

GETTING A MOTION HEARD

Moses Moyal, Fortis Moyal LLP, Lawyers

INTRODUCTION

I've often felt that, in litigation, getting before the Court to make your case is half the battle. Once there, assuming that one is well prepared, the rest is easy. I'm sure that most lawyers have a story to tell about the time he or she dutifully showed up in court, only to find that his or her motion was not on the list. They ask: what happened? Did someone forget to set the matter down, file materials or the confirmation form that lets the Court know you're coming?

So it is that, with the various changes that have been implemented over the years concerning the conduct of motions, one must ensure that all necessary steps are taken at the appropriate time to ensure that the matter gets on the list and is heard by the Court.

The objective of this paper is to outline the manner in which a civil motion gets to be heard in the Ontario Superior Court of Justice.

THE APPLICABLE RULES

The best place to start is the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194 ("Rules"). Rule 37 is entitled "Motions – Jurisdiction and Procedure" and it deals with the manner in which motions are to be prepared and conducted. For our purposes, being the manner in which a motion gets to be heard, the essential rules that apply are Rules 37.02, 37.03, 37.04, 37.05, 37.08, 37.10, 37.10.1, 37.12.1 and 37.13. These are reproduced in Schedule "A" to this paper for convenience. They provide a convenient

guideline as to what questions ought to be addressed in order to ensure that a motion is heard.

What is the Proper Jurisdiction (Rule 37.02)?

Once it is determined that a motion is to be brought, the first issue to address is who has jurisdiction to deal with the matter. To some, the answer may be obvious, but it is not uncommon to be in court ready to argue, only to be told by the presiding master or judge that he or she has no jurisdiction to entertain the motion. Always give this question some thought.

Rule 37.02 provides the necessary guidelines to determine what judicial officer has jurisdiction, that is, the power, to deal with a motion. A judge has jurisdiction to hear any motion in a proceeding (Rule 37.02(1)). A master also has the jurisdiction to deal with any motion in a proceeding, with the exceptions listed in Rule 37.02(2). Those exceptions provide, amongst other things, that a master cannot hear a motion where a statute or a rule provides that it can only be dealt with by a judge. It is also worth keeping in mind, as we often forget, that a master cannot set aside, vary or amend an order that has been made by a judge.

The registrar of the Court, who is neither a judge nor a master, also has certain powers. These are enumerated in Rule 37.02(3). Essentially, the registrar may make an order in a proceeding that is consented to by the parties to the proceeding (inclusive of any party that is to be added to, deleted from or substituted in the proceeding) *and* the relief sought is that listed in Rule 37.02(3)(c). The parties to the consent must also not be

under any legal disability. A number of procedural motions, such as the dismissal of an action following a settlement, may be dealt with by the registrar.

Where is the Motion to be Brought (Rule 37.03)?

Until relatively recent amendments to the Rules came into effect, a motion had to be brought in the jurisdiction where opposing counsel (or, in the absence of opposing counsel, the opposing party) was located. If, for example, a party located in Toronto, with a lawyer in that city, was litigating a matter against a party in Ottawa, with a lawyer in that city, and the party in Toronto wished to bring a motion, she would have to do so in Ottawa. That is no longer the case.

Presently, Rule 37.03 provides that, absent an order of the Court to the contrary, a motion is to be brought in the county (that is, jurisdiction) where the proceeding in question was commenced. In other words, unless the Court orders otherwise, in an action commenced in, for instance, Toronto, all motions related to that proceeding are to be brought in Toronto.

Please note that Rule 37.03 makes reference to Rule 13.1.02, which, amongst other things, deals with the place of commencement of a proceeding. Essentially, a party can commence any proceeding (subject to some statutory exceptions, such as that contained in the *Construction Lien Act*, R.S.O. 1990, c. C.30) anywhere in Ontario. The Court, however, has the power under some circumstances to transfer the conduct of the proceeding to another jurisdiction.

Who has Jurisdiction to Hear the Motion (Rule 37.04)?

This question, addressed in Rule 37.04, ties in to Rule 37.02, which deals with the issue of jurisdiction. A motion may be brought either to *the court* or to *a judge*. Specific rules will set out which of these it is. By way of example, Rule 21 (Determination of an Issue Before Trial) provides that a motion under that rule is to be made to a judge (see Rule 21.01(1)). By contrast, a motion to set aside a noting of default under Rule 19.03 (Setting Aside the Noting of Default) may be brought to the court.

