

# **CIVIL JUSTICE REVIEW PROJECT FALL OUT: CHANGES IN LEGISLATION, THE RULES AND THE IMPACT ON PRACTITIONERS AND THEIR CLIENTS IN ONTARIO**

## **SIMPLIFIED PROCEDURE: CHANGES TO RULE 76**

### **Increased Monetary Jurisdiction**

While the Small Claims Court monetary jurisdiction is to rise to \$25,000 cases that proceed under the new Simplified Procedure have an increased monetary jurisdiction of \$100,000: Rule 76.02 (1).

### **New Oral Examination for Discovery**

Each party is allowed to conduct up to two hours of oral Examinations for Discovery regardless of the number of parties to be examined: Rule 76.04(2).

### **Summary Trial**

A new 10 minute Examination in Chief is now allowed in summary trials: Rule 76.12(1).

### **Summary Judgment**

The new Summary Judgment test set out in Rule 20.04 is now the Summary Judgment test under the Simplified Procedure.

### **The Impact on Practitioners**

It is expected that a large portion of civil cases will fall into this category.

It makes sense to have at least some oral Examination for Discovery in cases approaching \$100,000 in value. Of course, there will be a corresponding increase in the cost of litigation as parties need to pay for attendance at the discoveries, preparation of the new discovery plans, motions resulting from an inability to agree on discovery plans and for undertaking answers. Sensible practitioners will agree to extensions of time lines when interpreters are necessary but "bad apples" will increase costs by being difficult organizing breaks, having clients answer slowly, objecting unnecessarily to the framing of questions and to relevance.