



FOLA'S WEEKLY COURTS UPDATE

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FOLA'S WEEKLY UPDATE November 30, 2022

SUPERIOR COURT OF JUSTICE UPDATES

No updates this week

ONTARIO COURT OF JUSTICE UPDATES:

No updates this week

OCJ JUDICIAL VACANCY: Thunder Bay (deadline Dec 16th). [Learn more & apply.](#)

COURT OF APPEAL FOR ONTARIO UPDATES:

No updates this week

JUSTICE CANADA

FAMILY LAW: The Department of Justice Canada invites all Family Lawyers to participate in the [2022 National Family Law Survey \(NFL Survey\)](#), which will take approximately 15 to 20 minutes to complete. This year, the focus is on child support. **The deadline is December 23, 2022.**

Background Information about the NFL Survey:

Since 1998, the Department of Justice Canada has conducted biennial surveys of lawyers' and judges' experiences in family law in Canada, collecting data geared toward family law policy development. Historically the NFL Survey was administered only to participants at the National Family Law Program Conference. Starting in 2018, however, it has been distributed to Law Societies across Canada through the Federation of Law Societies of Canada (FLSC) to increase participation in the Survey. Since 2019, the NFL Survey has been distributed to family law legal advisers across the country through the FLSC and the Canadian Bar Association – Family Law Section.

The NFL Survey collects information on the characteristics of practitioners' family law cases, and their experience in family law issues. This information assists in the development of policy and programs related to family law in Canada.

If you are a family law legal advisor, please fill out the [Survey for Lawyers](#).

MINISTRY OF THE ATTORNEY GENERAL

JUSTICE SERVICES ONLINE (JSO) ENHANCEMENTS: The JSO platform for the SCJ will expand to enable online filing of bankruptcy and Divisional Court documents on December 12, 2022. The expansion will include the new Bankruptcy Submissions Online (BSO) portal for bankruptcy

proceedings, and Divisional Court documents will now be eligible for filing and/or issuance through the existing Civil Submissions Online (CSO) portal. Other updates are also being made to the JSO portals, including:

- Local Legal Aid Ontario contact information will be added to emails sent to filers in Family Submissions Online (FSO).
- Allowing those who are not a party to a proceeding to submit documents for filing through Small Claims Court Submissions Online (SCCSO), CSO and BSO and identify themselves as non-parties.

To access any of the JSO filing portals (including BSO and CSO), users are required to create a ONE-key ID and register for a JSO account (or sign in with existing credentials). ONE-key is a unique electronic credential that allows users to communicate securely with online Government of Ontario services. Setting up a ONE-key ID is fast and simple. More information can be found [here](#).

MAG will continue to enhance the JSO portals based on user feedback and keep the legal community informed of ongoing enhancements. If you would like to discuss this initiative, please contact Vaia Pappas, Director, Operational Support Branch at 416-326-2514 or Vaia.Pappas@ontario.ca.

CERTIFICATION OF COURT TRANSCRIPTS: As you may know, court transcripts are now primarily digital, with certified electronic transcripts becoming the default format as a result of the ongoing modernization of the court system and the implementation of more electronic processes.

To ensure there is consistency in the certification standards of court transcripts in Ontario, MAG has updated Ontario Regulation 158/03: Certification of Recordings, made under the Evidence Act, RSO 1990, c E.23 to better reflect the use of certified electronic transcripts. The updates include:

- The introduction of a new prescribed Form 3 certificate to be used by authorized court transcriptionists (ACTs) to certify electronic transcripts using electronic signatures;
- Updates to the existing prescribed Form 2 certificate to be used by ACTs to certify paper transcripts using wet ink signatures; and
- Clarifying the obligations relating to the production and certification of court transcripts.

The updates to O. Reg. 158/03 will come into effect on December 5, 2022. The consolidated regulation will appear on e-Laws once the consolidation is completed. In the meantime, the amending regulation, Ontario Regulation 531/22 can be found [here](#).

These updates also complement recent amendments to Ontario Regulation 94/14: Fees for Court Transcripts that came into force on April 1, 2022, which introduced fees for certified electronic transcripts.

[This Q&A document provides](#) additional details regarding the updates to O. Reg. 158/03. Further direction on the certification standards for electronic transcripts will also be outlined in an updated version of the Court Transcript Standards and Procedures Manual, which will be posted by Arkley Professional Services on the Authorized Court Transcriptionists for Ontario website in the near future: [Resources - Authorized Court Transcriptionists for Ontario \(courtranscriptontario.ca\)](#).

LANDLORD AND TENANT BOARD: On November 24th, MAG announced that the government is making an additional \$1.4 million investment into the Landlord and Tenant Board, which will allow the board to hire over 35 additional operational staff to enhance scheduling and client experience, issue decisions and orders faster and help tackle the high number of cases before the board. You can read the announcement [here](#).