Where a rule provides that a motion is to be made to *the court*, it means that that motion may heard by a master or registrar (depending on which of the two has jurisdiction). Otherwise, the motion is to be made to a judge.

In those instances where the registrar of the Court has jurisdiction, as set out in Rule 37.02, a motion may be brought to the registrar, in writing.

When is the Motion Going to be Heard (Rule 37.05)?

Scheduling a motion can sometimes be a confusing process. While Rule 37.05 provides a general guideline, it defers to a large extent to the particular procedures in place in specific jurisdictions for the scheduling of motions. Reference must be had to any practice directions as may be issued from time to time by the different jurisdictions concerning the scheduling of motions. Some judicial districts only hear motions on certain days of the week; some have “running lists” that allow motions to be scheduled on any motions’ day without booking the date in advance; some districts require that motion dates be scheduled ahead of time; some provide that a long motion is one over one hour in length, while others adhere to the two hours contemplated by Rule 37.05(2).

A good resource to assist in simplifying the process is the website maintained for the Ontario Courts, which provides particulars for several jurisdictions as to the dates on which motions are heard, whether or not a date must be booked ahead of time and what constitutes a long motion requiring that a special appointment be taken out with the Court. The necessary contact particulars are also provided. The specific page from that website can be found at www.ontariocourts.on.ca/scj/en/notices/pd/procedures.htm. By way of example, reproduced at Schedules "B" and "C", respectively, are the postings in respect of the Toronto and Central East regions. Notwithstanding, it is advisable to check with the relevant court to ensure that motions are being scheduled for any particular dates, as regular motions' dates may be supplanted by trial sittings, judicial conferences and other events.

Rule 37.01(2) provides that, where it is estimated that the hearing of a motion will take more than two hours, a hearing date (or special appointment) shall be obtained from the Court prior to service of the notice of motion. With ever increasing demands on limited judicial resources, the Court expects that counsel will do its best to accurately estimate the anticipated length of a motion. I have found that, for the most part, most hearings take longer than anticipated. If, realistically speaking, a motion is to be a "long motion" as contemplated by the Rules and the practice directions in the various jurisdictions, the Court should be advised in order that it may be scheduled accordingly.

Rule 37.05(3) deals with the scheduling of urgent motions. Often, having an urgent matter heard involves showing up to court in the hopes that the matter may be added to a motions' or other list. In Toronto, a process known as "triage court" has been implemented to deal with urgent matters. The process involves a preliminary judicial

assessment of the matter to assess the urgency and, if appropriate, assign the matter for hearing on an expedited basis. An attendance in triage court must be booked ahead of time (it can be done in short order) and may be scheduled by e-mail request addressed to bosco.mascarenhas@ontario.ca. It will normally be expected that, where appropriate, notice of the attendance in triage court will be provided to all parties concerned.

Filing the Notice of Motion (Rule 37.08)

Rule 37.08(1) provides that, where a motion is made on notice, the notice of motion shall be filed with the Court, with proof of service, at least three days before the hearing date of the motion. Practically speaking, the notice of motion is not filed with the Court by itself. Rather, a motion record containing the notice of motion and the affidavit materials in support of the motion is filed (see Rules 37.10(1) and (4)).

What Materials are Required for the Hearing of the Motion (Rule 37.10)?

Rule 37.10 sets out what materials are to be filed with the Court in anticipation of the hearing of a motion. The moving party is to file a motion record (Rule 37.10(1)), the contents of which are set out in Rule 37.10(2). As mentioned above, they include a copy of the notice of motion. A responding party may file a responding record containing any responding affidavit material (Rule 37.10(3)). In addition, the responding party has an obligation to file any material that was omitted by the moving party and which may be necessary for the proper disposition of the motion. The responding party's record must be filed with the Court at least two days before the hearing date of the motion.

Specific provision is made in this Rule for motions concerning undertakings and refusals, which require the preparation and filing of a refusals and undertakings chart (Rule 37.10(10)).

Although this Rule provides that the parties to a motion may file factums in support of or in response to a motion, the rule is not mandatory, except in respect of motions where the Rules mandate the filing of factums (Rules 37.10(6), (7), (8) and (9)). Amongst the types of motions that do require a factum are motions for summary judgment (see Rule 20.03). Arguably, it is likely advisable to file a factum in respect of most motions, even if not mandatory, however, often expediency and the additional cost of same, particularly in respect of routine motions, render it impractical.

