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AMENDMENTS TO THE ONTARIO RULES OF CIVIL PROCEDURE

This chart is updated as of July 1, 2017.

This table is intended as a guideline only. The statutory provisions listed must be consulted.

Topic	Section	Former Rule	New Rule
Definitions	1.03(1)	Newly added	Definition of “timetable” & “limited scope retainer”
Interpretation	1.04(1.1)	Newly added	In applying the Rules, the Court shall make orders proportionate to importance, complexity, and amounts
Telephone & Video Conferences	1.08(1)	Para 8 allowed pre-trial conf, case conf, settlement conf, or trial management conf to be conducted by way of telephone or video	Para 8 allows only pre-trial conference and case conference to be conducted by way of telephone or video
	1.08(3)	Where no consent, motion required for telephone or video conference	Court may make order on a motion or on its own initiative
	1.08.1(9)	Rule re video conference re: Solicitors Act assessments revoked 1 Jan ‘10	Revocation revoked - the rule remains in place
Stay/Dismissal if Vexatious etc.	2.1	Newly added	The court may on its own initiative stay or dismiss a proceeding (subrule 2.1.01) or motion (subrule 2.1.02) if it appears to be frivolous, vexatious or otherwise an abuse of process. The determination is made in a summary manner on the basis of written submissions (unless the court orders otherwise). The parties are notified by the registrar that the court is considering such an order and the rule governs time lines within which submissions must be filed. Subrule 2.1.03 deals with parties who have been declared to be vexatious litigants under s. 140(1) of the <i>Courts of Justice Act</i> . It is a mandatory rule requiring the court to stay or dismiss any proceeding commenced without leave by a party subject to an order under s.140.
Time	3.01(1)(b)	Computation of time – where less than 7 days, holidays are not counted	Where 7 days or less, holidays are not counted
	3.02(4)	Extension/Abridgment of Time – time for serving, filing, delivering can be extended on consent (except in case management actions)	Extensions on consent allowed in case management actions
	3.04	Newly added	Rules regarding “Timetables” (1) and (2) may be amended by written agreement (3) parties may not agree to amend the date before which an action shall be set down for trial (4) failure to comply with timetable may lead to a stay, dismissal, striking of defence, or any other just order
Filing of Documents	4.05(2)	Newly added	Para 4 – documents re: motions to transfer an action shall be filed in the court to which the transfer is sought
	4.05(4.1.1)	Limit on who may issue and file documents electronically	Revoked
	4.05(8)	Newly added	Documents filed electronically after hours effective next business day (except documents filed under rule 60.07 (writs of seizure and sale), which may provide that a document issued or filed after hours was issued or filed on that same day)
	4.05(9)	Newly added	Electronic issuance or filing satisfies signature requirement
	4.05(10)	Newly added	Signed documents (i.e. affidavits) shall be retained until earlier of: date on which rules require signed version be filed; and 5 th anniversary of electronic filing
	4.05(11)	Newly added	Where there are inconsistencies between a document filed electronically and information provided by the person who filed it, the electronic document prevails, and the registrar may request clarification

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Filing of Documents	4.05.1	Listed the types of document that can be electronically issued/filed	Revoked
	4.07(1.1)	Newly added	Specific FRONT covers for motions: green (respondent's motion record); orange (motion for further evidence), white (all others)
Duty of Expert	4.1.01	Newly added	(1) to provide fair, objective, non-partisan opinion evidence related only to matters within area of expertise, and provide additional assistance as the court requires (2) this duty prevails over any other obligation
Separate Hearings	6.1.01	Newly added	On consent, the court may order separate hearings on separate issues, including issues of liability and damages
