



## MEMORANDUM

**TO:** Bar associations, Media and Justice Stakeholders

**FROM:** Office of the Chief Justice, Ontario Superior Court of Justice

**RE:** Information on Matters to be Heard in the Ontario Superior Court of Justice during the COVID-19 crisis, Effective April 6, 2020

**DATE:** April 2, 2020

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- Chief Justice Morawetz issued Notices to the Profession for criminal, civil and family matters on March 15, effective March 17, 2020. They suspended regular operations of the Ontario Superior Court of Justice (SCJ) due to the COVID-19 crisis, until further notice, except for limited “urgent” civil, family and criminal matters.
- On April 2, 2020, Chief Justice Morawetz issued two new Provincial Notices to the Profession – one for criminal, and for civil and family. Each Regional Senior Justice also issued Notices to the Profession. They are all effective April 6, 2020. The Provincial and Regional Notices to the Profession are posted on the [SCJ website](https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/) at <https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/>
- The new Provincial Notices to the Profession address how to email material to the court, service by email, media access to court proceedings, and gowning.
- The eight Regional Notices expand upon the scope of matters that may be heard during the COVID-19 crisis beyond “urgent” matters. **The Regional Notices to the Profession direct which matters may be heard in each region, and the process to follow.** Each region has different case volumes and levels of support to enable virtual court hearings. Thus, the scope of matters to be heard varies among regions.
- In addition to previously defined “urgent” matters, and effective April 6, 2020, the following **civil and family matters** will now be heard in most court locations:

### CIVIL

- ✓ Pre-Trial Conferences that have a settlement objective.
- ✓ Rule 7 motions or applications for approval of settlement, in writing.
- ✓ Consent motions, in writing.



## FAMILY

- ✓ Requests for consent orders submitted by 14b motions under the Family Law Rules.
  - ✓ Case conferences with a potential limit on the number of issues that can be addressed at the hearing.
- Effective April 6, 2020, the following **criminal matters** will now be heard in most court locations:

## CRIMINAL

- ✓ Broader range of judicial pretrials.
  - ✓ Guilty pleas resulting from judicial pretrials.
  - ✓ Extensions of orders such as stays of prohibition.
  - ✓ Other matters can be considered on request based on urgency.
- Regional Notices to the Profession may permit additional matters to be heard.

The chart below summarizes which matters may be heard in each region.

**Counsel and parties are strongly advised to confirm which matters will be heard in each region by reviewing the applicable Regional Notice to the Profession, dated April 2, 2020. The process for having a matter heard is also set out in each Region's Notice to the Profession.** Matters will be heard exclusively in-writing or by telephone or video conference.

<b>Region</b>	<b>Civil</b>	<b>Criminal</b>	<b>Family</b>
Central East	<ul style="list-style-type: none"> <li>- Urgent civil matters as set out in Mar 15 Notice to Profession</li> <li>- Pre-trials cancelled due to court closure may be rescheduled</li> <li>- Rule 7 approval of settlement</li> <li>- Urgent estates matters</li> </ul>	<ul style="list-style-type: none"> <li>- Urgent &amp; previously scheduled judicial pre-trials</li> <li>- 90-day and other bail reviews</li> <li>- Guilty pleas for in-custody defendants</li> <li>- <i>Habeas corpus</i> applications</li> <li>- Other urgent matters</li> </ul>	<ul style="list-style-type: none"> <li>- Urgent matters as set out in Mar 15 Notice to Profession</li> <li>- 14B consent motions</li> <li>- Motions to Change on consent</li> <li>- Urgent case conferences</li> <li>- Additional <i>CYFSA</i> matters</li> </ul>
Central South	<ul style="list-style-type: none"> <li>- Urgent civil matters as set out in Mar 15 Notice to Profession</li> </ul>	<ul style="list-style-type: none"> <li>- Urgent criminal applications</li> <li>- Bail, bail review and detention reviews</li> </ul>	<ul style="list-style-type: none"> <li>- Urgent matters as set out in Mar 15 Notice to Profession</li> <li>- 14B consent</li> </ul>