Confirming the Motion (Rule 37.10.1)

Arguably, the requirement to file a confirmation form with the Court is amongst the most important steps. Failing to do so within the time prescribed by the Rules may mean that a motion will not be placed on a motions' list and, therefore, not be heard, or that it will be relegated to the "unconfirmed" list (if there is one), there to be heard only if there is time to do so.

The confirmation of a motion is governed by Rule 37.10.1 and is meant to inform the Court as to whether or not a motion is to proceed, which of the issues raised in the motion are to be argued and how long it is anticipated that the hearing will take. It is expected that the parties to the motion will have conferred ahead of time concerning these questions. While not always a simple task, it is important that the length of the hearing be estimated as accurately as possible as the Court will use that estimate in setting up the

motions' lists for that day and a judge or master may well refuse to let counsel speak longer than has been provided for in the confirmation form.

The confirmation form (Form 37B, a copy of which is attached as Schedule "D") is to be filed with the Court by no later than 2 p.m. two days before the hearing date (Rule 37.10.1(b)). Rule 37.10.1(2) further provides that, in the event that a confirmation form is not filed by the prescribed date and time, "the motion shall not be heard, except by order of the court".

Motions in Writing (Rules 37.12.1 and 37.13)

Motions that are to proceed on consent, are unopposed or without notice may be brought in writing (Rule 37.12.1(1)). These are often called "over the counter" or "basket" motions. In some jurisdictions, it is expected that such motions will only be brought in writing. One of the difficulties with such a requirement is that, often, motions will be returned without the requested order because the judicial officer that read it may have had a question or concern that could have been easily dealt with had counsel been present to make submissions on the issue.

Opposed motions may also be made in writing in certain circumstances, namely where the issues of fact and law are not "complex" (Rule 37.12.1(4)). Such a motion requires that, in addition to the usual materials that are to be filed in support of a motion, a draft order and a factum must also be filed. I sometimes request as part of the relief sought that the requirement for a factum be dispensed with, particularly in respect of motions that are routine in nature. Keep in mind that the notice requirements for a motion in writing (where notice is required) are different than for a conventional motion

and, further, that there are some additional requirements (see, for instance, Rules 37.12.1(3), 37.12.1(4) and 37.12.1(5)).

The materials in support of a motion in writing can simply be filed with the Court in the same manner as any other. You may wish to include a stamped, self-addressed envelope in order that the Court may return the order requested as issued and entered. Otherwise, the order will be left for pick-up.

Rule 37.13 sets out the manner in which a motion in writing may be disposed of. Amongst other things, a judge may convert such motion into a motion for judgment or order the trial of an issue.

Motions in writing are a convenient and effective means of getting routine matters processed. If the matter in question is time-sensitive, however, the motion should be brought to be heard orally, notwithstanding the court's expectation to the contrary, given that it may take some time for a motion in writing to be heard and the order returned.

CONCLUSION

The objective of this paper has been to highlight the essential points to consider in order to have a civil motion heard in the Ontario Superior Court of Justice. The one thought that I would conclude with is that, notwithstanding the Rules, each jurisdiction, to a large extent, governs its own process insofar as the hearing of motions is concerned, and it is always advisable to familiarize oneself with the manner in which it chooses to do so.

SCHEDULE "A"

(Rules 37.02, 37.03, 37.04, 37.05, 37.08, 37.10, 37.10.1, 37.12.1 and 37.13
of the *Rules of Civil Procedure*, R.R.O. 1990, Reg.194)

JURISDICTION TO HEAR A MOTION

Jurisdiction of Judge

37.02 (1) A judge has jurisdiction to hear any motion in a proceeding.
R.R.O. 1990, Reg. 194, r. 37.02 (1).

Jurisdiction of a Master

(2) A master has jurisdiction to hear any motion in a proceeding, and has all the jurisdiction of a judge in respect of a motion, except a motion,

- (a) where the power to grant the relief sought is conferred expressly on a judge by a statute or rule;
- (b) to set aside, vary or amend an order of a judge;
- (c) to abridge or extend a time prescribed by an order that a master could not have made;
- (d) for judgment on consent in favour of or against a party under disability;
- (e) relating to the liberty of the subject;
- (f) under section 4 or 5 of the *Judicial Review Procedure Act*; or
- (g) in an appeal. R.R.O. 1990, Reg. 194, r. 37.02 (2).

