

Consolidated Practice Direction for the Northwest Region

This consolidated regional practice direction replaces all previous region-specific practice directions and Notices to the Profession for the Northwest region. Except as modified below, the [Consolidated Provincial Practice Directions](#) apply to proceedings in the Northwest region.

Counsel and parties are also advised to refer to the relevant parts of:

- the ***Rules of Civil Procedure***;
- the ***Family Law Rules***; and
- the ***Criminal Proceedings Rules***.

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PART 1: PRELIMINARY MATTERS

A. Presumptive Modes of Appearance

1. This region supports the Guidelines in the Provincial Practice Directions regarding matters that are presumptively in person and those presumptively virtual, however, some deviation from the Guidelines is necessary in the Northwest Region to maintain the historic means of accessing the Courts in this region.
2. The SCJ in Northwest Region has court locations in Thunder Bay, Kenora and Fort Frances. To provide equal access to the SCJ, the Northwest Region has moved to a regional calendar. This means that rather than setting court dates on a limited basis in both Kenora and Fort Frances, counsel and parties may obtain the earliest available date for their event. The result, however, is that many proceedings, in particular family conferences, and certain other events that are presumptively to be heard in person in the Guidelines in the Provincial Practice Directions will be held presumptively virtually in this Region.
3. Some in-person conferences will be offered on a limited basis in Thunder Bay and Kenora (centres where there are resident judges). The presumptive mode shall remain virtual. An in-person conference may be requested by contacting the Trial Coordinator at the respective e-mail addresses below, provided both parties agree. If the parties disagree, the presumptive mode shall apply unless there are compelling reasons for a request to be made for an in-person or hybrid conference. Those requests shall be made to the LAJ Family through the Trial Coordinator.
4. Unfortunately, we are not able to offer in-person dates in Fort Frances as there is no resident judge. Fort Frances residents and counsel who wish to have an in-person conference may request an in-person date in either Thunder Bay or Kenora. Full access to virtual conference dates remains.
5. Once an in-person conference is scheduled, it cannot be changed to virtual. Dates that are offered as virtual conferences cannot be changed to in-person. Parties should be clear with the trial co-ordinator whether they are requesting an in-person or virtual conference. Parties must confirm if they have the consent of the other party for an in-person proceeding.
6. Email addresses for conference requests are:

Thunder Bay Trial Coordinator ThunderBay.SCJ@ontario.ca
Kenora Trial Coordinator Kenora.SCJ@ontario.ca

B. Filing Court Documents

7. Information regarding standard document naming protocols and the electronic filing of materials for Court and Court fee payments is contained in the Provincial Practice Directions: Documents MUST be electronically filed.

PLEASE ENSURE STRICT COMPLIANCE WITH TIMELINES and COURT FILING DOCUMENT STANDARDS. Court documents which do not comply with these document standards, including the maximum length for such documents, will NOT be accepted (i) for filing; and (ii) shall not be uploaded to Case Center.

8. It is expected that written materials and documents for criminal, family and civil matters will be filed with the court electronically. If, however, a party is unable to file materials and documents electronically, they may file same in person at the courthouse filing office, together with an explanation of why electronic filing is not feasible.

C. Uploading Materials to Case Center

9. Directions are provided in the Consolidated Provincial Practice Directions and in the Superior Court of Justice's Guide to Requirements regarding uploading materials to Case Center. The Guide to Requirements can be found at the following link: [Case Center in the Superior Court of Justice](#).
10. Failure to comply with the requirements may result in the hearing not proceeding as scheduled and, where appropriate, judicial sanctions and/or terms may be imposed.
11. In addition to the tips and processes for Case Center provided in the Consolidated Provincial Practice Direction, the tips set out below are of specific importance to the judges in the Northwest Region. Parties are asked to upload as separate numbered documents in the Case Center bundle (also applies to responding material):
 - a. Notice of Motion or Pretrial/Conference Brief;
 - b. Affidavit(s);
 - c. Every exhibit or other document being relied upon should be uploaded individually and properly described. In other words, as a document separate from the affidavit itself or the pretrial or conference brief (for example: as "Exhibit A – Consent dated xxx", "Expert Report of Dr. X");
 - d. Financial Statements and Net Family Property Statements in Family proceedings should always be uploaded as separate items in motions and conference bundles;
 - e. Affidavit(s) of Service **do not** have to be uploaded to Case Center unless service is an issue;
 - f. Facta must have hyperlinks to authorities and hyperlinks to source documents i.e.) paragraph of affidavit or specific exhibit.

