

*Federation of Law Societies  
of Canada*



*Fédération des ordres professionnels  
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## **NATIONAL COMMITTEE ON ACCREDITATION**

### **SYLLABUS**

## **CIVIL PROCEDURE (ONTARIO)**

**JANUARY 2010**

**CIVIL PROCEDURE (Ontario)****GENERAL INFORMATION AND COURSE OUTLINE**

1. The purpose of this course is to acquaint you with the processes of dispute resolution in civil matters. While a good deal of the material deals with process, the course also emphasizes questions of jurisdiction, structures, personnel and standard procedural methods and steps in the civil courts in adjudicating the causes and issues that come before them.
2. The course focuses on what are known as the “Rules of Civil Procedure”. Reference will also be made from time to time to certain statutes that have a bearing on the application of the Rules and to reported cases. We will be concerned with the procedures involved from the initiation of a civil court proceeding until the case is ready for trial, including pleadings and pre-trial discovery.
3. Examination will be by a written three-hour, open book examination. Students may take with them into the examination room any copy of the Rules of Civil Procedure, any relevant statutes and the course Casebook. No other materials are permitted.
4. The following Course Outline indicates the topics and materials to be considered. You will find it helpful to consider the material in the order indicated. The indexed materials refer to the materials found in Walker, *The Civil Litigation Process: Cases and Materials*, 2005, (6th ed.) (hereafter referred to as the “Casebook”). The Casebook is published by Emond, Montgomery and should be acquired. You will also need an up-to-date copy of the Rules of Civil Procedure. For this purpose, you can use either Carthy, Millar, Cowan, “Ontario Annual Practice”, Canada Law Book, or Watson and McGowan, “Ontario Civil Practice”, Carswell.
5. The Course Outline is the Table of Contents of the Casebook with several omissions that are noted.
6. For examination purposes, you are only responsible for the material in the Casebook included in the Course Outline and all of the Rules of Civil Procedure and statutes referred to in the material.

COURSE OUTLINE

For the Course Outline, refer to the detailed TABLE OF CONTENTS at pp. ix to xxi of the Casebook.

<b>CHAPTER ONE</b>	CIVIL LITIGATION IN CONTEXT	pp. 1 – 103
	<u>Read all of Chapter One</u>	
<b>CHAPTER TWO</b>	THE ECONOMIC AND PROFESSIONAL CONTEXT	105 – 210
	<u>Read all of Chapter Two</u>	
	* at p. 129 read: <u>Hennessy v. Horse Racing Alberta</u> (2007), 39 C.P.C. (6 <sup>th</sup> ) 193 (Alta. Q.B.)	
<b>CHAPTER THREE</b>	COMMENCING CIVIL PROCEEDINGS	211 – 331
	<u>Read all of Chapter Three</u>	
	* at p. 269 read: <u>Pro Swing Inc. v. ELTA Golf Inc.</u> (2006), 41 C.P.C. (6 <sup>th</sup> ) 1 (S.C.C.)	
<b>CHAPTER FOUR</b>	PLEADINGS	333 – 371
	<u>Read all of Chapter Four</u>	
	* at p. 358 read: <u>Jourdain v. Ontario</u> , (2008), 91 O.R. (3d) 506 (S.C.J.)	
<b>CHAPTER FIVE</b>	PARTIES AND CLAIMS IN A PROCEEDING	373 – 437
	<u>Read all of Chapter Five</u>	
<b>CHAPTER SIX</b>	THE SCOPE OF LITIGATION	439 – 523
	<u>Read all of Chapter Six</u>	

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<b>CHAPTER SEVEN</b>	MANAGING THE PROCESS	525 – 611
	<u>Read all of Chapter Seven</u>	
<b>CHAPTER EIGHT</b>	PRE-TRIAL RELIEF AND DISPOSITION WITHOUT TRIAL	613 – 689
	<u>Read all of Chapter Eight</u>	
	• at p. 657 read: <u>Wroblewski v. Fenney</u> (2006), 38 C.P.C. (6 <sup>th</sup> ) 97 (O.S.C.J.)	
<b>CHAPTER NINE</b>	DISCOVERY	691 – 764
	<u>Read all of Chapter Nine</u>	
<b>CHAPTER TEN</b>	PRIVILEGE AND DEEMED UNDERTAKINGS	
	<u>Read <b>only</b> pp. 845 – 859 and 869 – 884</u>	
	* at p. 884 read: <u>Juman v. Doucette</u> [2008], 1 S.C.R. 157	
<b>CHAPTER ELEVEN</b>	CLASS PROCEEDINGS	885 – 959
	<u>Read all of Chapter Eleven</u>	
<b>APPENDIX I</b>	ALBERT STARR v. RICHARDSON HOUSE LIMITED AND GEORGE RICHARDSON MATERIALS	971 – 993
	<u>Review these materials as they afford examples of the pleadings and proceedings in this civil action</u>	
<b>APPENDIX II</b>	CODE OF PROFESSIONAL CONDUCT	
	<u>Omit this Appendix</u>	

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**Internet Sites for Provincial Legislation**

[www.canlii.org](http://www.canlii.org)

This is a listing for all the provinces and is highly recommended

Ontario:

<http://www.attorneygeneral.jus.gov.on.ca/english/legis/>

British Columbia (Queen's Printer):

<http://www.bclaws.ca/>

Alberta (Queen's Printer):

<http://www.qp.alberta.ca/>

**Supreme Court Judgments:**

<http://scc.lexum.umontreal.ca/en/index.html>