

CHECKLIST: Time-Sensitive Vacating Motions Referred to a Construction Lien Associate Judge

I. FILING MOTION MATERIAL

A. If Toronto Matter (No Existing Action)

- ☐ File vacating motion materials in searchable PDF format via the [Civil Submissions Online portal](#)

B. If There Is an Existing Court File

- ☐ Bring the motion in the existing action, even if it doesn't have a Toronto file number.
- ☐ If no action exists, leave file number blank; the court will assign one.

C. If Non-Toronto Action (Leave to Be Heard in Toronto)

- ☐ File materials by email only to:
Toronto.AssociateJudges.ConstructionLienMatters@ontario.ca
- ☐ Email subject and body must clearly state that the motion is in a non-Toronto action.
- ☐ After motion is heard, file all materials and endorsements at the originating courthouse.

! **Only urgent motions** or motions from **non-Toronto cases** asking to be heard in Toronto can be **filed by email** (see H.3.4.4). All other motions must be filed through the Civil Submissions Online portal.

II. MARK MOTION MATERIALS AS “URGENT” OR “TIME SENSITIVE”

Vacating orders are typically time-sensitive and parties are encouraged, as a matter of course, to submit vacating orders as “Urgent” or “Time-Sensitive” motions to the Construction Lien Associate Judges:

A. Toronto Matters (No Existing Action)

- ☐ After filing via the portal, email all motion materials as attachments to:
Toronto.AssociateJudges.ConstructionLienMatters@ontario.ca
- ☐ Subject line: “Urgent or “Time-Sensitive” Vacating Motion”

☐ Include confirmation of submittal through Civil Submissions

! If confirmation is missing, the motion may be rejected.

B. Non-Toronto Matters (With Leave to Be Heard in Toronto)

☐ Email the same address, with the same materials and subject line marked “Urgent” or “Time-Sensitive.”

III. INCLUDE EXPLANATION OF URGENCY

☐ All urgent or time-sensitive motions must include:

- An **explanation of the urgency** or time-sensitivity
- Any **pending dates** (e.g., closing, financing, etc.)

! Failure to include an urgency explanation may result in the motion being rejected.

IV. REQUIRED MATERIALS FOR THE MOTION RECORD

☐ Notice of Motion

- Clearly states the relief sought under s. 44 of the *Construction Act*

☐ Affidavit in support

- To provide “evidence supporting the relief sought” as required under H.4 of *Practice Direction*

☐ Copy of the Security

- High-quality colour scan preferred
- Filed as a separate document, even if included in the motion record
- If using lien bond or letter of credit, include all schedules with:
 - Visible signatures
 - Corporate seals (or printed name, title, and authority statement)

☐ A completed fiat in the usual form ([Sample Fiat](#))

*Based on the February 1, 2024, Notice to the Profession Toronto Region Practice Direction
H.3 Matters Properly Brought in Construction Lien Ex Parte Court*

- Should be filed separately, even if part of the motion record

☐ Draft Order ([Sample Order](#))

- Includes directions to the Accountant and conditions for the order to take effect
- Must be submitted in both PDF and Word format
- Should be filed separately, even if part of the motion record

☐ Executed Consent (if necessary)

- Should be filed separately, even if part of the motion record