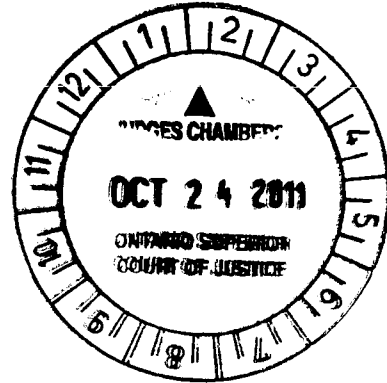


BY HAND

October 24, 2011

Hackland C.
Regional Senior Justice
Ontario Superior Court of Justice
161 Elgin Street
Ottawa, ON K2P 2K1



Dear Regional Senior Justice Hackland,

Re: Systemic abuse of the Rules of Procedure, Ottawa Registrar

After attempting to make the instant complaint to the Registrar at the Ottawa courthouse, the Registrar directed me to your office to best receive the matter.

The Registrar has informed me that Rule of Procedure 37.10.1 (1) is in practice systematically disregarded in Ottawa:

Confirmation of Motion

37.10.1 (1) A party who makes a motion on notice to another party shall,

- (a) confer or attempt to confer with the other party;
- (b) not later than 2 p.m. three days before the hearing date, give the registrar a confirmation of motion (Form 37B) by,
 - (i) sending it by fax, or by e-mail if available in the court office, or
 - (ii) leaving it at the court office; and
- (c) send a copy of the confirmation of motion to the other party by fax or e-mail.
O. Reg. 14/04, s. 19; O. Reg. 438/08, s. 36.

in that (i) there are no penalties or constraints imposed by the Registrar on lawyers who disregard the rule (in particular 37.10.1 (1)(a)) and (ii) this disregard is systemically accommodated by the Registrar by allowing confirmation-of-motion “counter-notices” to be faxed or delivered to the Registrar after the deadline foreseen by Rule 37.10.1 (1)(b).

This constitutes an erosion of the Rule and leads to a downward slope with insufficient protection against potential abuse, especially regarding self-represented defendants such as myself.

This is all the more of concern in that the *de facto* rule is not communicated on any web site or publication and is not readily communicated by the Registrar or anyone else to self-represented defendants.

In addition, in my limited experience (four motions served onto me, three motion hearings), there appears to be a practice or culture among Masters and Judges to disregard or minimize abuses of Rule 37.10.1 (1) which are reported during motion hearings.

In my own on-going case, Rule 37.10.1 (1)(a) was consecutively disregarded (on four motions) and the motion-confirmation always sent to me by the moving counsel after the deadline foreseen by Rule 37.10.1 (1)(b), despite my protests to the counsel for the moving party.

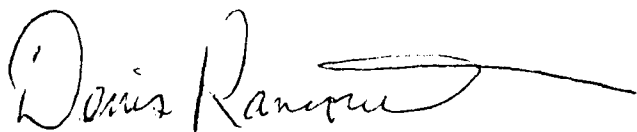
This and the Court's response to my expressed objections at hearings led me to enquire with the Registrar but even this enquiry in person was somewhat like pulling teeth.

Likewise, it would be convenient and more equitable to self-represented persons if motion-notices could be sent by email to a specific email address for motion notices, rather than only allowed by fax or in person.

I believe that the present practice in Ottawa regarding motion confirmations, (that is, the systemic disregard for Rule 37.10.1 (1) by the Registrar and the Court) is harmful to the integrity of the administration of justice, offers an insufficient barrier against abuse, and is unfair to self-represented persons. Not to mention the accompanying lack of communicating the actual practice.

Please inform me of your response and of anything else I can do to help in this matter. Please acknowledge the present letter.

Sincerely,

A handwritten signature in black ink that reads "Denis Rancourt". The signature is written in a cursive style with a long, sweeping horizontal line extending to the right from the end of the name.

Dr. Denis Rancourt
(Self-represented defendant)

Cc: Registrar, Ottawa courthouse