Parties Under Disability	7.07(2) 7.07.1(2) 15.04(3) 24.02(1) & (2) 38.08(4)	Noting in default Discontinuance Removal of Lawyer as Solicitor of Record Dismissal for Delay Abandoned Applications	The rules are clarified with respect to who must be served with motions re: noting in default, discontinuance, removal of lawyer as solicitor of record, dismissal for delay, and abandoned applications where there is a party under disability: where the litigation guardian is not the Children's Lawyer or PGT, BOTH the litigation guardian AND the Children's Lawyer or PGT must be served
Parties Under Disability	7.08(2.1)	Newly added	Clarifies that rules re: court approval of a settlement do not apply to a settlement appointing a guardian of property or of the person
	7.08(4.1)	Newly added	Where there is no litigation guardian and court approval of a settlement is sought, affidavits are required of the moving party/applicant and his/her lawyer
Class Proceedings	12.06(1.1)	Newly added	Motion for leave to appeal under the CPA heard in writing
	12.06(5)	Newly added	If leave to appeal is granted under the CPA, notice of appeal and certificate respecting evidence to be delivered within 7 days
Commencement of Proceedings	13.1.01(3)	Newly added	A claim relating to a mortgage shall be commenced in the county that the RSJ of the region in which the property is located designates for such claims
	13.1.02 (3.1)	Newly added	A motion to transfer a proceeding may be brought in the county to which the transfer is sought
Originating Process	14.04	Newly added	(1) A statement of claim (14A or B), or notice of action may be filed electronically if the place of commencement is a court location for which the software authorized by the Ministry may be used. (2) This does not apply unless the plaintiff specifies an e-mail address at which s/he agrees to accept documents. (3) Form 14F (Information for Court Use) does not apply if statement of claim or notice of action is filed electronically. (4) The statement of claim or notice of action must be filed in paper format when the plaintiff files any other document in the action in paper format (except documents filed in noting defendant in default), or on the request of the registrar
	14.07(3)	Newly added	A statement of claim, mortgage action, or notice of action that was filed electronically may be issued electronically, in which case subrule (2) requiring the document filed with the court does not apply
Representation by a Lawyer	15.01(4)	Newly added	Permits a party to be represented by a lawyer acting under a limited scope retainer ("LSR"), but this does not make that lawyer the 'lawyer of record'
	15.01.1	Newly added	A person with a lawyer under a LSR is considered to be acting in person, meaning anything required to be done under the Rules is required to be done by the party, unless the lawyer acting under limited scope retainer is the lawyer of record
Service of Documents	16.01, 16.05, and 16.09 16.06.1	Various Amendments Newly Added Rule – "Service by E-mail"	Amendments and newly added Rules allowing counsel of record to consent to the service of documents by email; providing a method of obtaining an Order directing documents to be served by e-mail; setting out the required information in e-mail messages accompanying the documents; and the method by which service of a document by e-mail may be proven

Topic	Section	Former Rule	New Rule
Service Outside Ontario	17.02(h) and (o)	A party may be served outside Ontario without leave in a claim where the damages were sustained in Ontario; or in a claim against a person outside Ontario who is a necessary party to an action properly brought against another person in Ontario	Revoked
Summary Judgment	20.04(2.1) 20.04(2.2)	Newly added	Judge may exercise following powers on a SJ motion: weigh the evidence, evaluate credibility, draw reasonable inferences, order oral evidence to be presented
