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Self-Represented Person's Court - Toronto Pilot Practice Direction

Information

Effective Date: May 5, 2025

The following Practice direction is issued under Rules 4.5 and 5 of the [Criminal Rules of the Ontario Court of Justice](#)

Preamble

The Ontario Court of Justice is committed to a justice system that is fair, accessible, and innovative. Further, it is committed to delivering impartial justice in a timely manner. It is a priority for the Ontario Court of Justice to treat all participants with dignity and ensure they can take part meaningfully. In the spirit of those commitments, the Ontario Court of Justice – Toronto (OCJ-T) is embarking on a pilot project that is aimed at enhancing and streamlining the case management experience for self-represented accused.

The Self-Represented Court (SRC) pilot project will stream self-represented accused matters out of the regular case management court stream and into a dedicated court where they will receive increased supports through System Navigators and, in-person Crowns and Duty Counsel.

The following Direction sets out the elements of the SRC pilot project and is aimed at assisting accused persons, counsel, and all justice participants in understanding the fundamental objectives and requirements of this pilot project.

1. Application

This pilot project applies to the following matters at the Ontario Court of Justice – Toronto courthouse:

- Individuals with a first appearance in case management court on or after May 5, 2025, who do not retain a lawyer before their second appearance.
- Those self-represented individuals who are currently appearing in person in case management court who may benefit from increased support, beginning May 5, 2025.

All justice participants should become familiar with this Direction, including Defence Counsel, who will need to understand how to stream a matter **out** of SRC once they are retained.

The following matters are excluded from the SRC pilot:

- Youth cases;
- Cases prosecuted by the Public Prosecutions Service of Canada (Federal Crown);
- Intimate Partner Violence cases (courtroom 204); and
- In-custody accused persons.

2. Enhanced Supports at SRC

SRC will offer enhanced in-person supports to self-represented accused persons through the case management phase. Those are:

- System Navigators – who are not lawyers but who provide information and guidance about court processes, agency referrals, and support through the case management phase.
- Dedicated Duty Counsel – who will review the accused’s disclosure, provide case specific legal advice, conduct resolution-focused Crown and Judicial Pretrials (where eligible)[\[1\]](#), and assist with the resolution of cases, regardless of whether the accused person meets Legal Aid Ontario’s financial eligibility criteria.
- Dedicated Crown Counsel – who will conduct in person Crown Pretrials with Duty Counsel, provide early time estimates for trial, and address disclosure issues throughout the case management phase.

3. SRC Process

First appearance:

- Accused persons may appear remotely or in person on their first appearance in regular case management court.
- At an accused person’s first appearance, the Crown will request that the accused person provide an email address so that they can receive and review electronic disclosure, which is the evidence in their case.
- A synopsis, criminal record, and charge screening form outlining what the Crown’s position is on sentence if an accused person pleads guilty to their charges at an

early stage, will be available to be provided to accused persons at the first appearance.

- If an accused person's case is screened for a specialized court such as Mental Health Court or Drug Treatment Court their case may be streamed into those courts if the accused person agrees. If an accused person identifies as Indigenous their case may be streamed into Gladue Court if they wish.
- Beginning on May 5, 2025, anyone appearing for their first appearance in regular case management court who does not have a lawyer at their first appearance, will be adjourned to appear **in person** in courtroom 101, the Self Represented Court (SRC), for their second appearance, four weeks later.
- Those accused persons who are charged with an impaired driving offence and are interested in participating in a Stream A or D of the [Ministry of Transportation Reduced Suspension with Ignition Interlock Conduct Review Program](#) may have their matter adjourned to an earlier date and/or directly into a resolution court, in order to resolve the matter within the Program's 90-day deadline.

Second Appearance In Person at SRC (four weeks after first appearance):

- The second appearance will be four weeks from first appearance to provide time for accused persons to complete Legal Aid applications and retain counsel. If counsel is retained between first and second appearance (or between any future appearances), the matter can be streamed out of SRC in accordance with the directions below under "How to Stream a Matter Out of SRC When Counsel is Retained" so that an in-person appearance is not required.
- All accused persons must appear **in person** at SRC. The SRC is an **in-person** It does not have a Zoom link.
- In-person appearances are required in SRC to ensure self-represented accused persons are able to receive in-person supports and take meaningful steps in moving their matter forward at their second appearance.
- The following supports will be available in the courthouse to assist self-represented accused persons appearing in SRC:
 - All self-represented accused persons will meet with System Navigators on their court day to receive information about the court process, including Legal Aid applications, disclosure, Crown Pretrials, specialized courts, and agency referrals. System Navigators and Duty Counsel are also available at the courthouse for drop-in consultations.

- System Navigators will help by identifying accused persons' needs and will make referrals to agencies where appropriate. Agency staff are expected to be available in person at the courthouse to assist self-represented accused persons.
- If they have not already received their disclosure, self-represented accused persons will be provided with an initial disclosure package (in paper if required) that day.
- There will be phone access for self-represented accused persons to make Legal Aid applications.
- Self-represented accused persons may connect with in-person Duty Counsel and receive legal advice about their case when they come to court. Duty Counsel may conduct a Crown pretrial and discuss possible resolutions with Crown counsel.
- Where trial time estimates are available, a self-represented accused person may set a trial date and an interim Judicial Pretrial date at the same time, in court during their court appearance.

