

# SUPERIOR COURT OF JUSTICE

## CENTRAL WEST REGION

### NOTICE TO THE PROFESSION AND PARTIES

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#### ***Updated effective September 1, 2023***

This Central West Notice to the Profession and Parties, made pursuant to Rule 1.07(4), applies to all proceedings in the Superior Court of Justice, Central West Region.

This updated Notice supersedes all previous region-specific Practice Directions and Notices to the Profession for the Central West Region.

Counsel and parties are also advised to refer to the relevant parts of:

- the *Criminal Proceedings Rules*.
- the *Rules of Civil Procedure*.
- the *Family Law Rules*.
- the Provincial Consolidated Notice to the Profession; and
- the Consolidated Practice Direction for Divisional Court Proceedings

available on the Superior Court of Justice website at: [www.ontariocourts.ca/scj](http://www.ontariocourts.ca/scj).

## SUMMARY OF THE UPDATES

### THESE UPDATES RELATE TO PROCEEDINGS IN BRAMPTON

#### ***a. Update for all hearings scheduled through Calendly***

The court has been advised that a few counsel and parties are abusing the Calendly scheduling system. The court will arrange for counsel and parties involved in this conduct, to attend virtually before the RSJ or LAJ to explain their actions in scheduling their matters.

This inappropriate scheduling conduct includes:

- a) Unilateral cancellations by an opposing or other party without the consent of all other interested parties;
- b) Place holder bookings (i.e. multiple bookings for the same matter or booking two regular motions on the same day to effectively schedule a long motion on a regular motion list);

- c) Failing to confirm and/or comply with all the undertakings, including the delivery (including) of the notice of motion, advising the other interested parties of the scheduled date,

**b. Scheduling Long Motions/Long Applications and Summary Judgment Motions (requiring a hearing greater than 59 minutes) in Brampton**

There continues to be a very significant number of long motions/long applications and Summary Judgment motions which do not proceed on the scheduled hearing date. The following procedure will therefore be implemented to ensure that court dates are used by the parties who need them and who are ready to proceed.

The court is establishing a Triage Court to deal with any scheduling issues and setting a hearing date for these types of matters. Triage Court will be held virtually on Tuesday mornings commencing at 9 am. Gowns are not required. Each matter will be limited to a maximum of 10 minutes – NO MORE.

For long motions, which have already been scheduled AND have complied with the current Notice to the Profession, those hearing dates remain, unless any of the parties seek an attendance at the Triage Court.

For those matters which have already been scheduled AND have filed their complete motion materials within 10 days of obtaining the date, those hearing dates remain. Confirmations must still be filed on time or the motion will be struck from the list. Two o'clock means Two o'clock – not later.

If parties have not complied with the filing or have not agreed upon a written timetable, the parties will be notified their long motion date has been vacated and will have to seek an attendance at the Triage Court.

The steps to be followed are the following:

1. A party wishing to bring a motion shall serve a complete Motion Record on the opposing side(s) with a return date of "TBA".
2. If the parties or their counsel cannot agree on a timetable in writing for completion of all the necessary steps for the hearing of the long motion within 45 days of the service of the Moving Party Record, any party can request an attendance at Triage Court to set a timetable or obtain procedural directions.
3. If a party fails to comply with the timetable or the directions of the court, any party can request an attendance at Triage Court to obtain further directions of the court;

4. Once the parties have complied with the agreed upon or court ordered timetable and any directions; and are ready to proceed with the long motion, any party can request an attendance at Triage Court seeking a hearing date.

It is expected (and hoped) that hearing dates will be available within two - three months of the attendance at Triage Court, most of which will be scheduled for Mondays, Wednesday and some on "week of" dates.

At least one of the parties will have to submit their Confirmation Forms for their attendance at the scheduled hearing date, failing which the matter will be struck from the list and the hearing date will be forfeited. Should that happen, the parties will have to reattend at Tirage Court to explain the reasons for the failure to comply and obtain another hearing date.

### **c. Scheduling Family Case Conferences in Brampton**

Calendly is now being used to schedule hearing dates for DRO conferences and Regular Motions. Calendly will be used to schedule Family Case Conferences commencing September 1, 2023.

Effective September 1, 2023, parties should use <https://calendly.com/brampton-scj> to schedule a hearing for Family Case Conferences to be heard on Tuesdays through Fridays.

Parties must discuss availability and make best efforts to consent to a date and time for their appearance. If the parties cannot consent to a mutually agreeable date, either party can select a date and immediately advise the opposing party of the date selected. If there is a dispute regarding the selected date, either party can schedule a procedural conference before the RSJ or his designate. The parties selecting the date must provide proof of their efforts to obtain a mutually agreeable date.

Once a date and time has been selected, either party (but only one) in the action will follow the prompts and complete the Calendly process by providing certain undertakings and confirmations to the court.

These undertakings and confirmations are necessary given the high percentage of Family Conferences which do not proceed on their scheduled hearing date. If the undertakings and/or confirmations are not provided, the conference hearing date will be vacated.

Failure to comply with the undertakings and confirmations may result in consequences to counsel and/or the parties because the failure to do so impacts on the efficient administration of justice. Such consequences may include cost awards or being summoned to a conference by the Regional Senior Justice (RSJ), or the RSJ's designate, to explain the reasons for the failure to comply.

**PLEASE REVIEW THE CONFIRMATIONS/UNDERTAKINGS CAREFULLY and COMPLY WITH THEM.**

Upon completing the Calendly process, the requestor (person who scheduled the hearing) will receive an automated email confirming their request and outlining next steps to secure their date with the Court.

**It is the responsibility of the requestor to forward all emails related to the Calendly event to other interested parties in the action.**

#### **d. Settlement Conferences in Brampton**

There continues to be a very significant number of scheduled Settlement Conferences which do not proceed on the scheduled hearing date. Accordingly, Settlement Conference hearing dates will no longer be available through the Trial Coordinator's Office.

**Effective immediately**, Settlement Conference hearing dates can only be scheduled by a Dispute Resolution Officer or a Superior Court Justice upon being satisfied that the parties are ready for a Settlement Conference. Settlement Conferences will generally be heard only on Mondays. The Settlement Conference hearing dates can be obtained:

- i. At a DRO Conference;
- ii. At a Case Conference; and
- iii. On a 14B motion.

Settlement Conferences which have already been scheduled will continue to be heard on the dates scheduled. Any disputes regarding whether the matter is ready for a Settlement Conference will be determined at a procedural conference before the RSJ or the RSJ's designate.

#### **e. Family Assignment Court in Brampton**

Family Assignment Court in Brampton will take place monthly on Monday afternoons.

Once a Settlement Conference has been completed, the presiding judge can schedule the matter to be heard at the next available Family Assignment Court. Should the presiding judge not do so, either party can request that the matter be placed on the next available Family Assignment Court.

At a Family Assignment Court, upon being satisfied that there are no outstanding steps to be completed and the parties are ready for trial, the presiding judge will schedule a TMC and a trial date. If neither party is ready for trial, the presiding judge will make an order for directions in the proceeding.

## PART 1 – CENTRAL WEST PRESUMPTIVE MODES OF HEARING

in-person      virtual      in writing

<b>Criminal</b>	<b>Jury trial</b>	x		
	<b>Non-jury trial</b>	x		
	<b>Pre-trial motions</b>	x		
	<b>Guilty Pleas</b>	x		
	<b>Sentencing Hearing</b>	x		
	<b>Assignment Court /TBST/First Appearance</b>		x	
	<b>Summary Conviction Appeal</b>		x	
	<b>Judicial Pre-trials</b>		x	
	<b>Bail Hearings</b>		x	
	<b>Bail/Detention Reviews</b>		x	
<b>CIVIL AND FAMILY: ROTA Weekly Circuit in Guelph, Orangeville, Walkerton, and Owen Sound</b>	<b>Subject to judicial direction, all types of events scheduled during a “ROTA Day” will be heard in person notwithstanding the presumptive mode of hearing in the Guidelines</b>	<b>in-person</b>		
<b>Civil</b>	<b>Jury trial</b>	x		
	<b>Non-jury trial</b>	x		
	<b>Civil pre-trials</b>		x	
	<b>Case conferences/case management</b>		x	
	<b>Assignment Court /TBST Court</b>		x	
	<b>Consent and unopposed Motions</b>			x
	<b>Short Motions</b>		x	
	<b>Long Motions &amp; Applications</b>	x		
<b>Family</b>	<b>Early or Urgent Case Conferences</b>		x	
	<b>Urgent Motions</b>			x
	<b>Case Conferences, Settlement Conferences and Trial Management Conferences</b>	x		
	<b>Assignment Court /Trial Scheduling Conf</b>		x	
	<b>Procedural &amp; Consent motions</b>			x
	<b>Short motions</b>		x	
	<b>Long Motions</b>	x		
	<b>Trials</b>	x		
	<b>DRO conferences</b>		x	

Only where a timely request and there are clear and compelling reasons for a change of presumptive mode of hearing will a change be granted. A new date will have to be scheduled depending on hybrid court availability.

## **A. Requests to Change or Objections to the Presumptive Mode of Hearing**

### **Criminal Events:**

Any party seeking to change the presumptive mode of hearing for an event must raise this request with the Court at the earliest attendance and no later than when scheduling the event.

### **Civil and Family Events**

Any party seeking to change the Presumptive Mode of Hearing must request, in writing, a virtual conference to seek the change AT THE EARLIEST OPPORTUNITY upon the hearing being scheduled. Please note that, if an exemption is granted, the scheduled hearing date will have to be adjourned to a new date where there are only virtual conferences being heard.

## **PART 2 - FILING COURT DOCUMENTS**

[Appendix A](#) contains information where Court documents MUST be electronically filed.

Court filed documents in criminal, civil and family proceedings must comply with the document standards set out in:

- R. 4.01 of the *Criminal Proceedings Rules*;
- R. 4.01 to 12 of the *Rules of Civil Procedure*;
- The *Family Law Rules* and Province-wide Notice to the Profession Regarding Family Law Cases

Court documents which do not comply with these document standards, **including the use of 12 font, double spacing, margin minimums and compliance with the maximum length for any court document**, will NOT be accepted for filing (and therefore cannot be uploaded to Case Center).

## **PART 3 - UPLOADING DOCUMENTS (CaseLines will be updated in 2023 and renamed Case Center)**

### **a. Generally**

CaseLines will be updated a new version called Case Center. All filed documents must be uploaded to CaseLines or Case Center whichever platform is then being used. For simplicity, I will simply refer to Case Center.

The presiding judge will only have access to documents uploaded to Case Center.

### **Ensure Correct parties receive the Case Center Invite**

It is the responsibility of the parties (and former counsel), upon receipt of the Case Center' invite to forward an invite to new counsel or party if there has been a change in counsel or the contact information of the current counsel or party is incorrect.

### **Only Upload filed documents**

Only Court documents which have been accepted for filing are to be uploaded to Case Center. Should any party upload documents which have not been filed, the party must bring this to the attention of the presiding judge.

### **Upload to the Correct Bundle for the Event**

Case Center is a reading platform for hearings. Judges will not have access to the entire Court file or even the filed documents.

