

Notice to the Public and Legal Profession Regarding Criminal Proceedings

Ontario Superior Court of Justice, April 26, 2024

New Revised Criminal Proceedings Rules & Pre-Trial Conference Form

The revision of the Court's *Criminal Proceedings Rules* and the development of a uniform electronic fillable Pre-Trial Conference Form reflects the Court's ongoing commitment to modernization and furthering access to justice. The revised *Rules*, along with the new Pre-trial Conference Form, aim to make the Court's criminal process clearer for criminal litigants and members of the bar.

Both the *Rules* and the Form are being distributed to the public and the Bar so you have some time to work with them and study them before coming into effect.

The Ontario Superior Court's **new *Criminal Proceedings Rules* will come into effect on May 27, 2024 and can be found [here](#) on the Court's website.**

The Ontario Superior Court's Pre-Trial Conference Form for Criminal Proceedings will be **mandatory for use across the Province as of May 27, 2024. After June 24, 2024**, the Court will not accept any other pre-trial/judicial pre-trial form. The Pre-Trial Conference Form can be found [here](#) on the Court's website.

For your assistance, a summary of the revisions and additions made to the *Criminal Proceedings Rules* are as follows:

Substantive Revisions

- Simplified the language and edited the format and structure of rules to make them easier to read and follow.
- Changed references of "solicitor of record" or "solicitor" to "counsel of record" or "counsel".
- Removed references to paper filing unless otherwise directed by the court.
- Removed references to faxes.
- Revised rules with gender neutral terminology.
- Corrected inconsistencies with punctuation or the use of upper-case and lower-case lettering.
- Corrected inconsistencies with references to number of days (for example: "30 days" vs. "thirty days" vs. "thirty (30) days").
- Updated references to outdated regulations.
- Updated requirements for Factums including form and length of factums and document standards.
- Removed the requirement for backpages.

Substantive Additions

- Redrafted the rule for Pre-Trial Conference reports to align with the new Form.
- Added rules on electronic books of authorities and factums with hyperlinking to caselaw and other material.
- Added National Day of Truth and Reconciliation and Family Day under definition of “Holiday”.
- Clarified definitions and added definitions for “accused”, “appeal”, “Attorney General”, “counsel” and “file”.
- Folded in the existing approved and applicable parts of the Consolidated Provincial Criminal Practice Direction including rules related to electronic filing and service and where factums are required.
- Added a rule regarding proper communication with the Court and judicial officials.
- Added a rule regarding electronic signatures.
- Added time limits for oral argument on Summary Conviction Appeal Hearings.
- Added requirements for bail pending appeal applications.
- Added requirement for the responding party to provide their position on bail pending appeal application where they consent, or do not oppose, the application.
- Folded in the Ontario Review of Parole Ineligibility Rules (Rule 50), SOR/2013-249 into Part V of the *Criminal Proceedings Rules*.

Please note also that all other criminal law forms will also be updated to correspond with changes to the *Rules*.

The Pre-Trial Conference Form is a fillable, expandable Adobe Form. One form must be used by all parties and counsel and this form facilitates that process. While the use of the form will be relatively straightforward with one or two accused persons and the accompanying service, filing and uploading requirements, for cases involving more than two accused, it is necessarily more complicated. There is no perfect solution. **Please familiarize yourselves with the service, filing with the Court and uploading to CaseLines requirements.** The *Rules* also provide an option for Counsel to decide amongst themselves the timing of service, filing and uploading (see *rule* 28.04(15) and (16)), however, the bottom line is that the final Pre-Trial Form must be filed with the Court and uploaded to CaseLines according to the timelines set out in the *Rules* and on the instructions section of the Form. Note the requirement that counsel file their form even if a co-counsel has failed to do so.

Also note the instructions on the Form regarding saving the form ‘as is’ with the pre-fix name and not amending the pre-fix of the form’s name. The Form has been created with the pre-fix -ph-. Counsel must ensure, prior to uploading that

the prefix -ph- is not removed from the beginning of the file name. This is critical. If the form is not saved with the proper pre-fix, the document will “flatten out” and will no longer operate as intended.

Please take your time to familiarize yourselves with the Pre-Trial Conference Form. While straightforward, my office has created a ‘how to’ video outlining the use of the Form and how to upload this Form to CaseLines. Please note that a new section called “Pre-Trial Conference Form” has been created in the “Judicial Pre-Trial” bundle in CaseLines for the form to be uploaded. See the following link for how to use the Pre-Trial Conference Form and how to upload the Form to CaseLines: <https://vimeo.com/showcase/11025844>

Geoffrey B. Morawetz, Chief Justice

April 26, 2024.