

**CONSOLIDATED NOTICE TO THE LEGAL PROFESSION AND THE PUBLIC  
WITH REGARD TO FAMILY LAW MATTERS AT 311 JARVIS STREET  
COURTHOUSE, TORONTO, ONTARIO**

**5 NOVEMBER 2020**

1. This notice replaces previous notices and is being circulated to clarify issues that have arisen with respect to documents being filed at the Ontario Court of Justice at 311 Jarvis St., Toronto, Ontario. To provide consistency with regard to filing at both courts, 47 Sheppard Avenue and 311 Jarvis Street, this Notice is the same as that issued, on behalf of 47 Sheppard Avenue, by Justice R. Zisman on October 30, 2020, with minor variations with regard to filing of documents by email to reflect local practice at 311 Jarvis Street.

**FILING OPTIONS**

2. There are three filing options:

- a) Electronic filing using the Family Submissions Online Portal;
- b) Filing documents by e-mail; or,
- c) In person filings.

**a) Electronic Filing using the Family Submissions Online Portal:**

- a. The Family Submissions Online Portal is now the primary method of e-filing documents. The legal profession is encouraged to use the Family Submissions Online Portal rather than e-mail filing. This is a simple and quick way to electronically submit documents at no cost.

- b. When filing the document through the portal an e-mail confirmation will be sent to advise that the court has received the document. Within 5 business days, once the document has been processed, an additional e-mail will be sent to advise if the documents have been accepted for filing or rejected.
- c. As the documents filed in this portal may not be accepted for filing until 5 days have passed, the Family Submissions Online Portal cannot be used if the hearing date is sooner than 5 days.

**b) Filing Documents by E-mail**

- a. The Family Submissions Online Portal is the primary method of e-filing documents now. Lawyers/parties should only submit documents by e-mail if they are unable to submit documents using the Family Submissions Online Portal. Documents should ONLY be filed by e-mail if the matter is urgent and cannot be filed 5 days or more before the hearing date.
- b. All documents must be clearly labelled. The subject line of the e-mail must contain the file number, parties' names (the title of the case), the name of the document being filed and the court return date.
- c. The court staff have been receiving multiple duplications of filings. Documents are being filed through the portal, then e-mailed to court administration, then e-mailed to the trial co-ordinator's office and also being e-mailed to individual court staff. This is causing an inability of

court staff to process the volume of e-mails being received. DO NOT FILE ELECTRONIC DOCUMENTS TO MULTIPLE E-MAIL ADDRESSES.

- d. Any documents pertaining to Domestic proceedings, that are e-filed by e-mail are to be emailed to:

[311Jarvis.ocj.courts@ontario.ca](mailto:311Jarvis.ocj.courts@ontario.ca)

Any documents pertaining to Child Protection proceedings that are e-filed by e-mail are to be emailed to:

[311Jarvis.Ocj.Courts.CP@ontario.ca](mailto:311Jarvis.Ocj.Courts.CP@ontario.ca)

Do Not use any other email address for e-mail filing, as they will be discontinued as of November 6, 2020.

- e. Documents are ONLY to be emailed to the trial co-ordinator with respect to Confirmations and scheduling of Motions or Trials, or if specifically endorsed by the judiciary.

- c) **In person filings:** In person filings are to be limited as much as possible, as the number of people coming into the courthouse is restricted. Court counters are only open between 9:00 a.m. to 11:00 a.m. and 2:00 a.m. to 4:00 p.m.

#### **PHONE CALLS**

- 3. Do not call the Court Office to inquire if your documents have been received or processed. The administration office and the trial co-ordinator's office are being

inundated with calls and e-mails to inquire if documents have been received and processed. Using the portal allows staff to focus on processing documents instead of answering phone calls and e-mails to see if documents have been received and processed and will enable the staff to meet the 5 business day expectation for the processing of documents.

4. Lawyers and parties are reminded that court staff cannot answer or give advice with respect to legal questions.
5. The appropriate manner of inquiry with respect to a procedural issue is by serving and filing a request by 14B Motion, not by sending e-mails to court staff and the trial co-ordinator.

#### **CASE CONFERENCE AND SETTLEMENT CONFERENCE BRIEFS**

6. Briefs are limited to 6 pages in total including any attachments, except for professional reports, calculations and any offer to settle. If counsel need to file expanded briefs, leave must be obtained from the case management judge. Orders and endorsements that are relevant should be included and are not counted in the page limits.
7. 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.
8. 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.

### **MOTION MATERIALS**

9. The page limit for affidavits in support of a motion is 10 pages, including exhibits.
10. The page limit for affidavits in support of a Form 14B motion is 4 pages, including exhibits.
11. 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.
12. Orders and endorsements that are relevant should be included and are not counted in the page limits.
13. If a party believes that a longer affidavit is necessary, leave must be obtained by Form 14B Motion or from the case management judge.
14. 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.

