

1989

# c 70 Courts of Justice Amendment Act, 1989 (No. 3)

Ontario

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## CHAPTER 70

**An Act to amend the  
Courts of Justice Act, 1984**

*Assented to December 14th, 1989*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 (2) of the *Courts of Justice Act, 1984*, being chapter 11, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:

(2) The Court of Appeal has the jurisdiction conferred on it by this or any other Act, and in the exercise of its jurisdiction has all the powers historically exercised by the Court of Appeal for Ontario. <sup>Idem</sup>

**2.—(1)** Clause 3 (1) (c) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:

(c) fourteen other judges.

(2) Subsections 3 (2) and (3) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, are repealed and the following substituted therefor:

(2) The Lieutenant Governor in Council may by regulation increase the number of judges of the Court of Appeal who are in addition to the Chief Justice and the Associate Chief Justice. <sup>Idem</sup>

**3.** The said Act is amended by adding thereto the following section:

**8a.—(1)** The judges of the Court of Appeal shall meet at least once in each year, on a day fixed by the Chief Justice of Ontario, in order to consider this Act, the rules of court and the administration of justice generally. <sup>Meeting of judges</sup>

Idem

(2) The judges shall report their recommendations to the Attorney General.

**4.—(1) Subsection 11 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by adding thereto the following clause:**

(aa) the Associate Chief Justice of the Ontario Court.

(2) Subsection 11 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:

Additional judges

(2) There shall be such additional offices of judge of the General Division as are from time to time required, to be held by Chief Justices of the Ontario Court, Associate Chief Justices of the Ontario Court and regional senior judges of the General Division who have elected under the *Judges Act* (Canada) to perform only the duties of a judge of the Ontario Court.

R.S.C. 1985, c. J-1

**5.—(1) Subsection 13 (4) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:**

Absence of Chief Justice of Ontario Court

(4) If the Chief Justice of the Ontario Court is absent from Ontario or is for any reason unable to act, his or her powers and duties shall be exercised and performed by the Associate Chief Justice of the Ontario Court or, if both are unable to act, by a regional senior judge of the General Division designated by the Chief Justice of the Ontario Court.

(2) Subsection 13 (6) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by inserting after "with" in the second line "the Associate Chief Justice of the Ontario Court and".

**6. Section 34 of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by striking out "and" at the end of clause (b), by adding "and" at the end of clause (c) and by adding thereto the following clause:**

(d) such provincial judges as were assigned to the Provincial Court (Criminal Division) or the Provincial Court (Family Division) on the 31st day of December, 1989.

**7. Subsection 41 (8) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by striking out "to the same position" in the last line and insert-**

ing in lieu thereof "as Chief Judge or as a regional senior judge, as the case may be".

**8.** Subsection 46 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by adding thereto the following clause:

(ca) the Associate Chief Justice of the Ontario Court.

**9.—(1)** Subsection 51 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:

(2) The regional senior judges of the General Division shall meet at least once in each year with the Chief Justice and the Associate Chief Justice of the Ontario Court, on a day fixed by the Chief Justice, in order to consider this Act, the rules of court and the administration of justice generally.

Meeting of regional senior judges

(2a) The regional senior judges of the Provincial Division shall meet at least once in each year with the Chief Judge of the Provincial Division, on a day fixed by the Chief Judge, in order to consider this Act, the rules of court and the administration of justice generally.

Idem

(2) Subsection 51 (4) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:

(4) The judges meeting under this section shall report their recommendations to the Attorney General.

Report of recommendations

**10.** Clause 52 (1) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by inserting after "Justice" in the second line "the Associate Chief Justice".

**11.** Subsection 63 (3) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by adding at the end thereof "except as provided by the rules made under this section".

**12.** The Schedule to Part III of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by adding thereto the following item:

**13.—(1) Clause 64 (1) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:**

- (a) the Chief Justice of Ontario, the Associate Chief Justice of Ontario, the Chief Justice of the Ontario Court, the Associate Chief Justice of the Ontario Court and the Chief Judge of the Ontario Court (Provincial Division).

**(2) Clause 64 (1) (b) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by striking out “one judge” in the first line and inserting in lieu thereof “two judges”.**

**(3) Clause 64 (1) (c) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by striking out “nine” in the first line and inserting in lieu thereof “eight”.**

**(4) Subsection 64 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by adding thereto the following clause:**

- (ca) one judge who was assigned to the Provincial Court (Civil Division) on the 1st day of October, 1989, who shall be appointed by the Chief Justice of the Ontario Court.

**(5) Subsection 64 (5) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by striking out “A majority” in the first line and inserting in lieu thereof “One-third”.**

**14.—(1) Clause 66 (1) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:**

- (a) the Chief Justice of Ontario, the Associate Chief Justice of Ontario, the Chief Justice of the Ontario Court, the Associate Chief Justice of the Ontario Court and the Chief Judge of the Ontario Court (Provincial Division).

**(2) Subsection 66 (5) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by striking out “A majority” in the first line and inserting in lieu thereof “One-third”.**

**15.—(1) Clause 68 (1) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is repealed and the following substituted therefor:**

- (a) the Chief Justice of Ontario, the Associate Chief Justice of Ontario, the Chief Justice of the Ontario Court, the Associate Chief Justice of the Ontario Court and the Chief Judge of the Ontario Court (Provincial Division).

**(2) Subsection 68 (5) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 2, is amended by striking out "A majority" in the first line and inserting in lieu thereof "One-third".**

**16. The said Act is further amended by adding thereto the following section:**

**70.—(1)** Subject to the approval of the Lieutenant Governor in Council, the Rules Committee of the Supreme and District Courts as it was constituted on the 1st day of November, 1989 may make rules for the Ontario Court (General Division) in relation to its practice and procedure, and may make rules for the General Division, even though they alter or conform to the substantive law, in relation to any of the matters set out in subsection 65 (2).

