ONTARIO

JUSTICIA

DIRECTIONS ON THE RESUMPTION OF REGULAR MOTION DAYS IN CIVIL MATTERS IN OTTAWA AS OF SEPTEMBER 14, 2020

I am pleased to announce that, as of September 14, 2020, the Superior Court in Ottawa will resume hearing motions and applications in civil matters on regular motions days. As a result, parties will be able to schedule the hearing of most motions and applications without first seeking authorization from a triage judge or master.

Please read this notice carefully as it provides directions on which motions and applications may be scheduled on regular motion days, which shall be heard in writing, and which shall continue to be subject to triage. It also establishes filing requirements for matters to be heard on regular motion days.

Civil motions and applications heard in writing:

Until further direction, the following matters shall continue to be adjudicated in writing, unless the judge or master seized directs otherwise:

- *Ex parte*, consent and unopposed motions and applications;
- Motions and applications under rule 7.08 of the *Rules of Civil Procedure*, the *Estates Act*, the *Public Guardian and Trustee Act*, or the *Trustee Act*; and
- Other motions and applications that the parties agree may be heard in writing.

Parties submitting motions and applications to be heard in writing shall follow all applicable provincial and regional notices as well as previously issued Directions for Additional Civil Matters that may heard in Ottawa as of May 19, 2020.

Civil motions and applications that continue to be subject to triage:

The following motions and applications shall not be scheduled for hearing unless a request for hearing has been approved by a triage judge or master:

- A motion for summary judgment;
- A motion or application that requires a non-virtual hearing; and

- A motion or application that requires a hearing longer than two hours.

A party seeking to schedule a motion or application subject to triage must submit a request in the form attached to this notice. ***A request for hearing will not be accepted for triage if the moving party has failed to confer with the responding party or has not provided a sound reason why conferring is impossible or impractical.***

Civil motions and applications that may be scheduled on regular motion days

As of the week of September 14, 2020, oral motions and applications that are not subject to triage may be booked for hearing by a judge on Tuesday and Thursday of each week, and by a master on Tuesday and Thursday morning each week. All hearings on these regular motion days shall be conducted virtually by videoconference.

Hearings of motions and applications on regular motion days shall be scheduled by email until further notice. The email shall be sent to the civil motions office at ottawa.scj.courts@ontario.ca. Parties do not need to submit a completed form requesting hearing of a contested motion/application, if they are seeking a hearing on a regular motion day.

The subject-line of the email sent to the civil motions office shall be in the following format:

> "Request for scheduling motion/application on a regular motion day in *Jones v. Smith*, Court file no. XX-XXXX"

The email shall attach the notice of motion or application. The email shall:

- Briefly describe the nature of the motion or application and rules relied on;
- State the date(s) sought for hearing and the anticipated length of hearing;
- Confirm that the moving party has conferred, or made reasonable steps to confer, with the responding parties with respect to the proposed motion dates; and
- Indicate whether all parties agree on the proposed dates and length of hearing and, if not, why not.

Responding parties or their counsel shall be copied on the email.

A party requesting a hearing on a regular motion day will receive an email from the court indicating the date and time set for hearing and directions for log-in or dial in.

Parties with motions set for hearing must comply with the deadlines for service and filing in the *Rules of Civil Procedure*. They must file a motion confirmation form three days before the hearing day, failing which the matter will be struck from the list.

Motion records shall be prepared in searchable pdf format and paginated continuously. Each document within a record shall be electronically bookmarked or hyperlinked to the table of contents.

A factum on a motion or application may not be longer than ten pages.

No books of authority shall be filed. A party may refer to caselaw and other authorities by providing a list of authorities with hyperlinks or references to electronically posted materials. If a party wishes to refer to authorities that are not electronically published, they may attach a pdf version to their materials.

Notwithstanding r.4.05.02 of the *Rules of Civil Procedure*, until further notice all materials for motions and applications set for regular motions days shall be filed electronically by email to ottawa.scj.courts@ontario.ca.

Failure to comply with any of the deadlines or filing requirements set out in this endorsement may result in a denial of a hearing date, the striking of the motion/application from the hearing schedule and/or a costs order.

Counsel appearing on motions and applications heard by videoconference are not required to be gowned, but if not gowned shall wear business attire.