## **b. Criminal Matters**

For full details please refer to the CW Notice to the Profession dated February 28, 2022:

Central West Region: Notice to the Profession Regarding CaseLines in Criminal Matters | Superior Court of Justice (ontariocourts.ca)

Upon service and filing of documents, counsel must immediately upload the filed documents to Case Center. If necessary, counsel should contact the Court Office to obtain a Case Center' invite for the event.

Case Center will be used for all criminal events except for the following events:

- a) Judicial pre-trials;
- b) Trial Readiness Court;
- c) Assignment Court;
- d) Bail Estreatment; and
- e) To Be Spoken To (TBST) matters.

### **Case Center is not to be used for any matter where the accused is self-represented. Items that should not be uploaded onto Case Center:**

- a) No materials related to child pornography;
- b) No document referring to a confidential informant; and
- c) Unless specifically directed by the Court to do otherwise, Crown and defence counsel will not upload the following documents into Case Center:
  - A sealed document;

- A document for which a sealing order is sought;
- A privileged document, or a document where privilege is being asserted; and
- Any other document where counsel have concerns, until judicial direction is given.

### c. Civil

Subject to a judicial order or endorsement, all scheduled civil and family events will use Case Center **except for Assignment Courts**.

Counsel should not upload affidavits for motions to get off the record until the privileged information has been redacted. An unredacted copy of the affidavit should be made available to the hearing judge.

For full details see the Notice to the Profession updated on February 28, 2022.

<https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/supplementary-notice-september-2-2020/>

### d. Family

Subject to a judicial order or endorsement, all scheduled family events will use Case Center **except for Assignment Courts**.

If a self-represented litigant is not able to use Case Center because of lack of access to technology, they can obtain help through Justice Services Online by contacting 1-800-980-4962 or by email at [info.CaseLines@ontario.ca](mailto:info.CaseLines@ontario.ca).

Counsel and parties are NOT to upload:

- CAS records;
- Financial records where confidential identifying information has not been redacted;
- Other private confidential documentation such as children's health records;
- Affidavits for motions to get off the record unless the privileged information has been redacted. An unredacted affidavit must be made available to the hearing judge.

### e. Release of Orders and Endorsements

Where an event was heard using Case Center, subject to any direction from the presiding judicial official, Court staff may release orders and endorsements to the parties by uploading them to Case Center instead of sending the orders and endorsements by e-mail. When orders and endorsements are released and updated to Case Center, the parties will receive notification that Case Center has been updated. Parties can then obtain the order and/or endorsement by accessing the Orders and Endorsements bundle in Case Center.

In some cases, where the Court has reserved, the presiding judge may also send a copy of the reasons or endorsement to the parties via email.

## PART 4 - CRIMINAL PROCEEDINGS

Counsel and parties must comply with the Province Wide Practice Direction in Criminal proceedings:

[Provincial Practice Direction /Amendment to the Criminal Proceedings Rules Regarding Criminal Proceedings | Superior Court of Justice \(ontariocourts.ca\)](#)

## PART 5 – FAMILY PROCEEDINGS

Counsel and parties with the Province Wide Notice to the Profession Regarding Family Law Cases:

<https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/notice-family-law-cases/>

### a. Mediation and other Court-Connected Resources

Parties should consider the use of processes that facilitate early resolution of parenting and financial disputes. These include:

- a) **Local family law, separation and divorce resources:** Litigants are encouraged to access parenting education programs, counselling services, [supervised contact/parenting time](#), [parenting coordination](#) and other related services. Information about these services is available through the Family Law Information Centres.
- b) **Mandatory Information Programs (MIP):** Parties are required to attend a MIP at an early stage of the proceeding with limited exceptions. Virtual MIPs are available in centres across Ontario. Information about how to register for the MIP is available through the Family Law Information Centre.
- c) **Mediation:** Affordable, [court-connected mediation services](#) are available in connection with all SCJ centres. Contact information for local mediation service providers is available [here](#). Referrals to private family mediation services are also available through professional organizations like [OAFM](#) and [FDRIQ](#).
- d) **Family Court Support Workers:** [The Family Court Support Workers](#) Program provide direct support to victims of domestic violence who are involved in the family court process.

### b. Automatic Orders

An order will be issued administratively (i.e., automatically) when certain claims are made in an Application, Motion to Change or Answer in accordance with Rule 8.0.1 of the *Family Law*

*Rules.* These automatic orders require each party to comply with their financial disclosure responsibilities.

The party who commenced the claim will receive a copy of the Automatic Order and MUST serve it on the opposing parties. An Affidavit of Service should be filed and uploaded to Case Center.

Rule 13(3.1) of the *Family Law Rules* sets out which documents MUST be included with a Financial Statement where child or spousal support has been sought. An updated Certificate of Financial Disclosure must be provided to the other party.

A party who has not made all reasonable efforts to comply with their disclosure obligations may be subject to a cost sanction, directions/terms imposed and/or the adjournment of any motion brought by that party until compliance. In egregious cases, upon motion, continued non-compliance may result in a party's pleadings being struck or found in contempt of court.

### **c. Early Case Conferences – Brampton and Milton**

Parties can seek an Early Case Conference (ECC) from the Trial Coordinator's Office to:

- a) Attempt to put temporary arrangements in place to avoid the need for a motion or other urgent attendance; and,
- b) Obtain early procedural directions including determining what the next step should be and whether any part of the case needs to be expedited.

ECC's are NOT to replace Case Conferences or to jump ahead of the queue for scheduling a Case Conference.

The ECCs are generally on Mondays (usually at 9 am or 10 am). ECCs are strictly limited to:

- a) Where there has not been a Case Conference;
- b) Where the issue or issues are urgent;
- c) Where there are only one or two issues to be raised at the ECC;
- d) Where the ECC will take no more than 10-15 minutes;
- e) If financial issues are to be discussed, updated financial statements must be filed or available to the Court; and
- f) ECC briefs are limited and must not exceed five double spaced pages setting out their positions and must not include lengthy attachments.

Both parties must certify they have fully discussed the issues to be dealt with at the ECC with the other side before their attendance at Court for the ECC. If the parties have not discussed the issues fully in advance of the conference, the ECC may be cancelled or rescheduled to the next regular case conference date. Once scheduled, the litigants are required to attend the ECC.

### **d. Direct to a Combined Case/Settlement Conference**

To encourage litigants to attempt to resolve appropriate disputes through a form of family dispute resolution, requests can be made to obtain the Court's permission to move directly to a combined case conference/settlement conference where the parties have tried to resolve the

disputed issues through mediation or a Legal Aid Ontario settlement conference. These requests can only be made where the parties are able to confirm that:

- There are no outstanding temporary issues; and
- Neither party is seeking additional disclosure from the other party.

These requests can be made by filing a 14B Motion Form along with Form 17G: Certificate of Dispute Resolution which is available at:

<http://ontariocourtforms.on.ca/static/media/uploads/courtforms/family/17g/flr-17g-may21-en-fil.docx>.

If granted, the parties must file all the required Settlement Conference materials set out below.

### *e. Case Conferences*

#### **OBTAINING A DATE AND FILING IN BRAMPTON ONLY**

Effective September 1, 2023, Counsel and Parties must go to <https://calendly.com/brampton-scj> to schedule their Conference except where a self represented party does not have the technology or ability to access the internet, in which case the self represented party may schedule the short/regular motion by telephone. After September 1, 2023, the Trial Coordinator's Office **will not schedule Conferences by email or by telephone**

Calendly will not accept scheduling a conference within 10 days of the hearing date. If a Conference is re-scheduled to a later date, it is the responsibility of Counsel or the Parties to ensure that the previous scheduled motion date is vacated in Calendly.

Counsel and Parties will find the next available date for the Conference. Parties must discuss availability and make best efforts to consent to a date and time for their appearance. Once a date and time has been selected, either party (but only one) in the action will follow the prompts and complete the Calendly process by providing certain undertakings and confirmations to the court.

The following is a link to a tip-sheet on the use of Calendly to book events.

<https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/tip-sheet-counsel-selfrep/>

In order to schedule a Conference, Counsel or parties using Calendly are required to provide to the court certain confirmations and/or undertakings. Failure to comply with these undertakings and confirmations may result in consequences to counsel and/or the parties because the failure to do so impacts on the efficient administration of justice. Such consequences may include cost awards or being summoned to a conference by the RSJ or the RSJ's designate to explain the non-compliance.

Upon completing the Calendly process, the requestor (person who scheduled the hearing) will receive an automated email confirming their request and outlining next steps to secure their date with the Court. **It is the responsibility of the requestor to forward all emails related to the Calendly event to other interested parties in the action.**

Any cancellations or adjournments using Calendly must be on consent. Cancellations and adjournments will not be accepted on Calendly within 10 days of the scheduled hearing date.

Adjournment requests “not on consent” or within 10 days of the scheduled Case Conference, must be obtained from the RSJ or the LAJ prior to the Case Conference. The party seeking the adjournment must demonstrate that there are exceptional circumstances to warrant the adjournment. Terms or costs may be awarded pursuant to FLR 17(18).

If a further date is obtained in court during the hearing, it is the responsibility of counsel and/or the parties to immediately reserve that date in Calendly. **Failure to do so may result in a further adjournment.** This applies whether or not the further date is set out in the court’s endorsement.

## **OBTAINING A DATE AND FILING IN MILTON, GUELPH,**

## **ORANGEVILLE, WALKERTON AND OWEN SOUND:**

Conference should be scheduled by emailing the court requesting available dates at:

Milton-Halton Region Courthouse	<a href="mailto:SCJHaltontrialoffice@ontario.ca">SCJHaltontrialoffice@ontario.ca</a>
Orangeville – Dufferin County Courthouse	<a href="mailto:OrangevilleSCJTrialOffice@ontario.ca">OrangevilleSCJTrialOffice@ontario.ca</a>
Guelph- Wellington County Courthouse	<a href="mailto:GuelphOffice.SCJ@ontario.ca">GuelphOffice.SCJ@ontario.ca</a>
Owen Sound- Grey County Courthouse	<a href="mailto:SCJGreyBruce@ontario.ca">SCJGreyBruce@ontario.ca</a>
Walkerton- Bruce County Courthouse	<a href="mailto:SCJGreyBruce@ontario.ca">SCJGreyBruce@ontario.ca</a>

Filing restrictions relating to family events are included in the Province-Wide Family Notice to the Profession at:

[https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/notice-family-law-cases/#1\\_Restrictions\\_on\\_Materials\\_Filed](https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/notice-family-law-cases/#1_Restrictions_on_Materials_Filed).

**Late filing:** Neither the court staff nor judicial assistants can or will accept late Conference briefs or conference briefs which do not comply with the restrictions regarding the length or proper formatting of filed documents. Requests to file and upload late conference briefs must be made to the presiding judge and may result in an adjournment and/or cost consequences to the non-compliant party.

