May 27, 2020

VIA EMAIL: RCC@albertacourts.ca

Barb Turner, Q.C., Secretary
Rules of Court Committee
John E. Brownlee Building, 9th Floor
10365 – 97 Street
Edmonton, Alberta T5J 3W7

Dear Ms. Turner,

RE: Rules of Court Committee Summary Trials Consultation

The Advocates' Society (the "Society"), established in 1963, is a not-for-profit association of more than 6,000 members throughout Canada. The mandate of the Society includes, among other things, making submissions to governments and others on matters that affect access to justice, the administration of justice, and the practice of law by advocates.

The Society has reviewed with interest the consultation paper circulated by the Rules of Court Committee on the use of summary trials in Alberta. The Society assembled a Task Force whose members closely considered the issues raised and consulted with other members of the Society in order to draft these submissions. Notably, the Task Force included members from Alberta, Ontario, and Nova Scotia. As such, these submissions provide a diverse viewpoint of opinions on the use of summary trials.

The Society believes that summary trials in the right circumstances are useful and, if used appropriately, will have a positive impact on access to justice and judicial economy. Particularly in the civil context, many cases may be appropriate for a summary trial. With appropriate changes to the *Rules of Court*, the Task Force's view is that summary trials will: (i) be used widely in Alberta; (ii) decrease costs for litigants; and (iii) facilitate access to justice.

With that said, the Society stresses that summary trials should not be resorted to simply because civil trial dates are difficult to obtain. Thus, the delays in getting to a standard trial in Alberta also need to be urgently addressed. The Rules of Court Committee's search for solutions to delays in the civil justice system is most welcome.

The Task Force has carefully examined the five (5) issues raised in the consultation paper. The Society's submissions follow.

Issues #1 and #2: Suitability and Procedure for Summary Trial

The Society is of the view that a barrier to the use of summary trials in Alberta is the application process. By forcing parties to apply for a summary trial, the parties spend time and money that otherwise could be spent completing interlocutory steps and preparing for trial.

Further, under the existing Rule 7.8, the suitability of the summary trial procedure is not decided until trial commences. This is untenable. By the time the court decides whether summary trial is suitable, most of the preparation work for the summary trial, including the preparation of expert reports and affidavits, has been done. Parties are hesitant to apply for a summary trial and risk incurring the time and expense to prepare for the summary trial, only for the Court to decide that a standard trial is more appropriate.

The Rules of Court Committee consultation paper asks whether certain cases should be presumptively decided by summary trial (p. 4). The Society is of the view that the identification of presumptive cases is sensible and will remove ambiguity about which cases should proceed by way of summary trial. Given that a barrier to the use of summary trials now is the uncertainty with the process, the Society suggests that the Rules clearly delineate which cases will presumptively be heard by way of summary trial.

If the case falls within the presumptive list of actions appropriate for summary trial, it will be incumbent on the party resisting the procedure to apply to redirect the action to a full trial. It should be open to litigants to argue the complexity or issues in their matter demand a full trial. For the reasons discussed below (see issue 5), we suggest the application to redirect an action to a full trial should be made before questioning (absent new facts or circumstances arising during the course of a case which justify a full trial).

The Society suggests that all cases for money, real property, or personal property below a certain monetary threshold be presumptively tried by way of summary trial. The use of a monetary threshold is simple and avoids ambiguity regarding which cases fall within the summary trial rules.

The Society did not reach a consensus about what the monetary threshold should be. The Society's members hold divergent opinions on this issue. The underlying principle in setting the threshold should be proportionality: the procedure should be proportional to the claim. Most agree that a monetary threshold for summary trials in Alberta should not be below those in other provinces for expedited procedures. Many members of the Society's Task Force, and in particular all of those members who practise in Alberta, are comfortable with a threshold as high as $750,000; others in the Society's membership object to a threshold of that magnitude. Further, the Task Force consulted with members of the bar in Alberta who practise personal injury law (both plaintiff and defence counsel). Again, the lawyers consulted held divergent opinions on this issue. If a presumptive monetary threshold for summary trials is adopted, the Society recommends that the Rules of Court Committee undertake further consultation with the Alberta bar to determine the appropriate amount.