	20.05	Powers of the Court where summary judgment refused and matter ordered to be set down for trial – terms that court could impose limited to payment into court, security for costs, and limiting the nature and scope of discovery	Powers much more broad and designed to have appropriate cases tried expeditiously: setting time limits for delivery of documents, bringing of motions and filing of material facts not in dispute; establishment of a discovery plan; time limits on examinations; ordering evidence by affidavit; ordering experts to meet; delivery of opening statements; payment into court; security for costs
	20.06	Presumption that where moving party loses, the Court shall fix costs on a substantial indemnity basis	Presumption removed – the Court may fix costs on a substantial indemnity basis if a party acted unreasonably or acted in bad faith for the purpose of delay
Discontinuance & Withdrawal	23.03(1) 23.05	Discontinuance against Defendant results in dismissal with costs	Costs are not automatic. Upon discontinuance, any party to the action, cross claim (if any), or third party claim (if any) may make a motion respecting costs within 30 days
Dismissal for Delay	24.02.1 24.04(1.1)	Newly added	If action dismissed for delay, Defendant must serve Order on every Defendant who has cross-claimed and cross-claim is deemed to be dismissed 30 days after Order served
	24.04(1) 24.05.1	Dismissal for delay entitles Defendant to costs	Costs are not automatic – any party to the action, cross claim (if any), or 3 rd party claim (if any) may make a motion respecting costs within 30 days
Mandatory Mediation	24.1.04	Applies to Toronto, Ottawa, Essex County, and Rule 78, 77, and some Rule 76 actions Exceptions: actions under the Substitute Decisions Act, 1992; Succession Law Reform Act, and Insurance Act	(1) Applies to actions governed by the Rule prior to 1 Jan '10, and still applies to Toronto, Ottawa, and Essex County
			(1) para. 3 newly added – applies to actions transferred to Ottawa, Toronto, Essex after January 1, 2014
			(2) and (2.1) Old exceptions still apply, plus: Toronto actions on the Commercial List, Rule 64 (Mortgage) Actions, actions under the Construction Lien Act and Bankruptcy and Insolvency Act, and class actions that have been certified
	24.1.09(1)	Mediation must take place within 90 days of defence being filed	Mediation must take place within 180 days of defence being filed
	24.1.09(2.1)	Transition – for actions governed by the rule immediately before 1 Jan '10, 180 days begins to run on 1 Jan '10	In the case of an action under 24.1.04(1) para. 3, subrules (1) to (6) do not apply, and the court may order the date by which mediation must take place
	24.1.09(5)	Within 30 days of defence filing, plaintiff must file Form 24.1A (Notice of Name of Mediator and date of Session)	Before setting action down one of the parties must file Form 24.1A or a mediator's report that matter has concluded
	24.1.09(6) 24.1.09(6.1)	Mediation co-ordinator to assign a mediator if not done by the parties 'within the times provided	Mediation coordinator to assign mediator if not done by the parties within 180 days of first defence filing
	24.1.09(6.2)	Newly added	In the case of an action under 24.1.04(1) para. 3, if the Court does not order a date by which mediation must take place, and the action is set down for trial, the mediation co-ordinator must immediately assign a mediator
	24.1.09(7.1)	Newly added	Mediation to be held 90 days after appointment of mediator
24.1.11(1.1)	Representative of insurer also required to attend mediation with the insured	Representative of insurer shall attend; insured no longer required to attend	
Third Party Claim	29.14	Newly added	Third and subsequent party claims are given the same file number as the main action, followed by a suffix letter
Discovery	29.1	Newly added – "Discovery Plan"	Various sub rules setting out the requirements. Contact TVA to purchase a precedent Annotated Discovery Plan

Topic	Section	Former Rule	New Rule
Discovery	29.2	Newly added – “Proportionality in Discovery”	In determining whether a question must be answered or document produced, the court must consider whether: time required would be unreasonable; cost would be unjustified; undue prejudice would be caused; it would unduly interfere with the orderly progress of the file; the information is available elsewhere; and the order would result in an excessive volume of documents to be produced