Third Appearance (two weeks after second appearance):

- The third appearance is two weeks from the second appearance.
- As long as an accused person remains without legal representation, they will be ordered to appear in person at SRC to make best use of available supports. Self-represented accused persons will be adjourned in two week increments after the second appearance to ensure they have ongoing access to available resources and to assist them in moving their matter forward.
- By the third appearance the Crown will provide trial estimates to enable a trial date to be set. The trial time estimate may be refined if required, after a self-represented Judicial Pretrial.
- Duty Counsel will conduct a resolution-based Crown Pretrial with the Duty Crown in person at SRC. Self-represented accused persons may resolve their matter the same day if they wish to do that. They may also set a date for resolution.
- The Court expects that self-represented trial dates or resolution dates will be set in the courtroom at the third appearance.
- At the same time that a trial date is set, a self-represented Judicial Pretrial will be set on an interim date for the matters proceeding to trial. At the self-represented

Judicial Pretrial, trial time estimates may be refined, and the self-represented accused person may seek judicial input on potential resolution.

Fourth Appearance (two weeks after third appearance, and only if necessary):

- At the discretion of the presiding judicial officer, if a matter requires a fourth appearance, the Court expects that the matter will be set for trial or resolution on that date. An interim Judicial Pretrial will be set for all self-represented accused persons proceeding to trial.
- All matters must comply with the existing [Jordan-Compliant Trial Scheduling Practice Direction](#), in that parties are expected to be prepared to either resolve the matter or set a trial date, within six months of the Information sworn date.

For Defence Counsel: How to Stream a Matter out of SRC When Counsel is Retained (even partially)

SRC is dedicated to self-represented persons only. Defence Counsel do not appear in SRC. If they are retained by an accused person whose matter is in SRC, Defence Counsel must engage in one of the four options below to have the matter streamed **out** of SRC once retained:

1. Accused person brings a letter from counsel:

- The accused person can attend their SRC appearance in person with a letter from Defence Counsel indicating counsel is retained and is requesting the matter be adjourned to a specific date. Duty Counsel will assist in adjourning the matter back into the regular case management court on the requested date.^[2]

2. Defence Counsel requests an adjournment on the accused person's behalf through an email to Duty Counsel:

- Defence Counsel can have the matter adjourned into the regular case management court by sending a written request (by email) to Duty Counsel using subject line "Self-Represented Court" at TOCrimDC@lao.on.ca. The email should state:
 - Counsel has been retained (even partially).
 - Counsel is requesting that the matter be adjourned back into regular case management court on a specific date.

- The accused person is requesting the matter be adjourned in their absence.
- Upon hearing the request from Defence Counsel (through Duty Counsel), the Court may adjourn the matter without the accused personally appearing in court (in accordance with rule 5-
[*“Adjournments Without the Accused Personally Appearing”*](#) of the [Criminal Rules of the Ontario Court of Justice](#)).
- The matter will be adjourned to the requested date in the corresponding case management court.
- If the matter is on its second appearance, and Defence Counsel indicates that they are retained^[3] the matter should be adjourned for 12 weeks, in compliance with the [12-Week Adjournment Practice Direction](#), except in exceptional circumstances (see impaired driving exception above).
- The matter should not be adjourned 12-weeks if the matter is on its third appearance, as it will be difficult to comply with the *Jordan*-compliant practice direction, which requires matters be set for trial or resolution at no later than six months from the Information sworn date.

3. Defence Counsel can have the matter brought forward into regular case management court:

- If Defence Counsel wishes to speak to the matter themselves, they may bring the matter forward into regular case management court on to a date they request (subject to three clear date rule below) by emailing –
OCJ.courts@ontario.ca and cc'ing the Crown
TorontoCrownAttorneysOffice@ontario.ca.
- To ensure enough time to facilitate the bring forward, Defence Counsel must make the request as soon as they are retained and no later than 3 clear days before the date on which they want the matter to be brought to. The request must include the following information:
 - Accused's full name;
 - Accused's date of birth;
 - The charges for the matter(s) that you wish to bring forward;

- The information or ICON number (noted on the top of the accused's release documents or summons);
- The next scheduled court date and courtroom number;
- Requested date, court location (10 Armoury St.)

4. Defence Counsel can request that the matter be traversed into regular case management court on the same day:

- Defence counsel can send an email to Duty Counsel using subject line "Self-Represented Court" at TOCrimDC@lao.on.ca requesting that the matter be traversed into the appropriate case management court to be addressed that day by Defence Counsel.

Chief Justice Sharon M. Nicklas

Ontario Court of Justice

[1] In accordance with the [Ontario Court of Justice's Judicial Criminal Pre-Trial Best Practices Criteria](#):

3. Criteria for judicial pre-trials

The following cases should be scheduled for a judicial pre-trial: counsel matters with a time estimate of 3 days or more (including pre-trial applications); any sexual offence; any matter set for trial or preliminary inquiry where there is no counsel or licensed agent on record; when requested by the Crown or defence counsel, after having conducted a Crown Pre-Trial, for resolution or case estimate purposes, or upon the direction of the Court.

[2] For regular Toronto Case Management courtroom information enter the court location on the OCJ website ([Court Locations - Ontario Court of Justice](#)) and go to "Virtual Appearance Information".

[3] Meaning: counsel is retained, prepared to go on record, or otherwise confirms that they are prepared to represent the accused through the case management / intake phase, *i.e.* up to the setting of a trial or preliminary inquiry date, for the 12-Week Adjournment Practice Direction.