- g. Cases in a compendium of authorities shall be hyperlinked in an Index;
- h. If not filing a factum, do not upload a case brief as a PDF. Instead, provide a compendium of the cases and statutes, with an index that is hyperlinked to the source **and** to the specific paragraph number of the case;
- i. Include the proposed Draft Order or Consent Order as a separate document (this is helpful for the judge to focus on the issues to be addressed and if uploaded separately, the draft may easily be downloaded by the judge and signed if approved);

PART 2: CIVIL PROCEEDINGS

A. Motions

Short motions (less than one hour)

- 12. All motions on the Thursday Regional Motions lists shall be uploaded to Case Center no later than 4:00 p.m. of the Tuesday prior to the Regional Motions Day (e.g., for motions being heard on Thursday November 28, 2024, by 4:00 p.m. on Tuesday November 26, 2024).
- 13. A motion that has not been uploaded to Case Center as directed, shall be automatically adjourned to the following Regional Motions Court unless a different date is provided. **Late filing, unless it is an emergency matter, will not be considered a valid reason for receiving authorization to proceed.**
- 14. As soon as possible after the filing of your Notice of Motion and paying the requisite fee, Court Services Division staff will provide you with a Case Center invitation to upload your motion material to the Motion bundle. They endeavour to do this within 3 days, however, that is not always possible, so you should bear this in mind when placing a matter on the Regional Motions Court list.
- 15. In an effort to ease the congestion of filings in advance of Regional Motions Court, it is strongly recommended that parties serve and file their motion materials well in advance of the preferred Regional Motions Court date in order to avoid the motion from being adjourned because they were not able to upload material to Case Center.

Long Motions

- 16. Civil motions requiring more than one hour of hearing time are to be scheduled directly with the trial coordinator.

Confirmation Forms

- 17. Confirmation forms must be filed with the court **and** be uploaded to Case Center for all motions.
- 18. Confirmation forms for all civil motions must be filed and uploaded no later than five (5) business days prior to the event.
- 19. A matter may be struck from the Regional Motions Court list or removed from the schedule if the confirmation form is not filed on time.

20. Court staff require confirmation forms to determine whether a matter is proceeding, and the time required for the event. The court staff do not upload the confirmation form to Case Center, nor do they forward the filed confirmation form to the hearing judge. **Confer with the other side means confer.**
21. Judges require the confirmation form to ascertain what issues are in dispute and which documents they should be reviewing. For example, if a motion is being placed on the Motions List as a consent motion, it is imperative for the judge to have this information in the confirmation form on the Case Center bundle for the motion, otherwise, the judge will spend unnecessary time reviewing the entire file to consider the issues presumed to be in dispute.
22. When a special date has been provided for a long motion or other proceeding, the hearing date assigned may be adjourned or vacated if the confirmation form is not uploaded to Case Center.

B. Pre-trials and Early Resolution Conferences in Civil Proceedings

23. Changes to the *Rules of Civil Procedure* require that:

1. Prior to scheduling a pretrial, the parties must have received and served all their expert reports (Rule 53.03);
 2. Parties are to complete and file a Certificate of Readiness 30 days prior to a pretrial conference. The Certificate of Readiness relates to the calling of experts by a party and confirming that the expert reports have been obtained and served, and if not, why (Rule 50.03.1);
 3. Pretrial conferences will only be scheduled if the trial date is not more than 120 days and not less than 30 days after the pretrial conference, or on the first day of the sitting during which the trial is expected to be held (Rule 50.02 (2.1));
 4. A judge on their own initiative or at a party's request, at any time, may direct that a pretrial conference be held (Rule 50.02(3)); and,
 5. A judge may order costs to be immediately payable against a party where they determine a pretrial conference was unproductive for reasons relating to that party's conduct (Rule 50.12).
24. Item number 3 above in the Northwest Region is the earliest available Running List.
25. In consultation with members of the Civil Bar (both plaintiff's counsel and defence counsel), the Northwest Region offers early resolution conferences after a trial record has been served and filed, either on the consent of the parties or by court order, should a judge determine that such a conference would be beneficial in narrowing the issues or resolving the litigation. Before an early resolution conference date will be provided to counsel, they must submit to the RSJ or designate, a summary of the issues they wish to address and why an early resolution conference would be beneficial.
26. In the Northwest Region, the early resolution conference shall proceed under Rule 50.02(3) of the *Rules of Civil Procedure* and the usual pretrial conference form shall be served and filed, with the additional information that the conference is proceeding as a pre-resolution conference.

