

1980

c 397 Provincial Court (Civil Division) Project Act

Ontario

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CHAPTER 397

Provincial Court (Civil Division)
Project Act

1. In this Act,

Interpre-
tation

- (a) "Advisory Committee" means the advisory committee referred to in section 8;
- (b) "judge" means a judge of the Provincial Court appointed under section 4;
- (c) "Provincial Court" means the Provincial Court (Civil Division) of The Municipality of Metropolitan Toronto;
- (d) "rules" means the rules made under or adopted by this Act. 1979, c. 67, s. 1.

2. The purpose of this Act is to enable the establishment and conduct of a project using a limited class of civil actions in The Municipality of Metropolitan Toronto for the development of simplified procedures and of methods of making civil remedies more accessible and reducing delays. 1979, c. 67, s. 2.

Purpose

3.—(1) There shall be a court of record in and for The Municipality of Metropolitan Toronto called the Provincial Court (Civil Division) of The Municipality of Metropolitan Toronto.

Provincial
Court (Civil
Division)
established

(2) The Provincial Court shall be presided over by a judge of the Provincial Court appointed under section 4. 1979, c. 67, s. 3.

Presiding
judges

4. The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint such judges of the Provincial Court as are considered necessary. 1979, c. 67, s. 4.

Appointment
of judges

5. The Lieutenant Governor in Council, on the recommendation of the Attorney General, shall appoint a judge as senior judge of the Provincial Court who shall have general supervision and direction over arranging the sittings of the Provincial Court and assigning judges for hearings in the Provincial Court, as circumstances require. 1979, c. 67, s. 5.

Senior
judge

6.—(1) The jurisdiction of the Provincial Court shall be the same as the jurisdiction of small claims courts under the *Small*

Jurisdiction
R.S.O. 1980,
c. 476

Claims Courts Act or any other Act, except that in the Provincial Court the maximum claim or value of \$1,000 set out in section 55 of the *Small Claims Courts Act* shall be \$3,000 in each instance and not as set out therein.

Application of
R.S.O. 1980,
c. 476

(2) Except in so far as they are inconsistent with this Act or the rules, the *Small Claims Courts Act* and the rules and regulations thereunder apply in the same manner as if the Provincial Court and judges and officers thereof were small claims courts and judges and officers thereof and the proceedings in the Provincial Court were proceedings in a small claims court.

Exception

(3) Sections 15 and 104 of the *Small Claims Courts Act* do not apply where the action is for more than \$1,000.

Divisions

(4) The divisions established under the *Small Claims Courts Act* in The Municipality of Metropolitan Toronto are continued as local divisions of the Provincial Court, subject to amendment by the rules, and an office of the Provincial Court shall be maintained in each local division, and the provisions of the *Small Claims Courts Act* respecting the territorial jurisdiction of a small claims court in a division apply in respect of the office of the Provincial Court in which proceedings are commenced and the action is conducted.

References
in other
Acts

(5) A reference in or under any Act to a small claims court or a judge thereof shall, in respect of The Municipality of Metropolitan Toronto, be deemed to be a reference to the Provincial Court or a judge thereof. 1979, c. 67, s. 6.

Continuation
of action

7.—(1) A proceeding commenced in a small claims court in The Municipality of Metropolitan Toronto before the 30th day of June, 1980 shall be continued and disposed of in the Provincial Court.

Transfer
of actions
from county
court and
Supreme
Court

(2) Where an action that is within the jurisdiction of the Provincial Court was commenced in the county court or in the Supreme Court before the 30th day of June, 1980 and no evidence has been heard in the action, the action shall, with the consent of the parties, be transferred to the Provincial Court in the manner prescribed by the rules. 1979, c. 67, s. 7.

Advisory
Committee

8.—(1) There shall be an Advisory Committee composed of seven persons of whom one shall be the Deputy Attorney General, who shall be the chairman, one shall be the senior judge of the Provincial Court or his nominee and five shall be appointed by the Attorney General, of whom one shall be a county court judge and at least two shall be members of the Law Society of Upper Canada engaged in active litigation practice.

(2) The Deputy Attorney General may designate a member of the Advisory Committee who shall act as chairman during the absence of the Deputy Attorney General. Deputy
chairman

(3) The Advisory Committee shall advise and make recommendations to the Attorney General on any matter concerning the establishment and operation of the Provincial Court and the practices and procedures therein that the Advisory Committee considers advisable or that is referred to it by the Attorney General. Duties
1979, c. 67, s. 8.

9.—(1) The Lieutenant Governor in Council may make such rules as are considered necessary and desirable for the establishment and operation of the Provincial Court and, without restricting the generality of the foregoing, may make rules, Rules

(a) on any matter in respect of which rules may be made under section 190 of the *Small Claims Courts Act* or section 116 of the *Judicature Act* but having application to the Provincial Court and matters and proceedings within its jurisdiction; R.S.O. 1980,
cc. 476, 223

(b) providing for sittings of the Provincial Court to be held at places in The Municipality of Metropolitan Toronto outside the local division in which the action is commenced.

(2) Any rule made under subsection (1) may be general or particular in its application. Idem

(3) Where a rule made under subsection (1) is in conflict with a provision of any other Act or of the rules of any court, the rule shall prevail. Conflict
1979, c. 67, s. 9.

10. This Act is repealed on the 1st day of January, 1983. Repeal