Jurisdiction of Registrar

(3) The registrar shall make an order granting the relief sought on a motion for an order on consent, if,

- (a) the consent of all parties (including the consent of any party to be added, deleted or substituted) is filed;
- (b) the consent states that no party affected by the order is under disability; and
- (c) the order sought is for,
 - (i) amendment of a pleading, notice of application or notice of motion,
 - (ii) addition, deletion or substitution of a party,
 - (iii) removal of a lawyer as lawyer of record;
 - (iv) setting aside the noting of a party in default,
 - (v) setting aside a default judgment,

- (vi) discharge of a certificate of pending litigation,
- (vii) security for costs in a specified amount,
- (viii) re-attendance of a witness to answer questions on an examination,
- (ix) fulfilment of undertakings given on an examination, or
- (x) dismissal of a proceeding, with or without costs. O. Reg. 19/03, s. 8; O. Reg. 575/07, s. 21.

PLACE OF HEARING OF MOTIONS

37.03 (1) All motions shall be heard in the county where the proceeding was commenced or to which it has been transferred under rule 13.1.02, unless the court orders otherwise. O. Reg. 14/04, s. 17.

(2) Revoked: R.R.O. 1990, Reg. 194, s. 37.03 (3).

(3) Spent: O. Reg. 14/04, s. 17.

MOTIONS — TO WHOM TO BE MADE

37.04 A motion shall be made to the court if it is within the jurisdiction of a master or registrar and otherwise shall be made to a judge. R.R.O. 1990, Reg. 194, r. 37.04; O. Reg. 19/03, s. 9.

HEARING DATE FOR MOTIONS

Where no practice direction

37.05 (1) At any place where no practice direction concerning the scheduling of motions is in effect, a motion may be set down for hearing on any day on which a judge or master is scheduled to hear motions. O. Reg. 770/92, s. 10.

Exception, lengthy hearing

(2) If a lawyer estimates that the hearing of the motion will be more than two hours long, a hearing date shall be obtained from the registrar before the notice of motion is served. O. Reg. 770/92, s. 10; O. Reg. 575/07, s. 3.

Urgent motion

(3) An urgent motion may be set down for hearing on any day on which a judge or master is scheduled to hear motions, even if a lawyer estimates that the hearing is likely to be more than two hours long. O. Reg. 770/92, s. 10; O. Reg. 575/07, s. 3

FILING OF NOTICE OF MOTION

37.08 (1) Where a motion is made on notice, the notice of motion shall be filed with proof of service at least three days before the hearing date in the court office where the motion is to be heard. R.R.O. 1990, Reg. 194, r. 37.08 (1); O. Reg. 171/98, s. 13.

(2) Where service of the notice of motion is not required, it shall be filed at or before the hearing. R.R.O. 1990, Reg. 194, r. 37.08 (2).

MATERIAL FOR USE ON MOTIONS

Where Motion Record Required

37.10 (1) Where a motion is made on notice, the moving party shall, unless the court orders otherwise before or at the hearing of the motion, serve a motion record on every other party to the motion and file it, with proof of service, in the court office where the motion is to be heard, at least three days before the hearing, and the court file shall not be placed before the judge or master hearing the motion unless he or she requests it or a party requisitions it. R.R.O. 1990, Reg. 194, r. 37.10 (1); O. Reg. 171/98, s. 14 (1).

Contents of Motion Record

(2) The motion record shall contain, in consecutively numbered pages arranged in the following order,

- (a) a table of contents describing each document, including each exhibit, by its nature and date and, in the case of an exhibit, by exhibit number or letter;
- (b) a copy of the notice of motion;
- (c) a copy of all affidavits and other material served by any party for use on the motion;
- (d) a list of all relevant transcripts of evidence in chronological order, but not necessarily the transcripts themselves; and
- (e) a copy of any other material in the court file that is necessary for the hearing of the motion. R.R.O. 1990, Reg. 194, r. 37.10 (2).

Responding Party's Motion Record

(3) Where a motion record is served a responding party who is of the opinion that it is incomplete may serve on every other party, and file, with proof of service, in the court office where the motion is to be heard, at least two days before the hearing, a responding party's motion record containing, in consecutively numbered pages arranged in the following order,

- (a) a table of contents describing each document, including each exhibit, by its nature and date and, in the case of an exhibit, by exhibit number or letter; and
- (b) a copy of any material to be used by the responding party on the motion and not included in the motion record. R.R.O. 1990, Reg. 194, r. 37.10 (3); O. Reg. 171/98, s. 14 (2).

