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Civil Litigation

Chapter 15: Jurisdiction and organization of Courts in Ontario

1. Organization of Courts of Ontario - 8 regions	129
<u>Court of Appeal for Ontario</u> : Inherent jurisdiction; Chief Justice of Ontario (president of Court)	
• Associate Chief Justice & 14 other judges; currently 21 judges (referred to as “Justice”)	130
<u>Court of Ontario</u> (Two divisions: 1. <u>Superior Court of Justice</u> and 2. <u>Ontario Court of Justice</u>)	
• Superior Court of Justice (civil & criminal) – proceedings heard by 1 judge. Divisional Court - 3 judges	
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o <u>Divisional Court</u> (Appellate jurisdiction): applications for judicial review of admin actions	131
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• Case Management (R. 77) (assigned by judicial order)	
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• Simplified Procedure (R. 76): mandatory for any action \$200,000 or less (exclusive of interest + costs)	
o Money, real/personal property	
o Can be optional if amount claimed \$200,000+ if D doesn’t object; even if D objects keep going but abandon any amount over 200k	134

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1. Authority to Act : Must have authority of client before taking any steps on client’s behalf	
2. Client must have capacity : Ensure that client capable of giving instructions & has status to appear before court	
• Capable of giving instructions and appear before court	
• <u>Corporation</u> : must be incorporated & retainer authorized; <u>Trustees</u> : authorization of all trustees re estate	135
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• <u>Computation of time</u> : start last day event happened, when time period 7 days or less prescribed, don’t count holidays; where deadline occurs on holiday, act may be done on the following day that is not a holiday	
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P can request litigation guardian appointment for D 10 days before bringing motion
 - Who may be a litigation guardian = any person who is not under disability and is capable of suing.
 - Where no guardian: Children's Lawyer (child) & Public Guardian/Trustee (mental capacity)
 - Failure to appoint litigation guardian
 - Can appoint one even after lim expired; lawyer may be liable if sue x with no guardian
 - Limitations Act: Do not run during time disabled not represented
 - Service of documents: leave copy of document with lit guardian
Can try to note disabled party in default but only with leave of court
 - Court approval of settlement: settlement of claim with disabled not binding until court approved
 - Judge can approve by application (agreement before proceeding)/motion (after)
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