



## MEMORANDUM

**TO:** Bar associations, Media and Justice Stakeholders

**FROM:** Mohan Sharma, Executive Legal Officer  
Office of the Chief Justice, Ontario Superior Court of Justice

**RE:** UPDATE - Information on Matters to be Heard in the Ontario Superior Court of Justice during the COVID-19 crisis, Effective May 19, 2020

**DATE:** May 13, 2020

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- Chief Justice Morawetz issued Notices to the Profession for criminal, civil and family matters on March 15, effective March 17, 2020. They suspended in-court operations of the Ontario Superior Court of Justice (SCJ) due to the COVID-19 crisis, except for limited “urgent” civil, family and criminal matters. On April 2, 2020, new Provincial Notices to the Profession, along with Regional Notices to the Profession were issued, which expanded the scope of matters that would be heard virtually.
- On May 13, 2020, Chief Justice Morawetz issued a new Consolidated Notice to Profession which consolidates previous Notices, and each Regional Senior Justice issued updated Regional Notices to the Profession. **The Regional Notices to the Profession direct which matters may be heard in each region and the process to follow, without the need to refer to previous regional notices.** They further expand the scope of matters that will be heard virtually through telephone and video conference hearings. The new Consolidated Notice to the Profession, dated May 13, 2020, and the Regional Notices to the Profession may be found at: [https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/#PROVINCIAL NOTICES](https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/#PROVINCIAL_NOTICES)
- New sections of the Consolidated Notice to the Profession include: an expectation that lawyers/parties will take positive steps to move a case forward, including participation in virtual mediations; guidance on commissioning affidavits virtually; recommended etiquette during virtual hearings; and an obligation to deliver copies of relevant previous orders and endorsements in family and child protection matters.
- While there will be no in-court hearings until July 6, 2020 at the earliest, and no jury trials until September 2020, the SCJ remains open. Lawyers and litigants are



encouraged to seek hearings for matters that are being heard in each region. For criminal matters in particular, the Court is open to suggestions from counsel on creative ways to resolve, streamline or move matters forward by remote or alternate processes.

- Across the province, the following urgent matters will continue to be heard:

#### PUBLIC HEALTH & SAFETY MATTERS

- ✓ Applications by the Chief Medical Officer of Health relating to COVID-19
- ✓ Applications under the *Health Protection and Promotion Act*
- ✓ Urgent injunctions related to COVID-19
- ✓ Urgent appeals and judicial reviews to the Divisional Court related to COVID-19

#### FAMILY & CHILD PROTECTION

- ✓ Urgent relief relating to the safety of a child or parent
- ✓ Urgent relief relating to the well-being of a child
- ✓ Dire issues regarding parties' financial circumstances
- ✓ All urgent or statutorily mandated events in a child protection case

#### CIVIL

- ✓ Urgent and time-sensitive motions and applications where immediate and significant financial repercussions may result
- ✓ Outstanding warrants arising from Small Claims or SCJ proceedings

#### CRIMINAL

- ✓ Bail, Bail Review, Detention Review, Guilty Pleas and Sentencing will continue to be prioritized for in-custody persons in urgent circumstances, in addition to *Habeas corpus* applications
- In addition to the urgent matters, the chart below summarizes which matters may be heard in each region. **Counsel and parties are strongly advised to confirm which matters will be heard in each region by reviewing the applicable Regional Notice to the Profession, effective May 19, 2020. Each Region's process for having a matter heard is also set out in each Region's Notice to the Profession.** Matters will be heard exclusively in-writing or by telephone or video conference.



