|  |  |  |
| --- | --- | --- |
| Document | Timeline | Page |
| **Alternative Dispute Resolution** | | |
| Mediation Session | 180 days after filing of defence | 278 |
| Automatic Appointment of Mediator | 180 days after filing of defence if parties do not select | 279 |
| Date of Mediation | Within 90 days of appointment of mediator | 279 |
| Duration of mandatory session | 3 hours | 279 |
| Mediation Report | 10 days of conclusion | 280 |
| Notice of Mediation | 20 prior to date of mediation | 279 |
| Notice of Settlement | 10 days of signing or conditions being met (cond’l ag’t) | 280 |
| Statement of Issues | 7 days prior to session | 279 |
| Objection to Arbitrator | 15 days of awareness of reason for challenge | 274 |
| **Application Timelines** | | |
| Application Record and Factum | 7 days before hearing | 152 |
| Confirmation of Application | 2 p.m., 3 days before hearing | 151 |
| Notice of Application | 10 days before hearing | 151 |
| Notice of Application (Outside of Ontario) | 20 days before hearing | 151 |
| Respondent’s Application Record | 4 days before hearing (Optional) | 152 |
| Respondent’s Factum | 4 days before hearing | 152 |
| **Discovery** | | |
| Abandoned Claim for Privilege | 90 days before trial | 204 |
| Discovery Plan | Earlier of: 60 days after pleadings are closed (or longer if agreed) or attempting to obtain evidence | 200 |
| Inspection of Documents | 5 days of being served | 205 |
| Limitations on Discovery |  |  |
| General Limit | 7 hours | 207 |
| Simplified Procedure | 2 Hours | 207 |
| Notice of Oral Examination | 2 days before exam | 215 |
| Undertakings | 60 days | 217 |
| Written Examinations | 15 days | 218 |
| New line of Questioning | 10 days | 218 |
| Response to New Question | 15 days | 218 |
| **Disposition Without Trial** | | |
| Determination of Issue of Law (R 21) | 7 days before motion (appellant’s factum) | 178 |
|  | 4 days before motion (respondent’s factum) | 179 |
| Discontinuance/Withdrawal |  |  |
| Election to Proceed with Counterclaim | 30 days after discontinuance | 180 |
| Crossclaim/3rd Party Claim | Dismissed after 30 days | 180 |
| Costs of Discontinuance | Motion within 30 days | 180 |
| Dismissal by Registrar | Later of: 5 years after commencement of action and Jan 1, 2017 | 182 |
| Removed from trial list | Later of: 2 years after being struck off trial list and Jan 1, 2017 | 182 |
| Dismissal for Delay |  |  |
| Failure to Note in Default | 30 days | 181 |
| Failure to Set Down for Trial | 6 months | 181 |
| Failure to move to restore | 30 days | 181 |
| Election to proceed with Counterclaim | 30 days after dismissal | 180 |
| Effect on Crossclaim/3rd Party Claim | Dismissed after 30 days | 180 |
| Costs of Dismissal | Motion within 30 days | 180 |
| Motion for Summary Judgment | 7 days before trial (appellant’s factum) | 177 |
|  | 4 days before trial (respondent’s factum) | 177 |
| **Judgments, Orders, Enforcement, Appeals** | | |
| Appeals |  |  |
| Appeal as of right | 30 days with certificate | 263 |
| Leave to appeal | 15 days to serve notice of motion | 263 |
| Assessment of Costs |  |  |
| Notice to Deliver bill of costs | 21 days before assessment date | 269 |
| Objection to Assessment | Certificate withheld for 7 days | 269 |
| Distribution of Recoveries | 30 days after recovery (Notice of proposed distribution required) plus an additional 10 days notice of sheriff’s proposed distribution to creditors has been served | 267 |
| Enforcement of Orders |  |  |
| Examination for Execution | Once every 12 months (No order required) | 265 |
| Sale of Personal Property | 10 days notice | 265 |
| Sale of Real Property | 30 days notice (no steps taken until 4 months after writ) | 265 |
| Last Notice | Not more than 3 or less than 1 week before sale | 265 |
| Garnishment Notice | Effective for 6 years (renewable for further 6 year periods) | 266 |
| Disputes over Notice | Within 30 days of service | 266 |
| Proof of service for monies already collected | Within 30 days of payment | 266 |
| **Motions** | | |
| Affidavits in Support of Motion |  |  |
| Moving Party | At least 7 days before hearing | 194 |
| Respondent | At least 4 days before hearing | 194 |
| Confirmation of Motion | 2 p.m., 3 days before hearing | 191 |
| Factums in Motion |  |  |
| Moving Party | 7 days before hearing | 193 |
| Respondent | 4 days before hearing | 193 |
| Notice of Examination | 2 days notice | 195 |
| Notice of Motion | 7 days before hearing date | 200 |
| Notice of Motion heard in writing | 14 days | 192 |
| Refusals and Undertakings Chart | 7 days before hearing | 193 |
| Response to Refusals and Undertakings Chart | 4 days before hearing | 193 |
| Response to Motion | 10 days of service | 192 |
| Response to Motion for Particulars | 7 after demand | 172 |
| **Notice Required For Claim** | | |
| Creditor Objection | Within 10 days of proposed distribution being served | 122 |
| Motion resolving dispute | Within 8 days of objection | 122 |
| Crown Proceedings | 60 days after notice of claim | 122 |
| Constitutional Question | 15 days before hearing | 123 |
| Expropriation Assessment | Within 30 days after notice of expropriation | 122 |
| Public Authorities, Including Police Officers in Relation to the Execution of a Warrant | 6 days after notice of demand | 122 |
| King’s Highway Claims | Written Notice within 10 days of the injury | 122 |
| Libel | Written notice within 6 weeks of the incident | 122 |
| Municipal Claims | Written notice within 10 days of injury | 122 |
| Public Utilities Claim | Written notice within 1 month of end of calendar year in which injury was sustained | 122 |