### **FILING OF LENGTHY DOCUMENTS**

15. If a party is filing a lengthy document with permission, with multiple exhibits, (such as affidavits that exceed 10 pages with multiple attachments), document

briefs, trial records, trial briefs, these documents should be tabbed and indexed and sent to the court by mail, courier or hand delivered.

### **REMOTE VIDEO (ZOOM) HEARINGS OR TRIALS**

16. The issue of how a motion or trial is to proceed must be canvassed with the presiding judge. If there is a dispute as to how a proceeding should be held, the decision will be made on a case by case basis by the presiding judge.
17. All attendances can proceed by telephone conference, remote video (i.e. by Zoom) or as hybrid hearings (that is, some parties in the courtroom and some parties participating by remote video, i.e., by Zoom). Trials, settlement conferences, trial management conferences can proceed in person. Parties that require special accommodations can also request in person attendances.
18. If counsel are attending court for an in person hearing or for a hybrid remote video hearing, counsel should apply at least two weeks in advance of the hearing date to the Ontario Public Service Guest (OPS Guest) Wi-Fi Account (Application is attached) to ensure their Wi-Fi capabilities at the courthouse are suitable.
19. Instructions for remote video (Zoom) hearings are attached for your convenience.

### **IMPORTANT INFORMATION REGARDING FILING**

20. As set out in previous Notices regarding the Scheduling of Family Matters in the Ontario Court of Justice, the following expectations continue to be in place.

21. These instructions are subject to direction from a judicial official.

22. Parties shall not assume that the judge hearing a matter will have access to the entire court file.

23. By submitting documents by Family Submissions Online Portal or by e-mail to the court, the party/lawyer agrees to accept e-mail communication from the court with respect to the case.

24. All documents shall be in PDF format. All documents shall be in 12-point font. Spacing shall be 1.5 lines.

25. The documents to be filed by each party are to be attached to one e-mail only.

26. Each document shall be in a separate PDF attachment to the party's e-mail.

27. Proof of service is required. Affidavits of service are required for any matter to proceed by default, or to prove service on a motion, when one party does not participate, especially an urgent motion. However, where a formal affidavit of service cannot be filed, lawyers/parties should retain a copy of any relevant affidavit(s) of service and/or related documents (e.g. e-mail confirmations) and be prepared to produce it to the Court on request.

28. Materials sent by e-mail must indicate when and how service on any other party was made. Lawyers or parties should retain a copy of the relevant affidavit of

service and/or related documents (e.g. e-mail confirmations) and be prepared to produce it to the Court on request.

29. Where multiple parties have been served, affidavits of service should be combined into one affidavit.

30. The materials should also include any prior orders or endorsements that are relevant to the matter.

31. Where it is not possible to electronically file a sworn affidavit, affidavits may be delivered unsworn but the affiant must be available to participate in any telephone or videoconference hearing to swear or affirm the contents of the affidavit.

32. Parties should make reasonable efforts to communicate prior to a hearing to attempt to resolve the issues. If a contested hearing is necessary, parties should determine the issues that remain in dispute. The parties should make efforts to narrow the issues as much as possible and discuss the nature of any evidence to be heard and how it will be presented.

## **LEGAL RESOURCES**

### **Legal Aid Ontario**

33. People who would have received in-person legal aid services through the Family Law Information Centres will be able to continue to get help from Legal Aid Ontario (LAO) over the phone by calling **1-800-668-8258**.



### **Law Society of Ontario emergency family referral line during COVID-19**

34. The Law Society of Ontario continues to support a telephone line to assist people who are self-represented and trying to determine whether or not their family court matter meets the criteria to be heard by the court on an 'urgent' basis and, if so, how to proceed in making their request. The emergency service will connect self-represented litigants with family lawyers, working on a pro bono basis, who will provide 30 minutes of legal advice specific to determining whether or not their family court matter is urgent and referrals to other available legal services.

35. Self-represented litigants may contact the law society by phone at the following numbers to access the service: Toll-free: 1-800-268-7568; General: 416-947-3310.

### **Law Society of Ontario Referral Service**

36. The Law Society of Ontario's Referral Service will provide the name of a lawyer within or near a particular community, who will provide a free consultation of up to 30 minutes to help a party to determine rights and options. Start the online process of obtaining a lawyer referral at <http://www.findlegalhelp.ca/>, 24 hours per day.

### **A Guide for Self-represented Family Litigants during COVID-19**

37. The Ontario Court of Justice has prepared a guide for self-represented family litigants during COVID-19: [Guide for Self-represented Family Litigants during COVID-19](#)

## **MEDIATION SERVICES**

38. The Ministry of the Attorney General provides mediation services. Free online mediation is available for anyone at first appearance, on a conference, motion or trial. Free intakes for 6-hour mediations are also by Zoom, along with the subsidized mediations. The mediation services can also provide information about resources that are available in a given location, including virtual mandatory information sessions.

**Justice Brian M. Scully**  
**Local Administrative Judge**  
**311 Jarvis St. Courthouse, Toronto, ON.**  
**November 5, 2020**