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From: Harrison S. Arrell  
Regional Senior Justice – Superior Court of Justice  
Central South Region

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By Notice to the Profession dated March 15, 2020, the Ontario Superior Court of Justice (SCJ) advised the profession, the media and the public that, while the SCJ was suspending court operations, it would continue to hear only urgent matters in criminal, family and civil.

During the intervening period the SCJ has continuously explored all avenues to expand the services it provides to the public. As set out in the Province-Wide April 2, 2020 Notice to the Profession issued by Geoffrey B. Morawetz, Chief Justice, Ontario Superior Court of Justice, each Region is expanding the scope of matters it will hear effective April 6, 2020.

Having considered the various resources and technological constraints to hearing matters during the suspension of court operations, the Central South Region will, effective April 6, 2020, expand matters and hearings to deal with the following matters.

During the next several weeks, the Central South Region will continue to monitor the situation and, if possible, will further expand the types of matters and hearings that will be heard during these extraordinary times.

### **CENTRAL SOUTH REGION**

#### **CRIMINAL MATTERS:**

#### **URGENT;**

All urgent requests for hearings in criminal applications are to be set out in a letter (max 2 pages) stating:

- a. the relief requested;
- b. the reason why the matter is urgent; and

- c. confirming that the matter can be dealt with by way of a conference hearing.

The urgent request must be sent to the Trial Coordinator at the court site where the matter is to be heard as follows:

- Brantford: [BrantfS@ontario.ca](mailto:BrantfS@ontario.ca)
- Cayuga: [Cayuga.Superior.Court@ontario.ca](mailto:Cayuga.Superior.Court@ontario.ca)
- Hamilton: [Hamilton.Superior.Court@ontario.ca](mailto:Hamilton.Superior.Court@ontario.ca)
- Kitchener/Waterloo: [Kitchener.Superior.Court@ontario.ca](mailto:Kitchener.Superior.Court@ontario.ca)
- Simcoe: [Simcoe.Superior.Court@ontario.ca](mailto:Simcoe.Superior.Court@ontario.ca)
- St. Catharines: [St.Catharines.Superior.Court@ontario.ca](mailto:St.Catharines.Superior.Court@ontario.ca)
- Welland: [Welland.Superior.Court@ontario.ca](mailto:Welland.Superior.Court@ontario.ca)

The letter will be reviewed by one of the criminal triage judges as to whether the matter is urgent. If it is deemed urgent, counsel will be given instructions on how the matter will proceed, and the volume of material that may be filed.

The parties shall undertake to file all materials upon resumption of normal court operations.

The following criminal matters will continue to be heard by the SCJ:

- a. Bail issues (detention reviews and initial hearings on S. 469 offences) for those in custody;
- b. Urgent bail issues for those on release (health or Covid-19 related);
- c. Joint submission guilty pleas for those in custody who are in a time-served position;
- d. Extending stays of driving prohibitions, fine payment, and bail pending appeal orders for Summary Conviction Appeals that have a sunset clause before May 1; and
- e. *Habeas corpus* applications.

**ADDITIONAL CRIMINAL MATTERS:**

All requests for a criminal judicial pretrials **for parties with counsel only** may be requested by counsel by contacting the trial coordinator at the court site where the matter is filed (**see email list above**). The judicial pretrial will be arranged as per the already established Central South protocol prior to COVID-19.

## **FAMILY MATTERS:**

### **URGENT;**

All urgent requests for hearings in family matters (as described in the March 15, 2020 Notice to the Profession) shall continue to be sent to the trial coordinator by email at the court site where the file is located. The urgent request will be forwarded to the triage judge, and the triage judge will determine whether the matter is urgent. If the matter is not deemed urgent, the party requesting the hearing will be advised by an endorsement in a return email.