Further, the summary trial procedure should also be available for use in matters outside the presumptive cases. In cases which are not presumptively tried by way of summary procedure, parties should be able to apply for a summary trial well in advance of trial. To avoid uncertainty and wasting resources, this application should be made: (i) after the exchange of documents; but (ii) before questioning. Of course, if new facts or circumstances arise during a case which justify a full trial, it should be open to a party to apply for a full trial at a later point.

Finally, the Society suggests that judges be able to direct matters to summary trial on their own motion. This power may allow judges to help clear cases which are using significant court resources and would benefit from a summary trial procedure.

Issue #3: The Platform for a Summary Trial

A reason for the lack of use of summary trials in Alberta is the uncertainty with the trial process. As such, to the extent possible, the Society suggests that the *Rules of Court* provide certainty about the trial procedure for a summary trial.

Ontario has a tested, sensible, and workable procedure for summary trials in the context of its Simplified Procedure. The procedure is set out in Rule 76.12 of Ontario's *Rules of Civil Procedure* (a copy of the complete Rule 76 is attached at Appendix "A"). In summary, that rule provides that: (i) evidence in-chief (including expert evidence) is presented through affidavits; and (ii) cross-examination and re-examinations take place at the trial. We recommend that Alberta adopt the same procedure.

Further, we recommend that the length of summary trials be limited to five (5) days. With direct evidence tendered through affidavit, this should provide ample time for trial. Further, we do not think the rules should prescribe time limits for cross-examination and re-examination of each witness. The allocation of trial time should be left in the discretion of counsel and the trial judge.

Issue #4: Finality of the Summary Trial Process

As noted above, the Society's view is that uncertainty with the summary trial process is a key barrier to its adoption by the bar. Accordingly, the Society believes that a summary trial should give rise to a final decision by a Justice. If the plaintiff has failed to prove their case, then the case should be dismissed. This is not unfair and reflects the risk that a plaintiff bears in any case. The trial judge should be bound to decide the case on the merits at the conclusion of the summary trial.

Issue #5: Other Issues

Finally, the Rules of Court Committee may wish to consider whether combining expedited pre-trial procedures with a summary trial will achieve efficiencies.

We note that the consultation paper references Ontario's Simplified Procedure under Rule 76. While crafting a separate simplified procedure is outside the scope of this consultation, limiting or streamlining certain interlocutory steps for cases heard by way of summary trial may be appropriate. The procedural step which we think demands the most focus is oral questioning.

In Ontario, there are strict limits on oral questioning both in its Simplified Procedure and in all cases. Specifically, three (3) hours of discovery is the limit in the Simplified Procedure. In all cases, seven (7) hours of discovery is the limit. Similarly, in Nova Scotia, discovery is limited to three (3) hours under the simplified procedure.

For the summary trial process to be a more efficient alternative to a conventional trial, the Rules of Court Committee may want to consider a limit on the time spent in oral questioning in Alberta. A potential limit the Task Force discussed is a per-witness limit of three (3) hours, with a maximum limit of twelve (12)

hours total per side, subject to leave. Further consultation with the Alberta bar on this point is likely warranted.

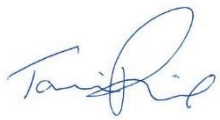
The Society acknowledges that introducing a time limit on oral questioning may prove controversial among members of the bar. However, the experience in other provinces has shown that unlimited discovery is not necessary for the just determination of the issues between the parties. A shift in culture may be needed to ensure claims are prosecuted in a reasonable time and for a reasonable expense.

Further, the Society recognizes the potential for a Notice to Admit (Rule 6.37) to create efficiencies in the expedited process. We recommend that in the expedited process the Plaintiff be required to serve a Notice to Admit prior to trial.

As a final matter, we encourage the Rules of Court Committee to consider re-naming the summary trial process to reflect that it is intended to be an expedited trial, rather than "remedial" in some way. As a measure to recast the process from one that somehow "compromises" the full hearing process, we suggest that the name evoke a more positive association as being a full hearing with an expedited path.

Thank you for providing the Society with the opportunity to make these submissions. I would be pleased to discuss these submissions with you at your convenience.

Yours sincerely,



Tamara Prince
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Appendix A – Rule 76 of Ontario's *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194

RULE 76 SIMPLIFIED PROCEDURE

APPLICATION OF RULE

76.01 (1) The simplified procedure set out in this Rule does not apply to,

(a) actions under the *Class Proceedings Act, 1992*;

(b) actions under the *Construction Act*, except trust claims;

(c) actions commenced or continued under the simplified procedure set out in this Rule that are subsequently assigned for case management under rule 77.05;

(d) actions in respect of which a jury notice is delivered in accordance with subrule 76.02.1 (2).

