

Access court files, documents and exhibits

Learn what court documents are available to the public and media and how to access them. Read the Ministry of the Attorney General's Court Services Division Policies and Procedures on Public Access to Court Files, Documents and Exhibits.

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The following guide is the Ministry of the Attorney General's Court Services Division Policies and Procedures on Public Access to Court Files, Documents and Exhibits. We posted the guide online to enhance public access to court proceedings, information and documents. This guide was first compiled and provided to Ministry court staff in January 2006 as part of the Ministry's ongoing efforts to ensure that there is consistent application of these procedures across the province. Policies regarding access to court files, documents and exhibits are periodically reviewed and updated, subject to the direction of the judiciary.

The material provided here is the same as the material on public access to court documents provided to court staff.

Section 1: General principles and policies for public access

1.1 Open and accessible court system

Ontario's court system is based on the fundamental principles of openness and accessibility. In general, most court documents are publicly accessible, unless a statutory provision, common law rule or court order restricts access.

The Supreme Court of Canada has held that the courts have a supervisory and protecting power over their records, and as a result, determine rules for public access. The Court Services Division of the Ministry of the Attorney General is responsible for the care and maintenance of court files and documents, with the exception of court files and

documents in Provincial Offences courts, which are administered by municipal partners under a transfer agreement. The Court Services Division makes policies regarding the care and maintenance of court files and documents, in accordance with applicable law, and subject to judicial direction.

1.2 Judicial direction

Each court has jurisdiction over its own records, and all policies respecting access to court documents, files and exhibits are subject to judicial direction. However, legislation and regulations (including rules of practice), existing jurisprudence, and consultation with the judiciary have led to the result that, except in the specific circumstances outlined in this guide, many documents are publicly accessible. Judicial consent is required to obtain access to court exhibits (see Section “6 Public access to exhibits

(<https://www.ontario.ca/document/access-court-files-documents-and-exhibits/section-6-public-access-exhibits>)”).

1.3 Timeframes for public access

Timeliness is essential to ensure access to court files and documents. The ability of court staff to facilitate timely access can be affected by various factors. Court Services Division Record Retention Schedules outline the requirements for storing files on-site or off-site. Retention schedules also outline when records can be destroyed or stored by the Archives of Ontario. For example, post court dockets may be destroyed after 3 years.

Where on-site storage is limited, some files may be transferred off site sooner than set out in the Retention Schedules. By necessity, the time required for access to files and documents that are stored off site will be longer than for files and documents stored at the courthouse.

In addition, court staff must prioritize their responsibilities to ensure:

- matters scheduled before the court are proceeding;
- the needs of parties, witnesses, interpreters and jurors are met; and
- judicial direction is followed.

Given these priorities, court staff must facilitate access to court files and documents as quickly and efficiently as possible.

1.4 Providing information over the telephone

Information from court records that would be accessible to the public at no charge is available over the telephone. Many court records in the Ontario Court of Justice and Superior Court of Justice are accessible at no charge. See section “7 Fees for public access to court documents” (<https://www.ontario.ca/document/access-court-files-and-documents/fees-public-access-court-documents>)” for information about fees to access documents.

1.5 Procedures for ensuring public access

Because a court file may contain documents that are not publicly accessible, court staff must ensure that only publicly accessible documents are provided to members of the public for inspection.

In civil and family matters, Court Services Division requires the use of a correspondence pocket in court files. Documents for which public access is restricted must be filed in the correspondence pocket. Court staff must remove the correspondence pocket from the file before providing the file to a member of the public for inspection. For additional information, please refer to section “3.7 Other documents Related to Civil Proceedings” (<https://www.ontario.ca/document/access-court-files-and-documents/public-access-civil-court-files-and-documents#section-6>)”.

1.6 Copies and photographs of documents

Court staff can provide a copy of any document in the court file if:

- the requester has the right to see the document;
- the document can be photocopied; and
- the requester pays the relevant copy fee (<https://www.ontario.ca/document/access-court-files-and-documents/fees-public-access-court-documents#section-2>) .

Members of the public can make a copy of any documentation in the court file using their own camera or other electronic device at no charge if they have the right to see the document. The use of photography is limited to the documentation in the court file and must be conducted in the administration area. Please refer to section “1.7 Use of cameras, recording and other electronics devices in the courtroom”

(<https://www.ontario.ca/document/access-court-files-and-documents#section-6>) for further explanation about the use of cameras and recording devices.

Members of the public may have a copy of a digital recording of a court hearing if:

- they have the right to a copy of the recording;
- judicial direction is obtained; and
- they pay the relevant copy fee (<https://www.ontario.ca/document/access-court-files-and-documents/fees-public-access-court-documents#section-2>) .

1.7 Use of cameras, recording and other electronic devices in the courtroom

No cameras (including cell phone cameras) or video recording devices may be used in the courtroom without the approval of the presiding judicial official (s. 136 of the *Courts of Justice Act* (<https://www.ontario.ca/laws/statute/90c43#BK183>)) (<https://www.ontario.ca/laws/statute/90c43>) . Photographing of any person in attendance at the courthouse is also prohibited.

For further information about the use of electronic communication devices in court proceedings, please see the Ontario (<http://www.ontariocourts.ca/ocj/legal-professionals/practice-directions/electronic-devices/>) Court of Justice website (<https://www.ontario.ca/www.ontariocourts.ca/ocj/legal-professionals/practice-directions/electronic-devices/>) and the Superior Court of Justice website (https://www.ontariocourts.ca/scj/practice/practice-directions/provincial#D_Electronic_Devices_in_the_Courtroom) .

Section 2: Public access to criminal court files and documents

2.1 General principle of public accessibility

In general, once process is issued (meaning an Information is sworn and an arrest is made or a summons is served), criminal court files and documents are publicly accessible, unless legislation, a common law rule or a court order restricts access.

2.2 Criminal court files and documents with restricted access

Exceptions to this general principle of public accessibility are outlined below. In accordance with section 1.2 of this policy, the following exceptions to public accessibility are always subject to judicial direction:

2.2.1 Documents in *Youth Criminal Justice Act* proceedings

General Rule

Court files and documents of *Youth Criminal Justice Act* (<https://www.laws-lois.justice.gc.ca/eng/acts/y-1.5/index.html>) (YCJA) proceedings or other proceedings that make reference to YCJA information (for example, *Parental Responsibility Act* (<https://www.ontario.ca/laws/statute/00p04>) Small Claims Court actions (see section “3.2.1 Documents regarding *Parental Responsibility Act* matters”), (<https://www.ontario.ca/document/access-court-files-and-documents/public-access-civil-court-files-and-documents#section-1>) child protection cases (see section “4.2.1 Child protection cases (<https://www.ontario.ca/document/access-court-files-and-documents/public-access-family-court-files#section-0>)”), or *Mental Health Act* (<https://www.ontario.ca/laws/statute/90m07>) (MHA) proceedings (see section “2.2.11 Mental health assessments (<https://www.ontario.ca/document/access-court-files-and-documents/public-access-family-court-files#section-0-11>)”) are not accessible to the public, unless the young person receives an adult sentence and:

- the appeal period has elapsed; or
- an appeal has been heard and the court of appeal has upheld the adult sentence.