Material may be Filed as Part of Record

(4) A notice of motion and any other material served by a party for use on a motion may be filed, together with proof of service, as part of the party's motion record and need not be filed separately. R.R.O. 1990, Reg. 194, r. 37.10 (4).

Transcript of Evidence

(5) A party who intends to refer to a transcript of evidence at the hearing of a motion shall file a copy of the transcript as provided by rule 34.18. R.R.O. 1990, Reg. 194, r. 37.10 (5).

Factum

(6) A party may serve on every other party a factum consisting of a concise argument stating the facts and law relied on by the party. O. Reg. 14/04, s. 18.

(7) The moving party's factum, if any, shall be served at least four days before the hearing. O. Reg. 14/04, s. 18.

(8) The responding party's factum, if any, shall be served at least two days before the hearing. O. Reg. 14/04, s. 18.

(9) Each party's factum, if any, shall be filed, with proof of service, in the court office where the motion is to be heard, at least two days before the hearing. O. Reg. 14/04, s. 18.

Refusals and Undertakings Chart

(10) On a motion to compel answers or to have undertakings given on an examination or cross-examination satisfied,

- (a) the moving party shall serve on every other party to the motion and file with proof of service, in the court office where the motion is to be heard, at least three days before the hearing, a refusals and undertakings chart (Form 37C) that sets out,
 - (i) the issue that is the subject of the refusal or undertaking and its connection to the pleadings or affidavit,
 - (ii) the question number and a reference to the page of the transcript where the question appears, and

- (iii) the exact words of the question; and
- (b) the responding party shall serve on the moving party and every other party to the motion and file with proof of service, in the court office where the motion is to be heard, at least two days before the hearing, a copy of the undertakings and refusals chart that was served by the moving party completed so as to show,
 - (i) the answer provided, or
 - (ii) the basis for the refusal to answer the question or satisfy the undertaking. O. Reg. 132/04, s. 8.

CONFIRMATION OF MOTION

Confirmation of Motion

- 37.10.1 (1)** A party who makes a motion on notice to another party shall,
- (a) confer or attempt to confer with the other party;
 - (b) not later than 2 p.m. two days before the hearing date, give the registrar a confirmation of motion (Form 37B) by,
 - (i) sending it by fax, or by e-mail if available in the court office, or
 - (ii) leaving it at the court office; and
 - (c) send a copy of the confirmation of motion to the other party by fax or e-mail. O. Reg. 14/04, s. 19.

Effect of Failure to Confirm

- (2) If no confirmation is given, the motion shall not be heard, except by order of the court. O. Reg. 14/04, s. 19.

Duty to Update

- (3) A party who has given a confirmation of motion and later determines that the confirmation is no longer correct shall immediately,
- (a) give the registrar a corrected confirmation of motion (Form 37B) by,
 - (i) sending it by fax, or by e-mail if available in the court office, or
 - (ii) leaving it at the court office; and
 - (b) send a copy of the corrected confirmation of motion to the other party by fax or e-mail. O. Reg. 14/04, s. 19.

HEARING WITHOUT ORAL ARGUMENT

Consent motions, unopposed motions and motions without notice

37.12.1 (1) Where a motion is on consent, unopposed or without notice under subrule 37.07 (2), the motion may be heard in writing without the attendance of the parties, unless the court orders otherwise. O. Reg. 465/93, s. 4 (2).

(2) Where the motion is on consent, the consent and a draft order shall be filed with the notice of motion. O. Reg. 766/93, s. 1 (1).

(3) Where the motion is unopposed, a notice from the responding party stating that the party does not oppose the motion and a draft order shall be filed with the notice of motion. O. Reg. 766/93, s. 1 (1).

Opposed Motions in Writing

(4) Where the issues of fact and law are not complex, the moving party may propose in the notice of motion that the motion be heard in writing without the attendance of the parties, in which case,

- (a) the motion shall be made on at least fourteen days notice;
- (b) the moving party shall serve with the notice of motion and immediately file, with proof of service in the court office where the motion is to be heard, a motion record, a draft order and a factum entitled factum for a motion in writing, setting out the moving party's argument;
- (c) the motion may be heard in writing without the attendance of the parties, unless the court orders otherwise. O. Reg. 465/93, s. 4 (2); O. Reg. 766/93, s. 1 (2).

