

NOTICE TO THE LEGAL PROFESSION AND THE PUBLIC
47 SHEPPARD AVE. E. COURTHOUSE, TORONTO, ONT.

1 February 2022

1. This notice replaces previous notices.¹
2. All cases before a judge at 47 Sheppard Ave. E. courthouse may proceed in person, by telephone conference, by video remote conference (e.g., Zoom) or as a hybrid hearing. The manner of proceeding must be canvassed with the case management judge and is subject to Public Health recommendations. Settlement conferences and trials, in both child protection and domestic cases, will proceed in person, unless otherwise ordered by the court, and subject to any concerns raised by the litigants, witnesses and counsel. Attendances before the First Appearance clerk and initial case conferences will continue to proceed by telephone or video conference.

FILING OPTIONS

3. There are three filing options:
 - a) Electronic filing using the Family Submissions Online Portal;
 - b) Filing documents by e-mail at 47Sheppard.ocj.courts@ontario.ca or,
 - c) In person filings.

a) Electronic Filing using the Family Submissions Online Portal:

- a. The Family Submissions Online Portal is now the primary method of e-filing documents. The legal profession is encouraged to use the Family

¹ An executive summary of the changes in this Notice to the Profession from previous notices is attached.

Submissions Online Portal rather than e-mail filing. This is a simple and quick way to electronically submit documents at no cost.

- b. When filing the document through the portal an e-mail confirmation will be sent to advise that the court has received the document. Within 5 business days, once the document has been processed, an additional e-mail will be sent to advise if the documents have been accepted for filing or rejected.
- c. As the documents filed in this portal may not be accepted for filing until 5 days have passed, the Family Submissions Online Portal cannot be used if the hearing date is sooner than 5 days.
- d. To access the portal, users are required to create an account using their Ontario One-Key ID. To set up an account, visit www.ontario.ca/familyclaims.

b) Filing Documents by E-mail

- a. The Family Submissions Online Portal is the primary method of e-filing documents now. Lawyers/parties should only submit documents by e-mail if they are unable to submit documents using the Family Submissions Online Portal. Documents should ONLY be filed by e-mail if the matter is urgent and cannot be filed 5 days or more before the hearing date.

- b. All documents must be clearly labelled. The subject line of the e-mail must contain the file number, parties' names (the title of the case), the name of the document being filed and the court return date.
 - c. The court staff have been receiving multiple duplications of filings. Documents are being filed through the portal, then e-mailed to court administration, then e-mailed to the trial co-ordinator's office and also being e-mailed to individual court staff. This is causing an inability of court staff to process the volume of e-mails being received. Do not file electronic documents to multiple e-mail addresses.
 - d. Any documents that are e-filed by e-mail are to be e-mailed to: 47Sheppard.ocj.courts@ontario.ca. Do not use any other e-mail addresses for e-mail filing, as they will be discontinued as of 1 November 2020.
 - e. Documents are ONLY to be e-mailed to the trial co-ordinator with respect to requests for urgent motions, Form 14B motions, costs submissions, or if specifically endorsed by the judge.
- c) In person filings:** In person filings are to be limited as much as possible, as the number of people coming into the courthouse is restricted. Court counters are only open between 9:00 a.m. to 11:00 a.m. and 2:00 p.m. to 4:00 p.m.

CASELINES:

4. CaseLines is an electronic document sharing and e-hearing platform for both in-person and virtual court appearances developed by Thomson Reuters. Parties will be able to upload, store, review, search and annotate court documents virtually using CaseLines, and will be able to share and present their documents at a court hearing using the platform. Uploading to CaseLines is not filing, it is a step in addition to filing.
5. As of December 13, 2021, when a conference date or motion is scheduled at 47 Sheppard, the CaseLines platform will be used. Counsel/the parties must upload their court documents for use at the case conference or motion into CaseLines, as soon as the documents have been reviewed by court staff and approved for filing.
6. For more information, please see the Notice on CaseLines for Domestic Family Matters in the Ontario Court of Justice, posted on the court website at: <https://www.ontariocourts.ca/ocj/caselines/caselines-for-domestic-family-matters/>

PHONE CALLS

7. Do not call the Court Office to inquire if your documents have been received or processed. The administration office and the trial co-ordinator's office are being inundated with calls and e-mails to inquire if documents have been received and processed. Using the portal allows staff to focus on processing documents instead of answering phone calls and e-mails to see if documents have been

received and processed, and will enable the staff to meet the 5 business day expectation for the processing of documents.

