

Counsel commencing class actions in Ontario should be aware of and should consider the following requirements that took effect as of October 1, 2020 under the *Class Proceedings Act, 1992*, its regulations, and the Consolidated Provincial Practice Direction:

- The class proceeding must be registered on the [National Class Action Database](#) administered by the Canadian Bar Association, including posting pleadings.ⁱ
- A dedicated case management judge is to be appointed by the Regional Senior Justice or a delegate who manages the regional class proceedings list. You should contact the [regional manager](#) to determine whether the appointment of your case management judge should be sought from the Regional Senior Justice or from a delegate.ⁱⁱ
- In the event the proceeding is a multijurisdictional proceeding that overlaps with proceedings initiated in other provinces, a Notification List must be created listing all known Counsel and Judges in other actions and their contact information. The Notification List must be brought to the first case conference.ⁱⁱⁱ
- Any subrogated claims that exist for the proceeding must be identified and, within 21 days of commencing the class proceeding, the originating process must be served on the entity that has the subrogated claim.^{iv}
- Section 29.1 of the *Class Proceedings Act* provides that the court shall, on motion, dismiss a proceeding for delay unless by the first anniversary of the day on which the proceeding was commenced, (or in the case of a class proceeding commenced prior to October 1, 2020, by October 1, 2021) one of the following steps has taken place:
 - the representative plaintiff has filed a final and complete motion record in the motion for certification;
 - the parties have agreed in writing to a timetable for service of the representative plaintiff's motion record in the motion for certification or for completion of one or more other steps required to advance the proceeding, and have filed the timetable with the court;
 - the court has established a timetable for service of the representative plaintiff's motion record in the motion for certification or for completion of one or more steps required to advance the proceeding; or
 - any other steps, occurrences or circumstances specified by the regulations to have taken place^{v, vi}.

ⁱ Consolidated Provincial Practice Direction, Part II: Proceedings under the Class Proceedings Act, 1992, A. Adoption of the Canadian Bar Association's 2018 Protocol for Multi-jurisdictional Class Actions, [s. 33](#); General, O Reg 497/20, [s. 1 \(2\) and \(4\)](#). (see

also Consolidated Provincial Practice Direction, Part II: Proceedings under the Class Proceedings Act, 1992, A. Adoption of the Canadian Bar Association's 2018 Protocol for Multi-jurisdictional Class Actions, [s. 33](#)).

ii Consolidated Provincial Practice Direction, Part II: Proceedings under the Class Proceedings Act, 1992, B. Dedicated Class Proceedings Judges, [s. 37](#).

iii Consolidated Provincial Practice Direction, Part II: Proceedings under the Class Proceedings Act, 1992, A. Adoption of the Canadian Bar Association's 2018 Protocol for Multi-jurisdictional Class Actions, [s. 35](#) (see also Class Action Judicial Protocol, [s. 4](#)).

iv [S. 27.3\(2\)](#), *Class Proceedings Act, 1992*, SO 1992, c 6 [CPA] and O Reg 498/20.

v [S. 29.1](#), CPA.

vi There have been a number of cases that have interpreted section 29.1 of the CPA. To ensure that an action is not dismissed for delay, a party will need to review those cases to understand the judicial interpretation of the section 29.1 requirements.