(5) Within ten days after being served with the moving party's material, the responding party shall serve and file, with proof of service, in the court office where the motion is to be heard,

- (a) a consent to the motion;
- (b) a notice that the responding party does not oppose the motion;
- (c) a motion record, a notice that the responding party agrees to have the motion heard and determined in writing under this rule and a factum entitled factum for a motion in writing, setting out the party's argument;
or
- (d) a notice that the responding party intends to make oral argument, along with any material intended to be relied upon by the party. O. Reg. 465/93, s. 4 (2).

(6) Where the responding party delivers a notice under subrule (5) that the party intends to make oral argument, the moving party may either attend the hearing and make oral argument or not attend and rely on the party's motion record and factum. O. Reg. 465/93, s. 4 (2).

DISPOSITION OF MOTION

37.13 (1) On the hearing of a motion, the presiding judge or officer may grant the relief sought or dismiss or adjourn the motion, in whole or in part and with or without terms, and may,

- (a) where the proceeding is an action, order that it be placed forthwith, or within a specified time, on a list of cases requiring speedy trial; or
- (b) where the proceeding is an application, order that it be heard at such time and place as are just. R.R.O. 1990, Reg. 194, r. 37.13 (1).

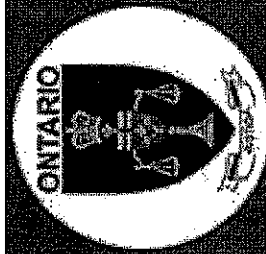
(2) A judge who hears a motion may,

- (a) in proper case, order that the motion be converted into a motion for judgment; or
- (b) order the trial of an issue, with such directions as are just, and adjourn the motion to be disposed of by the trial judge. R.R.O. 1990, Reg. 194, r. 37.13 (2).

(3) Where on a motion a judge directs the trial of an issue, subrules 38.10 (2) and (3) (issue treated as action) apply with necessary modifications. R.R.O. 1990, Reg. 194, r. 37.13 (3).

Exception, motions in estate matters

(4) Clause (2) (b) and subrule (3) do not apply to motions under Rules 74 and 75. O. Reg. 484/94, s. 7.



Superior Court of Justice

Ontario Courts
Home | Search

Court of Appeal for Ontario | Superior Court of Justice | Ontario Court of Justice
Location | Superior Court of Justice | Practice Directions and Administrative Advisories | Civil Motions Procedures
Toronto

Français

- Superior Court of Justice
- Divisional Court
- Civil Proceedings
- Criminal Proceedings
- Family Proceedings
- Small Claims Court
- Practice Directions and Administrative Advisories
- Decisions of the Court
- Information
- Making Ontario's Courts Fully Accessible to Persons with Disabilities
- Links

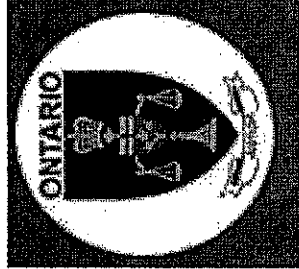
Civil Motions Information

Toronto

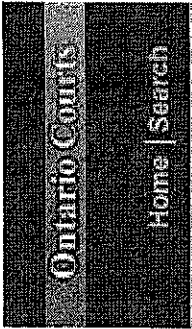
Locations	Days	Contact Name (s) and Number(s)	Long Motions	Short Motions	Other Information
Toronto	Motions held every day at 3 locations: 361 University Avenue; 393 University Avenue; and, 130 Queen Street West (Osgoode Hall)	Tony Ventura, Manager, Scheduling Unit (416) 326-1843	Over 2 hours estimated	Under 2 hours estimated	Advisory Notice required since August 2002. Available at counter or request by email at: jus.g.mag.csd.civilmotions@scheduling@jus.gov.on.ca

Home | Court of Appeal for Ontario | Superior Court of Justice | Ontario Court of Justice | Feedback | Search | Ontario Court Addresses | Links | Site Map | Français

This website has been created and is maintained by the Judges' Library. Website Policies.



