

NOTICE TO THE LEGAL PROFESSION AND THE PUBLIC
47 SHEPPARD AVE. E. COURTHOUSE, TORONTO, ONT.

November 1, 2021

1. This notice replaces previous notices.¹
2. Until further notice and in accordance with any Public Health recommendations, all proceedings at 47 Sheppard Avenue E. courthouse shall proceed virtually by telephone conference or by video remote hearing (e.g., Zoom). Cases will not be heard in person until further notice, or unless the court orders otherwise.

FILING OPTIONS

3. There are three filing options:
 - a) Electronic filing using the Family Submissions Online Portal;
 - b) Filing documents by e-mail at 47Sheppard.ocj.courts@ontario.ca or,
 - c) In person filings.

a) Electronic Filing using the Family Submissions Online Portal:

- a. The Family Submissions Online Portal is now the primary method of e-filing documents. The legal profession is encouraged to use the Family Submissions Online Portal rather than e-mail filing. This is a simple and quick way to electronically submit documents at no cost.
- b. When filing the document through the portal an e-mail confirmation will be sent to advise that the court has received the document. Within 5 business days, once the document has been processed, an additional e-

¹ An executive summary of the changes in this Notice to the Profession from previous notices is attached.

mail will be sent to advise if the documents have been accepted for filing or rejected.

- c. As the documents filed in this portal may not be accepted for filing until 5 days have passed, the Family Submissions Online Portal cannot be used if the hearing date is sooner than 5 days.
- d. To access the portal, users are required to create an account using their Ontario One-Key ID. To set up an account, visit www.ontario.ca/familyclaims.

b) Filing Documents by E-mail

- a. The Family Submissions Online Portal is the primary method of e-filing documents now. Lawyers/parties should only submit documents by e-mail if they are unable to submit documents using the Family Submissions Online Portal. Documents should ONLY be filed by e-mail if the matter is urgent and cannot be filed 5 days or more before the hearing date.
- b. All documents must be clearly labelled. The subject line of the e-mail must contain the file number, parties' names (the title of the case), the name of the document being filed and the court return date.
- c. The court staff have been receiving multiple duplications of filings. Documents are being filed through the portal, then e-mailed to court administration, then e-mailed to the trial co-ordinator's office and also being e-mailed to individual court staff. This is causing an inability of

court staff to process the volume of e-mails being received. Do not file electronic documents to multiple e-mail addresses.

d. Any documents that are e-filed by e-mail are to be e-mailed to: 47Sheppard.ocj.courts@ontario.ca. Do not use any other e-mail addresses for e-mail filing, as they will be discontinued as of 1 November 2020.

e. Documents are ONLY to be e-mailed to the trial co-ordinator with respect to Form 14B motions, costs submissions, or if specifically endorsed by the judge.

c) In person filings: In person filings are to be limited as much as possible, as the number of people coming into the courthouse is restricted. Court counters are only open between 9:00 a.m. to 11:00 a.m. and 2:00 p.m. to 4:00 p.m.

PHONE CALLS

4. Do not call the Court Office to inquire if your documents have been received or processed. The administration office and the trial co-ordinator's office are being inundated with calls and e-mails to inquire if documents have been received and processed. Using the portal allows staff to focus on processing documents instead of answering phone calls and e-mails to see if documents have been received and processed, and will enable the staff to meet the 5 business day expectation for the processing of documents.

5. Lawyers and parties are reminded that court staff cannot answer or give advice with respect to legal questions.
6. The appropriate manner of inquiry with respect to a procedural issue is to serve and file a request by Form 14B Motion, not by sending e-mails to court staff and the trial co-ordinator.

CASE CONFERENCE AND SETTLEMENT CONFERENCE BRIEFS

7. Briefs are limited to 8 pages in total including any attachments (but not including professional reports, calculations and any offer to settle). If counsel need to file expanded briefs, leave must be obtained from the case management judge. Relevant orders and endorsements should be included and are not counted in the page limits.
8. Briefs that exceed these page limits will not be accepted by the court for filing, if filed in error, may not be considered by the presiding judge and may result in a costs order for a wasted court attendance.
9. Pending return to normalized court operations late filing of briefs will not be permitted, regardless of any consent from the opposing party. Briefs must be filed within the timelines set out in the Family Law Rules, unless the court orders otherwise.

