



NOTICE TO THE PROFESSION IN CENTRAL SOUTH REGION RE: CIVIL, FAMILY, CRIMINAL EXPANSION

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Central South Region

Issued: Issued May 12, 2020 effective May 19, 2020

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 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 expanded the scope of matters it heard effective April 6, 2020, with a further expansion April 28, 2020.

Having considered the various resources and technological constraints to hearing matters during the suspension of court operations, the Central South Region will, **effective May 19, 2020**, expand further to deal with additional 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.

This NOTICE supersedes and replaces the NOTICES of April 2, April 28 and April 30, 2020 issued in Central South. However, the protocol of April 7, 2020 regarding Family and Child Protection matters remains in place and should be followed regarding documentary and filing requirements for conferences and motions;



Protocol RE FAMILY
AND CHILD PROTECT

The Chief Justice has issued orders adjourning criminal matters to specified dates and extending bench warrants accordingly. He has also issued an order adjourning matters and extending certain orders in child protection cases. These and other orders of the Chief Justice can be found at: https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/#ORDERS_OF_THE_CHIEF_JUSTICE.

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A) CRIMINAL MATTERS:

1. URGENT MATTERS (NOT DEALT WITH IN PARAGRAPH 2 BELOW):

All urgent requests for hearings in criminal applications (not already dealt with in paragraph 2 below) 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
- Cayuga: Cayuga.Superior.Court@ontario.ca
- Hamilton: Hamilton.Superior.Court@ontario.ca
- Kitchener/Waterloo: Kitchener.Superior.Court@ontario.ca
- Simcoe: Simcoe.Superior.Court@ontario.ca
- St. Catharines: St.Catharines.Superior.Court@ontario.ca
- Welland: 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.

2. The following criminal matters are considered not urgent and will 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 July 7, 2020; and
- e. *Habeas corpus* applications.
- f. Trials that were scheduled for March, April, May and June 2020 can be scheduled for a further judicial pretrial to discuss resolution, re-election and/or re-scheduling. Counsel should contact the Trial Coordinators who will provide a non-negotiable date for the pretrial and the coordinates to connect to the pretrial.
- g. Guilty pleas for non-custody matters where there will be a joint submission on sentence of no incarceration
- h. Guilty pleas of non-custodial matters where a remand out of custody is on consent with sentencing to occur once the suspension of the court is lifted.

- i. Pre-trial motions where no oral evidence is required. **The accused must have access to the hearing by zoom or conference line and counsel must agree that the same judge hearing the pretrial motions need not be the trial judge.**
- j. All requests for non-scheduled criminal judicial pretrials for parties with counsel **only** may be obtained 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.

B) FAMILY MATTERS:

Parties are reminded that matters previously scheduled prior to the suspension of the Superior Court will be spoken to as follows:

CYFSA matters originally scheduled for appearances in:

- March 2020 (after March 17) that had been adjourned to June 2, 2020 are further adjourned to July 6, 2020.
- April 2020 that had been adjourned to June 3, 2020 are further adjourned to July 7, 2020.
- May 2020 that had been adjourned to June 4, 2020 are further adjourned to July 8, 2020.
- June 2020 and July 2 and 3, 2020 matters must now appear in this Court on July 9, 2020

Court will commence at 10:00 a.m. at the court location at which they were to appear in.

FLA matters originally scheduled for appearances in:

- March 2020 (after March 17) that had been adjourned to June 9, 2020 are further adjourned to July 14, 2020. Existing orders to continue.
- April 2020 that had been adjourned to June 10, 2020 are further adjourned to July 15, 2020. Existing orders to continue.
- May 2020 that had been adjourned to June 11, 2020 are further adjourned to July 16, 2020. Existing orders to continue.
- June 2020 and July 2 and 3, 2020 matters must now appear in this Court on July 17, 2020. Existing orders to continue.

Court will commence at 10:00 a.m. at the court location at which they were to appear in.

