

# Flowcharts summarizing the processes under the *Rules of Civil Procedure*

Revised to reflect court reforms in effect on January 1, 2021

Ministry of the Attorney General

January 2021

*This guide does not provide legal advice.*

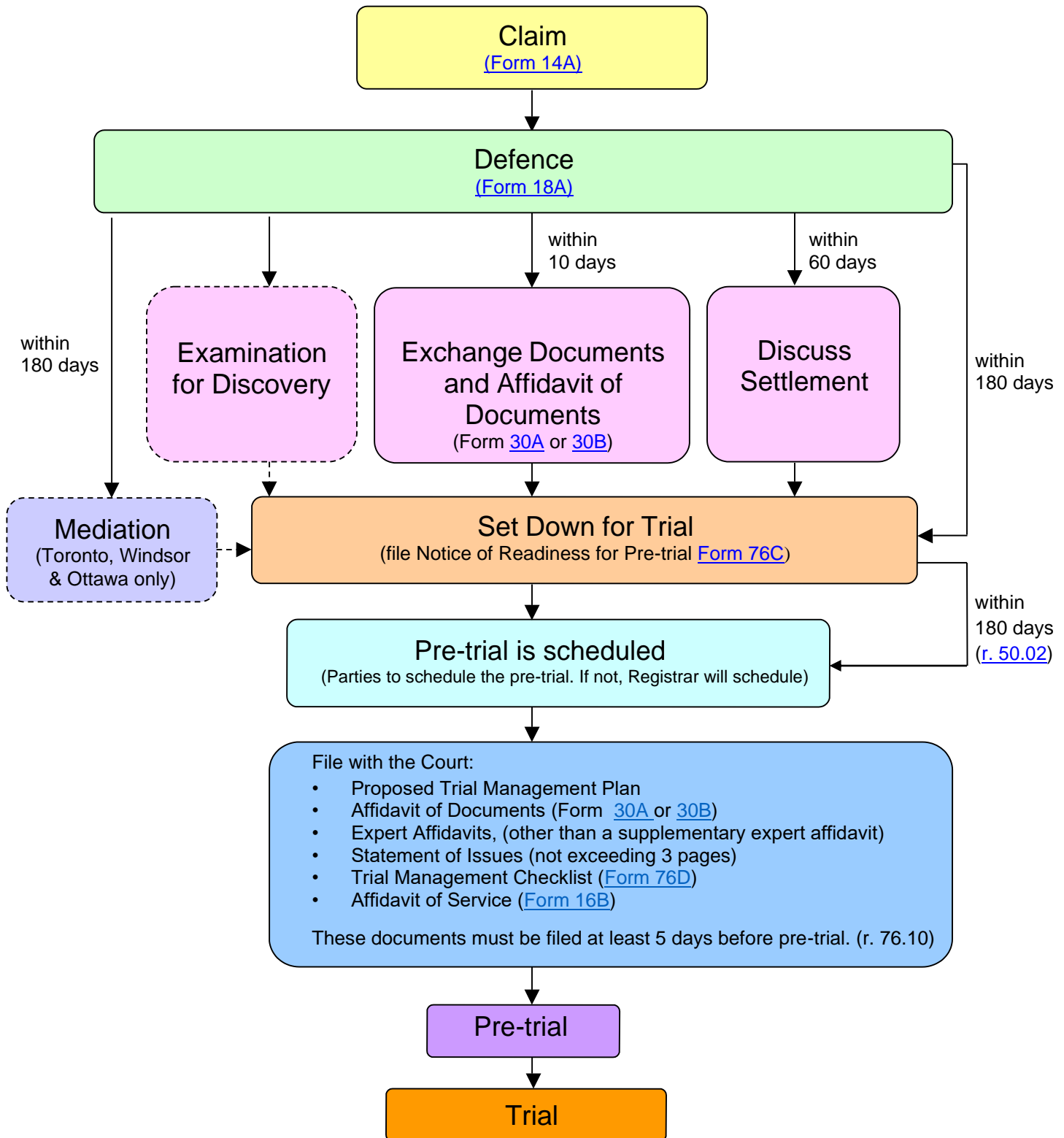
*It is recommended that all parties seek legal advice where possible.*

Ce guide est également disponible en français

Figure 1: This flowchart shows the process for Simplified Procedure cases pursuant to Rule 76 of the Ontario Rules of Civil Procedure.

