



**HULL & HULL LLP**  
Barristers and Solicitors

### **Modernization of the *Rules of Civil Procedure***

Since the pandemic hit in March of 2020, a number of changes have been made that enhance the ability of lawyers to assist clients within the context of our “new normal”. A prime example of Ontario’s quick response to concerns surrounding in-person meetings and social distancing guidelines was the [introduction](#) of the option of virtual witnessing of wills and powers of attorney and the option of executing such documents in counterpart, which provisions have been further extended to [January 20, 2021](#). More recently, a practice direction was released with respect to the [filing of probate applications by email](#).

Most recently, a number of updates to the *Rules of Civil Procedure* took effect on January 1, 2021 and are consistent with other steps toward modernizing the practice of law and increasing remote access to legal assistance. While not specific to estate law or solicitor’s work, many of these updates will impact the way that we as a profession operate going forward. The recent changes to the *Rules of Civil Procedure* can be briefly summarized as follows:

- References to service by fax have been removed from Rules 16, 37 and 38, and Rule 16.01 has been amended to permit service by email without the consent of the party upon which service is being effected;
- The revised Rule 1.08 requires a party requesting a hearing to specify the proposed manner of the hearing, whether in-person, by telephone, or video conference. Any objections to the proposed hearing format will be addressed by way of a case conference;
- The new Rule 4.01.1 permits the court and registrar to sign court documents electronically;
- Rules 4.01 and 4.05.3 have been changed to reflect new filing procedures using CaseLines;
- Rule 4.06(1)(e) is amended to provide that affidavits may be commissioned virtually (consistent with the amendment in April of 2020 to Section 9 of the [Commissioners for Taking Affidavits Act](#)); and
- Rule 57.01(1) is amended to provide that the court may consider whether a party unreasonably opposed the proposed manner of hearing in determining costs.

The complete *Rules of Civil Procedure*, as amended, can be reviewed [here](#).

It will be interesting to see what further developments may take place in furtherance of the modernization of the practice of law as the pandemic continues into 2021.