

September 25 ,2020

SUPERIOR COURT OF JUSTICE**NOTICE TO THE PROFESSION****CENTRAL WEST REGION**

Effective October 5, 2020

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This is a further Notice to the Profession to deal with the continued re-opening of the Superior Court of Justice in the Central West Region. This Notice to the Profession supersedes the prior Central West Notices to the Profession dated May 13, 2020 and June 25, 2020.

Counsel, parties and the public attending the courthouses must ensure strict compliance with all health and safety requirements posted throughout the courthouse. Failure to comply will result in being denied admission to or being required to leave the courthouse. If you are uncertain about the health and safety requirements in the courthouse, please inquire before attending the courthouse.

The Superior Court of Justice is moving towards complete electronic filing of all court documents. All electronic materials **MUST** be filed in accordance with any provisions in the *Rules of Civil Procedure*, the *Family Law Rules*, *Amendments to the Criminal Proceedings Rules for the Superior Court (Ontario)*, August 12, 2020, Part IX and the Central West Region Filing Court Documents linked at the end of this Notice. Counsel and parties are encouraged to check this link before filing documents with the court as the Central West Region Filing Court Documents will be updated from time to time. Failure to file court documents in accordance with the Central West Region Filing Court Documents will result in the documents being rejected.

Each electronic material filed for use in court proceedings must have proper file names. This requires the file name to indicate:

- a) the name of the party filing the material AND whether they are the plaintiff/applicant or defendant/respondent such as Ms. X, Respondent;
- b) a description of material such as, "Affidavit" or "Notice of Motion" or "Factum"; and
- c) the date of the material was created or signed.

For example: "ABC Inc. Applicant's Notice of Motion September 14 2020"

Each electronic material must have each page consecutively numbered, including any attachments such as exhibits.

All electronically filed documents must be served on all interested parties in accordance with the applicable Rules and must clearly set out the email addresses of the party filing the materials and all other interested parties.

Barrister gowns must be worn for all trials and for criminal pre-trial applications unless the presiding justice orders otherwise. All other hearings, including virtual hearings are formal court hearings which require counsel and the parties attending to act with due respect for the Rules and court decorum including wearing proper business attire at such hearings.

CRIMINAL MATTERS

CRIMINAL APPLICATIONS AND PRE-TRIAL CONFERENCES

All requests for criminal applications and pre-trial conferences will require the applicant to email the Trial Coordinator's Office, briefly outlining the case name, nature of the application and if there is any urgency to the matter. The email should be copied to opposing counsel.

For applications, counsel will be contacted with an available date and time for a conference call with a judge to determine whether the application will proceed, when it can proceed, time estimates, whether the application will proceed in person, by audioconference or videoconference and other details of the application.

For pre-trial conferences, the Trial Coordinator will provide counsel with the date and time for a conference call pre-trial conference.

Please contact the local Trial Coordinator for further details.

BRAMPTON: CRIMINAL TRIALS

All Criminal Jury and Non-Jury trials scheduled in Brampton will be tried subject to courtroom availability. The “Monday morning pre-trials” will now be held on the Thursday and/or Friday afternoon before the trial is to commence at times to be arranged by the Trial Coordinator.

All Pre-trial conferences and Trial Readiness Court attendances remain mandatory for all trials scheduled to proceed.

Trial Readiness and Assignment Court appearances will be by audioconference unless ordered otherwise. The cases will be called in the order in which they appear on the docket. Counsel should call 416-212-8013 ID 3360284# Please do not announce your name when prompted. Just push the # key.

With regards to accused in custody, counsel are strongly encouraged to obtain and file designations so that the accused does not have to be brought to court or appear remotely in Assignment Court or Trial Readiness Court.

For Assignment Courts, counsel can obtain a pre-trial date as noted above from the Trial Coordinator’s Office before committal for trial. The accused can then be remanded directly to the pre-trial date without an Assignment Court appearance. Where a pre-trial date has not been obtained before the committal, counsel can arrange a pre-trial date in advance of the Assignment Court through the Trial Office as noted above. If the date is after the Assignment Court, the accused will be remanded from the Assignment Court with a discretionary bench warrant to the pre-trial date.

