

New Rules of Civil Procedure on the horizon

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Key Takeaways

- Major reforms to Ontario's civil litigation system are anticipated some time in 2026.
- Reforms to include a new three-track system, an "up-front evidence model", more limited discoveries and disclosure obligations and accelerated procedural timelines.
- Courts are expected to take a much more active role in case management.

It's still a waiting game as Ontario litigators eagerly await the final versions of the Ontario government's anticipated reforms to the current *Rules of Civil Procedure* (the Rules), but one thing is already clear: significant changes to Ontario's civil litigation process are in the cards for 2026.

The Civil Rules Review (the CRR) was launched in January 2024 with a mandate to propose sweeping reforms to the Rules. In April 2025, the CRR published a consultation report setting out their proposals and seeking stakeholders' feedback, which Osler covered in [a previous Update](#). Most recently, after receiving and carefully reviewing what the CRR has described as "extensive" stakeholder feedback about their proposals (both positive and negative), the CRR has released its [Final Policy Report](#) [PDF], which details its final proposals for reforms across core areas of Ontario's civil litigation process.

Major proposed reforms

Based on the CRR's proposals, the Ontario government could begin rolling out major reforms to the Rules in mid-2026. If the CRR's proposals are adopted, changes would include the following:

- Parties will have to abide by certain "pre-litigation protocols", designed to promote information-sharing and early resolution or, at a minimum, to help parties identify and narrow the issues in dispute before commencing litigation.
- All civil claims will be commenced via a standardized online form: the "Notice of Claim".
- Service by email will be permitted as an alternative to personal service, and there will be prescribed penalties for not accepting service by email in a timely manner.

- Adopting a three-track system, claims will proceed via one of the following:
 1. the Application Track (proceeding to a summary (paper) hearing)
 2. the Summary Track (for claims under \$500,000 and claims over \$500,000 on the consent of the parties)
 3. the Trial Track (only for claims over \$500,000)
- Oral examinations for discovery will be eliminated for claims on the Application Track and only available in exceptional circumstances for claims on the Summary Track. Oral examinations for discovery will be allowed for claims on the Trial Track, but of much more limited scope (up to 90 minutes, compared to the current seven hours).
- Mediations will be mandatory for all cases on the Summary Track and Trial Track.
- The new Rules will prioritize the “up-front evidence model” and more limited disclosure obligations. Parties will be required to “show their cards” and exchange relevant documents and witness statements early in the litigation process (which may mean front-loaded costs for litigants, as compared to the current system), but the scope of their disclosure obligations will be more limited (i.e., doing away with the current “leave no stone unturned” approach, which is thought to cause delays and increase costs).
- There will be a shift away from the use of interlocutory motions and toward the use of case conferences, with the courts generally taking a more hands-on, active role in directing how claims will progress through the litigation process.
- The Rules will be tightened and adjusted in various ways to push claims forward more quickly and penalize parties who miss prescribed deadlines, with a view to streamlining the civil litigation process and bringing all cases to a dispositive hearing within two years of inception.
- There will be a certain degree of “grandfathering” for cases that pre-date the new Rules and are still being litigated, but specifics in this regard have not yet been shared publicly.

Conclusions

Given what is still unknown about the proposed new system, and recognizing that the “upfront evidence model” is likely to mean that the work and costs of litigation will be frontloaded, it is perhaps more important than ever for parties to be proactive and diligent about reducing litigation risks. This is particularly the case as many of the proposed rules prioritize speed over ensuring a fulsome review and testing of the parties’ respective positions.

Expect growing pains. The reality is that many of the litigation strategies that work under the current system won’t work under the proposed new system. Parties will have to develop new “playbooks”, strategies will have to be adapted, and all of that will take time.

The good news? It should be a level playing field as we collectively adjust to the new Rules and learn to navigate what will essentially be a brand new civil litigation system.