8. Lawyers and parties are reminded that court staff cannot answer or give advice with respect to legal questions.
9. The appropriate manner of inquiry with respect to a procedural issue is to serve and file a request by Form 14B Motion, not by sending e-mails to court staff and the trial co-ordinator.

CASE CONFERENCE AND SETTLEMENT CONFERENCE BRIEFS

10. Briefs are limited to 8 pages in total including any attachments (but not including professional reports, calculations and any offer to settle). If counsel need to file expanded briefs, leave must be obtained from the case management judge. Relevant orders and endorsements from other courts should be included and are not counted in the page limits. There is no need to include orders and endorsements from matters in this court.
11. Briefs that exceed these page limits will not be accepted by the court for filing, if filed in error, may not be considered by the presiding judge and may result in a costs order for a wasted court attendance.
12. Pending return to normalized court operations late filing of briefs will not be permitted, regardless of any consent from the opposing party. Briefs must be filed within the timelines set out in the Family Law Rules, unless the court orders otherwise.

MOTION MATERIALS

13. The court expects parties will submit only brief materials needed to allow for a fair, timely and summary disposition. Every effort should be made to keep materials brief. Parties filing unnecessarily voluminous material may be subject to a costs order at the discretion of the presiding judge, even if successful on the motion.
14. The page limit for affidavits in support of a motion and responding affidavits is 10 pages for the body of the affidavit, and 10 pages for the exhibits. On reply, the page limit is 5 pages for the body of the affidavit and 5 pages for the exhibits.
15. The page limit for affidavits in support of a Form 14B motion is 4 pages, including exhibits.
16. Affidavits that exceed these page limits will not be accepted by the court for filing, and if filed in error, may not be considered by the presiding judge, and may result in a costs order for a wasted court attendance.
17. Relevant orders and endorsements from other courts should be included and are not counted in the page limits.
18. If a party believes that a longer affidavit is necessary, leave must be obtained in advance by Form 14B Motion or from the case management judge.

19. The affidavits in these page limits are the only material the judge will consider on the motion. All evidence relied on must be contained in these affidavits.
20. Pending return to normalized court operations late filing of motion materials will not be permitted, regardless of any consent from the opposing party. Motion materials must be filed within the timelines set out in the Family Law Rules, unless the court orders otherwise.
21. All exhibits to affidavits shall be bookmarked for ease of reference and pages shall be numbered.
22. Counsel and parties are requested to provide draft orders with their motion materials, and in Word format. The draft order is not counted in the page limits.
23. A summary of costs claimed/time spent shall be filed along with motion materials, if costs are requested by a party on the motion.
24. No Book of Authority containing the full text of authorities may be e-mailed or filed.
25. A statement of authorities relied upon or a factum filed by a party shall hyperlink authorities to a publicly available, free website such as CanLII, and shall include the paragraph references to the authorities being relied upon.

FILING OF LENGTHY DOCUMENTS

26. If a party is filing a lengthy document with permission (with multiple exhibits, or with multiple attachments), document briefs, trial records, trial briefs, these

documents should be tabbed and indexed and sent to the court by mail, courier or hand delivered.

URGENT OR EARLY CASE CONFERENCE

27. An urgent or early case conference date can be requested by Form 14B.

URGENT MOTIONS

28. If an urgent motion date is requested, with or without notice, a party must:

- a. Contact the trial co-ordinator's office to secure a date and time;
- b. A judge will determine whether the motion is urgent and will be heard. There is no change in the threshold for urgent motions that existed pre-COVID; and,
- c. Serve the motion material (if with notice), and a draft order, and e-mail the motion materials with proof of service to the trial co-ordinator's office.

29. If the motion is for contempt, the moving party can request a date by Form 14B.

30. If litigants need help determining whether their matter is urgent, and understanding the resources available, they may wish to contact the Law Society of Ontario's emergency family law referral line at Toll-free at 1-800-268-7568 or Legal Aid Ontario at 1-800-668-8258.