MOTION MATERIALS

10. The court expects parties will submit only brief materials needed to allow for a fair, timely and summary disposition. Every effort should be made to keep materials brief. Parties filing unnecessarily voluminous material may be subject to a costs order at the discretion of the presiding judge, even if successful on the motion.
11. The page limit for affidavits in support of a motion is 10 pages for the body of the affidavit, and 10 pages for the exhibits. On reply, the page limit is 5 pages for the body of the affidavit and 5 pages for the exhibits.
12. The page limit for affidavits in support of a Form 14B motion is 4 pages, including exhibits.
13. Affidavits that exceed these page limits will not be accepted by the court for filing, and if filed in error, may not be considered by the presiding judge, and may result in a costs order for a wasted court attendance.
14. Relevant orders and endorsements should be included and are not counted in the page limits.
15. If a party believes that a longer affidavit is necessary, leave must be obtained in advance by Form 14B Motion or from the case management judge.
16. The affidavits in these page limits are the only material the judge will consider on the motion. All evidence relied on must be contained in these affidavits.

17. Pending return to normalized court operations late filing of motion materials will not be permitted, regardless of any consent from the opposing party. Motion materials must be filed within the timelines set out in the Family Law Rules, unless the court orders otherwise.
18. All exhibits to affidavits shall be bookmarked for ease of reference and pages shall be numbered.
19. Counsel and parties are requested to provide draft orders with their motion materials, and in Word format (this is not counted in the page limits).
20. A summary of costs claimed/time spent shall be filed along with motion materials, if costs are requested by a party on the motion (this is not counted in the page limits).
21. No Book of Authority containing the full text of authorities may be e-mailed or filed.
22. A statement of authorities relied upon or a factum filed by a party shall hyperlink authorities to a publicly available, free website such as CanLII, and shall include the paragraph references to the authorities being relied upon.

FILING OF LENGTHY DOCUMENTS

23. If a party is filing a lengthy document with permission (with multiple exhibits, or with multiple attachments), such as document briefs, trial records, trial briefs, these documents should be tabbed and indexed and sent to the court by mail,

courier or hand delivered.

URGENT OR EARLY CASE CONFERENCE

24. An urgent or early case conference date can be requested by Form 14B.

URGENT MOTIONS

25. If an urgent motion date is requested, with or without notice, a party must:

- a. Contact the trial co-ordinator's office to secure a date;
- b. A judge will determine whether the motion is urgent and will be heard.
There is no change in the threshold for urgent motions that existed pre-COVID; and,
- c. Serve the motion material (if with notice), and a draft order, and e-mail the motion materials with proof of service to the trial co-ordinator's office.

26. If the motion is for contempt, the moving party can request a date by Form 14B.

27. If litigants need help determining whether their matter is urgent, and understanding the resources available, they may wish to contact the Law Society of Ontario's emergency family law referral line at Toll-free at 1-800-268-7568 or Legal Aid Ontario at 1-800-668-8258.

REMOTE VIDEO (ZOOM) HEARINGS OR TRIALS

28. It is the lawyer's responsibility to ensure that both the lawyer and the party:

- (a) Have access to the appropriate technology needed;

- (b) Have technology which is functioning (a run-through audition should be done before court);
- (c) Are dressed appropriately for court; and,
- (d) Understand and follow court conduct proper protocol (e.g., a private and quiet environment is needed, no smoking, no drinking, no eating, no driving, the use of mute, no other persons in the room, etc.).

29. The issue of how a motion or trial is to proceed must be canvassed with the presiding judge. If there is a dispute as to how a proceeding should be held, the decision will be made on a case by case basis by the presiding judge.

30. All attendances can proceed by telephone conference, remote video (i.e. by Zoom) or when permitted, in person.

31. Instructions for remote video (Zoom) hearings are available from the trial scheduling office.

IMPORTANT INFORMATION REGARDING FILING

32. Parties should make reasonable efforts to communicate prior to a hearing to attempt to resolve the issues. If a contested hearing is necessary, parties should determine the issues that remain in dispute. The parties should make efforts to narrow the issues as much as possible and discuss the nature of any evidence to be heard and how it will be presented.

33. As set out in previous Notices regarding the Scheduling of Family Matters in the

Ontario Court of Justice, the following expectations continue to be in place.

34. These instructions are subject to direction from a judge.

35. Parties shall not assume that the judge hearing a matter will have access to the entire court file.

36. By submitting documents by Family Submissions Online Portal or by e-mail to the court, the party/lawyer agrees to accept e-mail communication from the court with respect to the case. Parties must include their e-mail address, or that of their lawyer, on all documents filed with the court.

37. All documents shall be in PDF format. All documents shall be in 12-point font. Spacing shall be 1.5 lines.

38. The documents to be filed by each party are to be attached to one e-mail only.

39. Each document shall be in a separate PDF attachment to the party's e-mail.

40. Proof of service is required. Affidavits of service are required for any matter to proceed by default, or to prove service on a motion, when one party does not participate, especially an urgent motion. However, where a formal affidavit of service cannot be filed, lawyers/parties should retain a copy of any relevant affidavit(s) of service and/or related documents (e.g. e-mail confirmations) and be prepared to produce it to the court on request.