Rules of Civil Procedure

**Simplified Procedure**  
under rule 76



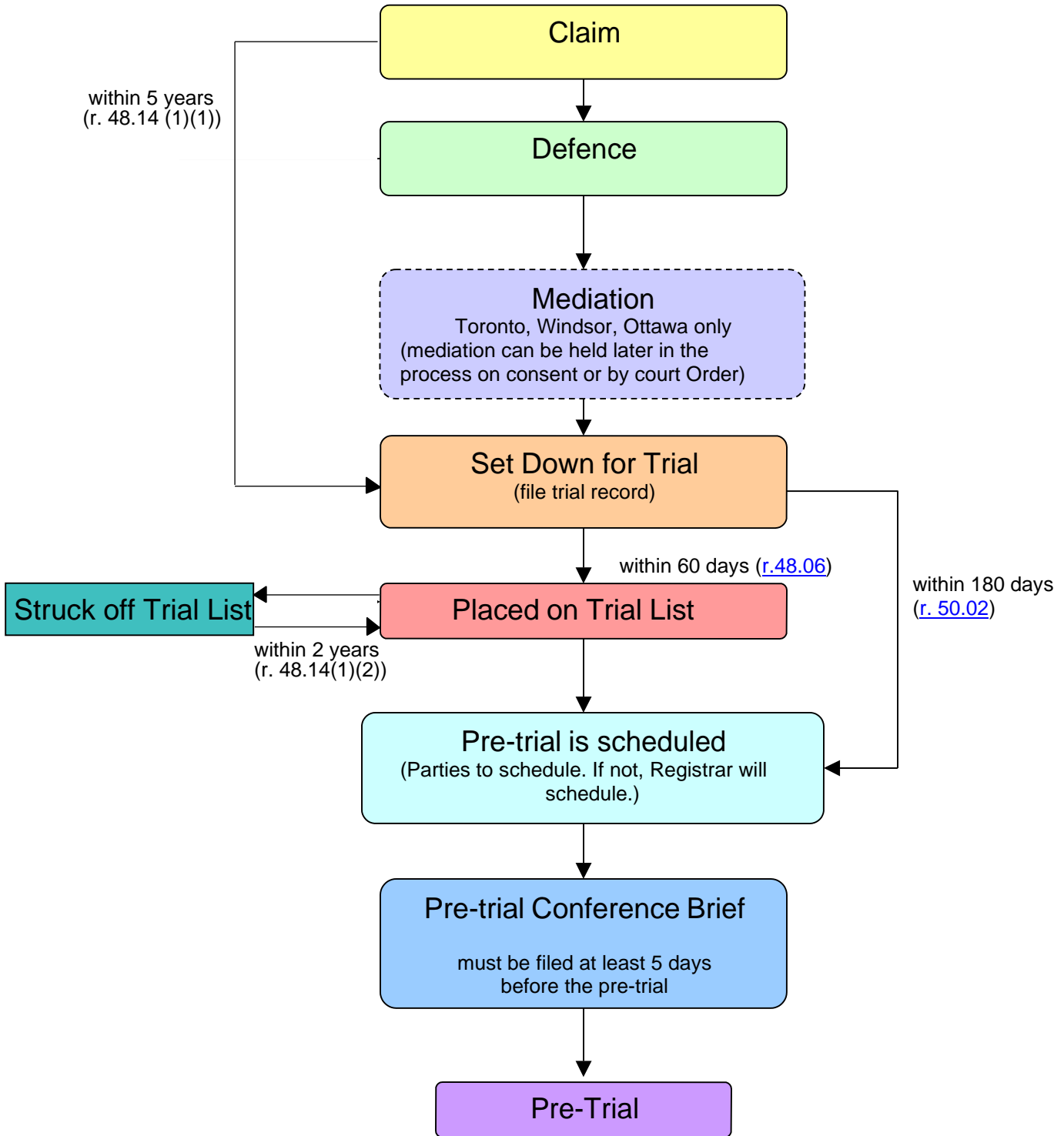
**Note:** This summary assumes one plaintiff and one defendant and the pleadings include only one claim and one defence. It is not intended to cover every situation. It does not cover every step in the proceeding. It does not constitute legal advice. You should consult a lawyer for legal advice. For more information, see the guide: *Simplified Procedure in the Superior Court of Justice* and the Mandatory Mediation flowcharts.

Figure 2: This flowchart shows the ordinary procedure of cases leading up to a pre-trial pursuant to Rules 46-51 of the Ontario Rules of Civil Procedure.

## Rules of Civil Procedure

### Pre-Trial

Ordinary Procedure  
(rr. 46 to 51)

