New Rules of the Supreme Court of Canada for 2024

May 31, 2024

Effective June 3, 2024, amendments to the ***Rules of the Supreme Court of Canada*** (Rules) and the ***Guidelines for Preparing Documents to be Filed with the Supreme Court of Canada*** (Guidelines) will come into force. Simplification and access to justice continue to be the guiding considerations in amendments to the Rules and Guidelines of the Supreme Court. Counsel who regularly appear before the Supreme Court on behalf of a party, or an intervener, must be cognizant of these amendments. We highlight the key amendments as follows[1]:

1. Clarifications to the electronic filing portal (Rule 19)

Since its launch in 2023, the electronic filing portal became the primary method of filing documents with the Supreme Court. The amendments to rule 19 now finally list the portal as one of the four official methods for filing documents, except for documents under seal which must still be filed by hand delivery, mail, or courier.

Prior to the amendments, documents filed by fax or email were deemed to have been filed on the day on which they were received unless they were received after 5 p.m., in which case they were deemed to be filed on the following day that is not a holiday. Now, documents filed through the electronic filing portal will be deemed to have been filed on the day they are received, which means parties now have until 11:59 p.m. to file their documents.

2. Proof of service (Rule 20)

In cases where service is made by email, the amendments now allow delivery receipts (annexed to an affidavit with the copy of the email) as proof of service. Previously, only an affidavit annexing a copy of the email and a copy of either the *email read receipt* or *confirmation by the party* were considered valid proof of service.

3. Oral argument outline in condensed books (Rule 45)

A condensed book now must contain an outline of the parties' oral arguments, which was previously optional. This offers a great opportunity for parties to distill their

arguments to key points for the Court. That being said, the filing of a condensed book remains optional.

4. Motions: Draft order no longer required (Rule 47)

While previously required to file a draft order with a notice of motion, parties are no longer required to do so as this requirement is now repealed.

5. Notice of appearance four weeks in advance (Rule 71)

Prior to the amendments, the name of counsel appearing before the Supreme Court had to be provided to the Registrar at least two weeks prior to the hearing. Now, counsel must provide this information four weeks prior to the hearing.

6. Filing fees repealed (Schedule A)

Perhaps the most significant amendment aligned with the Court's access to justice goal is the abolition of the filing fees for notices of application for leave to appeal, notices of appeal as of right, notices of motion and notices of taxation. Starting June 3, 2024, parties will no longer incur the $75 fee associated with these filings.

7. Various forms amended

Finally, various forms were impacted by these amendments. Therefore, counsel must ensure they do not rely on past precedents and that all forms submitted to the Court are the most current.

The Court's *Guide to the 2024 Amendments to the Rules of the Supreme Court of Canada*, which provides a brief overview in plain English of the amendments to the Rules and Guidelines can be found here.

For more information on the June 3, 2024, amendments to the *Rules of the Supreme Court of Canada,* please reach out to any of the key contacts below.

Footnote

[1] The complete amendments may be found here.

By

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