

PLA LIBRARY NOTICE

Dear Members,

Please see the email below from FOLA (Federation of Ontario Law Associations) with information pertaining to the NEW Court of Appeal Consolidated Practice Direction regarding COVID-19.

*Thank you,
Peel Law Association*

STAKEHOLDER NOTICE CONSOLIDATED COVID-19 PRACTICE DIRECTION (MARCH 15, 2021)

The Court of Appeal for Ontario has announced that it has released a new consolidated practice direction regarding COVID-19 and that it will be launching a new website in the coming weeks. Details about these developments are below.

Consolidated Practice Direction Regarding Proceedings in the Court of Appeal During the COVID-19 Pandemic

On March 15, 2021, the Court of Appeal for Ontario released a new practice direction that will come into force on March 29, 2021. It will be called the Consolidated Practice Direction Regarding Proceedings in the Court of Appeal During the COVID-19 Pandemic.

A copy of the consolidated practice direction: [English](#) | [French](#)

The consolidated practice direction updates, consolidates and replaces all existing Court of Appeal COVID-19-related practice directions and notices. It applies to all proceedings before the Court of Appeal, including civil, family and criminal matters.

The Court of Appeal will update the consolidated practice direction as circumstances require. Amendments will be listed in Appendix A to the consolidated practice direction. Updated topics in the consolidated practice direction include:

- **Compendiums:** During the COVID-19 pandemic, parties are permitted to file an Oral Hearing Compendium to assist the Court in following the argument during the hearing of appeals. The Oral Hearing Compendium consists of: (i) an outline of anticipated oral argument of 500 words or less, and/or (ii) extracts of those documents or cases essential to the hearing that the parties intend to refer to during argument. Oral Hearing Compendiums must be filed at least five business days before the scheduled hearing date: see Consolidated Practice Direction, at paras. 23-24.
- **Manner of Electronic Filing:** The practice direction specifies the file sharing services that parties may use to file their electronic materials with the Court. The accepted file sharing services are Microsoft OneDrive, Google Drive, Dropbox and Enterprise Attachment Transfer Service: see Consolidated Practice Direction, at para. 50.
- **Scheduling of Hearings:** In light of the significant disruptions and stresses in the personal and professional lives of counsel and litigants as a result of the COVID-19 pandemic, counsel and

litigants are reminded that they expected to be flexible and reasonable when scheduling appeals and motions and to have due consideration for the personal circumstances of others: see Consolidated Practice Direction, at paras. 55-56.

- Urgent Appeals Only During July and August 2021: Given the very significant impact of the pandemic on court operations, the Court of Appeal will only be hearing urgent appeals in July and August 2021. Requests to schedule an appeal during this time on grounds of urgency must be made to the designated List Judge: see Consolidated Practice Direction, at paras. 57-59.
- Counsel Slip and Hearing Information Form: This form has been updated. The updated version can be found at this link. The form asks parties to indicate if any publication ban or other court order prohibits the publication of the full name of any individuals in the title of proceedings. In criminal appeals, if the appellant has been granted judicial interim release pending appeal, the form now asks the parties to write out the wording of the surrender condition: see Consolidated Practice Direction, at Appendix B.
- Surrender Condition in Judicial Interim Release Orders (Criminal Matters Only): In light of the unprecedented circumstances of the pandemic, the Court has changed the standard wording of the surrender condition for release orders pending appeal. The new standard wording is:

The appellant will surrender into custody at the institution from which the appellant is released, or such other institution as may be specified in the order, by 7:00 a.m. on the morning the judgment is to be released or such other day as is specified in the order, whichever is earlier.

Unless otherwise ordered by a judge, this wording must be included in all new release orders pending appeal made by the court starting on March 29, 2021. Appellants on existing release orders may apply to vary the surrender condition in the order to reflect the new standard wording. Such applications should be brought well in advance of the hearing date: see Consolidated Practice Direction, at paras. 117-123.

New Court of Appeal Website

The Court of Appeal for Ontario will be launching a new website. The new website will be released in the coming weeks and will be accessible at the address of the existing website, <https://www.ontariocourts.ca/coa/en/>.

Katie W. Robinette

Executive Director

[FOLA.ca](https://www.fola.ca)

647-280-9340

Need answers to COVID-19 issues regarding the practice of law? [CLICK HERE](#).



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