Application of Other Rules

(2) The rules that apply to an action apply to an action that is proceeding under this Rule, unless this Rule provides otherwise.

AVAILABILITY OF SIMPLIFIED PROCEDURE

When Mandatory

76.02 (1) The procedure set out in this Rule shall be used in an action if the following conditions are satisfied:

1. The plaintiff's claim is exclusively for one or more of the following:

    i. Money.

    ii. Real property.

    iii. Personal property.

2. The total of the following amounts is $200,000 or less exclusive of interest and costs:

    i. The amount of money claimed, if any.

    ii. The fair market value of any real property and of any personal property, as at the date the action is commenced.

(2) If there are two or more plaintiffs, the procedure set out in this Rule shall be used if each plaintiff's claim, considered separately, meets the requirements of subrule (1).

(2.1) If there are two or more defendants, the procedure set out in this Rule shall be used if the plaintiff's claim against each defendant, considered separately, meets the requirements of subrule (1).

When Optional

(3) The procedure set out in this Rule may be used in any other action at the option of the plaintiff, subject to subrules (4) to (9).

Originating Process

(4) The statement of claim (Form 14A, 14B or 14D) or notice of action (Form 14C) shall indicate that the action is being brought under this Rule.

Action Continues to Proceed Under Rule

(5) An action commenced under this Rule continues to proceed under this Rule unless,

(a) the defendant objects in the statement of defence to the action proceeding under this Rule because the plaintiff's claim does not comply with subrule (1), and the plaintiff does not abandon in the reply the claims or parts of claims that do not comply;

(b) a defendant by counterclaim, crossclaim or third party claim objects in the statement of defence to the counterclaim, crossclaim or third party claim proceeding under this Rule because the counterclaim, crossclaim or third party claim does not comply with subrule (1), and the defendant does not abandon in the reply to the counterclaim, crossclaim or third party claim the claims or parts of claims that do not comply;

(c) the defendant makes a counterclaim, crossclaim or third party claim that does not comply with subrule (1) and states in the defendant's pleading that the counterclaim, crossclaim or third party claim is to proceed under the ordinary procedure;

(d) the action is assigned for case management under rule 77.05; or

(e) any party to the action delivers a jury notice in accordance with subrule 76.02.1 (2).

Continuance Under Ordinary Procedure — Where Notice Required

(6) If an action commenced under this Rule may no longer proceed under this Rule because of an amendment to the pleadings under Rule 26 or as a result of the operation of subrule (5),

(a) the action is continued under the ordinary procedure; and

(b) the plaintiff shall deliver, after all the pleadings have been delivered or at the time of amending the pleadings, as the case may be, a notice (Form 76A) stating that the action and any related proceedings are continued as an ordinary action.

Continuance Under Simplified Procedure — Where Notice Required

(7) An action that was not commenced under this Rule, or that was commenced under this Rule but continued under the ordinary procedure, is continued under this Rule if,

(a) the consent of all the parties is filed;

(b) no consent is filed but,

(i) the plaintiff's pleading is amended under Rule 26 to comply with subrule (1), and

(ii) all other claims, counterclaims, crossclaims and third party claims comply with this Rule; or

(c) a jury notice delivered in accordance with subrule 76.02.1 (2) is struck out.

(8) The plaintiff shall deliver a notice (Form 76A) stating that the action and any related proceedings are continued under this Rule.

Effect of Abandonment

(9) A party who abandons a claim or part of a claim or amends a pleading so that the claim, counterclaim, crossclaim or third party claim complies with subrule (1) may not bring the claim or part in any other proceeding.

JURY TRIAL NOT AVAILABLE

76.02.1 (1) An action that is proceeding under this Rule shall not be tried with a jury and, subject to subrule (2), no party to the action may deliver a jury notice under rule 47.01.

(2) A party to an action that is proceeding under this Rule may deliver a jury notice under rule 47.01 if the action involves a claim for relief arising from one of the following:

1. Slander.
2. Libel.
3. Malicious arrest.
4. Malicious prosecution.
5. False imprisonment.

(3) If a jury notice is delivered in accordance with subrule (2), the action may no longer proceed under this Rule and the party delivering the jury notice shall deliver a notice (Form 76A) stating that the action and any related proceedings are continued as an ordinary action.

