORDER
§ RCP63.02:1	Case Law—Generally
§ RCP63.02:2	—Matrimonial
63.03	EFFECT OF STAY
§ RCP63.03:1	Case Law

PARTICULAR PROCEEDINGS

RULE 64 MORTGAGE ACTIONS

- § RCP64:1 Synopsis
- 64.01 DEFINITION
- 64.02 DEFAULT JUDGMENT WITH REFERENCE
- 64.03 FORECLOSURE ACTIONS
 - § RCP64.03:1 Case Law—Persons to Be Joined
 - § RCP64.03:2 —Redemption
 - § RCP64.03:3 —Default
 - § RCP64.03:4 —Foreclosure or Sale
 - § RCP64.03:5 —Other
- 64.04 SALE ACTIONS
 - § RCP64.04:1 Case Law
- 64.05 REDEMPTION ACTIONS
- 64.06 PROCEDURE ON MORTGAGE REFERENCES GENERALLY
 - § RCP64.06:1 Case Law—Adding Parties
 - § RCP64.06:2 —Transfer of Mortgage
 - § RCP64.06:3 —Extension of Time

RULE 65 PROCEEDINGS FOR ADMINISTRATION

- § RCP65:1 Synopsis
- 65.01 WHERE AVAILABLE
 - § RCP65.01:1 Case Law
- 65.02 WHERE A REFERENCE IS DIRECTED
 - § RCP65.02:1 Case Law

RULE 66 PARTITION PROCEEDINGS

- § RCP66:1 Synopsis
- 66.01 WHERE AVAILABLE
 - § RCP66.01:1 Case Law
- 66.02 FORM OF JUDGMENT
- 66.03 PROCEEDS OF SALE

RULE 67 PROCEEDINGS CONCERNING THE ESTATES OF MINORS

- § RCP67:1 Synopsis
- 67.01 HOW COMMENCED
- 67.02 AFFIDAVIT IN SUPPORT
- 67.03 WHERE CONSENT REQUIRED

RULE 68 PROCEEDINGS FOR JUDICIAL REVIEW

- § RCP68:1 Synopsis
- 68.01 HOW COMMENCED
- 68.02 APPLICABLE PROCEDURE
- 68.03 HEARING DATE IN DIVISIONAL COURT
- 68.04 APPLICATION RECORDS AND FACTUMS
 - § RCP68.04:1 Case Law
- 68.05 CERTIFICATE OF PERFECTION
- 68.06 DISMISSAL FOR DELAY

TABLE OF CONTENTS

68.07 AUTOMATIC DISMISSAL BY REGISTRAR FOR DELAY

RULE 69 DIVORCE ACTIONS

69 [*Revoked.* O. Reg. 131/04, s. 17.]

RULE 70 FAMILY LAW PROCEEDINGS

70 [*Revoked.* O. Reg. 131/04, s. 17.]

RULE 71 CHILD AND FAMILY SERVICES ACT APPEALS

71 [*Revoked.* O. Reg. 288/99, s. 26.]

RULE 72 PAYMENT INTO AND OUT OF COURT

§ RCP72:1 Synopsis

72.01 DEFINITIONS

72.02 PAYMENT INTO COURT

§ RCP72.02:1 Case Law

72.03 PAYMENT OUT OF COURT

§ RCP72.03:1 Case Law

72.04 DISCHARGE OF A MORTGAGE

72.05 STOP ORDER

§ RCP72.05:1 Case Law

RULE 73 RECIPROCAL ENFORCEMENT OF UNITED KINGDOM JUDGMENTS

§ RCP73:1 Synopsis

73.01 DEFINITIONS

§ RCP73.01:1 Case Law

73.02 APPLICATION FOR REGISTRATION OF JUDGMENT

§ RCP73.02:1 Case Law

73.03 ENFORCEMENT OF JUDGMENT

RULE 74 ESTATES — NON-CONTENTIOUS PROCEEDINGS

§ RCP74:1 Synopsis

74.01 DEFINITIONS

74.02 DEPOSIT OF WILLS AND CODICILS FOR SAFEKEEPING

74.03 REQUEST FOR NOTICE OF COMMENCEMENT OF PROCEEDING

74.04 CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE

§ RCP74.04:1 Case Law

74.05 [*Revoked.* O. Reg. 709/21, s. 5.]

