



An orderly, as opposed to chaotic, civilized democratic society requires a system of law that works for, and is seen as working for, the citizens of that society. The citizens need to perceive that the justice system is able to function so to ensure that genuine truth can be revealed and the application of law to that truth will occur.

Unfortunately, as stated in *Hryniak v. Mauldin*, [\[2014\] 1 S.C.R. 87](#), obtaining the opportunity to obtain, or receive, a genuinely fair hearing and application of the law is becoming more and more difficult in Canada:

[1] Ensuring access to justice is the greatest challenge to the rule of law in Canada today. Trials have become increasingly expensive and protracted. Most Canadians cannot afford to sue when they are wronged or defend themselves when they are sued, and cannot afford to go to trial. Without an effective and accessible means of enforcing rights, the rule of law is threatened. Without public adjudication of civil cases, the development of the common law is stunted.

[2] Increasingly, there is recognition that a culture shift is required in order to create an environment promoting timely and affordable access to the civil justice system. This shift entails simplifying pre-trial procedures and moving the emphasis away from the conventional trial in favour of proportional procedures tailored to the needs of the particular case. The balance between procedure and access struck by our justice system must come to reflect modern reality and recognize that new models of adjudication can be fair and just.

In effort of making access to justice available for Canadians, the system of justice itself is undergoing remodeling with 'summary processes' that attempt to reduce the volume of red tape, among other things, that impair the affordability of the representation that affects the capacity for many average Canadians to afford, and thereby access, justice.

Additional Information Resources

- ▶ [The Canadian Bar Association](#)
- ▶ [Government of Canada, Department of Justice](#)
- ▶ [Canadian Forum on Civil Justice](#)
- ▶ [The Action Group on Access to Justice](#)
- ▶ [Law Commission of Ontario](#)
- ▶ [Government of Ontario](#)