YCJA records are accessible to persons listed in s.119 of the YCJA (<https://laws-lois.justice.gc.ca/eng/acts/Y-1.5/page-13.html?txthl=119#s-119>) , or if a court order is obtained pursuant to s.119(1)(s) of the YCJA (<https://laws-lois.justice.gc.ca/eng/acts/Y-1.5/page-13.html?txthl=119#s-119>) .

Exception for information about courtroom location and future court dates

Daily court lists providing the courtroom location for YCJA matters are available to the public. These lists include the initials of a young person and the charges they are facing.

Court staff will not release the young person’s name in a YCJA matter.

Future court dates in YCJA matters are available to the public if sufficient information is provided to allow court staff to access the information in a reasonable amount of time. The following are examples of information that may be necessary to allow court staff to locate the information:

- court file number;

- last court date;
- charges against the young person; and
- date of birth.

If an exclusion or sealing order has been made in the YCJA matter, disclosure of next court date information is not permitted.

2.2.2 *Pre-Enquête* documents and recordings

Intake is presided over by a justice of the peace and is a forum for the police and individuals to bring Informations before a justice of the peace in order to lay criminal charges.

The justice of the peace may conduct a *pre-Enquête* hearing to determine whether legal process should issue (meaning, whether an Information is sworn and then whether to issue process by way of a summons or warrant). *Pre-Enquête* hearings are not open to the public.

If process is issued

For both private and Crown prosecutions, if process is issued, the documents of the *pre-Enquête* hearing become publicly accessible once the defendant has been arrested or the summons has been served, unless there are legislative restrictions to access (for example, the YCJA) or a court order restricts access.

If process is not issued

If process is not issued, the documents and tapes of the *pre-Enquête* hearing are not publicly accessible.

2.2.3 Documents relating to a peace bond application

An individual or peace officer may make an application to the court for a peace bond to request that a person be ordered to keep the peace. To begin the application, the complainant presents an Information at an initial interview with a justice of the peace.

If the justice of the peace issues process, any documents relating to the application are accessible to the public once the defendant has been served with the summons (or in rare

circumstances, has been arrested), unless otherwise ordered by the court. If the justice of the peace refuses to issue process, there is no public access to the documents.

2.2.4 Search warrants (s. 487 of the *Criminal Code*)

A search warrant is a tool that permits investigators to search specified locations (such as a residence, office or vehicle) and seize particular items. Warrants are not necessarily tied to a specific individual.

Specialized search warrants also exist for:

- the seizure of bodily substances for DNA analysis;
- controlled drugs and substances;
- counterfeit money;
- hate propaganda;
- lumber or lumbering equipment;
- obscene material;
- precious metals; and
- proceeds of crime.

General warrants permit peace officers to use devices or investigative techniques described in the warrant if a search and/or seizure without it would violate section 8 of the *Charter of Rights and Freedoms* (<https://laws-lois.justice.gc.ca/eng/const/page-12.html>) (the right to be secure against unreasonable search or seizure).

DNA warrants are publicly accessible if the warrant has not been sealed by court order.

Search warrants and general warrants, including those under the *Controlled Drugs and Substances Act* (<https://laws-lois.justice.gc.ca/eng/acts/c-38.8/>) , are publicly accessible, if:

- the warrant has not been sealed by court order;
- the warrant has been executed and a seizure has been made; and
- a Report to a Justice (Form 5.2) has been filed with the court office by the relevant police or investigating service or an Order of Disposition has been made by the

presiding judicial official

- Depending on the police or investigating service, it may take some time for the Report to Justice to be filed with the court, if a seizure has been made.

Court staff do not have the authority to provide any information about the search warrant or related documents (including confirming the existence of an application for a search warrant) if:

- the warrant has not been executed;
- the warrant was executed but nothing was seized; or
- things were seized, but a Report to Justice has not been filed by the police or investigating service or an Order for Disposition has not been made.

This is consistent with rulings of the Supreme Court of Canada and ensures that ongoing investigations are not compromised and that privacy rights are respected.

If the individual seeking access believes that a search warrant has been executed, but there is no information publicly accessible at the court counter, they may wish to obtain further details from the police or investigating service.

Requesting access to search warrants

Individuals seeking access to search warrants must provide enough information for court staff to identify the records sought. This most commonly includes the location (for example, an address) searched and/or the date the warrant was executed and may also include, when known, the:

- name of the person (often a police officer) or agency who sought the warrant;
- name of the judicial official who approved the warrant; and/or
- date the search warrant was issued.

Search warrants are filed by location to be searched and date of search. If an individual does not know the address and/or date of search, court staff will attempt to assist the requester, however sufficient information to allow court staff to identify the requested warrant is necessary. Search warrants are not filed by name of an individual subsequently charged as a result of an investigation.

Tracking warrants and number recorder warrants (s. 492.1 and s. 492.2 of the *Criminal Code*)

Staff must seek judicial direction when a third-party requests access to tracking warrants issued under section 492.1 and number recorder warrants issued under section 492.2 of the *Criminal Code*. (<https://laws-lois.justice.gc.ca/eng/acts/c-46/>)

Sealed warrants

Under subsection 487.3(1) of the *Criminal Code* (<https://laws-lois.justice.gc.ca/eng/acts/C-46/page-71.html?txthl=487.3#s-487.3>), the presiding judicial official may, upon application, make an order prohibiting access to and disclosure of documents related to any warrant. This is referred to as a sealing order. Access to sealed warrants is only permitted if the sealing order provides exceptions for specific persons or by further order of the court.

A sealing order typically provides the date the file was sealed and the name of the judicial official who sealed the documents, but it does not disclose information about the content of the warrant. Assuming that is the case, the sealing order is accessible unless otherwise ordered by a judicial official. However, if the sealing order contains confidential information that is under seal, judicial permission is required for access.

Given the confidential nature of sealed records and the limited information available to court staff where a warrant is sealed (for example, the location, address or subject searched is often itself confidential), staff may not always be able to identify the warrants sought.

Persons seeking access to the sealed materials may bring an application to the judicial official who made the order or to a judge of the court where any proceedings arising out of the investigation may be held.

2.2.5 Arrest warrants (warrants in the first instance and bench warrants)

Warrants of arrest (also known as Warrants in the First Instance) may or may not be filed with the court. Practices for filing warrants of arrest vary depending on the police service. If a warrant of arrest or copy of a warrant of arrest is in the court file, it is only publicly accessible after the accused has been arrested or has received a summons, provided no other public access restrictions apply (for example, the YCJA).

Bench warrants may also be issued and executed anywhere in Canada against a person who does not appear in court or remain in attendance for his or her court appearance. Information about these warrants is publicly accessible, provided no other public access restrictions apply (for example, the YCJA).

