Raising the Bar

Sweeping Reforms Proposed to Ontario Rules of Civil Procedure

Date: April 2, 2025

The Ontario Civil Rules Review (CRR) Working Group has released its much-anticipated Phase 2 Report, proposing broad reforms to the civil justice system in Ontario. The CRR was launched in January 2024 with a mandate to identify ways in which civil court proceedings could be made more efficient, affordable, and accessible.

Overview of Proposed Reforms

Focusing on the costs and delay to parties in the civil justice system, the CRR Working Group has proposed significant reforms to the Ontario *Rules of Civil Procedure*. The proposed reforms would apply to all civil cases commenced in the Ontario Superior Court of Justice, excluding the Small Claims Court. Modifications would apply to certain types of proceedings involving unique policy considerations or legislative schemes (such as class proceedings and insolvency proceedings).

At a high level, the proposed reforms include:

- the introduction of pre-litigation protocols, including the early exchange of information and documents, for certain types of cases
- one point of entry to the litigation system: an online, fillable form suitable for all proceedings, regardless of whether previously commenced as a claim or application
- the elimination of oral examinations for discovery in favour of the early exchange of written witness statements intended to form each party's case in chief at a hearing on the merits
- more limited documentary disclosure based on the exchange of documents upon which parties intend to rely, as well as adverse documents known to be in their possession
- introducing a general duty for the parties or their counsel to cooperate, including engaging in discussions to attempt to agree how the proceeding will be conducted
- a mandatory case conference model designed to shift away from the use of motions as the primary means of resolving procedural disputes
- following a transition period, the scheduling of merits hearings (e.g. a trial) for most claims within two years of the claim's commencement

Steps Towards Implementation

The CRR Working Group is accepting comments and feedback with respect to its proposed reforms until **June 16, 2025**. Following this consultation process, the CRR plans to deliver a final proposal in July 2025, with a goal of having draft regulations by December 2025. If the regulations are filed on schedule, we can expect significant changes to the civil litigation practice to begin taking effect in 2026.

Hicks Morley will continue to monitor developments in this area. If you have questions or concerns about the proposed reforms, please contact your regular Hicks Morley lawyer or a member of the firm's Litigation Practice Group.