REMOTE VIDEO (ZOOM) HEARINGS OR TRIALS

31. It is the lawyer's responsibility to ensure that both the lawyer and the party:

- (a) Have access to the appropriate technology needed;
- (b) Have technology which is functioning (a run-through audition should be done before court);
- (c) Are dressed appropriately for court; and,
- (d) Understand and follow court conduct proper protocol (e.g., a private and quiet environment is needed, no smoking, no drinking, no eating, no driving, the use of mute, no other persons in the room, etc.).

32. The issue of how a motion or trial is to proceed must be canvassed with the presiding judge. If there is a dispute as to how a proceeding should be held, the decision will be made on a case by case basis by the presiding judge.

33. Instructions for remote video (Zoom) hearings are available from the trial scheduling office.

IMPORTANT INFORMATION REGARDING FILING

34. Parties should make reasonable efforts to communicate prior to a hearing to attempt to resolve the issues. If a contested hearing is necessary, parties should determine the issues that remain in dispute. The parties should make efforts to narrow the issues as much as possible and discuss the nature of any evidence to be heard and how it will be presented.

35. As set out in previous Notices regarding the Scheduling of Family Matters in the Ontario Court of Justice, the following expectations continue to be in place.

36. These instructions are subject to direction from a judge.
37. Parties shall not assume that the judge hearing a matter will have access to the entire court file.
38. By submitting documents by Family Submissions Online Portal or by e-mail to the court, the party/lawyer agrees to accept e-mail communication from the court with respect to the case. Parties must include their e-mail address, or that of their lawyer, on all documents filed with the court.
39. All documents shall be in PDF format. All documents shall be in 12-point font. Spacing shall be 1.5 lines.
40. The documents to be filed by each party are to be attached to one e-mail only.
41. Each document shall be in a separate PDF attachment to the party's e-mail.
42. Proof of service is required. Affidavits of service are required for any matter to proceed by default, or to prove service on a motion, when one party does not participate, especially an urgent motion. However, where a formal affidavit of service cannot be filed, lawyers/parties should retain a copy of any relevant affidavit(s) of service and/or related documents (e.g. e-mail confirmations) and be prepared to produce it to the court on request.
43. Materials filed by e-mail must indicate when and how service on any other party was made. Lawyers or parties should retain a copy of the relevant affidavit of

service and/or related documents (e.g. e-mail confirmations) and be prepared to produce it to the court on request.

44. Where multiple parties have been served, affidavits of service should be combined into one affidavit.

45. The materials should also include any relevant prior orders or endorsements from other courts.

46. Where it is not possible to electronically file a sworn affidavit, affidavits may be delivered unsworn, but the affiant must be available to participate in any telephone or videoconference hearing to swear or affirm the contents of the affidavit.

LEGAL RESOURCES

Legal Aid Ontario

47. People who would have received in-person legal aid services through the Family Law Information Centres will be able to continue to get help from Legal Aid Ontario (LAO) over the phone by calling **1-800-668-8258**.

48. If a person has a family court date scheduled within 5 days, duty counsel can be contacted at least 2 business days before the court date at 416-646-1278.

Law Society of Ontario emergency family referral line during COVID-19

49. The Law Society of Ontario continues to support a telephone line to assist people who are self-represented and trying to determine whether or not their family court matter meets the criteria to be heard by the court on an 'urgent' basis and, if so, how to proceed in making their request. The emergency service will connect self-represented litigants with family lawyers, working on a pro bono basis, who will provide 30 minutes of legal advice specific to determining whether or not their family court matter is urgent and referrals to other available legal services.

50. Self-represented litigants may contact the law society by phone at the following numbers to access the service: Toll-free: 1-800-268-7568; General: 416-947-3310.

Law Society of Ontario Referral Service

51. The Law Society of Ontario's Referral Service will provide the name of a lawyer within or near a particular community, who will provide a free consultation of up to 30 minutes to help a party to determine rights and options. Start the online process of obtaining a lawyer referral at <http://www.findlegalhelp.ca/>, 24 hours per day.

A Guide for Self-represented Family Litigants during COVID-19

52. The Ontario Court of Justice has prepared a guide for self-represented family litigants during COVID-19: [Guide for Self-represented Family Litigants during COVID-19](#)

MEDIATION SERVICES

53. The Ministry of the Attorney General provides mediation services. Free online mediation is available for anyone at first appearance, on a conference, motion or trial. Free intakes for 6-hour mediations are also by Zoom, along with the subsidized mediations. The mediation services can also provide information about resources that are available in a given location, including virtual mandatory information sessions.

