

A new era for civil litigation in Ontario: Highlights from the Civil Rules Review final report

January 22, 2026

The Civil Rules Review Working Group's Final Policy Report (the Final Report) was released on December 15, 2025, following extensive stakeholder consultation. The report builds on earlier reform proposals and continues to recommend sweeping changes to Ontario's *Rules of Civil Procedure*, aimed at faster, more proportionate, and court-driven adjudication. If implemented, the proposals would significantly alter the civil litigation landscape in Ontario.

Key proposals include:

- **From a two-track process to a three-track system.** The Final Report departs from the previously proposed two-tracks to propose a three-track system:
 1. Application Track (statutory and similar matters), culminating in a summary hearing without a full trial.
 2. Summary Track (most claims between \$50,000 and \$500,000), proceeding on a default timetable to a summary hearing.
 3. Trial Track (all other claims), with early scheduling conferences, focused examinations, and a conventional trial.
- **Discovery reform and up-front evidence model.** Perhaps the most significant update in the Working Group's proposals relates to discovery. While the Working Group previously proposed eliminating oral discovery entirely, the Final Report would retain it, albeit in a focused, time-limited form: on the trial track, examinations would be capped at 90 minutes per party, objections would be tightly constrained, and all examinations would be audio- and video-recorded. Traditional discovery is otherwise replaced with an up-front evidence model, tailored by track, and the controversial requirement to disclose "known adverse documents" has been dropped.
- **Accelerated timelines and delay penalties.** The Final Report preserves ambitious timelines, with most two-party cases expected to reach a dispositive hearing within two years of the close of pleadings. However, it introduces greater flexibility than previously proposed, particularly in Trial Track cases. Proposed delay penalties are reduced from the \$500 per day previously suggested to \$250 per day in Trial Track matters and \$100 per day in other tracks.

- **Motions practice.** The Final Report recommends reforms to address Ontario’s “pervasive” motions culture, including mandatory pre-screening of most interlocutory disputes at Directions Conferences to encourage informal resolution, the use of prescribed forms and strict page limits to simplify motion materials, and the consolidation of pleadings-related motions into a single, unified rules framework. The report also introduces a streamlined process for resolving common issues—such as disclosure disputes, interrogatories, refusals, and witness statement challenges—without resorting to full motions.
- **Pre-Litigation protocols.** The Final Report would expand Pre-Litigation Protocols to apply generally (with defined exceptions) but abandons its previous proposal to extend the basic limitation period.
- **Experts.** While scaling back its previously proposal for mandatory joint experts, the Final Report proposes presumptive joint experts for certain financial issues and expert conferencing in Trial Track cases. Experts would face enhanced duties to the court, including potential exclusion for repeated breaches and the creation of a central registry tracking misconduct findings.
- **Costs, Appeals, and Enforcement:** the Final Report proposes strengthening costs presumptions, clarifying appeal routes, and significantly enhancing judgment enforcement tools, including expanded garnishment powers and full indemnity costs for enforcement efforts.

Next step: implementation

The Working Group has submitted the Final Report to Chief Justice Morawetz and the Attorney General of Ontario. Once they have provided their direction as to whether the recommendations will be implemented in whole or in part, the implementation team is expected to move into drafting the revised *Rules*. Reforms may start to roll out as early as mid-2026. BLG will continue to monitor developments as the Working Group’s proposals move toward implementation.

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