- Brantford: [BrantfS@ontario.ca](mailto:BrantfS@ontario.ca)
- Cayuga: [Cayuga.Superior.Court@ontario.ca](mailto:Cayuga.Superior.Court@ontario.ca)
- Hamilton Family Court: [Hamilton.Family.Superior.Court@ontario.ca](mailto:Hamilton.Family.Superior.Court@ontario.ca)
- Kitchener/Waterloo: [Kitchener.Superior.Court@ontario.ca](mailto:Kitchener.Superior.Court@ontario.ca)
- Simcoe: [Simcoe.Superior.Court@ontario.ca](mailto:Simcoe.Superior.Court@ontario.ca)
- St. Catharines: [St.Catharines.Superior.Court@ontario.ca](mailto:St.Catharines.Superior.Court@ontario.ca)
- Welland: [Welland.Superior.Court@ontario.ca](mailto:Welland.Superior.Court@ontario.ca)

If the triage judge determines that the matter is urgent, the judge will issue an endorsement by email setting out the terms for the filing, service, and any other directions for the hearing of the application.

Electronic materials from each party are limited to 10MB unless the SCJ judge hearing the matter expressly grants an order permitting the materials to be sent in multiple emails.

The parties must undertake to file all materials and any fee payable upon resumption of normal court operations.

## **NON-URGENT MATTERS:**

### **CONSENT AND OTHER BASKET MOTIONS;**

All consent motions and other basket motions **must** be delivered electronically to the court office at the court site where the file is located, as listed below:

- Brantford: [BrantfordSCJCourt@ontario.ca](mailto:BrantfordSCJCourt@ontario.ca)
- Cayuga: [HaldimandCountyCourt@ontario.ca](mailto:HaldimandCountyCourt@ontario.ca)
- Hamilton: [HamiltonSCJCourt@ontario.ca](mailto:HamiltonSCJCourt@ontario.ca)
- Kitchener/Waterloo: [Kitchener.Courthouse@ontario.ca](mailto:Kitchener.Courthouse@ontario.ca)
- Simcoe: [Simcoe.SCJ.Courts@ontario.ca](mailto:Simcoe.SCJ.Courts@ontario.ca)
- St. Catharines: [SCJStCatharinesCourthouse@ontario.ca](mailto:SCJStCatharinesCourthouse@ontario.ca)
- Welland: [SCJWellandCourthouse@ontario.ca](mailto:SCJWellandCourthouse@ontario.ca)

In order to ensure your request is received and processed by the appropriate court office, **the subject line** should include the following information:

- LEVEL OF COURT (SCJ)
- TYPE OF MATTER (Criminal, Family, Civil, Civil Enforcement, Small Claims, Estates)
- FILE NUMBER (if applicable)
- TYPE OF DOCUMENT (e.g., Motion, Conference Brief, Other Request)

AND:

The **body of the email** should include the following information if applicable:

1. short title of proceeding
2. list of documents attached
3. order requested
4. name, role (i.e. lawyer, representative, party, etc.,) and contact information of person submitting the request (email and phone number)

The electronic material must include the motion material, consent by all parties if applicable, email addresses for all parties, and a draft order.

The electronic material from each party is limited to 10MB unless the judge hearing the matter expressly grants an order permitting the material to be sent in multiple emails.

A judge will review the materials and, if appropriate, issue an order as requested or amended.

In the event a judge has issues or concerns with the materials or the proposed order, the judge will provide the parties with an endorsement by email setting out the deficiencies or reasons for denial of the order.

***NOTE:** Any hard copy basket motions which were filed with the court prior to March 9, 2020, for which counsel have had no response, should be re-submitted in electronic format as set out above.*

The parties must undertake to file all materials and any fee payable upon resumption of normal court operations.

### **MOTIONS IN WRITING;**

Where all the parties agree that the motion can proceed based on written material only, without a conference hearing, the parties **must** deliver the motion material electronically to the court office at the court site where the file is located, as listed below:

- Brantford: [BrantfordSCJCourt@ontario.ca](mailto:BrantfordSCJCourt@ontario.ca)
- Cayuga: [HaldimandCountyCourt@ontario.ca](mailto:HaldimandCountyCourt@ontario.ca)
- Hamilton: [HamiltonSCJCourt@ontario.ca](mailto:HamiltonSCJCourt@ontario.ca)
- Kitchener/Waterloo: [Kitchener.Courthouse@ontario.ca](mailto:Kitchener.Courthouse@ontario.ca)
- Simcoe: [Simcoe.SCJ.Courts@ontario.ca](mailto:Simcoe.SCJ.Courts@ontario.ca)

