

## Chapter 2

### Introduction to Ontario's Courts

Ontario's *Courts of Justice Act* creates the framework for the province's court structure. The Act establishes the jurisdiction of each of the province's three courts: the Court of Appeal for Ontario, the Superior Court of Justice and the Ontario Court of Justice.



Photo: The Court of Appeal for Ontario at Osgoode Hall, Toronto

#### The Court of Appeal for Ontario

The Court of Appeal for Ontario is the highest court of record in the province. The Court of Appeal hears:

- Criminal appeals of indictable offences
- Civil appeals of final decisions of the Superior Court of Justice
- Appeals involving young persons
- Some appeals of decisions of the Divisional Court
- Inmate appeals (heard in Kingston, Ontario)

The Court of Appeal sits in Toronto at Osgoode Hall. The court is composed of a federally appointed Chief Justice of Ontario, an Associate Chief Justice of Ontario and 22 other judges. The Court of Appeal sits with either one or three judges depending on the appeal. Decisions of the Court of Appeal may be further appealed to the Supreme Court of Canada. (Note that the Supreme Court of Canada is administered by the federal government according to ss. 91(27), 92(14), 96-101 of the *Constitution Act*).

#### The Superior Court of Justice

The Superior Court of Justice hears:

- Criminal prosecutions of indictable offences
- Some criminal prosecutions involving young persons
- Summary conviction appeals from the Ontario Court of Justice
- Bail reviews
- Civil suits (Civil suits under \$10,000 are dealt with in Small Claims Court, a branch of the Superior Court.)
- Family law disputes involving divorce or property claims, child and spousal support, and custody and access claims (Where the Family Court branch of the Superior Court of Justice exists, the Superior Court hears all family matters.)

The Superior Court of Justice sits in 49 permanent court locations in Ontario. The court is led by a federally appointed Chief Justice of the Superior Court of Justice, an Associate Chief Justice, and Regional Senior Justices who oversee scheduling and judicial issues in their regions. Most of the judicial locations in Ontario also have a Local Administrative Justice who oversees the judicial administrative issues at that specific location.

#### Divisional Court

The Divisional Court is a branch of the Superior Court of Justice. The court hears:

- Appeals and reviews of decisions by government agencies, tribunals and boards
- Some civil appeals under \$25,000

The Divisional Court sits in various locations throughout the province in panels of three judges. The court includes the Chief Justice of the Superior Court of Justice, the Associate Chief Justice of the Superior Court of Justice and other judges appointed from the Superior Court of Justice.

### **Family Court**

In some jurisdictions in Ontario, a Family Court branch of the Superior Court of Justice has been established to provide a single court for all family matters, including divorce, division of property, child protection, adoption, child and spousal support and child custody and access matters. Special services provided by the Family Court include Family Law Information Centres, Supervised Access Centres, Mediation Services and Parent Information Sessions.

The Family Court has been established in 17 municipalities across the province. Where the Family Court does not exist, jurisdiction over family law disputes is divided between the Superior Court of Justice and the Ontario Court of Justice.

### **Small Claims Court**

The Small Claims Court is a branch of the Superior Court of Justice. The court hears civil actions for claims up to \$10,000. While there are some permanently appointed Small Claims Court judges, the court is usually presided over by senior lawyers who are appointed to act as deputy judges.

### **The Ontario Court of Justice**

All criminal cases are commenced in the Ontario Court of Justice, and over 95 percent of such cases are completed in this court. Ontario Court judges and justices of the peace sit in over 175 locations across the province. Judges of the court hear:

- Criminal prosecutions of indictable and summary conviction offences
- Most criminal prosecutions involving young persons
- *Provincial Offences Act* appeals from decisions of justices of the peace
- Child protection applications, family law disputes involving custody, access and support, and adoption applications, in areas where the Family Court branch of the Superior Court of Justice does not exist

Justices of the Peace hear:

- Bail hearings
- Prosecutions of provincial offences

The court is led by a Chief Justice of the Ontario Court of Justice, an Associate Chief Justice, an Associate Chief Justice/Coordinator of Justices of the Peace, Regional Senior Justices and Regional Senior Justices of the Peace. Most of the judicial locations in Ontario also have a Local Administrative Justice who oversees the judicial aspects of the court at that specific location.

*“Access to justice remains one of the essential bulwarks of our society and our individual liberties. Our freedoms are at best fragile and they depend on the ability of every citizen to assert in a court or a tribunal his or her rights under law.”*

Chief Justice McMurtry, Opening of Courts Speech, January 2004

# THE JUDICIARY



Chief Justice of  
Ontario  
The Honourable  
R. ROY McMURTRY



Associate Chief Justice of  
Ontario  
The Honourable  
DENNIS R. O'CONNOR



Chief Justice of the  
Superior Court of Justice  
The Honourable  
HEATHER FORSTER SMITH



Associate Chief Justice of the  
Superior Court of Justice  
The Honourable  
J. DOUGLAS CUNNINGHAM



Chief Justice of the  
Ontario Court of Justice  
The Honourable  
BRIAN W. LENNOX



Associate Chief Justice of the  
Ontario Court of Justice  
The Honourable  
J. DAVID WAKE



Associate Chief Justice of the  
Ontario Court of Justice/  
Coordinator of Justices of the Peace  
The Honourable  
DONALD A. EBBS

## Judicial Complement (as of March 31, 2004)

Court	Judicial Official	Complement
Court of Appeal for Ontario	Judges of the Court of Appeal for Ontario	24
	Judges of the Superior Court of Justice	289
Superior Court of Justice	Judges of the Small Claims Court (Full-time)	3
	Judges of the Small Claims Court (Part-time)	4
	Deputy Judges of the Small Claims Court	374
Ontario Court of Justice	Judges of the Ontario Court of Justice (Full-time)	270
	Judges of the Ontario Court of Justice (Part-time)	32
	Justices of the Peace	308