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Our Reference #: M-2020-6430

June 5, 2020

Dear Stakeholder:

In a collective effort to keep Ontarians safe and maintain the administration of justice during the COVID-19 outbreak, my team at the Ministry of the Attorney General and I have worked closely with justice partners to establish new and innovative ways of delivering justice.

The needs of the justice sector have changed during this outbreak, and the demands on the system will continue to evolve as we begin to see the province reopening in stages. To address these changes, we will continue to act on the guidance of public health experts, and we will continue to work together to develop new ways of conducting matters.

As part of these ongoing efforts, I am writing to seek your input and perspective on a potential amendment to the *Courts of Justice Act* regarding the availability of civil juries. As you may know, I recently made changes to remove the availability of jury trials in simplified procedure cases started under Rule 76 of the *Rules of Civil Procedure*. However, Ontario is one of the last Canadian jurisdictions to allow civil jury trials for most other civil matters, as of right.

Currently, section 108 of the *Courts of Justice Act* permits a jury of six persons to assess damages and/or decide issues of fact in civil actions, except where prohibited by statute. Certain other statutes provide a judge with authority to direct that an action be brought, or an issue be tried, with a jury in a trial under the act, or set out the responsibilities of the jury where a jury trial is held under the act. (See Appendix A to this letter for further details.)

I am considering an amendment to the *Courts of Justice Act* to eliminate some or all civil jury trials. To that end, I am seeking your views on the following related questions:

1. Should civil juries be eliminated altogether? *or*
2. If civil jury trials were to be eliminated, are there certain action types that should be exempt? Please specify any action types that in your view should continue to have jury trials available, and the reasons for your view.

For example, some Canadian jurisdictions have maintained civil juries only for matters that engage community values and a person's character, such as defamation, false imprisonment, and malicious prosecution. Quebec, on the other hand, has eliminated civil jury trials altogether.

In addition to helping the justice system resume and expand operations, your valued input and ongoing collaboration will help us continue to work with partners to build a justice system for the 21st century that is more accessible, responsive and resilient for Ontarians.

I would be grateful to receive your views in a written submission to Ms. Amanda Iarusso, my Director of Policy and Legal Affairs, by email at amanda.iarusso@ontario.ca no later than Monday, June 15, 2020.

Once again, thank you for your consideration. I look forward to receiving your views.

Sincerely,

A handwritten signature in black ink that reads "Doug Downey". The signature is written in a cursive, flowing style with a long horizontal stroke at the end of the name.

Doug Downey
Attorney General

Enclosure