

This Notice has been superseded or replaced by subsequent directives published on the Ontario Court of Justice website. This is an archived version provided for reference only.

Ontario Court of Justice Practice Direction: Serving and Filing Criminal Court Documents (December 1, 2022)*

The following Practice direction is issued under Rules 5.1 and 3.3(2) of the Criminal Rules of the Ontario Court of Justice.

1 Serving by Email

Documents for criminal proceedings may be served by email pursuant to rule 3.3(1) of the Criminal Rules of the Ontario Court of Justice.

2 Filing by Email

Unless otherwise directed by a judicial officer, documents in criminal proceedings may be filed in person or electronically.

Documents may be filed electronically (by email), in accordance with the following procedure :

1. Documents must be emailed to the specific courthouse where the matter is being heard. For a list of email addresses, see Ontario Court of Justice – Courthouse Email Addresses or select the courthouse on the “Contacts and Courthouse Info”. Please note that some courthouses have a special designated email account for Enhanced Designations: see Practice Direction Authorizing Alternate Form of Appearance where an Enhanced Designation of Counsel has been Filed.
2. To ensure the document is received and processed by the appropriate court office, the subject line should include the following information, unless otherwise specified in a Practice Direction or Notice issued by the Court:
 - LEVEL OF COURT (OCJ)
 - TYPE OF MATTER (Criminal)
 - INFORMATION NUMBER or ACCUSED NAME

- TYPE OF DOCUMENT (e.g., Bring Forward Application, Application to Exclude Evidence at Trial)

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

- i. the Information 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. the name of the judicial officer seized with the matter, if applicable
- v. nature of filing / request (e.g. bring forward application, probation variation application)
- 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).

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

When a document has been filed electronically, it is not necessary to file a paper copy, unless a judicial officer orders otherwise.

When a document has been served by email and is being filed by email, a formal affidavit of service is not required to be filed. However, the person filing the document should retain a copy of any relevant affidavit(s) of service and/or related documents (e.g., email confirmations) and should be prepared to produce it to the Court on request.

3 Electronic Signatures

Where a signature is required on an electronic document (which includes any document being filed electronically), the document may be signed electronically in accordance with Rule 3.4 of the Criminal Rules of the Ontario Court of Justice

4 Affidavits

Where it is not possible for counsel to commission an affidavit in person or by virtual means, unsworn / unaffirmed affidavits may be filed with the Court, but the affiant is expected to be available to be present at the hearing to swear or affirm the contents of the affidavit.

Dated at Toronto this 1st day of December, 2022

Chief Justice Lise Maisonneuve

* Note re previous versions of this practice direction. This practice direction is adapted from two notices issued during the COVID-19 pandemic which are no longer in effect: section 2 of the COVID-19: Notice to Counsel and the Public re: Criminal Matters in the Ontario Court of Justice – Interim notice while the Court transitions from the COVID-19 pandemic (issued April 4, 2022) and section 5 of the COVID-19: Notice to Counsel and the Public re: Criminal Matters in the Ontario Court of Justice (issued May 22, 2020).