2.2.6 Production orders

A production order is made by a judge or justice of the peace and is similar to a search warrant. When a production order is made, the person in possession of the information identified in the order must produce it upon request to the law enforcement agency. There are five different types of production orders:

- General production order – requires a person to produce or prepare a document from data in his/her possession or control.
- Financial data production order – requires a financial or commercial institution to produce account details, such as the name and other identifying information about the owner, the status and type of account, and the day it was opened or closed.
- Trace specified communication production order – requires a person to prepare a document containing data that identifies a device or person involved in the transmission of a communication.
- Transmission data production order – requires a person to prepare or produce a document providing information including the origin, destination, date, time or duration of a telecommunication.
- Tracking data production order - requires a person to prepare or produce a document containing data about the location of an individual or thing.

Information about an application for a production order, the documents or information provided is publicly accessible if:

- the production order has not been sealed by court order;
- the production order has been executed; and
- documents or data were produced in response to the order.

2.2.7 Court files and documents under *Criminal Code* publication bans

When a publication ban is imposed by the court (for example, s. 486.4 related to sexual offences or s. 517 related to judicial interim release or bail hearings) or is automatically

provided for (for example, s. 542 related to preliminary hearings), the court file and documents are still accessible to the public. Staff will notify the recipient that the file or document is under a publication ban and will warn him or her that publication, broadcasting or transmitting in any way the information governed by the publication ban could be a violation of law.

2.2.8 In camera / publicly-excluded proceedings

Under various sections of the *Criminal Code* (<https://laws-lois.justice.gc.ca/eng/acts/c-46/>)^[1], the public may be excluded in whole or in part from a court proceeding. These proceedings are known as in camera or publicly excluded proceedings. If the public is excluded from a court proceeding, the public cannot access the records relating to that portion of the proceeding, except by court order.

2.2.9 Court files and documents in section 276(2), section 278.2, section 278.92(2) and O'Connor applications

Applications to:

- determine the admissibility of a complainant's sexual activity (s. 276(2) of the *Criminal Code* (<https://laws-lois.justice.gc.ca/eng/acts/c-46/section-276.html>));
- determine whether there will be production of third-party records in sexual offence cases (s. 278.2 of the *Criminal Code* (<https://laws-lois.justice.gc.ca/eng/acts/c-46/section-278.2.html>));
- determine the admissibility of records relating to a complainant that are in the possession of the accused (s. 278.92(2) of the *Criminal Code* (<https://laws-lois.justice.gc.ca/eng/acts/c-46/section-278.92.html>)); and
- determine whether there will be production of third-party records in non-sexual offence cases (O'Connor applications).

require that specific documents be filed with the court. These documents may be filed at the time of the application or before the court date

Applications for a hearing and hearings to determine admissibility under s. 276(2) or s. 278.92(2) must be held in camera.

For s. 278.2 applications, the judicial official will consider the application in a mandatory in camera proceeding. If the judicial official orders the record be produced to the court, the

judicial official may hold an in camera hearing to determine whether to produce the record to the accused.

Documents filed in advance of these mandatory in camera proceedings are not publicly accessible prior to the court hearing, except by court order.

For O'Connor applications, a hearing will be held to determine the relevance of third-party records. There is no mandatory requirement that the hearing be held in camera. However, an order excluding the public may be requested by one or both of the parties either at the time of the application or in their documents filed before the court date. Until the judge hearing the application determines whether or not the public should be excluded, any documents filed in advance of these proceedings are not publicly accessible, except by court order.

2.2.10 Identifying information about witnesses

Section 486.31 of the *Criminal Code* (<https://laws-lois.justice.gc.ca/eng/acts/C-46/page-66.html?txthl=486.31#s-486.31>) allows a court to restrict disclosure of any information that could identify a witness in a criminal proceeding if the order is in the interest of the proper administration of justice. Upon an application by the prosecutor or witness, a hearing will be held to determine whether the order should be made. These hearings may be held in camera and until the judge hearing the application determines whether or not the public should be excluded, any documents filed in advance of the application are not publicly accessible, except by court order. If the court grants the non-disclosure order after the hearing, identifying information about the witness is not publicly accessible, without judicial permission.

2.2.11 Mental health assessments

Access to the materials listed below requires judicial direction:

- assessment reports prepared for the court under s. 672.11 of the *Criminal Code* (<https://laws-lois.justice.gc.ca/eng/acts/c-46/page-98.html>) (mental disorder);
- any written information filed with the court regarding an accused person's fitness to stand trial;

- any written information filed with the court regarding whether an accused person should be found not criminally responsible due to mental disorder;
- all records relating to assessments ordered by a judge in a criminal proceeding under s. 21 or 22 of the *Mental Health Act* (<https://www.ontario.ca/laws/statute/90m07>) ; and
- all records relating to applications to a Justice of the Peace under the *Mental Health Act* (<https://www.ontario.ca/laws/statute/90m07>) for an order for an examination by a physician of a person thought to be suffering from a mental disorder.

As previously noted, any reference to *Youth Criminal Justice Act* (<https://www.laws-lois.justice.gc.ca/eng/acts/y-1.5/index.html>) information contained in *Mental Health Act* (<https://www.ontario.ca/laws/statute/90m07>) records is not publicly accessible.

2.2.12 Sealed files and documents

A sealing order typically provides the date the file was sealed and the name of the judicial official who sealed the documents, but it does not disclose information about the content of the sealed documents. Assuming that is the case, the sealing order is accessible unless otherwise ordered by a judicial official. However, if the sealing order contains confidential information that is under seal, judicial permission is required for access.

Please refer to the section “2.2.4 Search warrants (s. 487 of the *Criminal Code*)” (<https://www.ontario.ca/document/access-court-files-and-documents/public-access-criminal-court-files-and-documents#section-1-3>) ” for information about access to sealed search warrants.

2.2.13 Cannabis Act ticketable offence proceedings

The federal *Cannabis Act* (<https://laws-lois.justice.gc.ca/eng/acts/C-24.5/>) contains prohibitions on the recreational use of cannabis. For certain offences under the *Act*, persons 18 years of age or older may be dealt with using a criminal ticket instead of being prosecuted under the usual criminal process.

Pursuant to the *Act*, records of criminal tickets are not accessible if the accused:

- pleads guilty to the ticket or is convicted of the offence and all outstanding fines are paid; or
- accused is convicted of the offence and has served, in full, any period of imprisonment imposed as a result of a default in payment of the fine.

Where access to these matters is restricted, court staff must not allow access to the court documents and must not disclose the existence of documents to any person.

2.2.14 Documents relating to absolute and conditional discharges

This section does not apply to absolute discharges imposed as a result of a ticket under the *Cannabis Act* (<https://laws-lois.justice.gc.ca/eng/acts/C-24.5/>) . Information on access to those records can be found in the section “2.2.13 *Cannabis Act ticketable offence proceedings* (<https://www.ontario.ca/document/access-court-files-and-documents/public-access-criminal-court-files-and-documents#section-1-12>) ”.