27. Pretrial and early resolution conference briefs shall not exceed 15 pages. Any additional documents that counsel wish the pretrial judge to review must be hyperlinked. They must also be filed and uploaded to Case Center. Even if hyperlinked, it is preferable that each additional document is uploaded to Case Center individually. This enables the judge and opposing parties to quickly locate the material.
28. The Rules require that pretrial conference briefs are required to be filed 5 days in advance of the pretrial. This Rule also applies to early resolution conference briefs. Once a party has filed their pretrial conference brief, a Case Center invitation will be sent to counsel to enable upload your materials to the relevant Case Center bundle. At times there is a delay between filing the pretrial brief in the court and receiving the invitation to upload to Case Center.
29. To minimize delays in uploading parties' material to Case Center, counsel and parties are encouraged to file their briefs in the court more than 5 days prior to the scheduled pretrial. This will assist court staff in processing parties' materials and providing the Case Center invitation so that materials may be uploaded to Case Center in sufficient time for the assigned judge to prepare.

C. Trial Dates

30. If a date for a civil (jury or non-jury) trial was obtained prior to the pretrial conference, the date shall be confirmed at the pretrial. If a date for a civil (jury or non-jury) trial was not obtained prior to the pretrial conference, the date shall be obtained at the pretrial. In either case, the pretrial judge shall place or confirm the trial on the appropriate Running List and make directions with respect to further trial management conferences as required.
31. All matters on a Running List shall be spoken to two months prior to the commencement of the Running List to determine trial readiness and, where possible, to confirm commencement date within that Running List.
32. Additionally, there will be a Trial Confirmation Date the Wednesday prior to the commencement of the Running List to confirm all matters proceeding to trial. The Running List will be distributed to counsel prior to these dates. The annual Running Lists, Speak to Date, Trial Confirmation Date and Zoom connection details will be distributed by the Thunder Bay Trial Coordinator.
33. The Trial Coordination emails are:

Thunder Bay – ThunderBay.SCJ@ontario.ca

Kenora – Kenora.SCJ@ontario.ca

Fort Frances – FortFrances.SCJ@ontario.ca

PART 3: FAMILY PROCEEDINGS

A. Motions

34. Part 2 Civil Proceedings, Section A Motions (*Short Motions, Orders and Endorsements from Regional Motions Court, Long Motions, and Confirmation*)

Forms) of this Consolidated Practice Direction also apply to motions in family proceedings.

35. Confirmation forms for all family motions must be filed and uploaded three (3) business days prior to the event.

B. Family Conferences

36. Part 2 Civil Proceedings, Section A Motions *Confirmation Forms* also apply to all family conferences.
37. Confirmation forms for all family conferences must be filed and uploaded no later than three (3) business days prior to the event.

C. Trial Dates

38. Dates for Family trials shall be obtained at the trial scheduling conference and the presiding judge shall place the trial on the appropriate Running List and make directions with respect to further trial management conferences as required.
39. All matters on a Running List shall be spoken to two months prior to the commencement of the Running List to determine trial readiness and, where possible, to confirm commencement date within that Running List.
40. Additionally, there will be a Trial Confirmation Date the Wednesday prior to the commencement of the Running List to confirm all matters proceeding to trial. The Running List will be distributed to counsel prior to these dates. These dates and details will be distributed annually.

D. Binding Judicial Dispute Resolution

41. Binding JDR is available in appropriate family law cases throughout the Northwest Region. Please review [Rule 43 of the Family Law Rules](#) and the [Consolidated Provincial Practice Direction for Family Proceedings](#) for more information on Binding JDR and the forms that are required.