## **THE FOLLOWING IS APPLICABLE TO ALL CENTRAL WEST CASE CONFERENCES**

### **i. Case Conference Briefs (Max. 8 pages)**

Parties must serve and file a Case Conference Brief (Form 17A) in accordance with the *Family Law Rules*. **Case Conference Briefs must not exceed 8 pages, plus** permissible attachments (as described in the Province Wide Family Law Notice to the Profession) and additional documents that are required by the *Family Law Rules*. This 8-page limit includes the brief itself (Form 17A) and includes any additional pages of facts and/or arguments that are attached to the brief as an appendix or schedule.

If disclosure is not resolved prior to the Case Conference, any party seeking disclosure must include in their materials a detailed list of the outstanding disclosure (attached to the 8-page brief).

The Case Conference Brief should expressly set out any orders that a party seeks to have the Court make at the Case Conference. The Case Conference judge has jurisdiction to make substantive orders in appropriate cases where requested in a Case Conference Brief. *FLR* 17(8)(b.1).

### **ii. Requirement to Confer and Make Disclosure PRIOR to Case**

#### **Conference**

Prior to attending at a Case Conference, the *Family Law Rules* require the parties to confer and discuss resolution of the outstanding issues.

Parties should canvass what motions are required at the Case Conference and attempt to resolve temporary issues at that time. If they are unable to resolve the temporary issues and the matter cannot be addressed by a procedural order by the conference judge, a specific and identified issues for a motion can be scheduled and timetabled at the case conference.

### **iii. Confirmation Form**

The parties are to communicate with each other **in advance** of completion of the Confirmation Form, unless the parties are prohibited from communicating by Court order or terms of recognizance, or there are concerns about family violence and the alleged abusive party is not represented by counsel.

When completing the Confirmation Form for a motion or conference, parties shall list the **specific** issues that need to be addressed at the event. Advising the Court that "All issues" are to be discussed is NOT acceptable.

Confirmation Forms are to be filed **and** uploaded to Case Center. Unless a Confirmation Form is filed **by 2 pm three days prior to the hearing**, the Case Conference is cancelled.

#### **iv. Proceed to a Settlement Conference**

If resolution was not achieved at the Case Conference, the primary aim of a Case Conference will be to ensure that there can be a useful Settlement Conference. In such a case, the presiding judge at a Case Conference will order a timetable for completion of any outstanding disclosure, order questioning, identify motions to be brought, identify whether expert evidence will be necessary and timetable such expert reports.

The Case Conference judge will schedule a Settlement Conference. Settlement Conferences will be scheduled well into the future to permit any motions, any ordered disclosure, or other steps (for example appointment of the Office of the Children's Lawyer (OCL) or an assessor) to be completed prior to the Settlement Conference. Counsel or parties should ensure that these are timetabled and incorporated into a court order.

On an appropriate matter, such as a Rule 15 Motion to Change, the Case Conference judge may timetable the matter directly to a long motion date, or a Trial Scheduling Conference.

Once a Case or Settlement Conference has been scheduled no adjournments will be permitted except once on consent of the parties, 10 days before the conference date or with a court order.

#### **f. Settlement Conferences (Max. 12 pages)**

### **SCHEDULING SETTLEMENT CONFERENCES IN BRAMPTON**

Settlement Conference can only be scheduled by a Dispute Resolution Officer or a Superior Court Justice upon being satisfied that the parties are ready for a Settlement Conference. Settlement Conferences will generally be heard only on Mondays. These dates can be obtained:

- a) At a DRO Conference;
- b) At a Procedural Case Conference; and
- c) On a 14B motion.

### **SCHEDULING SETTLEMENT CONFERENCES IN MILTON, GUELPH,**

### **ORANGEVILLE, WALKERTON AND OWEN SOUND:**

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Orangeville – Dufferin County Courthouse	<a href="mailto:OrangevilleSCJTrialOffice@ontario.ca">OrangevilleSCJTrialOffice@ontario.ca</a>
Guelph- Wellington County Courthouse	<a href="mailto:GuelphOffice.SCJ@ontario.ca">GuelphOffice.SCJ@ontario.ca</a>
Owen Sound- Grey County Courthouse	<a href="mailto:SCJGreyBruce@ontario.ca">SCJGreyBruce@ontario.ca</a>
Walkerton- Bruce County Courthouse	<a href="mailto:SCJGreyBruce@ontario.ca">SCJGreyBruce@ontario.ca</a>

Filing restrictions relating to family events are included in the Province-Wide Family Notice to the Profession at:

[https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/notice-family-law-cases/#1\\_Restrictions\\_on\\_Materials\\_Filed](https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/notice-family-law-cases/#1_Restrictions_on_Materials_Filed).

**Late filing:** Neither the court staff nor judicial assistants can or will accept late Conference briefs or conference briefs which do not comply with the restrictions regarding the length or proper formatting of filed documents. Requests to file and upload late conference briefs must be made to the presiding judge and may result in an adjournment and/or cost consequences to the non-compliant party.

All litigants must be present at the Settlement Conference.

## **APPLICABLE TO ALL SETTLEMENT CONFERENCE IN**

### **CENTRAL WEST REGION**

Prior to attending at a Settlement Conference, the *Family Law Rules* require the parties to confer and discuss resolution of the outstanding issues.

#### **i. Directions for Settlement Conferences**

The parties must comply with the following directions:

- a) Confirmations must be emailed to the Court no later than 2 pm, 3 days before the Settlement Conference date. Confirmation Forms must also be uploaded to Case Center;
- b) A Settlement Conference Brief is required not to exceed 12 pages, **plus** permissible attachments (as defined in the Case Conference section above);
- c) If there are any financial issues, an up-to-date Financial Statement, and a Certificate of Financial Disclosure;

- d) If Parenting is at issue, an updated Form 35.1 Parenting Affidavit with any Assessments or Reports attached;
- e) If Child or Spousal Support is at issue, Divorce Mate calculations for each year in dispute and a chart calculating proposed net arrears (if any);
- f) If Equalization is at issue, a comparative Net Family Property (NFP) with a Brief of contested values;
- g) A Rule 18 Offer to Settle; and
- h) A draft Order.

Where the opinions of the OCL's clinicians or those of other experts, who have delivered a report are likely to be contested at trial, these clinicians and experts should be encouraged to attend or be available for the Settlement Conference.

No party may schedule a second Settlement Conference without approval of a judge, which can be obtained at the Settlement Conference or from the RSJ or his designate.

## **ii. Proceed to Trial Management Conference**

### **g. Trial Management Conferences (TMC)**

#### **FAMILY ASSIGNMENT COURT AND A TMC IN BRAMPTON**

At the conclusion of the conference, the Settlement Conference judge, the parties will be provided a Family Assignment Court date.

At a Family Assignment Court, upon being satisfied that there are no outstanding issues and the parties are ready for trial, the presiding judge will schedule a TMC and a trial date. If the matter is not ready for trial, the presiding judge will make an order for directions in the proceeding.

At a Family Assignment Court, upon being satisfied that there are no outstanding issues and at least one party is ready for trial, the presiding judge will schedule a TMC and a trial date. If neither party is ready for trial, the presiding judge will make an order for directions in the proceeding.

#### **SCHEDULING A TMC IN MILTON, GUELPH, ORANGEVILLE,**

#### **WALKERTON and OWEN SOUND**

TMC will be scheduled by judicial direction or by obtaining a date through the Trial Coordinator's Office.

## **APPLICABLE TO ALL TMCs IN THE CENTRAL WEST REGION**

### **i. Adjournments of TMCs**

These requests will rarely be granted. Because Trial Management Conferences (TMC) are scheduled by a judge's endorsement, TMC's may only be adjourned with a judge's approval, even if there is consent of the parties and regardless of when the adjournment is sought.

Requests for adjournments must be sought from the RSJ or the RSJ designate. The adjournment request must set out compelling reasons why the parties are not ready to proceed with the TMC. Any adjournment of a TMC granted will result in a trial date significantly delayed.

### **ii. Trial Scheduling Endorsement Form (TSEF)**

The parties are to file and upload:

- a joint, proposed TSEF;
- updated Certificates of Financial Disclosure;
- draft Orders, Opening Statements; and
- Offers to Settle.

If a party refuses, is unwilling or fails to cooperate in the preparation of a joint TSEF, each party shall prepare a separate TSEF. When this happens, the Trial Management Conference judge may consider an adjournment and cost consequences as per Rule 17.

### **iii. Compliance with previous orders and directions**

If a party has failed to comply with any directions/Timetable Order of the Settlement Conference judge, the Trial Management Conference judge will consider whether to adjourn the Trial Management Conference, proceed and deal with the failure by considering it a factor in deciding costs, or permit a motion under Rule 1(8) for non-compliance with a Court order.

### **iv. Trial Management matters**

The Trial Management Conference judge will ensure counsel provide and commit to reasonable time estimates for the entire trial.

At the conclusion of the Trial Management Conference, the judge will endorse any additional trial procedural matters, and/or a summary of the issues to be tried, to which the TSEF shall be attached.

Subject to the trial judge's discretion, the endorsement and the TSEF will govern the conduct of the trial, failing which the remedies set out in the TSEF will be considered. Breach of any orders made at the TMC may result in serious consequences, such as striking pleadings, exclusion of evidence, an order of contempt or costs.

### *h. Motions in Writing*

Where all interested parties agree that a motion may be decided by written materials and submissions (without an attendance in person or virtually), they must agree on a timetable and when all Court documents are ready and file same with the Court.

**Uploading of materials into Case Center is NOT required.**

### *i. Form 14B Motions and Basket Motions*

## **CONSENT AND UNCONTESTED PROCEDURAL MOTIONS**

Simple, procedural, consent and known uncontested matters must be brought by a 14B Motion. A draft Order in word format must be filed with a 14B Motion. Where these are brought on a regular motions list, the motion judge will direct the party to file the "basket motion" and may make a cost award against the party bringing the regular motion.

Contested motions (and those anticipated to be opposed or unknown whether they will be opposed) should not be filed as basket motions. These motions should be scheduled and heard in a regular or short motion's court (or in writing if the parties agree).

Rule 14B motions should rarely be used for making substantive orders (such as parenting, decision-making) except in the clearest of urgency or if on consent.

**Uploading of materials into Case Center is NOT required.**

## **UNCONTESTED TRIALS**

If no Answer has been filed within the *Family Law Rules* timelines, an Applicant may seek final Orders on an uncontested trial by 14B Motion (Rule 23(22)). Assuming proper service of the Application was made on the opposing party and has been documented in the file, notice of an uncontested trial on a defaulting party is not necessary.

A draft Form 23 Order must be filed with the 14B Motion.

All uncontested trials must have their trial materials uploaded to Case Center.

### *j. Urgent Motions With or Without Notice*

Parties should contact the Court Office with respect to these motions. All motion materials must be filed in accordance with the filing requirements set out above. A party may seek an urgent motion on notice without a Case Conference only in situations of urgency or hardship such as abduction and threats of harm where an Early Case Conference is not available.

**Any motion filed by a party as an “urgent motion” will first be reviewed by a judge based on a review of the Notice of Motion and Motion materials to determine whether the motion is indeed an urgent motion and, if so, provide directions for the urgent motion to be heard.**

**If the judge determines that the motion is NOT an urgent motion, then the party bringing the motion will be advised of this decision and the party will have to schedule the motion in the normal fashion set out herein.**

A party seeking to bring a motion without notice to the other interested party(s) must also set out why notice is unnecessary, inappropriate, or not reasonably possible in the circumstances. A factum or Summary of Argument is NOT required for an urgent motion without notice.