AFFIDAVIT OF DOCUMENTS

Copies of Documents

76.03 (1) A party to an action under this Rule shall, within 10 days after the close of pleadings and at the party's own expense, serve on every other party,

(a) an affidavit of documents (Form 30A or 30B) disclosing to the full extent of the party's knowledge, information and belief all documents relevant to any matter in issue in the action that are or have been in the party's possession, control or power; and

(b) copies of the documents referred to in Schedule A of the affidavit of documents.

List of Potential Witnesses

(2) The affidavit of documents shall include a list of the names and addresses of persons who might reasonably be expected to have knowledge of matters in issue in the action, unless the court orders otherwise.

Effect of Failure to Disclose

(3) At the trial of the action, a party may not call as a witness a person whose name has not been disclosed in the party's affidavit of documents or any supplementary affidavit of documents, unless the court orders otherwise.

Lawyer's Certificate

(4) The lawyer's certificate under subrule 30.03 (4) (full disclosure in affidavit) shall include a statement that the lawyer has explained to the deponent the necessity of complying with subrules (1) and (2).

NO WRITTEN DISCOVERY, CROSS-EXAMINATION ON AN AFFIDAVIT OR EXAMINATION OF A WITNESS

76.04 (1) The following are not permitted in an action under this Rule:

1. Examination for discovery by written questions and answers under Rule 35.

2. Cross-examination of a deponent on an affidavit under rule 39.02.

3. Examination of a witness on a motion under rule 39.03.

Limitation on Oral Discovery

(2) Despite rule 31.05.1 (time limit on discovery), no party shall, in conducting oral examinations for discovery in relation to an action proceeding under this Rule, exceed a total of three hours of examination, regardless of the number of parties or other persons to be examined.

MOTIONS

Motion Form

76.05 (1) The moving party shall serve a motion form (Form 76B) in accordance with rule 37.07 and shall submit it to the court before the motion is brought and heard.

Place of Hearing

(2) Unless the parties agree otherwise or the court orders otherwise, the motion shall be heard in the county where the proceeding was commenced or to which it has been transferred under rule 13.1.02.

Procedure

(3) Depending on the practical requirements of the situation, the motion may be made,

(a) with or without supporting material or a motion record;

(b) by attendance, in writing, by fax or under rule 1.08 (telephone and video conferences).

Motions Dealt With by Registrar

(4) When a motion described in subrule (5) meets one of the following conditions, the registrar shall make an order granting the relief sought:

1. The motion is for an order on consent, the consent of all parties is filed and the consent states that no party affected by the order is under disability.

2. No responding material is filed and the notice of motion or the motion form states that no party affected by the order is under disability.

(5) Subrule (4) applies to a motion for,

(a) amendment of a pleading or notice of motion;

(b) addition, deletion or substitution of a party whose consent is filed;

(c) removal of a lawyer as lawyer of record;

(d) setting aside the noting of a party in default;

(e) setting aside a default judgment;

(f) discharge of a certificate of pending litigation;

(g) security for costs in a specified amount; or

(h) dismissal of a proceeding with or without costs.

Disposition

(6) The court or registrar shall record the disposition of the motion on the motion form.

(7) No formal order is required unless,

(a) the court or registrar orders otherwise;

(b) an appeal is made to a judge; or

(c) an appeal or motion for leave to appeal is made to an appellate court.

76.06, 76.07 Revoked: O. Reg. 438/08, s. 55.

SETTLEMENT DISCUSSION AND DOCUMENTARY DISCLOSURE

76.08 Within 60 days after the filing of the first statement of defence or notice of intent to defend, the parties shall, in a meeting or telephone call, consider whether,

(a) all documents relevant to any matter in issue have been disclosed; and

(b) settlement of any or all issues is possible.

HOW DEFENDED ACTION IS SET DOWN FOR TRIAL OR SUMMARY TRIAL

Notice of Readiness for Pre-Trial Conference

76.09 (1) Despite rule 48.02 (how action set down for trial), the plaintiff shall, within 180 days after the first statement of defence or notice of intent to defend is filed, set the action down for trial by serving a notice of readiness for pre-trial conference (Form 76C) on every party to the action and any counterclaim, crossclaim or third party claim and forthwith filing the notice with proof of service.