The *Criminal Records Act* (<https://laws-lois.justice.gc.ca/eng/acts/c-47/>) denies public access to criminal records:

- after one year, if the defendant has received an absolute discharge; or
- after three years, if the defendant has received a conditional discharge.

The Province of Ontario has adopted this policy with regard to court documents that are the subject of an absolute or conditional discharge. The access period commences from the date the discharge was imposed by the judicial official.

If an absolute or conditional discharge has been ordered, court staff must not allow access to the court documents and must not disclose the existence of these documents, after the specified periods noted above, to anyone other than the person who is the subject of the discharge or counsel acting on his or her behalf. Requests for access by the person who is the subject of the discharge must be made in writing to the court.

2.2.15 Documents relating to record suspensions and expungements

If a record suspension has been granted, documents relating to the original conviction in the custody of a department or agency of the Government of Canada are not publicly accessible, without prior approval of the Federal Minister of Justice. The Province of Ontario has adopted this policy with regard to court documents that are the subject of a record suspension.

If an expungement has been granted, documents relating to the original conviction in the custody of a department or agency of the Government of Canada will be destroyed or removed from its repositories or systems.

If a record suspension or expungement has been granted, court staff must not allow access to the court documents and must not disclose the existence of these documents to any person, other than the person who is the subject of the record suspension or expungement or counsel acting on his or her behalf. Requests for access by the person who is the subject of the record suspension or expungement must be made in writing to the court.

2.2.16 Records of convictions under section 10.6 of the Controlled Drugs and Substances Act (CDSA)

Effective November 17, 2024

Section 10.6 of the Controlled Drugs and Substances Act (<https://laws-lois.justice.gc.ca/eng/acts/c-38.8/>) (CDSA) provides that records of convictions in respect of an offence under section 4(1) of the CDSA must be kept separate and apart from other records of convictions within certain time periods.

The Province of Ontario has adopted this policy for records of convictions for CDSA section 4(1) drug possession.

If a person has been convicted of drug possession under CDSA section 4(1), court staff must not allow access to the record of conviction of the CDSA section 4(1) offence and must not disclose the existence of that conviction, in accordance with the applicable time periods in section 10.6 of the CDSA, to anyone other than the person who is the subject of that conviction or counsel acting on their behalf. Requests for access by the person who is the subject of the conviction must be made in writing to the court.

This section of the policy does not apply to YCJA records. For the policy in relation to access to YCJA records, please refer to section 2.2.1.

2.3 Index books

In criminal cases, index books are not accessible to the public, as they may contain information about documents for which access is prohibited.

2.4 Dockets and case event lists

2.4.1 Pre-court docket and case event list

The pre-court docket or case event list is a list of names of the accused persons and the charges scheduled to be heard in a specific courtroom, on a specific date, and at a specific time.

Pre-enquête, Youth Criminal Justice Act (<https://www.laws-lois.justice.gc.ca/eng/acts/y-1.5/index.html>) and *Prevention of and Remedies for Human Trafficking Act, 2017* (<https://www.ontario.ca/laws/statute/17p12>) restraining order dockets must remain confidential and are not publicly accessible. All other pre-court dockets are publicly available.

Court staff must make pre-court dockets or case event lists available to the public at no charge, by either posting the docket or list in a location convenient to the public or by making it available at the court counter. A copy of the docket can be provided on payment of the prescribed copy fee (<https://www.ontario.ca/document/access-court-files-and-documents/fees-public-access-court-documents#section-2>).

The daily court lists (<https://www.ontariocourtdates.ca/>) provide users with basic next day case event information for Ontario Court of Justice and Superior Court of Justice cases, subject to certain restrictions. Website users may choose a court location and case type from drop down lists. A list of scheduled matters to be heard the next day at that location will then be displayed.

Hearing lists of the Ontario Court of Appeal (<http://www.ontariocourts.ca/coa/en/caselist/>) are also available the week before matters are to be heard.

2.4.2 Post-court docket and case event list

The post-court docket or case event list is the same as the pre-court docket or list, with notes outlining the judicial decisions for each charge listed.

The post-court docket or list is publicly accessible, except to the extent that it includes cases that:

- have been sealed;
- are subject to a specific court order restricting access;
- are applications for restraining orders under the *Prevention of and Remedies for Human Trafficking Act, 2017* (<https://www.ontario.ca/laws/statute/17p12>);

- pertain to youth matters; or
- are outside legislated disclosure periods (for example, access to some matters are time limited, including absolute and conditional discharges, as outlined in the section “2.2.14 Documents relating to absolute and conditional discharges (<https://www.ontario.ca/document/access-court-files-and-documents/public-access-criminal-court-files-and-documents#section-1-13>)”, and records of convictions under section 10.6 of the CDSA, as outlined in section “2.2.16 Records of convictions under section 10.6 of the Controlled Drugs and Substances Act (<https://laws-lois.justice.gc.ca/eng/acts/c-38.8/>) (CDSA)”).

Court staff must make post-court dockets or lists available to the public for viewing at no charge. If a copy of the docket or list is requested, staff should charge the prescribed copy fee (<https://www.ontario.ca/document/access-court-files-and-documents/fees-public-access-court-documents#section-2>) .

Note: Due to storage limitations in the court office, some older court dockets and lists may not be immediately available at the court counter. The time required to access older dockets and lists that are not stored in the court office might be longer.

2.5 Provincial Offences Act court documents

As noted previously in the section “1.1 Open and accessible court system (<https://www.ontario.ca/document/access-court-files-and-documents#section-0>)”, municipal partners administer court files and documents in Provincial Offences courts under a transfer agreement with the province. In general, court documents related to the *Provincial Offences Act* (<https://www.ontario.ca/laws/statute/90p33>) (POA) are publicly accessible, unless otherwise ordered by the court.

However, the following court documents for *Provincial Offences Act* (<https://www.ontario.ca/laws/statute/90p33>) proceedings are not publicly accessible:

- all records relating to an application for an order of examination under the *Mental Health Act* (<https://www.ontario.ca/laws/statute/90m07>) , unless access is approved by a justice of the peace; and
- all proceedings against young persons commenced under Part VI of the *Provincial Offences Act* (<https://www.ontario.ca/laws/statute/90p33>) .

Search warrants issued under the *Provincial Offences Act* (<https://www.ontario.ca/laws/statute/90p33>) are accessible in accordance with the policy

for criminal search warrants. In general, search warrants are accessible if:

- the warrant has not been sealed by court order;
- the warrant has been executed and a seizure has been made; and
- a Report to a Justice (Form 5.2) has been filed with the court office by the relevant police or investigating service, or an Order of Disposition has been made by the presiding judicial official. Depending on the police or investigating service, it may take some time for the Report to Justice to be filed with the court, if a seizure has been made.

