Motions

This page contains details regarding the preparation and scheduling of motions of various types in the various judicial districts in which we practice.

When preparing motions, be sure to check the practice guides in the judicial district in which the motion is to be heard. The county law associations typically post such guides, along with the courts' practice directions, on their websites.

Ottawa (Home jurisdiction)

For complete information:

Ottawa practice direction regarding civil scheduling

Direct links to motion schedules:

- One to two hours
- Thirty minutes to an hour
- Under thirty minutes

Motions documents

Motions require a full record prior to submission. A motion record consists only of the evidence and other supporting documents required for the motion.

The following documents should be prepared before the motion is filed:

1. a notice of motion;
2. any supporting affidavits for the motion, including exhibits;
3. a draft order for the Court on the motion; and
4. a civil endorsement form.

One may optionally prepare a factum for the motion before the motion is filed. A lawyer may direct that a factum is to be included in the motion record. If so directed, include the factum after the notice of motion, but before any supporting affidavits.

The notice of motion and supporting documents are collected and bound as a motion record. A motion record must have a **white** first page if our firm is acting for the **moving party**. A motion record must have a **green** first page if our firm is acting for the responding party.

Rule 37.10

External Link|Rule 37.10 contains the requirements for a motion record. It should be reviewed as part of compiling a motion record to ensure that all requirements are met.

Contents of Motion Record

(2) The motion record shall contain, in consecutively numbered pages arranged in the following order,

(a) a table of contents describing each document, including each exhibit, by its nature and date and, in the case of an exhibit, by exhibit number or letter;

(b) a copy of the notice of motion;

© a copy of all affidavits and other material served by any party for use on the motion;

(d) a list of all relevant transcripts of evidence in chronological order, but not necessarily the transcripts themselves; and

(e) a copy of any other material in the court file that is necessary for the hearing of the motion.

Responding Party’s Motion Record

(3) Where a motion record is served a responding party who is of the opinion that it is incomplete may serve on every other party, and file, with proof of service, in the court office where the motion is to be heard, at least four days before the hearing, a responding party’s motion record containing, in consecutively numbered pages arranged in the following order,

(a) a table of contents describing each document, including each exhibit, by its nature and date and, in the case of an exhibit, by exhibit number or letter; and

(b) a copy of any material to be used by the responding party on the motion and not included in the motion record.

Material may be Filed as Part of Record

(4) A notice of motion and any other material served by a party for use on a motion may be filed, together with proof of service, as part of the party’s motion record and need not be filed separately.

Motions checklist

Immediately before filing a motion, make sure that the following documents are submitted to the Court.

1. Motion record, including a notice of motion.
2. A .docx version of the draft order for the Court's review.
3. A completed civil endorsement form.
4. (Optionally, at lawyer's discretion) A factum.*

**Factums may be included in a motion record.*

These documents are filed as one package for the motion by using the electronic filing system.

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