	30.02, 30.03, 31.06 & 34.10	Semblance of relevance test (i.e. “relating to any matter in issue”) re. disclosure, production and scope of examinations	Simple relevance test (i.e. “relevant to any matter in issue”) re. disclosure, production and scope of examinations
	30.03(1)	Service of Affidavit of Documents within 10 days after close of pleadings – documents relating to	Service of Affidavit of Documents – documents relevant to (no time prescribed, but see new Rule 29.1)
	31.03(4)	Newly added	In determining whether to allow more than one party to be examined on behalf of a corporation, partnership, or sole proprietorship, the court has to be satisfied that the answers cannot be obtained from one person without undue expense and inconvenience, and that examination of more than one person would expedite the conduct of the action
	31.05.1	Newly added	(1) Examinations cannot exceed 7 hours, regardless of the number of parties, except on consent or with leave (2) In considering granting of leave, court will consider the amount at issue; complexity of issues; reasonable time required; financial position of each party; the conduct of any party; and a party’s denials or refusals which should have been answered
Motions & Applications	31.03(1) 38.03(1.1)	Motions/Apps heard in the county where proceeding commenced, or to which transferred	Brought and heard in the county where proceeding commenced, or to which transferred
	37.07(6) 39.01(2)	Serve Notice of Motion (and Affidavit) 4 days in advance	7 days (note holidays are not counted – see Rule 3.01(1)(b) re computation of time)
	37.08(1) 38.06(4)	File Notice of Motion 3 days in advance; File Notice of App 4 days in advance	7 days (note holidays are not counted – see Rule 3.01(1)(b) re computation of time)
	37.10(1) 38.09(1)	Serve & file Motion Record 3 days in advance; Serve App Record and Factum 4 days in advance; file App Record and Factum 2 days in advance	7 days (note holidays are not counted – see Rule 3.01(1)(b) re computation of time)
	37.10(3) 38.09(3.1) & (3.2) 39.01(3)	Serve & file Responding Motion Record/ Responding App Record (and Affidavit) 2 days in advance	4 days
	20.03(2); (3) 21.03(2); (3) 22.02(2); (3) 37.10(7); (8) 38.09(1); (3) 40.04(2); (3) 42.02(3); (4)	Moving party: Serve Moving Factum 4 days in advance (file 2 days in advance) Responding party: Serve Responding Factum 2 days in advance (file 2 days in advance)	Serve and file 7 days in advance (note holidays are not counted see Rule 3.01(1)(b) re computation of time) Serve and file 4 days in advance
	34.18(2)	Where a transcript will be referred to at the hearing of a motion or application, it must be filed 2 days in advance	4 days
	37.10(10)(a)	Serve & file refusals & undertakings chart at least 3 days in advance	7 days (note – holidays are not counted see Rule 3.01(1)(b) re computation of time)
	37.10(10)(b)	Serve and file response to refusals & undertakings chart 2 days in advance	4 days
	37.10.1(1) (b) 38.09.1(1) (b)	Confirm motion/application by 2 p.m. 2 days before motion/application	by 2 p.m. 3 days before
	37.12.1(2.1)	Newly added	A consent motion to the court of appeal requires an affidavit setting out why it is appropriate to make the order sought

Topic	Section	Former Rule	New Rule
Motions & Applications	37.15(1.2)	Newly added	A judge/master who is directed to hear all motions in complicated/series of proceedings may make procedural orders to promote expeditious and least expensive determination
	37.15(2)	Judge who hears all motions in a proceeding shall not hear the trial	Added – except with written consent of all parties
	38.13	Newly added	The new Rule 38.13 prescribes all procedural requirements for an application made under s. 140(3) of the <i>CJA</i> (the section under which a person who has been declared a vexatious litigant seeks leave to institute or continue a proceeding). A new form (14E.1) has been added (Notice of Application). The hearing must be in writing, a factum is not required, service must be made on the Attorney General of Ontario.