For Trial Readiness Court appearances, counsel are reminded that Form 18 C-1 to the *Criminal Proceedings Rules of the Superior Court of Justice (Ontario)* that can be emailed to the Trial Coordinator three days in advance of Trial Readiness Court. Provided all counsel agree that all filings requirements have been met, there is no need to attend Trial Readiness Court.

As with all Superior Court appearances, all counsel must know the net *Jordan* date and be prepared to indicate whether the proposed dates raise *Jordan* issues.

MILTON, GUELPH, ORANGEVILLE, WALKERTON AND OWEN SOUND: CRIMINAL TRIALS

Criminal trials scheduled in these centres will be tried subject to courtroom availability.

Criminal jury trials in these centres, which cannot be accommodated in the center, may be moved to Brampton or other courthouses within or outside the Region, depending on courtroom availability and jury selection facilities.

SUMMARY CONVICTION APPEALS IN CENTRAL WEST REGION

Summary Conviction Appeals will continue to be scheduled and heard. Once all filings are completed, counsel will be notified of the time assigned for the appeal and to arrange a

scheduling conference call to determine the time/date and whether the appeal will proceed in person, by audio or video.

CIVIL AND FAMILY MATTERS

CONSENT MOTIONS, R. 14(B) MOTIONS, ESTATE MATTERS AND OVER-THE-COUNTER MOTIONS

Parties must file their complete materials with the court. The motions/matters will be dealt with by a judge as soon as is practicable.

REGULAR MOTIONS (LESS THAN 1 HOUR)

Regular motions will be scheduled and heard virtually subject to the discretion of the presiding judge.

For new regular motions, the moving party must first obtain a date for a regular motion from the Trial Coordinator's Office.

All parties must comply with all applicable *Rules* for the service and the electronic filing of the motion materials. Copies of any relevant orders and endorsements must also be included in the electronic materials filed.

The parties must file a Confirmation form in accordance with the *Rules*, otherwise, the regular motion may not be scheduled to be heard. The parties must include a list of the individual documents filed and to be relied on at the motion.

Counsel and parties will be advised of the details to connect into the virtual hearing.

Counsel and parties will be held to the estimated times unless the presiding judge determines otherwise.

LONG MOTIONS

Long motions will be scheduled and heard virtually subject to the discretion of the presiding judge.

For new long motions, the moving party must first obtain a date for a long motion from the Trial Coordinator's Office.

All parties must comply with all applicable *Rules* for service and the filing of materials and factums. Copies of all relevant orders and endorsements must also be included in the electronic materials filed.

The parties must file a Confirmation form in accordance with the Regional Practice Direction (as may be amended from time to time), otherwise, the long motion may not be scheduled to be heard. The parties must include a list of the individual documents filed and to be relied on at the motion. Counsel and parties will be advised of the details to connect into the virtual hearing.

Counsel and parties will be held to the estimated times unless the judge determines otherwise.

FAMILY LAW CONFERENCES

Family Law Conferences will be heard virtually subject to the discretion of the presiding judge.

To schedule Family Law Conferences, counsel and parties must first obtain a date for a Family Law Conference from the Trial Coordinator's Office.

All parties must comply with all applicable *Family Rules* for service and the filing of conference materials.

The filed electronic materials by each party is limited to case or settlement conference briefs of four (4) pages plus only those excerpts of documents necessary and relevant to the issues to be decided; proof of service; and draft order(s). Copies of all relevant orders and endorsements must also be included in the electronic materials filed.

The parties must file a Confirmation form, otherwise, the Family Law Conference may not be heard.

Counsel and parties will be advised of the details to connect into the virtual hearing.

URGENT MOTIONS:

Parties must file their complete motion materials with the court. The court staff will make every effort to put the motion materials before a judge as soon as is practicable. A judge will determine whether the matter is urgent. If not, counsel/party will be so advised. If the matter is urgent, a judge will either deal with the urgent motion or provide directions for it being heard virtually or in person.

CIVIL PRE-TRIALS

Currently scheduled civil pre-trials will proceed virtually subject to the presiding justice.

The parties must re-file their pre-trial briefs in accordance with the *Rules of Civil Procedure*.

ELECTRONIC FILING

All documents filed with the court must be in accordance with the attached “Central West Region Filing Court Documents”, failing which, the documents may NOT be before the court.

The following link contains the updated information as to where court documents MUST be electronically filed by counsel and the parties.



Central West
region-Electronic Fil

RSJ Ricchetti