

1980

c 101 County Judges Act

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CHAPTER 101

County Judges Act

1. In addition to the judges otherwise provided for in this Act, a Chief Judge of the County and District Courts, herein referred to as the chief judge, and an Associate Chief Judge of the County and District Courts may be appointed, and they shall have all the powers of a judge throughout Ontario. 1977, c. 44, s. 1.

2.—(1) A judge may be appointed for the county court of each of the counties and for the district court of each of the provisional judicial districts. R.S.O. 1970, c. 95, s. 2.

(2) Where another judge is appointed in accordance with section 3 or 4 for a county court or a district court or is designated under section 4 to reside in the jurisdiction of the court, the judge appointed for the court in accordance with subsection (1) shall be known as the senior judge of the court. 1979, c. 66, s. 1.

3.—(1) An additional judge may be appointed for the county court of each of the judicial districts of Niagara North and Niagara South and for the district court of each of the districts of Sudbury and Thunder Bay. R.S.O. 1970, c. 95, s. 3 (1); 1973, c. 136, s. 1; 1979, c. 66, s. 2, *part*.

(2) Two additional judges may be appointed for the county court of the Judicial District of Ottawa-Carleton and of the County of Essex. R.S.O. 1970, c. 95, s. 3 (2); 1971, c. 4, s. 1 (1); 1979, c. 66, s. 2, *part*.

(3) Three additional judges may be appointed for the county court of each of the counties of Middlesex and Wentworth. R.S.O. 1970, c. 95, s. 3 (3); 1971, c. 4, s. 1 (2); 1979, c. 66, s. 2, *part*.

(4) Fourteen additional judges may be appointed for the county courts of the Judicial Districts of York and York Region. R.S.O. 1970, c. 95, s. 3 (4); 1979, c. 66, s. 2, *part*.

4.—(1) In addition to the judges mentioned in section 2 and the judges mentioned in section 3, such judges as are considered necessary may be appointed,

(a) for the county or district court of any county or district that the Lieutenant Governor in Council designates; or

(b) for the county and district courts of the counties and districts of Ontario. R.S.O. 1970, c. 95, s. 4 (1); 1972, c. 86, s. 1; 1979, c. 66, s. 3, *part*.

Residence (2) A judge appointed for the county and district courts of the counties and districts of Ontario shall reside in the county court district or district court district that is designated by the Lieutenant Governor in Council. R.S.O. 1970, c. 95, s. 4 (2); 1979, c. 66, s. 3, *part*.

Super-numerary judges **5.**—(1) For each office of judge of the county and district courts of the counties and districts of Ontario there shall be the additional office of supernumerary judge held by a judge of such court who has elected under the *Judges Act* (Canada) to hold office only as a supernumerary judge of that court.

R.S.C. 1970, c. J-1

Jurisdiction (2) Any reference in this or any other Act or in a regulation to a judge includes a supernumerary judge. 1976, c. 15, s. 1; 1979, c. 66, s. 4.

Rank and precedence **6.** The chief judge has rank and precedence over all other judges and, after the associate chief judge, the judges and supernumerary judges have rank and precedence among themselves according to seniority of appointment. 1977, c. 44, s. 2; 1979, c. 66, s. 5.

Supervision by senior judge **7.** The senior judge of a county or district court may, subject to the authority of the chief judge, regulate and supervise the other judges of the court in the exercise of their authority. 1979, c. 66, s. 6.

Not to practise **8.** A judge shall not, directly or indirectly, practise as counsel or solicitor or act as a notary public or conveyancer. R.S.O. 1970, c. 95, s. 7; 1979, c. 66, s. 7.

Illness or death of judge **9.** Where a judge who has appointed a time and place for the hearing of an application, proceeding or matter becomes ill or dies, or for any other reason is unable to attend at the time and place appointed, the application, proceeding or matter may be heard by another judge of the same county or district court or by a judge who may for the time being be acting as a judge of such court. R.S.O. 1970, c. 95, s. 8.

Disposition of fees **10.**—(1) All fees payable by the parties to a proceeding before the judge, or upon an order or certificate made or given by him, shall form part of the Consolidated Revenue Fund, and, except as hereinafter provided, a judge of a county or district court is not entitled to receive any fees whatever under any Act of the Legislature.

(2) Nothing in this section applies to or affects the payment of any allowance or fees to a judge of a county or district court with respect to any office that may be lawfully held by him in addition to his office as judge to which an annual allowance or salary is attached or in the performance of his duties as an arbitrator or referee under any statute designating him by his name of office as an arbitrator or referee. Exceptions as to arbitrators, etc.

(3) Nothing in this section affects or prevents the payment to a judge of a county or district court of his travelling or other expenses when called upon to perform any duty outside the county or district town of the county or district. R.S.O. 1970, c. 95, s. 9. Travelling expenses not affected

11. Every judge shall take and subscribe the following oath before the chief judge or a judge designated by him: Oath of office

I,, do swear that I will, truly and faithfully, according to my skill and knowledge, execute the several duties, powers and trusts of judge of the Court of the of So help me God.

R.S.O. 1970, c. 95, s. 10; 1979, c. 66, s. 8.