REGULATORY AMENDMENTS: CIVIL AND SMALL CLAIMS COURT PROCEEDINGS: On November 15, 2022, two regulations were filed to amend the court rules and forms for civil and Small Claims Court proceedings:

- O. Reg. 520/22, amending the Rules of Civil Procedure, posted on e-Laws at <https://www.ontario.ca/laws/regulation/r22520>
- O. Reg. 521/22, amending the Rules of the Small Claims Court, posted on e-Laws at <https://www.ontario.ca/laws/regulation/r22521>

These regulations introduce new unsworn certificates of service for lawyers (under the *Rules of Civil Procedure*) and lawyers and paralegals (under the *Rules of the Small Claims Court*).

Both regulations will come into force on **January 30, 2023**.

The Rules of Civil Procedure amendments:

- introduce two new unsworn lawyer's certificates of service (Form 16B.1 for general use and Form 74B.1 for probate applications) to prove that a document was either served by the lawyer or caused to be served by the lawyer;
- designate the lawyer's certificate of service, as well as electronic filing of certain enforcement documents, as an exception to the general rule that self-represented litigants may perform any step assigned to lawyers under the rules;
- update the name and terminology of the Form 16C certificate of service available to the Sheriff;
- update references to affidavits of service to clarify the applicable forms of proof of service; and
- prescribe revised versions of Forms 74.44, 74.49.2, 74.49.3, 74.50, 74.51, and 75.8 to update their existing references to affidavits of service.

The new and revised forms prescribed under O. Reg. 520/22 are available on the [Ontario Court Forms - Rules of Civil Procedure website](#) and [Ontario Court Forms - Estate Forms website](#).

A summary of O. Reg. 520/22 is available on Ontario's Regulatory Registry at: [22-MAG013](#)

The Rules of the Small Claims Court amendments:

- introduce a new unsworn lawyer or paralegal's certificate of service (Form 8B) to prove that a document was either served by the lawyer or paralegal or caused to be served by the lawyer or paralegal;
- update existing provisions that refer to the use of affidavits of service;
- move the provision about proof of service within the service rule (Rule 8) for better organization;
- update references to affidavits of service to clarify the applicable forms of proof;

- prescribe a revised version of the Form 8A affidavit of service to better capture existing service methods and to add information about using a lawyer or paralegal's certificate of service as an alternative form of proof of service; and
- prescribe revised versions of Forms 7A, 9A, 10A, 15A, and 20H to update their existing references to affidavits of service and make housekeeping updates (e.g. updated links to Ontario.ca pages).

The new and revised forms prescribed under O. Reg. 521/22 are available on the [Ontario Court Forms - Rules of the Small Claims Court Forms website](#).

A summary of O. Reg. 521/22 is available on Ontario's Regulatory Registry at: [22-MAG014](#)

OTHER ONTARIO GOVERNMENT NEWS

REMINDER: 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 [ONCA Resource Page](#).

RECOVERY SECRETARIAT

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

FOLA

- ❖ **FOLA PLENARY VIDEOS:** We now have many of our Plenary pictures, videos and Post-Plenary Report up on our Plenary page [here](#).
- ❖ **METROLINX & OSGOOD HALL:** On November 25, 2022, FOLA sent a letter to Mayor John Tory urging him to block the December 5th start date for tree removal on Osgoode Hall grounds to make way for the Metrolinx Ontario Line. You can read that letter [here](#). This letter was featured in the Law Times! You can read the article [here](#). It was also featured in Lawyer's Daily [here](#) (behind a paywall, so PDF attached).
- ❖ **FOLA NEWSLETTER:** FOLA's December Newsletter is now available. You can view it [here](#).

LAW SOCIETY OF ONTARIO

- ❖ **BENCHER ELECTIONS:** Nominations are now open for the 2023 Bencher Elections! You can find more information on [FOLA's Bencher Elections webpage](#). Information as to how FOLA will be involved in these elections will be discussed at our Fall 2022 Plenary and will be posted on that page following the event. Also, over the coming weeks, FOLA will be adding resources for those considering running - so please do visit this page regularly! **Nominations are open until February 24th and voting will occur online in April 2023 with the results announced on May 1, 2023 after the tabulation of votes.**
- ❖ **FAMILY LEGAL SERVICES PROVIDER LICENCE (FLSP):** A report proposing a FLSP Licence is going to Convocation for consideration on December 1st. The report is now available [online](#). This report comes following recent comments made by the SCJ and the OCJ. If you would like to watch the webcast of the meeting, a link will be available via [LSO.ca](#) the morning of December 1. The meeting will begin at 9 a.m.

The Motion to be voted on is: "If the FLSP licence is approved, approve the requirement that the Access to Justice Committee review the FLSP licence, within three years from its implementation, to determine the impact of the FLSP licence on access to justice, and report to Convocation."

FOLA's Family Law Chairs will be following Convocation and will discuss our next steps (if any) around this proposal.