**A Confirmation Form is NOT required to be filed.**

### *k. Short/Regular Motions (less than one hour)*

#### **i. Short/Regular Motions**

**EXCEPT FOR BRAMPTON**, motions expected to take less than one hour may be scheduled on a regular motions day by serving and filing the motion material at the Court office at the location where the motion is to be heard within the timelines set out in the *Family Law Rules*.

**FOR BRAMPTON effective May 1, 2023**, Short/Regular Motions must be scheduled through Calendly except where a self represented party does not have the technology or ability to access the internet, in which case the self represented party may schedule the short/regular motion by telephone. Scheduling in Calendly can only be done where the hearing date is at more than 10 days in the future.

Filing a cross-motion does NOT extend the estimated time for the motion to be heard (the estimated time remains less than one hour). If there are new issues requiring additional time, a long motion date must be obtained.

Parties must give careful consideration to what is to be covered in the hearing time, the pace at which documents and authorities can reasonably be reviewed, and the time needed for oral argument on the issues raised. This consideration should extend to:

- a. the number of issues which can properly be dealt with in oral argument, and
- b. the number of authorities actually required in order to establish the legal propositions relied upon.

Inaccurate estimates for the time required for hearings may result in a case being adjourned (either before or during the hearing) and rescheduled for a realistic time estimate with no expedition of the rescheduling. There may also be costs consequences.

## **ii. Scheduling Short/Regular Motions**

### **Brampton:**

Effective May 1, 2023, Counsel and Parties must go to be <https://calendly.com/brampton-scj> to schedule their Short/Regular Motion unless it is within 10 days of the hearing date.

Counsel and Parties will find the next available date for Short/Regular Motions. After May 1, 2023, Short/Regular motions will not and cannot be scheduled by the Trial Coordinator's Office whether by email or by telephone except for self represented parties who do not have access to the internet.

The following is a link to a tip-sheet on the use of Calendly to book events.

<https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/tip-sheet-counsel-selfrep/>

In order to schedule a Short/Regular Motion, Counsel or parties using Calendly are required to provide to the court certain confirmations and/or undertakings. Failure to comply with these undertakings and confirmations may result in consequences to counsel and/or the parties because the failure to do so impacts on the efficient administration of justice. Such consequences may include cost awards or being summoned to a conference by the RSJ or the RSJ's designate to explain the reason for their failure to comply.

Cancellations or adjournments of Calendly scheduled motions must only be done on consent. Neither cancellations nor adjournments can be processed in Calendly more than 10 days prior to the scheduled hearing date. Unless adjourned by judicial direction or adjourned on consent in Calendly more than 10 days before the hearing date, Counsel and parties must appear on the scheduled motion.

If a Short/Regular Motion is re-scheduled to a later date, it is the responsibility of Counsel or the parties to ensure that the previous scheduled motion date is vacated in Calendly.

### **Milton, Guelph, Orangeville, Walkerton and Owen Sound:**

Short/Regular Motions should be scheduled by emailing the court requesting available dates at:

Milton-Halton Region Courthouse	<a href="mailto:SCJHaltontrialoffice@ontario.ca">SCJHaltontrialoffice@ontario.ca</a>
Orangeville – Dufferin County Courthouse	<a href="mailto:OrangevilleSCJTrialOffice@ontario.ca">OrangevilleSCJTrialOffice@ontario.ca</a>
Guelph- Wellington County Courthouse	<a href="mailto:GuelphOffice.SCJ@ontario.ca">GuelphOffice.SCJ@ontario.ca</a>

Owen Sound- Grey County Courthouse	<a href="mailto:SCJGreyBruce@ontario.ca">SCJGreyBruce@ontario.ca</a>
Walkerton- Bruce County Courthouse	<a href="mailto:SCJGreyBruce@ontario.ca">SCJGreyBruce@ontario.ca</a>

### **iii. Filing and Uploading Short Motion Materials (max 12 pages**

#### **narrative)**

Parties must comply with the filing requirements in the *Family Law Rules*.

Limitations on Short Motion Materials:

- Except for motions arising from the wrongful removal or retention of a child, each party is restricted to one primary affidavit in support of their position on the motion and cross-motion (if applicable) which shall not exceed 12 pages of narrative.
- In addition, exhibits to each party's affidavit shall be limited to only the **necessary and relevant** evidence and are generally expected not to exceed 10 pages.
- Leave is required to file documents beyond these restrictions which will only be granted in exceptional circumstances.

Court documents which do not comply with the above will NOT be accepted for filing.

**Late filing** of or uploading of motion materials (or exceeding the prescribed length or formatting) will not be accepted by court staff. The request and reasons for late filing or uploading of motion materials will have to be addressed by the motions judge who will determine whether the motion goes ahead with or without the late filed materials or is adjourned. Adjournments and cost consequences may result.

### **iv. Confirmation Forms**

The moving party to a motion must email a Form 14C: Confirmation Form **no later than 2 p.m. three business days before the date of the motion**. The parties may file a Confirmation Form jointly.

As noted above, the parties or their counsel should consult with each other prior to filing their Confirmation Forms, unless the parties are self-represented and prohibited from communicating by Court order. These consultations must address both the attendance (time required and materials) and a potential resolution of the outstanding issues.

Where Confirmation Forms have not been filed, by at least one party, the hearing date will be vacated.

The Confirmation Form must list the specific issues that are to be addressed at the event and be uploaded to Case Center. It must also set out clearly which materials are **necessary** for the judge to review.

The Confirmation Form must also include an appropriate time estimate for the entire motion including time required by the other party.

**Confirmation forms must be uploaded to Case Center into the correct bundle.**

**I. Long Motions/ Long Applications and all Summary Judgment Motions (more than 59 minutes) (“Long Motions”)**

**APPLICABLE TO BRAMPTON PROCEEDINGS ONLY**

**i. Initiating a Long Motion**

A complete Motion Record is to be served by the moving party with a return date of “TBA”.

Parties must comply with the *Rules of Civil Procedure* or the *Family Law Rules* with respect to service and delivery of responding materials.

**ii. Timetabling the Necessary Steps**

The parties must discuss and, if possible, agree on a timetable in writing for completion of all the necessary steps to be ready to proceed with the hearing of the matter.

If the parties or their counsel cannot agree on a timetable for the hearing of the motion within 45 days of the service of the Moving Party Record, any party can request an attendance at Triage Court to set a timetable.

If a party fails to comply with the timetable or the directions of the court, any party can request an attendance at Triage Court to obtain further directions of the court;

Once the parties have complied with the agreed upon or court ordered timetable, any party can request an attendance at Long Motion Triage Court seeking a hearing date.

**iii. Long Motion Triage Court**

The court is establishing a Long Motion Triage Court to deal with any scheduling, contested procedural issues and setting a hearing date for these types of matters.

The Long Motion Triage Court will be held virtually on Tuesday mornings commencing at 9 am. Each matter will be limited to 10 minutes – NO MORE. Gowns are not required.

The party/counsel requesting an attendance at Long Motion Triage Court must complete the attached Requisition to Attend Long Motion Triage Court and email the form to:

[scitrialofficebrampton@ontario.ca](mailto:scitrialofficebrampton@ontario.ca)

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The Party obtaining the date will be advised of the date they are scheduled for the Long Motion Triage Court. It is the responsibility of the Party obtaining the date to IMMEDIATELY advise all other interested parties in writing (and keep proof of doing so should the court require production of proof of service).

#### **iv. Transition**

For these matters which already have a hearing date AND have complied with the Notice to the Profession, those hearing dates remain, unless any of the parties seek an attendance at the Triage Court.

If parties have not complied with the Notice to the Profession, they will be advised they must attend Long Motion Triage Court to confirm they have an agree upon timetable, are ready to proceed with the motion and/or confirm an existing date or obtain a new hearing date.

It is expected (and hoped) that hearing dates will be available within two months, most of which will be scheduled for Mondays, Wednesday and some on “week of” dates.

#### **v. Adjournments/ Settlements**

If on consent, the parties can adjourn the Long Motion provided that the TCO is notified at least 7 days prior to the hearing, after which the parties are required to attend the Long Motion hearing date.

Adjournments of the hearing date within 7 days will only be granted (even if on consent) where there are clear and compelling reasons beyond the control of the parties requiring an adjournment.

If a Long Motion is adjourned, the parties will have to re-attend at a Long Motion Triage Court to obtain a new hearing date. The matter will NOT be given priority over other matters.

If a matter is settled, the parties are to advise the TCO IMMEDIATELY. The motion will be noted as such in the court files.

#### **vi. Facta and Compendiums**

A factum (or Summary of Argument) is required on all long motions. If the moving party does not file a factum as required by any timetable set or agreed upon or as required by the Rules, the motion date will be cancelled.

Except with leave of the Court, facta are limited to 20 pages.

A Compendium containing of the Court filed documents and excerpts of the evidence essential to the hearing of the motion may be uploaded to Case Center for long or complex motions. Where possible, the parties should agree on a Joint Compendium.

**APPLICABLE TO MILTON, ORANGEVILLE, GUELPH, WALKERTON  
AND OWEN SOUND PROCEEDINGS**

*i. Scheduling a Long Motion*

Motions that are expected to take an hour or longer (including the other party's reply and cross-motion, if any) must be scheduled as long motions and scheduled through the Trial Coordinator in the location where the motion is to be heard.

To obtain a long motion date from the Trial Coordinator's Office in these centres, counsel/litigants must:

- a. Unless the long motion is *ex parte*, confer with the opposing party to identify possible dates for the long motion and to discuss the estimated time required for the motion;
- b. The moving party then must obtain a long motion date from the Trial Coordinator's Office from the courthouse where the motion is to be heard. When obtaining a date, counsel and litigants must advise the Trial Coordinator's Office the estimated time required for the long motion; and
- c. After the long motion date has been obtained, the moving party must serve and file their motion materials **within 10 days** (Notice of Motion, supporting affidavits and a draft Order) along with the Proof of Service. Subject to an order from a judge, failure to do so may result in the hearing date being vacated.

The parties are to proceed to agree upon a written timetable for the long motion. If counsel and the litigants are NOT able to agree to a timetable within 30 days of obtaining the hearing date, either party can request a procedural conference before the LAJ, RSJ or his designate to set a court ordered timetable. The Court may consider costs if a party is withholding agreement to a reasonable timetable proposal or is deliberately delaying the hearing of the motion.

If there is a disagreement or an issue with the hearing date obtained by a party, the opposing party(s) may seek a conference before a judge to provide directions and orders with respect to the long motion hearing date.

*ii. Adjournment of Long Motions*

Adjournments of long motions are strongly discouraged. Counsel and parties should expect that unnecessary adjournments will attract cost awards.

***a) Consent adjournments more than 3 weeks prior to the long motion hearing date***

If all parties consent in writing, **more than 21 days prior to the long motion hearing date**, that the long motion is to be adjourned, one of the parties may write to the Court (copied to all other parties) setting out:

- a. The request for an adjournment;
- b. That it is on consent of all interested parties;

Only one adjournment will be granted on consent.

