

Directions on Estate Matters before the Superior Court of Justice in Ottawa – as of April 14, 2020

The March 15, 2020 directive from Chief Justice Morawetz suspends regular operations of the Ontario Superior Court of Justice. Urgent matters continue to be heard, pursuant to the March 15, 2020 directive and the expansion announced on April 2, 2020. Parties and counsel should continue to check the SCJ website for the most recent updates on SCJ operations. [<https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/>]

In Ottawa, the Estate's counter continues to operate and process applications for Certificates of Appointment. It is operating on reduced hours. The current hours of operation are Monday to Friday - 10 am to noon and 2 pm to 4 pm.

The Ottawa Estate's counter continues to receive its regular daily mail delivery, which includes Canada Post (such as Xpresspost and Priority Post) and Purolator. It is recommended that people use mail delivery to file material with the Ottawa Estate's counter to avoid unnecessary personal attendance at the courthouse. People seeking to enter the Ottawa courthouse, including lawyers and process servers, are currently being screened at the entrance, and people who do not pass the screening will be denied entry. Anyone who wishes to personally attend at the courthouse should carefully review Chief Justice Morawetz's March 13, 2020, Advisory Notice that sets out who should not attend provincial courthouses, at <https://www.ontariocourts.ca/scj/covid-19/>.

Parties and counsel should include a self-addressed stamped envelope for the issued Certificate to be returned to them by mail.

The Ottawa Estate's counter continues to process applications for Certificates of Appointment within the standard periods, being 4 to 6 weeks however due to COVID-19 it may take 6 to 8 weeks to process applications. These periods may change without notice. Parties should obtain the Certificate of Appointment as early as possible, and ensure that they have the issued Certificate of Appointment in hand BEFORE entering into contractual arrangements that require the issued Certificate (for example, get the Certificate BEFORE listing a property for sale). Parties should not assume that an urgent court process will rectify their failure to act prudently.

Parties and counsel should review the "Directions on Civil Matters that may be heard in Ottawa during the COVID 19 Health Emergency as of April 6, 2020" for information on the Ottawa Court's handling of urgent and non-urgent civil matters, including estates. A copy of this directive is posted on the County of Carleton Law Association's website at <https://cdn.ymaws.com/www.ccla-abcc.ca/resource/resmgr/news/apr6civilottawaen.pdf>

In summary:

- The Estate's counter at the Ottawa courthouse continues to operate, although on reduced hours;
- Certificates of Appointment are currently being issued within the standard period, being 4 to 6 weeks. This could change;
- Send material to the Ottawa Estate's counter through their mail delivery - which includes delivery from Canada Post and Purolator;
- Your material should include a self-addressed stamped envelope for the Certificate to be returned to you by mail;
- Apply early to ensure the Certificate of Appointment is issued well before it is needed;
- Other urgent estate matters should follow the process set out for urgent civil matters.