§ RCP74.05:1 Case Law

74.05.1 CERTIFICATE OF APPOINTMENT OF FOREIGN ESTATE TRUSTEE'S NOMINEE AS ESTATE TRUSTEE WITHOUT A WILL

74.06 CERTIFICATE OF APPOINTMENT OF SUCCEEDING ESTATE TRUSTEE WITH A WILL

§ RCP74.06:1 Case Law

- 74.07 CERTIFICATE OF APPOINTMENT OF SUCCEEDING ESTATE
TRUSTEE WITHOUT A WILL
- 74.08 CONFIRMATION BY RESEALING OF APPOINTMENT OF ESTATE
TRUSTEE WITH OR WITHOUT A WILL
- 74.09 CERTIFICATE OF ANCILLARY APPOINTMENT OF ESTATE
TRUSTEE WITH A WILL
- 74.10 CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE
DURING LITIGATION
 - § RCP74.10:1 Case Law
- 74.11 BONDS
 - § RCP74.11:1 Case Law
- 74.12 PROCEDURE ON APPLICATIONS FOR CERTIFICATES OF
APPOINTMENT OF ESTATE TRUSTEES
- 74.13 DEPOSIT EQUAL TO TAX
- 74.14 ISSUANCE OF CERTIFICATE OF APPOINTMENT OF ESTATE
TRUSTEE
 - § RCP74.14:1 Case Law
- 74.14.1 AUTHENTICATION OF CERTIFICATE OF APPOINTMENT
- 74.14.2 CONFIRMATION OF ESTATE TRUSTEES
- 74.15 ORDERS FOR ASSISTANCE
 - § RCP74.15:1 Case Law
- 74.16 PASSING OF ESTATE ACCOUNTS
- 74.17 FORM OF ACCOUNTS
- 74.18 APPLICATION TO PASS ACCOUNTS
 - § RCP74.18:1 Case Law

RULE 74.1 SMALL ESTATES — NON-CONTENTIOUS PROCEEDINGS

- § RCP74.1:1 Synopsis
- 74.1.01 DEFINITION, SMALL ESTATE
- 74.1.02 APPLICATION OF RULE
- 74.1.03 APPLICATION FOR SMALL ESTATE CERTIFICATE
- 74.1.04 ISSUING A SMALL ESTATE CERTIFICATE
- 74.1.05 AMENDING A SMALL ESTATE CERTIFICATE
- 74.1.06 ESTATE CEASES TO BE SMALL ESTATE

RULE 75 ESTATES — CONTENTIOUS PROCEEDINGS

- § RCP75:1 Synopsis
- 75.01 FORMAL PROOF OF TESTAMENTARY INSTRUMENT
 - § RCP75.01:1 Case Law
- 75.01.1 [*Revoked*. O. Reg. 383/21, s. 10.]
- 75.02 PROOF OF LOST OR DESTROYED WILL
- 75.03 OBJECTION TO ISSUING CERTIFICATE OF APPOINTMENT
 - § RCP75.03:1 Case Law
- 75.04 REVOCATION OF CERTIFICATE OF APPOINTMENT
 - § RCP75.04:1 Case Law
- 75.05 RETURN OF CERTIFICATE
 - § RCP75.05:1 Case Law—Generally
- 75.06 APPLICATION OR MOTION FOR DIRECTIONS

TABLE OF CONTENTS

- § RCP75.06:1 Case Law
- 75.07 PROCEDURE WHERE STATEMENT OF CLAIM SERVED
- 75.07.1 SUBMISSION OF RIGHTS TO COURT
 - § RCP75.07:1 Case Law—Generally
- 75.08 CLAIMS AGAINST AN ESTATE
 - § RCP75.08:1 Case Law
- 75.09 LAWYER OF RECORD

