



# Ontario Justice Education Network

## Handout: The Jurisdiction of Ontario Courts

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For the purposes of the administration of justice within the Province of Ontario, there are three courts: the *Court of Appeal*, the *Superior Court of Justice* and the *Ontario Court of Justice*. Each court has a Chief Justice and an Associate Chief Justice.

Justices for the Court of Appeal and the Superior Court of Justice are appointed by the federal government. The provincial government appoints Justices and Justices of Peace of the Ontario Court of Justice. Justices of the Superior Court of Justice and the Ontario Court of Justice are normally addressed as "Your Honour." Justices of the Court of Appeal are normally addressed as "Justice." The more formal "My Lord, My Lady" are no longer used to address justice of any court in Ontario. Justices of the peace are addressed as "Your Worship."

### THE ONTARIO COURT OF JUSTICE

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The Chief Justice, the two Associate Chief Justices, and approximately 275 judges and 320 justices of the peace make up the Ontario Court of Justice. It is organized into seven geographic regions with a Senior Regional Justice and a Senior Justice of the Peace appointed for each region.

The Ontario Court of Justice exercises jurisdiction over trial matters involving family and criminal cases and matters under the Youth Criminal Justice Act. Currently the Ontario Court of Justice receives and disposes of over 95% of all criminal and youth criminal justice matters in Ontario.

#### *Ontario Court of Justice Judges Hear:*

**Criminal Matters:** All criminal matters are returnable to the Ontario Court for a first appearance. This court has jurisdiction to hear all criminal cases not involving juries or serious cases where the accused can choose to have the case heard by a judge sitting alone or with a jury. This court is often referred to as a specialty court when it comes to domestic violence. It hears cases involving domestic violence, spousal abuse, and assault on children. The Ontario Court of Justice hears all criminal trials involving all young persons, including applications to transfer serious charges to adult court.

**Family Court:** With the exception of divorces and property issues between partners, the Ontario Court, where there is no Unified Family Court, deals with all aspects of family law such as separation, custody and access and support issues. The Ontario Court also has jurisdiction to grant adoption. The Ontario Court has jurisdiction over all child protection dealing with the apprehension of children and determining the placement of such children.

The Ontario Court of Justice also presides over *Bail Court*, and *Youth Court*. Some Ontario Court of Justice courthouses include specialist criminal courts such as *Mental Health Court*, *Gladue Court*, and *Drug Treatment Court* (see chart above for more information).

## Justices of the Peace

Justices of the peace hear bail applications and prosecutions of provincial offences. Provincial offences include trespass, liquor licensing, traffic offences, dog owners' liability, parking and noise by-laws, and environmental protection.

## Appeals

The Ontario Court of Justice hears appeals from decisions of a Justice of the Peace involving trials under the *Provincial Offences Act*.

## THE SUPERIOR COURT OF JUSTICE

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The Chief Justice, the Associate Chief Justice, and approximately 295 other federally appointed judges make up the Superior Court of Justice plus a number of supernumerary judges. The Superior Court of Justice is subdivided into eight geographic regions with a Senior Regional Justice appointed for each region.

The Superior Court includes masters, who are authorized to hear many pre-trial procedural questions and who deal with specialized matters such as construction liens and bankruptcy. Masters are appointed by the provincial government.

The Superior Court of Justice exercises jurisdiction over civil and serious criminal cases. It has a Motions Court, which considers a multitude of interim matters such as injunctions, but does not conduct trials. A judge, or a judge and jury hear trials in the Superior Court.

In addition, the Superior Court of Justice has jurisdiction in specific areas:

- **Divisional Court:** Reviews of decisions of administrative tribunals such as school boards, police commissions and municipal boards are conducted by the Divisional Court by either a single judge or a panel of three judges. The Divisional Court also hears appeals from civil cases heard in the Superior Court of Justice involving payment of \$25,000 or less and appeals from Small Claims Court.
- **Family Court:** Family Court deals with divorce, separation, custody of children, support payments, and family property issues.
- **Small Claims Court:** This court deals with the resolutions of civil disputes involving claims of \$10,000 or less.



## COURT OF APPEAL FOR ONTARIO

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The Chief Justice, the Associate Chief Justice, and approximately 19 other judges plus a number of supernumerary judges, make up the Court of Appeal for Ontario.

This court sits in Toronto, in the historic courtrooms within Osgoode Hall. Its function is to rule on the correctness of “final” trial judgments, applications, and motions that have already taken place in lower courts. The court deals with a range of issues from analysis of the law relating to contracts, negligence, bankruptcy, criminal procedure, to issues of child custody, human rights and the application of the Canadian *Charter of Rights and Freedoms*. Normally, a panel of three judges listens to each appeal, although sometimes a panel is composed of five judges. There are no juries at the Court of Appeal. New evidence is rarely introduced, and there are normally no witnesses. The only material that is presented in the court is the transcript of the previous trial, the lawyers’ arguments



concerning the correctness of the previous judgment, and a record of other similar cases and judgments that lawyers may wish to use in support of their arguments. The court also hears appeals by or on behalf of inmates who are appealing their conviction and/or sentence.

Decisions of the court may be further appealed to the Supreme Court of Canada with leave (permission) of that court. However leave is rarely granted, and the Supreme Court of Canada hears only 25-30 Ontario appeals per year, compared to the more than 1200 decisions per year rendered by the Ontario Court of Appeal.