1. URGENT:

All urgent requests **for long motions of one hour or more** in family matters (as described in the May 13, 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
- Cayuga: Cayuga.Superior.Court@ontario.ca

- Hamilton Family Court: Hamilton.Family.Superior.Court@ontario.ca
- Kitchener/Waterloo: Kitchener.Superior.Court@ontario.ca
- Simcoe: Simcoe.Superior.Court@ontario.ca
- St. Catharines: St.Catharines.Superior.Court@ontario.ca
- Welland: 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.

2. NON-URGENT MATTERS:

i) 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
- Cayuga: HaldimandCountyCourt@ontario.ca
- Hamilton Family: HamiltonSCJCourt@ontario.ca
- Kitchener/Waterloo: Kitchener.Courthouse@ontario.ca
- Simcoe: Simcoe.SCJ.Courts@ontario.ca
- St. Catharines: SCJStCatharinesCourthouse@ontario.ca
- Welland: 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 parties must follow the limits of size of material as set out in the protocol of April 7th, 2020 unless the judge hearing the matter expressly allows additional material to be filed. All material must be in at least 12-point font.

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 16, 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.

ii) 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
- Cayuga: HaldimandCountyCourt@ontario.ca
- Hamilton Family: HamiltonSCJCourt@ontario.ca
- Kitchener/Waterloo: Kitchener.Courthouse@ontario.ca
- Simcoe: Simcoe.SCJ.Courts@ontario.ca
- St. Catharines: SCJStCatharinesCourthouse@ontario.ca
- Welland: 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 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 **PDF with hyperlinks to tabs and exhibits, Factums must be in WORD as must the draft order.** All material must be in at least 12-point font. The parties must follow the limits of size of material as set out in the protocol of April 7th, 2020 unless the judge hearing the matter expressly allows additional material to be filed.



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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.

iii) **CASE CONFERENCES and SETTLEMENT CONFERENCES:**

Where the parties' consent, such consent not to be unreasonably withheld, and wish to proceed with a case conference or settlement conference, on a file already open in the system, then one will be arranged. Counsel are to contact the respective Trial Coordinator office by email to arrange a date and time for the conference.

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

Once booked the parties may send their **concise conference materials** to the trial coordinator at the court site where the file is located.

The material must include **concise** 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 parties must follow the protocol of April 7th, 2020 regarding the size of material that may be filed. All material must be in at least 12-point font.



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

Requirements regarding materials to be filed for case conferences as set out in paragraph 13 of the Protocol released April 7, 2020 **continue to apply and apply equally** to settlement conference materials.

iv) **DIVORCES AND ADOPTIONS**

The Court will deal with Divorces and Adoptions. Materials for consideration by the court should follow the directives set out in the paragraph 31 of the Protocol released April 7, 2020 and should be sent by email to:

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

v) **CONTESTED MOTIONS (SHORT MOTIONS):**

The court will hear contested motions or applications which can be argued in less than 45 minutes by zoom or conference call. The notice of motion shall state that the motion is to be heard on a date to be set by the Trial Coordinator. Counsel should contact the Trial Coordinators after service has been completed and responding material, if any, has been filed. The Trial Coordinator will provide a non-negotiable date for the motion and the coordinates to connect to the motion. **Concise material shall be filed, in PDF with hyperlinks to tabs and exhibits while draft orders are to be filed in WORD.** The material shall be filed 3 days in advance of the hearing by email at:

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

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

C) CIVIL MATTERS:

1. URGENT MATTERS (NOT DEALT WITH BELOW):

All urgent requests for hearings in civil matters (as described in the May 13, 2020 Notice to the Profession), **that are not already covered below**, 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
- Cayuga: Cayuga.Superior.Court@ontario.ca
- Hamilton: Hamilton.Superior.Court@ontario.ca
- Kitchener/Waterloo: Kitchener.Superior.Court@ontario.ca
- Simcoe: Simcoe.Superior.Court@ontario.ca
- St. Catharines: St.Catharines.Superior.Court@ontario.ca
- Welland: 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 must be in **PDF with hyperlinks to tabs and exhibits, Factums must be in WORD as must the draft order**. All materials must be 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.