(2) If the plaintiff does not act under subrule (1), any other party may do so.

Certificate

(3) The party who sets the action down for trial shall certify in the notice of readiness for pre-trial conference that there was a settlement discussion.

EXPERT AFFIDAVITS

76.09.1 (1) A party who intends to call expert evidence at the trial of the action shall comply with rule 53.03.

(2) An expert report served under rule 53.03 shall be appended to an affidavit of the expert in which the expert adopts the report for the purpose of giving it as evidence in the action.

PRE-TRIAL CONFERENCE

Notice

76.10 (1) A pre-trial conference shall be scheduled in accordance with rule 50.02.

Parties' Proposed Trial Management Plan

(2) At least 30 days before the pre-trial conference, the parties shall agree to a proposed trial management plan that contains the following:

1. A list of every witness, including every expert witness, whose evidence a party intends to adduce at trial.

2. A division of time between the parties, the total of which shall not exceed five days, that sets out the allotted times for each party for,

i. opening statement,

ii. the presentation of evidence in chief by affidavit and under rule 31.11,

iii. cross-examination of deponents,

iv. re-examination of any deponents who are cross-examined, and

v. oral argument.

(3) Revoked: O. Reg. 438/08, s. 58 (1).

Documents

(4) Despite rule 50.04 (materials to be filed before pre-trial conference), at least five days before the pre-trial conference, each party shall,

(a) file,

(0.i) a copy of the parties' proposed trial management plan,

(i) a copy of the party's affidavit of documents and copies of the documents relied on for the party's claim or defence,

(ii) a copy of any expert affidavit, other than a supplementary expert affidavit, and

(iii) any other material necessary for the conference; and

(b) deliver,

(i) a statement, not exceeding three pages, setting out the issues and the party's position with respect to them, and

(ii) a trial management checklist (Form 76D).

Trial Planning

(5) The pre-trial conference judge or case management master shall,

(a) fix the number of witnesses, other than expert witnesses, whose evidence each party may adduce at trial;

(b) fix dates for the delivery of any witness affidavits, including any outstanding expert affidavits;

(c) fix a date for trial, subject to the direction of the regional senior judge; and

(d) approve the parties' proposed trial management plan, with any changes to the order or time of presentation, or any other changes, that the pre-trial conference judge or case management master may specify, subject to the requirement that the duration of the trial not exceed five days.

(6), (7) Revoked: O. Reg. 344/19, s. 7 (7).

PLACING DEFENDED ACTION ON TRIAL LIST

Registrar

76.11 (1) The registrar shall place a defended action on the appropriate trial list immediately after the pre-trial conference.

Trial Record

(2) At least 10 days before the date fixed for trial, the party who set the action down for trial shall serve a trial record on every party to the action and any counterclaim, crossclaim or third party claim, and file the record with proof of service.

(3) Revoked: O. Reg. 344/19, s. 8 (1).

(4) The trial record shall contain, in consecutively numbered pages arranged in the following order,

(a) a table of contents describing each document, including each exhibit, by its nature and date and, in the case of an exhibit, by exhibit number or letter;

(b) a copy of the pleadings, including those relating to any counterclaim, crossclaim or third party claim;

(c) a copy of any demand or order for particulars of a pleading and the particulars delivered in response;

(d) a copy of any order respecting the trial, including a copy of the trial management plan approved by the pre-trial conference judge or case management master;

(e) a copy of all the affidavits, including any expert affidavits, served by all the parties for use at trial; and

(f) a certificate stating that the trial record contains the documents described in clauses (a) to (e) signed by,

(i) the lawyer of the party filing the trial record, or

(ii) if the party filing the trial record is acting in person, the party.

SUMMARY TRIAL

Procedure

76.12 (1) A trial of an action under this Rule shall proceed as follows, subject to the trial management plan approved under clause 76.10 (5) (d):

1. Before the presentation of evidence, each party may make an opening statement.

2. The plaintiff may adduce evidence, including any expert evidence, by affidavit and under rule 31.11.

3. A party who is adverse in interest may cross-examine the deponent of any affidavit served by the plaintiff.

4. The plaintiff may conduct a re-examination of any deponent who is cross-examined under this subrule.

5. When any cross-examinations and re-examinations of the plaintiff's deponents are concluded, the defendant may adduce evidence, including any expert evidence, by affidavit and under rule 31.11.

