



**SUPERIOR COURT OF JUSTICE
NOTICE TO THE PUBLIC AND THE PROFESSION REGARDING CIVIL
MATTERS IN OTTAWA AS OF APRIL 19, 2022**

This Notice replaces all previous notices with respect to civil matters in Ottawa issued during the Covid-19 pandemic. It should be read along with applicable Provincial and Regional Notices. It does not apply to proceedings in the Small Claims Court or Divisional Court Panel hearings.

This Notice sets out procedures in Ottawa for:

- (i) scheduling civil motions and applications;
- (ii) the conduct of case management and pre-trial conferences in civil cases;
- (iii) seeking an urgent hearing date for a motion or application; and
- (iv) seeking the appointment of a case management judge in class proceedings.

All forms mentioned in this Notice are available here: [Ottawa Civil Forms](#). They are also available on the County of Carleton Law Association (CCLA) website at [Civil Litigation - \(ccla-abcc.ca\)](http://ccla-abcc.ca).

MOTIONS AND APPLICATIONS

A motion or application falls into one of five categories:

- (1) Motions and applications heard in writing
- (2) Express motions
- (3) Motions and applications on the regular motions list
- (4) Summary judgment motions
- (5) Long applications and motions other than summary judgment motions

(1) Motions and applications heard in writing

The following matters shall be heard in writing, unless the judge or associate judge seized directs otherwise:

- Motions and applications that are *ex parte*, on consent or unopposed, and that must be heard by a judge rather than an associate judge;
- Motions and applications under rule 7.08 of the *Rules of Civil Procedure*, the *Estates Act*, the *Public Guardian and Trustee Act*, or the *Trustee Act*; and
- Other motions and applications that the parties have consented to have heard in writing.

The moving party or applicant shall file the following materials for a hearing in writing, using the Civil Case Documents Online portal:

- a motion or application record;
- an affidavit of service, certificate of service, or proof that the motion or application is unopposed or on consent, or that the parties have agreed that it should be heard in writing;
- a Short Civil Endorsement Form in Word format indicating the short title of proceedings, court file number, counsel, and relief sought;
- if necessary, a written argument, not more than ten pages, double-spaced;
- if costs are sought, a costs outline, not exceeding three pages, double-spaced, to which a draft bill of costs and other relevant documents may be attached; and
- a draft order in Word format.

The moving party or applicant may file books of authority or refer to caselaw and other authorities by providing a list of authorities and hyperlinks or references to electronically posted materials.

(2) Express motions

Express motions are motions that:

- fall within the jurisdiction of an associate judge;
- are on consent or expected to be uncontested; and
- typically require only 5 to 10 minutes to hear, but at in any event require no more than 15 minutes of hearing time.

Requests to schedule an express motion shall be made by email to the civil motions office at ottawa.scj.courts@ontario.ca. A request must be submitted no later than 4:30 p.m. on the Tuesday of the week the moving party wishes to present the motion. If the list is complete for that week, the motion shall be heard on the next available hearing date.

The subject-line of the email shall be in the following format:

“Request for an Express Motion - Jones v. Smith – CV-XX-XXXXX”

The body of the email shall:

- briefly describe the nature of the motion and the rule(s) from the *Rules of Civil Procedure* or other law relied on;
- state the date sought for hearing;
- state whether the moving party seeks to have the motion heard in person and, if so, why;
- indicate if there is any deadline for the order sought; and
- provide a time estimate for the hearing.

The email shall attach:

- the motion record;
- a Short Civil Endorsement Form, in Word format, indicating the short title of proceedings, court file number, counsel, and relief sought; and
- a draft order in Word format.
- affidavits of service, certificates of service, or proof that the motion is unopposed or on consent.

Responding parties or their counsel shall be copied on the email.

Motion records shall be prepared in searchable PDF format and paginated continuously. Each document within a record shall be electronically bookmarked or hyperlinked to the table of contents.

