



FOLA'S MONTHLY SECTOR MEETING UPDATE

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SECTOR CHECK IN LOG #81

May 11, 2022

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 -Department staff and the Recovery Secretariat

Issues discussed:

1. COURTS

❖ SUPERIOR COURT OF JUSTICE UPDATES

- **Notice to Profession - Divisional Court:** The revised Divisional Court Notice to the Profession is now available on the Superior Court's website [here](#). This notice was amended to address new processes regarding mode of hearings (in person or virtual), CaseLines updates, and other changes. It also incorporates the text of the previously free-standing Notice to Profession for Appeals from the Landlord and Tenant Board.
- The Toronto Region's **Consolidated Practice Direction Concerning the Estates List in the Toronto Region** has been amended to clarify procedures regarding passings of accounts and indicates that confirmation forms are due five business days in advance of the hearing.
- **ESTATES - MODEL ORDERS:** Members of the Ontario Estates Bench and Bar Liaison Committee have created sample Court Orders to assist practitioners in estate matters. These Orders can be accessed at the Superior Court of Justice website by following this [link](#).

ONTARIO COURT OF JUSTICE UPDATES:

On May 9th, the OCJ issued a new CaseLines notice to the profession and public. You can access it [here](#).

COURT OF APPEAL FOR ONTARIO UPDATES:

No updates this week

SUPREME COURT OF CANADA

SCC VACANCY: On April 4, 2022, the Prime Minister of Canada opened the process to select the next justice of the Supreme Court of Canada, and fill the vacancy created by the retirement of the Honourable Michael J. Moldaver on September 1, 2022. The deadline to apply is May 13th. You can find out more and apply [here](#).

2. MINISTRY OF THE ATTORNEY GENERAL (MAG)

- ❖ **JUSTICE SERVICES ONLINE UPDATES:** The following enhancements will be deployed on May 30, 2022:
 - Security information will be added to the My Account page through a new security information tab in the portal to include information on the benefits of using JSO, the steps taken to protect personal information, an explanation of how information is collected and stored, as well as tips on protecting privacy.
 - In the JSO platform, an option will be available for paralegals to create a new account, or edit their existing account, to identify themselves as paralegals. This will create an accurate record of a party's representative in Small Claims Court cases and will automatically populate a paralegal's contact information in future Small Claims Court Submissions Online (SCCSO) submissions.
 - For the Civil Submissions Online (CSO), Family Submissions Online and SCCSO portals, staff can now identify minor deficiencies in a document that is accepted for filing and/or issuance through a Notice of Deficiency and share this notice with presiding judicial officers. This enhancement will streamline the acceptance process.

If you would like to discuss this initiative, please contact Vaia Pappas, Director, Operational Support Branch at 416-326-2514.

- ❖ **NOTICE TO LEGAL PROFESSION** - On April 26, 2022, a regulation was filed to amend court rules and forms for estates proceedings in the Superior Court of Justice: [O. Reg. 435/22](#), amending the Rules of Civil Procedure. The revised estates forms are published on the [Ontario Court Forms website](#). The rule and form amendments come into effect on July 1st, 2022.
- ❖ **FEES FOR COURT TRANSCRIPTS:** A new court transcript fee schedule came into effect on April 1, 2022. The amending regulation, Ontario Regulation 145/22: Fees for Court Transcripts, can be found [here](#).

The changes align with the evolving transcript production model in Ontario, including current court practice directions and new court rules relating to electronic transcripts. MAG anticipates ordering parties will experience efficiencies under the new model, particularly where one electronic transcript is required for filing with the court and can be shared amongst the parties. Overall, MAG's goal is to balance the interests of ordering parties while compensating authorized court transcriptionists (ACTs) for the important role they perform in the justice system. MAG's [Questions and Answers document](#) provides additional details regarding the implementation of the new transcript fee schedule. If you have any questions, contact Court Reporting Services, Court Services Division at CourtReportingServices@Ontario.ca.

3. MINISTRY OF FINANCE

- ❖ **NON-RESIDENT SPECULATION TAX (NRST):** Effective March 30, 2022, the Non-Resident Speculation Tax (NRST) rate was increased to 20 per cent and expanded provincewide. As a result, the NRST may apply on the purchase or acquisition of an interest in residential property located anywhere in Ontario by individuals who are foreign nationals (individuals who are not Canadian citizens or permanent residents of Canada) or by foreign corporations or taxable trustees. Learn more [here](#). The NRST applies in addition to the general Land Transfer Tax (LTT) in Ontario.

4. MINISTRY OF CONSUMER AND BUSINESS SERVICES

❖ REBBA PHASE 2

The Minister of Consumer and Business Service has filed Phase 2 regulations to support the implementation of the Trust in Real Estate Services Act, 2020 (TRESA, 2020). TRESA, 2020 amends the Real Estate and Business Brokers Act, 2002 (REBBA), the legislation that governs real estate brokerages, brokers and salespersons (registrants) in Ontario, setting rules for how they conduct business and interact with the public. Changes will take effect on April 1, 2023. You can learn more [here](#).