	39.01(7)		Opinion evidence provided by an expert witness in an affidavit for a motion or application shall include the information listed in Rule 53.03(2.1)
	39.02(1.1) & 39.03 (2.1)		The rules allowing cross-examination on affidavits and examinations and cross-examination of witnesses prior to a hearing DO NOT apply to applications under s. 140(3) of the <i>CJA</i>
Listing for Trial	48.04	Consequence of setting down or consent to listing for trial	(1) & (3) Leave is not required for a motion to compel compliance with any obligation listed in (2)(b) (i.e. discovery, disclosure, abandonment of claim of privilege, duty to respond to request to admit and service of expert report)
	48.14	Entire rule re Status Notices revoked and replaced: formerly required an action to be on the trial list or terminated within 2 years of defence being filed, failing which a status notice would issue requiring action within 90 days, failing which the action was dismissed for delay. Furthermore, an action that was struck from the trial list had to be restored within 180 days, failing which a status notice would issue requiring action within 90 days, failing which the action was dismissed for delay	The new 48.14: “Dismissal of Action for Delay” replaces both 48.14 and 48.15. Noteworthy subsections: (1) The registrar will dismiss an action on the 5 th anniversary of the commencement of the action Additionally, an action that was struck off the list and not restored will be dismissed on the 2 nd anniversary of being struck (1.1) Subrule (1) does not apply to actions on the Toronto Commercial List; nor to actions under the <i>Class Proceedings Act, 1992</i> . (1.2) The order may be issued electronically (4) Dismissal will not occur if a timetable and draft Order are filed at least 30 days before the expiry date. The timetable must reflect a date on which the action will be set down or restored no more than 2 years past the expiry date (5) If the parties cannot consent to a timetable any party may bring a motion for a to status hearing, the motion shall be convened as a status hearing, and the Court (7) retains all the same options in the disposition of a status hearing (8) Subrule 1 does not apply where the plaintiff is under a disability (10) Dismissal may be set aside under rule 37.14
	48.15	Entire rule re dismissal of actions as abandoned revoked and replaced: formerly the registrar dismissed an action as abandoned if more than 180 days had passed since the claim was issued; no defence was filed; the action had not been disposed of or set down for trial; and the registrar had given 45 days notice of the impending dismissal	Transition Rules: (11) A status notice served under this rule before Jan 1-15 ceases to have effect on Jan 1-15 if action not dismissed before Jan 1-15 (subject to subrule (12), below) (12) If a status hearing was scheduled but not held before Jan 1-15, the former rule (i.e. the rule effective on Dec 31-14) continues to apply to that matter (13) Every notice given by the registrar before Jan 1-15 under the former rule 48.15 that an action will be dismissed as abandoned ceases to have effect on Jan 1-15 if the action was not dismissed before that date. [Effective January 1, 2017, the transitions subrules (11), (12), and (13) are revoked].
Conferences	50	Rule was formerly entitled “Pre-Trial Conference” - has been renamed “Conferences”	Newest changes to Rule 50 (as of January 1, 2015): • Rules 50.02, 50.03, and the new 50.13 (case conferences) have been amended to allow a judge, on his or her own initiative, or at a party’s request, to direct a pre-trial conference in both actions and applications • Rules 50.05 and the new 50.13 – the lawyers’ duty includes ensuring s/he has authority to deal with the matters

Topic	Section	Former Rule	New Rule
Conferences			<ul style="list-style-type: none"> • 50.13(3) – a party who requires a person’s approval for a settlement shall arrange ready telephone access to that person throughout the conference • 50.13(5) – identifies matters to be dealt with at case conferences • 50.13(6) – powers of judge/master at a case conference, if notice has been given: make procedural orders; convene a pre-trial conference; give directions; grant an order for interlocutory relief (judge only); and convene a hearing (judge only)
Evidence at Trial (Expert Witnesses)	53.03(1) 53.03(2)	Serve expert report 90 days before trial Serve responding report 60 days before trial	Serve, expert report 90 days before pre-trial conference Serve responding report 60 days before pre-trial conference