| WSIB Benefits |  |  |
| Employer Must Give Notice of  Accident | 3 days after accident | 122 |
| Notice of Election | 3 months after accident | 122 |
| Employee’s Claim for Benefits | 6 months after accident/learning of occupational disease | 122 |
| **Originating Processes** | | |
| Counterclaim against Plaintiff or Person Already a Party to Action | Time prescribed for statement of defense under R18.01 or any time before D is noted in default | 165 |
| Counterclaim against New Party | Served on new Party 30 days after issue or before D is noted in default or subsequently with leave | 166 |
| Crossclaim | Time prescribed for statement of defence or any time before noting in default or subsequently with leave (granted unless prejudice) | 166 |
| Dismissed as Abandoned by Registrar | Not set down for trial within 5 years after commencement or Jan 1, 2017 (whichever later) / Not restored to trial list within 2 years or Jan 1, 2017 (whichever later) | 182 |
| Notice of Action | Must file Statement of Claim within 30 days after N.O.A. | 165 |
| Statement of Claim | Served 6 Months after issued (Served with Notice of Action if applicable) | 165 |
| Third Party Claim | Issued 10 days after statement of defence or any time before D noted in default or within 10 days after P delivers a reply (must be delivered 30 days after issued) or subsequently with leave (granted unless prejudice) | 166 |
| **Service Deemed Accepted** | | |
| Courier | Second day following the day on which the courier was given the document | 159 |
| Document Exchange | Document/copy date stamped by the document exchange in the presence of the person depositing the copy | 159 |
| Email | Recipient must provide email acceptance of service and note the date of acceptance (if acceptance received after 4 p.m., deemed next day) | 159 |
| Fax | Acceptance after 4 p.m. is deemed next day | 159 |
| Service by Mail | 5 days after mailing (does not apply to service by mail as an alternative to personal service) | 158 |
| Service by Mail as an Alternative to Personal Service | Date on which the personal mailing document receives signed acknowledgement back from recipient | 158 |
| Service at place of residence | 5 days after mailing | 157 |
| **Simplified Procedure** | | |
| Affidavit of Documents | Served 10 days after close of pleadings | 287 |
| Examination for discovery | 2 hours | 288 |
| Notice of Intention to examine or cross-examine Deponent | 10 days before trial | 290 |
| Pre-trial conference |  |  |
| Notice | Registrar must give 45 days notice from scheduled date | 289 |
| Statement of Issues | Five days before (2 page statement) | 289 |
| Setting down for trial | Within 180 days of filing of defence/notice of intent to D | 289 |
| Service of Trial Record | 10 days before date fixed | 289 |
| Settlement Discussion and documentary disclosure | Within 60 days of notice of intent to defend/statement of defence | 289 |
| Summary Trial Time Limits |  |  |
| Cross-examinations | 50 minutes for all cross-examinations | 290 |
| Evidence-in-chief | 10 minutes per witness | 289 |
| Oral Argument | 45 minutes | 290 |
| Re-examinations | 10 minutes per witness | 290 |
| **Statement of Defense** | | |
| Defence to Counterclaim | 20 days | 183 |
| Defence to Counterclaim by New Party | Time Prescribed for Statement of Defence (20-40-60) | 184 |
| Defence to Crossclaim | 20 days after crossclaim is served | 185 |
| Notice of Intent to Defend | Time Prescribed (20-40-60) + 10 days for SOD | 165 |
| Reply | 10 days | 165 |
| Third Party Claim | Issued within 10 days after statement of defence/plaintiff reply or any time before D noted in default or subsequently with leave (granted unless prejudice); Must be served on third-party within 30 days | 166 |
| Reply to Defence to Counterclaim | 10 days of being served with counterclaim defence | 184 |
| Reply to Statement of Defence | 10 days (Reply + Defence to counterclaim – 20 days) | 165 |
| Defence to Crossclaim | 20 days | 166 |
| Statement of Defense | 20 Days (Served in Ontario) | 165 |
|  | 40 Days (Served Elsewhere in Canada or US) | 165 |
|  | 60 Days (Served Outside of Canada/US) | 165 |
| Third party defence | Normal period for period of defence (20-40-60) | 166 |
| **Trial Procedures** | | |
| Dismissal by registrar | Later of: 5 years after commencement of action and Jan 1, 2017 | 225 |
| Draft order | Filed 30 days before dismissal deadline; outstanding steps within 2 years | 225 |
| Admissibility of Documents |  |  |
| Business Records | 7 days notice; produce within 5 days | 242 |
| Medical Records | 10 days notice | 242 |
| Original of Letters, Bills, etc. | 10 days notice | 242 |
| Admissions | Although not technically, practically request to admit must be more than 20 days before trial (so it expires); Response within 20 days of request to admit | 233 |
| Intention to Call Witness | 10 days before trials | 240 |
| Offers to Settle | 7 days before hearing | 228 |
| Pre-Trial Conferences | Within 180 days after set down for trial | 231 |
| Expert Witness Report | 90 days before pre-trial conference | 231 |
| Contrary/Response Expert Report | 60 days before pre-trial conference | 231 |
| Supplementary Witness Report | 30 days prior to trial | R53.03  (3) |
| Pre-trial Briefs | 5 days before conference | 231 |
| Time Periods for Trial List |  |  |
| Set down | After close of pleadings if ready and not in default (any party) | 223 |
| Placed on Trial List | 60 days after action set down for trial or immediately with consent of every other party | 224 |