



COVID-19 & THE PRACTICE OF LAW

WEEKLY UPDATE

Fola.ca

COVID-19 - WEEKLY CHECK IN LOG #30

October 14, 2020

Summary

Invited participants: Sector calls

OBA, FOLA, LSO, LAO, the Advocates' Society, & OTLA

Superior Court of Justices in Ontario, Court of Appeal for Ontario, & Ontario Court of Justice

MAG - Political, Department staff, and the Recovery Secretariat

Issues discussed:

1. COURTS

- ❖ The OCJ issued two Notices today (Oct 14) stating that all in-person Provincial Offences Act (POA) matters scheduled from Monday, March 16, 2020 through to and including Friday, January 22, 2021 will be adjourned and rescheduled to a later date. You can read Notice #1 [here](#) and Notice #2 [here](#).
- ❖ Over the weekend, the Premier announced a return to a modified Stage Two in Peel, Toronto and Ottawa as a result of significant increases in COVID cases. As a result, the SCJ adjusted operations in those three centres. See Notice [here](#).
- ❖ FOLA has received a verbal update on civil and Small Claims Court defaults from the SCJ staff that, as of October 13th, CSD has resumed processing defaults. New requests to note a defendant in default or to obtain default judgment can only be filed in person. Further, we were told that CSD is working on changes to Civil Submissions Online to allow plaintiffs to e-file them. No official Notice has been posted.
- ❖ The SCJ Small Claims Court is lifting the date range limiting the previously scheduled settlement conferences it will hear remotely at the request of one party. See Notice [here](#).
- ❖ The Thunder Bay Courthouse remains closed due to an electrical fire. Practice Notices regarding Family Law Matters in T-Bay can be found [here](#) and Criminal Law Matters in T-Bay can be found [here](#).
- ❖ The Court of Appeal will resume in-person proceedings as of next week. Consent is needed by all parties - otherwise, proceedings will be held by Zoom. Attendance in Courtrooms to be limited to legal representatives (or a self-represented litigant). Priority is being given to longer trials.

2. MAG

- ❖ MAG continues to explore the creation of a centralized online hub for those looking for protocols and processes when planning a visit to a specific courthouse or needing to conduct matters with a specific Courthouse.
- ❖ MAG is also still exploring ways to disseminate Dockets in a more efficient, consistent, and timely matter and are currently meeting with staff about this.

3. RECOVERY SECRETARIAT

- ❖ Discussions are currently underway regarding Satellite Courts and Zoom capabilities.

- ❖ Site-specific Courthouse HVAC data continues to be circulated to FOLA but in an effort reduce the volume of emails sent by FOLA, they are no longer being sent to librarians. If you would like to receive the most up to date HVAC Courthouse data, please email Katie at katie.robinette@fola.ca with HVAC in the subject line.
- ❖ **REMINDER:** Questions about Courthouse re-openings can be directed to Samantha Poisson at MAGrecoverysecretariat@ontario.ca.

4. FOLA

❖ **SUBMISSIONS:**

1. **FAMILY LEGAL SERVICES PROVIDER (FLSP) LICENSING MODEL CALL FOR COMMENT:** The Law Society's Access to Justice Committee is inviting lawyers to provide comments on a FLSP Licensing model. The proposed scope of permissible activities, required competencies, and outline of the training program are detailed in the Access to Justice Committee's FLSP License Consultation Paper. To ensure we hear from Law Association members in advance of drafting our Submission, FOLA scheduled three Zoom meetings and have reached out to Presidents to delegate one or two members practicing in Family Law to attend. While those meetings have passed, we still welcome input through the month of October. Please email any thoughts/comments to FOLA's Family Law Chair, Sam Misheal at sam@familyseparation.ca.
2. **CONSULTATION ON TOPICS RELATED TO FUTURE CHANGES TO TARIION**
Tarion is seeking public input on several proposed regulatory changes to support the implementation of changes made to the Ontario New Home Warranties Plan Act as a result of the passage of the Rebuilding Consumer Confidence Act, 2020. Changes would also support the proposed designation of a regulatory authority under the New Home Construction Licensing Act, 2017. Comments are due by October 19, 2020. See Regulatory Amendment posting [here](#).
3. **PROPOSED REGULATIONS UNDER THE NEW HOME CONSTRUCTION LICENSING ACT, 2017, TO SUPPORT THE OVERHAUL OF ONTARIO'S NEW HOME WARRANTY AND PROTECTION PROGRAM.** Comments are due by October 19, 2020. See Regulatory Amendment posting [here](#).
4. **PROPOSED REGULATIONS TO SUPPORT THE OVERHAUL OF ONTARIO'S NEW HOME WARRANTY AND PROTECTION PROGRAM.** Comments are due by October 19, 2020. See Regulatory Amendment posting [here](#).

❖ **EVENTS:**

KORBITEC VIRTUAL LAUNCH - ENSURING THE SECURITY OF SHARED LEGAL DOCS
Wednesday October 21, 1-2 PM EDT
FREE LIVE VIRTUAL EVENT

Lawyers are obligated to maintain the confidentiality of client information. Yet many of the methods used to share matter-related documents are not secure. This session will explain how a more modern approach addresses this issue while delivering greater convenience and cost savings. The webinar will feature:

- A keynote from Norm Judah, former Worldwide Services CTO at Microsoft, speaking on "Law Firm Business Continuity"
- Case studies and a demonstration of a secure document exchange portal designed specifically for the Canadian legal marketplace
- As MC, Eugene Cipparone, Director, Professional Support at Goodmans LLP

All attendees will be entered into a draw for a \$200 Amazon gift card. You can learn more and register [here](#).

QUESTIONS/CONCERNS?

Law Association members are welcome to send any issues/concerns related to the practice of law caused by the COVID-19 epidemic to FOLA at katie.robinette@fola.ca and we will continue to address them in as timely a manner as possible. Please also note that FOLA cannot assist in issues related to a specific case and the Courts will NOT provide clarification on any Notice to the Profession. If your concerns are related to issues surrounding health and safety measures as the Courts expand in person operations, please indicate

the name of the Courthouse and the steps you have already taken to address your concerns to MAGrecoverysecretariat@ontario.ca.