|  |  |
| --- | --- |
| **SUPERIOR COURT OF JUSTICE****CIVIL SCHEDULING UNIT****REQUISITION TO SCHEDULE SHORT MOTION OR APPLICATION**  | 330 University Avenue, 8th Floor Toronto ON M5G 1R7Telephone: (416) 327-5535 |
| **[ ]  Requisition to Schedule Short Motion or Application before a Judge** |
| \*\* To apply for scheduling a short, opposed motion or application before a judge, please return this completed form by email to: civiljudgesmotions@ontario.ca. \*\* |
| **[ ]  Requisition to Schedule Short Motion before an Associate Judge** |
| \*\* Please return this completed form to the civil scheduling unit, 8th floor, 330 University Avenue by email to: jus.g.mag.csd.civilmotionsscheduling@ontario.ca. \*\* |
| **NOTE**: This form is NOT to be used to request motions and applications brought in writing and made without notice, on consent of all parties, or confirmed as unopposed by all parties and non-parties prior to being brought. |
| **Court File Number:**  |
| **Short Title:** |
| **This Case Is Under: [ ]  Case Management** **[ ]  Simplified Procedure** **[ ]  Ordinary Procedure** |
| **Moving Party Is:** **[ ]  Plaintiff [ ]  Defendant [ ]  Other** **If other, please specify:****Responding Party Is: [ ]  Plaintiff [ ]  Defendant [ ]  Other** **If other, please specify:****Notice re Short Motion/Applications to Judges: All opposed short motions and short applications, with the exception of summary judgment motions, appeals from Associate Judges and appeals from the Consent and Capacity Board, must proceed to a case conference before the motion or application is scheduled for an oral hearing. On the case conference, the judge may identify the issues that are contested and explore methods to resolve the contested issues. If the contested issues cannot be resolved and if the case conference judge is satisfied that an oral hearing is required, the judge may schedule a hearing date for the motion or application, and establish a timetable. In deciding whether to schedule a motion, the judge will consider the purposes of Civil Practice Court listed in Part I.A.1 of the *Consolidated Practice Direction for Civil Actions, Applications, Motions and Procedural Matters in the Toronto Region* found at** [**https://www.ontariocourts.ca/scj/practice/practice-directions/toronto/t/**](https://www.ontariocourts.ca/scj/practice/practice-directions/toronto/t/)**.** |
| **The parties must consult on the proposed process and schedule before filing this form. If there was no consultation, explain why:** |
|  |

## SECTION A – Complete for all motions

|  |  |
| --- | --- |
| 1. Nature of the action or application (e.g., personal injury, specific tort, contract or other case type identified on Form 14F):
 |  |
| 1. Rule(s) or statutory provisions under which the motion / application is brought:
 |  |
| 1. If brought under Rule 15, is this a motion by a lawyer to remove themselves from the record?
 |  |
| 1. May the motion be heard by an associate judge or must it be heard by a judge?
 |  |
| 1. Whether a particular judge or associate judge is seized of all motions in the proceeding or of the particular motion?
 |  |
| 1. Is the motion seeking summary judgment? (**Note**: Summary judgment motions to a judge require an appearance at Civil Practice Court. Only short summary judgment motions to an associate judge may be booked using this form.)
 |  |
| 1. Is the application or motion urgent? If so, briefly explain the nature of the urgency.
 |  |
| 1. Is any party self-represented? If yes, identify.
 |  |
| 1. Does the motion or application require a bilingual judge or associate judge?
 |  |
| 1. **Oral Hearings Only**: Is an interpreter required for the hearing?
 |  |
| * 1. If yes, what language?

**Note**: For languages other than French, the court only provides court interpretation services for (i) criminal and child protection matters, (ii) civil and family matters where the litigant qualifies for a fee waiver, (iii) sign language, and (iv) where ordered by the court. |  |
| 1. Estimated time for oral argument by all parties:
 |  |
| 1. Is the oral hearing requested to proceed in-person or by remote videoconference (select only one method of hearing)?
 |  |
| * 1. If an in-person hearing is requested, is the request on consent of all affected parties? (Yes/No)
 |  |
| 1. What are the requested date(s) that you would like to schedule the motion on?

(**Note**: for short motions before an **Associate Judge**, you must use Calendly to request a date. Please use this field to list the date you selected in Calendly.) | **YYYY-MM-DD****YYYY-MM-DD****YYYY-MM-DD** |
| **Name of Party/Lawyer Proposing to Bring the Motion:**  |  |  |
|  |  | Name and Firm (please type or print clearly) |
|  |  |  |
|  |  | Telephone Number and Email Address |
| **Name of Party/Lawyer Responding to Motion:**  |  |  |
|  |  | Name and Firm (please type or print clearly) |
|  |  |  |
|  |  | Telephone Number and Email Address |

## SECTION B – Complete for all motions

Briefest point form statement of the relief sought and the grounds relied upon for the proposed motion (including rule number or other legal basis):

Briefest point form statement of the position of the responding party. On what basis does the responding party deny the moving party’s entitlement to some or all of the relief sought:

## SECTION C – Complete only for motions/applications to a judge

Method of Hearing Proposed:

[ ]  In Writing

[ ]  Summary resolution in a case conference

[ ]  Remote oral hearing (by telephone or videoconference)

[ ]  Oral hearing in court.