PART 4: CRIMINAL PROCEEDINGS

42. The Consolidated Provincial Practice Direction for Criminal Proceedings <https://www.ontariocourts.ca/scj/practice/consolidated-criminal-pd/> will apply unless otherwise stated.
43. It is expected that counsel will advise the Trial Coordinator of the status of their matters before “Speak To Date” court.

A. Pre-trial Conferences

44. Upon committal for trial, the parties shall contact the trial coordinator to schedule a date for the pre-trial conference. The date for the pre-trial conference shall be confirmed at the next assignment court immediately following the filing of the indictment.

45. Counsel are only required to gown for judicial pre-trials when a plea is expected to be taken at the pre-trial. In all other instances, it is not necessary for counsel to gown for judicial pre-trials in the Northwest Region.

B. Trial Scheduling

46. Where possible, judge alone trials less than five days will be assigned to the third week of the Running List and “stacked” as required.
47. Following the pre-trial conference, the parties shall contact the trial coordinator to set dates for trial and applications, if any, in accordance with the direction of the pre-trial judge. The dates shall be confirmed at the next criminal assignment court immediately following the pre-trial. Failure to contact the trial coordinator as directed may result in the adjournment of the matter at assignment court with delay attributed to the non-complying party.
48. Trials, both jury and non-jury, will be assigned to a Running List and it is expected that matters will proceed when called. Matters are to be spoken to at 9:00 a.m. on the Wednesday preceding commencement of the Running List to confirm readiness.

C. Bail Hearings, Bail Reviews and Detention Reviews

49. A party seeking a Bail Hearing, Bail Review or Detention Review (based on grounds other than delay) shall first obtain an appointment from the trial coordinator for a pre-hearing conference. The purpose of the pre-hearing conference is to determine the issues and the evidence required and address any other hearing management issues. Upon completion of the pre-hearing conference, the pre-hearing judge will direct the parties to obtain a date for the hearing from the trial coordinator and provide directions for the hearing.
50. Regional Detention Reviews and Bail Estreatments are conducted regionally via ZOOM. Connection details will be available on the Various Scheduled Dates for the Northwest Region which will be distributed by the trial coordinator annually.

Bail Estreatments

51. Bail Estreatments will be monthly on Thursdays @ 3:00 p.m. ET/2:00 p.m. CT.
52. The Kenora and Fort Frances dockets will be addressed first at 2:00 pm CT/3:00 pm ET, followed by the Thunder Bay docket.

Detention Reviews

53. Detention Reviews will run twice a month on Thursdays @ 2:00 p.m. ET/1:00 p.m. CT.
54. The Kenora and Fort Frances dockets will be addressed first at 1:00 pm CT/2:00 pm ET.

Regional Detention Reviews

55. The following procedure will be used for Detention Reviews:

Court Services Division will prepare the docket and email Counsel for inmates the following generic email:

Good day,

On the attached docket, you represent an accused that is scheduled for a ninety-day detention review pursuant to s. 525 of the Criminal Code.

Please reply to this e-mail, copying Crown(s) if your client's detention review is being waived, and please include the following:

Name of the Accused:

Name of Counsel:

Reason for waiver:

*If not waived counsel to appear at Detention Review Court on ____
to set date for a detention review hearing.*

Zoom Coordinates: (will be available in the e-mail)

- 56. Defence counsel are to respond no later than 4:00 PM on the Wednesday before the Detention Review List and copy the applicable Crown office indicating whether the Detention Review is waived or not.
- 57. If not waived, counsel are to appear at Detention Review Court. A date for the Detention Review will be set by the trial coordinator and a pre-hearing endorsement will be made at that time for the conduct of the Detention Review.

PART 5: DIVISIONAL COURT PROCEEDINGS

- 58. The link to the Consolidated Provincial Practice Direction concerning Divisional Court Proceedings is as follows:

[Consolidated Practice Direction for Divisional Court Proceedings | Superior Court of Justice \(ontariocourts.ca\)](https://www.ontariocourts.ca/consolidated-practice-direction-for-divisional-court-proceedings)

Regional Senior Justice Newton
Dated: September 29, 2025