Counsel and the parties will be given the next available long motion date. Counsel and litigants should not expect to be given an earlier date because of the consent adjournment.

***b) Opposed adjournments more than 21 days prior to the long motion hearing date***

If counsel or a party seeks an opposed adjournment, more than 21 days prior to the long motion hearing date, the party seeking the adjournment shall obtain from the Trial Coordinator's Office a virtual attendance before a judge who will determine whether to grant the opposed adjournment of the long motion date or make an order for directions regarding the long motion.

***c) Consent or opposed adjournments within 21 days of the long motion hearing date***

Any adjournments sought within 21 days of the long motion hearing date, will have to be made to the motion's judge on the scheduled hearing date.

A copy of the timetable agreement or court ordered timetable must be provided to the motions judge.

If an adjournment is granted, all counsel and parties must bring and have available their Costs Outlines to permit the motions judge to deal with the issue of costs of the adjournment and to make any other order for directions.

***iii. Confirming the Long Motion (21 days before the motion)***

Unless otherwise directed by a judge:

- a) All long motions must be confirmed by all interested parties by filing Confirmation Forms **no later than by 2pm 21 days prior to the hearing date**. Failure to file a Confirmation Form by at least one party will result in the long motion hearing date being vacated and made available to other parties on a short notice basis.

- b) Where a Confirmation Form has not been filed by either party, the motion will not proceed, and the date will be vacated.
- c) The Confirmation Form must list the specific issues that are to be addressed at the event. "All issues" is not acceptable. The form should also indicate which materials the judge should review. Referring to all prior affidavits or documents which have not been uploaded to Case Center is not appropriate.
- d) The Confirmation Form must also include an appropriate time estimate for the entire motion including time required by the other party.  
**Confirmation forms must be uploaded to Case Center into the correct bundle.**

*iv. Facta and Compendiums*

A factum (or Summary of Argument) is required on all long motions. If the moving party does not file a factum, the motion date will be cancelled. Except with leave of the Court, facta are limited to 20 pages.

**The moving party's factum must be served and filed three weeks prior to the hearing date.**

**The responding party's factum must be served and filed two weeks prior to the hearing date.**

A Compendium containing of the Court filed documents and excerpts of the evidence essential to the hearing of the motion may be uploaded to Case Center for long or complex motions. Where possible, the parties should agree on a Joint Compendium.

**m. Cost Orders in Family Law Motions and Applications**

Pursuant to Rule 24(10) of the *Family Law Rules*, costs should be determined in a summary manner promptly after dealing with each step in a case. In addition, any claim for costs shall be supported by documentation that is satisfactory to the Court. Moreover, any party who opposes a claim for costs shall provide documentation showing the party's own fees and expenses (Rule 24(12.2)).

The parties should attempt to resolve the quantum of costs prior to the hearing and advise the motion's judge of any resolution or that they have been unable to agree on the issue of costs.

If the parties are unable to resolve the quantum of costs, all counsel appearing on motions and conferences must attend the hearing with their Costs Outline. If the Costs Outline is not available, the judge may decline to make a costs award in their favour or make such other direction or order as appropriate.

## *n. Dispute Resolution Officer Program*

DRO conferences are available for all family matters and in all centers in Central West at any stage of the proceeding. Counsel or parties should enquire of the court or when attending before a judge to request a conference before a DRO. Counsel and parties in Orangeville, Guelph, Walkerton and Owen Sound should request a DRO Conference from the Trial Coordinator's Office in these centres. The request will be forwarded to a judge for consideration and decision.

### **Brampton:**

Effective May 1, 2023, Counsel and Parties must go to be <https://calendly.com/brampton-scj> to schedule their DRO Conference. Counsel and Parties will find the next available date for DRO Conference. After May 1, 2023, DRO Conference **will not and cannot be scheduled by the Trial Coordinator's Office by email or by telephone.**

Counsel and parties are required to canvass agreeable dates, but if a date cannot be agreed upon, either party can unilaterally select a date, bearing in mind the notice requirements in the FLR.

The following is a link to a tip-sheet on the use of Calendly to book events.

<https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/tip-sheet-counsel-selfrep/>

In order to schedule a DRO Conference, Counsel or parties using Calendly are required to provide to the court certain confirmations and/or undertakings. Failure to comply with these undertakings and confirmations may result in consequences to counsel and/or the parties because failure to do so impacts on the efficient administration of justice. Such consequences may include cost awards or being summoned to a conference by the RSJ or the RSJ's designate to explain the non-compliance.

Cancellations or adjournments of Calendly scheduled motions must only be done on consent. Further, neither cancellations nor adjournments can be processed in Calendly more than 10 days prior to the scheduled hearing date. Unless adjourned by judicial direction, Counsel and Parties will have to appear on the scheduled motion.

If a DRO Conference is re-scheduled to a later date, it is the responsibility of Counsel or the Parties to ensure that the previous scheduled motion date is vacated in Calendly.

### **Milton:**

DRO conferences should be scheduled by emailing the court requesting available dates at:

Milton-Halton Region Courthouse	<a href="mailto:SCJHaltontrialoffice@ontario.ca">SCJHaltontrialoffice@ontario.ca</a>
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### **Guelph/Orangeville/Walkerton/Owen Sound:**

While the DRO program is offered in Brampton and Milton, if counsel or parties wish to schedule a DRO conference in Guelph, Orangeville, Walkerton or Owen Sound, they should contact the Trial Coordinator's office in that location to inquire whether one can be arranged with a DRO in Brampton or Milton.

### *o. Trial Record*

The Applicant or the Respondent (if a claim is advanced by the Respondent) must file a Trial Record at least 20 days prior to the scheduled Trial date. Failure to do so may result in the matter being removed from the Trial list unless the Court orders otherwise.

### *p. Motions To Change*

The *Family Law Rules* direct the Court to determine the next steps in a Motion to Change, with a view to ensuring that these motions proceed in the most efficient manner appropriate in the circumstances. The Court is directed to determine the most appropriate process for reaching an expeditious and just conclusion of the case in the circumstances.

A new Motion to Change Endorsement form is available [here](#). Parties are encouraged to provide a draft Motion to Change Endorsement form with their materials for the first judicial conference to obtain early direction regarding the most appropriate process for the case. Parties should be prepared to address these issues at the first attendance before a DRO or a judge.

The Rule 15 Motions to Change seek variations or reviews of Superior Court of Justice parenting and support Orders. It is important to clearly identify in a party's materials whether the Order(s) sought are pursuant to Section 17 of the *Divorce Act* or Section 37 of the *Family Law Act*.

Parties or counsel must clearly identify whether the change sought is a review or a variation and, if it is a variation, set out clearly the material change(s) in circumstances.

Parties to a Motion to Change in Brampton and Milton must first attend a Case Conference with a DRO, unless there is an Order allowing them to waive that conference.

The DRO will confirm that the parties have attended a MIP, considered mediation, and served Rule 18 Offers to Settle, before moving the matter forward. A Form 35.1 Parenting Affidavit must be filed by each parent or any person seeking a contact Order. The DRO will then schedule a Motion or Settlement Conference for any unresolved issues.

If the Motion to Change is a parenting case, parties or counsel must advise whether independent, child-focused evidence is required, such as an assessment or OCL involvement, and if the children's views and preferences can be ascertained by a Voice of the Child Report.

*Family Law Rule* 15 (26) permits the Court to determine the Motion to Change on a final basis on the material filed **unless the judge determines that the issue cannot be properly decided without a trial**. If the presiding judge cannot decide the issues on the Motion to

Change properly, without a trial, then the presiding judge will make any necessary order(s) to get the matter ready for trial and schedule a Settlement Conference.

If the matter does not resolve at the Settlement Conference, the Settlement Conference Judge will schedule the Long Motion or the trial. If a matter requires a trial, a Trial Management Conference may be scheduled.

## **PART 6 – CIVIL PROCEEDINGS**

### **a. Motions to Transfer a Civil Proceeding**

All requests for a transfer of a civil proceeding from one judicial region to another must comply with Rule 13.01.02 of the *Rules of Civil Procedure*.

All such motions by a party must be brought in the judicial region to which the proceeding is sought to be transferred.

The Court may, on its own initiative in exceptional circumstances, at a motion or other hearing, transfer the proceeding to another judicial region where appropriate.

### **b. Designated Counties for the Commencement of Mortgage Proceedings**

Pursuant to rule 13.1.01(3) of the *Rules of Civil Procedure*, Brampton, Milton, Orangeville, or Owen Sound have been designated as the place for commencement of mortgage proceedings for property located anywhere in the Central West Region.

### **c. Motions in Writing**

Where all interested parties agree that a motion may be decided on written materials and by written submissions (without an attendance in person or virtually), then the parties must agree on a timetable and when all Court documents are ready, file same with the Court in accordance with Part 2 above.

**Uploading to Case Center is NOT required.**

Motions in writing will be forwarded to a presiding judge to be dealt with as expeditiously as possible.

### **d. Basket Motions**

Basket Motions must be filed with the Court in accordance with the filing requirements set out above.

**Uploading to Case Center is NOT required.**

Simple, procedural, consent and known uncontested matters must be filed or brought as a basket motion. A draft Order **in word format** must be filed. It is up to the judge reviewing the “basket motion,” to ask for further submissions, refer part or all the matter to a *viva voce* hearing, determine whether to direct that notice the motion be served on other side and/or direct the matter be heard in open court.

Where these are brought on a regular or short motions list, the motion judge will direct the party to file the “basket motion” and may make a cost award against the party bringing the regular motion.

Contested motions (and those anticipated to be opposed or unknown whether they will be opposed) should not be scheduled or heard as basket motions. These motions should be scheduled and heard in a motions court.

**e. Short Motions and Applications (less than one hour)**

**i. Scheduling a Short Motion/Application**

**Brampton:**

Effective May 1, 2023, Counsel and Parties must go to <https://calendly.com/brampton-scj> to schedule their Short/Regular Motion except where a self represented party does not have the technology or ability to access the internet, in which case the self represented party may schedule the short/regular motion by telephone. Calendly will not accept scheduling for motion within 10 days of the hearing date.

Counsel and Parties will find the next available date for Short/Regular Motions. After May 1, 2023, **Short/Regular motions will not and cannot be scheduled by the Trial Coordinator’s Office by email or by telephone.**

The following is a link to a tip-sheet on the use of Calendly to book events.  
<https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/tip-sheet-counsel-selfrep/>

In order to schedule a Short/Regular Motion, Counsel or parties using Calendly are required to provide to the court certain confirmations and/or undertakings. Failure to comply with these undertakings and confirmations may result in consequences to counsel and/or the parties because the failure to do so impacts on the efficient administration of justice. Such consequences may include cost awards or being summoned to a conference by the RSJ or the RSJ’s designate to explain the non-compliance.

Any cancellations or adjournments using Calendly must be on consent.

Cancellations and adjournments will not be accepted on Calendly within 10 days of the scheduled hearing date. The parties will have to attend at the hearing unless adjourned by judicial direction.

