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### Ontario Court of Justice

*Ce guide est également disponible en français*

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# A Guide to Family Procedures in the Ontario Court of Justice

Revised July 2004

*This guide does not provide legal advice.  
It is recommended that all parties in the  
Ontario Court of Justice seek legal advice  
where possible.*

# Part 6: General Information Sheets

## Filing Documents

### What is the Continuing Record?

The Continuing Record is a record of all the important documents in your case. The general rule is that any document that is served and filed must be put into the Continuing Record.

The Continuing Record is kept in the court office, in the court file. Both parties should also have their own copies of the Continuing Record.

### Who prepares the Continuing Record?

In most cases, the applicant is responsible for initial preparation of the Continuing Record. Both the applicant and the respondent will file their documents in the Continuing Record.

The Continuing Record is prepared at the court office. Court staff will provide parties who are not represented by a lawyer with the materials needed to prepare the Continuing Record, including:

- A front cover
- A Table of Contents
- Tabs
- A Fastener

Documents that you file in the Continuing Record must be punched with three holes and identified by a numbered tab. Court staff will have a sample Continuing Record to help parties prepare the Continuing Record. You should seek assistance from court staff if you have any questions about how to prepare the Record.

### How is the Continuing Record organized?

The requirements for the preparation of the Continuing Record are set out in a document called “Formal Requirements of the Continuing Record under the Family Law Rules” and available through the Ontario Courts website at [www.ontariocourts.on.ca](http://www.ontariocourts.on.ca).

### Part I of the Continuing Record has the following sections:

1. Table of Contents
  - The cumulative Table of Contents must be updated every time a document is filed in the record.
  - The Table of Contents indicates where the document is located in the record.
  - When you serve documents on the other party, you must also serve an updated Table of Contents.
  - Pages 4 and 5 of this guide shows a sample Table of Contents and how it must be updated.
2. Endorsements
  - Contains blank sheets for the judge to write endorsements.
  - Contains copies of all court orders and reasons for judgment.
3. Pleadings
  - You must file all the documents which start or answer a case (such as an Application, Answer, or Reply) in this section.

- Documents are filed behind numbered tabs, in chronological order of filing, with the most recently filed document at the back of the section.
- The tab number should be recorded in the Table of Contents.
- Behind each numbered tab, number the pages of the document continuously, starting with page 1. You do not need to show these page numbers in the Table of Contents.

#### 4. Financial Statements

- You must file all financial statements and the documents that are required to be attached to them in this section.
- Documents are filed behind numbered tabs, in chronological order of filing, with the most recently filed document at the back of the section.
- The tab number should be recorded in the Table of Contents.
- Behind each numbered tab, number the pages of the document continuously, starting with page 1. You do not need to show these page numbers in the Table of Contents.

**In some cases, there may be a Part II of the Continuing Record,** which contains all other documents filed in the case. For example, this part could include motions and supporting affidavits, documents to enforce a payment order other than a support order, and trial management conference briefs.

Part II is not created unless there is a document to be filed in it. Documents are filed in Part II behind numbered tabs, in chronological order of filing, with the most recently filed document at the end. Part II must start with a new tab sequence.

#### Note:

- **Documents cannot be removed from the Continuing Record, except by court order.**
- **Affidavits of Service** must be filed in a sleeve in the court file, not in the Continuing Record.
- **Case Conference Briefs** are not filed in the Continuing Record, unless the court orders otherwise. If the court orders you to file the Case Conference Brief in the Continuing Record, make sure that any portions of the brief that discuss settlement are not visible.
- **Settlement Conference Briefs** are never filed in the Continuing Record.

#### Separate Records

In certain situations, there may be separate records: one for the applicant and one for the respondent. Only the applicant's documents are filed in the Applicant's Record, and the respondent's documents are filed in the Respondent's Record.

The separate records are organized like the regular Continuing Record, except that the endorsements section is in the Applicant's Record only.

## Distinct Records

Cases to determine a child protection application, an application for a status review of a child protection order, support enforcement involving the Director of the Family Responsibility Office, or a motion to change a final order or agreement will each have their own records, apart from a Continuing Record that may have already been created.

These distinct records are organized differently from the regular Continuing Record. However, like the regular Continuing Record, they may also be separated in certain situations.

## Summary of Organization of the Continuing Record

The chart below provides a summary of the organization of a Continuing Record.

<b>CONTINUING RECORD</b>		
<b>SINGLE RECORD</b>	<b>SEPARATE RECORDS</b>	
<b>Continuing Record</b>	<b>Applicant's Record</b>	<b>Respondent's Record</b>
Red cover	Red cover	Blue cover
Part I	Part I	Part I
- Table of contents	- Table of contents	- Table of contents
- Endorsements (only in 1 <sup>st</sup> volume)	- Endorsements (only in 1 <sup>st</sup> volume)	
- Pleadings	- Pleadings	- Pleadings
- Financial statements	- Financial statements	- Financial statements
Part II	Part II	Part II
- All other documents	- Applicant's other documents	- Respondent's other documents

## Table of Contents (Continuing Record)

All forms and documents that are being served on the other party must be served with an updated Table of Contents.

