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New Rules of the Game: Proposal to Revamp Ontario Rules of Civil Procedure by 2026

In the most significant development in Ontario civil litigation in decades, the Ontario Civil Rules Review working group has released its consultation paper setting out proposals for an overhaul of Ontario's *Rules of Civil Procedure*. The report is available in full [HERE](#).

The proposals have been made in the context of clogged civil courts and lagging proceedings in an effort to streamline cases and speed up their resolution. The overarching goal of these proposed changes is to bring cases to judgment within two years of being issued.

Key features of the proposed changes include:

- Implementing “pre-litigation protocols” and pre-litigation discovery, starting with certain kinds of cases;
- The elimination of oral discovery – no more pre-trial examinations for discovery;
- Early delivery of affidavit evidence and key documents, supplemented by limited written interrogatories;
- Additional document discovery based on specific requests, similar to common arbitration procedures;
- Mandatory judicial case conferences; and
- More judicial management of motions that may be brought.

The working group has initiated a consultation period set to run until June 16, 2025. If many of these principles are implemented on schedule by 2026, they will fundamentally change how we litigate in Ontario.

While procedural changes impact litigators' day-to-day experiences, we at Lenczner Slaght are focused on the big picture, and how these changes will impact strategy in

our clients' critical cases. We are carefully considering the proposal in this light. Expect to hear more on this from us in the coming days and weeks.

As a firm of expert litigators, we are ready to embrace necessary change. As we always do, Lenczner Slaght will use any new rules to maximize successful outcomes for our clients and their disputes.