

**Practice Direction and Order (COVID-19):  
Update #5 (June 25, 2020)**

[1] This practice direction and the attached Order amend the following:

- [\*Practice Direction and Order \(COVID-19\): Update #4 \(June 11, 2020\)\*](#)
- [\*Practice Direction and Order \(COVID-19\): Update #3 \(May 29, 2020\)\*](#)
- [\*Practice Direction and Order \(COVID-19\): Update #2 \(April 29, 2020\)\*](#), and
- [\*Updated Practice Direction and Order \(COVID-19\)\*](#), dated April 4, 2020.

[2] Subject to the amendments described below, the practice directions and Orders listed above remain in force. For convenience, a consolidated version of these documents is available [here](#).

[3] Having regard to the ongoing easing of COVID-19 related restrictions in Ontario, Quebec and the three territories, the Court will be allowing the Suspension Period described in its June 11<sup>th</sup> practice direction to expire in those regions at the end of the day on June 29, 2020. Given that those provinces and territories are the only regions of the country where the Suspension Period is currently in force, it will no longer be in force anywhere in Canada as of June 30, 2020.

[4] To provide parties and their legal counsel with an opportunity to prepare for hearings after the expiry of the Suspension Period:

- A. The Court will not hold hearings in Ontario, Quebec or the three territories before Monday, July 27, 2020; and
- B. Timelines for the filing of documents and the taking of other procedural steps in proceedings in those provinces and territories will be extended to July 13, 2020.
- C. For greater certainty, the provisions of this paragraph do not apply to proceedings that are, or will be, moving forward pursuant to one of the five exceptions described in paragraph 5 of the April 29<sup>th</sup> practice direction.

[5] The Court continues to encourage parties and counsel to file their documents via the e-filing portal. The Court's Registry counters will open on June 29, 2020 with reduced staff. The Registry will accept filings for paper copies of confidential documents only. All other documents to be filed should be e-filed, faxed or emailed. Parties who are not able to submit documents electronically may contact the Registry by phone at 1-800-663-2096 (or see this [Telephone List](#) for local office telephone numbers) or by email at [FC\\_Reception\\_CF@cas-satj.gc.ca](mailto:FC_Reception_CF@cas-satj.gc.ca) for assistance.

[6] The lifting of the Suspension Period in Ontario, Quebec and the three territories is subject to the same provisos as currently apply in the rest of Canada, namely:

- A. Until further notice, the Court will continue to schedule all *applications for judicial review* as well as *all general sittings* to be heard by video conference (or exceptionally by teleconference). Requests to have such matters heard in person will be considered and determined after considering recommendations by public health authorities, the availability of court staff and court officers, and any delays that may occur in reconfiguring the Court's facilities to ensure that they are safe for all participants. For general sittings, such requests should be made by submitting a letter under Rule 35(2) of the *Federal Courts Rules* to the Registry via the Court's e-filing portal. For applications for judicial review scheduled as a special sitting, the requests should be sent to [HEARINGS-AUDIENCES@FCT-CF.CA](mailto:HEARINGS-AUDIENCES@FCT-CF.CA) within 14 days of the date of the scheduling Order or Direction. In-person hearings may be scheduled to take place at a later date than the initially scheduled video conference hearing.
- B. The mode of hearing for other proceedings, including, motions, mediations and actions, will be determined after providing parties and their counsel with an opportunity to make representations in that regard.
- C. The measures for electronic filing and service set out in the April 4th practice direction will remain available to parties to proceedings across Canada. The Court encourages parties to avail themselves of those measures, to move their matters forward.
- D. Viewing of court files at Registry counters continues to be suspended until further notice. However, members of the media and the general public may request electronic copies of non-confidential court documents. (See paragraph 26 of the consolidated practice direction referenced at paragraph 2 above.)
- E. Proceedings that are in Case Management will continue to be subject to the discretion of the Case Management Judge.

Date: 20200625

Ottawa, Ontario, June 25, 2020

**PRESENT: The Honourable Mr. Chief Justice Paul Crampton**

**WHEREAS** the Court issued an Order dated March 17, 2020 establishing an initial Suspension Period through April 17, 2020;

**AND WHEREAS** the Court issued further Orders dated April 4, 2020, April 29, 2020, May 29, 2020 and June 11, 2020 extending the Suspension Period across Canada through May 15, 2020, May 29, 2020, and June 15, 2020, respectively;

**AND WHEREAS** the Court permitted the Suspension Period to expire on June 15, 2020 in Western Canada and in Atlantic Canada;

**AND WHEREAS** the Court has concluded that the Suspension Period should be permitted to expire in the remaining regions of Canada on June 29, 2020;

### **ORDER**

#### **THE COURT HEREBY ORDERS THAT:**

1. The Suspension Period will expire at the end of the day on June 29, 2020 in Ontario, Quebec and the three territories.
2. Timelines for the filing of documents and the taking of other procedural steps in proceedings in those provinces and territories are extended to July 13, 2020. For greater certainty, the provisions of this paragraph do not apply to proceedings that are, or will be, moving forward pursuant to one of the five exceptions described in paragraph 5 of the *Practice Direction and Order (COVID-19): Update #2 (April 29, 2020)*.
3. Parties to proceedings in which a hearing has been adjourned as a result of an Order establishing or extending the Suspension Period shall provide the Judicial Administrator with their mutual dates of non-availability up to December 18, 2020. For Western Canada and Atlantic Canada, such dates should be provided no later than June 29, 2020. For Ontario, Quebec and the territories, such dates shall be provided no later than the close of

business on July 13, 2020. Such dates shall be communicated to the Court by email to [HEARINGS-AUDIENCES@FCT-CF.CA](mailto:HEARINGS-AUDIENCES@FCT-CF.CA). Where a matter has previously been placed in case management, such correspondence shall be addressed to the attention of the Case Management Judge.

4. Pursuant to s. 53(2) of the *Federal Courts Act*, and subject always to the discretion of the Court to apply the best evidence requirements, affidavits sworn or affirmed remotely using modes deemed acceptable in any Superior Court of any province shall be accepted for filing during the Suspension Period. For greater certainty, all affidavits must be sworn or affirmed. Until the Suspension Period is lifted, a scanned version of an affidavit may be accepted for filing, if the original version is provided to the Court within four weeks of the expiry of the Suspension Period.
5. Except to the extent set forth above, the Orders issued by the Court on April 4, 2020 and April 29, 2020, May 29, 2020 and June 11, 2020 remain in effect.

Paul Crampton  
Chief Justice