A party requesting an express motion hearing will receive an email from the court indicating the date and time set for hearing and directions on the mode of hearing.

Any party seeking costs on a motion must be prepared to address this issue at the hearing and have available all information in support of their request.

(3) Motions and applications on the regular motions list

Motions and applications that may be set on the regular motions list are those that require an oral hearing lasting two hours or less, and that are not summary judgment motions.

As of April 3, 2023, hearings of motions and applications on regular motion days shall be scheduled using Calendly at <https://calendly.com/ottawa-scj-civil/regular-motion-1to2hr> for one to two hour hearings; <https://calendly.com/ottawa-scj-civil/regular-motion-30to1hr> for hearings between 30 minutes to an hour; and <https://calendly.com/ottawa-scj-civil/regular-motion-0to30min> for hearings under 30 minutes). Please refer to the attached information sheet on using Calendly.

A party who has booked a hearing using Calendly will receive an email confirming the date and time on completion of the booking process. The booking party shall notify all parties in the proceeding of the scheduled date and time of the appearance and shall forward all Calendly email notifications to all parties.

Filing of a notice of motion or application and payment of the accompanying fee must be made within 10 days of the booking through the Civil Case Online Portal or in person at the Ottawa Courthouse Civil counter. Failure to file and pay within the deadline shall result in cancellation of the hearing without further notice to the parties.

Parties to a motion or application must file a motion confirmation form five days before the hearing day by sending a copy in PDF format to Ottawa.scj.courts@Ontario.ca, failing which the matter shall be struck from the list.

Records shall be prepared in searchable PDF format and paginated continuously. Each document within a record shall be electronically bookmarked or hyperlinked to the table of contents.

If a record exceeds two hundred pages in length, the party filing it shall also file a compendium containing the specific excerpts from documents on which they rely and provide links to the compendium and the record in their factums.

A factum on a motion or application shall be no longer than twenty pages, double spaced, unless the court orders otherwise.

Parties shall either file books of authority or provide hyperlinks to electronically posted caselaw and other authorities in their factums.

Any party seeking costs must be prepared to address the issue at the hearing.

At least three days before the hearing, each party shall file the following materials in CaseLines:

- Their motion or application record;
- A compendium, if the record exceeds 200 pages;
- Any transcripts of examinations and cross-examinations;
- Affidavits of service or certificates of service;
- A factum and book of authorities, if required;
- A draft order and draft endorsement in Word format;
- A confirmation; and
- A cost outline (Form 57B) but not any settlement offers or materials referring to settlement discussions.

(4) Summary judgment motions

After conferring with other parties if possible, a party seeking to schedule a motion for summary judgment shall complete a Summary Judgment Motion Hearing Request Form and submit it to the case management coordinator at Ottawa.associatejudges@ontario.ca. The subject-line of the email shall be in the following format:

“Request for Summary Judgment Motion Hearing - Jones v. Smith – CV-XXXXXX”

After this form has been submitted, the parties will be contacted for a case conference for triage. At least three clear days prior to the case conference, each of the parties shall serve and file a memorandum, no longer than three pages in length, setting out their position as to whether the motion should be heard. The memoranda shall be emailed to the Office of the Associate Judges at Ottawa.associatejudges@ontario.ca.

A request for hearing shall not be accepted for triage if the moving party has failed to confer with the responding party or has not provided a sound reason why conferring is impossible or impractical. Directions for hearing, including the date and mode of hearing, shall be set at a case conference.

Once a hearing date has been set, the moving party shall pay the filing fee within 10 days through the Civil Case Online Portal or in person at the Ottawa Courthouse Civil counter. Failure to pay within the deadline shall result in cancellation of the hearing without further notice to the parties.

As of April 23, 2022, parties shall file a confirmation at least five days prior to hearing, failing which the matter shall be struck from the list.

Records shall be prepared in searchable PDF format and paginated continuously. Each document within a record shall be electronically bookmarked or hyperlinked to the table of contents.