Region	Civil	Criminal	Family
	<ul style="list-style-type: none"> <li>- Consent motions</li> <li>- Rule 7 approval of settlement</li> <li>- Motions in writing</li> </ul>	<ul style="list-style-type: none"> <li>- Joint submission guilty pleas for those in custody</li> <li>- Extending stays of driving prohibitions, fine payment, bail pending appeals</li> <li>- <i>Habeas corpus</i> applications</li> <li>- Judicial pre-trials</li> </ul>	<ul style="list-style-type: none"> <li>motions</li> <li>- Motions in writing with agreement to proceed in this fashion</li> <li>- Case conferences on limited issues</li> </ul>
Central West	<ul style="list-style-type: none"> <li>- Urgent civil matters as set out in Mar 15 Notice to Profession</li> <li>- Consent motions</li> <li>- Rule 7 approval of settlement</li> <li>- Motions in writing</li> </ul>	<ul style="list-style-type: none"> <li>- Urgent criminal applications</li> <li>- Bail, bail review and detention reviews</li> <li>- Joint submission guilty pleas for those in custody</li> <li>- Extending stays of driving prohibitions, fine payment, bail pending appeals</li> <li>- <i>Habeas corpus</i> applications</li> <li>- Judicial pre-trials for in-custody and out-of-custody accused</li> </ul>	<ul style="list-style-type: none"> <li>- Urgent matters as set out in Mar 15 Notice to Profession</li> <li>- Consent 14B motions</li> <li>- Motions in writing where the parties consent to proceed in this fashion</li> <li>- Case conferences on limited issues</li> </ul>
East	<ul style="list-style-type: none"> <li>- Urgent civil matters as set out in Mar 15 Notice to Profession -</li> <li>- Pre-trials cancelled due to court closure may be rescheduled</li> <li>- Rule 7 approval of settlement</li> <li>- in-writing consent motions</li> <li>- case conferences for existing case-managed cases and class actions</li> </ul>	<ul style="list-style-type: none"> <li>- Bail, bail review, detention review, judicial pre-trials, guilty pleas for joint submissions</li> <li>- <i>Habeas corpus</i> applications</li> </ul>	<ul style="list-style-type: none"> <li>- Urgent matters as set out in the Mar 15 Notice to the Profession</li> <li>- 14B consent motions or for procedural or disclosure orders</li> <li>- Case conferences on limited issues</li> <li>- Limited settlement conferences</li> </ul>



Region	Civil	Criminal	Family
Northeast	<ul style="list-style-type: none"> <li>- Urgent civil matters as set out in Mar 15 Notice to Profession</li> <li>- Pre-trial conferences</li> <li>- Rule 7 approval of settlement</li> <li>- Motions in writing for consent orders</li> </ul>	<ul style="list-style-type: none"> <li>- Judicial pre-trials and some resulting guilty pleas for persons in custody</li> <li>- <i>Habeas corpus</i> applications</li> </ul>	<ul style="list-style-type: none"> <li>- Urgent matters as set out in Mar 15 Notice to Profession</li> <li>- 14B Motions on consent or for procedural or disclosure orders</li> <li>- Case conferences</li> </ul>
Northwest	<ul style="list-style-type: none"> <li>- Urgent civil matters as set out in Mar 15 Notice to Profession</li> <li>- Pre-trial conferences</li> <li>- Consent motions</li> <li>- Rule 7 approval of settlement</li> <li>- Motions in writing</li> </ul>	<ul style="list-style-type: none"> <li>- Bail, bail review and 90-day detention reviews</li> <li>- Joint submission on guilty pleas</li> <li>- Extending stays of driving prohibitions, fine payment, bail pending appeals</li> <li>- <i>Habeas corpus</i> applications</li> <li>- Judicial pre-trials for in-custody and out-of-custody accused</li> </ul>	<ul style="list-style-type: none"> <li>- Urgent matters as set out in Mar 15 Notice to Profession</li> <li>- 14B Consent motions</li> <li>- Motions in writing where parties consent to proceed in this fashion</li> <li>- Case and settlement conferences on limited issues</li> </ul>
Southwest	<ul style="list-style-type: none"> <li>- Urgent civil matters as set out in Mar 15 Notice to Profession</li> <li>- Pre-trials cancelled due to court closure may be rescheduled</li> <li>- In-writing Rule 7 approval of settlement</li> <li>- In-writing consent motions</li> </ul>	<ul style="list-style-type: none"> <li>- Judicial pre-trials</li> <li>- Guilty pleas</li> <li>- <i>Habeas corpus</i> applications</li> </ul>	<ul style="list-style-type: none"> <li>- Urgent matters as set out in Mar 15 Notice to Profession</li> <li>- 14B motions – consent, procedural and disclosure orders</li> <li>- Case conferences on limited issues</li> </ul>
Toronto	<ul style="list-style-type: none"> <li>- Urgent civil matters as set out in Mar 15 Notice to Profession</li> <li>- Pre-trials cancelled due to court closure</li> </ul>	<ul style="list-style-type: none"> <li>- Judicial pre-trials &amp; resulting pleas for in-custody and out-of-custody accused</li> <li>- Bail/bail review, 90-day reviews</li> </ul>	<ul style="list-style-type: none"> <li>- Urgent matters as set out in Mar 15 Notice to Profession</li> <li>- 14B consent motions</li> <li>- Urgent case</li> </ul>



Region	Civil	Criminal	Family
	may be rescheduled - Rule 7 approval of settlement - Consent motions - Select Commercial and Estate List matters, including motions, applications, conferences, pre-trials, and judicial settlement conferences - Class action motions in writing, conferences, and select motions	- Summary conviction appeals/extraordinary remedies - <i>Habeas corpus</i> applications	conferences - <i>CYFSA</i> appeals
Divisional Court	- Urgent matters - Non-urgent but time sensitive matters - Other matters if resources are available		

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