If a Short/Regular Motion is re-scheduled to a later date, it is the responsibility of Counsel or the Parties to ensure that the previous scheduled motion date is vacated in Calendly.

**Milton, Guelph, Orangeville, Walkerton and Owen Sound:**

Short/Regular Motions should be scheduled by emailing the court requesting available dates at:

Milton-Halton Region Courthouse	<a href="mailto:SCJHaltontrialoffice@ontario.ca">SCJHaltontrialoffice@ontario.ca</a>
Orangeville – Dufferin County Courthouse	<a href="mailto:OrangevilleSCJTrialOffice@ontario.ca">OrangevilleSCJTrialOffice@ontario.ca</a>
Guelph- Wellington County Courthouse	<a href="mailto:GuelphOffice.SCJ@ontario.ca">GuelphOffice.SCJ@ontario.ca</a>
Owen Sound- Grey County Courthouse	<a href="mailto:SCJGreyBruce@ontario.ca">SCJGreyBruce@ontario.ca</a>
Walkerton- Bruce County Courthouse	<a href="mailto:SCJGreyBruce@ontario.ca">SCJGreyBruce@ontario.ca</a>

**ii. Filing and Uploading Motion Materials**

The moving and responding parties must comply with the Filing requirements set out above in Part 2 above.

Late filing of or uploading of short/regular motion materials (or those which fail to meet document standards or exceed the prescribed length or formatting) cannot or will not be accepted by the Court staff and therefore cannot be uploaded to Case Center.

The request and reasons for late filing or uploading of motion materials will have to be addressed to the presiding motions judge, who will determine whether the motion proceeds with or without the late-served materials or is adjourned. Adjournments and cost consequences may result.

Parties must give careful consideration to what is to be covered in the hearing time, the pace at which documents and authorities can reasonably be reviewed, and the time needed for oral argument on the issues raised. This consideration should extend to:

- a. the number of issues which can properly be dealt with in oral argument, and
- b. the number of authorities actually required in order to establish the legal propositions relied upon.

Inaccurate estimates for the time required for hearings may result in a case being adjourned (either before or during the hearing) and rescheduled for a realistic time estimate with no expedition of the rescheduling. There may also be costs consequences.

**iii. Confirmations**

A Confirmation (Form 37B or 38B) must be filed:

- By the moving party by 2 pm, five business days before the hearing; or
- The responding party by 10 am three business days before the hearing.

The parties or their counsel should consult with each other prior to filing their Confirmations unless the parties are self-represented and prohibited from communicating by court order.

Where a Confirmation has not been filed by at least one party, the short motion will not be proceed and the date will be vacated.

The Confirmation must only list the specific issues that are to be decided at the event. They should also indicate which materials the judge should review with clear reference to the specific volume, tab, and page numbers. Referring to “all” prior affidavits or documents is not appropriate and will be ignored. Referring to documents that the party does not intend to refer to in submissions is discouraged and may be a factor in determining costs.

The Confirmation must also include an appropriate time estimate for submissions on all issues in the motion including time required by the other party. If a party chooses not to make submission on an issue, the Court is entitled to consider that the party has abandoned that specific issue.

**Confirmation forms must be uploaded to Case Center into the correct bundle.**

#### **iv. Uploading to Case Center**

As set out above, uploading of all filed motion materials must be done on or before the day and time for filing a Confirmation.

#### **f. Long Motions/ Long Applications and all Summary Judgment Motions (more than 59 minutes) (“Long Motions”)**

### **APPLICABLE TO BRAMPTON PROCEEDINGS**

#### **i. Initiating a Long Motion**

A complete Motion Record is to be served by the moving party with a return date of “TBA”.

Parties must comply with the *Rules of Civil Procedure* or the *Family Law Rules* with respect to service and delivery of responding materials.

#### **ii. Timetabling the Necessary Steps**

The parties must discuss and, if possible, agree on a timetable for completion of all the necessary steps to be ready to proceed with the hearing of the matter.

Any timetable agreed upon by the parties must be in writing and can be forwarded to the court to form a court order. Any timetable agreed upon by the parties in writing or court ordered as considered “peremptory” on all parties.

If the parties or their counsel cannot agree on a timetable for the hearing of the motion within 45 days of the service of the Moving Party Record, any party can request an attendance at Triage Court to set a timetable using the Requisition to Attend Long Motion Triage Court form.

Once the parties have complied with the agreed upon or court ordered timetable, any party can request an attendance at Long Motion Triage Court seeking a hearing date.

## **ii. Long Motion Triage Court**

The court is establishing a Long Motion Triage Court to deal with any scheduling, contested issues and setting a hearing date for these types of matters.

The Long Motion Triage Court will be held virtually on Tuesday mornings commencing at 9 am. Each matter will be limited to 10 minutes – NO MORE. Gowns are not required.

The party/counsel requesting an attendance at Long Motion Triage Court must complete the attached Requisition to Attend Long Motion Triage Court and email the form to:

[scitrialofficebrampton@ontario.ca](mailto:scitrialofficebrampton@ontario.ca)

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The Party obtaining the date will be advised of the date they are scheduled for the Long Motion Triage Court. It is the responsibility of the Party obtaining the date to IMMEDIATELY advise all other interested parties in writing (and keep proof of doing so should the court require production of proof of service).

## **iii. Transition**

For these matters which already have a hearing date AND have complied with the Notice to the Profession, those hearing dates remain, unless any of the parties seek an attendance at the Triage Court.

If parties have not complied with the Notice to the Profession, they will be advised they must attend Long Motion Triage Court to confirm they have an agree upon timetable and confirm/obtain a hearing date.

It is expected (and hoped) that hearing dates will be available within two months, most of which will be scheduled for Mondays, Wednesday and some on “week of” dates.

#### **iv. Adjournments/ Settlements**

**If on consent**, the parties can adjourn the Long Motion provided that the TCO is notified at least 7 days prior to the hearing, after which the parties are required to attend the Long Motion hearing date.

Adjournments on the hearing date within 7 days will only be granted (even if on consent) where there are clear and compelling reasons beyond the control of the parties requiring an adjournment.

If a Long Motion is adjourned, the parties will have to re-attend at a Long Motion Triage Court to obtain a new hearing date. The matter will NOT be given priority over other matters.

If a matter is settled, the parties are to advise the TCO IMMEDIATELY. The motion will be noted as such in the court files.

#### **v. Facta and Compendiums**

A factum (or Summary of Argument) is required on all long motions. If the moving party does not file a factum as required by any timetable set or agreed upon or as required by the Rules, the motion date will be cancelled.

Except with leave of the Court, facta are limited to 20 pages.

A Compendium containing of the Court filed documents and excerpts of the evidence essential to the hearing of the motion may be uploaded to Case Center for long or complex motions. Where possible, the parties should agree on a Joint Compendium.

### **APPLICABLE TO ALL MILTON, ORANGEVILLE, GUELPH,**

### **WALKERTON AND OWEN SOUND PROCEEDINGS**

#### *i. Scheduling a Long Motion*

Motions that are expected to take an hour or longer (including the other party's reply and cross-motion, if any) must be scheduled as long motions and scheduled through the Trial Coordinator in the location where the motion is to be heard.

To obtain a long motion date from the Trial Coordinator's Office in these centres, counsel/litigants must:

- a. Unless the long motion is *ex parte*, confer with the opposing party to identify possible dates for the long motion and to discuss the estimated time required for the motion;

- b. The moving party then must obtain a long motion date from the Trial Coordinator's Office from the courthouse where the motion is to be heard. When obtaining a date, counsel and litigants must advise the Trial Coordinator's Office the estimated time required for the long motion; and
- c. After the long motion date has been obtained, the moving party must serve and file their motion materials **within 10 days** (Notice of Motion, supporting affidavits and a draft Order) along with the Proof of Service. Subject to an order from a judge, failure to do so may result in the hearing date being vacated.

The parties are to proceed to agree upon a written timetable for the long motion. If counsel and the litigants are NOT able to agree to a timetable within 30 days of obtaining the hearing date, either party can request a procedural conference before the LAJ, RSJ or his designate to set a court ordered timetable. The Court may consider costs if a party is withholding agreement to a reasonable timetable proposal or is deliberately delaying the hearing of the motion.

If there is a disagreement or an issue with the hearing date obtained by a party, the opposing party(s) may seek a conference before a judge to provide directions and orders with respect to the long motion hearing date.

#### *ii. Adjournment of Long Motions*

Adjournments of long motions are strongly discouraged. Counsel and parties should expect that unnecessary adjournments will attract cost awards.

#### ***a) Consent adjournments more than 3 weeks prior to the long motion hearing date***

If all parties consent in writing, **more than 21 days prior to the long motion hearing date**, that the long motion is to be adjourned, one of the parties may write to the Court (copied to all other parties) setting out:

- a. The request for an adjournment;
- b. That it is on consent of all interested parties;

Only one adjournment will be granted on consent.

Counsel and the parties will be given the next available long motion date. Counsel and litigants should not expect to be given an earlier date because of the consent adjournment.

#### ***b) Opposed adjournments more than 21 days prior to the long motion hearing date***

If counsel or a party seeks an opposed adjournment, more than 21 days prior to the long motion hearing date, the party seeking the adjournment shall obtain from the Trial Coordinator's Office a virtual attendance before a judge who will determine whether to

grant the opposed adjournment of the long motion date or make an order for directions regarding the long motion.

***c) Consent or opposed adjournments within 21 days of the long motion hearing date***

Any adjournments sought within 21 days of the long motion hearing date, will have to be made to the motion's judge on the scheduled hearing date.

A copy of the timetable agreement or court ordered timetable must be provided to the motions judge.

If an adjournment is granted, all counsel and parties must bring and have available their Costs Outlines to permit the motions judge to deal with the issue of costs of the adjournment and to make any other order for directions.

***iii. Confirming the Long Motion (21 days before the motion)***

Unless otherwise directed by a judge:

- a) All long motions must be confirmed by all interested parties by filing Confirmation Forms **no later than by 2pm 21 days prior to the hearing date**. Failure to file a Confirmation Form by at least one party will result in the long motion hearing date being vacated and made available to other parties on a short notice basis.
- b) Where a Confirmation Form has not been filed by either party, the motion will not proceed, and the date will be vacated.
- c) The Confirmation Form must list the specific issues that are to be addressed at the event. "All issues" is not acceptable. The form should also indicate which materials the judge should review. Referring to all prior affidavits or documents which have not been uploaded to Case Center is not appropriate.
- d) The Confirmation Form must also include an appropriate time estimate for the entire motion including time required by the other party.  
**Confirmation forms must be uploaded to Case Center into the correct bundle.**

***iv. Facta and Compendiums***

A factum (or Summary of Argument) is required on all long motions. If the moving party does not file a factum, the motion date will be cancelled. Except with leave of the Court, facta are limited to 20 pages.

**The moving party's factum must be served and filed three weeks prior to the hearing date.**

**The responding party's factum must be served and filed two weeks prior to the hearing date.**

A Compendium containing of the Court filed documents and excerpts of the evidence essential to the hearing of the motion may be uploaded to Case Center for long or complex motions. Where possible, the parties should agree on a Joint Compendium.

