

ONTARIO FAMILY LAW REPORTER

VOLUME 31, NUMBER 3

Cited as 31 O.F.L.R.

SEPTEMBER 2017

[Please file behind tab marked Volume 31 Newsletter]

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• Practice Tips for Courthouses around the Greater Toronto Area •

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This is the first of a series of practice tips that the *Ontario Family Law Reporter* will publish on practice guidelines in regions and courthouses across Ontario. The current set of practice tips focuses on the

written and unwritten rules that practitioners must follow in court proceedings in the Greater Toronto Area and nearby regions. In subsequent editions, the editors will publish practice tips for courts in other regions throughout Ontario.

Central East (Barrie, Bracebridge, Durham, Lindsay, Newmarket, Peterborough)

Long Motions

The moving party on a long motion must serve and file all their motion material and an Offer to Settle at least 30 days prior to the scheduled motion date, otherwise the date will be vacated. The responding party must serve and file their responding material and an Offer to Settle at least 15 days before the scheduled motion date. Reply material and a 14C confirming the motion date must be served and filed by 2 p.m., seven days prior to the scheduled motion day. If a long motion is not confirmed by then, it will be removed from the list and the date will be vacated.

One-third of the time scheduled for a long motion will be allotted to each party, and five minutes for each hour that has been booked will be allotted for reply. The remaining time will be allocated for the judge's decision and submissions on costs.

Long Motions in Barrie and Bracebridge

Long motions are usually held on Thursdays and are four hours.

Long Motions in Newmarket

Newmarket requires that a letter requesting availability to obtain a long motion date be sent.

Long Motions in Oshawa

Long motions in Oshawa are dealt with as special appointments. They are either more than one hour/up to two hours, or more than two hours. The trial coordinator must be contacted for proposed available dates. To do so, provide the total consent estimate and whether there are any cross-motions.

Central East Long Motions Pilot — Electronic Filing

The Central East region is running a new pilot for long motions as of January 1, 2017. Counsel are now required to file materials in paper and electronic form, except for child protection cas-

es. The electronic version, on a USB key, CD or DVD, should be accompanied by a cover letter, which identifies the materials contained as follows:

- USB key: list of files contained on key, along with the title of proceedings, court file number, counsel name(s), where applicable and party name. If possible, they key should be labelled with the short style of cause and the court file number.
- CD or DVD: should be labelled with the title of proceedings, court file number, counsel name(s), where applicable, and party name. Include a list of the files contained in the CD or DVD in the cover letter.

Short Motions

Short motions are expected to take one hour or less. They may be scheduled on the regular motion day for that centre. The date must be obtained from the Trial Coordinator. If a motion is booked for one hour, each party will be permitted a maximum of 20 minutes for argument, and five minutes will be available for reply. The remaining 15 minutes is for the Judge's decision and submissions on costs. If a party wishes to bring a cross-motion or responding motion on the same day, it must also be scheduled with the trial coordinator. If no additional time is required for argument, as the issues are the same as those already raised in the motion, the responding material may be booked for the same day.

Short Motions in Barrie and Bracebridge

Short motions are held on Thursdays notwithstanding trial sittings and Judge conferences.

Short Motions in Newmarket

Short motions are held on Wednesdays in Newmarket. A letter must be sent to the trial

coordinator requesting availability to obtain a short motion date. The letter should include the court file number and parties' name.

Factums

Factums are not required for short motions. Factums are required for long motions and should not exceed 20 pages. The factum must be served and filed no later than 2 p.m., two business days before the hearing of the motion.

14C

The 14C for a short motion must be filed no later than 2 p.m. two business days before the date of the motion or conference, except for long motions which must be filed by 2 p.m., seven days before the motion.

Confirmation in Barrie and Bracebridge

If confirming your matter in Barrie or Bracebridge, fax a Form 14C to the Court Filing Office at 705-739-6109. If requesting an adjournment, the fax number is 705-739-6099.

Case Conferences

The parties may obtain a case conference date at their first appearance date, or by serving and filing a Notice of Case Conference with a date that has been obtained by the Trial Coordinator. Case conference briefs should be limited to the four-page form set out in the Family Law Rules with a maximum of two additional pages of narrative and proposes, other than supporting materials such as lists of outstanding disclosure or professional reports.

Urgent Case Conferences in Oshawa

To obtain an urgent case conference date in Oshawa, file a 14B motion, setting out why an urgent case conference date is needed, and provide mutually available dates.

Urgent Motions

Prior to bringing an urgent motion on notice, the Trial Coordinator should be contacted to see if an urgent case conference can be scheduled before

the motion is heard. Parties are encouraged to provide the court with a draft order for urgent motions.

