

[Please file behind tab marked Volume 31 Newsletter]

Martha McCarthy, LSM and Joanna Radbord, LSM, *Editors*

• Practice Tips for East Region Courthouses in Ontario •

Jerrold Patterson



This is the fourth instalment of a series of practice tips that the *Ontario Family Law Reporter* is publishing on practice guidelines in regions and courthouses across Ontario.

The practice tips in this instalment focus on the written and unwritten rules that practitioners must follow in Ontario Court of Justice proceedings in the Eastern Region, beyond what is set out in the *Family Law Rules*. In subsequent editions, the editors will publish practice tips for courts in Toronto and the Greater Toronto Area.

Pembroke and Belleville are the Ontario Courts of Justice in the East Region that hear family law matters. Bancroft is a satellite court to Belleville and has jurisdiction to hear Ontario Court of Justice family matters. Picton is an independent courthouse but operates as a satellite to Belleville for OCJ family matters. Bancroft and Picton generally abide by the same practices as Belleville; however, they provide limited services. Parties should call Picton (613-476-6236), and for Bancroft, call Belleville (613-962-9106), for more information.

The Family Court of the Superior Court of Justice has exclusive jurisdiction over the rest of the East Region.

Unfortunately, there are no accessible practice directions governing the Ontario Courts of Justice.

Confirmations (14C)

A Form 14C Confirmation must be filed with the Registrar's Office no later than 2:00 p.m. two business days before a conference, short motion or long motion is scheduled to be heard. Form 14C Confirmations may be filed jointly or separately, by fax or in person. Where a Form 14C Confirmation has not been filed by at least one party, it will be left to the judge to decide whether the matter will be heard.

Where a Form 14C Confirmation is filed, it should include a list of materials that the party wishes the judge to review, with clear reference to the specific volume, tab and page numbers of the Continuing Record.

In both courthouses, a 14C Confirmation Form is required for urgent motions *with* notice, but not for urgent motions *without* notice.

If a Form 14C Confirmation is filed for a consent adjournment, the matter will be removed from the hearing list and the parties need not attend.

Motions

Short Motions

In **Pembroke**, there are no set time constraints for a short motion. All motions, whether short or long, are heard four times monthly on split intake days. Those days vary. Parties may call the Trial Co-ordinator to obtain available motion dates. Matters are placed on the motions list once materials are

filed and the filing staff confirm with the Trial Co-ordinator.

In **Belleville**, short motions are those that will take 20 minutes or less. Short motions are heard once per week at 1:30 p.m. on Tuesday or Wednesday, depending on scheduling. There are “floater days” that can be used when necessary, depending on scheduling. Short motion dates are obtained by contacting the Trial Co-ordinator directly. Once materials are filed, the filing counter staff will confirm the date with the Trial Co-ordinator and the matter will be placed on the motions list.

No factum is required for a short motion in Pembroke or Belleville.

Long Motions

The rules for long motions in **Pembroke** are the same as for short motions. Whether short or long, motions are heard four times monthly on split intake days depending on availability. A factum is not required for a long motion, unless directed by the court. In that case, the factum should be filed according to the direction of the judge hearing the matter or Rule 14 of the *Family Law Rules* (two days prior to the motion).

In **Belleville**, a long motion is any motion longer than 20 minutes. Long motions are scheduled on “floater days”, generally being a Monday, Thursday or Friday. Long motion dates are obtained by contacting the Trial Co-ordinator directly. Once materials are filed, the family law counter staff will confirm the date with the Trial Co-ordinator.

Belleville requires a factum for long motions. The factum is filed no later than two days before the motion date in accordance with Rule 14 of the *Family Law Rules*.

Compendium

A compendium generally includes the Notice of Motion, Affidavits and Financial Statements, as well as excerpts from evidence and exhibits referred to in argument.

If parties wish to file a compendium or other additional motion materials, in Pembroke or Belleville, they must be filed no later than two days before the motion date in accordance with rule 14 of the *Family Law Rules*.

Electronic Copies of Materials

Electronic materials are not common at these courthouses and **Pembroke** does not accept electronic materials. Electronic materials may be filed in **Belleville** but only with pre-approval from a judge. Without that pre-approval, electronic materials will not be accepted.

Restraining Orders

A party seeking a restraining order in either court must fill out the prescribed CPIC Restraining Order Information Form. In **Pembroke**, the “Information for Service of Restraining Order” form is provided by court staff to self-represented litigants, to be completed to the best of their ability, to assist court staff in completing service of the documents by the Enforcement Office staff. Litigants that are represented by counsel are not asked to com-

plete this form, as counsel will effect service of the necessary documents.

Case and Settlement Conferences

In **Pembroke**, case conferences and settlement conferences are scheduled for 20 minutes. In **Belleville**, they are scheduled for 30 minutes, unless more time is allotted beforehand.

