



Law Society
of Ontario

Barreau
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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 The link also includes updates to prior notices, notices no longer in effect, information about the suspension of Small Claims Court operations, and other resources relating to current practice and procedure.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	Region							
	Central East Barrie, Oshawa	Central South Hamilton, Brantford, Cayuga, Kitchener, St. Catharines, Simcoe, Welland	Central West Milton, Brampton, Orangeville, Owen Sound	East Ottawa, Belleville, Brockville, Cornwall, Kingston, L'Original, Napanee, Picton, Pembroke, Perth	Northeast Sudbury, Sault Ste. Marie, North Bay, Parry Sound, Haileybury, Cochrane, Gore Bay	Northwest Thunder Bay, Fort Frances, Kenora	Southwest London, Windsor, St. Thomas, Chatham, Sarnia, Woodstock, Stratford, Goderich	Toronto
Demand	Y	Y	Y	Y	Y	Y	Y	Y
Occupancy Check	Y	Y	Y	Y	Y	Y	Y	Y
Attornment	Y	Y	Y	Y	Y	Y	Y	Y
Notice of Sale	Y	Y	Y	Y	Y	Y	Y	Y
Statement of Claim (issue/serve)	Y	Y	Y	Y	Y	Y	Y	Y
Default Judgment ¹	Y	Y	Y	Y	Y	Y	Y	Y
Summary Judgment Motion	Maybe The Court will hear contested short motions (less than one hour of argument) in writing unless notified that	Y 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	Y	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).

	<p>an oral hearing via Zoom or teleconference is requested.</p> <p>Long motions that had been previously scheduled, but were adjourned as a result of COVID-19, can be rescheduled upon request.</p> <p>The notice is silent in relation to the scheduling any new contested long motions. Motions for summary judgment in the Central East region have typically been treated as long motions. Therefore, it is unlikely that the Court will currently hear any new contested motions for summary judgment.</p> <p>Consent motions may proceed in writing. Therefore, if consent can be negotiated, summary judgment will be available.</p>	<p>judgment motions and applications of three hours or less.</p> <p>Concise material shall be filed with Court Services (at various email addresses depending on the court office location) in PDF format with hyperlinks to tabs/exhibits and draft orders are to be filed in Word.</p>		<p>requesting that a motion/application be scheduled).</p> <p>It is also possible to proceed in writing with unopposed motions/ applications as well as contested motions/applications if all parties agree.</p> <p>Consent motions may proceed in writing.</p>	<p>depending on the complexity of the matter. What constitutes “complex” is undefined.</p> <p>Consent motions may proceed in writing.</p>	<p>weekly motion list (to be conducted by video) or shall be scheduled with the trial coordinator. No counsel or parties are to attend in person for motions court unless directed by the presiding judge.</p> <p>Motions court shall proceed as a speak to list to deal with the scheduling of motions, temporary relief pending a scheduled return date, consent matters and short motions only.</p> <p>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.</p>	<p>Consent and unopposed motions may proceed in writing. Therefore, if consent (or confirmation that the motion is unopposed) can be negotiated, summary judgment will be available.</p> <p>Effective August 11, 2020, Civil Practice Court (scheduling of all summary judgment motions, long motions and applications, and urgent matters) sits every Tuesday at 9:30 a.m. via Zoom. To obtain an appointment parties are required to email a requisition form to Civilpracticecourt@ontario.ca</p>
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Ex Parte Motion (e.g. substituted service, leave to issue Writ of Possession, etc.)	Y	Y	Y	Y	Y	Y	Y	Y
Writ of Seizure and Sale²	Y	Y	Y	Y	Y	Y	Y	Y
Eviction³	Y	Y	Y	Y	Y	Y	Y	Y

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