



# COVID-19 & THE PRACTICE OF LAW

## WEEKLY UPDATE

Fola.ca

### SECTOR CHECK IN LOG #66

July 28, 2021

Summary

#### Invited Participants: Sector Calls

OBA, FOLA, LSO, LAO, the Advocates' Society, & OTLA

Superior Court of Justices in Ontario, Court of Appeal for Ontario, & Ontario Court of Justice

MAG – Political, Department staff, and the Recovery Secretariat

#### Issues discussed:

##### 1. COURTS

- ❖ On July 23, 2021, the SCJ updated their [Consolidated Notice to the Profession and Public Regarding the Small Claims Court](#). The Update:
  - Provides for scheduling terms of payment hearings and new trials;
  - Adds a reminder to file all documents that a claim is based on;
  - Explains that the Court is not dismissing actions for delay until further notice;
  - Clarifies and shortens various sections.
- ❖ On July 20, 2021, a regulation was filed to amend Court rules and forms for civil proceedings in the SCJ: [O. Reg. 526/21](#), amending the Rules of Civil Procedure. The amendments and forms will come into force on September 1, 2021. This regulation revises the procedure to fix the method of attendance for out-of-court examinations and mediations. It makes amendments to six rules and four forms. The rule amendments include:
  - revising r. 1.08 (8) to alter the procedure to object to the proposed method of attendance for an out-of-court step and to capture more out-of-court steps;
  - clarifying the language in r. 1.08 (1), (5), and (6) regarding the method of attendance at a hearing or other in-court step;
  - clarifying that mediators shall give notice of the method of attendance in rr. 24.1.09 (7) and 75.1.07 (7); and
  - removing the reference to attending mediation sessions “in person” in rr. 75.1.03, 75.1.05(4), and 75.2.02.Forms 24.1B, 34A, 34B, and 53C are revised to provide information to the recipient about the procedure to object to the selected method of attendance. A summary of the regulation is available on Ontario’s Regulatory Registry at: [21-MAG024](#)
- ❖ **SMALL CLAIMS LIVE WEBINAR:** The recording of the Small Claims Court Working Group webinar that took place on June 23, 2021 is now available! Due to unforeseen technical difficulties, the sound unfortunately cuts out during the 6:54-7:21 and 9:54-10:54 time slots. In both time slots, the speaker was introducing an upcoming topic. The slide presentations used in this webinar are available on the Superior Court of Justice website. Small Claims Court Administrative Judge Laura Ntoukas’ slides and Court Services Division’s slides are available on the video page [here](#).
- ❖ **OPENING OF THE COURTS:** The Opening of the Courts is scheduled for September 14<sup>th</sup> at 3:30pm. It will be a virtual event and you can watch [here](#).

## 2. MAG RECOVERY SECRETARIAT

- ❖ **HVAC REPORTING:** There is a new way to track Courthouse HVAC reporting. To learn more, visit [here](#).
- ❖ **REMINDER:** Questions about Courthouse operations during COVID-19 can be directed to Samantha Poisson at [MAGrecoverysecretariat@ontario.ca](mailto:MAGrecoverysecretariat@ontario.ca).

## 3. LSO

- ❖ The Law Society has extended the deadline for their "first-of-its-kind" National Study on the Well-being of legal professionals to July 30th! If you haven't already done so, please complete that now! [Here's the link](#).

## 4. LAO

- ❖ Legal Aid Ontario has released their Aboriginal Justice Strategy consultation report: Part 1 titled: "Relationships First, Business Later". You can download that [here](#).

## 5. FOLA

### ❖ SUBMISSIONS & CONSULTATIONS:

1. **LSO COMPETENCE TASK FORCE:** FOLA will be preparing a Submission in response to the LSO's Call for Comment on the [Competence Task Force's Report: Renewing the Law Society's Continuing Competence Framework](#). If you would like to provide FOLA with comments for consideration for inclusion in our Submission, please do so **prior to October 20<sup>th</sup>** by emailing Katie at [katie.robINETTE@fola.ca](mailto:katie.robINETTE@fola.ca).

If you would like to respond directly to the LSO, you may respond to some or all of the questions through their [Call for Comment](#) portal until Nov. 30, 2021.

**2. MINISTRY OF GOVERNMENT AND CONSUMER SERVICES:** [Potential Changes to the Funeral, Burial and Cremation Services Act, 2002 and/or its Regulations](#). On December 7th, the Auditor General released her 2020 Annual Report, which included a [value-for-money audit of the BAO](#) and the Ministry's oversight of the BAO. The Auditor General recommended that the government consider potential legislative and/or regulatory changes to address some of the concerns raised in the report.

The consultation paper seeks feedback to inform potential proposals for changes to the Funeral, Burial and Cremation Services Act, 2002 (FBCSA) and/or its regulations to address recommendations made by the Auditor General as well as concerns raised by stakeholders. The consultation paper seeks feedback on the following topics:

- A. Consumer protection measures
  - i. Transparency of price information
  - ii. Disclosure requirements for promotional materials
  - iii. Displaying the BAO logo
  - iv. Upselling and/or aggressive sales practices
  - v. Not allowing the licensing of new disposition technology providers until safety of the technology can be confirmed
- B. Compliance and enforcement tools
- C. Priority of persons with legal authority to make decisions regarding decedents
- D. Cemetery care and maintenance fund/accounts (CMF/As)
  - i. Interest payment requirements on funds borrowed from the capital portion of cemetery CMF/As
  - ii. Potential to exempt municipal cemetery operators from CMF/A requirements
- E. Other cemetery-related proposals
  - i. Neglected or abandoned cemeteries
  - ii. Cemetery closure process

Further details about this consultation, including a copy of the consultation paper, can be found on the Ontario Regulatory Registry's [website](#).

**The deadline to submit feedback is August 9, 2021 by 11:59 p.m.** You may submit your comments by responding directly to the Regulatory Registry posting or by sending an email with your feedback to [bereavement@ontario.ca](mailto:bereavement@ontario.ca). If you have any questions, please contact the ministry at [bereavement@ontario.ca](mailto:bereavement@ontario.ca).

❖ **REMINDER**

September 30th was announced as a new federal holiday: National Day for Truth and Reconciliation Day. As such **banks will be closed on September 30<sup>th</sup>**.

**QUESTIONS/CONCERNS?**

Law Association members are welcome to send any issues/concerns related to the practice of law caused by the COVID-19 epidemic to FOLA at [katie.robinette@fola.ca](mailto:katie.robinette@fola.ca) and we will continue to address them in as timely a manner as possible. Please also note that FOLA cannot assist in issues related to a specific case and the Courts will NOT provide clarification on any Notice to the Profession.