

Major proposed reforms to Ontario's Rules of Civil Procedure

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Significant reforms are being proposed to Ontario's Rules of Civil Procedure which will substantially change the way civil litigation Ontario is conducted. These changes are being proposed to be implemented in early 2026. A full explanation and the most current report [can be found here](#).

BLG's leading [Disputes group](#) will be providing regular updates. Stay tuned for our coverage.

In the meantime, key proposed reforms are as follows:

- **The end of “complete” discoveries:** A significant reduction in pre-trial discovery procedures, including the complete elimination of oral examinations for discovery, which would be replaced with the early exchange of written witness statements.
- **Upfront exchange of evidence:** The proposed “evidence-first” approach would require parties to start producing their evidence as early as when they serve their pleadings.
- **Limited documentary disclosure:** Parties would only exchange documents they intend to rely on, rather than all documents deemed to be relevant, plus any known adverse documents in their possession. This would be supported by specific rights to request additional documents when necessary, including through an arbitration-style “redfern” process.
- **Pre-litigation protocols:** The introduction of early information and document exchanges for specific types of cases, such as personal injury claims, debt collection actions, and will challenges.
- **Form-based pleadings:** A universal online, fillable form for commencing all types of cases, whether they began as a claim or application.
- **Expanded methods of service:** Personal service would become easier, including allowing service by email and requiring defendants to confirm acceptance of service where it comes to their attention “in any manner”.
- **Streamlined motions:** Parties would have to ask to bring a motion at a “Directions Conference”, during which the presiding judge could decide the motion without evidence or submissions, request evidence of submissions only a particular point, or schedule a formal motion hearing.

- **Limitations on experts:** A maximum of one expert per party per issue, and a requirement that the parties jointly retain an expert for a specified list of issues, including business valuations and the standard of care.
- **Significant consequences to delay :** Delays, such as missing a hearing date or a deadline, would come with significant consequences, including striking a party's pleading and costs payable to the opposing party.
- **General duty of cooperation:** Parties or their legal representatives would be required to work together, including discussing and agreeing on how the case should proceed.
- **Mandatory case conferences:** Aimed at reducing the reliance on motions for resolving procedural disputes.
- **Timely scheduling of merits hearings:** Most claims would see hearings scheduled within two years of the claim's initiation, following a transition period.

Moving towards implementation

The government-appointed working group is now holding a consultation period that will run until June 16, 2025. BLG looks forward to assisting its clients with submissions to this consultation process. Draft regulations are then expected by December 2025. If these regulations are finalized as planned, the new rules could be implemented as early as 2026.

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