

Chapter 3 2002/03 Court Activity

Five-Year Trends

Statistical data about court activity is extracted from the Integrated Courts Offences Network (ICON), which is CSD's operational system for Ontario Court of Justice criminal proceedings, and from the Courts Input Statistical System (CISS), which is the case tracking systems for civil and family matters and Superior Court of Justice criminal proceedings. The scope of data available from CISS is much narrower than that available from ICON.

CSD has developed a new case tracking system for civil and family cases as well as for Superior Court criminal, Small Claims and Divisional Court proceedings. This system is currently being piloted at four court locations. Provincial implementation is expected later this year. The new system is explicitly designed to meet CSD's management information and operational needs and will provide extensive data about case processing. In developing the system, CSD has captured all of the information that is currently available from the SUSTAIN case management system in Toronto, Ottawa and Windsor, including time-standard tracking and case-aging data. The new system also includes some additional, important data elements, including detailed event information.

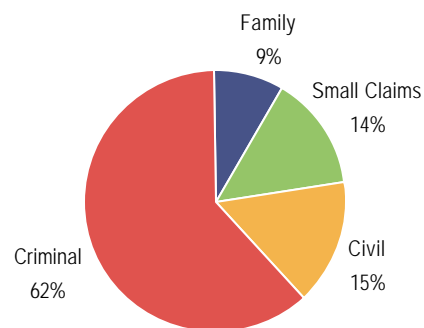
CSD is also examining options for an improved criminal case management system, including options to enhance the accuracy and scope of data available from ICON. In addition, other measures are being put in place to enhance the accuracy, scope and accessibility of CSD's management information.

The following discussion outlines some of the trends that CSD is currently tracking for all practice areas. More detailed statistical information and definitions are included in the Appendix.

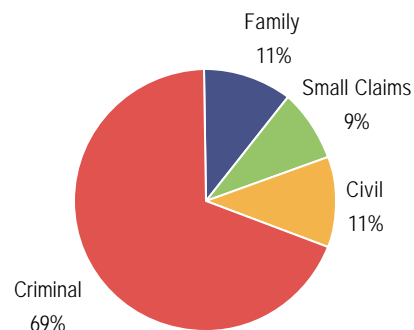
New Proceedings Received

Over the past 10 years, Small Claims Court and civil matters have declined as a proportion of total court activity while family and criminal matters have increased.

1993/94 New Proceedings Received by Practice Area



2002/03 New Proceedings Received by Practice Area



The Criminal Courts

Charges and Indictments Received

Over the past five years, the number of charges received in the Ontario Court of Justice has increased by 13 percent and the number of charge dispositions has increased by 6 percent. The number of charges received has increased in all regions. Charge dispositions have increased in all regions except Toronto and the North. In the Superior Court of Justice, indictments received have decreased by 14 percent and dispositions have decreased by 23 percent

Number of Events

Overall, the number of events heard in criminal proceedings has increased by 29 percent over the past five years. The increase in the number of events exceeds the increase in the number of new charges received. That is, on average, more events are required to process a case than in previous years.

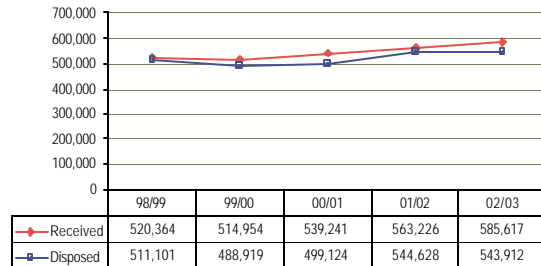
In the Ontario Court of Justice, events overall have increased by 29 percent. Events have increased sharply in the Central East (44 percent), Central West (49 percent) and East (43 percent) Regions. Events in the West and North Regions have increased by 35 percent and 30 percent respectively. In the Toronto Region, the number of events has increased by 8 percent.

In the Superior Court of Justice, events have decreased by 1 percent. The number of events has decreased in the North (9 percent), Toronto (17 percent) and West (22 percent) Regions, and has increased in the Central East (4 percent), Central West (23 percent) and East (46 percent) Regions.

