



Superior Court of Justice Southwest Region

NOTICE TO THE PUBLIC AND THE PROFESSION

TO: Counsel and Litigants before the London Family Court

**FROM: Mr. Justice J. Paul R. Howard
Regional Senior Justice – Southwest Region**

DATE: March 19, 2026

RE: Rule 39/First Attendance Court in London Family Court

[1] I write to counsel and litigants in the Southwest Region appearing before the London Family Court to highlight some changes to the structure and schedule regarding the Rule 39 court in London Family Court that will be implemented as of March 31, 2026.

Background

[2] As of the date of writing, if a litigant commenced a new application in London Family Court in the third week of March 2026, their first attendance in Rule 39 court would not occur until July 2026. We recognize that this time-out period is far too long.

[3] Subrules 39(4) and (5) of the *Family Law Rules* provide as follows:

Fast track

(4) Applications to which this rule applies, except the ones mentioned in subrule (7), and motions to change a final order or agreement are fast track cases (subrules (5) and (6)).

Fast track — first court date

- (5) In a fast track case the clerk shall, on or before the first court date,
 - (a) confirm that all necessary documents have been served and filed;
 - (b) refer the parties to sources of information about the court process, alternatives to court (including mediation), the effects of separation and divorce on children and community resources that may help the parties and their children;
 - (c) if an answer has been filed in response to an application, or if a response to motion to change (Form 15B) or a notice of financial interest has been filed in a motion to change a final order or agreement under rule 15, confirm that the case is ready for a hearing, case conference or settlement conference and schedule it accordingly;
 - (d) if no answer has been filed in response to an application, send the case to a judge for a decision on the basis of affidavit evidence or, on request of the applicant, schedule a case conference; and
 - (e) if no response to motion to change (Form 15B), consent motion to change (Form 15C) or notice of financial interest is filed in response to a motion to change a final order or agreement under rule 15, send the case to a judge for a decision on the basis of the evidence filed in the motion.

[4] As contemplated by subrule 39(5) of the *Family Law Rules*, Rule 39 court is a clerk (or courtroom registrar)-led court that will process first appearance matters (in both applications and motions to change), confirming that all necessary documents have been served and filed, directing parties to information sources, scheduling case or settlement conferences, etc.

[5] At present, the Rule 39 court in London Family Court is presided over by a judge and is a combination of a first appearance court (akin to that contemplated by subrule 39(5)) and a To-Be-Spoken-To (TBST) court, primarily used for purposes of case management.

[6] However, our internal review of our processes indicates that, at times, as much as 80 percent of our Rule 39 court time is consumed with TBST matters. This has had a negative impact on our time-outs for actual first appearances in Rule 39 court.

Revisions to the Rule 39 court in London Family Court

[7] Accordingly, effective as of Tuesday, March 31, 2026, the Rule 39 court in London Family Court, scheduled for Tuesday of every week, will be restructured as follows:

- a) We will proceed to establish the clerk/courtroom registrar-led Rule 39 (R39) court, separate from the judge-led TBST court (JUDTBST).
- b) The R39 court before the clerk/courtroom registrar will commence at 9:30 a.m. on that Tuesday morning.

- c) The JUDTBST will be continued but will commence at 2:00 p.m. that same Tuesday afternoon.
- d) The JUDTBST will commence, as referenced, at 2:00 p.m., but at the outset of court, the clerk will deal with any adjournment requests in the absence of the presiding judge. That may mean that the presiding judge will not be called upon/requested to join the proceedings until, perhaps, 2:15 p.m. or 2:30 p.m. or whenever the clerk has dealt with the adjournment, etc., requests.
- e) In the morning session, the judge scheduled to preside over the afternoon JUDTBST will conduct conferences – either three (3) case conferences or two (2) settlement conferences or some combination of the two.
- f) Both the clerk/courtroom registrar-led R39 court and the judge-led TBST will, presumptively, be conducted by virtual (Zoom) hearing, subject to the direction of the presiding judge and/or Local Administrative Judge (LFCB). The presumptive connection particulars for each court are set out below.
- g) Again, to highlight, **the implementation date for these revisions to the schedule of the London Family Court is Tuesday, March 31, 2026.** Court management has given instructions to have the list scheduled for that day separated into the two dockets for the R39 court and the JUDTBST.

Benefits of the Revisions to the Rule 39 court in London Family Court

- [8] As with any significant revisions to an existing schedule or practice, one may safely assume that there will be some “bumps along the road” in the path of the rollout of the revisions. Accordingly, I extend the court’s gratitude, in advance, to the counsel and litigants appearing before the London Family Court as we rollout these improvements.
- [9] That said, I expect that these revisions will ultimately improve the public service provided by the London Family Court to its constituent families, litigants, and counsel in the following respects:
 - a) More closely align the practice of the London Family Court with the intent underlying subrule 39(5) of the *Family Law Rules*.
 - b) More closely align (externally) the practice of the London Family Court with the rest of the Province regarding the conduct of Rule 39/first attendance court.
 - c) More closely align (internally) the practice of the London Family Court within the Southwest Region (i.e., St. Thomas Family Court) regarding the conduct of Rule 39/first attendance court.

- d) Reduce the wait-time for a litigant commencing an application to get to their first attendance court date.
- e) Reduce the London Family Court’s time-outs for case conferences and/or settlement conferences. By increasing our capacity to conduct conferences in the Tuesday morning, we should be able to realize a significant annual increase in the number of conferences that can be held.

Logistics of the Transition

- [10] All matters currently scheduled for dates on or after the implementation-date of March 31, 2026, for the previous format of the Rule 39 court in London Family Court will be administratively divided, resulting in two separate courtroom dockets, one for the clerk/courtroom registrar-led R39 court and one for the JUDTBST
- [11] Accordingly, it is imperative that counsel and litigants before the London Family Court monitor the dockets, as you may have matters in both courts.
- [12] Subject to the direction of the local Trial Coordination office, it is anticipated that the following Zoom links will be used for the R39 court and the JUDTBST:

Rule 39 Court	TBST Court
9:30 a.m. – Clerk	2:00 p.m. – Judge
Join Zoom Meeting https://ca01web.zoom.us/j/62064452717?pwd=SHlwSHU5Q3MxRUyUjY2SyT6citiMzZ09	Join Zoom Meeting https://ca01web.zoom.us/j/66862970604?pwd=ZTBJRExMVzUvWCtiUUV3NmdaaTVBdz09
Alternative Method of Connecting 855 703 8985 Canada Toll-free Meeting ID: 620 6445 2717 Passcode: 845581	Alternate Method of Connecting 855 703 8985 Canada Toll-free Meeting ID: 668 6297 0604 Passcode: 385071

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