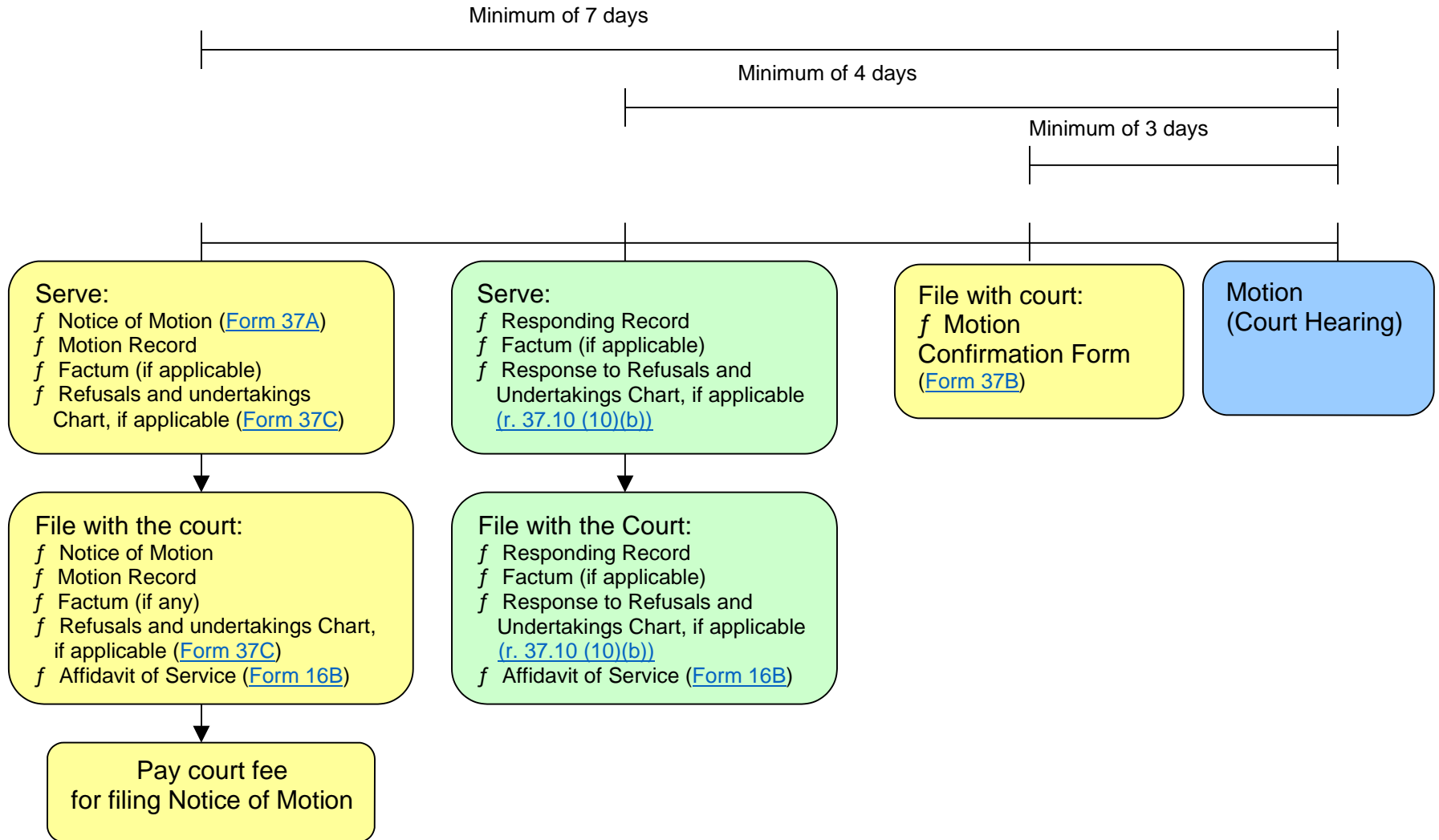


**Note:** This is a summary which assumes one claim and one defence. It is not intended to cover every situation. It does not cover every step in the proceeding. It does not constitute legal advice. You should consult a lawyer for legal advice.

Figure 3: This flowchart shows the procedure for the service and filing of motion materials pursuant to Rule 37 of the Ontario Rules of Civil Procedure.

*Rules of Civil Procedure*

**Service and Filing of Motion Materials**  
(Rule 37)



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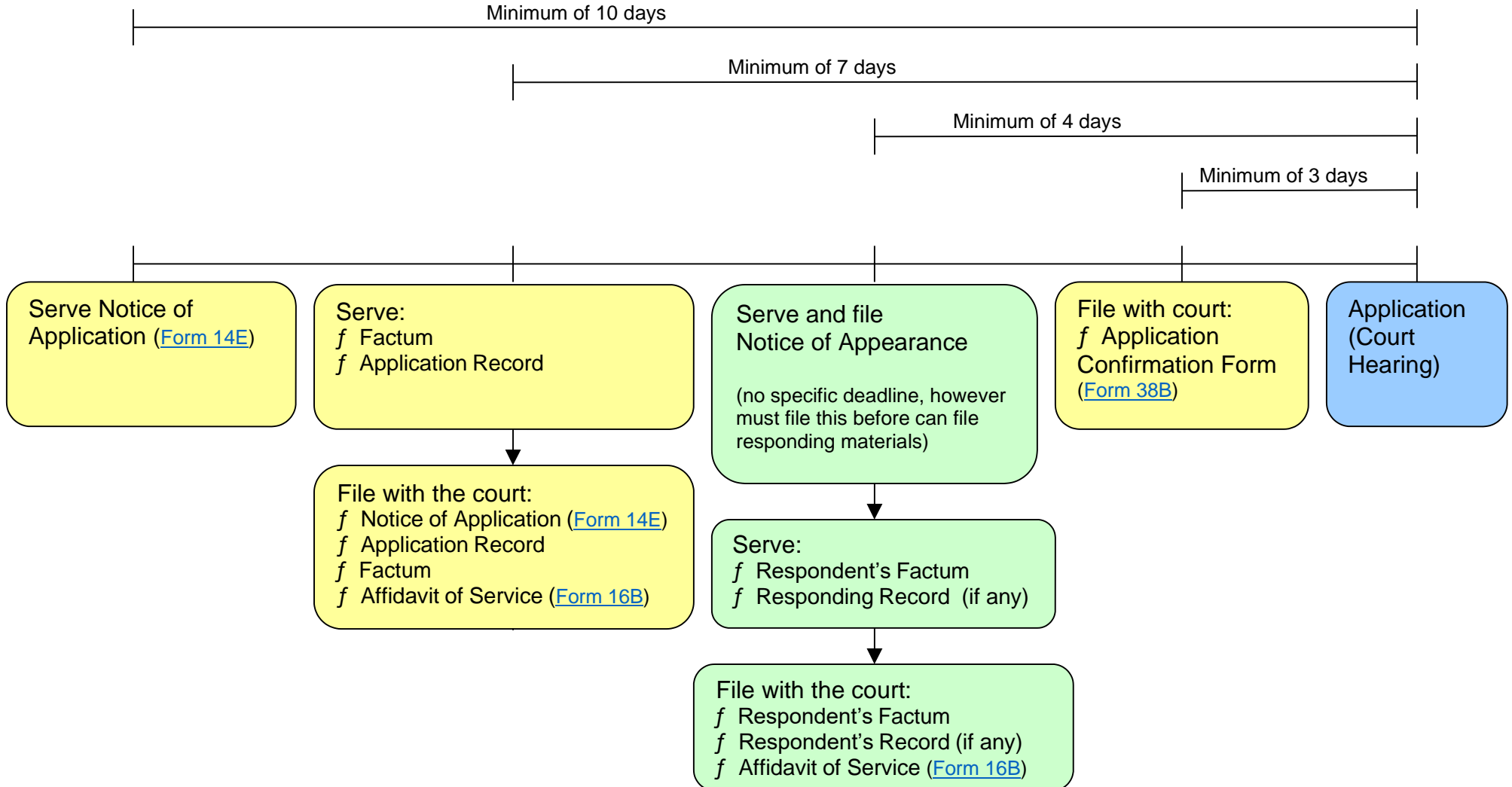
Figure 4: This flowchart shows the procedure for the service and filing of application materials pursuant to Rule 38 of the Ontario Rules of Civil Procedure.

