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An Update on the Proposed Changes to Ontarioâ€™s Rules of Civil Procedure

Lenczner Slaght is keeping a close eye on the latest news regarding the proposed civil justice reforms in Ontario. In the past month, the Civil Rules Review Working Group, alongside judges and lawyers with diverse practices, have presented their perspectives on the Phase 2 Consultation Paper. In this blog, we summarize the key takeaways from two significant presentations.

LAW SOCIETY OF ONTARIO (MAY 12, 2025)
Civil Rules Review: A Deeper Dive Into the Proposed Changes

This three-and-a-half-hour session provided a comprehensive discussion of the Civil Rules Review Phase 2 Consultation Paper, with particular attention to proposed procedures for expert reports and discovery.

Key Takeaways:

- The sufficiency of up-front, document-based discovery continues to be a key topic of discussion.
- Emphasis on the success of limited discovery in other litigation forums, including in regulatory, criminal, and arbitration matters.
- General optimism about the proposed changes, with an emphasis on increased efficiency, reduced costs, and improved outcomes for clients.
- Acknowledgment that implementing change will present challenges, but the reforms are seen as a positive step forward.

THE ADVOCATES' SOCIETY (MAY 23, 2025)
Spring Symposium: The Overhaul of the Rules of Civil Procedure in Ontario and Elsewhere

This panel discussion provided important updates on the transition to the new *Rules* from the old *Rules* and highlighted several key aspects of the proposed reforms.

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Key Takeaways:

- A transition team has been formally established within the Civil Rules Review Working Group.
- The new *Rules* are expected to launch initially in a single region (unlikely to be Toronto) before being implemented province-wide.
- Ongoing actions will not be required to restart under the new *Rules* if they are awaiting the next step, such as examinations for discovery, under the old *Rules*; however, certain processes, such as motions and mandatory mediations, may apply immediately to all actions.
- The Pre-Litigation Protocol (PLP) will initially apply to personal injury cases, which constitute 70% of Ontario's civil caseload, with the goal of steering these disputes away from the litigation system.
- A separate PLP for medical negligence cases are expected to be developed.
- Enforcing the duty to cooperate will require behavioural changes from both counsel and judges. Counsel will be expected to work together to reduce the adversarial nature of interlocutory steps. Simultaneously, it is hoped judges will begin enforcing negative consequences against parties who, for example, fail to answer letters and trigger the need for a case conference.
- An increase in the number of trials are expected and intended under the new *Rules*.
- Concerns about the cost of preparing affidavits in small-value cases have been noted by the Civil Rules Committee; the summary hearing process for cases under $200,000 is intended to address these concerns.

As a reminder, the deadline to submit comments on the Phase 2 Consultation Paper is June 16, 2025.

For a summary of the Phase 2 Consultation Paper, along with practical steps for in-house counsel and an analysis of the potential implications, check out Lenczner Slaght's publication, *A New Vision for Litigation: Your Guide to the Proposed Civil Justice Reforms in Ontario*.