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| Counterclaim - Timeline - Service - Statement of Defence and Counterclaim - on Existing party (Form 27A) (27.02)  SEE ALSO: Counterclaim – R. 27 - (R. 27.04: deliver w/ SOD, w/in 20 days of delivery of SOC, or 10 days after NOID, w/ SOD) | 185(R)  167(R)-168(L) | 2.5.1  3.4 |
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| Joinder of Parties - Contracts - Joint Contracts - Promisees - All necessary/mandatory - On bankruptcy, rights pass to survivor (unless last, then personal representative) | 141(L-R) | 1.4.1(a) |
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| Joinder of Parties - Contracts - Joint Contracts - Successful defence / plea - Inures to all joint promisors | 141(L-R) | 1.4.1(a) |
| Joinder of Parties - Contracts - Several contracts - Judgment/release of one does not affect other | 141(R) | 1.4.1(b) |
| Joinder of Parties - Contracts - Several contracts - Permissive (R. 5.02) | 141(R) | 1.4.1(b) |
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| Joinder of Parties - Court may order party to be joined (R. 5.03(4)) | 139(R) | 1.2 |
| Joinder of Parties - Curative Provisions - Cannot be used to avoid application of Limitations Act | 140(R) | 1.3 |
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| Orders - Contents of | 263(R) | 1.6 |
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| Organization of the Courts of Ontario - Judge - Jurisdiction - Assigned to Particular Region - s. 15(1) CJA | 111(L) | 1 |
| Organization of the Courts of Ontario - Regional Senior Judge - Region - Administers Judiciary | 111(L) | 1 |
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| Originating Process - Issuance | 147(R)-148(L) | 6 |
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| Originating Process - Procedure - Step 2 - Service (timeline: Generally 6 months) | 148(L) | 6 |
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| Originating Process - Right to issue - Exceptions (requires leave - e.g. Derivative Action) | 146(L) | 3 |
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| Originating Process - Service - Timeline (generally 6 months)  SEE: Pleadings - Timeline - Originating Process | 148(L) | 6 |
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| Partial Indemnity - Costs - Refusing Offers to Settle | 231(R)-232(L-R) | 5.5 |
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| Parties - Bankrupt - Require approval from trustee-in-bankruptcy - Proceedings Stayed Until Approved | 138(R) | 8 |
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| Parties - Corporation  SEE: Corporation | 136(L-R) | 5 |
| Parties - Death of Client (R. 11.01) - Order to continue | 138(L) | 7 |
| Parties - Deceased w/o personal representative  SEE: Executors/Administrators/Trustees - Litigation Administrator | 134(L) | 3.2 |
| Parties - Disability - Absentee - Definition - Disappeared / Whereabouts Unknown / Don’t Know if Alive or Dead | 129(L) | 2 |
| Parties - Disability - Absentee - Service on (R. 16.02(1)(i)) | 131(R) | 2.7 |
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| Parties - Disability - Default (w/ leave) - Notice of motion | 132(L) | 2.7 |
| Parties - Disability - Default Judgment - Leave of judge required | 132(L) | 2.7 |
| Parties - Disability - Default Proceedings | 175(R) | 2.1.2 |
| Parties - Disability - Defendant/Respondent - Default (w/ leave) - Notice of motion | 132(L) | 2.7 |
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| Parties - Disability - Dismissal of Action - Leave (R. 24) | 183(R) | 8.2 |
| Parties - Disability - General (minor, absentee, mentally incapable) | 129(L) | 2 |
| Parties - Disability - Leave - Abandonment of Application (R. 38) | 183(L) | 7 |
| Parties - Disability - Leave - Discontinuing/withdrawal of action (R. 23) | 182(R) | 6.1.1 |
| Parties - Disability - Legal Disability - Definition - Unable to Retain / Instruct Counsel and Sue / Be Sued in Own Name | 129(L) | 2 |
| Parties - Disability - Liability for costs | 132(R) | 2.10 |
| Parties - Disability - Litigation Guardian - When required  SEE: Litigation Guardian - When required | 129(L) | 2.1 |
| Parties - Disability - Mentally Incapable - Definition - Incapacity to Manage Property or Personal Care | 129(L) | 2 |
