ONTARIO

DIRECTIONS ON ADDITIONAL CIVIL MATTERS THAT MAY BE HEARD IN OTTAWA AS OF MAY 19, 2020:

Regional Senior Justice Calum MacLeod issued a notice on May 13, 2020 about expanded court operations in the East Region as of May 19, 2020. All parties and counsel must comply with all filing requirements set out in that notice, found here: https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/notice-east/.

In addition to complying with the RJS's notice, as of May 19, 2020 parties to civil proceedings in Ottawa must comply with these local directions when seeking:

(1) Adjudication of *ex parte*, consent and unopposed motions and applications;

(2) Adjudication of other motions and applications that may be heard in writing;

(3) Hearing of contested motions and applications where the issues of fact and law are not complex;

(4) Civil case conferences in proceedings already subject to case management;

(5) Case management in civil proceedings not already subject to case management;

(6) Appointment of a class proceedings judge in a proposed class proceeding;

(7) Completion of hearings of motions and applications that were commenced and adjourned prior to March 17, 2020;

(8) Pre-trial conferences; and

(9) Hearing of urgent motions and applications.

These directions do not apply to proceedings in the Small Claims Court or Divisional Court. They supersede the local directions provided by notice on April 4, 2020.

(1) ***Ex parte*, consent, and unopposed motions and applications**:

The moving party or applicant shall file materials by email at the virtual counter at Ottawa.SCJ.courts@ontario.ca.

- a motion or application record in a searchable PDF format;
- an affidavit of service or proof that the motion is unopposed or on consent;
- if necessary, a factum not exceeding ten pages in length, either in Word or a searchable PDF format;
- a draft order in Word format; and
- a record of a courier package sent to the civil counter at 161 Elgin Street, second floor, enclosing the required filing fee.

No books of authority or statutory materials shall be filed. References to case law or statutory material shall be made by hyperlinks to CanLII in the factum or record.

These motions and applications shall be heard in writing unless the judge or master seized determines otherwise.

(2) Other motions and applications that may be heard in writing:

Other motions and applications that may be heard in writing include:

- motions under rule 7.08 of the *Rules of Civil Procedure*;
- motions and applications under the *Estates Act*, the *Public Guardian and Trustee Act*, or the *Trustee Act*; and
- any motions and applications that the parties agree should be dealt with in writing.

A request for adjudication of a motion or application in writing shall be made by email, no longer than two pages in length, submitted to Ottawa.SCJ.courts@ontario.ca. If the motion or application is to be heard in writing on consent, the requesting party must certify that all parties have agreed to have the motion heard in writing. The email should attach a concise motion record, no longer than ten pages in length, a copy of the pleadings and, if necessary, excerpts from other key documents. The

materials may refer to additional materials, such as expert reports and case law, in which case a hyperlink to these materials should be provided.

The judge or master seized with the motion or application shall provide instructions on the filing of further materials.

(3) Contested motions and applications where the issues of fact and law are not complex:

A party may request a hearing of any contested motion or application. The motion or application need not be urgent but the resolution of the issue in dispute should permit the case to advance in a significant way. Priority shall be given to matters scheduled to proceed in March, April, May or June 2020. Motions for summary judgment shall not be accepted for hearing.

Prior to requesting a hearing, the moving party or applicant shall complete the form attached as a schedule to these directions and send it to the responding party. Parties are required to make attempts to agree on all timetabling issues (cross examinations, exchange of materials etc.).

Once the parties have conferred and all parties have completed the form, it shall be emailed to Ottawa.SCJ.courts@ontario.ca, who shall forward it to the triage judge or master.

The triage judge or master shall review the form and attachments and either refer the motion or application to a judge or master to determine, or advise the parties that the matter is not accepted for hearing at this time. Contested motions and applications shall not be accepted if, in the triage judge or master's view, they involve complex issues of law or fact that make them unsuitable for remote adjudication.

Where a motion or application is approved for hearing, the presiding judge or master shall give directions regarding the filing of materials, the method of hearing, and any other procedural matters. He or she may convene a remote case conference pursuant to rule 50.13 to address any disputed timetabling or procedural issues before the matter is heard.