## Rules of Civil Procedure

### Service and Filing of Application Materials

(Rule 38)\*

\*Does not apply to applications under subsection 140(3) of the *Courts of Justice Act*



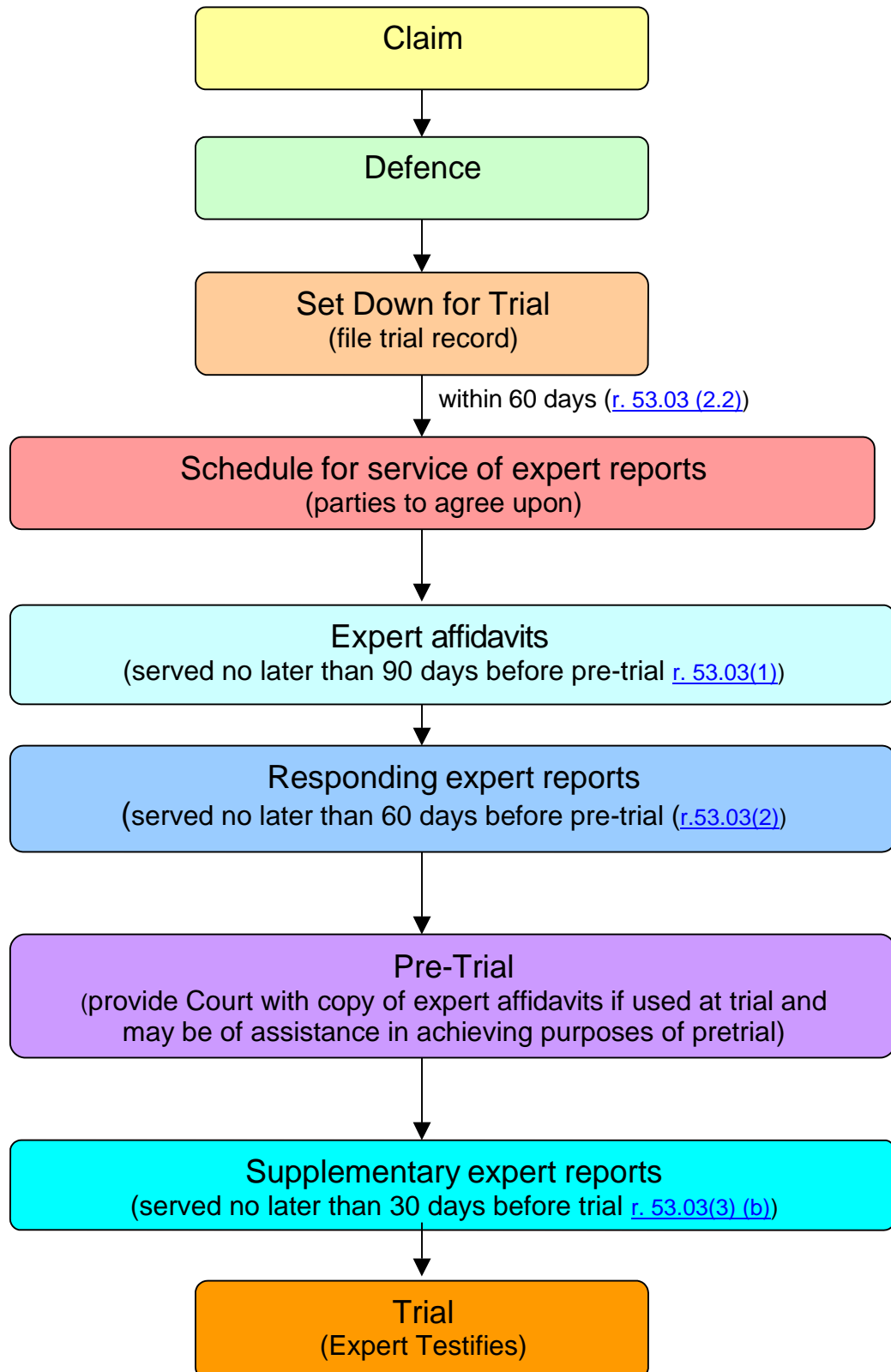
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Figure 5: This flowchart shows the procedure, timelines and responsibilities when calling expert evidence at trial pursuant to Rule 53.03 of the Ontario Rules of Civil Procedure.

## Rules of Civil Procedure

### Expert Evidence

(r. 53.03)