RULE 75.1 MANDATORY MEDIATION — ESTATES, TRUSTS AND SUBSTITUTE DECISIONS

- § RCP75.1:1 Synopsis
- 75.1.01 PURPOSE [*Revoked*. O. Reg. 132/04, s. 13.]
- 75.1.02 SCOPE
- 75.1.03 DEFINITIONS
- 75.1.04 EXEMPTION FROM MEDIATION
- 75.1.05 DIRECTIONS FOR CONDUCT OF MEDIATION
- 75.1.06 MEDIATORS
- 75.1.07 CHOICE OF MEDIATOR
- 75.1.08 PROCEDURE BEFORE MEDIATION SESSION
- 75.1.09 ATTENDANCE AT MEDIATION SESSION
- 75.1.10 REMEDY FOR NON-COMPLIANCE
- 75.1.11 CONFIDENTIALITY
- 75.1.12 OUTCOME OF MEDIATION
- 75.1.13 CONSENT ORDER FOR ADDITIONAL MEDIATION SESSION
- 75.1.14 [*Revoked*. O. Reg. 132/04, s. 17.]

RULE 75.2 COURT-ORDERED ESTATES MEDIATION

- § RCP75.2:1 Synopsis
- 75.2.01 APPLICATION
- 75.2.02 DEFINITION
- 75.2.03 DIRECTIONS FOR CONDUCT OF MEDIATION
- 75.2.04 MEDIATOR
- 75.2.05 PROCEDURE BEFORE MEDIATION SESSION
- 75.2.06 ATTENDANCE AT MEDIATION SESSION
- 75.2.07 REMEDY FOR NON-COMPLIANCE
- 75.2.08 CONFIDENTIALITY
- 75.2.09 OUTCOME OF MEDIATION
- 75.2.10 CONSENT ORDER FOR ADDITIONAL MEDIATION SESSION

RULE 76 SIMPLIFIED PROCEDURE

- § RCP76:1 Synopsis and Comment
- 76.01 APPLICATION OF RULE
- 76.02 AVAILABILITY OF SIMPLIFIED PROCEDURE
 - § RCP76.02:1 Case Law
 - 76.02.1 JURY TRIAL NOT AVAILABLE
 - § RCP76.02.1:1 Case Law
- 76.03 AFFIDAVIT OF DOCUMENTS
- 76.04 NO WRITTEN DISCOVERY, CROSS-EXAMINATION ON AN AFFIDAVIT OR EXAMINATION OF A WITNESS

- § RCP76.04:1 Case Law
- 76.05 MOTIONS
- § RCP76.05:1 Case Law
- 76.06 [*Revoked*. O. Reg. 438/08, s. 55.]
- 76.07 [*Revoked*. O. Reg. 438/08, s. 55.]
- 76.08 SETTLEMENT DISCUSSIONS AND DOCUMENTARY DISCLOSURE
- 76.09 HOW DEFENDED ACTION IS SET DOWN FOR TRIAL OR SUMMARY TRIAL
- § RCP76.09:1 Case Law
- 76.09.1 EXPERT AFFIDAVITS
- 76.10 PRE-TRIAL CONFERENCE
- § RCP76.10:1 Case Law
- 76.11 TRIAL
- 76.12 SUMMARY TRIAL
- 76.12.1 LIMITS ON COSTS AND DISBURSEMENTS AWARDS
- 76.13 COST CONSEQUENCES
- § RCP76.13:1 Case Law—Generally
- § RCP76.13:2 —Cost Consequences
- 76.14 TRANSITION — JURY TRIALS

RULE 77 CIVIL CASE MANAGEMENT

- § RCP77:1 Synopsis
- 77.01 PURPOSE AND GENERAL PRINCIPLES
- 77.02 APPLICATION
- § RCP77.02:1 Case Law
- 77.03 DEFINITIONS
- 77.04 CASE MANAGEMENT POWERS
- § RCP77.04:1 Case Law
- 77.05 ASSIGNMENT FOR CASE MANAGEMENT
- 77.06 ASSIGNMENT TO INDIVIDUAL MANAGEMENT BY A JUDGE
- 77.07 MOTIONS
- § RCP77.07:1 Case Law
- 77.08 CASE CONFERENCE
- 77.09 TRANSITION

RULE 78 TORONTO CIVIL CASE MANAGEMENT PILOT PROJECT [REVOKED. O. REG. 438/08, S. 65.]