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This notice supersedes directions previously in place, but only to the extent that it deals with contested motions and applications that may now be scheduled on regular motion dates. ***This notice does not affect the processes currently in place for seeking to schedule urgent motions and applications, obtaining case conferences and pre-trial conferences, obtaining the appointment of class proceedings judges, or any matters in Small Claims Court and Divisional Court.*** Parties should refer to previously issued provincial, regional and Ottawa notices dealing with these

matters, posted at https://www.ccla-abcc.ca/news/493699/Consolidated-Court--Legal-Organization-Closures-and-Procedures-During-COVID-19.htm.

Justice Sally Gomery
Local Administrative Judge, Civil Matters, Ottawa
August 28, 2020

SUPERIOR COURT OF JUSTICE
EAST REGION
TRIAL COORDINATOR'S OFFICE

161 Elgin Street
Ottawa ON CA K2P 2K1
E-Mail: OttawaSCJ.TC.Office@ontario.ca

REQUEST FOR HEARING OF A SUMMARY JUDGMENT MOTION OR A MOTION OR APPLICATION REQUIRING A HEARING LONGER THAN TWO HOURS OR NON-VIRTUAL ATTENDANCE

Please type or print clearly and attach the Notice of Motion or Application

Title of Proceedings:	Court File No.:
Nature of the relief requested:	
Rules relied upon:	
Jurisdiction:	Judge _____ Master _____
Bilingual:	Yes _____ No _____
Length of time required:	
Proposed Dates:	
If a non-virtual hearing is sought, explain why:	

Timetable for exchange of materials and cross examination agreed to by all parties:	• Moving party to serve motion/application record:
	• Responding affidavit:
	• Other affidavits or evidence:
	• Examination of non party witness:
	• Cross examinations:
	• Factums to be exchanged:
	• All material for use on the motion/application to be filed:
	  • Moving party 7 days prior to scheduled event
	  • Responding party(s) 4 days prior to scheduled event
	  • Other_____
	• Motion to be confirmed:
	  • 3 days prior to scheduled event
	  • Other_____
	• Other required steps:

Request approved by all parties: Yes _____ No _____
If the request has not been approved by all parties, explain why:

Date:

_____	_____	_____
(Name and firm of moving Party/Lawyer)	*(Name and firm of responding Party/Lawyer)*	*(Name and firm of responding Party/Lawyer)*
_____	_____	_____
(Telephone No., Fax No. and Email address)	*(Telephone No., Fax No. and Email address)*	*Telephone No., Fax No. and Email address)*

DISPOSITION BY TRIAGE JUDGE OR MASTER:

Date: _____

Signature of Triage Judge or Master:

_____

1. The request for hearing is granted/denied/referred to a case management conference.
2. The motion/application shall be heard by _____on _____ at ___ a.m./p.m. OR on a date and time to be confirmed. _____ has been set aside for the hearing.
3. A case conference shall be held on _____ at _____a.m./p.m. OR on a date and time to be confirmed. _____ has been set aside for the case conference.
4. The hearing of the motion/application shall take place by videoconference/by teleconference/non-virtually/by means to be ordered at the case conference.
5. The parties shall comply with the schedule set out on this form and with all provisions of the *Rules of Civil Procedure* unless varied by this order or another order of the court. The parties shall file a motion confirmation form at least three days before the hearing.
6. Any motion record filed by the parties must be continuously paginated and in a searchable pdf format. Every separate document must be either electronically bookmarked or hyperlinked to the table of contents.
7. Written argument on behalf of any party shall not be longer than _____pages in length.
8. No books of authority may be filed. A party may refer to caselaw and other authorities by providing a list of authorities with hyperlinks to electronically posted materials. If a party wishes to refer to authorities that are not electronically published, they may attach a pdf version to their materials.
9. Notwithstanding r. 4.05.02 of the *Rules of Civil Procedure*, all materials shall be filed electronically by email to ottawa.scj.courts@ontario.ca.

FAILURE TO COMPLY WITH ANY OF THE DEADLINES OR FILING REQUIREMENTS SET OUT IN THIS ENDORSEMENT MAY RESULT IN THE STRIKING OF THE MOTION/APPLICATION FROM THE HEARING SCHEDULE OR A COSTS ORDER.