

## **Notice to the Legal Profession and the Public regarding the process of emailing documents at the Ontario Court of Justice (updated June 17, 2020)**

The Ontario Court of Justice has modified procedures and practices as a result of the COVID-19 pandemic. As a result of the COVID-19 pandemic, the Court has temporarily restricted the type of proceedings that may be brought before the Court. For detailed information about these temporary procedures and practices, including details about which types of matters the Court is currently hearing, please refer to the family and criminal notices on the [COVID-19 Notices and Updates](#) page on the Ontario Court of Justice website.

To support physical distancing and prevent the spread of COVID-19, the number of people who can attend in a courthouse remains limited. To reduce the need for in-person attendances at the courthouse to file documents, court filings can be temporarily submitted by email. If you are unable to file documents by email, contact your local courthouse by [email](#) or [telephone](#) to find out about other options that are available or information about attending your local courthouse. In criminal cases, legal professionals (counsel and agents authorized under s. 800(2) of the *Criminal Code*) are required to file documents by email, unless otherwise directed by a judicial official.

Instructions for filing documents or submitting requests by email are as follows:

### **Filing Requests or Documents by Email**

1. Determine if your filing, document or request relates to a family matter or criminal matter that falls within the type of matters the Court is currently hearing, as described on the website of the [Ontario Court of Justice](#).
2. Documents and requests shall be sent by email to the appropriate courthouse. For a list of email addresses see [Ontario Court of Justice – Courthouse Email Addresses](#).
3. In order to ensure your request is received and processed by the appropriate court office, the subject line should include the following information:
  - LEVEL OF COURT (OCJ)
  - TYPE OF MATTER (Criminal, Family, CYFSA)
  - FILE NUMBER (for Family matters, indicate NEW if no court file number exists.)
  - TYPE OF DOCUMENT (Case Conference, Settlement Conference, Trial Management Conference, Focused Hearing, Motion, Urgent Application, Trial, Bring Forward Request, Trial Application to Exclude Evidence, Other Request)

For example:



4. The body of the email should include the following information if applicable:

### **For family matters**

- i. court file number (if it is an existing file)
- ii. short title of proceeding
- iii. list of documents attached (note: attachments cannot exceed 35MB)
- iv. type of request
- v. confirmation of service, setting out when and how any other party was served.
- vi. name, role (i.e. lawyer, representative, party, etc.,) and contact information of person submitting the request (email and phone number)

### **For criminal matters**

- i. court file number (if known)
- ii. name and date of birth of the accused and charge(s)
- iii. details of next scheduled court appearance (date, courtroom and nature of appearance)  
Note: if unsure of the next court date, include details of the last scheduled court appearance
- iv. if a particular judicial officer is seized with the matter, the name of the officer.
- v. nature of filing / request (e.g. bring forward request, probation variation)
- vi. list and description of documents attached (note: attachments cannot exceed 35MB)
- vii. confirmation of service, setting out when and how any other party was served.
- viii. name, role (i.e. lawyer, agent, Crown, defence, etc.,) and contact information of the person submitting the request (email and phone number)

## **Additional Important Information**

### **For criminal and family matters**

By submitting documents by email to the court, the member of the legal profession/ party agrees to accept email communication from the court with respect to the proceeding.

A formal affidavit of service does not need to be filed. However, members of the legal profession/ parties should retain a copy of any relevant affidavit(s) of service and/or related documents (e.g. email confirmations) and be prepared to produce it to the Court on request.

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

Where it is not possible to email 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.

These instructions are subject to direction from a judicial official.

### **For family matters**

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

Court services will be limited to the types of family matters that the Court is currently hearing, as described on the [COVID-19 Notices and Updates](#) page on the Ontario Court of Justice website . If your matter does not fall within these types of matters, your documents and/or requests may not be processed until regular court operations resume.

A judge will determine if your matter is urgent or if it falls within the scope of matters as defined on the Ontario Court of Justice website.

If your matter is beyond the scope of matters that will be heard as outlined in [COVID-19: Scheduling of Family Matters in the Ontario Court of Justice](#), the documents which you submitted to the court may not be processed until regular court operations resume.

**Note that new applications, unless declared to be urgent by a judge, will not be heard at this time.**

Materials sent by email must indicate when and how service on any other party was made. Legal representatives or parties should retain a copy of the relevant affidavit of service and/or related documents (e.g. email confirmations) and be prepared to produce it to the Court on request.

If a judge declared that your matter will be held after the court fully reopens, the documents which you submitted to the court may not be processed until regular court operations resume.

### **For criminal matters**

Delivery/receipt of a document by email is not confirmation that the document has been accepted by the Court for filing.

Requests to bring an out of custody criminal matter before the Court are subject to approval by a judicial official. If a hearing is scheduled, the lawyer/party will be contacted and provided with details regarding the hearing, including arrangements for remote attendance, e.g. attendance by telephone.

If a hearing is not required (for example, an application to vary a probation condition that the judge decides in chambers), the party/counsel who submits the request and/or documents will be contacted and advised of the Court's determination.

## **Legal Resources and Assistance**

For information about resources that may be able to provide you with legal assistance in connection with your matter, please refer to the criminal and family notices on the [COVID-19 Notices and Updates](#) page on the Ontario Court of Justice website.