Trial Management Conferences

A trial management conference will be held for any case that has not resolved 30 days prior to the scheduled trial date, unless otherwise ordered. The Applicant must file a completed Trial Record, no later than seven days before the trial management conference, containing the documents set out in Rule 23(1) and the completed Trial Scheduling Endorsement Form. The Respondent may add any documents up to 2 p.m., two business days before the trial management conference, pursuant to Rule 23(2). No later than 2 p.m., two business days before the trial management conference, each party must also serve and file an Offer to Settle, an outline of their Opening Trial Statement and a Draft Order.

Trials in Barrie and Bracebridge

Trial sittings occur throughout the year. There are three-week sittings in May and November.

Central West (Brampton, Guelph, Milton, Orangeville, Owen Sound, Walkerton)

Long Motions

Long motions are expected to take more than one hour, and must be scheduled through the Trial Coordinator.

Long Motions in Milton

In Milton, long motions must be confirmed no later than three weeks prior to the date the motion is to be heard, and all material must be filed by the moving party by that date. If

the materials are not served three weeks prior, the motion will be removed from the list and not heard.

Long Motions in Owen Sound and Walkerton

In Owen Sound and Walkerton, a long motion must be confirmed no later than three weeks prior to the date the motion is heard. The moving party's factum must be served and filed four weeks prior to the hearing date. The respondent's factum must be served and filed three weeks prior to the hearing date. If the requirements of the moving party are not met, the motion will be removed from the list and not heard.

Long Motions in Brampton

For long motions in Brampton, it is helpful for the trial coordinator if the estimated time of the motion and specific dates are known. Long motions in Brampton are a maximum of three hours. If the motion is longer than three hours, it will be scheduled on a trial week.

Short Motions

Short motions are expected to take one hour or less, and are scheduled on regular motion days.

Short Motions in Brampton

Short motions are 59 minutes or less, and are usually held on Tuesday, Thursday or Friday at 10 a.m.

Factums

A factum is required for all long motions, unless otherwise noted. If the moving party does not file a factum, the motion will not be scheduled. Each party's factum must be filed at least seven days before the hearing of the motion. No factum may exceed 20 pages.

Electronic Copies of Materials

Whenever the volume of materials is large or complex, the parties should file an electronic copy of their motion materials as well as paper copies.

14C

Confirmation in Brampton

For a case or settlement conference in Brampton, adjournment cannot be made via 14C on consent. Rather, an adjournment must be requested to a Judge in writing. It can be faxed to the trial office explaining the exceptional circumstances. This must be filed 10 days prior to the original scheduling date. To adjourn a trial management conference, a 14B must be filed 10 days prior to the conference date.

Case Conferences

A date for a case conference may only be obtained upon one side filing a case conference brief. Once a case or settlement conference has been scheduled, no adjournments will be permitted except in exceptional circumstances. The party requesting adjournment must obtain permission, in writing, of a Superior Court Justice.

Early Case Conferences in Brampton and Milton

Fifteen Early Case Conferences (“EEC”) are held on Mondays. They are only available if a case conference has not already been held. Each EEC is limited to a total of 15 minutes.

Case Conference Dates for New Applications in Brampton

There are special case conference dates within the first three to four weeks of requesting a date, which are available for first time case conferences only. These may be requested from the trial coordinator.

Urgent Motions

A factum or Summary of Argument is not required for an urgent motion that has been brought without notice.

Trial Management Conferences

Parties must complete a Trial Scheduling Endorsement Form before the matter is scheduled for trial. The Applicant must file a Trial Record at least 30 days prior to the scheduled Trial date.

Dispute Resolution Officer Program in Brampton and Milton

If the matter is not resolved at a Settlement Conference, a Trial Scheduling Endorsement Form must be completed prior to the matter being scheduled for trial.

The first Case Conference on a motion to change a final order or agreement shall be scheduled before a Dispute Resolution Officer.

Trial Sittings in Brampton

Lengthy trial sittings, for trials that are expected to be five days or longer, are usually held in January and May. Trials that are four days or less are held throughout the entire year, except for January and May. There are usually no trial sittings in July and August.

Central South (Brantford, Cayuga, Hamilton, Kitchener, Simcoe, St. Catharines, Welland)

Long Motions

Long motions are expected to require more than one hour of legal argument, including reply argument, but excluding the time required for the presiding judge to consider the matter and render a decision. Dates for long motions must be obtained through the trial coordinator, and are gen-

erally scheduled on a specified week rather than a specific date.

Long Motions in Hamilton

Long motions in Hamilton are held during trial sittings, which are scheduled throughout the year and must be booked with the trial coordinator.

Short Motions

Short motions will be argued in less than one hour including reply argument, but excluding the time required for the judge to consider the matter and render a decision. Short motions shall be made returnable to a regularly scheduled motions day.