### **g. Urgent Motions or Applications**

Any Motion/Application filed by a party as "urgent motion or application" will first be reviewed by a judge based on a review of the Notice of Motion/Application and supporting materials to determine whether the matter is indeed urgent and, if so, provide directions for the matter to be heard.

If the judge determines that the matter is NOT urgent, then the party bringing the Motion/Application will be advised of this decision and/or be given specific directions as the case may require.

In all cases, except where ordered by the court, the urgent motion or application materials and endorsement must be served on all other interested parties.

Counsel and parties who wish to schedule an "urgent motion" must contact the Court Office.

Counsel will have to provide a letter setting out:

- Why the matter is urgent;
- The nature of the relief sought;
- Whether the matter will be on notice or not;
- Whether the motion materials are ready to proceed;
- A time estimate for the motion; and
- A draft Order.

Setting out arguments or submissions in the letter as to the merits of the proposed motion or application is not appropriate. If the matter ought to be on notice, the moving party shall serve the urgent motion materials and the endorsement in response to the request to the opposing side(s).

Where possible, the motion materials should be provided for a judge to review.

The Trial Coordinator's Office will provide the letter/materials to a judge to determine whether and how the matter is to proceed as an urgent motion. The moving party will be advised accordingly.

### **h. Costs in Civil Motions and Applications**

The parties should resolve the quantum of costs prior to the hearing and advise the motion's judge of any resolution or that they have been unable to agree on the issue of costs.

Unless the parties have agreed on the quantum of costs, all counsel appearing on motions and applications must attend the hearing with their Costs Outline in accordance with Rule 57.01 and be prepared to provide the cost outlines to the presiding judge. If a Costs Outline is not

available to be given to the presiding judge, the judge may decline to make any costs award in favour of the defaulting party.

### *i. Setting Down for Trial and Assignment Court*

Once the trial record is set down for trial pursuant to Rule 48, Rule 48.04 sets out the consequences of setting the action down for trial. Rule 48.04 provides that a party who sets an action down for trial or consents to placing the action on the trial list cannot initiate or continue any form of discovery or interlocutory motion without leave of the Court. Leave will be granted only in rare circumstances.

The Registrar will provide an Assignment Court date to the party who set the action down for trial. The party setting the action down for trial must ensure that all interested parties are properly identified in the Notice of Assignment Court.

At the Assignment Court, the action will, unless there are exceptional circumstances, either be placed on a trial list or struck from the trial list. If placed on a trial list, all parties are deemed ready for trial.

To restore an action that has been struck from the trial list, the parties must obtain an order granting leave from a judge under Rule 48.11 to restore it to the trial list. An order can be obtained by writing to the Court, on the consent of both parties, confirming that all parties are now ready to proceed to trial. Upon receipt of such a request, the matter will likely be placed on the next Assignment Court date without a further attendance.

### *j. Pre-Trials*

In Brampton, Pre-Trial dates will be scheduled at the Assignment Court.

In all other centres, the parties should contact the Trial Coordinator's Office to obtain a pre-trial date, at which they will receive an Assignment Court date or a trial date.

Pre-trial dates will, where possible, be scheduled within 120 days of the first day fixed for trial or the commencement of the sittings.

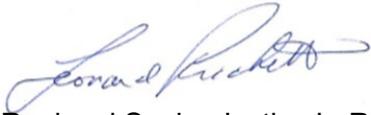
Counsel and parties *must* comply with Rule 50 including that parties with authority to settle must attend pre-trial hearings.

All parties are to cooperate on the completion of the Pre-Trial Form (attached to this Notice) well in advance of the Pre-trial date. To the extent that the parties cannot agree on certain items in the Pre-Trial Form, each party(s) may file their own Pre-Trial Form highlighting only the items that remain in dispute. This must be uploaded to Case Center.

Failure to cooperate on the completion of the Pre-Trial Form may result in cost consequences and/or the adjournment of the Pre-Trial or Trial date.

The fact that the parties agree on certain matters does not bind the pre-trial conference judge to accept the agreement with respect to the process to be followed or completion of the Pre-trial Judge's Report under Rule 50.08.

The parties must comply with the provisions of Rule 53.03 with respect to expert reports and deliver the Certificate referred to in Rule 50.03. Failure to deliver all expert reports at least 90 days prior to the pre-trial will likely attract a cost sanction and other directions and terms may be imposed by the pre-trial judge including an order prohibiting expert testimony by any expert whose report was not served in compliance with this Rule.

A handwritten signature in blue ink, appearing to read "Leonard Ricchetti". The signature is fluid and cursive, with a large initial "L" and "R".

Regional Senior Justice L. Ricchetti

# APPENDIX A

Documents **MUST** be filed through the appropriate portal set out herein or the documents will be rejected.

The Court will **only** accept filings by e-mail or in-person for the following reasons:

- For matters that are urgent, including requests for an urgent hearing;
- Documents that must be filed for a court date that is less than 5 business days away; and,
- Documents that must be filed for a deadline that is less than 5 business days away.
- Where alternate filing requirements are required due to an accessibility request.

**All Payments and fees are due per policy and directive.**

## CRIMINAL- Electronic Court Filings

All filings for Criminal matters may be filed/sent to the following email addresses:

Brampton-Peel Region Courthouse	<a href="mailto:BramptonSCJcrimadmin@ontario.ca">BramptonSCJcrimadmin@ontario.ca</a>
Milton-Halton Region Courthouse	<a href="mailto:SCJHaltontrialoffice@ontario.ca">SCJHaltontrialoffice@ontario.ca</a>
Orangeville – Dufferin County Courthouse	<a href="mailto:OrangevilleSCJCourt@ontario.ca">OrangevilleSCJCourt@ontario.ca</a>
Guelph- Wellington County Courthouse	<a href="mailto:GuelphOffice.SCJ@ontario.ca">GuelphOffice.SCJ@ontario.ca</a>
Owen Sound- Grey County Courthouse	<a href="mailto:SCJGreyBruce@ontario.ca">SCJGreyBruce@ontario.ca</a>
Walkerton- Bruce County Courthouse	<a href="mailto:SCJGreyBruce@ontario.ca">SCJGreyBruce@ontario.ca</a>

## CIVIL-Electronic Court Filings

Civil court documents shall be electronically filed and/or issued by using the existing Civil Claims Online Portal or the new Civil Submissions Online Portal, as appropriate, in accordance with the *Rules of Civil Procedure*.

Small Claims Court claims shall be filed through the Small Claims Online filing platform.

The Court will **only** accept civil filings by e-mail for the following:

- For matters that are urgent, including requests for an urgent hearing;
- Documents that must be filed for a court date that is less than 5 business days away; and,
- Documents that must be filed for a deadline that is less than 5 business days away.
- Where alternate filing requirements are required due to an accessibility request.

In the above circumstances, documents may be filed electronically at the following email address:

Brampton-Peel Region Courthouse	<a href="mailto:BramptonSCJCourt@ontario.ca">BramptonSCJCourt@ontario.ca</a>
Milton-Halton Region Courthouse	<a href="mailto:MiltonSCJCourt@ontario.ca">MiltonSCJCourt@ontario.ca</a>
Orangeville – Dufferin County Courthouse	<a href="mailto:OrangevilleSCJCourt@ontario.ca">OrangevilleSCJCourt@ontario.ca</a>
Guelph- Wellington County Courthouse	<a href="mailto:Guelph.SCJ.Courts@ontario.ca">Guelph.SCJ.Courts@ontario.ca</a>
Owen Sound- Grey County Courthouse	<a href="mailto:OwenSound.SCJ.Courts@ontario.ca">OwenSound.SCJ.Courts@ontario.ca</a>
Walkerton- Bruce County Courthouse	<a href="mailto:Walkerton.SCJ.Courts@ontario.ca">Walkerton.SCJ.Courts@ontario.ca</a>

Confirmation forms for CIVIL motions must be filed electronically to the following email address:

Brampton-Peel Region Courthouse	<a href="mailto:scjtrialofficebrampton@ontario.ca">scjtrialofficebrampton@ontario.ca</a>
Milton-Halton Region Courthouse	<a href="mailto:SCJHaltontrialoffice@ontario.ca">SCJHaltontrialoffice@ontario.ca</a>
Orangeville – Dufferin County Courthouse	<a href="mailto:OrangevilleSCJTrialOffice@ontario.ca">OrangevilleSCJTrialOffice@ontario.ca</a>

Guelph- Wellington County Courthouse	<a href="mailto:GuelphOffice.SCJ@ontario.ca">GuelphOffice.SCJ@ontario.ca</a>
Owen Sound- Grey County Courthouse	<a href="mailto:SCJGreyBruce@ontario.ca">SCJGreyBruce@ontario.ca</a>
Walkerton- Bruce County Courthouse	<a href="mailto:SCJGreyBruce@ontario.ca">SCJGreyBruce@ontario.ca</a>

## FAMILY – Electronic Court Filings

Family court documents shall be electronically filed and/or issued by using [Family Submissions Online](#) portal. The portal is authorized to accept the electronic filing of most documents in a family law or child protection case, along with any necessary filing fees. New applications and motions to change can also be filed through this portal, along with requests for fee waivers.

In addition, several family court documents relating to a simple or joint divorce may continue to be filed electronically by using the Ministry's [Family Claims Online Portal](#), in accordance with the *Family Law Rules*.

The Court will **only** accept family filings by e-mail for the following:

- For matters that are urgent, including requests for an urgent hearing;
- Documents that must be filed for a court date that is less than 5 business days away; and,
- Documents that must be filed for a deadline that is less than 5 business days away.
- Where alternate filing requirements are required due to an accessibility request.

In the above circumstances, documents may be filed electronically at the following email address:

Brampton-Peel Region Courthouse	<a href="mailto:BramptonSCJCourt@ontario.ca">BramptonSCJCourt@ontario.ca</a>
Milton-Halton Region Courthouse	<a href="mailto:MiltonSCJCourt@ontario.ca">MiltonSCJCourt@ontario.ca</a>
Orangeville – Dufferin County Courthouse	<a href="mailto:OrangevilleSCJCourt@ontario.ca">OrangevilleSCJCourt@ontario.ca</a>
Guelph- Wellington County Courthouse	<a href="mailto:Guelph.SCJ.Courts@ontario.ca">Guelph.SCJ.Courts@ontario.ca</a>
Owen Sound- Grey County Courthouse	<a href="mailto:OwenSound.SCJ.Courts@ontario.ca">OwenSound.SCJ.Courts@ontario.ca</a>
Walkerton- Bruce County Courthouse	<a href="mailto:Walkerton.SCJ.Courts@ontario.ca">Walkerton.SCJ.Courts@ontario.ca</a>

Confirmation forms for FAMILY motions and conferences must be filed electronically to the following email address:

Brampton-Peel Region Courthouse	<a href="mailto:scjtrialofficebrampton@ontario.ca">scjtrialofficebrampton@ontario.ca</a>
Milton-Halton Region Courthouse	<a href="mailto:SCJHaltontrialoffice@ontario.ca">SCJHaltontrialoffice@ontario.ca</a>
Orangeville – Dufferin County Courthouse	<a href="mailto:OrangevilleSCJTrialOffice@ontario.ca">OrangevilleSCJTrialOffice@ontario.ca</a>
Guelph- Wellington County Courthouse	<a href="mailto:GuelphOffice.SCJ@ontario.ca">GuelphOffice.SCJ@ontario.ca</a>
Owen Sound- Grey County Courthouse	<a href="mailto:SCJGreyBruce@ontario.ca">SCJGreyBruce@ontario.ca</a>
Walkerton- Bruce County Courthouse	<a href="mailto:SCJGreyBruce@ontario.ca">SCJGreyBruce@ontario.ca</a>

## ONTARIO SUPERIOR COURT OF JUSTICE (CENTRAL WEST REGION)

Pre-Trial Judge/ JUSTICE

COURT FILE NO.:

B E T W E E N: \_\_\_\_\_ Click here to enter text.  
Plaintiff(s) v. Defendant(s)

COMPANION FILE: Click here to enter text.  
(Please include third party actions)

### **RULE 50.08 PRE-TRIAL CONFERENCE REPORT**

Date of Pre-Trial Conference:

Type of Trial (Jury/Non-Jury/Bilingual):

Type of Case (MVA/Employment/Contract/Construction Lien/etc.):

TRIAL DATE(S): Click here to enter text.

