

REVOKED (July 16, 2020)



## Practice Direction Concerning Extensions of Time in Civil Proceedings in the Court of Appeal for Ontario

March 30, 2020

**In view of** the exceptional and evolving circumstances concerning COVID-19;

**And given** that, by O. Reg. 73/20, the Government of Ontario has ordered that any provision of any statute, regulation, rule, by-law or order of the Government of Ontario establishing any period of time within which any step must be taken in any proceeding in Ontario is, subject to the discretion of the Court, suspended for the duration of the emergency declared pursuant to Order in Council 518/2020 (O. Reg. 50/20), and the suspension is retroactive to Monday, March 16, 2020 (the "Order");

**And given** that in these circumstances it is desirable to provide guidance to the legal profession and the public concerning the circumstances in which the Court's discretion under the Order may be exercised;

The Chief Justice of Ontario and President of the Court of Appeal for Ontario directs that:

1. For all civil matters in the Court of Appeal for Ontario:
  - a. the time prescribed to take any step in respect of any civil proceeding in the Court of Appeal for Ontario, other than urgent family law appeals subject to the "Notice About Urgent Family Law Appeals", is extended;
  - b. the extension in paragraph 1(a) is retroactive to March 16, 2020 and continues until further direction by the Court;
  - c. the Court of Appeal for Ontario retains discretion to direct that the regular prescribed timelines apply in a particular case, either on its own motion or on application of a party to the proceeding. A party seeking the application of any

or all of the regular prescribed timelines should send a letter to the attention of the Senior Legal Officer at COA.SeniorLegalOfficer@ontario.ca. The letter should be copied to all the other parties to the matter and provide the following information: (i) why the matter should proceed under the regular prescribed timeline or timelines; and (ii) whether all parties consent to the application of the regular prescribed timelines. A judge of the Court of Appeal may direct that any or all of the regular prescribed timelines apply;

2. The suspension of time in O. Reg. 73/20 and the extension of time in paragraph 1(a) do not apply to urgent family law appeals subject to the "Notice About Urgent Family Law Appeals";
3. The suspension of time in O. Reg. 73/20 and the extension of time in paragraph 1(a) do not apply to: (i) civil proceedings in which a notice of hearing has been sent and which proceedings have not been adjourned; or (ii) civil proceedings that are being case managed. The prescribed timelines for such matters continue to apply, without suspension or extension. Should a party require an extension of time in such a matter, the party should send a letter to the attention of the Senior Legal Officer at COA.SeniorLegalOfficer@ontario.ca. The letter should be copied to all the other parties to the matter and provide the following information: (i) why the prescribed timelines should not apply; and (ii) whether all the parties consent to the extensions of time sought. A judge of the Court of Appeal may grant an extension.

  
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Chief Justice George R. Strathy

March 30, 2020.  
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Date

Effective: March 30, 2020