

**REPORT TO OAIRP MEMBERS
ON REGISTRAR'S COURT COMMITTEE ("RCC")
March 22, 2022, MEETING via Zoom**

MAG Update:

- a. November – January discharge hearing blitz was successful. AJ Jean & AJ Ilchenko held 1200 discharge hearings.
- b. The pending court files to be scheduled are:
 - a. 157 short discharge hearings
 - b. 43 Trustee discharges
 - c. 15 taxations
 - d. 40 long discharge hearings

Judiciary Issues:

- a. AJ Jean is retiring in May 2022. AJ Jean will sit some days in June, July, and October
- b. When to file a Motion to file a completion proposal:
 - a. The debtor requires more than 60 months to complete the current proposal
 - b. The consumer proposal is deemed annulled, and the debtor would like to complete the existing proposal
 - c. There are no new debts
- c. When to file a Motion to file a second proposal:
 - a. The consumer proposal is deemed annulled
 - b. There are new debts to be included
- d. Where to file a Bankruptcy Application:
 - a. The locality of the debtor
 - b. Filed in the Court that has jurisdiction in the locality of the debtor
- e. Guidelines issued by the Chief Justice regarding the mode of proceeding
 - a. <https://www.ontariocourts.ca/scj/guidelines-mode-of-proceedings/guidelines-civil/>
- f. Caselines Best Practice:
 - a. See below

Trustee and Bankruptcy Bar Issues:

- a. Taxation – Bill of Costs or Statement of Receipts and Disbursements
 - a. There are 15 pending in writing date
 - b. Currently scheduling May 2022
 - c. Review the files to ensure all material is submitted
 - d. Taxations are a scheduling priority at the Court
- b. Caselines
 - a. Notice by email and/or calendar invite – effective February, Trustees should receive only one email from the Court staff containing all information for the hearing
 - b. Monitoring Caselines – Access or follow up on set up
 - i. When you obtain access to Caselines, please review the people invited to the event
 - ii. If someone is missing (counsel, bankrupt, creditor), invite them to the hearing
 - iii. If Associate Justice is missing, advise the Court Staff - Toronto.bankruptcy@ontario.ca
 - iv. No response in a timely manner email the Court supervisor
 - c. Adjourned matters and expectations of the Court
 - i. You must ensure the documents are re-uploaded to the new event bundle
 - ii. New documents are uploaded to the new event bundle

- d. Subsequent matters and expectations of the Court
 - i. Upload documents for the event IE: Conditions Met
 - 1. Upload the 2nd/3rd/4th Trustee Supplemental Report
 - 2. Copy of the Original Endorsement(s)
 - 3. Draft Order that is editable
 - ii. Prior endorsement is required
 - iii. Supplemental reports should be numbered – 2nd/3rd/4th Trustees supplemental report
 - iv. Upload in chronological orders by document dates
 - v. Distinguish between the Report of Trustee and Supplemental Report of Trustee
- e. Court Fees
 - i. The Court enacted the credit card payment to process the backlog
 - ii. There are 400 outstanding payments – Trustees should receive notice
- f. Standardized Suspension Periods
 - i. There is no standard suspension period
 - ii. They are decided on a case-by-case basis
 - iii. Trustees must provide a Suspension Period recommendation
 - iv. The recommendation must be reasonable based on the facts
 - v. Associate Justice will make their decisions based on the facts presented
- g. Participant Sheets
 - i. Completion of the participant sheet to include all participants expected to attend the hearing
 - ii. Case Information Sheet is mandatory

Caselines Comments – Best Practices

1. Upload to the correct bundle – if there is no bundle, contact the court to set one up. If the documents are not in the correct bundle, your matter may not proceed.
2. Upload only the records/documents required for the particular event – do not upload the trustee's entire file.
3. Upload your records/briefs, not individual documents or individual exhibits (unless the document is very large, in which case, upload in parts).
4. No duplicates needed – if you have attached a document to your affidavit of service, there is no need to include it again.
5. Check all documents for required signatures – especially affidavits and exhibits to affidavits; make sure your digital signatures are not corrupted. Make sure your jurat is accurate.
6. Scan and upload documents right side up – no horizontal orientation pages especially those lengthy dockets. If these are not scanned right side up, your matter may not proceed.
7. Upload documents in date chronological order – eg. court opening documents, then TSRs, consents, etc.
8. Do not lock your draft orders; if the document is locked, minor edits cannot be made and you will have to re-submit the order for signing at a later date.
9. Note that the title of the registrar changed months ago. Amend your precedents.
10. Add the Associate Judge's name and date to your draft orders. These are now known to you.
11. Name your documents – estate number, name, type, date – see the practice direction
12. Upload your record on time – if materials are late, your matter may not proceed.
13. Upload legible documents.
14. Hyperlink, hyperlink, hyperlink
15. Caselaw – provide copies of authorities that are cited or hyperlink. If you want to rely on a case and if you want the judge to read it, then provide a copy.
16. If a case is adjourned, you must ensure the documents are re-uploaded to the new event bundle
17. Do not remove documents that have already been uploaded
18. Upload the document in the same format as it has been served.
19. Don't forget to upload: Request forms, Case Information Sheets, Blank PDF Disposition Sheets (as separate documents) and Draft orders.
20. Invite the bankrupt and interested creditors to the case.
21. Log in! (ideally, before court is called to order).
22. Learn how to use Caseline: find, direct, present, note functions (be careful who sees your notes).

Video-Conference Hearings: Best Practices

1. Sign in early (between 9:30-9:45 so that the registrar can note your attendance).
2. You are in court – proper attire and decorum is required and expected. No hoodies, sweats, hats, etc.
3. Serve the zoom coordinates as early as possible: incorporate the zoom coordinates into your notice of motion/notice of hearing.
4. Label who you are: “Galaxy” or “iPad” doesn’t tell the court or the clerk who you are.
5. Mute your microphone on entering.
6. Direct your submissions to the court – this is not a “meeting” where you can engage in banter back and forth with other parties. If you need to discuss a matter, ask to be placed in a break out room.
7. Know if your matter is: on consent (i.e. everyone agrees to the terms) vs. unopposed (i.e. someone does not agree nor disagree) vs. opposed. “Seeking conditional order” does not tell the court or registrar whether a matter is on consent, unopposed or opposed.
8. If your materials are uploaded late, your matter may be adjourned. The court needs sufficient time to review the materials in advance. If materials are filed late, chances are that the judge has not reviewed the materials.