



Syllabus

Civil Procedure (Ontario)

(Revised for October 2018)

Candidates are advised that the syllabus may be updated from time-to-time without prior notice.

Candidates are responsible for obtaining the most current syllabus available.



Civil Procedure (Ontario)

GENERAL INFORMATION AND COURSE OUTLINE

1. The purpose of this course is to acquaint you with the processes of dispute resolution in civil matters. While a good deal of the material deals with process, the course also emphasizes questions of jurisdiction, structures, personnel and standard procedural methods and steps in the civil courts in adjudicating the causes and issues that come before them.
2. The course focuses on what are known as the “Rules of Civil Procedure”. Reference will also be made from time to time to certain statutes that have a bearing on the application of the Rules and to reported cases. We will be concerned with the procedures involved from the initiation of a civil court proceeding until the case is ready for trial, including pleadings and pre-trial discovery.
3. The following Course Outline indicates the topics and materials to be considered. You will find it helpful to consider the material in the order indicated. The indexed materials refer to the materials found in Walker, The Civil Litigation Process: Cases and Materials, 2016, (8th ed.) (**hereafter referred to as the “Casebook”**). The Casebook is published by Emond, Montgomery and should be acquired. You will also need an up-to-date copy of the *Rules of Civil Procedure*. For this purpose, you can use either Archibald, Killeen, Morton “Ontario Superior Court Practice”, LexisNexis, or Watson and McGowan, “Ontario Civil Practice”, Carswell. A useful book for reference purposes is Abrams and McGinness, Canadian Civil Procedure Law, 2nd Ed., 2010, LexisNexis.
4. The Course Outline is the Table of Contents of the Casebook.
5. For examination purposes, you are only responsible for the material in the Casebook included in the Course Outline and all of the Rules of Civil Procedure and statutes related to in the material.



COURSE OUTLINE

For the Course Outline, refer to the detailed TABLE OF CONTENTS at pp. xi to xxiii of the Casebook.

CHAPTER ONE	CIVIL LITIGATION IN CONTEXT Read all of Chapter One	1 - 67
CHAPTER TWO	THE ECONOMIC AND PROFESSIONAL CONTEXT Read all of Chapter Two <u>at page 105, also read:</u> <i>Net Connect Installation Inc. v. Mobile Zone Inc.</i> , [2017] ONCA 766 <i>Alguire v. Manufacturers Life Insurance Co.</i> , [2018] ONCA 202 <i>Mars Canada Inc. v. Bemco Cash & Carry Inc. et al.</i> , [2018] 239 <i>Yip v. HSBC Holdings plc</i> , [2018] 626	69 - 145
CHAPTER THREE	COMMENCING CIVIL PROCEEDINGS Read all of Chapter Three <u>at page 195, also read:</u> <i>Ibrahim et al. v. Robinson</i> , [2015] ONCA 21; (2015), 124 O.R. (3d) 106 (C.A.) <i>Legge et. al. v. Young</i> , [2015] ONSC 755; (2015), 125 O.R. (3d) 67 (S.C.J.) <i>Haaretz.com v. Goldhar</i> , [2018] S.C.C. 28 <i>Lapointe Rosenstein Marchand Melancon LLP v. Cassels Brock & Blackwell LL.P.</i> , [2016] 1 S.C.R. 851; 2016 SCC 30 (CanLII)	147 - 247
CHAPTER FOUR	THE SCOPE OF THIS MATTER Read all of Chapter Four	249 - 292
CHAPTER FIVE	PARTIES AND PARTICIPANTS Read all of Chapter Five	293 - 395
CHAPTER SIX	PLEADINGS Read all of Chapter Six	397 - 434



CHAPTER SEVEN	DISCOVERY	435 - 537
	Read all of Chapter Seven <u>at page 511, also read:</u> <i>Cantel Inc. v. TSV Holdings Ltd.</i> [2018] ONSC 894	
CHAPTER EIGHT	PRIVILEGE AND DEEEMED UNDERTAKINGS	539 - 612
	Read all of Chapter Eight <u>at page 612, also read:</u> <i>S.C. et al v. N.S. et al</i> , 2017 ONSC 353; 136 O.R. (3d) 121	
CHAPTER NINE	PRE-TRIAL RELIEF AND DISPOSITION WITHOUT TRIAL	613 - 709
	Read all of Chapter Nine <u>at page 664, also read:</u> <i>Linton v. Tholos Restaurant Inc.</i> 2016 ONCS 4167; 133 O.R. (3d) 788	
CHAPTER TEN	MANAGING THE PROCESS	711 - 790
	Read all of Chapter Ten	
CHAPTER ELEVEN	TRIALS, JURIES and APPEALS	791 - 868
	Read all of Chapter Eleven <u>at page 867, also read:</u> <i>The Catalyst Capital Group Inc. v. Moyse et al.</i> , [2015] ONCA 784; (2015), 127 O.R. (3d) 625 (C.A.) <i>Fram Elgin Mills 90 Inc. v. Romandale Farms Ltd.</i> 2016 ONCA 404; 131 O.R. (3d) 456 <i>Chirico v. Szalas</i> , 2016 ONCA 586; 132 O.R. (3d) 738	
CHAPTER TWELVE	CLASS PROCEEDINGS	869 - 985
	Read all of Chapter Twelve	

The candidate is also responsible for **all** of the RULES OF CIVIL PROCEDURE, **except** for rules 40 to 45, 52 to 55, 59, 60, and 64 to 75.1.



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Online Resources

The majority of case law and legislative resources needed by NCA students are available on CanLII, the free legal information resource funded by the Federation of Law Societies of Canada (www.canlii.org). That includes all decisions of the Supreme Court of Canada, and all federal, provincial, territorial and appellate courts.

Your registration fee also includes free access to the Quicklaw resources of Lexis Nexis. Your ID and password will be arranged and emailed to your email address on file a few weeks after the end of the registration session.

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