

Changes to Simplified Procedure Court Process, Including an Increased Limit of \$200,000

Derek Ronde

February 25, 2020

Effective January 1, 2020, civil court cases in Ontario in which there is a claim of up to \$200,000 are able to proceed by way of Simplified Procedure, which is a streamlined court process for certain civil claims. This is a doubling of the previous Simplified Procedure limit, which was \$100,000.

Simplified Procedure applies to claims that are solely focused on money, real property, or personal property. The main features of Simplified Procedure actions include: a) expedited documentary discovery; b) limited oral discovery rights; and c) summary trials, which include evidence-in-chief being submitted by way of affidavit.

The Ontario Government put in effect other changes to the Simplified Procedure process, including:

- Limiting trials to five days;
- Requiring parties to agree on a trial management plan; and
- Removing civil jury trials in Simplified Procedure cases, unless a jury notice was served and filed prior to January 1, 2020.

The changes were made in order to increase access to the civil litigation process for Ontarians.

The changes to Simplified Procedure may have an impact on franchise litigation in Ontario. Franchisors may be able to avail themselves of the process in respect of simple franchisee debt collection matters. It may also be used in respect of real estate matters regarding the collection of lease and rental debts owed.

To date, Ontario courts have permitted simple statutory rescission actions by franchisees under the *Arthur Wishart Act (Franchise Disclosure), 2000* to proceed by way of Simplified Procedure. However, Simplified Procedure is not appropriate where the relief sought extends beyond basic monetary relief. As such, franchisee counsel will have to consider both the quantum of relief sought and the type of relief sought in their cases to determine whether this process is advantageous for them. Generally, it remains to be seen whether franchise litigation parties will seek to take advantage of the Simplified Procedure rules to expedite the hearing of smaller franchise disputes.