12. Where there is more than one judge available in a county or district, the county or district court, the court of general sessions of the peace and the small claims courts may sit at the same time and the business in them may be proceeded with simultaneously. R.S.O. 1970, c. 95, s. 11. Simultaneous sittings

13. The chief judge may empower a judge of a county or district court to hear and dispose of or otherwise deal with any matter depending in his court at any place either within or outside the county or district, as the case may be. R.S.O. 1970, c. 95, s. 12; 1979, c. 66, s. 9. Place of hearing

14.—(1) The Lieutenant Governor in Council may appoint one or more court reporters for the local courts of any county or provisional judicial district, and, where more than one is appointed for a county or provisional judicial district, the Lieutenant Governor in Council may designate one of them as the senior court reporter. R.S.O. 1970, c. 95, s. 13 (1). Court reporters, appointment

(2) Every court reporter shall be under the direction of the judge or senior judge or, if the senior judge is absent, of the other judges of the county or district for the local court of which he is appointed, and, where a senior court reporter is designated, the other court reporter or reporters shall also be subject to the direction of the senior court reporter. R.S.O. 1970, c. 95, s. 13 (2); 1979, c. 66, s. 10. Direction

County
court
districts

15. The Lieutenant Governor in Council may order that a county or two or more counties shall form a county court district for the purposes of this Act or that a provisional judicial district or two or more provisional judicial districts shall form a district court district for the purposes of this Act. R.S.O. 1970, c. 95, s. 14.

16.—(1) The chief judge shall be president of the county and district courts.

Chambers

(2) The chief judge shall occupy chambers at Toronto.

Absence,
etc.

(3) The chief judge may designate one of the other judges to act in his place for all purposes during his absence from Ontario or illness. R.S.O. 1970, c. 95, s. 15 (1-3).

To supervise
arrangement
of sittings
of court

(4) To ensure the dispatch of business of the various courts, including chambers, that are presided over by the judges of the county and district courts, the chief judge shall have general supervisory powers over arranging the sittings of such courts, including chambers. R.S.O. 1970, c. 95, s. 15 (4); 1973, c. 136, s. 3 (1).

Meetings
of judges

(5) For the purpose of arranging the sittings of the various courts and considering matters relating to the courts and the judges, the chief judge shall convene a meeting of the judges of each county and district court district at least once in each year and shall preside thereat. R.S.O. 1970, c. 95, s. 15 (5); 1979, c. 66, s. 11, *part*.

Idem

(6) The chief judge and the judges of the county and district court district shall discuss and consider the time and other requirements of the various courts in the county or district court district, having regard to the efficient administration of justice in Ontario, and shall make such arrangements as may be necessary or proper for the holding of such courts, including chambers, and the transaction of such business as are customarily held and transacted by the judges of the county or district court district with power in the chief judge to make such readjustment or reassignment as he considers necessary or proper from time to time. R.S.O. 1970, c. 95, s. 15 (6); 1979, c. 66, s. 11, *part*.

Rotation

(7) In the arrangement of the courts and the assignment of judges thereto, regard shall be had to,

(a) the desirability of rotating the judges within each county and district court district; and

(b) the greater volume of judicial work in certain of the counties and districts,

but no judge shall be required to sit outside his county or district court district, as the case may be, without his consent. R.S.O. 1970, c. 95, s. 15 (7); 1979, c. 66, s. 11, *part*.

(8) For the purpose of considering any matter relating to the administration of justice in the county and district courts and other courts presided over by the county and district court judges, the chief judge shall assemble at Toronto once in every year all the judges of the county and district courts and he shall preside over such meeting. R.S.O. 1970, c. 95, s. 15 (8); 1979, c. 66, s. 11, *part*. Council of judges

(9) For the purposes of this section, a reference to a court or a judge of a county or district court district includes the small claims courts and surrogate courts in the county or district court district and the judges thereof, respectively. 1973, c. 136, s. 3 (2). Small claims and surrogate courts and judges

17.—(1) A judge may perform any judicial or other function or duty or exercise any power in any county or district in the same manner and to the same effect as a judge of that county or district. 1973, c. 136, s. 4, *part*; 1979, c. 66, s. 12, *part*. Jurisdiction outside county or district

(2) Any judge, with the approval of the chief judge, may perform any judicial or other function or duty or exercise any power under subsection (1) notwithstanding that he is not present in the county or district. 1973, c. 136, s. 4, *part*; 1979, c. 66, s. 12, *part*. Idem

18. Where a vacancy occurs in the office of the judge of the county or district court in a county or district in a court district and the Lieutenant Governor declares that, owing to the lack of sufficient business, it is unnecessary that the vacancy be filled, the remaining judges in the court district shall arrange for the performance of the duties of the judge of the county or district court of the county or district in which the vacancy occurs by one of themselves or by some other person competent by law in that behalf, and every judge or other person so acting has the like powers and shall perform the like duties as a judge or other person competent by law in that behalf appointed or authorized for that purpose may exercise and perform under any statute of Ontario in the county or district in which the vacancy has occurred. R.S.O. 1970, c. 95, s. 17. Where vacancy occurs and business does not warrant new appointment

19. Where a judge resigns his office or is appointed to any other court or elects to hold office only as a supernumerary judge or ceases to hold office by reason of his having reached the age of retirement, he may at any time within eight weeks after such event give judgment in any cause, action or matter previously tried by or heard before him, as if he had continued in office. 1973, c. 136, s. 5; 1976, c. 15, s. 3. Judgment after leaving office

