

News

New Roadmap for Summary Judgment Motions Developed by SCC

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In a case involving the use of summary judgment motions ([Hryniak v. Mauldin, 2014 SCC 7](#)), the Supreme Court of Canada discussed access to justice issues in providing courts with guidance on the test for such motions. It held that summary judgment rules must be “interpreted broadly, favouring proportionality and fair access to the affordable, timely and just adjudication of claims.” The Supreme Court moved away from the Ontario Court of Appeal’s “full appreciation test”, which did not provide a methodology for courts to use in determining whether a genuine issue requiring a trial exists.

The Supreme Court provided a “roadmap”, stressing that deference should be given to the motion judge and the process must give the judge confidence in his or her decision. It stated: “There will be no genuine issue requiring a trial when the judge is able to reach a fair and just determination on the merits on a motion for summary judgment. This will be the case when the process (1) allows the judge to make the necessary findings of fact, (2) allows the judge to apply the law to the facts, and (3) is a proportionate, more expeditious and less expensive means to achieve a just result.” [para 49]

For a more detailed discussion of this case, see our Case in Point blog post, “[Supreme Court Weighs in on Summary Judgment.](#)”