Region	Civil	Criminal	Family
Central East	<ul style="list-style-type: none"> <li>- Pre-trials cancelled due to court closure may be rescheduled</li> <li>- Rule 7 approval of settlement</li> <li>- Civil motions on consent</li> <li>- Contested short motions</li> <li>- Urgent estates matters</li> </ul>	<ul style="list-style-type: none"> <li>- Judicial pre-trials</li> <li>- 90-day and other bail reviews</li> <li>- Pre-trial motions</li> <li>- Summary conviction appeals</li> <li>- Consent orders</li> </ul>	<ul style="list-style-type: none"> <li>- 14B consent motions</li> <li>- Motions to Change on consent</li> <li>- Certain case conferences</li> <li>- Additional <i>CYFSA</i> matters</li> </ul>
Central South	<ul style="list-style-type: none"> <li>- Consent motions</li> <li>- Rule 7 approval of settlement</li> <li>- Motions in writing</li> <li>- Civil pre-trials</li> <li>- Short contested motions &amp; applications</li> <li>- Long motions and summary judgments</li> <li>- Case conferences</li> <li>- Urgent bankruptcy matters</li> <li>- Taxations in writing</li> </ul>	<ul style="list-style-type: none"> <li>- Bail, bail review and detention reviews</li> <li>- Joint submission guilty pleas for those in custody</li> <li>- Extending stays of driving prohibitions, fine payment, bail pending appeals</li> <li>- <i>Habeas corpus</i> applications</li> <li>- Judicial pre-trials</li> <li>- Guilty pleas for non-custody matters</li> <li>- Pre-trial motions</li> </ul>	<ul style="list-style-type: none"> <li>- Consent and basket motions</li> <li>- Motions in writing, where agreement to be heard in writing</li> <li>- Case conferences and settlement conferences on consent</li> <li>- Divorces and adoptions</li> <li>- Short contested motions &amp; applications</li> </ul>
Central West	<ul style="list-style-type: none"> <li>- Consent motions</li> <li>- Rule 7 approval of settlement</li> <li>- Contested Motions in writing</li> <li>- Pre-trials for upcoming jury trials</li> <li>- Long motions, on consent or with leave</li> </ul>	<ul style="list-style-type: none"> <li>- Summary conviction appeals</li> <li>- Bail hearings</li> <li>- Guilty pleas</li> <li>- Extending stays of driving prohibitions, fine payment, bail pending appeals</li> <li>- <i>Habeas corpus</i> applications</li> <li>- Judicial pre-trials</li> <li>- Other matters</li> </ul>	<ul style="list-style-type: none"> <li>- Consent motions</li> <li>- Contested family motions in writing where agreement to be heard in writing</li> <li>- Case conferences on consent, or with leave</li> <li>- Long motions, on consent or with leave</li> </ul>
East	<ul style="list-style-type: none"> <li>- Ex parte, consent and unopposed</li> </ul>	<ul style="list-style-type: none"> <li>- Bail, bail review, detention review,</li> </ul>	<ul style="list-style-type: none"> <li>- 14B consent motions or for</li> </ul>



