



## **2017 CIVIL PRACTICE DIRECTION & RELATED GUIDELINES**

Please be advised that, effective 1 March 2017, the Court of Appeal for Ontario will adopt a new Practice Direction Concerning Civil Appeals at the Court of Appeal. This Practice Direction will revoke and replace the Court of Appeal's previously issued Practice Direction Concerning Civil Appeals (effective January 1, 2004, updated November 2008).

### **Summary of Items in the New Civil Practice Direction**

#### **(i) Summary Judgment Appeals**

The Court of Appeal's new Civil Practice Direction eliminates the special provisions for summary judgment appeals that appeared in the former practice direction, requiring that summary judgment appeals be automatically expedited and limiting the default oral argument in such appeals to one hour in total.

Under the new Practice Direction, summary judgment appeals are not automatically expedited. In addition, there is no default time assignment for summary judgment appeals. The court will assign time for summary judgment appeals after reviewing the time estimate provided in the appellant's factum (see s. 12.2 of the Practice Direction).

#### **(ii) Compendiums**

The new Practice Direction emphasizes that parties must include in their compendiums all relevant excerpts of the transcript of evidence and all relevant exhibits. This requirement is essential because the judges of the Court of Appeal do not have access at appeal hearings to the single paper copy of the transcript that is filed in accordance with rule 61.09(3)(b)(iii) of the *Rules of Civil Procedure*. Nor do the judges have access at appeal hearings to the single paper copy of the exhibit book filed pursuant to rule 61.09(3)(b)(ii). It is therefore critical that the compendiums contain all transcript references and exhibits that the parties intend to rely on or refer to in argument.

#### **(iii) Miscellaneous**

Other new directions concerning civil motions and appeals include:

- Directions on sending correspondence to the Court of Appeal in relation to a court file, including the requirement to copy all parties to the proceeding

on any correspondence and specific restrictions on what correspondence may be sent to the Court of Appeal by email: see s. 4 of the Practice Direction;

- Directions on the considerations related to the Jurisdictional Statement in the Notice of Appeal: see s. 6.3 of the Practice Direction;
- Directions on the procedures for bringing and responding to motions in the Court of Appeal, including motions before a single judge in chambers and motions before a panel of three judges: see s. 7 of the Practice Direction;
- Directions on the time lines that apply to motions for leave to file further evidence on an appeal pursuant to 134(4)(b) of the *Courts of Justice Act*: see s. 7.2.6 of the Practice Direction;
- Directions on the use of the court's power to stay or dismiss a motion under rule 2.1.02 of the *Rules of Civil Procedure*: see ss. 7.4 and 19 of the Practice Direction;
- Information about the Court of Appeal's Pre-Hearing Settlement Conference program for family appeals and civil appeals: see ss. 9 and 10 of the Practice Direction;
- Directions on the procedures for requesting the court to reconsider a prior precedential decision of the Court of Appeal for Ontario: see s. 13 of the Practice Direction;
- Directions on the procedures for abandoning a motion or appeal/cross-appeal: see ss. 7.5 and 14 of the Practice Direction;
- Directions on the procedures to follow when an appeal/cross-appeal is settled: see s. 14 of the Practice Direction;
- Directions on courtroom attire for counsel who are pregnant: see s. 15.2 of the Practice Direction;
- Directions on the use of electronic devices in courtrooms: see s. 15.3 of the Practice Direction; and
- Directions on the process for ordering digital audio recordings of hearings in the Court of Appeal: see s. 17 of the Practice Direction.

## **Accompanying Guidelines**

### **1. Guidelines for Filing Electronic Documents at the Court of Appeal**

The Court will adopt Guidelines for Filing Electronic Documents at the Court of Appeal for Ontario, effective 1 March 2017. The Guidelines will replace the Court's existing guidelines on Electronic Filing (April 5, 2000). The Guidelines set out the type of documents that may be delivered to the Court of Appeal through its [COA.E-File@ontario.ca](mailto:COA.E-File@ontario.ca) address. The Guidelines also specify the permissible size of electronic documents that may be sent to this address and the content of the email message transmitting documents to this address (e.g., the subject line should include the court file number and the nature of the attachment).

### **2. Reference Guide for Citation Practices at the Court of Appeal**

The Court is pleased to provide a Reference Guide for Citation Practices at the Court of Appeal for Ontario. The reference guide is for information purposes only in the factum-writing process.

### **3. List of Frequently Cited Civil Authorities**

The Court is adopting a List of Frequently Cited Civil Authorities. Authorities on this list do not need to be included in books of authorities. When a party's factum refers to an authority on the List of Frequently Cited Civil Authorities, the book of authorities should only include the headnote and particular passage(s) from the authority being relied on.

The full text of the Practice Direction and related guidelines are available on the Court of Appeal's [website](#).