TABLE OF FORMS [OMITTED — SEE VOLUME 2]

FORMS [OMITTED — SEE VOLUME 2]

TARIFFS

TARIFF A LAWYERS' FEES AND DISBURSEMENTS ALLOWABLE UNDER RULES 57.01 AND 58.05
TARIFF B [*Revoked*. O. Reg. 131/04, s. 28.]
TARIFF C LAWYERS' COSTS ALLOWED ON PASSING OF ACCOUNTS WITHOUT A HEARING

TABLE OF CONTENTS

SCHEDULES OF FEES

Under the Administration of Justice Act SUPERIOR COURT OF
JUSTICE AND COURT OF APPEAL — FEES

Under the Administration of Justice Act SUPERIOR COURT OF
JUSTICE — FAMILY COURT — FEES

FEE WAIVER UNDER THE ADMINISTRATION OF JUSTICE ACT
SHERIFFS — FEES

CONTINGENCY FEE AGREEMENTS [Repealed]

FAMILY LAW RULES

RULE 1 GENERAL

1 Citation

§ FLR1:1 Case Law

RULE 1.1 ELECTRONIC FILING AND ISSUANCE OF DOCUMENTS

1.1 Electronic Filing and Issuance of Documents

RULE 1.2 REDACTIONS AND OMISSIONS

1.2 Requirement to Redact, Omit

§ FLR1.2:1 Case Law

RULE 1.3 ACCESS TO COURT FILES

1.3 Definition

RULE 2 INTERPRETATION

2 Definitions

§ FLR2:1 Case Law

RULE 3 TIME

3 Counting days

§ FLR3:1 Case Law

RULE 4 REPRESENTATION

4 Definition

§ FLR4:1 Case Law

RULE 5 WHERE A CASE STARTS AND IS TO BE HEARD

5 Where case starts

§ FLR5:1 Case Law

RULE 6 SERVICE OF DOCUMENTS

6 Methods of service

§ FLR6:1 Case Law

RULE 7 PARTIES

- 7 Who are parties — case
§ FLR7:1 Case Law

RULE 8 STARTING A CASE

- 8 Filing an application
§ FLR8:1 Case Law

RULE 8.0.1 AUTOMATIC ORDER

- 8.0.1 Application of rule

RULE 8.1 MANDATORY INFORMATION PROGRAM

- 8.1 Application of rule
§ FLR8.1:1 Case Law

RULE 9 CONTINUING RECORD

- 9 Continuing record created

RULE 10 ANSWERING A CASE

- 10 Serving and filing answer
§ FLR10:1 Case Law

RULE 11 AMENDING AN APPLICATION, ANSWER OR REPLY

- 11 Amending application without court's permission
§ FLR11:1 Case Law

RULE 12 WITHDRAWING, COMBINING OR SPLITTING CASES

- 12 Withdrawing application, answer or reply
§ FLR12:1 Case Law

RULE 13 FINANCIAL DISCLOSURE

- 13 Financial statement with application, answer or motion
§ FLR13:1 Case Law

RULE 14 MOTIONS FOR TEMPORARY ORDERS

- 14 When to make motion
§ FLR14:1 Case Law—Generally
§ FLR14:2 —Interim Maintenance and Support—Generally
§ FLR14:3 — —Preservation of property
§ FLR14:4 — —Exclusive possession of matrimonial home
§ FLR14:5 — —Failure to comply

