

TAB 2

Back To Basics: Mortgage Enforcement Issues For Real Estate Lawyers

Mortgage Processes and Ontario Superior Court of Justice Court Processes By Region (COVID-19)

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MORTGAGE PROCESSES AND ONTARIO SUPERIOR COURT OF JUSTICE COURT PROCESSES BY REGION (COVID -19)

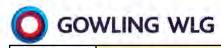
Provincial and Regional Notices to the Profession directing which matters may be heard in each region and the process to follow may be found via the link below. The link also includes updates to prior notices, notices no longer in effect, information about the suspension of Small Claims Court operations, and other resources relating to current practice and procedure.

https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/

Process	Process Region							
	Central East	Central South	Central West	East	Northeast	Northwest	Southwest	Toronto
	Barrie, Oshawa	Hamilton, Brantford, Cayuga, Kitchener, St. Catharines, Simcoe, Welland	Milton, Brampton, Orangeville, Owen Sound	Ottawa, Belleville, Brockville, Cornwall, Kingston, L'Orignal, Napanee, Picton, Pembroke, Perth	Sudbury, Sault Ste. Marie, North Bay, Parry Sound, Haileybury, Cochrane, Gore Bay	Thunder Bay, Fort Frances, Kenora	London, Windsor, St. Thomas, Chatham, Sarnia, Woodstock, Stratford, Goderich	
Demand	Y	Υ	Υ	Υ	Υ	Υ	Υ	Υ
Occupancy Check	Y	Y	Y	Y	Y	Υ	Υ	Y
Attornment	Y	Υ	Υ	Υ	Υ	Υ	Υ	Y
Notice of Sale	Y	Y	Υ	Υ	Υ	Υ	Υ	Y
Statement of Claim (issue/serve)	Y	Y	Y	Υ	Υ	Y	Υ	Y
Default Judgment ¹	Y	Y	Y	Υ	Y	Υ	Υ	Y
Summary Judgment Motion	Maybe The Court will hear contested short motions (less than one hour of argument) in writing unless notified that	The Court will hear long motions, summary	Y	Y Leave must be granted to proceed with a motion (there is a procedure for	Y Contested motions/ applications may proceed	Y Contested motions shall be made returnable to a regular	Υ	Y Contested short motions to a judge (i.e. requiring two hours or less for argument) will be subject to review in writing before being scheduled.

¹ The order suspending procedural timelines (e.g., time for delivery of a Statement of Defence, etc.) expired September 11, 2020 (effective September 14, 2020).

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an oral hearing via Zoom or	judgment	requesting that a	depending on	weekly motion	Consent and unopposed motions may
teleconference is requested.	motions and	motion/application	the complexity of	list (to be	proceed in writing. Therefore, if consent
	applications of	be scheduled).	the matter. What	conducted by	(or confirmation that the motion is
	three hours or		constitutes	video) or shall be	unopposed) can be negotiated, summary
Long motions that had been previously	less.		"complex" is	scheduled with	judgment will be available.
scheduled, but were adjourned as a		It is also possible to	undefined.	the trial	
result of COVID-19, can be rescheduled		proceed in writing		coordinator. No	
upon request.	Concise material	with unopposed		counsel or	Effective August 11, 2020, Civil Practice
	shall be filed with	motions/	Consent motions	parties are to	Court (scheduling of all summary
The notice is silent in relation to the	Court Services (at	applications as well	may proceed in	attend in person	judgment motions, long motions and
scheduling any new contested long	various email	as contested	writing.	for motions court	applications, and urgent matters) sits
motions. Motions for summary	addresses	motions/applications		unless directed	every Tuesday at 9:30 a.m. via Zoom. To
judgment in the Central East region have	depending on	if all parties agree.		by the presiding	obtain an appointment parties are
typically been treated as long motions.	the court office			judge.	required to email a requisition form to
Therefore, it is unlikely that the Court	location) in PDF	Consent motions			<u>Civilpracticecourt@ontario.ca</u>
will currently hear any new contested	format with hyperlinks to	may proceed in		NA -ti	
motions for summary judgment.	* *	writing.		Motions court	
,, ,	tabs/exhibits and draft orders are	o o		shall proceed as a speak to list to	
	to be filed in			deal with the	
Consent motions may proceed in writing.	Word.			scheduling of	
Therefore, if consent can be negotiated,	word.			motions,	
summary judgment will be available.				temporary relief	
				pending a	
				scheduled return	
				date, consent	
				matters and	
				short motions	
				only.	
				,	
				Subject to the	
				discretion of the	
				presiding judge,	
				no matters	
				longer than ½	
				hour will be dealt with on the	
				motions list. All	
				such matters will	
				need to be	
				adjourned to a	
				scheduled date.	
				seriedaled date.	

						Motions anticipated to be longer than ½ hour may be scheduled in advance with the trial coordinator by email.		
						Consent motions may proceed in writing.		
Ex Parte Motion (e.g. substituted service, leave to issue Writ of Possession, etc.)		Υ	Υ	Υ	Υ	Υ	Υ	Υ
Writ of Seizure and Sale ²	Υ	Υ	Υ	Υ	Υ	Υ	Υ	Υ
Eviction ³	Υ	Υ	Υ	Υ	Υ	Υ	Υ	Υ

² Writs of Seizure and Sale may be filed electronically based on issued (e.g., signed) but not entered judgments. There is currently no option to enter judgments electronically and limited ability to physically attend at court to have entered.

³ Evictions resumed effective August 4, 2020