

THE HONOURABLE
MR. JUSTICE MARK L. J. EDWARDS
REGIONAL SENIOR JUDGE
SUPERIOR COURT OF JUSTICE



L'HONORABLE
JUGE MARK L. J. EDWARDS
JUGE PRINCIPAL RÉGIONAL
COUR SUPÉRIEURE DE JUSTICE

COURT HOUSE
50 EAGLE STREET WEST
NEWMARKET, ONTARIO L3Y 6B1
(905) 853-4827

April 22, 2021

Attention: Presidents of Central East Region's Law Associations; the Ontario Bar Association; the Advocates' Society, and the Ontario Trial Lawyers Association

Re: Chief Justice Morawetz's Notice to Profession Dated April 20, 2021

Attached you will find a copy of Chief Justice Morawetz's Notice to the Profession, dated April 20, 2021 ("Notice").

Civil and Family Matters

Commencing Thursday April 22, 2021, all in-person and virtual scheduled civil and family hearings/matters, which have not yet commenced, will be adjourned unless a judge determines that they are urgent, in which case they will proceed by way of a virtual hearing. A judge will still attend the virtual hearings but only to adjourn matters or to hear any submissions that the matter is urgent and should proceed virtually. If counsel/parties do not attend, the matter will be adjourned.

In-person and virtual hearings currently under way will be subject to the presiding judge's discretion whether to proceed.

No new in-person hearings will commence unless they are absolutely necessary, there is no other alternative, and they have the RSJ's approval.

All civil and family scheduled matters (other than those referenced below under the sub heading "Urgent Matters") on or after April 26, 2021 will be adjourned while this Notice is in effect (including any extensions that may be established by the Chief Justice). Counsel/parties will be contacted by court staff to reschedule the matters when court operations resume to hear matters virtually and in-person. At the moment, it is my intention to run some form of assignment court (virtually). Separate assignment courts will be run for civil and family shortly after the resumption of the court via virtual means. When counsel or self-represented litigants attend that assignment court for matters that have been cancelled as a result of the Notice, counsel will be expected to have agreed on 3 dates for their matter that they will propose to the court. The court will endeavor to accommodate one of the dates, but this cannot be guaranteed.

Urgent Civil and Family Matters

If counsel or a self-represented litigant has an urgent matter that needs to be heard via virtual means they are to submit their request to a triage judges via the following email address triagejudgemaysittings@ontario.ca.

As it relates to civil matters, an urgent matter as referenced in the Notice must be one that may result in serious economic consequences if not addressed between April 26 and May 7. An example might include the need for an interim injunction of some form.

As it relates to family matters, an urgent matter may include the following:

1. *All child protection matters are presumptively urgent and child protection lists will continue as originally scheduled.*
2. *All ex parte/without notice motions sometimes called URMOS will still be heard*
3. *Any urgent or pressing matters falling within the definition set out in the Notice.*

Any requests for virtual hearings because the family law matter is urgent should be sent to the following email addresses: triagejudgemaysittings@ontario.ca, for consideration by a judge. Counsel/parties will be advised if the matter will proceed virtually.

Criminal Matters

On April 22 and April 23, 2021 any scheduled Criminal JPT will proceed as scheduled provided there is court staff available to conduct the JPT via virtual means. If the matter before the Criminal JPT judge is urgent or if the matter has a “tight Jordan deadline” the matter will proceed as scheduled. The presiding criminal JPT judge will adjourn all other Criminal JPTs to a future JPT list. The adjournment will be noted as caused by the Chief Justice’s Notice of April 20,2021 and that it is a “COVID Adjournment”.

For any other criminal matters scheduled for April 22 and April 23, if counsel can agree on an adjournment, they should advise the Trial Coordinator at which point the matter will be spoken to and remanded at the virtual attendance. Otherwise, on the scheduled date, at the virtual hearing the presiding judge will determine whether the matter will be adjourned, if absolutely necessary, with no alternative, proceed virtually or in-person.

No new in-person criminal hearings will commence unless they are absolutely necessary, there is no other alternative, and they have the RSJ’s approval.

In-person and virtual criminal hearings currently under way will be subject to the presiding judge’s discretion whether to proceed and will depend on the availability of a staffed virtual/physical court room in which to proceed.

Use of the Triage email Address

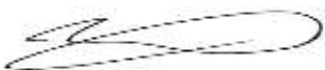
When counsel are submitting something through the triage email address to ask for permission to have a matter heard on an urgent basis counsel in the “Re Line” of the email, counsel are to make clear if the matter is civil or family and the name of the originating court house. By way of example “Re Civil Urgent Matter – Newmarket” or “Re Family Urgent Matter – Barrie.” In the body of the email counsel must reference the name of the file and the court file number

The request should attach a brief explanation of why the matter is urgent and needs to be heard virtually via Zoom and attach any court pleadings that may be referenced. As well counsel should address if they know the position of the opposing party and make sure that the opposing party is copied on the email.

Further Information

I wish to impart that the reason for the Notice is simple. It is to reduce the number of people, and especially the number of court staff, coming into the Court House during this third wave of COVID 19. Over the last 8 months the Court has pivoted to Virtual hearings. Unfortunately, those virtual hearings are only proceeding because court staff are physically in a court room, manning the necessary equipment to conduct the virtual hearing. Thus, the decision was made to adjourn most virtual hearings between now and May 7 (and any other date extended by the Chief Justice), which will allow court staff to remain home, and minimize the need for litigants and counsel to attend at courthouses.

The Court will do its very best to minimize the inconvenience to the parties and counsel. Each justice participant’s cooperation is essential during this particularly difficult third wave, in order to ensure the safety of all.



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