Where a motion or application has been approved for hearing, the moving party or applicant shall file, by email to the motion coordinator's office within two days, a record of a courier package sent enclosing the required filing fee to the civil counter.

(4) Case conferences in civil proceedings already subject to case management:

A case conference may be requested in any proceeding already subject to case management, where the parties require the court's assistance for the purpose of setting a timetable, obtaining a direction with respect to discovery or service, or obtaining any other procedural order. A judge at a case conference may also, in consultation with the RSJ or civil LAJ, schedule a long motion or a summary judgment motion in appropriate circumstances.

A request for a case conference shall be made an e-mail, no longer than two pages in length, to the case management coordinator at Mastersofficeottawa@ontario.ca. In the email, the requesting party should indicate why a case conference is necessary or useful, what issues will be addressed, and the position of other parties with respect to the proposed case conference. The case management coordinator shall forward the request to the case management judge or master, who may or may not convene a conference. If the judge or master accepts the request, he or she shall determine the format of the conference, which may proceed in writing, by teleconference, or by videoconference.

(5) Case management in civil proceedings not already subject to case management:

A party in an ongoing civil proceeding not already subject to a case management order may seek case management or a case conference, for the purpose of setting a timetable, obtaining a direction with respect to discovery or service, or obtaining any other procedural order.

A party may request case management or a case conference by filing an email, no longer than two pages in length, to the case management coordinator at Mastersofficeottawa@ontario.ca. The email shall briefly describe the history of the litigation and the reason(s) for the request. The requesting party shall indicate the position of other parties with respect to the request and attach a copy of any pleadings exchanged in PDF format.

The case management office shall forward any request to the triage judge, who may reject it, accept it, or assign it to a judge or master for disposition.

(6) Appointment of a class proceedings judge in a proposed class proceeding:

A request for appointment of a class proceedings judge in a proposed class proceeding shall be submitted by email to the trial coordinator, who will forward it to RSJ. The judge appointed may convene case conferences or schedule motions in the proceeding if circumstances make it appropriate and court resources are available. At their discretion, case conferences and motions may take place by teleconference or videoconference.

(7) Completion of hearings of motions and applications commenced and adjourned prior to March 17, 2020:

A party to a motion or application, the hearing of which was underway but adjourned as of March 17, 2020, may request that the hearing be completed virtually. The presiding judge or master has the discretion to decide whether or not the hearing shall be continued and by what means (in writing, or by teleconference or videoconference), and may convene a case conference with the parties to assist in the determination of these issues.

A party seeking the completion of the hearing of a motion or application shall submit a request by e-mail to the trial coordinator's office, at OttawaSCJ.TC.Office@ontario.ca. The email should briefly describe the matter, set out the dates on which a hearing proceeded and who is seized of it, and indicate whether all parties agree that the hearing should be continued remotely. The request shall be forwarded to the judge or master seized of the matter for consideration and disposition.

(8) Pre-trial conferences:

A pre-trial conference may be requested in any matter, but priority will be given to matters where a pre-trial conference or trial was scheduled to take place in 2020.

Pre-trial conferences will continue to focus on resolution of the proceeding and significantly advance the case. Counsel and parties will no longer have to certify that the case is one that is likely to settle at the conference. They must however:

- ensure that all parties and their counsel participate, with full authority to negotiate, and otherwise comply with rule 53.03.

- provide a teleconference or video conference line, if directed to do so by the court or, if a conference facility is provided by the court, be prepared to connect to it.

- attend the conference in a suitable location and suitably equipped with stable video or audio connections.

A request for a pre-trial conference may be submitted to the Ottawa case management office at Mastersofficeottawa@ontario.ca. The request should attach a Word document, two pages or less in length, explaining the nature of the action; whether a pretrial conference or trial was scheduled to take place in 2020; the issues that have impeded settlement; why a pre-trial conference would be of assistance; and what, if any, settlement discussions have already taken place.