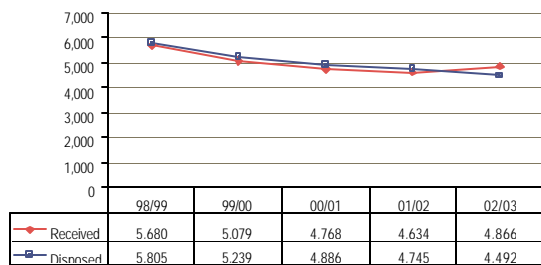
Pending Charges and Indictments

There has been an overall increase in pending charges and indictments over the past five years. The number of charges pending in the Ontario Court of Justice has increased by 36 percent and the number of indictments pending in the Superior Court of Justice has increased by 4 percent.

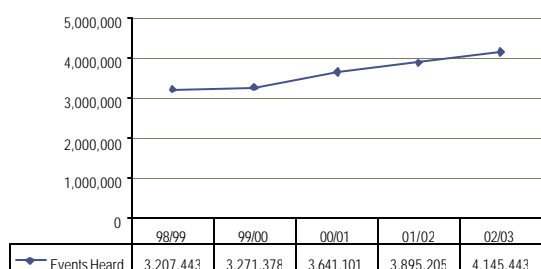
Charges Received and Disposed in the Ontario Court of Justice, Criminal 1998/99 to 2002/03



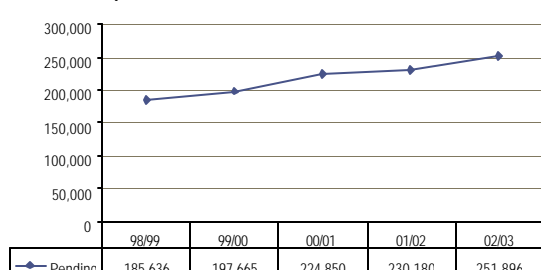
Indictments and Appeals Received and Disposed in the Superior Court of Justice, Criminal 1998/99 to 2002/03



Events Heard in the Ontario Court of Justice and the Superior Court of Justice, Criminal 1998/99 to 2002/03



Charges/Indictments Pending in the Ontario Court of Justice and the Superior Court of Justice, Criminal 1998/99 to 2002/03



The Civil Courts

New Proceedings

The number of new civil cases commenced in the Superior Court of Justice has decreased by 2 percent over the past five years. This decrease is due in part to the June 1998 transfer of residential tenancy matters under the *Landlord and Tenant Act* from the Superior Court of Justice to the Ontario Rental Housing Tribunal. Other civil cases have increased by 11 percent over this period, due in part to the inclusion of Toronto Region bankruptcy and commercial data, starting in 2001. In fiscal year 2002/03, claims under Rule 76 of the *Rules of Civil Procedure* (Simplified Procedure) comprised 23 percent of all civil claims filed in the Superior Court.

Defences Filed

The number of defended claims as a proportion of new claims filed in a given year has increased from 36 percent in 1998/99 to 56 percent in 2002/03. Most notably, there was a 76 percent increase in defences filed in the Toronto Region over the five-year period. This increase was likely due to the full implementation of Rule 77 of the *Rules of Civil Procedure* (Civil Case Management) in the Toronto Region.

Number of Events

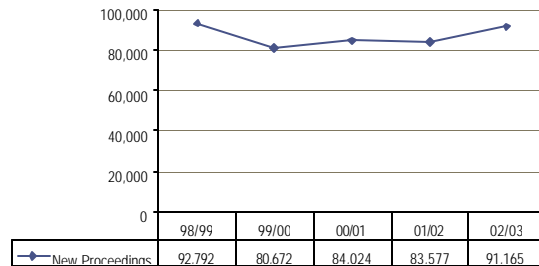
The total number of events in civil proceedings has decreased by 1 percent since 1998/99, with a dramatic decrease of 46 percent in the Central East and 51 percent in the West. Data for Toronto shows an increase of over 50 percent, which is likely due to the inclusion of bankruptcy and commercial matters in Toronto Region data starting in 2001/02 and to the full implementation of case management in July 2001.

The trial rate has remained stable at 2 percent since 1998/99, although the Toronto Region saw a sharp increase in trial activity in 1999/00 as a result of a strategy implemented in that fiscal year to bring forward trial dates.