RULE 15 MOTIONS TO CHANGE A FINAL ORDER OR AGREEMENT

- 15 Definition
§ FLR15:1 Case Law—Generally

TABLE OF CONTENTS

§ FLR15:2 —Children

RULE 16 SUMMARY JUDGMENT

16 When available

§ FLR16:1 Case Law

RULE 17 CONFERENCES

17 Conferences in defended cases

§ FLR17:1 Case Law

RULE 18 OFFERS TO SETTLE

18 Definition

§ FLR18:1 Case Law

RULE 19 DOCUMENT DISCLOSURE

19 Affidavit listing documents

§ FLR19:1 Case Law

RULE 20 QUESTIONING A WITNESS AND DISCLOSURE

20 Questioning — procedure

§ FLR20:1 Case Law

RULE 20.1 DUTY OF EXPERTS

20.1 Application

§ FLR20.1:1 Case Law

RULE 20.2 EXPERT OPINION EVIDENCE

20.2 Definitions

§ FLR20.2:1 Case Law

RULE 20.3 COURT-APPOINTED EXPERTS

20.3 Appointment of expert by court

RULE 21 REPORT OF CHILDREN’S LAWYER

21 Report of children’s lawyer

§ FLR21:1 Case Law

RULE 22 ADMISSION OF FACTS

22 Meaning of admission that document genuine

§ FLR22:1 Case Law

RULE 23 EVIDENCE AND TRIAL

23 Trial record

§ FLR23:1 Case Law

RULE 24 COSTS

24 COSTS

§ FLR24:1 Case Law

RULE 25 ORDERS

25 Consent order

§ FLR25:1 Case Law

RULE 25.1 PAYMENT INTO AND OUT OF COURT

25.1 Definition

RULE 26 ENFORCEMENT OF ORDERS

26 Where to enforce an order

§ FLR26:1 Case Law

RULE 27 REQUIRING FINANCIAL INFORMATION

27 Request for financial statement

RULE 28 SEIZURE AND SALE

28 Interpretation, Electronic Filing and Issuance

RULE 29 GARNISHMENT

29 Issue of notice or notices of garnishment

§ FLR29:1 Case Law

RULE 30 DEFAULT HEARING

30 Issuing notice of default hearing

§ FLR30:1 Case Law

RULE 31 CONTEMPT OF COURT

31 When contempt motion available

§ FLR31:1 Case Law

RULE 32 BONDS, RECOGNIZANCES AND WARRANTS

32 Warrant to bring a person to court

RULE 32.1 ENFORCEMENT OF FAMILY ARBITRATION AWARDS

32.1 Requesting enforcement

RULE 33 CHILD PROTECTION

33 Timetable

§ FLR33:1 Case Law

TABLE OF CONTENTS

RULE 34 ADOPTION

- 34 CYFSA definitions apply
§ FLR34:1 Case Law

RULE 35 CHANGE OF NAME

- 35 Time for application

RULE 35.1 DECISION-MAKING RESPONSIBILITY, PARENTING TIME AND CONTACT

- 35.1 Affidavit
§ FLR35.1:1 Case Law

RULE 36 DIVORCE

- 36 Application for divorce

RULE 37 INTERJURISDICTIONAL SUPPORT ORDERS

- 37 Definitions
§ FLR37:1 Case Law

RULE 37.1 FAMILY LAW ACT PROVISIONAL ORDERS

- 37.1 Application

RULE 37.2 INTERNATIONAL CHILD ABDUCTION

- 37.2 Application
§ FLR37.2:1 Case Law

RULE 38 APPEALS

- 38 Rules that apply in appeals to Divisional Court and Court of Appeal
§ FLR38:1 Case Law

RULE 39 CASE MANAGEMENT IN FAMILY COURT OF SUPERIOR COURT OF JUSTICE

- 39 Case management in certain areas only
§ FLR39:1 Case Law

RULE 40 CASE MANAGEMENT IN ONTARIO COURT OF JUSTICE

- 40 Case management in certain areas only

RULE 41 CASE MANAGEMENT IN THE SUPERIOR COURT OF JUSTICE (OTHER THAN THE FAMILY COURT OF THE SUPERIOR COURT OF JUSTICE)

