

NOTICE TO THE PROFESSION

PRACTICE DIRECTION FOR ALL FAMILY MATTERS AT THE OCJ BRAMPTON

RELEASED NOVEMBER 29, 2021

This Local Practice Direction is made in conjunction with the updated Notice to the Profession on Scheduling of Matters in Family Court released by the Office of the Chief Justice of the Ontario Court of Justice on November 12, 2021.

This direction should be read in conjunction with the direction of November 20, 2020 which remains in effect except as changed by this direction.

This direction is subject to change from time to time as may be necessary and is intended to address issues only at the Ontario Court of Justice at Brampton.

CHANGES TO COURT HEARINGS

1. Everything set out below is subject to provincial health guidelines and/or further direction from the Office of the Chief Justice of the Ontario Court of Justice.
2. Effective October 1, 2021 the court has moved to in person hearings for all substantive issues and contested matters in both domestic and child protection matters. This includes, but is not limited to:
 - a) Case conferences
 - b) Settlement conferences
 - c) Trial management conferences
 - d) Motions except 14B motions
 - e) Trials
3. It should be noted that some matters set out above may still be scheduled for Zoom or teleconference hearings as the endorsements may have been made prior to October 1.
4. Initial case conferences will be by teleconference until January 1, 2022. Separate time slots of five matters throughout the day will remain in place until March 1, 2022.
5. Effective March 1, 2022 the time slots will expand. For example, initial case conferences will move from five separate time slots per day to 8 matters per day with three at 10:00 a.m., three at 11:00 a.m., and one each at 2:15 p.m. and 3:15

p.m. Parties must be ready to proceed at their designated time. The triple booking of the morning time slots is a change from the pre-pandemic schedule of 8 matters all set for 10:00 a.m. It is expected that some matters will be spoken to and held down, while other matters proceed. The goal is the most efficient use of court time while allowing the parties time to consult with duty counsel and/or complete Minutes of Settlement.

6. The following matters will move to in person hearings effective March 1, 2022 when it is anticipated that we will have a full complement of duty counsel, a FLIC office, and mediation services on site.
 - a) FRO hearings
 - b) Child protection first attendances on Protection Applications and Status Review Hearings (the Wednesday list) and Place of Safety Hearings

7. The following matters will continue to be heard by Zoom video or teleconference:
 - a) First Appearances before a Rule 40 clerk;
 - b) TBST matters that are scheduled to be by Zoom or teleconference by the case management justice;
 - c) The trial audit (by Zoom video); and
 - d) Some substantive or contested matters, if so ordered, by the case management justice, based upon the health of a party, or the distance of a party's home or counsel's office from the court. Counsel in the GTA or with offices within a 90-minute drive of the court will generally be expected to attend in person unless they are able to make arrangements for an attendance by a fully briefed lawyer agent.

CHANGES TO CASE CONFERENCE AND SETTLEMENT CONFERENCE BRIEFS

8. Briefs are now limited to **10** pages in total including any attachments, except for professional reports, calculations, and any offers to settle. If counsel need to file expanded briefs, leave must be obtained from the case management judge. Orders from other courts that are relevant should be included and are not counted in the page limits. There is no need to include orders or endorsements from matters in this court as the justice will have access to the file.

9. Briefs that exceed these page limits will not be accepted by the court for filing and may result in a costs order for a wasted court attendance.

10. Briefs should be filed within the timelines set out in the *Family Law Rules*. Consents to late filing of briefs should not be used as this practice does not permit court staff sufficient time to process the briefs and forward them to the case management judge.
11. 17F forms must be filed **by email** for every conference at least three days in advance.

FAST TRACK TO A SETTLEMENT CONFERENCE

12. The enactment of Rule 17 (7.1) of the *Family Law Rules* which allows for matters that have proceeded through a dispute resolution process to be fast-tracked to a settlement conference will be implemented effective March 1, 2022, when the court will add dedicated time slots for early settlement conferences.
13. Parties can obtain a settlement conference date at the First Appearance if all pleadings are completed, and they file a certificate from a recognized dispute resolution service. The Peel Family Mediation Service will have approved certificates.
14. The dispute resolution process must have actually occurred for a certificate to be issued so this does not include matters where the parties are screened out of mediation, or where a party fails to attend for a scheduled mediation appointment.
15. Parties are strongly encouraged consider mediation where appropriate. Peel Family Mediation Services is conducting off site mediations. The contact information is:

Phone Numbers: 905-453-7795
Fax: 905-453-7796
Email: info@peelfamilymediation.org
Website: www.peelfamilymediation.org

CHANGES TO MOTION MATERIALS

16. The page limit for affidavits in support of a motion is now **10** pages, plus **6** pages of exhibits.

17. The page limit for affidavits in support of a Form 14B motion is **4** pages, plus **4** pages of exhibits.
18. Affidavits that exceed these page limits will not be accepted by the court for filing and may result in a costs order for a wasted court attendance.
19. There is no longer any need to include orders or endorsements from matters in this court as the justice will have access to the file.
20. If a party believes that a longer affidavit is necessary, leave must be obtained by Form 14B Motion, or from the case management judge.
21. Motion material should be filed within the timelines set out in the *Family Law Rules*. Consents to late filing of motion material should not be used, as this practice does not permit court staff sufficient time to process the material and forward it to the case management judge.
22. Any references to case law or statutes can be made by hyperlink to CanLII.
23. 14C forms must be filed **by email** for every conference at least three days in advance.

FAMILY LAW RULES AMENDMENTS

24. Effective December 1, 2021, the *Family Law Rules*, O. Reg. 114/99 and select forms will be amended to:
 - Create a new Rule 8.0.1 and a new standard order for financial disclosure (Form 8.0.1: Automatic Order).
 - o This order will be issued automatically for all Applications, Answers, Motions to Change or Responses to Motions to Change when claims are first made with respect to decision-making responsibility, parenting time, family property, the matrimonial home or support.
 - o Automatic orders will be made only on eligible claims made on or after February 1, 2022.
 - Extend the timelines for parties to respond to a Form 14B motion from four days to seven days (see Rule: 14(11.4)) and make improvements to Form 14B: Motion.

- Remove fax as an option for communicating or filing material with the court (see Rules: 9, 17, 26, 29, 39, 40 and 41, and new subrule 1.1(15))
 - Encourage more procedural direction at the first attendance on motions to change, with clearer guidance on the powers of the court, and promote efficient progress of motions towards a final disposition (see Rule: 15(25.1), 15(26) and 15(26.1), 17(4)(i) and 17(5)(j))
 - Enhance the requirement of parties to confer before a case conference and highlight the consequences if parties do not confer as required (see Rule: 17(4.2), 17(4.3), 17(4.4) and 17(14) and Form 17F))
 - Enhance the evidence of any involvement with a child protection agency in Form 35.1, while respecting restrictions in the *Child, Youth and Family Services Act*, 2017 on making this information public
 - Remove reference to “statement of arrears” and replace it with “schedule of arrears” (see Rule: 13(5.0.1) and Form 15)
25. Finally, there are changes coming to filing requirements as the court begins to implement the CaseLines platform which is being piloted in Toronto. Please see the OCJ Family Scheduling Direction of November 12, 2021 on the OCJ website for more information. CaseLines will begin to be implemented in the Central West Region in February 2022.

Justice Philip J. Clay
Local Administrative Judge
OCJ Brampton Family