Region	Civil	Criminal	Family
	<p>motions</p> <ul style="list-style-type: none"> <li>- Contested motions with agreement to proceed in writing</li> <li>- Rule 7 approval of settlement</li> <li>- Adjourned and other motions and applications with leave</li> <li>- case conferences</li> <li>- pre-trial conferences</li> <li>- urgent bankruptcy matters</li> </ul>	<p>judicial pre-trials, guilty pleas for joint submissions</p> <ul style="list-style-type: none"> <li>- <i>Habeas corpus</i> applications</li> <li>- Summary conviction appeals</li> <li>- Previously adjourned matters on consent</li> <li>- Other pre-trial motions/applications approved by LAJ</li> </ul>	<p>procedural or disclosure orders</p> <ul style="list-style-type: none"> <li>- Other motions, with leave</li> <li>- Case conferences and settlement conferences, as directed by LAJ</li> <li>- Other adjourned matters, with leave</li> <li>- Uncontested divorce, adoption applications and other routine matters</li> </ul>
Northeast	<ul style="list-style-type: none"> <li>- Pre-trial conferences</li> <li>- Consent motions</li> <li>- Rule 7 approval of settlement</li> <li>- Contested motions and applications</li> </ul>	<ul style="list-style-type: none"> <li>- Bail &amp; detention reviews</li> <li>- Judicial pre-trials</li> <li>- Guilty pleas for persons in custody and out of custody</li> <li>- Pre-trial applications</li> <li>- Judge alone trials, with leave</li> <li>- Summary conviction appeals</li> </ul>	<ul style="list-style-type: none"> <li>- 14B Motions on consent or for procedural or disclosure orders</li> <li>- Consent motions to change child support</li> <li>- Joint divorce applications</li> <li>- Case conferences and settlement conferences</li> <li>- Contested motions</li> </ul>
Northwest	<ul style="list-style-type: none"> <li>- Consent motions</li> <li>- Rule 7 approval of settlement</li> <li>- Motions in writing</li> <li>- other motions and applications</li> <li>- Pre-trial conferences</li> </ul>	<ul style="list-style-type: none"> <li>- Bail, bail review and 90-day detention reviews</li> <li>- Joint submission on guilty pleas</li> <li>- In-custody and out-of-custody pre-trials</li> <li>- Extending stays of driving prohibitions, fine payment, bail pending appeals</li> <li>- <i>Habeas corpus</i> applications</li> <li>- Summary conviction appeals</li> </ul>	<ul style="list-style-type: none"> <li>- 14B Consent motions</li> <li>- Procedural motions and motions for disclosure</li> <li>- other motions</li> <li>- case conferences and settlement conferences</li> <li>- completion of matters that were adjourned</li> <li>- Uncontested divorces</li> </ul>



Region	Civil	Criminal	Family
		<ul style="list-style-type: none"> <li>- Case and trial managed matters</li> <li>- Certain pre-trial motions and applications approved by the LAJ</li> </ul>	
Southwest	<ul style="list-style-type: none"> <li>- Pre-trial conferences</li> <li>- In writing motions or applications under Rule 7</li> <li>- In-writing consent or unopposed motions</li> <li>- Short opposed motions and applications (excl. summary judgment)</li> <li>- case conferences</li> <li>- class action hearings</li> </ul>	<ul style="list-style-type: none"> <li>- Judicial pre-trials</li> <li>- Guilty pleas</li> <li>- <i>Habeas corpus</i> applications</li> <li>- Summary conviction appeals and <i>certiorari</i> applications</li> <li>- certain criminal motions</li> <li>- other matters through remote means</li> </ul>	<ul style="list-style-type: none"> <li>- 14B motions – consent, procedural and disclosure orders</li> <li>- Case conferences</li> <li>- Consent, uncontested or default divorce orders</li> <li>- Settlement conferences</li> </ul>
Toronto	<ul style="list-style-type: none"> <li>- Pre-trial conferences</li> <li>- Motions and applications in writing, on consent or unopposed</li> <li>- Case conferences</li> <li>- Opposed short motions and applications</li> <li>- Rule 7 approval of settlement</li> <li>- Consent motions</li> <li>- Select Commercial and Estate List matters, including motions, applications, conferences, pre-trials, and judicial settlement conferences</li> <li>- urgent matters by</li> </ul>	<ul style="list-style-type: none"> <li>- Judicial pre-trials</li> <li>- Pleas for in-custody and out-of-custody accused</li> <li>- Bail/bail review, 90-day reviews</li> <li>- Contested hearings</li> <li>- Consent bail variations</li> <li>- Pre-trial applications</li> <li>- Summary conviction appeals/extraordinary remedies</li> <li>- Bail pending Appeal/Stays</li> </ul>	<ul style="list-style-type: none"> <li>- Case conferences</li> <li>- Settlement conferences</li> <li>- Certain motions</li> <li>- 14B Motions and Motions to change on consent</li> </ul>



Region	Civil	Criminal	Family
	Bankruptcy registrar - Class action motions in writing, conferences, and select motions - <i>Construction Act</i> motions ( <i>ex parte</i> , on consent, or unopposed), motions to vacate a lien, other motions and conferences		
Divisional Court	- Urgent matters - Non-urgent but time sensitive matters - Other matters upon request, with approval of Administrative Judge		

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