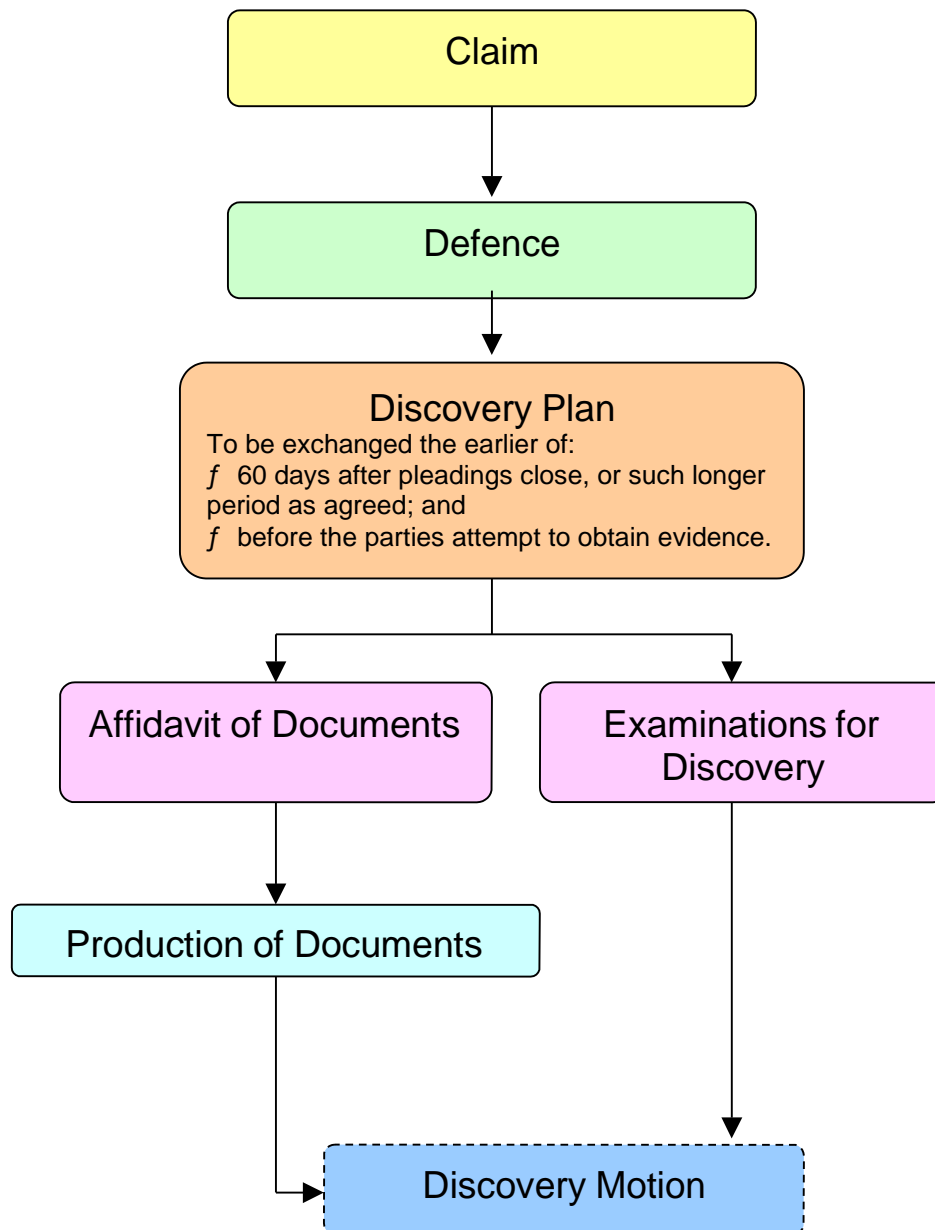
**Note:** This summary assumes one Statement of Claim and one Statement of Defence. It is not intended to cover every situation. It does not cover every step in the proceeding. It does not constitute legal advice. You should consult a lawyer for legal advice.

Figure 6: This flowchart shows the procedure for obtaining facts or evidence through discovery pursuant to Rules 29.1-33 of the Ontario Rules of Civil Procedure.

## Rules of Civil Procedure

### Discovery

(rr. 29.1 to 33)



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Figure 7: This flowchart shows the circumstances of dismissing a matter for delay from the time the claim is started to the time it is set down for trial pursuant to Rule 48.14 of the Ontario Rules of Civil Procedure.