For more detailed information about accessing search warrants, see section “2.2.4 Search warrants (s. 487 of the *Criminal Code*)” (<https://www.ontario.ca/document/access-court-files-and-documents/public-access-criminal-court-files-and-documents#section-1-3>)

2.6 *Prevention of and Remedies for Human Trafficking Act, 2017* court documents

The *Prevention of and Remedies for Human Trafficking Act, 2017*

(<https://www.ontario.ca/laws/statute/17p12>) (PRHTA) allows victims, or potential victims, of human trafficking to apply for a restraining order. Unless legislation, a common law rule or a court order restricts access, records of such applications are publicly accessible if:

- an application is made with notice to the respondent; or
- an application is made without notice to the respondent, the order is granted, and the respondent has been served.

Where an order is made without notice to the respondent, the application form and any supporting affidavits may be provided only to the sheriff and members of the police service to assist in carrying out service of the restraining order.

In all other circumstances, judicial permission is required before court staff can provide any information about a PRHTA restraining order or related documents, including confirming the existence of an application for such an order.

2.6.1 Court files and documents under *Prevention of and Remedies for Human Trafficking Act, 2017* publication bans

When a publication ban is automatically provided for under subsection 10(1) of the PRHTA, or a publication ban is imposed by the court under subsection 10(2) of the PRHTA, PRHTA restraining order court files and documents are still accessible to the public. Staff must notify the person who is accessing the file or document that it is under a publication ban and must warn them that publishing, broadcasting or transmitting the information governed by the publication ban in any way could be a violation of law.

2.7 Criminal court documents

Criminal court staff can provide information and copies of court documents relating to matters that are either before the court or have been before the court in the past in accordance with these policies and procedures, as long as no other access restrictions exist. If an individual received an absolute or conditional discharge, if the individual has a record of conviction subject to section 10.6 of the CDSA, if the criminal record is subject to a record suspension (pardon) or if the court documents are sealed by court order, access is limited and information and court documents will be provided only in accordance with "2.2.12 Sealed files and documents (<https://www.ontario.ca/document/access-court-files-and-documents/public-access-criminal-court-files-and-documents#section-1-12>)", "2.2.14 Documents related to absolute and conditional discharges" (<https://www.ontario.ca/document/access-court-files-and-documents/public-access-criminal-court-files-and-documents#section-1-13>), "2.2.15 Documents relating to record suspensions and expungements (<https://www.ontario.ca/document/access-court-files-and-documents/public-access-criminal-court-files-and-documents#section-1-14>)" and "2.2.16 Records of convictions under section 10.6 of the Controlled Drugs and Substances Act (CDSA)".

A request for access to criminal court documents should include a combination of information that will permit staff to accurately identify the individual concerned, which most commonly will be name and date of birth. In some circumstances where a name is common, further information such as home address, date of offences or charges may be required in order for court staff to accurately identify the individual. The combination of information required will vary depending on what is necessary to correctly identify the requested information in a particular case.

Some people believe that court staff can provide an official criminal record check. The court case tracking system is not a comprehensive database of criminal charges or criminal dispositions and does not constitute an official criminal record. Only police services can undertake an official criminal record check for employment or related purposes.

Section 3: Public access to civil court files and documents

3.1 *Courts of Justice Act* provisions for public access

Section 137 of the *Courts of Justice Act* (<https://www.ontario.ca/laws/statute/90c43#BK184>) (CJA) provides for public access to civil court documents.

Upon payment of the prescribed fee, members of the public are entitled to see any current list maintained by the court of civil proceedings commenced, any documents filed in a civil proceeding, or any judgments entered, unless a statutory provision, common law rule or court order restricts access.

3.2 Statutory restrictions to public access

Statutory provisions restrict public access to the following civil court documents:

3.2.1 Documents regarding *Parental Responsibility Act* matters

Documents filed in the Small Claims Court in relation to the *Parental Responsibility Act* (<https://www.ontario.ca/laws/statute/00p04>) that include evidence obtained under the *Young Offenders Act* (<https://laws-lois.justice.gc.ca/eng/acts/y-1/index.html>) (YOAA) or *Youth Criminal Justice Act* (<https://www.laws-lois.justice.gc.ca/eng/acts/y-1.5/index.html>) (YCJA) must be treated like *Young Offenders Act* or *Youth Criminal Justice Act* documents and are not publicly accessible. See section “2.2.1 Documents in *Youth Criminal Justice Act* Proceedings (<https://www.ontario.ca/document/access-court-files-and-documents/public-access-criminal-court-files-and-documents#section-1-0>) ” for details on public access to these documents.

3.3 Files and documents under publication bans

In general, when the court imposes a publication ban, the public can still access the court file and documents. Staff must tell the person who is accessing the file or document that it is under a publication ban and must warn him or her that publication could be a violation of law.

3.4 Sealed files and documents

A sealing order typically provides the date the file was sealed and the name of the judicial official who sealed the documents, but it does not disclose information about the content of the sealed documents. Assuming that is the case, the sealing order is accessible unless otherwise ordered by a judicial official. However, if the sealing order contains confidential information that is under seal, judicial permission is required for access.

3.5 Daily filing list report

The Daily Filing List Report contains the court file numbers, names of plaintiffs and defendants, the Short Title of the proceeding, the Case Type, the Case Opened Date and the Initiating Document for proceedings commenced on that day, and may be made publicly available for viewing at no charge. Copies of the Daily Filing List Reports may be made publicly available on request on payment of the relevant copy fee

(<https://www.ontario.ca/document/access-court-files-and-documents/fees-public-access-court-documents#section-2>) .

3.6 Case event lists and post-court dockets

The Daily Court Lists (<http://www.ontariocourtdates.ca/>) provide users with basic next day case event information for Superior Court of Justice cases, subject to certain restrictions. Website users may choose a court location and case type from drop down lists. A list of scheduled matters to be heard the next day at that location will then be displayed.

Hearing lists of the Ontario Court of Appeal (<http://www.ontariocourts.ca/coa/en/caselist/>) are also available the week before matters are to be heard.

Subject to orders of the court and the statutory restrictions outlined in section “3.2 Statutory restrictions to public access” (<https://www.ontario.ca/document/access-court-files-and-documents/public-access-civil-court-files-and-documents#section-1>)”, the post-court docket and case event lists are public documents and may be viewed at no charge. A copy of the docket or list can be provided to members of the public, upon payment of the relevant copy fee (<https://www.ontario.ca/document/access-court-files-and-documents/fees-public-access-court-documents#section-2>) .

Note: Due to storage limitations in the court office, some older court dockets and case event lists may not be immediately available at the court counter. The time required to access older dockets and case event lists that are not stored in the court office might be longer.

3.7 Other documents related to civil proceedings

Other documents may be contained in the court file, even though they have not been filed in the proceeding within the meaning of s. 137 of the *Courts of Justice Act* (<https://www.ontario.ca/laws/statute/90c43#BK184>) . As section 137 does not apply to these documents, they are not automatically publicly accessible. Some examples of these documents include:

- correspondence between the trial coordinator and the parties to canvass available dates for events;
- correspondence between the court office and an individual regarding fees paid to court (for example, regarding an NSF cheque); and
- correspondence between the court office and an institution/agency (for example, police) necessary for the institution/agency to enforce or register an order
- fee waiver information.