- ❖ **FAMILY LAW - NATIONAL STANDARDS:** A In November, FOLA learned that the Federation of Law Societies was consulting on the "National Requirement" (the standard that specifies the competencies and skills graduates of Canadian law school programs and internationally trained graduates and lawyers must have acquired to be admitted to Law Society admission programs in the Canadian common law jurisdictions). FOLA's Family Law Co-Chairs welcomed this opportunity and prepared a submission urging the National Requirement Review Committee to consider adding substantive knowledge in family law to the National Requirement. FOLA's submission, as well as the TLA's submission, can be found on our [Family Law page](#).
- ❖ **CONSULTATION: PROFESSIONAL REGULATION COMMITTEE'S [MANDATORY SUCCESSION PLANNING REPORT](#):** FOLA has sent in our Submission re: Mandatory Succession Planning. The CCLA has also sent in a Submission. You can access both [here](#).
- ❖ **CONSULTATION: EXPANDED REMEDIAL OUTCOMES FOR THE PROCEEDINGS AUTHORIZATION COMMITTEE (PAC):** The Professional Regulation Committee is seeking feedback on its recommendation to expand the remedial outcomes available to the Proceedings Authorization Committee (PAC) to include mandatory regulatory meetings and continuing education or remediation programs. Visit [LSO Website](#) for more information. **Deadline is January 15, 2023.**
- ❖ **AWARDS PART 1:** The Human Rights Award recognizes outstanding contributions to the advancement of human rights and/or the promotion of the rule of law provincially, nationally or internationally. The award is granted for devotion to the advancement of human rights and the rule of law over a long term or for a single outstanding act of service. The call for nominations deadline is December 31. Learn more on the [LSO website](#).
- ❖ **AWARDS PART 2:** Nominations for the 2023 Law Society Awards are open until December 16, 2022. Award criteria, the nomination process and the online nomination form are all available [here](#). Paralegals are eligible for the William J. Simpson Distinguished Paralegal Award. Awards for lawyers include the Law Society Medal and the Laura Legge Award. Both lawyers and paralegals are eligible for the J. Shirley Denison Award and the Lincoln Alexander Award. Nominations are encouraged for members from all communities, practice areas, firm sizes and regions across the province.
- ❖ **LAW SOCIETY EXTERNAL APPOINTMENTS – CALL FOR APPLICATIONS:** As part of its mandate, the Law Society recommends and makes appointments to a variety of boards, councils and committees. The Law Society is currently seeking applications from qualified lawyers and paralegals for the following:
 - Legal Aid Ontario Board of Directors
 - Federal Judicial Advisory Committee**The application deadline is December 22, 2022.** More information is available on the [external appointments webpage](#).
- ❖ **CONVOCATION:** The next meeting of Convocation is scheduled to take place on December 1st.

THE OBA & COURT DELAYS

The OBA is collecting data on Court Delays through an online portal on their website. They are encouraging lawyers to complete their survey so that they can use that data to address our growing backlogs. Complete their survey [here](#).

EVENTS

THE 36TH ANNUAL JOINT INSURANCE SEMINAR

Thursday December 1st, 2022, from 9:00am - 2:00pm

HLA Member Cost: \$217.30 (HST Included) / Non-Member Cost: \$247.73 (HST Included) / Articling Student and Law Staff Cost: \$121.69 (HST Included)

Join the HLA for the 36th Annual Joint Insurance Seminar. Topics include, Updates on the Courts, Top Tort Cases, Medical Malpractice: Take a Walk on the Wild Side, Partial Settlement Agreement; Pierringer meets Mary Carter, Epidemiology Update, Top AB Cases & LAT Update, A Primer: Biomechanical Engineering Analysis, Products Liability Update, Appraisals and Challenging Engineering Evidence. This program is accredited for 5.00 Hours of Substantive Content and up to 1 Hour may be claimed as Professionalism Hours.

[Click here](#) to fill out the form to register.

Please email form to: szordan@hamiltonlaw.on.ca

PEEL LAW ASSOCIATION RETIREMENT PARTY FOR JUSTICE LISE PARENT

Friday December 2, 2022 - TIME: 4:00 - 5:30 pm

LOCATION: Peel Law Association Lounge

[Learn more here](#)

RSVP: library@plalawyers.ca

QUESTIONS/CONCERNS?

SCJ SMALL CLAIMS COURT WORKING GROUP: FOLA is requesting that practitioners (as well as Deputy Judges) take a moment to consider and comment on what works well and what could use improvement in our Small Claims Court so that constructive feedback can continue to flow to the Small Claims Court Working Group. Please send comments with "Small Claims" in the subject line to Katie at katie.robinette@fola.ca.

EVERYTHING ELSE

Law Association members are welcome to send any issues/concerns to FOLA by emailing Katie at katie.robinette@fola.ca. We will 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.