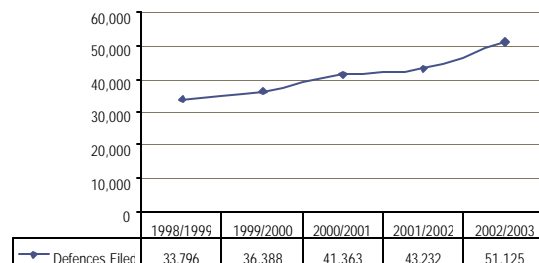
Mediation Settlement

Mandatory mediation is a feature of civil case management in Toronto and Ottawa (and Windsor, as of 2003). In Toronto and Ottawa, full settlement rates for mandatory mediation have remained stable at approximately 40 percent.

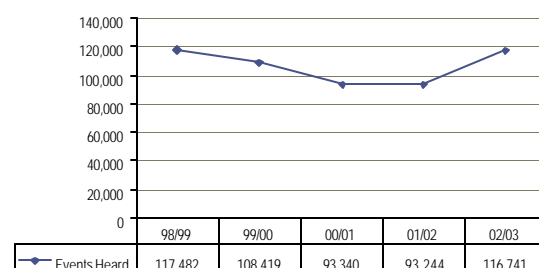
New Proceedings in the Superior Court of Justice, Civil 1998/99 to 2002/03



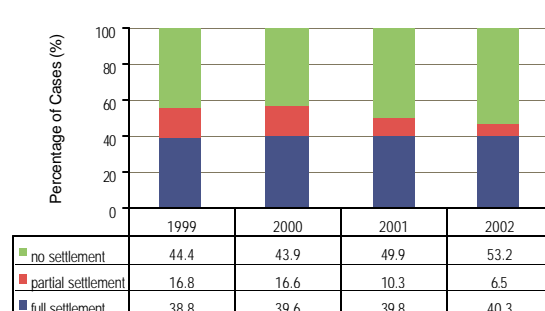
Defences Filed in the Superior Court of Justice, Civil 1998/99 to 2002/03



Events Heard in the Superior Court of Justice, Civil 1998/99 to 2002/03



Civil Mediation Settlement Rates for Toronto and Ottawa 1999 to 2002



The Family Courts

As discussed earlier, family matters are heard in both the Ontario Court of Justice and the Superior Court of Justice. In some locations, a Family Court Branch of the Superior Court of Justice has been established to hear all family matters. Family Court Branches have been established in all locations in the Central East Region, in most locations in the East Region and in a small number of locations in the Central West and West Regions. The most recent expansion of the Family Court Branch in 1999, together with the introduction of the new *Family Law Rules* that same year, has had a significant impact on court data. These changes affected the volume of incoming cases at various locations as well as family court procedures and coding practices.

New Proceedings

Overall, the number of new family proceedings has increased by 4 percent over the past five years.

Family matters heard in the Ontario Court of Justice have decreased by 28 percent. In the Central East Region, family proceedings are now heard exclusively in the Family Court Branch of the Superior Court of Justice. New proceedings in the Ontario Court of Justice have decreased in the East (69 percent), Central West (36 percent) and Toronto (29 percent) Regions. In the North and West Regions, the number of incoming family matters has increased by 37 percent and 15 percent respectively.

The Superior Court of Justice has experienced a 37 percent increase in new family proceedings, due in part to the Family Court Branch expansion in 1999. There has been a 96 percent increase in the East Region and over 50 percent increases in both the Central East and North Regions. Only the West Region experienced a decrease in new proceedings (down 7 percent).

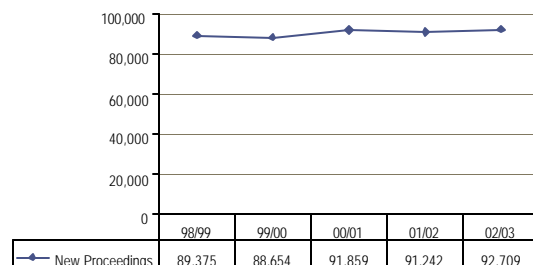
Number of Events

Overall, the number of events in family matters has increased over the five-year period by 48 percent.