## Rule 48.14 - Dismissal of Action for Delay (Part 1): From Claim to Set Down for Trial

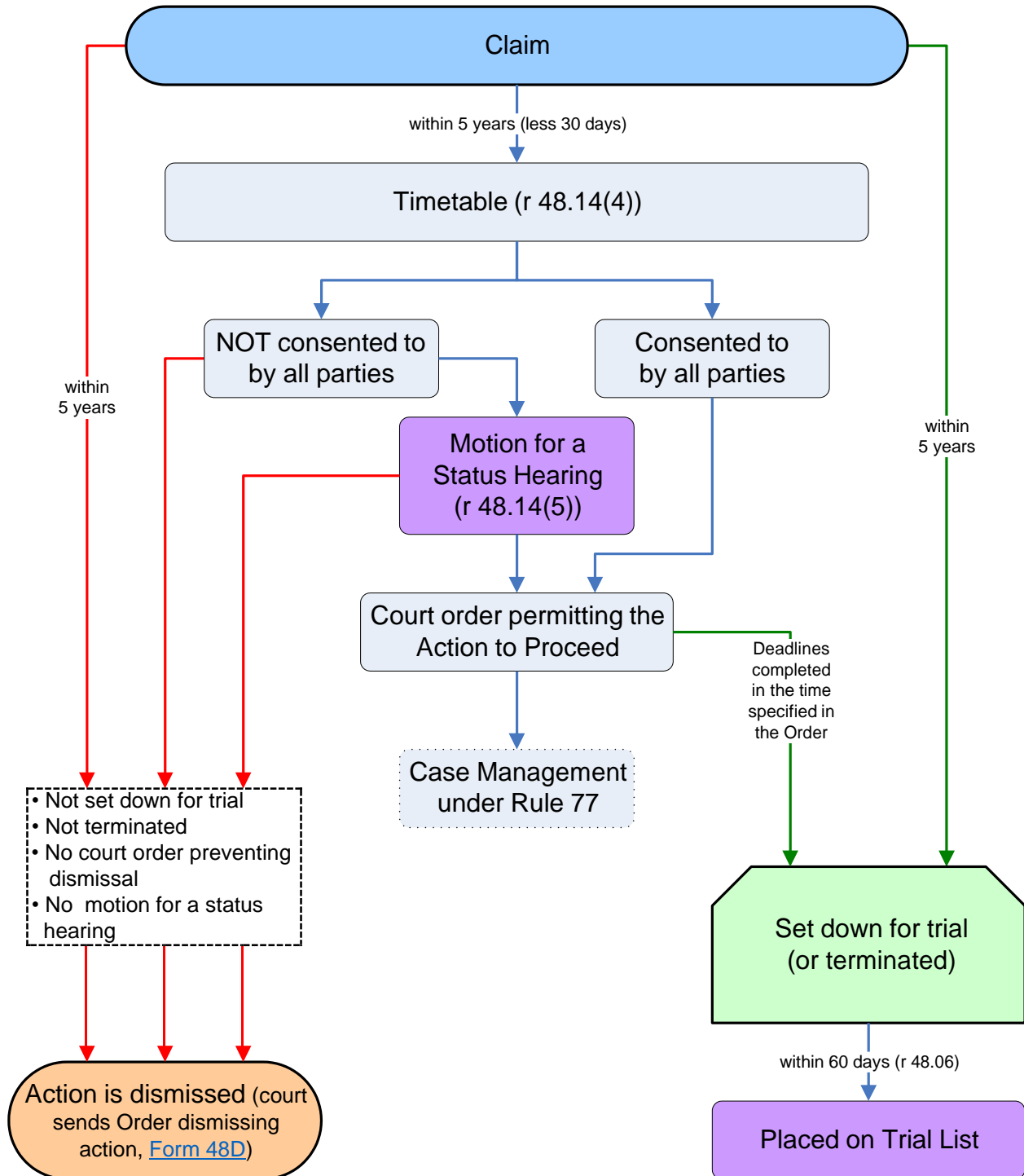




Figure 8: This flowchart shows the circumstances of dismissing a matter for delay after it has been set down for trial pursuant to Rule 48.14 of the Ontario Rules of Civil Procedure.

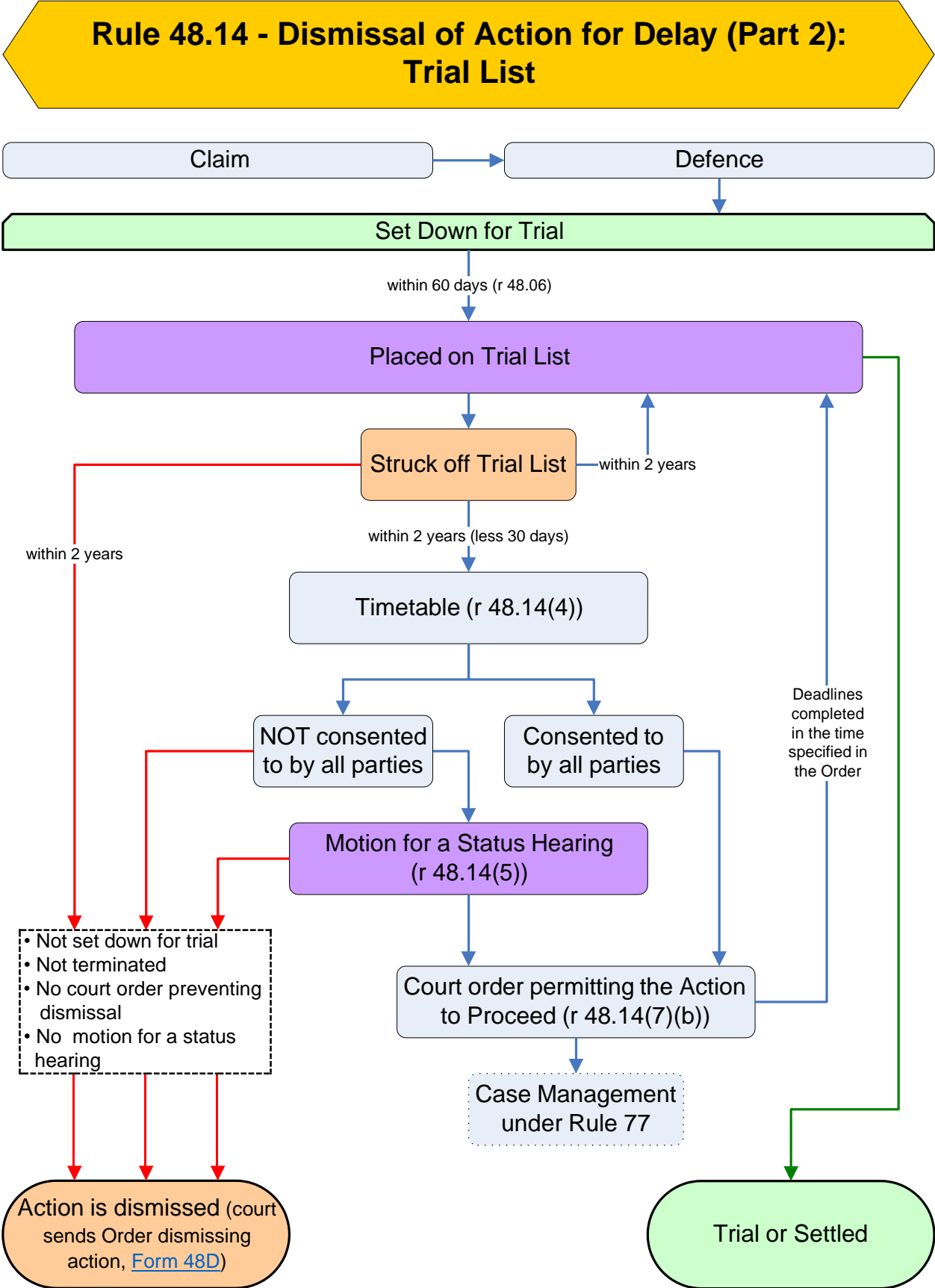
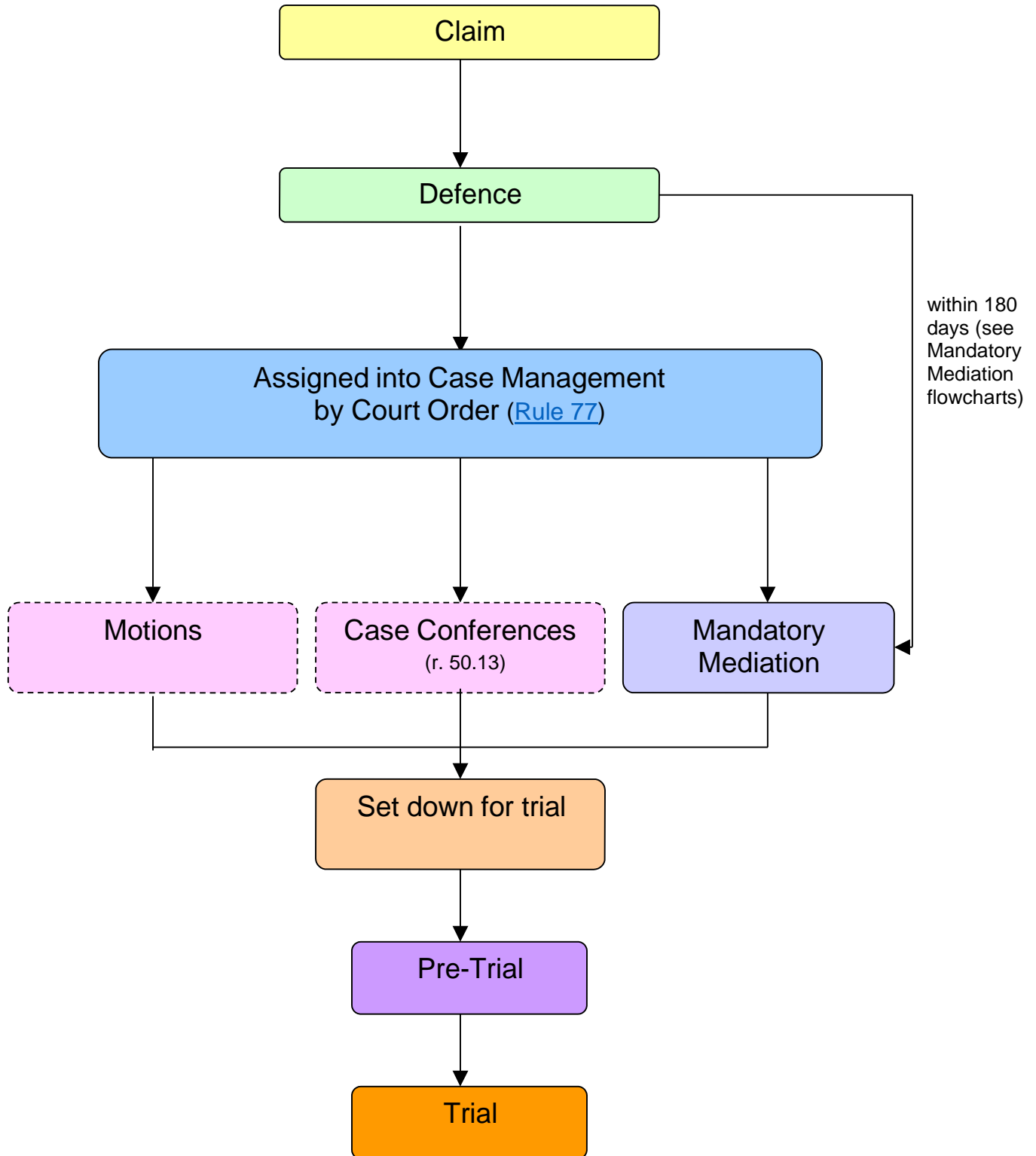