	53.03(2.1)	Newly added items that expert’s report shall contain	Various sub rules setting out the requirements. Contact TVA to purchase a precedent Letter Requesting Expert’s Report
	53.03(2.2)	Newly added	Within 60 days of action being set down for trial, parties shall agree to a schedule re: dates for service of experts reports to meet requirements of (1) and (2)
	53.09(1) and (2)	Formulae for discount rates and gross up rates in calculation of awards for future pecuniary damages	Formulae adjusted as of January 1, 2014, but the former formulae continue to apply with respect to actions in which the trial commenced before Jan 1, 2014 – 53.09(3)
Orders	59.04(9); (10); & (12)	New form added 59D	Where party obtains an appointment to have an order settled by the court, the party must serve new form 59D on all other parties represented at the hearing, and file it with proof of service at least 7 days before the appointment date
	59.08	Newly added	If a lawyer acting under a limited scope retainer (LSR) appears at a hearing for a party, but is not the lawyer of record, the lawyer shall act in the place of the party for the purposes of this rule (i.e. the rule governing the taking out of orders), unless the LSR states otherwise AND the lawyer provides written notice to the parties and registrar
Enforcement of Orders (Writ of Seizure and Sale)	60.07 & 60.07.1 & 60.15	Many changes	Many of the technical rules governing writs of seizure and sale (and their withdrawal) have changed substantially, especially with respect to electronic issuance and filing. Counsel who often issue writs are well advised to re-visit Rule 60.07, as the methodology they have employed until now may be outdated
Enforcement of Orders (Garnishment)	60.08(12)	Debt of the garnishee includes a debt payable when the Notice is served and a debt payable within 6 years after the Notice is served	Debt includes a debt payable when the Notice is served and a debt payable within 6 years after the Notice is issued
Enforcement of Orders (Generally)	60.20	Newly added	Only the following individuals may issue or file documents electronically under Rule 60 (enforcement of orders): A lawyer or one licensed under <i>Law Society Act</i> to provide legal services; A person who has filed a requisition with the registrar to do so; and A Minister or body acting under the authority of an Act of Canada or Ont.
Appeals to an Appellate Court	61.03.1(2)	Notice of motion for leave to appeal to court of appeal states that it will be heard 36 days after service of moving party’s materials	Should now state that the motion will be heard on a date to be fixed by the Registrar
	61.03.1(6) & (10)	Parties on a motion for leave to appeal to court of appeal to file 3 copies of motion record, factum, and transcripts, if any	In addition, must file an electronic version of the factum. (Note under rule 12.06(4) motions for leave to appeal under the <i>Class Proceedings Act</i> now only require one copy each of the motion record, factum, transcripts, and book of authorities)
	61.13(5) 61.13(8) 61.16(8) 61.13.1(2)	Circumstances by which an appeal, cross appeal, or motion in appellate court are dismissed “with costs” (i.e. failure to deliver materials in time)	Costs fixed at \$750
	61.14(4)	Newly added	Abandonment (or deemed) of appeal, cross-appeal is without costs if party did not file a response to the appeal or cross-appeal, unless a judge orders otherwise
	61.16(1.1) 61.16(4.1)	Newly added Newly added	Confirmation of Motion is not required at the Court of Appeal Facta on oral motions at Div. Ct. require an estimate of time

Topic	Section	Former Rule	New Rule
Appeals from Interlocutory Orders	62.01(5) 62.01(7)	File Notice of Appeal; serve and file Appeal Record and Factum 4 days before hearing	7 days (note – see Rule 3.01(1)(b) re computation of time)
	62.01(8) 62.01(8.1)	Serve and file Responding Factum 2 days before hearing	4 days
	62.02(1)	Leave to appeal to Div. Ct. to a judge	Leave to appeal to a panel of the Div. Ct.
	62.02(2) and (3)	Used to specify time for service of notice of motion for leave to appeal, and timing of hearing date – REVOKED Jan 1, 2015	Motions for leave to appeal an interlocutory order (i.e. to the Divisional Court) shall be heard in writing, without the attendance of parties or lawyers Rules 62.02(5),(6),(6.1), and (6.2) are revoked and the new Rule 62.02(5) sets out the procedure to be followed for the motion in writing (incorporates subrules 61.03.1(4) to (19) (i.e. the rules governing motions for leave to appeal to the court of appeal), with necessary modifications, including the requirement that only one copy of the motion record, facta, transcripts, and books of authority is required).