- 41 Case management
§ FLR41:1 Case Law

RULE 42 CASE MANAGEMENT BY ASSOCIATE JUDGE

- 42 Case management by associate judge
 - § FLR42:1 Case Law

RULE 43 BINDING JUDICIAL DISPUTE RESOLUTION IN THE SUPERIOR COURT OF JUSTICE

- 43 Binding judicial dispute resolution

RULES OF THE SMALL CLAIMS COURT

RULE 1 GENERAL

- 1.01 Citation
- 1.02 Definitions
- 1.03 General principle
- 1.03.1 Matters Not Covered in Rules
 - § SCCR1.03:1 Case Law
- 1.04 Orders on terms
- 1.05 Standards for Documents
- 1.05.1 Electronic Filing, Issuance of Documents
- 1.05.2 Electronic Court Documents, Communications, Signatures
- 1.05.3 [*Repealed* O. Reg. 153/25, s. 2.].
- 1.05.4 Small Claims Court Submissions Online Portal
- 1.05.5 Ontario Courts Public Portal
- 1.05.6 Case Center
- 1.06 Forms
- 1.07 Hearing Methods
- 1.08 Representation
- 1.09 Ceasing to be a Representative

RULE 2 NON-COMPLIANCE WITH THE RULES

- 2.01 Effect of non-compliance
- 2.02 Court may dispense with compliance
 - § SCCR2.02:1 Case Law

RULE 3 TIME

- 3.01 Computation
- 3.02 Powers of court

RULE 4 PARTIES UNDER DISABILITY

- 4.01 Plaintiff's litigation guardian
- 4.02 Defendant's litigation guardian
- 4.03 Who may be litigation guardian
- 4.04 Duties of litigation guardian
- 4.05 Power of court
- 4.06 Setting aside judgment, etc.
- 4.07 Settlement requires court's approval
- 4.08 Money to be paid into court

TABLE OF CONTENTS

RULE 5 PARTNERSHIPS AND SOLE PROPRIETORSHIPS

- 5.01 Partnerships
- 5.02 Defence
- 5.03 Notice to alleged partner
- 5.04 Disclosure of partners
- 5.05 Enforcement of Order
- 5.06 Sole proprietorships

RULE 6 FORUM AND JURISDICTION

- 6.01 Place of commencement of trial
 - § SCCR6.01:1 Case Law
- 6.02
 - § SCCR6.02:1 Case Law
- 6.03 [*Revoked*. O. Reg. 78/06, s. 8(2).]

RULE 7 COMMENCEMENT OF PROCEEDINGS

- 7.01 Plaintiff's claim
- 7.02 Issuing Claim
- 7.03 [*Revoked*. O. Reg. 249/21, s. 3.]
- 7.04 [*Revoked*. O. Reg. 249/21, s. 3.]
 - § SCCR7:1 Case Law

RULE 8 SERVICE

- 8.01 Service of Particular Documents
- 8.02 Personal service
- 8.03 Alternatives to personal service
- 8.04 Substituted service
- 8.05 Service outside Ontario
- 8.06 [*Repealed* O. Reg. 521/22, s. 3.]
- 8.07 Service by mail
- 8.07.1 Service by courier
- 8.08 Service by email
- 8.09 Notice of change of address
- 8.09.1 Proof of Service
- 8.10 Failure to receive document

RULE 9 DEFENCE

- 9.01 Defence
- 9.02 Contents of defence, attachments
- 9.03 Admission of liability and proposal of terms of payment
 - § SCCR9:1 Case Law

RULE 10 DEFENDANT'S CLAIM

- 10.01 Defendant's claim
- 10.02 Service
- 10.03 Defence
- 10.04 Defendant's claim to be tried with main action

10.05 Application of rules to defendant's claim

RULE 11 DEFAULT PROCEEDINGS

- 11.01 Noting defendant in default
- 11.02 Default judgment, plaintiff's claim, debt or liquidated demand
- 11.03 Default judgment, plaintiff's claim, unliquidated demand
- 11.04 Default judgment, defendant's claim
- 11.05 Consequences of noting in default
- 11.06 Setting aside noting of default by court on motion
 - § SCCR11:1 Case Law

RULE 11.1 DISMISSAL BY CLERK

- 11.1.01 Dismissal
- 11.1.02 Effect of dismissal on defendant's claim

RULE 11.2 REQUEST FOR CLERK'S ORDER ON CONSENT

- 11.2.01 Consent order

RULE 11.3 DISCONTINUANCE

- 11.3.01 Discontinuance by Plaintiff in Undefined Action
- 11.3.02 Effect of Discontinuance on Subsequent Action

