

The process around online serving through email or social media, substitute service and for dispensing with service is set out in the Ontario *Rules for Civil Procedure* s. 16.04, O'Connor notes.

"Motions around substitute service or dispensing of service happen all the time," she says.

With a motion to dispense of service, the defendant is still going to have to defend the allegations set out in the lawsuit, O'Connor says.

"So if they fail to file a defence, they could be in default and the plaintiff could file a motion for a summary judgment against them," she explains. "And if the judge grants a summary judgment, then you've got an order that you could try to enforce.

"It's not in the defendant's best interest not to respond to a statement of claim."

O'Connor does note that a person who is in default could bring a motion to set aside the default and the courts often grant such requests.

"The test to have a default set aside is whether they knew about it and how soon after that they tried to rectify it," she says.