These documents must be filed in the correspondence pocket within the court file. Court staff must remove the correspondence pocket from the file before providing the file to a member of the public for inspection. However, if the court staff require someone to provide a document to the court before "filing" something further (for example, court staff require a letter explaining, for the purposes of rule 61.13 of the *Rules of Civil Procedure* (<https://www.ontario.ca/laws/regulation/900194#BK606>) , why certain parties have not been served), that document, even if it is the form of a letter, should be placed in the part of the file that is publicly accessible and not in the correspondence pocket.

Section 4: Public access to family court files

4.1 *Courts of Justice Act* provisions for public access

Section 137 of the *Courts of Justice Act* (<https://www.ontario.ca/laws/statute/90c43#BK184>) (*CJA*) provides for public access to family court documents.

Members of the public are entitled to see any current list maintained by the court of family cases started, any documents filed in a family case, or any orders signed, unless a statutory provision, common law rule or court order restricts access.

4.2 Notice requirements for public access

Rule 1.3 of the *Family Law Rules* (<https://www.ontario.ca/laws/regulation/990114>) requires members of the public to give 10 calendar days' written notice before they may access certain court files under s. 137 of the *Courts of Justice Act* (<https://www.ontario.ca/laws/statute/90c43#BK184>). The written notice must be sent to the parties in the case, as well as the Children's Lawyer in some circumstances.

A member of the public is required to give 10 days' written notice before they can see any document filed in a case involving:

- A claim about decision-making responsibility, parenting time, or contact with respect to a child under the *Divorce Act* (<https://laws-lois.justice.gc.ca/eng/acts/d-3.4/FullText.html>) or Part III of the *Children's Law Reform Act* (<https://www.ontario.ca/laws/statute/90c12>);
- An order under Part I of the *Children's Law Reform Act* (<https://www.ontario.ca/laws/statute/90c12>); or
- International child abduction.

After receiving notice, a party then has 10 calendar days to bring a motion for a restricted access order, if they choose to do so. If a motion is made, court staff are not allowed to grant public access until the court determines the motion. If no motion is made, after the 10 calendar days have passed, the member of the public requesting access must file an affidavit (Form 14A) confirming the date they gave notice, to whom and by what method, and that they have not been served with a motion for a restricted access order. That person may then access the court file..

The following persons are exempt from the notice requirements under rule 1.3:

- A party or their lawyer
- A person authorized in writing by a party or the party's lawyer
- The Director of the Family Responsibility Office
- The Children's Lawyer
- A children's aid society
- Legal Aid Ontario
- Legal Aid Ontario

- A recipient, or an agency referred to in clause (b) or (c) of the definition of “recipient” in subrule 2(1) of the *Family Law Rules* (<https://www.ontario.ca/laws/regulation/990114#BK9>) when attempting to determine whether it is a recipient
- A Crown Attorney, assistant Crown Attorney or Deputy Crown Attorney
- A police officer, First Nations Constable or officer of the Royal Canadian Mounted Police, when acting in the course of their duties
- A service provider within the meaning of s. 149 of the *Courts of Justice Act* (<https://www.ontario.ca/laws/statute/90c43#BK205>)

4.3 Statutory restrictions to public access

Statutory provisions restrict public access to the following family court documents:

4.3.1 Child protection cases

Under subsections 87(4) and 121(8) of the *Child, Youth and Family Services Act, 2017* (<https://www.ontario.ca/laws/statute/17c14>) (CYFSA), child protection hearings and appeals of child protection decisions are closed to the public, unless otherwise ordered by the court. Under subsections 87(5) and 121(8) of the *Act*, select representatives of the media may attend the hearings, unless the court makes an order excluding them. Subsection 87(8) of the *Act* prohibits the publication of any identifying information about a child, child’s parent or foster parent or a member of the child’s family in a child protection case.

Court staff are therefore not permitted to provide public or media access to court documents filed in child protection cases, including any warrant issued under the CYFSA, even to media representatives who attended the hearing.

4.3.2 Secure treatment cases

Secure treatment cases involve applications to the court to commit a child to a secure treatment program. Under subsection 161(7) of the *Child, Youth and Family Services Act, 2017* (<https://www.ontario.ca/laws/statute/17c14>) (CYFSA), secure treatment hearings are closed to both the public and the media. Court staff are not permitted to provide access to court documents filed in these cases, including any warrant issued under the CYFSA.

4.3.3 Adoption cases and openness orders

Under subsections 204(1) and 215(6) of the *Child, Youth and Family Services Act, 2017* (<https://www.ontario.ca/laws/statute/17c14#BK223>) (CYFSA), adoption hearings and appeals of adoptions orders are closed to the public. Subsection 204(2) of the CYFSA (<https://www.ontario.ca/laws/statute/17c14#BK281>) states that court files concerning applications for adoption are only accessible to:

- the court;
- court employees;
- the parties and their lawyers or agents; and
- the Director or local director (appointed pursuant to subsection 53(1) of the CYFSA (<https://www.ontario.ca/laws/statute/17c14#BK72>)) or children's aid society under the CYFSA (<https://www.ontario.ca/laws/statute/17c14>) .

The files are not accessible to the public, including members of the media.

Under subsection 222(2) of the CYFSA (<https://www.ontario.ca/laws/statute/17c14#BK305>) , the documents used in an application for an adoption order must be sealed with a certified copy of the original order placed within the sealed file. The sealed file can only be accessed through an order of the court or written direction of the Registrar of Adoption Information.

4.3.4 Proceedings under the *Family Responsibility and Support Arrears Enforcement Act, 1996*

The *Family Responsibility and Support Arrears Enforcement Act, 1996* (<https://www.ontario.ca/laws/statute/96f31>) , applies to cases involving the enforcement of support obligations in Ontario.

During a default hearing under the Act, the court may order a person who is 'financially connected' to the payor to file a financial statement and any other relevant documents with the court. Under subsection 41(24) of the Act, the person's financial statement or other documents must be sealed in an envelope in the court file and is only accessible through an order of the court.

Under section 54 of the Act, if a person needs information from another person or organization to enforce an order that is not filed with the Family Responsibility Office, the court can order that the requested information be provided to the court. The information

that is obtained under this order must be sealed in an envelope in the court file. It is only accessible by court order, or in the other circumstances described in the Act at section 54.

4.4 Files and documents under publication bans

In family cases, other than cases under the *Child, Youth and Family Services Act, 2017* (<https://www.ontario.ca/laws/statute/17c14>) (CYFSA), when a publication ban is imposed by the court, the public can generally still access the court file and documents. Staff must notify the recipient that the file or document is under a publication ban and must warn him or her that publication could be a violation of law.

4.5 Sealed files and documents

A sealing order typically provides the date the file was sealed and the name of the judicial official who sealed the documents, but it does not disclose information about the content of the sealed documents. Assuming that is the case, the sealing order is accessible unless otherwise ordered by a judicial official. However, if the sealing order contains confidential information that is under seal, judicial permission is required for access.

