

**CONSOLIDATED NOTICE TO THE LOCAL BAR AND PUBLIC**

**ONTARIO COURT OF JUSTICE (FAMILY)**

**74B WOOLWICH STREET, GUELPH**

**November 2, 2021**

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 (Family) at 74 Woolwich Street, Guelph, Ontario.

**FILING OPTIONS**

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 electronic filing of 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.

[File family court documents online | ontario.ca](http://www.ontario.ca)

- 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 that are filed by e-mail are to be e-mailed to:

[GuelphOCJFamily@ontario.ca](mailto:GuelphOCJFamily@ontario.ca)

Do not use any other e-mail addresses for e-mail filing.

- e. Documents are ONLY to be e-mailed to the trial co-ordinator if specifically endorsed by the judiciary.

## **c) In person filings:**

Court counters are only open between 9:00 a.m. to 11:00 a.m. and 2:00 p.m. to 4:00 p.m. Counsel are required to update their files regularly. Counsel is asked to contact counter staff to arrange for a specific time to attend. The court staff will arrange to have files available for updating.

### **3. PHONE CALLS**

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.

Lawyers and parties are reminded that court staff cannot answer or give advice with respect to legal questions.

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.

### **4. CASE CONFERENCE AND SETTLEMENT CONFERENCE BRIEFS**

**Briefs are limited to 6 pages in total including any attachments**, except for professional reports, calculations and any offers 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.

**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.

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.

### **5. MOTION MATERIALS**

**Note:** The page limit for affidavits in support of a motion is **10 pages, including exhibits**.

The page limit for affidavits in support of a Form 14B motion is **4 pages, including exhibits**.

**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.

Orders and endorsements that are relevant should be included and are **not** counted in the page limits.

If a party believes that a longer affidavit is necessary, leave must be obtained by Form 14B Motion or from the case management judge.

Motion materials 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.

## **6. FILING OF LENGTHY DOCUMENTS**

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.

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

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.

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.

Instructions for remote video (Zoom) hearings are attached for your convenience. **(see email attachment)**

## **8. IMPORTANT INFORMATION REGARDING FILING**

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.

These instructions are subject to direction from a judicial official.

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

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.

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

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

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

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.

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.

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

If 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.

Parties must 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.

## **9. LEGAL RESOURCES**

### ***Legal Aid Ontario***

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 LAO over the phone by calling **1-800-668-8258**.

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

The Law Society of Ontario continues to support a telephone line to assist people who are self-represented (SRLs) 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 SRLs 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.

SRLs 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***

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

### ***Local Legal Aid Contact Information***

Email; [GenDCFamguelphocj@lao.on.ca](mailto:GenDCFamguelphocj@lao.on.ca)

Phone: (519) 767-1514

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

The Ontario Court of Justice has prepared a guide for self represented family litigants for assistance during COVID 19, You may find it here:

<https://www.ontariocourts.ca/ocj/covid-19/sfl-guide-family/>

### **MEDIATION SERVICES**

- 1) Mandatory Information Programs** - Mandatory Information Programs (MIPs) are being offered online through Axis Family Mediation Inc.

Pre-registration is required by sending an email to:  
MIP@axisfamilymediation.com.

Litigants will then receive a registration link as well as a link to the program slides and resource materials.

- 2) Off-Site Mediation** – Off-site mediation has been available since May,2020.

Referrals are processed as usual by contacting Colleen Davies at 519-824-4100 x 218 at the courthouse or at: colleen@axisfamilymediation.com.

- 3) On-Site Mediation** - Any litigants who would benefit from On-site mediation are to be referred to the off-site distance mediation program referenced.

All distance mediation clients (on-site and off-site) will receive intake sessions free and one hour of mediation free of charge.

### **10. LOCAL RSOURCES: (see email attachment)**

Once again, thank you all for your cooperation in these challenging times.

Justice Jane Caspers,

Ontario Court of Justice -Family, Guelph, Ontario.