Video and/or teleconferencing is available for conferences at both courts, in accordance with rules 17(16) and (17) of the *Family Law Rules*. Parties shall make the request to the judge who is conducting the conference. If a judge has not approved the request in an endorsement or order, parties can seek permission of the judge by filing a 14B motion form. Parties can contact the Trial Co-ordinator to make the requisite arrangements.

Trials

Trial Management Conferences

Parties can schedule a trial management conference by contacting the Trial Co-ordinator after they have had a settlement conference. Of course, this may not be necessary where a judge exercises their authority to combine part or all of a case conference, settlement conference, or trial management conference.

Pembroke does not require that a trial management conference be within a specific timeframe of the trial. **Belleville** generally schedules trial management conferences a month in advance of the trial.

Pembroke and Belleville both require Trial Management Conference Briefs (Form 17E)

to be served and filed in accordance with rule 17(13.1) of the *Family Law Rules*. This requires that the party requesting the conference, or the applicant if neither party requested, serve and file their brief no later than seven days before the conference date. The other party must serve and file their brief no later than four days before the conference date.

Trial Records

The applicant must serve and file a trial record at least 30 days before the start of trial. The respondent may then serve, file and add any document to the trial record no later than seven days before the start of trial. The trial record contains a table of contents and should include the documents listed at rule 23(1) of the *Family Law Rules*.

Trial Dates

Trial dates in **Belleville** are secured through the Trial Co-ordinator. Generally, this is done after a settlement conference and the judge hearing the matter directs the parties to do so. The parties canvas dates with the Trial Co-ordinator, usually immediately after the settlement conference, and schedule a trial management conference at the same time as they schedule trial dates. The trial management conference is scheduled a month in advance of trial. There are no set days for the hearing of trials in Belleville. Scheduling is dependent on the length of the matter and the courts availability.

In **Pembroke**, trial dates are also secured through the Trial Co-ordinator when they are directed to do so by the judge hearing

the matter. As in Belleville, there are no designated calendar times for hearing trials and they are scheduled based on the courts availability.

Family Law Information Centres and Duty Counsel

In **Belleville**, the Family Law Information Centre (“FLIC”) operates Tuesdays from 12:30 p.m. until 4:30 p.m., and Fridays from 9:00 am until 1:00 p.m. Duty counsel for family law matters is provided by Legal Aid Ontario and is available everyday from 9:00 p.m. until 5:00 p.m.

Belleville also offers free mediation services for family matters. This service is scheduled to be onsite whenever family matters are being heard.

In **Pembroke**, the FLIC is open Monday to Friday from 8:30 am until 5:00 p.m. The FLIC is staffed by Client Service Representatives who provide information and material on community resources, separation and divorce, and information regarding legal services and the court system.

Duty counsel is available in Pembroke on Mondays from 1:00 p.m. until 3:00 p.m.; Wednesdays from 9:30 a.m. until 12:00 p.m.; and Fridays from 1:00 p.m. until 3:00 p.m.

The Information Resource Co-ordinator is available any day that a Mandatory Information Program (“MIP”) is scheduled. That scheduling varies and can be obtained by contacting the Pembroke courthouse to confirm the planned MIP days. There are generally three or four MIPs scheduled in a month, and always on Fridays. In addition to the MIP days, the Information Resource Coordinator is also on site until 3:00 p.m. on days that family matters are heard in the OCJ. Those “family days” vary from month to month in accordance with scheduling requirements. The monthly schedule is circulated amongst the local bar and justice stakeholders in advance. Those that do not receive the schedule can call the Trial Co-ordinator in Pembroke for details.

Court Information

Belleville Courthouse

15 Bridge Street West
Belleville, ON K8P 0C7
tel. 613-962-9106

Pembroke (Renfrew County) Courthouse

297 Pembroke St E
Pembroke, ON K8A 3K2
tel. 613-732-8581

Picton Courthouse (Belleville Satellite for OCJ family matters)

67 King St.
Picton, ON K0K 2T0
tel. 613-476-6236

Bancroft Courthouse (Belleville Satellite)

5 Fairway Blvd
Bancroft, ON K0L 1C0
tel. 613-962-910

Trial Co-ordinators Contact Information

Courthouse	Trial Co-ordinator	Phone
Belleville, Bancroft and Picton	Alyssa O'Connell	613-771-8964
Pembroke (Renfrew County)	Charlene Colster	613-732-8581 ext. 312

[**Jerrod Patterson** is an articling student at Martha McCarthy and Company. He holds a J.D. and a Bachelor of Social Work (Honours) from

the University of Windsor. Jerrod has a keen interest in custody and access matters, especially in mobility law.]

This article was originally published in the Ontario Family Law Reporter, Vol. 31, No. 9

© 2018 LexisNexis Canada Inc. Reproduced with Permission