2. NON-URGENT MATTERS:

i) CONSENT, COURT APPROVALS AND BASKET MOTIONS:

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

- Brantford: BrantfordSCJCourt@ontario.ca
- Cayuga: HaldimandCountyCourt@ontario.ca
- Hamilton: HamiltonSCJCourt@ontario.ca
- Kitchener/Waterloo: Kitchener.Courthouse@ontario.ca
- Simcoe: Simcoe.SCJ.Courts@ontario.ca

- St. Catharines: SCJStCatharinesCourthouse@ontario.ca
- Welland: 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 must be in **PDF with hyperlinks to tabs and exhibits, Factums must be in WORD as must the draft order**. All materials must be 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 16, 2020, for which counsel have had no response, should be re-submitted in electronic format as set out above.

ii) 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
- Cayuga: HaldimandCountyCourt@ontario.ca
- Hamilton: HamiltonSCJCourt@ontario.ca
- Kitchener/Waterloo: Kitchener.Courthouse@ontario.ca
- Simcoe: Simcoe.SCJ.Courts@ontario.ca
- St. Catharines: SCJStCatharinesCourthouse@ontario.ca
- Welland: 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 **PDF with hyperlinks to tabs and exhibits, factums and draft orders must be on WORD**. All the material must be 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.

iii) CIVIL PRETRIALS

The court will hear civil pre-trials by conference call or zoom, as directed by the judge. 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 with minimum 12-point font. Briefs shall be filed by email with the trial coordinator who will provide details regarding the hearing:

- Brantford: BrantfS@ontario.ca
- Cayuga: Cayuga.Superior.Court@ontario.ca
- Hamilton: Hamilton.Superior.Court@ontario.ca
- Kitchener/Waterloo: Kitchener.Superior.Court@ontario.ca
- Simcoe: Simcoe.Superior.Court@ontario.ca
- St. Catharines: St.Catharines.Superior.Court@ontario.ca
- Welland: Welland.Superior.Court@ontario.ca

Counsel who had civil pretrials scheduled to be heard in March, April, or May 2020, that did not get heard should contact opposing parties to confirm the pretrial could go forward by zoom or conference call. The court will also hear any pre-trial not previously scheduled. If the parties agree that they wish the pretrial to be heard, they should contact the Trial Coordinator who will provide a non-negotiable date for the pretrial and the coordinates to connect to the pretrial.

Counsel must have access to the instructing party at all times during the hearing. Pretrial briefs **must be concise, in WORD format** with a minimum 12-point font and should be emailed to the Trial Coordinator for distribution to the judge 3 days before the hearing.

- Brantford: BrantfS@ontario.ca
- Cayuga: Cayuga.Superior.Court@ontario.ca
- Hamilton: Hamilton.Superior.Court@ontario.ca
- Kitchener/Waterloo: Kitchener.Superior.Court@ontario.ca
- Simcoe: Simcoe.Superior.Court@ontario.ca
- St. Catharines: St.Catharines.Superior.Court@ontario.ca
- Welland: Welland.Superior.Court@ontario.ca

NOTE: Civil pretrials currently scheduled for after June 1st, 2020 will proceed as scheduled and the parties will be advised as to the details of the hearing.

iv) CONTESTED MOTIONS/APPLICATIONS:

The court will hear contested motions or applications which can be argued in less than 45 minutes by zoom or conference call. The notice of motion shall state that the motion is to be heard on a date to be set by the Trial Coordinator. Counsel should contact the Trial Coordinators

after service has been completed and responding material, if any, has been filed. The Trial Coordinator will provide a non-negotiable date for the motion and the coordinates to connect to the motion. **Concise material shall be filed, in PDF with hyperlinks to tabs and exhibits while draft orders are to be in WORD** with a minimum 12-point font. The material shall be filed 3 days in advance of the hearing by email at:

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

v) **LONG MOTIONS & SUMMARY JUDGMENT MOTIONS:**

The court will hear long motions and summary judgment motions of 3 hours or less.

