

The Nuts and Bolts of An Application

Civil Litigation/Young Lawyers Division



Webcast

Date: Wednesday, March 09, 2022 | 9:00 am to 11:30 am

Location: Webinar Only

Agenda:
9:00 am Program Commences
11:30 am Program Concludes



This program contains:
0hr 15m of Professionalism Content
2hr 15m of Substantive Content

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Applications can be an efficient alternative to an Action or a direct line to judicial review of a dispute. However, ensuring successful Applications require the effective management of affidavit evidence and skillful cross-examinations to build a robust, accurate and persuasive record for the court. Join us to sharpen your understanding on when and how to bring an Application, and hear insights from the bench on their insights into Application advocacy.

Program Chairs: **Sean Petrou**, McCarthy Tétrault LLP (Toronto)
Farhad Shekib, Ricketts Harris LLP (Toronto)

9:00 am Welcome and Opening Remarks

10:30 am Health Break

9:05 am **When to Bring an Application**

Moderator: Jessica Grant, McCague Borlack LLP (Toronto)
Vladimira Ivanov, Vladimira M. Ivanov Professional Corporation (Toronto)
Kenneth Jull, Gardiner Roberts LLP (Toronto)

- Application vs Action
 - Procedural differences
 - When to bring an application vs action
 - Counter-applications
 - Scheduling dates and urgent applications
- Drafting an effective Notice of Application
 - Differences between Notice of Application and Statement of Claim
 - Level of detail in a Notice of Application
 - Rule or statute relied on for orders sought

10:45 am **Views from the Bench: Practical Considerations in Bringing and Responding to Applications**

Moderator: Ranjan Das, Berkow Youd Lev-Farrell Das LLP (Toronto)

The Honourable Jessica Kimmel, Ontario Superior Court of Justice (Toronto)

The Honourable Fred Myers, Ontario Superior Court of Justice (Toronto)

- Drafting a persuasive factum
- Converting the Application into an Action
- Common issues and errors that arise on Applications
- Best practices in a virtual world
- Costs and without prejudice submissions
- Dealing with self-represented applicants or respondents

9:35 am **Evidence on Applications**

Moderator: Saba Ahmad, Saba Ahmad Barrister Professional Corporation (Toronto)
Joyce Tam, Thomas Gold Pettingill LLP (Toronto)
Chris Afonso, Stieber Berlach LLP (Toronto)

- Application record
- Drafting effective affidavits
- When, how and should you cross-examine
- Hearsay considerations
- Use of expert evidence on Applications
- Proper use of transcripts
- When and how is *viva voce* evidence used

11:30 am Closing Remarks

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Questions? pd@oba.org