Figure 9: This flowchart shows the procedure for case management in Toronto, Ottawa and Windsor pursuant to Rule 77 of the Ontario Rules of Civil Procedure.

*Rules of Civil Procedure*

**Case Management**  
under rule 77 (Toronto, Ottawa, Windsor only)



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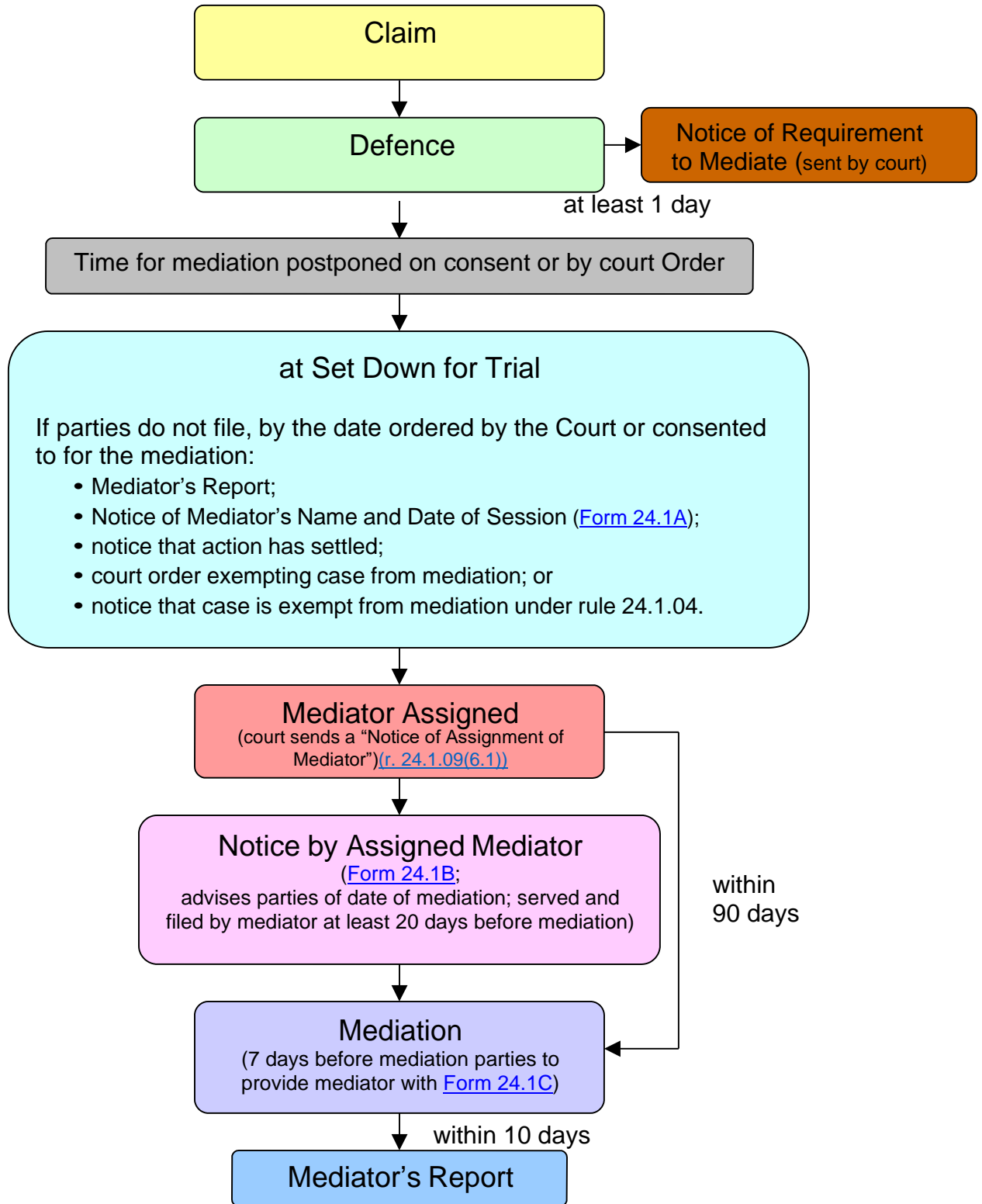
Figure 10: This flowchart shows the procedure for mandatory mediation in Toronto, Ottawa and Windsor, where a mediator is assigned after a matter is set down for trial, pursuant to Rule 24.1 of the Ontario Rules of Civil Procedure.