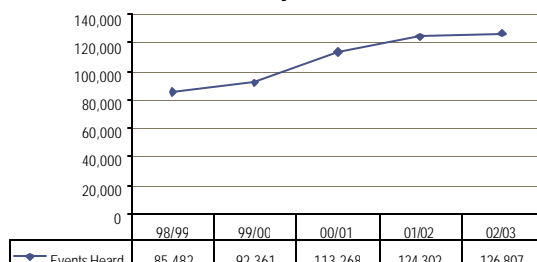
The number of events in Ontario Court of Justice family matters has increased by 6 percent. The West and North Regions have seen the largest increases in events (109 percent and 189 percent) over the five-year period, while events in the other regions decreased. Events in the Central East Region have dropped to zero, consistent with a transfer of caseload to the Family Court Branch of the Superior Court of Justice. Events have declined by 65 percent in the East, 24 percent in the Central West and 31 percent in Toronto.

Overall, the number of events in Superior Court of Justice family matters has increased by 70 percent. Central East Region events have increased by 140 percent and East Region events have increased by 88 percent, as a result of Family Court Branch expansion. The only region to experience a decrease in events

New Proceedings in the Ontario Court of Justice and the Superior Court of Justice, Family 1998/99 to 2002/03



Events Heard in the Ontario Court of Justice and the Superior Court of Justice, Family 1998/99 to 2002/03



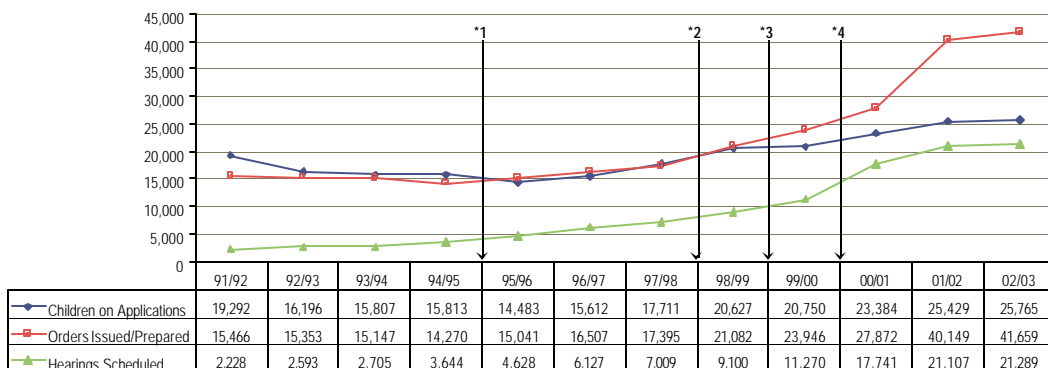
Child and Family Services Act Proceedings

The volume of court activity under the *Child and Family Services Act* has been increasing since 1995 – there have been more cases (78 percent), more orders issued (177 percent) and more hearings scheduled (360 percent). The largest increases in activity have occurred in the Superior Court of Justice, due in part to the shift of cases from the Ontario Court of Justice as a result of the Family Court Branch

expansion in 1999. However, the Ontario Court of Justice has also experienced increases in the number of orders issued and hearings scheduled.

The time to disposition for *Child and Family Services Act* cases has increased steadily over the period, with the longest times to disposition occurring in regions where there is a Family Court Branch of the Superior Court of Justice and in the Toronto Region.

Child and Family Services Act Court Activity in the Ontario Court of Justice and the Superior Court of Justice 1991/92 to 2002/03



Significant Dates:

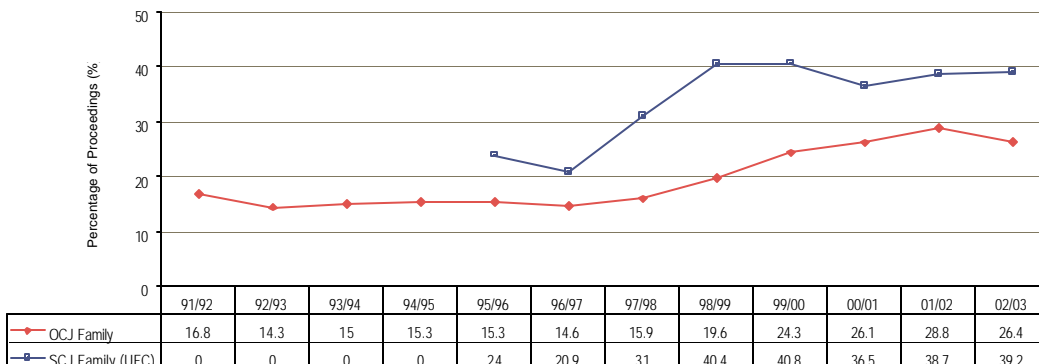
*1 First expansion of the Family Court of the Superior Court of Justice