The notice of motion shall state that the motion is to be heard on a date to be set by the Trial Coordinator. Counsel should contact the Trial Coordinators after service has been completed and responding material, if any, has been filed. The Trial Coordinator will provide a non-negotiable date for the motion and the coordinates to connect to the motion, by either zoom or conference call at the discretion of the motions judge. **Concise material shall be filed in PDF format and hyperlinked to tabs and exhibits. Factums should be concise and in WORD.** All materials must be filed 3 days in advance of the hearing by email at:

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

vi) **CASE MANAGEMENT & CLASS PROCEEDING FILES:**

The court will hear any conferences required on case managed matters as well as civil case conferences if required. The parties shall contact their respective trial coordinator by email to arrange a conference call with the judge.

The court will hear class action case management matters and the parties shall contact their respective trial coordinator to arrange the conference call with the judge.

D) MATTERS HEARD BY THE REGISTRAR IN BANKRUPTCY:

1) URGENT MATTERS:

Case management masters sitting as Registrars in Bankruptcy will hear urgent and time sensitive matters and matters where immediate and significant financial repercussions may result if there is no judicial hearing. The Registrars will use their discretion to determine whether a matter should be heard urgently and will direct whether the matter will be heard by teleconference, video conference or in writing.

Court office staff will continue **virtual operations** for accepting urgent bankruptcy filings during the suspension of the court's regular operations. The party shall email the Hamilton court office at HamiltonSCJCourt@ontario.ca with details about a matter they wish to have heard urgently, identifying why the matter is urgent, time sensitive or will result in significant financial repercussions if there is no hearing, in 2 pages or less. The party shall advise of a time estimate for hearing. The party will also attach a completed request form (*link below*).



Hamilton Hearing
Request Form_BK_271

If the Registrar in Bankruptcy determines that a matter is to be heard urgently, the Hamilton court office will direct the party to communicate by email with the Registrar who will hear the matter.

2) TAXATIONS TO BE HEARD IN WRITING:

Taxations of Statements of Receipts and Disbursement (where a clear Letter of Comment has been received) and Taxation of legal bills are considered urgent and time sensitive and will be heard in writing. If a party wishes a taxation to be heard in writing, the party shall email the materials to the Hamilton court office at HamiltonSCJCourt@ontario.ca and request that the taxation be scheduled for the next available date.

The following documents should be filed:

- a. Statement of Receipts and Disbursements (SRD) - each taxation submission should have (1) the record containing required documents for review including the SRD, and (2) a separate PDF copy of the SRD for signature;
- b. Comment letter;
- c. Trustee affidavit of fees, with dockets and any other relevant documentation (if there are extenuating circumstances or complexities concerning the administration of the estate, these matters should be addressed in the affidavit filed in support of the taxation);
- d. Inspector resolution approving the SRD (if not apparent from the SRD);
- e. Copies of taxed legal bills of costs;
- f. Statement of Affairs – one copy only; and
- g. Estate general ledger or detailed trial balance.

The following documents are not necessary to include in these filings at this time:

- a. Duplicate copies of documents;
- b. Scans of forms that are blank or not filled in or completed or blank pages after tabs;
- c. Copies of documents, notices or reports in connection with the discharge of the bankrupt.
- d. Affidavits of service proving service of the initiating bankruptcy documents

Attached documents are to be no larger than 10 MB each.

Materials for urgent hearing:

Parties should email the Registrar in Bankruptcy hearing the matter with all relevant materials necessary for the hearing and copy the Hamilton court office at HamiltonSCJCourt@ontario.ca. The system cannot accommodate large records. Accordingly, the parties shall exercise discretion in determining what materials are necessary. Parties should also consider sending large documents by way of secure file share rather than as attachments. Caselaw and other source materials referenced in a factum should be hyperlinked. Where hyperlinks are provided, the parties need not file a Book of Authorities. The Registrar will ask for further materials if necessary.

