

Court of Appeal for Ontario
Tentative Model for Return to In-Person Proceedings
Released: October 12, 2021

We are considering a return to in-person hearings as early as November 8, 2021. This may involve a staggered return, with in-person criminal appeals beginning before civil appeals.

The Court heard three criminal appeals and one oral panel motion in person in the week of October 4, 2021. This provided us with a test-run of our in-person procedures and protocols.

The following is a summary of our proposed plan for return to in-person proceedings.

Health and Safety Protocols

- With any return to in-person hearings, health and safety will remain our priority, and we are prepared to alter our plans if a change is recommended by our public health advisors.
- We would maintain many of the same health and safety protocols as we had last fall:
 - Everyone would be required to undergo the standard courthouse screening before entering the building. We will encourage parties to review the online screening questions before traveling to court to ensure they will pass the screening process once they arrive at the courthouse
 - Masks would be required. Masks could be removed when making submissions.

- Physical distancing would be required.
 - Courtroom surfaces would be sterilized between proceedings.
 - Plexiglass is installed in the courtrooms.
 - Courtroom air quality is constantly measured to ensure HVAC systems are functioning with adequate ventilation.
 - Courtroom attendance would be limited to counsel and self-represented litigants. The public and media could continue to observe by Zoom.
- We meet regularly with public health advisors. We have been advised that with these measures in place, courthouses are among the safest workplaces in Ontario, and to this date there have been no known incidents of transmission in a courtroom.
 - As an additional layer of protection, the Ontario Public Service requires all staff to be vaccinated or undergo regular COVID testing. The judiciary will meet standards that meet or exceed this.
 - In addition, we expect that most other people coming into Ontario Courthouses will be vaccinated, as almost 82 percent of the adult population is now fully vaccinated and almost 87 percent have had one dose of a vaccination.
 - We will continue to monitor public health conditions, and we will be prepared to change our plans if necessary.

The Model for Return

- The model we are considering for a return to in-person proceedings would likely include the following elements:
 - Civil appeals, criminal solicitor appeals, and oral panel motions would return to in-person hearings, providing counsel and the

self-represented litigants the option to appear remotely by Zoom.

- Observers, including clients, the media, and members of the public, will not attend in-person. They will be able to observe the proceedings by Zoom.
- Inmate appeals, single judge motions, status court, and purge court would continue for the time being to be heard remotely by Zoom.
- Counsel would not have to provide a reason for attending by Zoom. We recognize there could be many reasons to attend remotely, including illness, childcare responsibilities, travel difficulties, etc.
- We would ask counsel to inform us in advance how they intend to appear, by noting this on the counsel slip. However, recognizing that illness may prevent someone from attending at the last minute, parties will have the Zoom link and can simply appear by Zoom, if they are unable to attend the hearing in-person.
- Judges will return to the practice of robing, and counsel will be encouraged to robe.
- E-Filing will continue.