If a record exceeds two hundred pages in length, the party filing it shall also file a compendium containing the specific excerpts from documents on which they rely, and provide links to the compendium and the record in their factums.

Unless otherwise directed, a factum on a motion or application shall be no longer than twenty pages, double-spaced.

Parties shall either file books of authority or provide hyperlinks to electronically posted caselaw and other authorities in their factums.

Any party seeking costs must be prepared to address the issue at the hearing.

At least three days before the hearing, each party shall file the following materials in CaseLines:

- Their motion or application record;
- A compendium, if the record exceeds 200 pages;
- Any transcripts of examinations and cross-examinations;
- Affidavits of service or certificates of service;
- A factum and book of authorities;
- A draft order and draft endorsement in Word format;
- A confirmation; and
- A cost outline in Form 57B (but not any settlement offers or materials referring to settlement discussions).

(5) Long applications and motions other than summary judgment motions

Long applications and motions (other than summary judgment motions) are those requiring a hearing longer than two hours.

After conferring with other parties if possible, a party seeking to schedule the hearing of a long motion or application date shall email the case management coordinator at Ottawa.associatejudges@ontario.ca, attaching a completed Long Motion or Application Hearing Request Form. The subject-line of the email shall be in the following format:

“Request for Hearing of a Long Motion or Application - Jones v. Smith – CV-XX-XXXX”

After the completed form has been submitted, the case management coordinator may either offer a fixed date for the hearing of the proposed motion/application or schedule a case conference.

Once a hearing date has been set, the moving party shall pay the filing fee within 10 days through the Civil Case Online Portal or in person at the Ottawa Courthouse Civil counter. Failure to pay within the deadline shall result in cancellation of the hearing without further notice to the parties.

As of April 23, 2022, parties shall file a confirmation at least five days prior to hearing, failing which the matter shall be struck from the list.

Records shall be prepared in searchable PDF format and paginated continuously. Each document within a record shall be electronically bookmarked or hyperlinked to the table of contents.

If a record exceeds two hundred pages in length, the party filing it shall also file a compendium containing the specific excerpts from documents on which they rely and provide links to the compendium and the record in their factums.

Unless otherwise directed, a factum on a motion or application shall be no longer than twenty pages, double-spaced. Parties shall either file books of authority or provide hyperlinks to electronically posted caselaw and other authorities in their factums.

Any party seeking costs must be prepared to address the issue at the hearing.

At least three days before the hearing, each party shall file the following materials in CaseLines:

- Their motion or application record;
- A compendium, if the record exceeds 200 pages;
- Any transcripts of examinations and cross-examinations;
- Affidavits of service or certificates of service;
- A factum and book of authorities, if required;
- A draft order and draft endorsement in Word format;
- A confirmation; and
- A cost outline in Form 57B (but not any settlement offers or materials referring to settlement discussions).

SEEKING AN URGENT HEARING

An urgent hearing may be obtained for the adjudication of a motion or application orally or in writing. Urgent hearings are set at the discretion of the Local Administrative Judge for civil matters or another judge acting in their behalf. Hearings will be set on an urgent basis where a party establishes the risk of a serious financial, legal or personal consequence if the motion or application is not heard promptly.

Requests for an urgent date should be emailed to the Trial Coordinator's Office at Ottawa SCJ TC Office ottawaSCJ.TC.Office@ontario.ca. Absent exceptional circumstances, responding parties should be copied on this email. If they are not copied, the requesting party must explain why.

The party seeking an urgent date should attach:

- a letter explaining the basis for the request, how much time will be required for the hearing; and whether the hearing must, in their view, take place within a specific deadline.
- a copy of their notice of motion or application
- any communications from responding parties regarding the proposed urgent hearing.

The triage judge may either grant the request or deny the request for hearing or refer it to a case management conference. Their direction or endorsement is sent to the Trial Coordinator's Office so that it can be put on the court record and sent to the parties.