| Parties - Disability - Mentally Incapable - Service on (R. 16.02(1)(k)) | 131(R)-132(L) | 2.7 |
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| Parties - Disability - Minor - Service on LG - If no LG, Parent / Person with Care or Custody of Minor (R. 16.02(1)(j)) | 131(R) | 2.7 |
| Parties - Disability - Minors - Definition - Under Age 18 | 129(L) | 2 |
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| Parties - Disability - Order - Paid into court | 132(L) | 2.9 |
| Parties - Disability - Procedures (R. 7) | 129(L) | 2.1 |
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| Parties - Disability - Settlement - Judge must approve - Unenforceable | 132(L) | 2.8 |
| Parties - Disability - Settlement - Obtaining judge approval (application or motion | 132(L) | 2.8 |
| Parties - Disability - Settlement - Paid into court | 132(L) | 2.9 |
| Parties - Disability - Settlement - Service on Children’s Lawyer / PGT | 132(L) | 2.8 |
| Parties - Executors/Administrators/Trustees   SEE: Executors/Administrators/Trustees | 133(R)-134(L) | 3 |
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| Parties - Generally | 129(L) | 1 |
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| Parties - Joinder - Permissive (R. 5.02) | 140(L-R) | 1.2.2 |
| Parties - Joinder - Plaintiff’s choice - Exception: necessary / mandatory parties) | 139(R) | 1.2 |
| Parties - Joinder - Plaintiff’s choice - General principles | 139(R) | 1.2 |
| Parties - Joinder - Proper parties and permissive (R. 5.02) | 140(L-R) | 1.2.2 |
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| Parties - Necessary  SEE: Parties - Joinder - Necessary parties and mandatory (R. 5.03) | 139(L)-13(L)  138(L) | 1.2  1.2.1 |
| Parties - Partnerships  SEE: Partnership | 136(R) | 6.1 |
| Parties - Permissive  SEE: Parties - Joinder - Permissive (R. 5.02) | 140(L-R) | 1.2.2 |
| Parties - Proper  SEE: Parties - Joinder - Proper parties and permissive (R. 5.02) | 139(L-R)  140(L-R) | 1.2  1.2.2 |
| Parties - Representation for unascertained persons  SEE: Representation Orders (R. 10.) | 135(R) | 4 |
| Parties - Sole Proprietorship  SEE: Sole Proprietorship | 137(R) | 6.2 |
| Parties - Torts  SEE: Joinder of Parties - Torts | 142(L) | 1.4.2 |
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| Parties - Unascertained  SEE: Representation Orders (R. 10) | 135(R) | 4 |
| Parties in Particular Cases - Generally | 141(L-R) | 1.4 |
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| Partnership - Action against - Common Defence - Exception (denies partner) | 136(R) | 6.1 |
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| Partnership - Action against - Common Defence (R. 8.02) | 136(R) | 6.1 |
| Partnership - Action against - Consider Whether Partnership a “person” | 136(R) | 6.1 |
| Partnership - Action against - Service on firm | 136(R) | 6.1 |
| Partnership - Action against - Service on partners | 137(L) | 6.1 |
| Partnership - Action commenced - which name? | 136(R) | 6.1 |
| Partnership - Action on behalf of - In firm name - Advantages - Easier to Prove Cause of Action / Partner in Common / Death of Partner / Where One Partner Minor | 136(R) | 6.1 |
| Partnership - Action on behalf of - In firm name - Business Names Act | 136(R) | 6.1 |
| Partnership - Action on behalf of - In firm name (advantages) | 136(R) | 6.1 |
| Partnership - Actions By or Against - In Firm Name - Regulation of (R. 8) | 136(R) | 6.1 |
| Partnership - Actions By or Against - In Firm Name (R. 8.01(1)) | 136(R) | 6.1 |
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| Partnership - Business Names Act - Applicability | 136(R) | 6.1 |
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| Partnership - Business Names Act - Requirements - Registration Before Business Carried on Under Firm Name | 136(R) | 6.1 |
| Partnership - Choosing: firm or partner name - Advantages firm name | 136(R) | 6.1 |
| Partnership - Defined - s. 2 PA | 136(R) | 6.1 |
| Partnership - Definition - s. 2 PA | 136(R) | 6.1 |
| Partnership - Disclose partnership list - Consequences | 137(L) | 6.1 |
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| Partnership - Disclose partnership list - Requirement (R. 8.05(1)) | 137(L) | 6.1 |
