

**SUPERIOR COURT OF JUSTICE
CIVIL SCHEDULING UNIT
REQUISITION TO ATTEND CIVIL PRACTICE COURT**

330 University Avenue, 8th Floor
Toronto ON M5G 1R7
Email: civilpracticecourt@ontario.ca

Requisition to Attend Civil Practice Court before a Judge to Schedule (select one of the following):

- Urgent Hearing** **Long Motion or Application** **Summary Judgment Motion** **Request for Case Management** **Constitutional Question** **Appeal from the Consent and Capacity Board**

*** To book a date through Civil Practice Court, please return this completed form in **Microsoft Word** format by email to: civilpracticecourt@ontario.ca.

Court File Number: CV-22-00683592-0000

Full Title of Proceeding (List all Parties in the Title of Proceeding):

William Adamson Skelly and Adamson Barbecue Limited (Applicants) v His Majesty the King In Right of Ontario, City of Toronto, Board of Health for the City of Toronto, and Eileen de Villa (Respondents)

Moving Party Is:

- Plaintiff/Applicant/Appellant: William Adamson Skelly and Adamson Barbecue Limited**
 Defendant/Respondent
 Other

1. Estimated time for oral argument by all parties:	Three Days
2. Nature of the action or application (e.g., personal injury, specific tort, contract or other case type identified on Form 14F):	Constitutional Law
3. Rule(s) or statutory provisions under which the motion / application is brought:	Rules 14.05(3)(d) and (g.1) of the Rules of Civil Procedure and Canadian Charter of Rights and Freedoms, ss 2(b), 2(c), 7, 8, 9, 15(1), 24 and Constitution Act, 1982, s. 52 and Constitution Act, 1867, s. 91 and 92.
4. May the motion be heard by an associate judge or must it be heard by a judge?	Judge
5. Whether a particular judge or associate judge is seized of all motions in the proceeding or of the particular motion?	No
6. If the proceeding is governed by the Simplified Procedure Rule (Rule 76), does the motion concern undertakings given or refusals made on examination for discovery?	No
7. Is the motion seeking summary judgment?	No
8. Is the application or motion urgent?	Yes
9. Is any party self-represented?	No
10. Is this proceeding under case management?	No
11. Does the motion or application require a bilingual Judge or Associate Judge?	No

Name of Party and Lawyer Scheduling the Motion:

**WILLIAM ADAMSON SKELLY and ADAMSON
BARBECUE LIMITED**

Ian J. Perry of Perrys LLP

Name and Firm (please type or print clearly)

2024-09-23

Date

Tel: 416-579-5055, Email: ian@perrysllp.com

Telephone Number and Email Address

Court File No: **CV-22-00683592-0000** Error! Reference source not found.

Name of Party and Lawyer Responding:

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO
Zachary Green, Padraic Ryan, Priscila Atkinson of
Attorney General for Ontario: Constitutional Law Branch**

Name and Firm (please type or print clearly)

**Tel: 416-326-2220 E-mail: zachary.green@ontario.ca,
padraic.ryan@ontario.ca, priscila.atkinson@ontario.ca**

Telephone Number and Email Address

Name of Party and Lawyer Responding:

**CITY OF TORONTO, BOARD OF HEALTH FOR THE CITY
OF TORONTO, and EILEEN DE VILLA**

**Kirsten Franz and Penelope Ma of City Solicitor's Office
(City of Toronto, Legal Services)**

Name and Firm (please type or print clearly)

Tel: 416-392-1813, 416-397-7690

E-mail: kirsten.franz@toronto.ca,

penelope.ma@toronto.ca

Telephone Number and Email Address

Name of Party and Lawyer Responding:

Name and Firm (please type or print clearly)

Telephone Number and Email Address

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Telephone Number and Email Address

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Name and Firm (please type or print clearly)

Telephone Number and Email Address

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Presiding Judge:

CPC#: 10

JUSTICE AKAZAKI

DATE: 2024-09-25

Counsel attending (if different than listed above):

Plaintiff:

Defendant:

Other:

ENDORSEMENT

- [1] This is a request to adjourn and reschedule a three-day hearing of a constitutional challenge to a provincial offence arising from the alleged breach of the Ontario Covid-19 lockdown order.
- [2] The OCJ has stayed the provincial offence trial. The applicant / accused has waived his s. 11(b) rights. Nevertheless, I am cognizant of the need to avoid further delay. The OCJ proceeding largely entails an agreed statement of fact.
- [3] The adjournment was necessitated by the withdrawal of one of the applicant's expert witnesses. There are also additional steps to be undertaken.
- [4] The main impediment to scheduling the return date was the dispute over the length of the hearing. The applicant maintained the case requires three days. The respondents both stated the hearing can be completed in one day.
- [5] There is an advantage to having the duration of the hearing settled by a case conference judge, once counsel have organized the completion of the next steps. If the hearing can take place during one day or two instead of three, the hearing can be scheduled earlier and without taking up unnecessary hearing dates.
- [6] Therefore, I hereby order:
 1. The October 1, 2, and 7, 2024, hearing dates are hereby vacated.
 2. The parties shall request a case conference at the earliest opportunity, once the next steps have been agreed, to reschedule the hearing.