41. Materials filed by e-mail must indicate when and how service on any other party was made. Lawyers or parties should retain a copy of the relevant affidavit of service and/or related documents (e.g. e-mail confirmations) and be prepared to produce it to the court on request.
42. Where multiple parties have been served, affidavits of service should be combined into one affidavit.
43. The materials should also include any relevant prior orders or endorsements.
44. Where it is not possible to electronically file a sworn affidavit, affidavits may be delivered unsworn, but the affiant must be available to participate in any telephone or videoconference hearing to swear or affirm the contents of the affidavit.

LEGAL RESOURCES

Legal Aid Ontario

45. People who would have received in-person legal aid services through the Family Law Information Centres will be able to continue to get help from Legal Aid Ontario (LAO) over the phone by calling **1-800-668-8258**.
46. If a person has a family court date scheduled within 5 days, duty counsel can be contacted at least 2 business days before the court date at 416-646-1278.

Law Society of Ontario emergency family referral line during COVID-19

47. The Law Society of Ontario continues to support a telephone line to assist people who are self-represented and trying to determine whether or not their family court matter meets the criteria to be heard by the court on an 'urgent' basis and, if so, how to proceed in making their request. The emergency service will connect self-represented litigants with family lawyers, working on a pro bono basis, who will provide 30 minutes of legal advice specific to determining whether or not their family court matter is urgent and referrals to other available legal services.

48. Self-represented litigants may contact the law society by phone at the following numbers to access the service: Toll-free: 1-800-268-7568; General: 416-947-3310.

Law Society of Ontario Referral Service

49. The Law Society of Ontario's Referral Service will provide the name of a lawyer within or near a particular community, who will provide a free consultation of up to 30 minutes to help a party to determine rights and options. Start the online process of obtaining a lawyer referral at <http://www.findlegalhelp.ca/>, 24 hours per day.

A Guide for Self-represented Family Litigants during COVID-19

50. The Ontario Court of Justice has prepared a guide for self-represented family litigants during COVID-19: [Guide for Self-represented Family Litigants during COVID-19](#)

MEDIATION SERVICES

51. The Ministry of the Attorney General provides mediation services. Free online mediation is available for anyone at first appearance, on a conference, motion or trial. Free intakes for 6-hour mediations are also by Zoom, along with the subsidized mediations. The mediation services can also provide information about resources that are available in a given location, including virtual mandatory information sessions.

**Justice Roselyn Zisman,
Local Administrative Judge,
47 Sheppard Ave. E. Courthouse, Toronto, Ont.
1 November 2021**

**EXECUTIVE SUMMARY OF CHANGES
TO THE NOTICE TO THE LEGAL PROFESSION
47 SHEPPARD AVE. E. COURTHOUSE, TORONTO, ONT.
November 1, 2021**

These are the changes/additions from the previous Notice of 31 October 2020:

1. Briefs may now be 8 pages in total, including attachments.
2. Briefs and affidavits which exceed the permitted page limits, if accepted for filing in error, may not be considered by the presiding judge.
3. Affidavits in support of a motion may now be 10 pages for the body of the affidavit, and 10 pages for the exhibits. On reply, the page limit is 5 pages for the body of the affidavit and 5 pages for the exhibits.
4. The court expects parties to make every effort to submit only brief materials.
5. The affidavits in these page limits are the only material the judge will consider on the motion. All evidence relied on must be contained in these affidavits.
6. Draft orders should be provided, and in Word format.
7. A summary of costs claimed and time spent shall be filed, if costs are requested by a party.
8. No Book of Authority containing the full text of authorities may be e-mailed or filed.
9. A statement of authorities or factum shall hyperlink authorities to a publicly available, free website (such as CanLII), and shall include the paragraph references being relied upon.
10. An urgent or early case conference date can be requested by Form 14B.
11. For an urgent motion, with or without notice, a party must:

- (a) Contact the trial co-ordinator's office to secure a date. A judge will determine whether the motion is urgent;
- (b) Serve the motion material (if on notice) and e-mail the motion materials with proof of service to the trial co-ordinator's office; and,
- (c) If the motion is for contempt, the moving party can request a date by Form 14B.

12. It is the lawyer's responsibility to ensure that both the lawyer and the client:

- (a) Have access to the appropriate technology and that it is functioning;
- (b) Are dressed appropriately for court; and,
- (c) Understand court conduct proper protocol (e.g., a private and quiet environment is needed, no smoking, no drinking, no eating, no driving, the use of mute, no other persons in the room, etc.).

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