6. A party who is adverse in interest may cross-examine the deponent of any affidavit served by a defendant.

7. A defendant may conduct a re-examination of any deponent who is cross-examined under this subrule.

8. When any cross-examinations and re-examinations of the defendant's deponents are concluded, the plaintiff may, with leave of the trial judge, adduce any proper reply evidence.

9. After the presentation of evidence, each party may make oral argument.

(2) The trial judge may vary a time set out in the approved trial management plan, subject to the requirement that the duration of the trial not exceed five days.

(3) A party who intends to examine or cross-examine the deponent of an affidavit at the trial shall, at least 10 days before the date fixed for trial, give notice of that intention to the party who filed the affidavit, who shall arrange for the deponent's attendance at the trial.

Judgment after Trial

(4) The judge shall grant judgment after the conclusion of the trial.

LIMITS ON COSTS AND DISBURSEMENTS AWARDS

Limits

76.12.1 (1) Except as provided for under rule 76.13 or an Act, no party to an action under this Rule may recover costs exceeding $50,000 or disbursements exceeding $25,000, exclusive of harmonized sales tax (HST).

Transition

(2) Subrule (1) does not apply in the case of an action that was commenced before January 1, 2020.

COSTS CONSEQUENCES

Opting In

76.13 (1) Regardless of the outcome of the action, if this Rule applies as the result of amendment of the pleadings under subrule 76.02 (7), the party whose pleadings are amended shall pay, on a substantial indemnity basis, the costs incurred by the opposing party up to the date of the amendment that would not have been incurred had the claim originally complied with subrule 76.02 (1), (2) or (2.1), unless the court orders otherwise.

Plaintiff Denied Costs

(2) Subrules (3) to (10) apply to a plaintiff who obtains a judgment that satisfies the following conditions:

1. The judgment awards exclusively one or more of the following:

    i. Money.

    ii. Real property.

    iii. Personal property.

2. The total of the following amounts is $200,000 or less, exclusive of interest and costs:

    i. The amount of money awarded, if any.

    ii. The fair market value of any real property and of any personal property awarded, as at the date the action is commenced.

(3) The plaintiff shall not recover any costs unless,

(a) the action was proceeding under this Rule at the commencement of the trial; or

(b) the court is satisfied that it was reasonable for the plaintiff,

(i) to have commenced and continued the action under the ordinary procedure, or

(ii) to have allowed the action to be continued under the ordinary procedure by not abandoning claims or parts of claims that do not comply with subrule 76.02 (1), (2) or (2.1).

(4) Subrule (3) applies despite subrule 49.10 (1) (plaintiff's offer to settle).

(5) Subrule (3) does not apply if this Rule was unavailable because of the counterclaim, crossclaim or third party claim of another party.

Plaintiff may be Ordered to Pay Defendant's Costs

(6) The plaintiff may, in the trial judge's discretion, be ordered to pay all or part of the defendant's costs, including substantial indemnity costs, in addition to any costs the plaintiff is required to pay under subrule 49.10 (2) (defendant's offer to settle).

Defendant Objecting to Simplified Procedure

(7) In an action that includes a claim for real or personal property, if the defendant objected to proceeding under this Rule on the ground that the property's fair market value exceeded $200,000 at the date the action was commenced and the court finds the value did not exceed that amount at that date, the defendant shall pay, on a substantial indemnity basis, the costs incurred by the plaintiff that would not have been incurred had the claim originally complied with subrule 76.02 (1), (2) or (2.1), unless the court orders otherwise.

Burden of Proof

(8) The burden of proving that the fair market value of the real or personal property at the date of commencement of the action was $200,000 or less is on the plaintiff.

Counterclaims, Crossclaims and Third Party Claims

(9) Subrules (1) to (8) apply, with necessary modifications, to counterclaims, crossclaims and third party claims.

Transition

(10) In the case of an action that was commenced on or after January 1, 2002 and before January 1, 2010, subrules (2), (7) and (8) apply as if "$200,000" read "$50,000".

(11) In the case of an action that was commenced on or after January 1, 2010 and before January 1, 2020, subrules (2), (7) and (8) apply as if "$200,000" read "$100,000".

TRANSITION — JURY TRIALS

76.14 Clauses 76.01 (1) (d), 76.02 (5) (e) and 76.02 (7) (c) and rule 76.02.1 do not apply to an action in respect of which a jury notice has been delivered before January 1, 2020.