If the request for a pre trial is not on consent, the party opposing the holding of a pre trial should submit an email, also no longer than two pages in length, stating why a pre-trial conference should not be held at this time.

The parties' emails shall be submitted to a triage judge or master to determine if a pre trial conference shall be scheduled. If it is, the trial co-ordinator's office shall set a date and time for a pre-trial conference after canvassing the parties' availabilities.

At least five days prior to the pretrial conference date, every party shall file an electronic brief via email to the trial coordinator's office, at Mastersofficeottawa@ontario.ca. The brief shall be no greater than ten pages in length and prepared in searchable PDF format. Excerpts from key documents may be appended, and the brief may contain hyper-links to expert reports, case law, and any other pertinent documents. Pre-trial conference memos should indicate the latest stage of parties' settlement discussions.

(9) Urgent motions and applications

The Chief Justice's March 15, 2020 notice defining urgent matters in family and civil matters remains in force and may be found here:

https://www.ontariocourts.ca/scj/covid-19-suspension-fam/

A request for hearing of an urgent motion or application in Ottawa shall be made by submitting an e-mail to the trial co-ordinator's office, at

OttawaSCJ.TC.Office@ontario.ca, if the matter must be heard by a judge; or the masters' office, at Mastersofficeottawa@ontario.ca, where the matter may be heard by a master. If the request relates to a bankruptcy proceeding, it should be submitted to the bankruptcy office at Ottawa.scjbankruptcy@ontario.ca.

The email shall be no longer than two pages in length and shall succinctly state why the matter should be heard urgently. The requesting party must attach a notice of motion or application, no greater than ten pages in length.

The request for an urgent hearing will be reviewed by a triage judge or master. If the he or she agrees that the matter appears urgent, the matter shall be assigned to a judge or master, who shall provide instructions to the parties on the filing of further materials and on the conduct of a hearing.

Justice Sally Gomery
Acting Local Administrative Judge, Civil Matters, Ottawa
May 14, 2020

SUPERIOR COURT OF JUSTICE
OTTAWA

161 Elgin Street
Ottawa ON CA K2P 2K1
E-Mail: Ottawa.SCJ.courts@ontario.ca

REQUEST FOR HEARING OF A CONTESTED MOTION OR APPLICATION

Please type or print clearly

Title of Proceedings:		Court File No.:
Nature of the relief requested:		
Rules relied upon:		
Jurisdiction:	Judge _____ Master _____	Notice of Motion / Application Attached
Bilingual	Yes _____ No _____	
Length of time required:		
Proposed Dates:		
If this matter was set for hearing in March, April, May or June 2020, indicate the original hearing date: _____		

Timetable for exchange of materials and cross examination agreed to by all parties: (add steps or modify as necessary)	• Moving party to serve motion record:
	• Responding affidavit:
	• Other affidavits or evidence:
	• Examination of non party witness:
	• Cross examinations:
	• Factums to be exchanged:
	• All material for use on the motion to be filed:
	  • Moving party 7 days prior to scheduled event
	  • Responding party(s) 4 days prior to scheduled event
	  • Other_____
	• Motion to be confirmed:
	  • 3 days prior to scheduled event
	  • Other_____
	• Other:	

Request approved by all parties: Yes _____ No _____

_____	_____	_____
(Name and firm of moving Party/Lawyer)	*(Name and firm of responding Party/Lawyer)*	*(Name and firm of responding Party/Lawyer)*
_____	_____	_____
(Telephone No., Fax No. and Email address)	*(Telephone No., Fax No. and Email address)*	*Telephone No., Fax No. and Email address)*

DISPOSITION BY TRIAGE JUDGE OR MASTER: Date: _____ Signature of Triage Judge or Master: _____	1. The parties shall adhere to the timetable set out above subject to the provisions of Rule 3. 2. The motion/application will be returnable on _____ and _____ are reserved. It will be heard by _____. 3. There will be a case conference on _____ at ____ by teleconference. Dial-in information will be provided by _____. 4. The method of hearing will be determined by the judge or master to whom the matter is assigned. 5. Additional terms, if any: