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An Update on the Proposed Changes to Ontario's Rules of Civil Procedure

Lenczner Slaght is closely tracking Ontario's proposed civil justice reforms. Yesterday, the Civil Rules Review Working Group's co-chairs presented a summary of the recommendations in their yet-to-be-released Final Report to the Attorney General and Chief Justice.

In this blog, we summarize the key takeaways and new information from this significant presentation, since our last update in October (in which we outlined eight expected key features of the *Rules* reform proposals).

THE ADVOCATES' SOCIETY & ONTARIO BAR ASSOCIATION (NOVEMBER 24, 2025)

Overhauling Ontario's Civil Rules: What's Next?

This two-hour session featured a presentation from the co-chairs on the proposed three-track system for civil claims, followed by a question-and-answer session to address questions and concerns about the updated recommendations.

Key Takeaways

- **Final Report Status and Timing** – The Working Group submitted its Final Report to the Attorney General and Chief Justice. The co-chairs are hopeful the Final Report will be released on the Superior Court of Justice website within 6-8 weeks. Most of the submissions received as part of the Phase 2 Consultation process will also be made public.
- **Scope and Implementation Timeline** – The proposed changes will require a complete rewrite of the *Rules of Civil Procedure*. An implementation team has already been struck and is ramping up for the drafting and transition period. The current expectation is that reforms will start to roll out in mid-2026, with substantive changes coming in early 2027.
- **Track Names and Transfers** – The "High Value Track" has been renamed the "Trial Track," although it still has a presumptive floor of claims over \$500,000. Parties can seek to transfer from the "Summary Track" to the "Trial

Track” at a Directions Conference, or vice versa. The Working Group has recommended that the Directions Conference decision about which track to follow will be irreversible and not subject to appeal.

- **Recorded Examinations** – All out-of-court examinations – whether cross-examinations in the “Application Track” and “Summary Track” or focused examinations in the “Trial Track” – will be video-recorded to assist the trier of fact in making credibility determinations, if necessary.
- **Timelines, Extensions, and Inactivity** – The two-year goal from final defence to dispositive hearing remains. However, cases on the “Trial Track” may obtain a one-year extension of the discovery phase on consent or by seeking an order. Cases may also be put on an “inactive list” for a year during which no steps can be taken. There will no longer be any administrative dismissal process for cases that are not set down for trial within five years.
- **Recommendations Beyond Mandate** – The Working Group has made other recommendations outside of their mandate for the consideration of the Attorney General and Chief Justice. Examples include having senior members of the bar act as Dispute Resolution Officers (similar to the Family Court system) and establishing pan-Ontario “lists” for certain types of cases and subject matters, such as medical negligence claims.

What’s Next

The Attorney General and Chief Justice are considering the Working Group’s recommendations and will make a determination about next steps.

After the Civil Rules Review Working Group releases its Final Report, we will provide a detailed update of the proposed recommendations and how they will impact the practice and procedure of civil litigation in Ontario, if implemented.