

ONTARIO SMALL CLAIMS COURT



Developments

Technology Improvements

Rule Amendments

Process Changes

Justice Laura S. Ntoukas
Small Claims Court Administrative Judge

CENTRALIZED SYSTEM



Urgent Hearings
Settlement Conferences
Assessment Hearings
Motions on Notice
Motions in Writing
Trial Continuations

DECENTRALIZATION (APRIL 12, 2021)

Three Phases, Local Court Staff Schedule

Phase 1

E-Requests

Phase 2

Suspended on
March 16, 2020

OR

Filed between
March 16, 2020
& April 6, 2021

Phase 3

Filed after
April 6, 2021

Rules of the Small Claims Court [O.Reg. 258/98]

Modernization Amendments



Amendments to Multiple Rules & Forms

- March 1, 2021
- May 24, 2021
- Primary Purpose: support the modernization of Small Claims Court

Rules of the Small Claims Court, Modernization Amendments

8 Main Aspects:

- ✓ email addresses on Small Claims Court forms
- ✓ replace fax with email
- ✓ use of email by court staff
- ✓ authorize electronic issuance
- ✓ expressly allow signing of documents electronically
- ✓ permit service of originating process by email on certain government entities
- ✓ update language to account for remote attendances
- ✓ facilitate remote commissioning of affidavits

Rules of the Small Claims Court, Modernization Amendments



Service by Email

What? Who? How? When?

Rules of the Small Claims Court, Modernization Amendments

Service – Plaintiff's Claim & Defendant's Claim

Service of Particular Documents Plaintiff's or Defendant's Claim

8.01 (1) A plaintiff's claim or defendant's claim (Form 7A or 10A) shall be served personally as provided in rule 8.02 or by an alternative to personal service as provided in rule 8.03.

Personal Service

8.02 If a document is to be served personally, service shall be made...

Rules of the Small Claims Court, Modernization Amendments

Service by Email - "The What"

Plaintiff's Claim & Defendant's Claim

8.03 (1) If a document is to be served by an alternative to personal service, service shall be made in accordance with this rule.

Service by Email Permitted on Government Entities:

(9) Crown in Right of Ontario, Attorney General

(10) Children's Lawyer

(11) Public Guardian and Trustee

Rules of the Small Claims Court, Modernization Amendments

Service by Email - "The What"

Service – Defences & Other Documents

8.01(14) The following documents may be served by mail, by courier, by email, personally as provided in rule 8.02 or by an alternative to personal service as provided in rule 8.03, unless the court orders otherwise:

1. A defence.
2. Any other document not referred to in subrules (1) to (13)

Rules of the Small Claims Court, Modernization Amendments

Service by Email - "The Who"

8.08 (1) Except as otherwise specified in any other rule, if a document is to be served by email under these rules, it **shall** be sent to,

(a) the **last email address provided by the person** to be served or the person's representative or, if no email address is provided, to the person's or representative's **last known email address**; or

(b) in the case of a lawyer or paralegal whose email address is not provided, the email address for the lawyer or paralegal as **published on the Law Society of Ontario's website.**

Rules of the Small Claims Court, Modernization Amendments

Service by Email - "The How"

Rule 8.08(3): Requirements re Email Message

(3) The email message to which a document served by email in accordance with these rules is attached **shall** include,

- (a) the sender's name, address, telephone number, and email address;
- (b) the name of the person or representative being served;
- (c) the date and time of the email; and
- (d) the name and telephone number of a person to contact in the event of a transmission problem.

Rules of the Small Claims Court, Modernization Amendments

Service by Email - “The When”

Rule 8.08(4) *When Effective:*

- (4) Service of a document by email is deemed to be effective,
 - (a) on the day the email is sent; or
 - (b) if the email is sent between 4 p.m. and midnight, on the following day.

Rules of the Small Claims Court
Other Amendments, March 1, 2021

Rule 1.09: require representatives to provide current contact information when ceasing to represent a party;

Rule 13.03(5): expressly allow the Regional Senior Judge or designate to review a recording of a settlement conference for the purpose of dealing with a complaint against a deputy judge, even before the action has been disposed of; and

Rule 13.05(4): allow parties to consent to final judgment **at a** settlement conference.

More Modernization Amendments

In force date of March 24, 2021



- E-Filing Service Portal (since 2014)
- Small Claims Court Submissions Online ('SCCSO') Portal

TECHNOLOGY IMPROVEMENTS



Zoom Accounts

Government-Issued Emails

Office 365 with OneDrive

Regional Sitting Assignments

PROCESS CHANGES

Small claims court online notice to the
public and the profession

URL: <https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/suspension-small-claims-ops/>

SCJ Twitter

Thank You