Short Motions in Hamilton

Short motions in Hamilton are held on Fridays at 10 a.m. The motions list is not capped.

Factums

Factums are required for all long motions. Factums are encouraged for short motions as it provides assistance for the presiding judge. A factum shall not exceed 20 double-spaced, typed pages. It is strongly encouraged that parties send an electronic copy of a factum, in Word format, at least two business days before the hearing of the motion to the email address for the location where the motion will be argued.

The following email addresses may be helpful:

Hamilton.family.superior.court@ontario.ca

Kitchener.superior.court@ontario.ca

Brantford.superior.court@ontario.ca

St. Catharines.superior.court@ontario.ca

Simcoe.superior.court@ontario.ca

Welland.superior.court@ontario.ca

Cayuga.superior.court@ontario.ca

The confirmation form must be filed with the court office or faxed to the trial coordinator no later than 2 p.m. two business days prior to the

conference. If the conference has not been confirmed by at least one party, judicial permission will be required to proceed.

Confirmation in Hamilton

In Hamilton, if a 14C is not filed, the matter will still go to court.

Case Conferences

Case conference dates may be obtained directly from the trial coordinator. A date will not be provided until at least one party serves and files a case conference brief. Each party must file its Form 17A: Case Conference Brief and Form 13A: Certificate of Financial Disclosure in advance of the case conference.

Urgent Motions

Trials

A short trial is a trial that takes 15 days or less. Short trial sittings are held throughout the year in accordance with the Central South Regional Court Calendar. All trials which are expected to last longer than 15 days are deemed to be long trials. There are two long trial sittings each year, usually in March and October.

Family Court Sites

St. Catharines and Hamilton are the only two Superior Court of Justice locations in the Central South Region where hearings under the *Children and Family Services Act*, Family Responsibility Office cases and fast track cases are heard. Dates are available in the Calendar or from the trial coordinator. Dispute Resolution Office programs are also available in these locations. The first case conference on a Motion to Change a final order or agreement shall be scheduled before a Dispute Resolution Officer.

Toronto

Long Motions

Motions that are expected to take more than one hour, including the other party's reply and cross-motion, must be scheduled through the trial coordinator. Long motions can be scheduled with the other party's written consent or with the court's permission, by filing a Form 14B.

Short Motions

Motions that are expected to take one hour or less may be scheduled on a Tuesday or Thursday by serving and filing the motion material, including a factum, at the family court office.

Factums

A factum is required on all motions. If the moving party does not file a factum, the motion will not be scheduled. No factum may exceed 20 pages. For short motions, each party's factum must be filed in accordance with ss. 14(11) and 14(11.1) of the Family Law Rules. For long motions, each party's factum must be filed at least seven days before the hearing of the motion.

Electronic Filing

Whenever the volume of materials is large or complex, the parties should file an electronic copy of their motion materials as well as paper copies.

14B

A Form 14B motion must be filed at the family court office and cannot be filed by fax. A Form 14B motion should be accompanied by four copies of a proposed order, a completed endorsement sheet and a self-addressed and stamped envelope for each party. The Form 14B motion shall be filed in the Continuing record and a copy of the

proposed Order shall be attached to the appropriate place in the Endorsement Volume.

14C

Confirmations must be filed no later than 2 p.m., two business days before the date of the motion or conference. Where a 14C Confirmation has not been filed by at least one party, the conference or motion will not be scheduled on the event list and will not be heard.

Case Conferences

Urgent Motions — Trials

A trial management conference will normally be scheduled by a family court office for the week before the assigned trial date. The completed Trial Scheduling Endorsement Form must be filed by one of the parties in advance, and each party must file an Offer to Settle and Outline of Opening Statement, in lieu of the Trial Management Conference Brief.

The Applicant must file a Trial Record at least 30 days prior to the scheduled trial date, or the matter will be removed from the trial list.

TRIAL COORDINATORS CONTACT INFORMATION

Court House	Trial Coordinator	Phone
393 University Avenue, Toronto, ON	Amal Shoom	416-327-9282
Hamilton	Paul	905-645-5252 x 2532
Kitchener	Melissa Cox	519-741-3240
St. Catharines	Lee/Leigh Foster	905-988-6200 x 446
Welland	Kimberley Strawn	905-735-0010 x 251
Brantford		519-752-7753
Simcoe	Renee Imray	519-426-4406
Barrie and Bracebridge	Lorna	705-739-6442
Newmarket		905-853-4823 x 3
Oshawa	Darla	905-743-2637
Brampton	Kathy Barrett	905-456-4878
Milton	905-693-3082	
Orangeville		519-941-2991
Guelph		519-824-7647 x 1

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