| Partnership - Identifying / locating partners | 137(L) | 6.1 |
| Partnership - Limited Partnerships Act | 136(R) | 6.1 |
| Partnership - Locating / identifying partners | 137(L) | 6.1 |
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| Partnership - Orders - Enforceability - Partnership property (R. 8.06(1)) | 137(L) | 6.1 |
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| Partnership - Orders - Enforceability - Served-partners personally (who did not deny partnership) | 137(L) | 6.1 |
| Partnership - Orders - Enforceability - Where Enforceable Against One or More Partners Personally - Service on Person w/ Notice to Alleged Partner - Form 8A (R. 8.03(1)) | 137(L) | 6.1 |
| Partnership - Orders - Enforceability - Where Enforceable Against One or More Partners Personally - Where Served - Deemed Partner Unless Denial | 137(L) | 6.1 |
| Partnership - Service - Allows personal enforceability | 137(L) | 6.1 |
| Partnership - Service to - Wise to Serve on All Partners | 137(L) | 6.1 |
| Partnership - Status under relevant statutes | 136(R) | 6.1 |
| Party-and-Party Costs | 271(R)-272(R) | 4.2 |
| Past Pecuniary Loss - Special Damages - Interest | 264(R) | 1.8 |
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| Permissive Joinder  SEE: Parties - Joinder - Permissive (R. 5.02) | 140(L-R) | 1.2.2 |
| Personal Information  SEE: Privacy Issues and Litigation | 121(L)- 122(R) | 1 |
| Personal Information Protection and Electronic Documents Act  SEE: Privacy Issues - PIPEDA | 121(L) | Intro |
| Personal Jurisdiction  SEE: Jurisdiction - in personam | 139(L) | 1.1 |
| Personal Property - Exempt From Execution | 271(L) | 3.7 |
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| Physical/Mental Exam. of Parties - Health Practitioner | 224(L) | 7 |
| Physical/Mental Exam. of Parties - Procedure - Rule 33 | 224(L) | 7 |
| Physical/Mental Exam. of Parties - Sanctions for Non-Compliance - Rule 33.07 | 224(L) | 7 |
| Physical/Mental Exam. of Parties - Second / Further Examinations -Rule 33.02, s.105(4) CJA | 224(L) | 7 |
| Physical/Mental Exam. of Parties - Statutory Right (e.g. CJA, Insurance Act) | 224(L) | 7 |
| Physical/Mental Exam. of Parties - Under Insurance Act | 224(L) | 7 |
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| Place of commencement - where statute/rule does not specify - r. 13.1.01 | 145(L) | 1 |
| Place of Trial - Generally - Any Place in Ontario named in Orig. Process | 227(L-R) | 2 |
| Place of Trial - Motion to Transfer - Interest of Justice Test | 227(L-R) | 2 |
| Plaintiff’s case - Conclusion - Motion - Non-suit | 259(R) | 5.8 |
| Plea in abatement - Type of defence | 169(R) | 4.2.5 |
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| Pleadings - Amendment (R. 26) - Amendment after trial | 173(L) | 5.4 |
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| Pleadings - Amendment (R. 26) - Generally (w/o leave, consent, w/ leave) | 172(R) | 5 |
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| Pleadings - Amendment (R. 26) - Not if new cause of action | 173(L) | 5.2 |
| Pleadings - Amendment (R. 26) - When amendment will be granted | 172(R)-173(L) | 5.1 |
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| Pleadings - Attacking - Generally | 173(R) | 6.1 |
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| Pleadings - Attacking - Motion for amendment/strike part (R. 25.11) vs. Motion to strike (R. 21) | 174(L) | 6.1.4 |
| Pleadings - Attacking - Motion for to strike/amend part (R. 25.11) vs. Motion to strike entire action/SoC (R. 21) | 174(L) | 6.1.4 |
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| Pleadings - Attacking - Test - No reasonable cause of action (R. 21) | 174(L) | 6.1.4 |
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| Pleadings - Attacking - Timing of motion (cannot be after response - i.e., after SOD or Reply) | 173(R) | 6.1.2 |
| Pleadings - Contents - Allegations with full particulars | 166(L) | 2.3 |
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| Pleadings - Contents - Conversations (R. 25.06(7)) | 166(L) | 2.2 |
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| Pleadings - Contents - Res ipsa loquitor ("the thing speaks for itself") | 166(R) | 2.6 |
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