- St. Catharines: [SCJStCatharinesCourthouse@ontario.ca](mailto:SCJStCatharinesCourthouse@ontario.ca)
- Welland: [SCJWellandCourthouse@ontario.ca](mailto:SCJWellandCourthouse@ontario.ca)

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- FILE NUMBER (if applicable)
- TYPE OF DOCUMENT (e.g., Motion, Conference Brief, Other Request)

AND:

The **body of the email** should include the following information if applicable:

1. short title of proceeding
2. list of documents attached
3. order requested
4. name, role (i.e. lawyer, representative, party, etc.,) and contact information of person submitting the request (email and phone number)

The electronic material must include the motion material from both parties; factums, draft orders, email addresses for all parties, and written confirmation by all parties that the motion will proceed by written submissions only.

The electronic material from each party must be in **WORD** and limited to 10MB unless the judge hearing the matter expressly grants an order permitting the material to be sent in multiple emails.

A judge will consider the material and, in due course, issue an endorsement/order on the motion. The judge may reserve the issue of costs and give directions for written costs submissions.

The parties must undertake to file all material and any fee payable upon resumption of normal court operations.

### **CASE CONFERENCES;**

Where all parties wish to proceed with a case conference, and there are one or two pressing urgent issues which all parties have a mutual desire to resolve, then one will be arranged which will be limited to a total of ½ an hour conference hearing time. Counsel are to contact their respective TC office by email to arrange a date and time for the conference. Once booked the parties may send their **concise case conference materials** to the trial coordinator at the court site where the file is located.

The material must include concise case conference briefs, proof of service, identification of the

issues to be canvassed, and draft orders. **Attachments and exhibits are not to be included** unless requested. The hearing date will be set by the court, it is non-negotiable. Details regarding the conference call and hearing date will be provided to counsel by email from the trial coordinator.

The electronic material from each party is limited to 10MB unless the judge hearing the matter expressly grants an order permitting the material to be sent in multiple emails.

The parties must undertake to file all materials and any fee payable upon resumption of normal court operations.

### **CIVIL MATTERS:**

### **URGENT MATTERS;**

All urgent requests for hearings in civil matters (as described in the March 15, 2020 Notice to the Profession) shall continue to be sent to the trial coordinator by email at the court site where the file is located. The urgent request will be forwarded to the triage judge, and the triage judge will determine whether the matter is urgent. If the matter is not deemed urgent, the party requesting the hearing will be advised by an endorsement in a return email.

- Brantford: [BrantfS@ontario.ca](mailto:BrantfS@ontario.ca)
- Cayuga: [Cayuga.Superior.Court@ontario.ca](mailto:Cayuga.Superior.Court@ontario.ca)
- Hamilton: [Hamilton.Superior.Court@ontario.ca](mailto:Hamilton.Superior.Court@ontario.ca)
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- Simcoe: [Simcoe.Superior.Court@ontario.ca](mailto:Simcoe.Superior.Court@ontario.ca)
- St. Catharines: [St.Catharines.Superior.Court@ontario.ca](mailto:St.Catharines.Superior.Court@ontario.ca)
- Welland: [Welland.Superior.Court@ontario.ca](mailto:Welland.Superior.Court@ontario.ca)

If the judge determines that the matter is urgent, the judge will issue an endorsement by email setting out the terms for the filing, service, and any other directions for the hearing of the application.

The electronic material from each party is limited to 10MB unless the judge hearing the matter expressly grants an order permitting the material to be sent in multiple emails.

The parties must undertake to file all material and any fee payable upon resumption of normal court operations.