CASE CONFERENCES

A party may request a case conference by e-mailing the case management coordinator at Ottawa.associatejudges@ontario.ca a completed Case Conference Form. The subject-line of the email shall be in the following format:

“Request for a Case Conference - Jones v. Smith – CV-XX-XXXX”

The party shall attach any communications for other parties regarding the proposed case conference.

A party seeking an urgent case conference shall explain the basis for the request and whether the conference must, in their view, take place within a specific deadline.

The case management coordinator shall advise the parties of the available dates for the case conference and provide any other directions.

SETTING CASES DOWN FOR TRIAL

A party shall set a case down for trial by complying with the steps set out in Rule 48. When setting a case down, the party shall file a trial record (unless the case is proceeding under Rule 76); a Pre-Trial Certification form; and a draft Pre-Trial Conference Report form. On each form, the party setting the case down shall complete all relevant fields. They shall also attach a list of witnesses and the expected duration of their testimony or, alternatively, a trial management plan pursuant to Rule 76.10(2).

Parties may be assigned trial dates and pre-trial conference dates by the case management co-ordinator if they certify that:

- they have completed all necessary steps prior to trial;
- they have conferred with the other parties and have exchanged witness lists with the estimate time each will require; and
- the parties agree on the length of the trial.

If the parties have not completed all steps, have not been able to confer, are unable to identify the witnesses they intend to call, or are otherwise unable to estimate the required length of hearing, the parties will be scheduled to appear in Trial Management Court.

Parties are reminded that they should not set matters down for trial unless they are truly ready to proceed. If they would like to move the case forward but are not ready for trial, they should seek a case conference to set a timetable or any other required direction or order.

PRE-TRIAL CONFERENCES

At least five days prior to any pre-trial conference, every party shall serve an electronic brief and post it in CaseLines. Briefs shall not be filed in the court record. Each brief shall be no greater than twenty pages, double-spaced, and prepared in searchable PDF format. Excerpts from key documents may be appended, and the brief may contain hyper-links to expert reports, case law, and any other pertinent documents. Pre-trial conference memos should indicate the latest stage of parties' settlement discussions.

Each party shall also file a list of witnesses that they intend to call at trial and a brief explanation of their connection to the proceeding. This list shall be a document separate from the party's pre-trial brief.

Pre-trial conferences are generally set by a judge at trial management court or by the case management coordinator, without any request by the parties, after a trial record has been filed. A request for a pre-trial conference may however be submitted to the case management coordinator at Ottawa.associatejudges@ontario.ca. The subjectline of the email shall be in the following format:

“Request for a Pre-Trial Conference - Jones v. Smith – CV-XX-XXXX”

The request shall attach a document, no more than two pages, double-spaced, briefly explaining the nature of the action; whether a pretrial conference has already taken place; whether a trial date has been set; any issues that have impeded resolution; and why a pre-trial conference would be of assistance.

If the request for a pre-trial conference is not on consent, the party opposing the request shall submit an email, no longer than two pages, double-spaced, setting out the reasons for their position.

The parties’ emails shall be submitted to a triage judge or associate judge for disposition. If the request is granted, the case management office shall set a date and time for a pre-trial conference after canvassing the parties’ availabilities.

APPOINTMENT OF A CLASS PROCEEDINGS JUDGE

A request for appointment of a class proceedings judge in a proposed class proceeding shall be submitted by email to the trial coordinator, who will forward it to Regional Senior Justice.

Justice Sally Gomery

Local Administrative Judge, Civil Matters, Ottawa

April 16, 2022, updated May 2, 2022 and March 28, 2023

Attachments:

Short Civil Endorsement Form

Summary Judgment Motion Hearing Request Form

Long Motion or Application Hearing Request Form

Case Conference Form

Pre-Trial Certification Form

Pre-Trial Conference Form

Booking Motions and Applications with Calendly