❖ ONTARIO'S NOT-FOR-PROFIT ACT

Ontario's Not-for-Profit Corporations Act (ONCA) took effect on October 19, 2021. Existing non-profits have 3 years from that date to bring their governing documents into compliance with the new law. Learn more on our new [ONCA Resource Page](#).

5. MINISTRY OF FINANCE

BUDGET 2022 - On April 28, 2022, the Ontario Government delivered their 2022 Budget. Titled "Ontario's Plan to Build", it focuses on five pillars: Rebuilding Ontario's Economy; Working for Workers; Building Highways and Key Infrastructure; Keeping Costs Down; A Plan to Stay Open. Read it [here](#).

6. RECOVERY SECRETARIAT

REMINDER: Questions about Courthouse operations related to health & safety can be directed to Samantha Poisson at MAGrecoverysecretariat@ontario.ca.

7. ONTARIO ELECTION UPDATE

❖ **AND WE'RE OFF!** Ontario's election 2022 is now underway! Learn how you can get involved [here](#).

❖ **ONTARIO ELECTION PLATFORMS:** The NDP and Liberal Party have released their Election 2022 Platforms and the Ontario PCs are widely expected to lean on their recent 2022 Budget in their Platform. You can learn more on our [Ontario 2022 Election page](#).

8. JOBS

PUBLIC PROSECUTION SERVICE OF CANADA

The Public Prosecution Service of Canada is inviting applications from private-sector lawyers or law firms with experience in prosecuting or defending criminal matters, to act as Agents of the Director of Public Prosecutions. Fixed-Term Agreements (contracts) are currently available in Parry Sound, including the satellite court of Sunridge (Deadline is May 15th) and Muskoka, including the court locations of Bracebridge and Huntsville (Deadline is May 31st). Learn more [here](#).

9. LSO

❖ **DEPOSIT INSURANCE PROTECTION RULES:** The Government of Canada has made important changes to the rules governing deposit insurance protection for funds held in trust under the [Canada Deposit Insurance Corporation Act](#). Now in effect, the Canada Deposit Insurance Corporation (CDIC) requires that "professional trustees," including lawyers and paralegals, who hold deposits in trust in their professional capacity at a CDIC member institution meet new requirements. For more information about these new requirements, review the CDIC's [For Professional Trustees](#) page and its guide, [What You Need to Know - Professional Trustees](#).

❖ **LAWYER LICENCING PILOT PROJECT:** On January 17, 2022, the Law Society, in partnership with the SCJ and the OCJ, launched a pilot project which allows eligible lawyer licensing candidates (namely articling students, LPP students and candidates completing their placements as part of the integrated practice curriculum program at Lakehead or Ryerson) to attend an increased number of matters related to family law cases without first needing the permission of the court pursuant to Rule 4(1)(c) of the *Family Law Rules*. To help support the pilot project's

success, the LSO is asking that you reach out to your members to ensure they are aware of the project and propose that they consider a greater role for licencing candidates in their practices.

Further information about the pilot project, including information with respect to when advance permission is not required but stand-by availability is required, as well as when advance permission is required, can be found on the Law Society website [here](#). A short video about the Rights of Appearance project, which was initially presented at the 16th Family Law Summit, can be found at the link [here](#). Please feel free to send comments to PolicyConsultation@lso.ca.

- ❖ **AGM:** The LSO's AGM will be this evening (May 11th) starting at 5:15 p.m.. You can register to participate [here](#).
- ❖ **CONVOCATION:** The LSO's next Convocation will be on May 26th starting at 9am. You can watch live via webcast [here](#) (link to be uploaded to their website on that page the morning of the 26th).

10. LAWPRO

- ❖ LawPRO has a collection of the Ontario Reports that they are willing to donate to any Law Library. Specifically, they have: Ontario Weekly Notes 1910 to 1955 and the Ontario Law Reports 1901 to 1973 (mostly in good shape except for a few books). They are presently in Ottawa and available on a first come first served basis. If you are interested, please email Ray Leclair at ray.leclair@lawpro.ca

11. FOLA

❖ FOLA SUBMISSIONS:

On April 21, 2022, FOLA sent in our Submission in response to the Ministry of Government and Consumer Services' proposed regulations related to purchasers of condominium homes. You can download our Submission [here](#).

- ❖ **FOLA PLENARY:** FOLA will be hosting our Spring Plenary on May 12th via Zoom. The Agenda, reports and speaker and sponsor information is available [here](#).
- ❖ **NEW MEMBER BENEFIT - ReSTAYS OTTAWA:** *reStays* Ottawa is a luxury boutique property of 111 suites, located between Queen & Sparks Street one block south of Parliament Hill. It offers a unique and more convenient way of traveling for business and for pleasure with it's stylish and modern fully furnished suites. And Law Association members get a 15% discount off the standard rates! Learn more [here](#). If prompted for a code, it is FOLA.

QUESTIONS/CONCERNS?

Law Association members are welcome to send any issues/concerns to FOLA at katie.robinette@folo.ca and we will continue to address them in as timely a manner as possible.