4.6 Index books

Family index books contain lists of court file numbers and names of the applicants and respondents. In family cases, other than, adoption, child protection and openness order cases, information in index books is publicly available at no charge.

4.7 Case event lists and post-court dockets

The Daily Court Lists (<http://www.ontariocourtdates.ca/>) provide users with basic next day case event information for Ontario Court of Justice and Superior Court of Justice cases, subject to certain restrictions. Website users may choose a court location and case type from drop down lists. A list of scheduled matters to be heard the next day at that location will then be displayed.

Hearing lists of the Ontario Court of Appeal (<http://www.ontariocourts.ca/coa/en/caselist/>) are also available the week before matters are to be heard.

Subject to orders of the court and the statutory restrictions outlined in section “Statutory restrictions to public access” (<https://www.ontario.ca/document/access-court-files-and-documents/public-access-civil-court-files-and-documents#section-1>)”, the case event lists and

post-court dockets are public documents and may be viewed at no charge. A copy of the list or docket can be provided to members of the public, upon payment of the relevant copy fee (<https://www.ontario.ca/document/access-court-files-and-documents/fees-public-access-court-documents#section-2>) .

Note: Due to storage limitations in the court office, some older case event lists and post- court dockets may not be immediately available at the court counter. The time required to access older lists and dockets that are not stored in the court office might be longer.

4.8 Other Documents Related to Family Cases

Other documents may be contained in the court file, even though they have not been filed in the case within the meaning of s. 137 of the *Courts of Justice Act* (<https://www.ontario.ca/laws/statute/90c43#BK184>) . Because section 137 does not apply to these documents, they are not automatically publicly accessible. Some examples of these documents include:

- correspondence between the trial coordinator and the parties to canvass available dates for events;
- correspondence between the court office and an individual regarding fees paid to court (for example, regarding an NSF cheque)
- correspondence between the court office and an institution/agency (for example, police, Family Responsibility Office, Registrar General) necessary for the institution/agency to enforce or register an order; and
- fee waiver information.

These documents must be filed in the correspondence pocket within the court file. Court staff must remove the correspondence pocket from the file before providing the file to a member of the public for inspection.

Section 5: Public access to enforcement files

5.1 Documents in the enforcement file covered by section 137 of the *Courts of Justice Act*

Enforcement documents filed with the court fall under section 137 of the *Courts of Justice Act* (<https://www.ontario.ca/laws/statute/90c43#BK184>) (CJA) and are therefore publicly accessible, upon payment of the prescribed fee and provided that no statutory provision, common law rule or court order restricts access.

Examples of these documents include:

- writs;
- orders;
- schemes of distribution;
- notices of garnishment; and
- any other documents provided to the enforcement office on a form prescribed by the rules of the court.

5.2 Other documents in the enforcement file

Other documents may be contained in the enforcement file, even though they have not been filed in the proceeding within the meaning of s. 137 of the *Courts of Justice Act* (<https://www.ontario.ca/laws/statute/90c43#BK184>) . These documents are not automatically publicly accessible, and include any correspondence or material created or required by the enforcement office in order to conduct an enforcement (for example, appraisals, notice of sale, contracts for storage of seized goods, etc.).

For information on access to documents needed to enforce a support obligation, see section “4.2.4 Proceedings under the *Family Responsibility and Support Arrears Enforcement Act*, 1996 (<https://www.ontario.ca/document/access-court-files-and-documents/public-access-family-court-files#section-1-3>) ”.

Section 6: Public access to exhibits

6.1 Exhibits in criminal cases

Exhibits may take many forms. Examples include:

- physical evidence (for example, guns, knives, clothing);
- photographic/electronic evidence (for example, photos, videotapes, audiotapes, compact discs);
- business documents (for example, phone records, bank records, business transaction records);
- expert reports (for example, psychiatric reports, crime scene analyses, toxicologist reports);
- forensic documents; and
- intoxilyzer technician's certificates of analysis.

Judicial consent is required to obtain access to court exhibits. Media and members of the public may fill out a simple request form (<http://ontariocourtforms.on.ca/en/access-to-exhibits-1/>) that will be submitted to the presiding judicial official, or if that individual is unavailable, to the Local Administrative Justice. The judicial official will provide direction about whether access may be granted (including any terms and conditions of access) or whether a formal application, on notice to the parties, is required to balance access rights, privacy interests and the proper administration of justice.

Media and members of the public should direct their inquiries to court staff who will provide a copy of the request form (<http://ontariocourtforms.on.ca/en/access-to-exhibits-1/>) and seek judicial direction about what is required in a particular case.

Returned Exhibits

An exhibit may be returned to the party who filed it upon the completion of the legal proceedings and after the relevant appeal period has expired. If an exhibit is no longer in the court's possession, an individual seeking access to the record/item may make a request to the party directly. If the party denies access, a formal application may be brought to the court where the proceedings were heard.

Exhibit Lists

An exhibit list is prepared in every criminal case to record all exhibits entered into court. Exhibit lists are publicly accessible documents unless they contain information about matters that are sealed or were held in camera.

6.2 Exhibits in civil and family cases

6.2.1 Exhibits filed in a proceeding

If the exhibit was attached to an affidavit and filed with the court, it is a document filed in a proceeding and is publicly accessible under section 137 of the *Courts of Justice Act* (<https://www.ontario.ca/laws/statute/90c43#BK184>) (CJA) unless a statutory provision, common law rule or court order restricts access.

6.2.2 Exhibits referred to in an affidavit

If an exhibit is referred to in an affidavit as being produced and shown to the deponent, the party does not attach the exhibit to the affidavit. Instead, the party leaves the exhibit with the registrar/clerk for the court's use. In this case, the exhibit is not "filed" with the court and is not accessible under s. 137 of the *Courts of Justice Act* (<https://www.ontario.ca/laws/statute/90c43#BK184>).

6.2.3 Exhibits entered into evidence during trial

If the exhibit was entered into evidence in the course of a trial (meaning, marked, numbered and entered on a list by the registrar/clerk), the exhibit is not "filed" in the proceeding and is therefore not covered by s. 137. These exhibits are within the control of the court and are not publicly accessible, except with judicial consent.

Members of the public may fill out a simple request form (<http://ontariocourtforms.on.ca/en/access-to-exhibits-1/>) that will be submitted to the presiding judicial official, or if that individual is unavailable, to the Local Administrative Justice. The judicial official will provide direction about whether access may be granted (including any terms and conditions of access) or whether a formal application, on notice to the parties, is required to balance access rights, privacy interests and the proper administration of justice.

Media and members of the public should direct their inquiries to court staff who will provide a copy of the request form (<http://ontariocourtforms.on.ca/en/access-to-exhibits-1/>) and seek judicial direction about what is required in a particular case.