Anticipated length of trial: [Click here to enter text.](#)

Counsel for Plaintiff(s):

Counsel for Defendant(s):

Counsel for other Defendant(s): [Click here to enter text.](#)

Counsel for other Defendant(s): [Click here to enter text.](#)

**CHECKLIST OF ITEMS TO BE CANVASSED PURSUANT TO RULE 50.06:**

- |   |   |
|---|---|
| <input type="checkbox"/> Possibility of settlement                            | <input type="checkbox"/> Number of expert witnesses to be called by Plaintiff                 |
| <input type="checkbox"/> Simplification of the issues                         | <input type="checkbox"/> Number of lay witnesses to be called by Defendant                    |
| <input type="checkbox"/> Possibility of obtaining admissions                  | <input type="checkbox"/> Number of expert witnesses to be called by Defendant                 |
| <input type="checkbox"/> Liability  | <input type="checkbox"/> Advisability of fixing a date for trial                              |
| <input type="checkbox"/> Amount of damages                                    | <input type="checkbox"/> Advisability of directing a reference                                |
| <input type="checkbox"/> Estimated duration of trial                          | <input type="checkbox"/> Dates for service of any outstanding or supplementary expert reports |
| <input type="checkbox"/> Advisability of having a court appointed expert      |   |
| <input type="checkbox"/> Number of expert witnesses to be called by Plaintiff |   |

**1. List of witnesses that may be called and estimated length of time**

Attached:  Yes  No (if no, why not?) *If yes – attach “Appendix A - List of Witnesses”*

**2. Have parties, counsel, witnesses and experts confirmed availability for trial?**

Yes  No (if no, why not?)

**3. Are there any other issues that the trial judge or trial office should be aware of? (e.g interpreter, large court room, audiovisual or technical issues, witnesses testifying by videoconference, etc.)**

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Date \_\_\_\_\_ Signature of Judge/Associate Judge \_\_\_\_\_

**CERTIFICATE**

**I certify that I understand the contents of this report and I acknowledge the obligation to be ready to proceed on the date(s) fixed for the trial.**

**Date:** [Click or tap here to enter text.](#) \_\_\_\_\_

**Date:** [Click or tap here to enter text.](#) \_\_\_\_\_

Date: [Click or tap here to enter text.](#)

\_\_\_\_\_

### **Undertaking to the Court**

**I undertake to advise my client(s) of:**

- (a) the contents of the Pre-Trial Conference Report; and**
- (b) the obligation to be ready to proceed on the date(s) fixed for the trial.**

Date: [Click or tap here to enter text.](#)

\_\_\_\_\_

Date: [Click or tap here to enter text.](#)

\_\_\_\_\_

Date: [Click or tap here to enter text.](#)

\_\_\_\_\_

**COURT FILE NO.** [Click here to enter text.](#)

### **APPENDIX A: List of witnesses that may be called at trial**

Name of witness	Occupation and city in which witness resides	Witness to be called by	Estimated length

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**Time Estimates for Trial**

	<b>Opening</b>	<b>Closing</b>	<b>Jury Address</b>	<b>Total</b>	<b>Total Time (Include Witnesses)</b>
<b>Plaintiff</b>					
<b>Defendant</b>					

**APPENDIX B:  
Orders made at the Pre-Trial**

- Each party shall complete the steps set out by Appendix B by the deadline set out therein.
- Leave is granted to **bring a motion** for Click or tap here to enter text. Provided it is scheduled no later than Click or tap here to enter text.
- Each party is to serve a **request to admit** pursuant to Rule 51.02 setting out the facts and documents they proposed be treated as undisputed by Click or tap here to enter text.
- All **outstanding undertakings** are to be answered by Click or tap here to enter text. And any further discovery arising from such an undertaking is to be completed no later than Click or tap here to enter text. Should any motion be necessary as a result of such follow up discovery, it is to be brought no later than Click or tap here to enter text.
- Each party is to serve on the other a signed **witness statement or a summary of the evidence** to be given in respect of each witness to be called at trial, except for experts who have provided reports and these statements are to be exchanged as follows:

Plaintiff: Click or tap here to enter text.

Defendant: Click or tap here to enter text.

- Subject to the discretion of the trial Judge, the following time limits will apply to the **examination of the witnesses** to be given at trial or taken in advance of trial:

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- The parties shall attend trial with draft jury questions and be prepared to make submissions on which questions need go to a jury and in what form/content.
- The **evidence of the following witnesses** is to be given by affidavit and the affidavits are to be served by the dates shown (examination in chief with right to cross-examination subject to the discretion of the trial Judge):

Witness: Click or tap here to enter text.                      Delivery Date: Click or tap here to enter text.

Witness: Click or tap here to enter text.                      Delivery Date: Click or tap here to enter text.

Witness: Click or tap here to enter text.                      Delivery Date: Click or tap here to enter text.

Witness: Click or tap here to enter text.                      Delivery Date: Click or tap here to enter text.

- The parties are directed to require the following **experts** to meet on a without prejudice basis in order to identify the issues on which the experts agree and the issues on which they do not agree, to attempt to clarify and resolve any issues that are the subject of disagreement and to prepare a joint statement setting out the areas

of agreement and any areas of disagreement and the reasons for it. The joint statement is to be filed with the court at the opening of the trial.

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Each party is to deliver a concise **summary** of his or her **opening statement** to the other, including time estimates, by [Click or tap here to enter text.](#)

Other:

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Date \_\_\_\_\_ Signature of Judge/Associate Judge \_\_\_\_\_

**SUPERIOR COURT OF JUSTICE-BRAMPTON**

**REQUISITION TO ATTEND LONG MOTION TRIAGE COURT (Civil and Family)**

7755 Hurontario Street, Suite 100  
Brampton ON L6W 4T6  
Email: [scjtrialofficebrampton@ontario.ca](mailto:scjtrialofficebrampton@ontario.ca)

**Requisition to Attend a Long Motion Triage Court before a Judge to Schedule (select one of the following):**

- Hearing Date for Long Motion or Application**
- Hearing Date for Summary Judgment Motion**
- Timetable to be Scheduled**
- Other contested Issue (please described) -**

\*\*\* Please return this completed form in **Microsoft Word format** by email to:  
[scjtrialofficebrampton@ontario.ca](mailto:scjtrialofficebrampton@ontario.ca)

Long Motion Triage Court will be held virtually every Tuesday at 9 :00 am

Upon receipt of this requisition, the trial office will email you the triage date and zoom details

**Court File Number:**

**Full Title of Proceeding (List all Parties in the Title of Proceeding):**

**Moving Party Is:**

- Plaintiff/Applicant/Appellant**
- Defendant/Respondent**
- Other**

**NATURE OF THE LONG MOTION**

1. Estimated total time for oral argument by all parties:	
2. Nature of the action or application:	
3. Rule(s) or statutory provisions under which the motion / application is brought:	
4. Is the motion seeking summary judgment?	

5. Is any party self-represented? If so, which party(s)	
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**Name of Party and Lawyer Scheduling the Motion:**

\_\_\_\_\_  
Name and Firm (please type or print clearly)

YYYY-MM-DD

\_\_\_\_\_  
Date

\_\_\_\_\_  
Telephone Number and Email Address

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**Name of Party and Lawyer Responding:**

\_\_\_\_\_  
Name and Firm (please type or print clearly)

\_\_\_\_\_  
Telephone Number and Email Address

**Name of Party and Lawyer Responding:**

\_\_\_\_\_  
Name and Firm (please type or print clearly)

\_\_\_\_\_  
Telephone Number and Email Address

**Name of Party and Lawyer Responding:**

\_\_\_\_\_  
Name and Firm (please type or print clearly)

\_\_\_\_\_  
Telephone Number and Email Address

**Name of Party and Lawyer Responding:**

\_\_\_\_\_  
Name and Firm (please type or print clearly)

\_\_\_\_\_  
Telephone Number and Email Address

**Name of Party and Lawyer Responding:**

\_\_\_\_\_  
Name and Firm (please type or print clearly)

\_\_\_\_\_  
Telephone Number and Email Address

**ONTARIO SUPERIOR COURT OF JUSTICE (BRAMPTON)**

**LONG MOTION TRIAGE COURT ENDORSEMENT**  
**Court File No.:**

**Presiding Judge:**

**CPC#:** .....

.....

**DATE:** YYYY-MM-DD .....

Counsel attending (if different than listed above):

Plaintiff:

Defendant:

Other:

**ENDORSEMENT**

(where applicable) The Timetable Schedule set out on the next page is ordered.

**DATE:**

**Judge's Signature**

**X** \_\_\_\_\_

**TIMETABLE**

- **MOVING PARTY’S MOTION RECORD, APPLICATION RECORD, TO BE DELIVERED BY:**
  
- **RESPONDING PARTY RECORD TO BE DELIVERED BY:**
- **REPLY RECORD, IF ANY, TO BE DELIVERED BY:**
- **CROSS-EXAMINATIONS, IF ANY, TO BE COMPLETED BY:**
- **UNDERTAKINGS TO BE ANSWERED BY:**
- **MOTION FOR REFUSALS TO BE SERVED BY:**
- **MOVING PARTY OR APPLICANT’S FACTUM TO BE DELIVERED BY:**
- **RESPONDING PARTY FACTUM TO BE DELIVERED BY:**
- **APPROVED HEARING DATE:**
- **ANY ADDITIONAL TIMETABLE ITEMS:**

**THE PARTIES SHALL COMPLY WITH ALL PRACTICE DIRECTIONS/ NOTICE TO THE PROFESSION ISSUED FOR THE CENTRAL WEST REGION APPLICABLE TO THIS MOTION OR APPLICATION, INCLUDING THE REQUIREMENTS FOR FILING DOCUMENTS AND UPLOADING THEM TO CASELINES .**