	62.02(7)	Judge granting leave shall give brief reasons in writing	Revoked
Judicial Review	68.04(3) (d.1) & 68.04(6) (d.1)	Newly added	Applicant's and respondent's facta require estimate of time for oral argument
	68.06(3)	Application for judicial review shall be dismissed for delay "with costs"	Costs fixed at \$750
Estates Non-Contentious Proceedings	74.01	Newly added definition	"proof of death" means documentary evidence, including a death certificate issued by the Registrar General; a certificate issued by a funeral director; or an order made under the <i>Declarations of Death Act, 2002</i>
	74.02(7.1) to (7.5)	Newly added	New procedure on the delivery by the registrar of a will that was deposited for safekeeping. Following the death of the testator, the will may be delivered to trustee, or his/her lawyer. Alternatives now available if all trustees not able to sign an authorization.
	74.04(1) (g.1) 74.06(1) (c.1)	Newly added form required on an Application for Certificate of Appointment of (Succeeding) Estate Trustee with a Will limited to the assets referred to in the will	Materials must be accompanied by a draft order (Form 74.13.2). Note this is a newly added form entitled "Order for Certificate of Appointment of (Succeeding) Estate Trustee with a Will Limited to the Assets Referred to in the Will"
	74.14.1	Newly added	Describes method by which one may obtain an authentication of a certificate of appointment of estate trustee
	74.14.2	Newly added	Describes method by which one may obtain a confirmation of the status of a person as an estate trustee
	74.18(3.2)	Newly added	Service of applications to pass accounts must be served on persons who act as attorneys or guardians for property for a person with a disability who has a contingent or vested interest in the estate
	74.18(4),(5) (7)	Service of Applications to Pass Accounts (4) service in Ontario - 45 days before hearing (5) outside Ontario – 60 days before hearing (7) Notice of Objection 30 days before	(4) now 60 days (5) now 75 days (7) now 35 days
	74.18(8), (8.1), (8.2), (8.3)	Newly added	A person served with an application to pass accounts who does not object to the passing but wants to receive notice of further steps may serve & file a request for further notice (Form 74.45.1). This entitles him or her to receive notice of further steps; receive further documents; file material relating to costs; and examine witnesses re: costs. No response at all means the person is not entitled to any of these things
	74.18(8.4)	Newly added	To withdraw an objection, must serve & file notice at least 15 days before the hearing

Topic	Section	Former Rule	New Rule
Estates Non- Contentious Proceedings	74.18(8.6)	Newly added	Any person served with an application to pass accounts who wishes to seek costs must serve & file a request for costs at least 10 days before the hearing
	74.18(9)	Application record filed at least 10 days before hearing	Application record filed at least 5 days before hearing
	74.18(9)(a) (iv.1)	Newly Added	Application Record must include any requests for increased costs (and responses thereto), and costs outlines
	74.18(10) and TARIFF C	Costs on Applications to Pass Accounts – Tariff C Revoked and Replaced	Amount of Receipts Amount of Costs Less than \$300K \$2,500 \$300K - \$500K \$3,000 \$500K - \$1M \$3,500 \$1M - \$3M \$5,000 \$3M+ \$7,500
	74.18(11), (11.1),(11.2) (11.3),(11.4) (11.5)	(11.1) request may only be served between 10 days after service and 20 days before hearing (11.2) may object to request by returning form 12 days before hearing (11.3) person making request must file documents and affidavit 10 days before hearing	(11) specify amount sought, submit a costs outline (11.1) now 15 days before hearing (11.2) now 10 days before hearing (11.3) now 5 days before hearing (11.4) court may seek more information; may order increased costs without a hearing
	74.18(11.5) to (11.9)	Formerly <i>Rules</i> provided no procedural guidelines for contested passing of accounts hearings	(11.5) applicant must serve & file 10 days before the hearing remaining notices of objection and replies to notices of objection (11.6) served on everyone with an un-withdrawn objection, those who filed requests for further notice, and the PGT/Children’s Lawyer who did not file a notice of non-participation (11.7) applicant must file a record 5 days before the hearing: (see a) through i)) (11.8) & (11.9) if draft order is agreed to, call it a joint draft order, if not agreed to call it applicant’s draft order, other parties may file an alternate draft order 3 days before