[delete if inapplicable] The schedule set out on the next page is ordered.

DATE: Error! Reference source
not found.2024-09-25

Judge's Signature

Court File No: Error! Reference
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SCHEDULE

TIMETABLE

- MOVING PARTY'S MOTION RECORD, APPLICATION RECORD, OR APPEAL BOOK TO BE DELIVERED¹ BY:
- RESPONDING PARTY RECORD TO BE DELIVERED BY:
- REPLY RECORD, IF ANY, TO BE DELIVERED BY:
- CROSS-EXAMINATIONS TO BE COMPLETED BY:
- UNDERTAKINGS TO BE ANSWERED BY:
- MOTION FOR REFUSALS BY:
- CASE CONFERENCE TO BE CONDUCTED BY:
- MOVING PARTY OR APPLICANT'S FACTUM TO BE DELIVERED BY:
- RESPONDING PARTY FACTUM TO BE DELIVERED BY:

¹ Rule 1.01: "deliver" means serve and file with proof of service, and "delivery" has a corresponding meaning.

- **APPROVED HEARING DATE:**
- **ANY ADDITIONAL TIMETABLE ITEMS:**

THE PARTIES SHALL COMPLY WITH ALL PRACTICE DIRECTIONS ISSUED FOR THE TORONTO REGION APPLICABLE TO THIS MOTION OR APPLICATION, INCLUDING THE REQUIREMENTS FOR FILING DOCUMENTS AND UPLOADING THEM TO CASELINES AS SUMMARIZED IN THE TABLE BELOW.

REQUIRED STEPS CHECKLIST

STEP	HOW	CHECK IF DONE
File documents and pay all fees	<p>File your documents and pay fees using the Civil Submissions Online portal https://www.ontario.ca/page/file-civil-claim-online. If your matter is urgent or you are filing documents for a court date or deadline that is fewer than 5 business days away, email your documents to the court office at : Civil Urgent Matters-SCJ-Toronto <CivilUrgentMatters-SCJ-Toronto@ontario.ca></p> <p>Documents submitted to the court in electronic format must be named in accordance with the Superior Court’s Standard Document Naming Protocol, which can be found in section C.8 of the <i>Consolidated Notice to the Profession, Litigants, Accused Persons, Public and the Media</i> at: https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/consolidated-notice/#8 Standard document naming protocol.</p> <p>See new Rule 4.05.2.</p> <p>Ensure your email address is on all documents filed.</p>	<input type="checkbox"/>
30 DAYS BEFORE HEARING		
Email Motions Coordinator 30 days prior to the motion or application hearing date about the status of the motion or application including names, telephone numbers, and email addresses of all counsel and/or self-represented parties. After this is done, the parties will receive an email from CaseLines saying it is ready to use.	<p>Send email to: LongMotionsStatus.Judge@ontario.ca.</p>	<input type="checkbox"/>
AT LEAST ONE WEEK BEFORE HEARING		
<p>Upload materials to CaseLines including all Motion Records, Factums, and the requested Draft Order or Judgment.</p> <p>Upload your factum and draft Order or Judgment in WORD format.</p>	<p>See new Rule 4.05.3.</p> <p>Ensure you email address is on all documents filed.</p> <p>For more information about CaseLines, including answers to frequently asked questions, refer to <i>Supplementary Notice to the Profession and Litigants in Civil and Family Matters – Including Electronic Filings and Document Sharing (CaseLines Pilot)</i> September 2, 2020; updated December 17, 2020 found at https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/supplementary-notice-september-2-2020/.</p>	<input type="checkbox"/>

<p>Confer with opposing counsel and email Motion Confirmation form to Motions Coordinator.</p>	<p>For motions, see: Rule 37.10.1 and Form 37B. For applications, see: Rule 38.09.1(1) and Form 38B. Send email to: LongMotionsStatus.Judge@ontario.ca.</p>	<p><input type="checkbox"/></p>
SHORTLY BEFORE HEARING		
<p>Upload Compendiums. For all oral motions and applications upload a Compendium to CaseLines at any time before the hearing which contain the excerpted portions of the cases and evidence which the parties intend to rely upon.</p> <p>Counsel and self-represented parties should familiarize themselves with the CaseLines-generated page numbering on uploaded documents for ease in directing the judge to specific pages.</p>	<p>See email from CaseLines.</p>	<p><input type="checkbox"/></p>
<p>Upload any amended requested Draft Order or Judgment into CaseLines.</p>	<p>See uploading instructions in the Frequently Asked Questions About CaseLines at: https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/supplementary-notice-september-2-2020/faq-caselines/.</p>	<p><input type="checkbox"/></p>
<p>Exchange costs outlines not exceeding 3 pages in length.</p>	<p>See Rule 57.01(6) and Form 57B.</p>	<p><input type="checkbox"/></p>
AFTER THE HEARING		
<p>Upload the costs outlines to CaseLines <u>if there have been no Rule 49 Offers to Settle</u>. If there have been Rule 49 Offers to Settle, then costs outlines should be dealt with in the manner directed by the Motions or Applications Judge.</p>		<p><input type="checkbox"/></p>