Does the responding party agree to this? If not, what process does the respondent propose:

Short, opposed motions and applications where the issues of fact and law are not complex are expected to be resolved in writing. If an oral hearing is proposed for the motion, please explain why:

Estimated time required for oral hearing:

Status of the case (e.g. are pleadings closed; is documentary discovery complete; is oral discovery complete; has the case been set down for trial; has a trial date been scheduled etc.)

Schedule Proposed – If a motion will be opposed, counsel and self-represented parties are required to consult and agree on a proposed schedule for the exchange of written materials. Failure to agree upon a reasonable schedule may be taken into account in assessing costs of the motion or costs of the scheduling process.

Proposed Schedule for Motion/Application:

Service of the Motion Record (must be within 10 days of the request pursuant to the *Toronto Region Practice Direction* referred to above):

Last day for completion of the following:

Service of Responding Motion Record:

Service of Reply evidence (if any):

Examination of non-party witnesses (if any):

Cross-examinations on affidavits:

Factums to be exchanged by:

## SECTION D – Applicable to all motions

All motion materials are to be filed in accordance with the processes and procedures outlined in Section C.4 of the *Notice to the Profession – Toronto: Toronto Expansion Protocol for Court Hearings During COVID-19 Pandemic,* as amended.

**Elimination of “Placeholder” Motions**: Any date requisitioned for a short motion before either a judge or an associate judge will be vacated if the Notice of Motion is not filed with payment of the motion fee **within 10 business days** after the motion date is requisitioned.

Refer to and follow the attached **Required Steps Checklist** guide to preparatory steps to a hearing.

**IMPORTANT NOTICE**: The *Rules of Civil Procedure*, RRO 1990, Reg 194 were amended effective January 1, 2021. Parties are reminded to refer to Rule 4.05.2 regarding the use of the **Civil Submissions Online Portal** and Rule 4.05.3 regarding the use of **CaseLines**.

Counsel and all self-represented parties shall file all required motion or application documents with the court and pay all required fees through the **Civil Submissions Online Portal** at <https://www.ontario.ca/page/file-civil-claim-online>, where possible. For any email filings, the subject line of the email must indicate the court file number, your name, and the hearing type (*e.g.,* opposed motion).

Court documents must be filed with the court office before being uploaded into **CaseLines**, unless the court orders otherwise. Where possible, upload your documents into CaseLines at least 5 days prior to your court date (or on the same day as a CaseLines link is provided by the court if received less than 5 days prior to your court hearing), so the judicial official can review them in advance of the hearing.  See the [*Caselines Supplementary Notice to the Profession*, effective June 17, 2021](https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/supplementary-notice-september-2-2020/) or more information as well as [Frequently Asked Questions about CaseLines](https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/supplementary-notice-september-2-2020/faq-caselines/).

**SECTION E – FOR JUDICIAL USE ONLY**

|  |  |  |
| --- | --- | --- |
| **Triage Judge**  |  |  |
| **Date Read** |  |  |
|  |  |  |

**The following directions marked with an “X” are ordered:**

**[ ]** The Registrar shall assign a date for the hearing of this motion for the length of time sought.

**[ ]** Motion/ Application to be heard in writing during the week of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The schedule [strike as appropriate] set out in the Motion Request Form / below is ordered.

**[ ]** Case conference scheduled under Rule 50.13 for the purposes set out in Rule 50.01. The court may resolve summarily any issue raised by the proposed motion or application, or may make any order deemed appropriate under Rule 50.13(6);

**[ ]** Motion / Application scheduled for hearing [strike as appropriate:] in court / by telephone / by videoconference on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The schedule [strike as appropriate] set out in the Motion Request Form / below is ordered;

**[ ]** No hearing is being scheduled at this time for the reasons set out in the Endorsement, below.

**[ ]** Rule 34.12 applies to all examinations and cross-examinations taken for this motion. The witness shall answer all questions to which objection is taken unless the objection is based on lawyer-client privilege. No answer to a question to which objection has been taken may be used unless a ruling is obtained from the judge at the hearing of the motion or application. Abuse of this rule may be subject to punitive costs or other sanctions.

**[ ]  For motions for default judgment**, the plaintiff shall serve the motion record on the defendant in light of the discussion in *Casa Manila Inc. v. Iannuccilli*, 2018 ONSC 7083. The plaintiff shall file a factum that must address specifically the quantum of all damages claimed.