FAMILY LAW RULES AMENDMENTS

54. Effective December 1, 2021, the *Family Law Rules*, O. Reg. 114/99 and select forms are amended to:

- Create a new Rule 8.0.1 and a new standard order for financial disclosure (Form 8.0.1: Automatic Order).
 - o This order will be issued automatically for all Applications, Answers, Motions to Change or Responses to Motions to Change when claims are first made with respect to decision-making responsibility, parenting time, family property, the matrimonial home or support;
 - o Automatic orders will be made only on eligible claims made on or after February 1, 2022;
- Extend the timelines for parties to respond to a Form 14B motion from four days to seven days (see Rule: 14(11.4)) and make improvements to Form 14B: Motion;
- Remove fax as an option for communicating or filing material with the court (see Rules: 9, 17, 26, 29, 39, 40 and 41, and new subrule 1.1(15));

- Encourage more procedural direction at the first attendance on motions to change, with clearer guidance on the powers of the court, and promote efficient progress of motions towards a final disposition (see Rule: 15(25.1), 15(26) and 15(26.1), 17(4)(i) and 17(5)(j));
- Enhance the requirement of parties to confer before a case conference and highlight the consequences if parties do not confer as required (see Rule: 17(4.2), 17(4.3), 17(4.4) and 17(14) and Form 17F));
- Enhance the evidence of any involvement with a child protection agency in Form 35.1, while respecting restrictions in the *Child, Youth and Family Services Act, 2017* on making this information public; and,
- Remove reference to “statement of arrears” and replace it with “schedule of arrears” (see Rule: 13(5.0.1) and Form 15).

**Justice Roselyn Zisman,
Local Administrative Judge,
47 Sheppard Ave. E. Courthouse, Toronto, Ont.
1 February 2022**

**EXECUTIVE SUMMARY OF CHANGES
TO THE NOTICE TO THE LEGAL PROFESSION
47 SHEPPARD AVE. E. COURTHOUSE, TORONTO, ONT.
1 February 2022**

These are the changes/clarifications from the previous Notices of 31 October 2020, 1 November 2021, and 1 January 2022:

1. Briefs may now be 8 pages in total, including attachments. Professional reports, calculations and court orders and endorsement (from other courts) are not included in the page limits. It is not necessary to include court orders and endorsements from this court.
2. Briefs and affidavits which exceed the permitted page limits, if accepted for filing in error, may not be considered by the presiding judge.
3. Affidavits in support of a motion and responding affidavits may now be 10 pages for the body of the affidavit, and 10 pages for the exhibits. On reply, the page limit is 5 pages for the body of the affidavit and 5 pages for the exhibits.
4. The court expects parties to make every effort to submit only brief materials.
5. The affidavits in these page limits are the only material the judge will consider on the motion. All evidence relied on must be contained in these affidavits.
6. Draft orders should be provided, and in Word format.
7. A summary of costs claimed and time spent shall be filed, if costs are requested by a party.
8. No Book of Authority containing the full text of authorities may be e-mailed or filed.
9. A statement of authorities or factum shall hyperlink authorities to a publicly available, free website (such as CanLII), and shall include the paragraph references being relied upon.

10. An urgent or early case conference date can be requested by Form 14B.
11. For an urgent motion, with or without notice, a party must:
- (a) Contact the trial co-ordinator's office to secure a date and time. A judge will determine whether the motion is urgent;
 - (b) Serve the motion material (if on notice) and e-mail the motion materials with proof of service to the trial co-ordinator's office; and,
 - (c) If the motion is for contempt, the moving party can request a date by Form 14B.
12. It is the lawyer's responsibility to ensure that both the lawyer and the client:
- (a) Have access to the appropriate technology and that it is functioning;
 - (b) Are dressed appropriately for court; and,
 - (c) Understand court conduct proper protocol (e.g., a private and quiet environment is needed, no smoking, no drinking, no eating, no driving, the use of mute, no other persons in the room, etc.).
13. As of December 13, 2021, when a conference date or motion is scheduled at 47 Sheppard, the CaseLines platform will be used. Uploading to CaseLines is not filing, it is a step in addition to filing. Counsel/the parties must upload their court documents for use at the case conference or motion into CaseLines, as soon as the documents have been reviewed by court staff and approved for filing. See: <https://www.ontariocourts.ca/ocj/caselines/caselines-for-domestic-family-matters/>

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