Transitional.  
rule making  
for General  
Division

(2) Nothing in subsection (1) authorizes the making of rules that conflict with an Act, but rules may be made under subsection (1) supplementing the provisions of an Act in respect of practice and procedure.

Idem

(3) Subsections (1) and (2) are repealed on a day to be named by proclamation of the Lieutenant Governor.

Repeal of  
subss. (1)  
and (2)

**17. The said Act is further amended by adding thereto the following section:**

**91a.—(1)** There shall be an advisory council to be known as the Ontario Courts Advisory Council composed of,

Ontario  
Courts  
Advisory  
Council

- (a) the Chief Justice of Ontario, who shall preside;
- (b) the Associate Chief Justice of Ontario;
- (c) the Chief Justice of the Ontario Court;
- (d) the Associate Chief Justice of the Ontario Court;

- (e) the Chief Judge of the Ontario Court (Provincial Division);
- (f) the regional senior judges of the Ontario Court (General Division);
- (g) the regional senior judges of the Ontario Court (Provincial Division);
- (h) the senior judge for the Unified Family Court; and
- (i) the Co-ordinator of Justices of the Peace.

## Mandate

(2) The Ontario Courts Advisory Council shall meet to consider any matter relating to the administration of the courts that is referred to it by the Attorney General or that it considers appropriate on its own initiative, and shall make recommendations on the matter to the Attorney General and to its members.

**18.—(1) Clause 92 (1) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 3, is repealed and the following substituted therefor:**

- (a) the Chief Justice of Ontario, the Associate Chief Justice of Ontario, the Chief Justice of the Ontario Court, the Associate Chief Justice of the Ontario Court and the Chief Judge of the Ontario Court (Provincial Division).

**(2) Subsection 92 (3) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 3, is repealed and the following substituted therefor:**

## Function of Committee

(3) The function of the Committee is to consider and recommend to the relevant bodies or authorities policies and procedures to promote the better administration of justice and the effective use of human and other resources in the public interest.

**19. Subsection 92a (2) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 3, is repealed and the following substituted therefor:**

## Regulations

(2) The Lieutenant Governor in Council may make regulations prescribing regions for the purpose of this Act and prescribing the municipality in each region where the offices of the regional senior judges, the regional director of courts administration and the regional director of Crown attorneys are to be located.

**20.—(1) Clause 92b (1) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 3, is repealed and the following substituted therefor:**

- (a) the regional senior judge of the Ontario Court (General Division), the regional senior judge of the Ontario Court (Provincial Division) and, in the region that includes the Unified Family Court, the senior judge for the Unified Family Court.

**(2) Subsection 92b (3) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 3, is repealed and the following substituted therefor:**

- (3) The function of the Committee is to consider and recommend to the relevant bodies or authorities policies and procedures for the region to promote the better administration of justice and the effective use of human and other resources in the public interest.

Function of  
Committee

**21. Paragraph 3 of subsection 93 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1989, chapter 55, section 3, is repealed and the following substituted therefor:**

3. Assigning cases and other judicial duties to individual judges.

**22.—(1) Subsection 94 (1) of the said Act, as amended by the Statutes of Ontario, 1989, chapter 24, section 4, is repealed and the following substituted therefor:**

- (1) Registrars, sheriffs, court clerks, assessment officers and any other administrative officers and employees that are considered necessary for the administration of the courts in Ontario may be appointed under the *Public Service Act*.

Appointment  
of court  
officers and  
staff  
R.S.O. 1980,  
c. 418

**(2) Subsection 94 (2) of the said Act, as enacted by the Statutes of Ontario, 1989, chapter 55, section 4, is amended by inserting after "clerk" in the second line "bailiff".**

**23. Section 100b of the said Act, as enacted by the Statutes of Ontario, 1989, chapter 55, section 9, is amended by adding thereto the following subsection:**

- (3) On a day to be named by proclamation of the Lieutenant Governor, subsection (1) is amended by striking out "(General Division)" in the first line and inserting in lieu thereof "of Justice".

Subs. (1)  
amended



**24. Sections 101a and 101b of the said Act, as enacted by the Statutes of Ontario, 1989, chapter 55, section 10, are repealed and the following substituted therefor:**

Regulations

**101a.** The Lieutenant Governor in Council may make regulations,

- (a) prescribing the officer or employee to whom money paid into the Ontario Court (General Division) shall be paid and providing for the vesting of that money and any securities in which that money is invested in that officer or employee;
- (b) governing the management and investment of money paid into a court;
- (c) providing for the payment of interest on money paid into a court and fixing the rate of interest so paid;
- (d) prescribing the officer or employee in whose name mortgages and other securities taken under an order of the Ontario Court (General Division) and instruments taken as security in respect of a proceeding in the Ontario Court (General Division) shall be taken;
- (e) respecting the deposit of the mortgages, securities and instruments and the duty or obligation, if any, in respect of them of the officer or employee in whose name they are taken.

**25. Subsection 104 (2), as amended by the Statutes of Ontario, 1989, chapter 55, section 13, and subsection 104 (3) of the said Act are repealed.**

Commence-  
ment

**26.—(1) This Act, except section 16, comes into force on a day to be named by proclamation of the Lieutenant Governor.**

Idem

**(2) Section 16 shall be deemed to have come into force on the 5th day of December, 1989.**

Short title

**27. The short title of this Act is the *Courts of Justice Amendment Act, 1989 (No. 3)*.**