**[ ]** No formal order is required for these directions.

**[ ]** Additional terms (if any):

**Endorsement (if any): [add pages if needed]**

**Date:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Judge:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**REQUIRED STEPS CHECKLIST
For Short Motions and Applications to Judges and Associate Judges**

| **DONE** | **STEP** | **HOW** |
| --- | --- | --- |
| **FILING YOUR MATERIALS** |
| **[ ]**  | Any date requisitioned for a short motion will be vacated if the Notice of Motion is not filed with payment of the motion fee **within 10 business days** after the motion date is requisitioned. | File your notice of motion and pay the fee using the Civil Submissions Online portal as soon as possible after submitting this requisition to ensure it is accepted within 10 days: <https://www.ontario.ca/page/file-civil-claim-online>. Any document submitted to the court in electronic format must be named in accordance with the Superior Court’s Standard Document Naming Protocol, which can be found in section C.8 of the *Consolidated Notice to the Profession, Litigants, Accused Persons, Public and the Media* at: <https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/consolidated-notice/#8_Standard_document_naming_protocol>Ensure your email address is on all documents filed. |
| **[ ]**  | File documents and pay all fees  | File documents and pay fees using the Civil Submissions Online portal: <https://www.ontario.ca/page/file-civil-claim-online>. **If your matter is urgent**,email your documents to the court office at CivilUrgentMatters-SCJ-Toronto@ontario.ca.**If you are filing documents for a court date or deadline that is fewer than 5 business days away**, following the procedure outlined in section C.4.8 of the *Notice to the Profession – Toronto: Toronto Expansion Protocol for Court Hearings During COVID-19 Pandemic* at:<https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/notice-to/#C_Civil_Matters>Documents submitted to the court in electronic format must be named in accordance with the Superior Court’s Standard Document Naming Protocol, which can be found in section C.8 of the *Consolidated Notice to the Profession, Litigants, Accused Persons, Public and the Media* at: <https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/consolidated-notice/#8_Standard_document_naming_protocol>See new Rule 4.05.2.Ensure your email address is on all documents filed. |
| **CONFIRMING YOUR MOTION/APPLICATION** |
| **[ ]**  | **Judges’ Motions/Applications Only:** Email Motions Coordinator 30 days prior to the motion or application hearing date about the status of the motion or application, including names, telephone numbers, and email addresses of all counsel and/or self-represented parties. After this is done, the parties will receive an email from CaseLines saying it is ready to use. | Send email to: LongMotionsStatus.Judge@ontario.ca |
| **[ ]**  | Confer with opposing counsel and email Motion Confirmation form to Motions Coordinator:1. for motions/applications to a judge, at least one week before the hearing date, if possible; and
2. for motions to an associate judge, per Rule 37.10.1.
 | For motions, see Rule 37.10.1 and Form 37B.For applications, see Rule 38.09.1(1) and Form 38B.Send email to:1. for motions/applications to a judge, to LongMotionsStatus.Judge@ontario.ca; or
2. for motions to an associate judge, to JUS.G.MAG.CSD.CivilMotionsConfirmation@ontario.ca.
 |
| **UPLOADING YOUR MATERIALS TO CASELINES(at least one week before hearing, or as soon as possible following receipt of CaseLines link from the court)** |
| **[ ]**  | Upload materials to CaseLines including all Motion Records, Factums, and the requested Draft Order or Judgment; andUpload your factum and draft Order or Judgment in WORD format. | See new Rule 4.05.3Ensure your email address is on all documents filed.For more information about CaseLines, including answers to frequently asked questions, refer to *Supplementary Notice to the Profession and Litigants in Civil and Family Matters Regarding the Caselines Pilot, E-Filing, and Fee Payment* found at:<https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/supplementary-notice-september-2-2020/> |
| **FINAL STEPS BEFORE HEARING** |
| **[ ]**  | Upload Compendiums to CaseLines.For all oral motions and applications, upload a Compendium to CaseLines at any time before the hearing containing the excerpted portions of the cases and evidence on which the parties intend to rely.Counsel and self-represented parties should familiarize themselves with the CaseLines-generated page numbering on uploaded documents for ease in directing the judge or associate judge to specific pages. | See email from CaseLines |
| **[ ]**  | Upload any amended requested Draft Order or Judgment to CaseLines prior to the hearing. | See uploading instructions in the Frequently Asked Questions About CaseLines at: <https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/supplementary-notice-september-2-2020/faq-caselines/> |
| **[ ]**  | Exchange and upload to CaseLines costs outlines, not exceeding 3 pages in length. If there have been offers to settle made that are being relied upon in relation to costs, then costs outlines and copies of the offers should be dealt with in the manner directed by the judge or associate judge. | See Rule 57.01(6) and Form 57B |