6.2.4 Copies of exhibits in exhibit books

Since exhibit books are documents filed with the court within the meaning of s. 137 of the *Courts of Justice Act* (<https://www.ontario.ca/laws/statute/90c43#BK184>), copies of

exhibits contained in an exhibit book and filed with the Court of Appeal are publicly accessible, unless a statutory provision, common law rule or court order restricts access.

Section 7: Fees for public access to court documents

Note: Fees are subject to change.

7.1 Fees to access criminal court documents

7.1.1 Ontario Court of Justice and Superior Court of Justice

There is no charge to access criminal court documents or search criminal court files in the Ontario Court of Justice and Superior Court of Justice.

There is a fee to obtain a copy of a criminal court document. The Ontario Court of Justice fee schedule and the Superior Court of Justice fee schedule, which are regulations made under the *Administration of Justice Act* (<https://www.ontario.ca/laws/statute/90a06>) , set out the fee to be paid whenever a member of the public requests and is granted copies of all or portions of a criminal court record. The following copy fees apply:

- for copies of documents in provincially-administered Ontario Court of Justice courts:
 - not requiring certification, \$1.00 per page
 - requiring certification, \$3.50 per page
- for copies of documents in municipally-administered Ontario Court of Justice courts, also known as *Provincial Offences Act* (<https://www.ontario.ca/laws/statute/90p33>) courts:
 - not requiring certification, \$1.00 or \$2.00 per page (depending on the municipality)
 - requiring certification, \$3.50 per page
- for copies of Superior Court of Justice documents:
 - not requiring certification, \$1.00 per page
 - requiring certification, \$4.00 per page

Copies of informations, indictments and judicial interim release documents shall be provided upon request to the accused and their counsel of record without copy fees being charged. Copies of *Prevention of and Remedies for Human Trafficking, 2017* (<https://www.ontario.ca/laws/statute/17p12>) restraining order court files and documents shall be provided upon request to parties and their counsel of record without copy fees being charged. Requests should be made in person at the counter or in writing by mail or email.

7.2 Fees to access civil and family court documents and enforcement documents

7.2.1 Ontario Court of Justice

There is no fee to access court documents in the Ontario Court of Justice. Access to court documents, where there is no statutory provision or court order that restricts access, may be obtained at the originating or filing court. There is a fee to obtain a copy of a document. See Section 7.3.

7.2.2 Superior Court of Justice, and Court of Appeal for Ontario, Small Claims Court, and Enforcement Offices (Sheriff)

There is no fee to access court documents in:

- the Family Court branch of the Superior Court of Justice; and
- family cases heard by the Superior Court of Justice that are not appeals.

There is a fee to obtain a copy of a document in the Family Court Branch and in non-appeal family cases heard by the Superior Court of Justice. See Section 7.3.

There **is** a fee to access court documents in:

- the Court of Appeal,
- civil cases in the Superior Court of Justice, including estates, bankruptcy, and Divisional Court proceedings,
- family appeals in the Superior Court of Justice,
- the Small Claims Court, and
- Enforcement Offices (the Sheriff)

The following chart summarizes the prescribed fees under the *Administration of Justice Act* (<https://www.ontario.ca/laws/statute/90a06>) to access court documents in the above courts and court proceedings. There are also fees to obtain a copy of a document. See Section 7.3.

Service	Fee in the Superior Court of Justice and Court of Appeal (excluding family cases that are not appeals) (O. Reg. 293/92 (https://www.ontario.ca/laws/regulation/920293))	Fee in the Small Claims Court (O. Reg. 332/16 (https://www.ontario.ca/laws/regulation/160332))	Fee in the Enforcement/Sheriff's Office (O. Reg. 294/92 (https://www.ontario.ca/laws/regulation/920294))
Inspection of court file by a solicitor* or party in the proceeding	no charge	no charge	N/A *****
Inspection of court file by a person who has entered into an agreement with the Attorney General for the bulk	\$4.00 (per file)	\$1.00 (per file)	N/A *****

inspection of court files			
Inspection of court file by any other person	\$11.00 (per file)	\$11.00 (per file)	N/A *****
Retrieval of a court file from storage	\$83.00	\$83.00	N/A *****
For a search for writs (per name searched)	N/A *****	N/A *****	\$13.10
For a report showing the details of a writ, lien or order (per report)	N/A *****	N/A *****	\$7.10 (maximum \$71.55 per name)

[N/A] means either there is no prescribed fee for the service or the service does not exist in the specified court or office.

[*] Note: Refers to a solicitor for a party in the proceedings, not any solicitor in general.

7.3 Copy fees

The following chart summarizes copy, certified copy and digital recording copy fees prescribed under the *Administration of Justice Act* (<https://www.ontario.ca/laws/statute/90a06>) for each type of court or court proceeding and the Enforcement Offices (Sheriff).

Level of court	Fee for a certified copy (per page)	Fee for a non-certified copy (per page)	Fee for CD copy of a digital recording of a court hearing - a single day's recording	Fee for CD copy of a digital recording of a court hearing - each additional day's recording, if the request is made at the same time as a request for a single day's recording
Superior Court of Justice and Court of Appeal – Fees O. Reg. 293/92 ***** https://www.ontario.ca/laws/regulation/920293	\$4.00 [**]	\$1.00 [**]	\$23.00 [**]	\$11.00 [**]
Superior Court of Justice - Family Court - Fees O. Reg. 417/95 ***** https://www.ontario.ca	\$4.00	\$1.00	\$23.00	\$11.00

a/laws/reg ulation/950 417)				
Small Claims Court – Fees and Allowances - O. Reg. 332/16 (https://ww w.ontario.c a/laws/reg ulation/160 332/)	\$4 . 00	\$1.00	\$23.00	\$11.00
Ontario Court of Justice – Fees O. Reg. 210/07 (https://ww w.ontario.c a/laws/reg ulation/070 210)	\$3 . 50 [**]	\$1.00 for provincial ly administer ed courts and either \$1.00 or \$2.00 for municipall y administer ed courts. [**]	\$22.00 [**]	\$10.50 [**]
Enforceme nt/Sheriff's Office O. Reg. 294/92 (https://ww	\$3 . 50 [*]	\$1.00 [*]	–	–

[*] For documents other than writs of execution, orders and certificates of lien. See section “7.2.2 Superior Court of Justice, Court of Appeal for Ontario, Small Claims Court, and Enforcement Offices (Sheriff)” (<https://www.ontario.ca/document/access-court-files-and-documents/fees-public-access-court-documents#section-1-1>) for fees for copies of a report showing the details of a writ, lien or order.

[**] These fees are not payable by, or on behalf of, a party to an application for or appeal of a restraining order under the *Prevention of and Remedies for Human Trafficking Act, 2017* (<https://www.ontario.ca/laws/statute/17p12>) .

7.3.1 Fees for copies of endorsements

Court staff must provide copies of endorsements to parties to a case or their lawyer at no charge.

7.4 Fee waiver

There is a fee waiver mechanism for persons who might otherwise be denied access to justice because of their financial circumstances. Learn more about having court fees waived (<https://www.ontario.ca/page/have-your-court-fees-waived>) .