*Rules of Civil Procedure*

**Mandatory Mediation**

under rule 24.1 (Toronto, Windsor, Ottawa only)

*Assignment of a Mediator after action is set down for trial*



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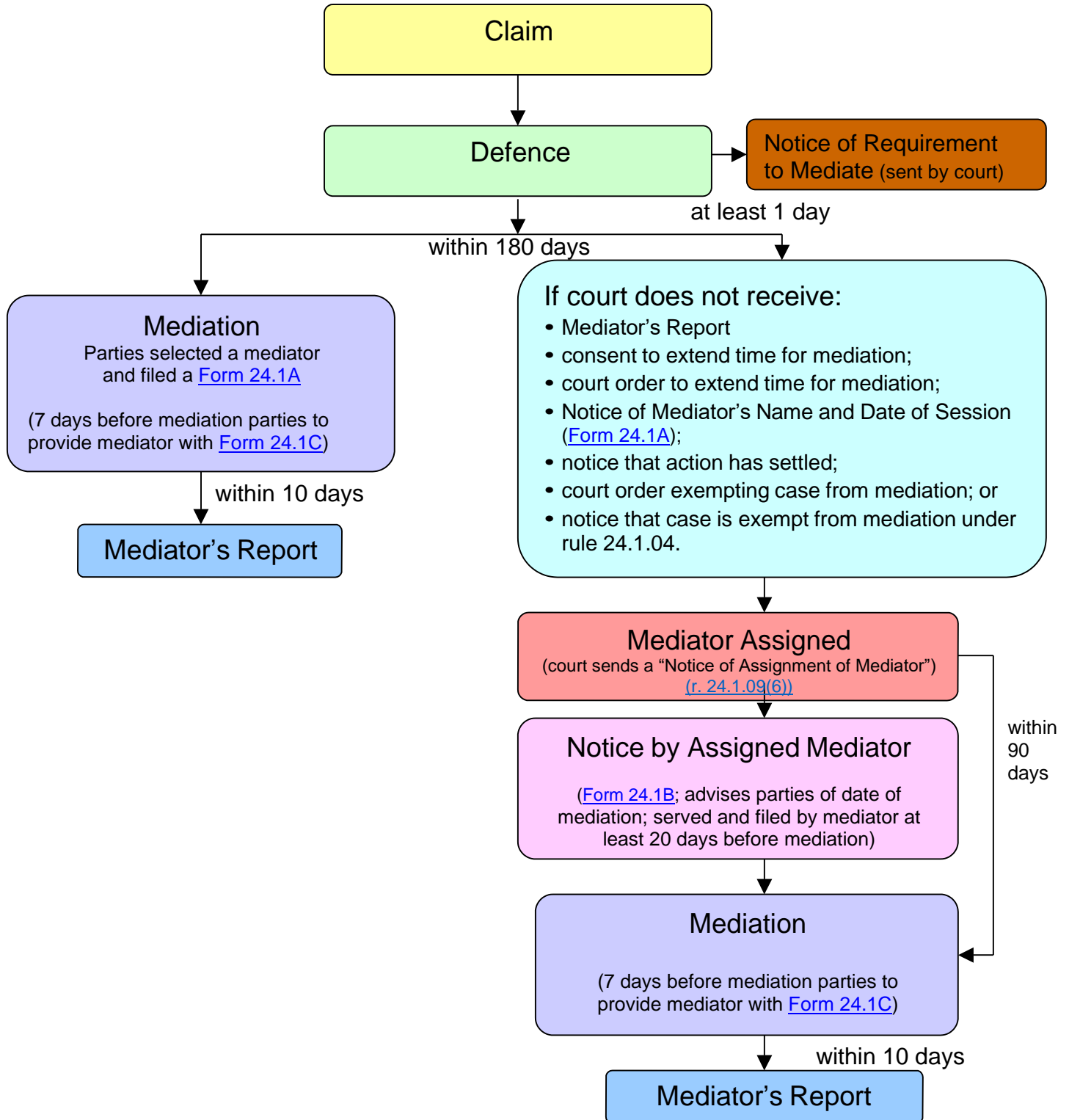
Figure 11: Mandatory Mediation under rule 24.1 (Toronto, Windsor, Ottawa only), Assignment of a Mediator after filing of first Defence

*Rules of Civil Procedure*

**Mandatory Mediation**

under rule 24.1 (Toronto, Windsor, Ottawa only)

*Assignment of a Mediator after filing of first Defence*



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