

# What's New? Changes to the Rules of Civil Procedure and Forms in effect January 1, 2015

The *Rules of Civil Procedure* (the “Rules”) govern civil proceedings in the Ontario Superior Court of Justice. The rules require a set of prescribed forms to be used.

On January 1, 2015, amendments to civil court rules and forms come into effect. These amendments relate to:

- service by e-mail, electronic document exchange and fax
- dismissal of action for delay by the Registrar
- pre-trial and case conferences
- motions for leave to appeal to Divisional Court
- changes to three regulated forms.

## Service by e-mail and electronic document exchange

As of January 1, 2015, you can serve certain documents (for example, a notice of motion, affidavit or reply) that do not need to be personally served by:

- e-mail (with the consent of the other party or parties, or if ordered by the court)
- web-based electronic document exchange system (if you and the party you are serving are members or subscribers as set out under rule 16.01).

## Service by fax

- As of January 1, 2015, there is no limit on the number of pages you can fax without a party’s prior consent.

## Dismissal of action for delay by the Registrar

As of January 1, 2015:

- actions not set down for trial or concluded **within five years** from their start date will be automatically dismissed, unless ordered otherwise
- actions that have been struck off of the trial list and not restored to the list **within two years** will automatically be dismissed, unless ordered otherwise
- the Registrar will not provide notice that an action will be dismissed
- once an action is dismissed, the Registrar will serve an Order Dismissing Action for Delay (Form 48D)
- actions started before January 1, 2015 will be dismissed as set out under rule 48.14(11), (12) and (13).

If you are unable to have your action set down for trial within five years, or placed back on the trial list within two years, you can keep your action from being dismissed if you:

- have the consent of all the parties or
- bring a motion for a status hearing.

If you have the consent of all parties, you can draft a timetable that:

- identifies the steps you need to complete before the action can be set down for trial or restored to the trial list,
- shows the date(s) by which you need to complete the steps, and
- shows a date (no more than seven years after the claim) before which the action must be set down for trial or placed back on the trial list.

If all parties consent to the timetable, you can file the timetable and draft order with the court. You need to file the timetable and draft order at least 30 days before the five or two year deadlines.

If all parties do not consent to a timetable, you can bring a motion for a status hearing to ask the court for an order allowing the action to move forward. This motion may be brought at any time before the five or two year deadlines.

## **Pre-trial and case conferences**

As of January 1, 2015, a judge can direct:

- a pre-trial conference to be held before a judge or case management master, and
- a case conference to be held before a judge or case management master, in actions and applications.

## **Motions for leave to appeal to Divisional Court**

As of January 1, 2015:

- you need to bring your motion for leave to appeal in writing
- factums are not required
- when you bring a motion for a leave to appeal, you will need to file one copy of each motion record, factum (if applicable), transcripts and any book of authorities.

## Regulated Forms

As of January 1, 2015:

- Forms 14A, 14B and 14C include a reference to the new dismissal of action for delay timelines.

The new forms are available at [www.ontariocourtforms.on.ca](http://www.ontariocourtforms.on.ca).

## Want more information about Civil Cases?

For information about civil cases, visit: [www.ontario.ca/attorneygeneral](http://www.ontario.ca/attorneygeneral).

- "[Civil Cases - Suing and Being Sued](#)" provides an overview of civil cases in the Superior Court of Justice.

[Justice Ontario](#) provides answers to basic questions about Ontario's justice system, including information on lawsuits and disputes, family law, criminal law, going to court, human rights, wills and estate planning, tickets and fines, and how to find a lawyer.

To access Justice Ontario on-line, visit: [www.ontario.ca/justiceontario](http://www.ontario.ca/justiceontario). For access to this information in over 170 languages, call toll-free: 1-866-252-0104.

You may wish to consult [Law Help Ontario](#), a centre established by Pro Bono Law Ontario to help self-represented litigants with civil proceedings. If you meet their financial eligibility requirements, Law Help Ontario may be able to give you procedural information about your case, as well as help with completing court forms and legal advice. A lawyer may also be available to represent you in court free of charge.

For information on Law Help Ontario walk-in centres in Toronto and Ottawa, visit: <http://www.lawhelpontario.org/legal-advice-in-person/>.

For information on Law Help Remote, a free telephone service by Law Help Ontario that offers legal advice to eligible self-represented litigants in civil proceedings, visit: <http://www.lawhelpontario.org/remotel/>, or call toll-free: 1-855-255-7256.

If you wish to consult a lawyer, you can contact the [Law Society Referral Service](#) operated by the Law Society of Upper Canada, which will provide a name of a lawyer in your area who practises in a relevant area of law. That lawyer will provide a half-hour free consultation. Call: 1-800-268-8326 or, within the Greater Toronto Area, 416-947-3330.

For a list of lawyers in Ontario maintained by the Law Society of Upper Canada, visit: <http://www2.lsuc.on.ca/LawyerParalegalDirectory/index.jsp>.