*2 \$170M in funding over 3 years to Children's Aid Societies

*3 \$106M in additional, one-time funding to Children's Aid Societies; further expansion of the Family Court of the Superior Court of Justice; implementation of new Family Law Rules

*4 \$237M in additional funding to Children's Aid Societies; amendments to *Child and Family Services Act*

Child and Family Services Act Percentage of Proceedings that took Over Four Months to be Disposed in the Ontario Court of Justice and the Superior Court of Justice Family Court 1998/1999 to 2002/2003



The Small Claims Court

45 percent of all civil cases commenced in 2002/03 were Small Claims Court claims.

New Proceedings

The number of Small Claims cases commenced has declined by 9 percent over the five-year period. The largest decline was in the North Region (18 percent). The number of defended claims as a proportion of new claims filed in a given year has increased from 27 percent to 33 percent over the five-year period. The rate of default judgments (judgments obtained where no defence has been filed) has increased from 37 percent to 39 percent. In 2002/03, 15 percent of cases went to trial.

Number of Events

The number of events heard has declined by 9 percent. Once again, the largest decline in events occurred in the North Region (20 percent). The number of pre-trial hearings scheduled has decreased by 7 percent over the five-year period. Pre-trials are hearings held before trial to ensure full disclosure, help parties settle issues and assist them in preparing for trial.

The Court of Appeal

Court of Appeal data is collected by calendar year.

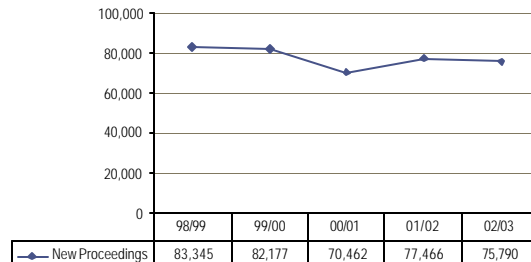
Criminal Appeals

The number of criminal appeals filed has declined by 24 percent from 1998 through 2002. The number of criminal appeal dispositions has declined by 22 percent over the same period. The number of appeals pending at the beginning of each calendar year has dropped by 21 percent.

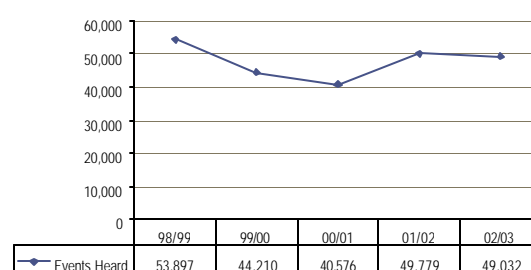
Civil Appeals

The number of civil appeals filed has declined by 24 percent from 1998 through 2002. The number of civil appeal dispositions has declined by 35 percent over the same period. The number of appeals pending at the beginning of each calendar year has dropped by 46 percent.

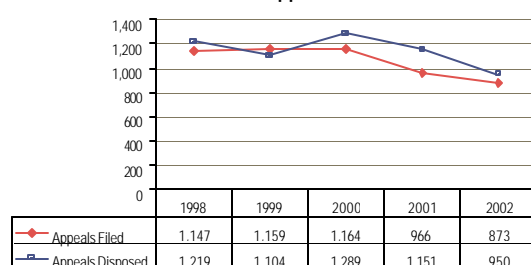
New Proceedings in Small Claims Court 1998/99 to 2002/03



Events Heard in Small Claims Court 1998/99 to 2002/03



Criminal Appeals Filed and Disposed in the Ontario Court of Appeal 1998 to 2002



Civil Appeals Filed and Disposed in the Ontario Court of Appeal 1998 to 2002