Hard copies of the materials, with the appropriate filing fee, shall be filed with the Hamilton court office once regular court operations resume.

Affidavits:

Parties are directed to the Law Society's Virtual Commissioning resource as well as the Law Society's Corporate Statement re: COVID-19 which provides for alternate means of commissioning affidavits. Registrars in Bankruptcy will accept unsworn affidavits prior to the hearing on the condition that a sworn affidavit is provided prior to the hearing or the affiant is available at the teleconference to swear the contents.

Orders:

Finalized draft orders shall be emailed directly to the Registrar in Bankruptcy. The Registrar will sign the order and send a scanned signed copy to the party. The order is effective from its date and the order need not be entered.

3) ISSUING BANKRUPTCY APPLICATIONS IN WRITING:

The usual process will continue to be followed for issuing bankruptcy applications. The party shall email the Hamilton court office with the application and request issuance, with a hard copy and the appropriate filing fee sent by regular mail that day or the following day. A date for the hearing of the bankruptcy application to proceed in writing may be obtained on request by email to the Hamilton office at HamiltonSCJCourt@ontario.ca.

Proof of service, which must be effected in accordance with the *Bankruptcy and Insolvency Act*, must be filed by email at HamiltonSCJCourt@ontario.ca in advance of the in-writing hearing date.

If the application is on consent or unopposed, the Registrar will deal with the matter in writing. If the application is opposed, the Registrar will adjourn the matter to be scheduled before a Superior Court judge.

4) ADDITIONAL MATTERS TO BE HEARD IN WRITING:

The Registrars in Bankruptcy will also hear appropriate urgent and time sensitive matters in writing. The types of matters that fall into the urgent or time sensitive matters include the following matters:

- a. Motions to extend proposal periods where a Notice of Intention has been filed;
- b. Motions to approve Division I proposals;
- c. Motions to revive consumer proposals;
- d. Motions seeking leave to file a completion or second consumer proposal;
- e. Applications for bankrupt's discharge following compliance with prior court discharge orders; and
- f. Any other matter which the Registrars in their discretion determine is appropriate.

If a party seeks to apply for a **bankrupt's discharge** following compliance with prior court discharge orders, the party shall email the materials to the Hamilton court office at HamiltonSCJCourt@ontario.ca, together with a completed request form (link above), and request that the application be scheduled for the next available date. The system cannot accommodate large records. Accordingly, the parties shall exercise discretion in determining what materials are necessary. The party shall undertake to file a hard copy with the Hamilton court office by regular mail, together with the appropriate filing fee, once regular court operations resume.

If a party wishes a **motion to be heard in writing**, the party shall request a hearing date from the Hamilton court office by emailing HamiltonSCJCourt@ontario.ca, together with a completed request form (link above). Once a date has been assigned, the party shall serve the motion in accordance with the notice requirements in the *Bankruptcy and Insolvency Act* and the procedure set forth in rule 37.12.1 of the Rules of Civil Procedure shall apply. The moving party shall email the materials to the Hamilton court office at HamiltonSCJCourt@ontario.ca together with proof of service. The parties shall exercise discretion in determining what materials are necessary. The party shall file a hard copy with the Hamilton court office by regular mail, together with the appropriate filing fee, once regular court operations resume.

Orders that are granted will be scanned and delivered by email to the party upon disposition. The order is effective from its date and the order need not be entered.

5) MATTERS PREVIOUSLY FILED:

If a party has previously submitted or filed matters of the nature that will be heard as outlined in this notice, the party must resubmit these matters by email, in accordance with the procedure outlined in this notice. Where possible, the party is requested to identify that such matter was previously filed and the filing fee paid, as appropriate.



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

Issued May 12, 2020 effective May 19, 2020