Superior Court of Justice



Court of Appeal for Ontario Superior Court of Justice Ontario Court of Justice

Location Superior Court of Justice Practice Directions and Administrative Advisories Civil Motions Procedures

Français

- Superior Court of Justice
- Divisional Court
- Civil Proceedings
- Criminal Proceedings
- Family Proceedings
- Small Claims Court
- Practice Directions and Administrative Advisories
- Decisions of the Court Information
- Making Ontario's Courts Fully Accessible to Persons with Disabilities
- Links

Civil Motions Information

Central East

Locations	Days	Contact Name(s) and Number (s)	Long Motions	Short Motions	Other Information
All civil motions commence at 9:30 am in all centres pursuant to Notice to Profession from Regional Senior Justice dated August 4, 2004. Counsel and parties are able to telephone up to 4:00 p.m. the day before the motion to adjourn the motion on consent in all centres.	See city.	See city.	Over 1 hour	Under 1 hour	In Bracebridge and Tri-Counties, counsel must telephone the Trial Coordinator to schedule a motion. Counsel and parties are able to telephone up to 4:00 pm the day before the motion to adjourn the motion on consent (all centres).
Newmarket	Every Tuesday, Wednesday and Thursday	Balwant Neote Kathleen Mitchell Jocelyne Redgriff. Phone (905) 853-4823 Fax (905) 853-4880	Over 1 hour	Under 1 hour	Not available.
Barrie	Tuesday, Wednesday,	Marianne Donnelly	Over 1 hour	Under 1 hour	Blended list with family motions.

5-22

	Thursday	Glenda Sinclair Tina Tse Phone (705) 739-6151 Fax (705) 739-6099	Over 1 hour		
Bracebridge	Days vary	Marianne Donnelly Glenda Sinclair Tina Tse Phone (705) 739-6151 Fax (705) 739-6099	Over 1 hour	Under 1 hour	Not available
Cobourg	Every alternate Wednesday	Annemarie Craft Phone (705) 876-3823 1-800-788-0977 Fax (705) 745-3526)	Over 1 hour	Under 1 hour	Blended list with family motions
Lindsay	Every alternate Tuesday	Annemarie Craft Phone (705) 876-3823 1-800-788-0977 Fax (705) 745-3526)	Over 1 hour	Under 1 hour	Blended list with family motions
Peterborough	Every alternate Friday	Annemarie Craft Phone (705) 876-3823 1-800-788-0977 Fax (705) 745-3526)	Over 1 hour	Under 1 hour	Blended list with family motions
Whitby	Tuesday & Thursday	Rachel Langill Jackie	Over 1 hour	Under 1 hour	Not available

			Traviss Whitby Phone (905) 430-5803 Fax (905) 430-5804		
			Darla Morrison Cynthia Flannigan Oshawa Phone (905) 430-4905 Fax (905) 430-4914		

Last Updated: April 21, 2008

[Home](#) | [Court of Appeal for Ontario](#) | [Superior Court of Justice](#) | [Ontario Court of Justice](#) | [Feedback](#) | [Search](#)
[Ontario Court Addresses](#) | [Links](#) | [Site Map](#) | [Français](#)

This website has been created and is maintained by the Judges' Library. [Website Policies](#).

SCHEDULE "D"

Court File No.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

Plaintiff

and

Defendant

CONFIRMATION OF MOTION

I, _____, with the law firm of Fortis Muyal LLP, lawyer for the moving party, confirm that the moving party has conferred or attempted to confer with the other parties and that the Motion to be heard on _____ will proceed on the following basis:

for an adjournment on consent to(date).

for a contested adjournment to(date), for the following reason:

(specify who is requesting the adjournment and why, and who is opposing it and why)

for a consent order

for hearing of all the issues

for hearing of the following issues only *(specify)*

The presiding Judge will be referred to the following materials: *(please be specific)*

I estimate that the time required for the Motion, including costs submissions, will be **minute**
for the moving party and **minute** for the responding parties for a total of **minutes**.

November 10, 2008

FORTIS MUYAL LLP
Lawyers
15 Wertheim Court
Suite 409
Richmond Hill ON L4B 3H7

Tel : 905-731-1911
Fax: 905-731-1913

Lawyers for the

TO: **SUPERIOR COURT OF JUSTICE**
50 Eagle Street West
1st Floor
Newmarket, Ontario
L3Y 6B1
FAX: () _____

RCP-E 37B (July 1, 2007)

Court File No.

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT
NEWMARKET

CONFIRMATION OF MOTION

FORTIS MUYAL LLP
Lawyers
15 Wertheim Court
Suite 409
Richmond Hill ON L4B 3H7

Tel: 905-731-1911
Fax: 905-731-1913

Lawyers for the

RCP-E 4C (July 1, 2007)