RULE 12 AMENDMENT, STRIKING OUT, STAY AND DISMISSAL

- 12.01 Right to amend
 - § SCCR12.01:1 Case Law
- 12.02 Motion to strike out or amend a document
 - § SCCR12.02:1 Case Law
- 12.03 Stay or Dismissal if No Leave under *Courts of Justice Act*
 - § SCCR12.03:1 Case Law

RULE 13 SETTLEMENT CONFERENCES

- 13.01 Settlement conference required in defended action
 - § SCCR13.01:1 Case Law
- 13.02 Participation
- 13.03 Purposes of settlement conference
- 13.04 Recommendations to parties
- 13.05 Orders at settlement conference
- 13.06 Memorandum
- 13.07 Notice of trial
- 13.08 Judge not to preside at trial
- 13.09 Withdrawal of claim
- 13.10 Costs

RULE 14 OFFER TO SETTLE

- 14.01
 - 14.01.1 Written documents

TABLE OF CONTENTS

- 14.02 Time for making offer
- 14.03 Withdrawal
- 14.04 No disclosure to trial judge
- 14.05 Acceptance of an offer to settle
- 14.06 Failure to comply with accepted offer
- 14.07 Costs consequences of failure to accept
 - § SCCR14:1 Case Law

RULE 15 MOTIONS

- 15.01 Notice of Motion and Supporting Affidavit
- 15.02 Motion Hearings
- 15.03 Motion without notice
- 15.04 No further motions without leave
- 15.05 Adjournment of motion
- 15.06 Withdrawal of motion
- 15.07 Costs
 - § SCCR15:1 Case Law

RULE 16 TRIAL SCHEDULING

- 16.01 Clerk fixes date and serves notice

RULE 16.1 TRIAL MANAGEMENT CONFERENCE

- 16.1.01 Court may require
- 16.1.02 Purposes of Trial Management Conference
- 16.1.03 Recommendations to parties
- 16.1.04 Orders at trial management conference
- 16.1.05 Memorandum
- 16.1.06 Judge not to preside at trial
- 16.1.07 Costs

RULE 17 TRIAL

- 17.01 Failure to attend
- 17.02 Adjournment
- 17.03 Inspection
 - § SCCR17.03:1 Case Law
- 17.04 Motion for new trial

RULE 18 EVIDENCE AT TRIAL

- 18.01 Affidavit
- 18.02 Written statements, documents and records
 - § SCCR18.02:1 Case Law
- 18.03 Summons to witness

RULE 19 COSTS

- 19.01 Disbursements
- 19.02 [*Revoked*, O. Reg. 3/25, s. 19.]
 - § SCCR19.02:1 Case Law

- 19.03 [*Revoked*. O. Reg. 440/10, s. 4.]
- 19.04 Representation fee
 - § SCCR19.04:1 Case Law
- 19.05 Compensation for Inconvenience and Expense
- 19.06 Penalty
 - § SCCR19.06:1 Case Law
- 19.07 Limitation

RULE 20 ENFORCEMENT OF ORDERS

- 20.01 Definitions
- 20.02 Power of court
- 20.03 General
- 20.04 Certificate of judgment
- 20.05 Delivery of personal property
 - § SCCR20.05:1 Case Law
- 20.06 Writ of seizure and sale of personal property
- 20.07 Writ of seizure and sale of land
- 20.08 Garnishment
 - § SCCR20.08:1 Case Law
- 20.09 Consolidation order
- 20.10 Examination of debtor or other person
- 20.11 Contempt hearing
- 20.12 Satisfaction of order

RULE 21 REFEREE

- 21.01

RULE 22 PAYMENT INTO AND OUT OF COURT

- 22.01 Definitions
- 22.02 Non-application of rule
- 22.03 Payment into Court
- 22.04 Payment out of Court
- 22.05 Transition

REGULATIONS MADE UNDER THE ADMINISTRATION OF JUSTICE ACT

Index