

NOTICE TO PROFESSION
CHANGES TO THE FAMILY LAW RULES
IN FORCE JUNE 10, 2015

Please note that O.Reg.140/15¹ came into force on June 10, 2015. In summary, this regulation amends Rule 6 (Service of Documents) to allow service of documents through an electronic document exchange and service by email. This regulation also clarifies the effective dates of service for each service delivery method.

In addition there are a few miscellaneous amendments. A further explanation of the major changes is set out below. Please note that this explanation is not intended to be a substitute for reading the Family Law Rules and these amendments in their entirety.

Amendments to Service Rules

- Subrule 6(2)(c) has been revoked and replaced with a new subrule 6(2)(c) which expands the use of the document exchange to litigants.
- Subrule 6(2)(c.1) has been added to provide that a person may be served through an electronic document exchange if he or she consents or the court orders.
- Subrule 6(2)(e) has been revoked and replaced with a new subrule 6(2)(e) which provides for service by email if the person consents or the court orders.
- Subrules 6(7) to 6(11) have been revoked and replaced with the following subrules regarding the effective dates of service:
 - Subrule 6(7) provides that service by mail is effective on the fifth day after the document was mailed.
 - Subrule 6(8) provides that service by courier is effective on the day after the day the courier picks up the document.
 - Subrule 6(9) provides that service of a document by deposit at a document exchange is effective if the copy deposited and an additional copy are date-stamped by the document exchange in the presence of the person depositing the copy. Service is effective on the day after the date on the stamp.

¹ O. Reg 140/15 is expected to be published in the Ontario Gazette on June 27, 2015.

- Subrule 6(10) provides that service of a document through an electronic document exchange is effective only if the electronic document exchange provides a record of service showing the date and time of service. Service is effective on the date shown on the record of service, or if served after 4 p.m., service is effective on the following day.
 - Subrule 6(11) provides that service of a document by fax or email is effective on the date shown on the first page of the fax or in the email message, or if served after 4 p.m., the following day.
 - Subrule 6(11.1) provides that special service under clause 3 (a) or (b) is effective on the day the copy of the document was left or on the following day if the document was left after 4 p.m.
 - Subrule 6(11.2) provides that special service under clause 3(d) is effective on the fifth day after the document was mailed.
 - Subrule 6(11.3) provides that where the effective date of service for documents served by any method falls on a holiday, service is effective on the next day on which court offices are open.
- Subrule 6(11.4) sets out what must be included in a record of service for a document served through an electronic document exchange.
- Subrule 6(14.1) sets out what must be included in the email message to which a document served by email is attached.
- Subrule 6(19) which deals with proof of service has been amended to add that the service through an electronic document exchange may be proved by a record of service that meets the requirements set out in this rule.
- Subrule 6(20) sets out the power of the court to make orders where a document served in accordance with the rule did not come to his or her notice or came to his or her notice only after the effective date of service.

June 11, 2015