### **NON-URGENT MATTERS:**

### **CONSENT, COURT APPROVALS AND BASKET MOTIONS;**

All consent motions, basket motions, and court approval motions in civil matters, **must** be delivered electronically to the court office at the court site where the file is located, as listed below:

- Brantford: [BrantfordSCJCourt@ontario.ca](mailto:BrantfordSCJCourt@ontario.ca)
- Cayuga: [HaldimandCountyCourt@ontario.ca](mailto:HaldimandCountyCourt@ontario.ca)
- Hamilton: [HamiltonSCJCourt@ontario.ca](mailto:HamiltonSCJCourt@ontario.ca)
- Kitchener/Waterloo: [Kitchener.Courthouse@ontario.ca](mailto:Kitchener.Courthouse@ontario.ca)
- Simcoe: [Simcoe.SCJ.Courts@ontario.ca](mailto:Simcoe.SCJ.Courts@ontario.ca)
- St. Catharines: [SCJStCatharinesCourthouse@ontario.ca](mailto:SCJStCatharinesCourthouse@ontario.ca)
- Welland: [SCJWellandCourthouse@ontario.ca](mailto:SCJWellandCourthouse@ontario.ca)

The electronic material must include the motion material, consent by all parties if applicable, email addresses for all parties, and a draft order(s).

The electronic material from each party is limited to 10MB unless the judge hearing the matter expressly grants an order permitting the material to be sent in multiple emails.

A judge will review the material and, if appropriate, issue the draft order as requested or amended.

In the event the judge has issues with the material or the proposed order, the judge will provide the parties with an endorsement regarding the deficiencies or reasons for denial of the order.

The parties must undertake to file all material and any fee payable upon resumption of normal court operations.

***NOTE:** Any hard copy basket motions which were filed with the court prior to March 9, 2020, for which counsel have had no response, should be re-submitted in electronic format as set out above.*

## **MOTIONS IN WRITING:**

Where all the parties agree that the motion can proceed based on written material only, the parties **must** deliver the motion material electronically to the court office at the court site where the file is located, as listed below:

- Brantford: [BrantfordSCJCourt@ontario.ca](mailto:BrantfordSCJCourt@ontario.ca)
- Cayuga: [HaldimandCountyCourt@ontario.ca](mailto:HaldimandCountyCourt@ontario.ca)
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- Kitchener/Waterloo: [Kitchener.Courthouse@ontario.ca](mailto:Kitchener.Courthouse@ontario.ca)
- Simcoe: [Simcoe.SCJ.Courts@ontario.ca](mailto:Simcoe.SCJ.Courts@ontario.ca)
- St. Catharines: [SCJStCatharinesCourthouse@ontario.ca](mailto:SCJStCatharinesCourthouse@ontario.ca)
- Welland: [SCJWellandCourthouse@ontario.ca](mailto:SCJWellandCourthouse@ontario.ca)

The electronic material must be **concise** and include the motion material from both parties; factums, draft orders, email addresses for all parties, and written confirmation by all parties that the motion will proceed by written submissions only.

The electronic material from each party must be in **WORD** and limited to 10MB unless the judge hearing the matter expressly grants an order permitting the materials to be sent in multiple emails.

The judge will consider the material, and in due course, will issue an endorsement/order. The judge may reserve on the issue of costs and give directions for written costs submissions.

The parties must undertake to file all material and any fee payable upon resumption of normal court operations.

The court will hear civil pretrials by way of conference call, only if all **parties agree a pretrial would likely achieve a resolution of the matter.**

Counsel are to contact the trial coordinator where the file is located to arrange a hearing date which is **non-negotiable**. Pretrial briefs shall be no more than 10 pages double spaced and in **WORD** format. Briefs shall be filed by email with the trial coordinator who will provide details regarding the hearing:

- Brantford: [BrantfS@ontario.ca](mailto:BrantfS@ontario.ca)
- Cayuga: [Cayuga.Superior.Court@ontario.ca](mailto:Cayuga.Superior.Court@ontario.ca)
- Hamilton: [Hamilton.Superior.Court@ontario.ca](mailto:Hamilton.Superior.Court@ontario.ca)
- Kitchener/Waterloo: [Kitchener.Superior.Court@ontario.ca](mailto:Kitchener.Superior.Court@ontario.ca)
- Simcoe: [Simcoe.Superior.Court@ontario.ca](mailto:Simcoe.Superior.Court@ontario.ca)
- St. Catharines: [St.Catharines.Superior.Court@ontario.ca](mailto:St.Catharines.Superior.Court@ontario.ca)
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