74.18(13.1) and (13.2); 75.06(3.1)	Newly added	(13.1) the court may order that the application proceed to trial, and may give directions including re: issues to be tried; timing and scope of disclosure; witnesses and length of testimony; procedure to be followed at trial 74.18(13.2) and 75.06(3.1) court may also order mediation, or if subject to Rule 75.1, give any direction that may be given under Rule 75.1.05(4) (related to both an application to pass accounts and a motion/application for directions)	
Court-Ordered Estates Mediation	75.2	Newly Added	This new Rules governs and applies to proceedings for which the court gives direction under 74.18(13.2)(b) or 75.06(3.1)(b) that a mediation session be conducted 75.2.03 deals with motions for directions 75.2.04 deals with the choice of mediator and timing for same 75.2.05 deals with procedure before the mediation, including preparation of a statement of issues at least 7 days before mediation 75.2.06 deals with who must attend mediation and consequences of failing to attend 75.2.07 deals with remedies for non-compliance (i.e. failure to attend mediation) 75.2.08 confirms that mediation remains confidential, without prejudice 75.2.09 deals with the outcome of the mediation: Mediator’s report; written agreements; consequences of failure to comply with written agreement; and what happens if no agreement is reached 75.2.10 says the court may make an order requiring an additional mediation, on consent
Simplified Procedure	76.02(1) 76.13(2) 76.13(7), (8)	Rule available for claims worth \$50,000 or less	\$100,000 or less
	76.03(1)(a) 76.08(a)	Semblance of relevance test (i.e. “relating to any matter in issue”) re. disclosure and production	Simple relevance test (i.e. “relevant to any matter in issue”) re. disclosure and production

Topic	Section	Former Rule	New Rule
Simplified Procedure	76.04(1) 76.04(2)	All discovery, including oral, not permitted	Oral examinations for discovery limited to 2 hours, regardless of number of parties to be examined
	76.06 76.07	Rules regarding dismissal by Registrar and Summary Judgment	Revoked
	76.09(1)	Plaintiff to set matter down for trial within 90 days of first defence filed	180 days
	76.10(2) 76.10(3)	Rules regarding attendance at Pre Trial Conference and Authority to Settle	Revoked
	76.12(1)1.1 76.12(1)4.1	Newly added	Re: Summary Trials – plaintiff/defendant may examine in chief the deponent of any affidavit served for up to 10 minutes
	76.13(11)	Newly added – transition	In actions commenced after 1 Jan '02 and before 1 Jan '10, sub rules (2), (7), (8) apply as if "\$100,000" read "\$50,000"
Civil Case Management	77	Entire rule revoked and replaced. Many subsections remain essentially the same	.01 purpose of the rule – only for cases where a need for the court's intervention is demonstrated - responsibility for managing proceedings remains with the parties - nature of case management shall be informed by local practices or judicial resources .02 rule applies only to actions in Ottawa, Toronto, and Essex County assigned to case management by order (same exceptions apply) .05(2) action may be assigned to case management on court's own initiative, on the request of a party, or on motion .05(4) criteria re: whether to assign to case management essentially the same, except new purpose of the rule must be considered, as well as whether there has been substantial delay in the proceeding .06 all steps in a proceeding may be directed to be heard by the same judge (including motions - .07(2)), who cannot preside at the trial, except with the parties' written consent .07 not required to file a case management motion form, costs of motions shall be addressed at the end of each motion, regardless of whether the motion was contested .08 transition rules – if Rule 77 or 78 applied to an action before 1 Jan '10, it shall continue to apply; and all orders, directions, and timetables shall remain in force
Toronto Civil Case Management Pilot Project	78	Entire rule revoked as of 1 July '09	Entire rule revoked as of 1 Jan '10
Small Claims Court	O Reg. 439/08	Monetary jurisdiction \$10,000 or less (O. Reg. 626/00)	Monetary jurisdiction \$25,000 or less



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