

Brian Kolenda
416-865-2897
bkolenda@litigate.com



Noam Epstein Roth
416-865-2892
nepsteinroth@litigate.com

October 2, 2025

# Updated Proposals for Changes to Ontario's Rules of Civil Procedure Are Coming

On April 1, 2025, the Civil Rules Review Working Group proposed significant changes to Ontario's *Rules of Civil Procedure* in its Civil Rules Review Phase 2 Consultation Paper with the goals of improving efficiency, reducing costs, and enhancing access to justice. The Working Group's original hope was that the proposed reforms, which Lenczner Slaght has previously summarized here, would take effect in January 2026.

Various stakeholder groups had extensive feedback about the original proposals. The Working Group has now communicated to stakeholders in the profession that it intends to release a new formal proposal with updated reforms soon. As we await the release, the co-chairs of the Working Group have been giving presentations to various stakeholder groups about the likely direction of the revised reform proposals.

Key features of what we expect the updated *Rules* reform proposals will include are:

**1. Transition Period** – The Working Group is expected to propose a transition period during which the reforms are expected to be phased-in across the province beginning in 2026 or early 2027. Reforms that are unlikely to affect court scheduling are expected to be implemented first.

**2. Two Years to Trial** – The updated reforms are expected to aim for most cases to reach trial or another dispositive hearing within two years.

**3. A Three-Track System for Litigation** – The Working Group is expected to propose that all cases proceed via one of three litigation tracks, as described in a flow-chart that the Working Group has made available and reproduced below:

- Application Track for matters commenced by application (as authorized by statute or under *Rule* 14.05). Matters commenced via the Application Track will immediately have a Directions Conference after claim issuance, followed by an opportunity to order responsive pleadings. Matters in the Application Track are expected to result in a summary hearing.

- Summary Hearing Track presumptively for all claims under $500,000, mortgage proceedings, liquidated debt claims, and construction lien matters. Matters commenced via the Summary Hearing Track are expected to have a Directions Conference after the close of pleadings, which will include an opportunity to move cases between Summary and High Value Tracks. Matters in the Summary Hearing Track are expected to result in a summary hearing, without oral evidence.
- High Value Track for all other cases. Matters commenced via the High Value Track will have a one-year scheduling conference with default timetables based on the number of parties, and parties will have flexibility to extend the initial evidence exchange period from one to two years, especially during the reform transition period. Matters in the High Value Track are expected to result in a conventional trial.

**4. Pre-Litigation Protocols** – The Working Group is expected to propose pre-litigation protocols that will be tailored to specific types of legal claims and will apply to all matters except in some types of cases (e.g., estates).

**5. Document Discovery** – The Working Group is expected to propose a standard of reliance for initial document disclosure. It is expected that within one year following the close of pleadings, parties will be required to produce all documents they intend to rely on.

**6. Focused Examination for Discovery** – In High Value Track cases, the Working Group is expected to propose that, absent agreement, “focused” examinations of up to 90 minutes in length be retained. The proposal would not include a right to examinations for discovery in other case “tracks”. Standardized charts and checkboxes to limit and streamline refusals are under consideration.

**7. Streamlining Motions Practice** – The Working Group is expected to propose significant streamlining to motions practice, with most interlocutory disputes to be addressed at Directions Conferences, written materials to be simplified and standardized, and the introduction of Dispute Resolution Officers (“DRO”) or “civil magistrates” in case conferences.

**8. Adjournments** – The Working Group is expected to propose making adjournments of motions and trials more difficult to obtain by requiring approval from the Regional Senior Judge or designate. Directions and scheduling conferences are expected to be more flexible regarding adjournments.

The hope is that the Working Group's follow-up report with further details is released soon. The current version of the flow chart outlining key aspects of what are expected to be the proposals appear here.