ONTARIO

\_\_\_\_\_  
(Name of court)

at \_\_\_\_\_  
Court office address

**Applicant(s)**

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

\_\_\_\_\_

\_\_\_\_\_

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

\_\_\_\_\_

\_\_\_\_\_

**Respondent(s)**

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

\_\_\_\_\_

\_\_\_\_\_

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

\_\_\_\_\_

\_\_\_\_\_

Court File Number

\_\_\_\_\_

**Cumulative Table of Contents  
(Continuing Record)**

Document <small>(For an affidavit or transcript of evidence, include the name of the person who gave the affidavit or the evidence.)</small>	Filed by <small>(A = applicant or R = respondent)</small>	Date of Document <small>(d, m, y)</small>	Date of Filing <small>(d, m, y)</small>	Part/Section/Tab

Continued on next sheet  
 (Français au verso)

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Fill in the **court address and file number** if it is not already there.

Complete the **Applicant and Respondent information** if it is not already there.

**List each document** on separate lines under the column called Document.

In the "**Filed By**" column, put: "A" if you are the applicant "R" if you are the respondent.

Put the date of each document or date of signature of each document under the column "**Date of Document.**"

Leave the column "**Date of Filing**" blank until the document(s) are filed with the court.

Indicate the part, section and tab number of the document.

### Updating the Table of Contents

Once the Table of Contents has been created, it must be copied and updated every time a document is served by any one of the parties.

In the example below, the applicant has filed:

- An Application
- A Financial Statement

The respondent will update the Table of Contents by indicating the information that is being filed (in this case an Answer). A copy of the Table of Contents will then be served on the applicant, along with the Answer.

**Note:** If there are separate records, each party is responsible for updating his or her own record and Table of Contents.

ONTARIO

*Ontario Court of Justice*  
(Name of court)

at 123 New Street, Anytown, ON A1A 1A1  
Court office address

Court File Number  
99092521

**Cumulative Table of Contents  
(Continuing Record)**

**Applicant(s)**

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Mary Smith (email: *msmith@hotmail.com*)

29 Dexter Place, Anytown, ON A1A 1A1  
Tel: 555-555-1212

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

**Respondent(s)**

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

John Smith

51 Irene Ave., Anytown, ON A1A 1A1  
Tel: 555-555-1313

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Document <small>(For an affidavit or transcript of evidence, include the name of the person who gave the affidavit or the evidence.)</small>	Filed by <small>(A = applicant or R = respondent)</small>	Date of Document <small>(d, m, y)</small>	Date of Filing <small>(d, m, y)</small>	Part/Section/Tab		
Application	A	15,09,99	20,10,99	1	1	1
Financial Statement	A	15,09,99	20,10,99	1	1	1
Answer	R					

Continued on next sheet  
(Français au verso)

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**In the example:**

The documents that are already in the Continuing Record are listed in the first lines.

The document that is being added to the Continuing Record is indicated on the next blank line.

## Time Limits for Filing Documents

The court rules contain certain time limits for filing documents. Many of the forms have the time limits printed on them. For example, the respondent in a case has **30** days from the date he or she is served with the Application to file an Answer. This information is on both the Application (General) – Form 8, as well as the Answer – Form 10.

### What happens if you miss a deadline?

Court staff cannot accept documents if the deadline for filing the documents has past. The time for serving and filing some documents may be extended if you have written consent from the other party. If you do not have the other party’s consent, you may bring a procedural motion asking the judge for an order to extend the timelines. *Refer to the Motions Guide for more information.*

## Counting Days

There are two ways in which days are counted for the purposes of filing deadlines:

- 1. If the time for completing something is less than seven days:** weekends, holidays and other days when the court office is closed are **not** counted.
- 2. If it is more than seven days:** you count every day.

In the example of filing an Answer: weekends, holidays and other days when the court office is closed are counted as part of the 30 days. Most timeframes in the *Family Law Rules* are greater than seven days. A sample of counting days is shown below.

**Remember: Documents cannot be served on Sunday, unless the court gives its permission.**

### Counting Days Example

October						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

November						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11 <small>Remembrance Day</small>	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

The respondent is served with the Application.

**DAY 1:** The respondent has 30 days to serve and file an Answer.

**Deadline for completion:** Because the period ended on a weekend, the respondent has until the end of the next business day to serve and file an Answer.

Holiday: The day still counts as part of the 30 days.

**DAY 30:** The 30-day deadline for the respondent to serve and file an Answer falls on a weekend. Court offices are closed. The period therefore ends on the next day when court offices are open.