



THE NUNAVUT COURT OF JUSTICE

PRACTICE DIRECTIVE #16

PROOF OF SERVICE REQUIREMENTS FOR CIVIL CHAMBERS

Explanatory Note:

The lists for Civil chambers throughout Nunavut are often cluttered with applications having no proof of service upon a respondent or defendant. These matters are routinely adjourned on the date set for hearing because the applicant is unable to prove service. The Judges of this Court review all matters set for hearing in advance of the hearing date. Much time is being needlessly spent on reviewing files that are not proceeding to a hearing.

Effective February 1st 2010, proof of service must be filed no later than three clear business days before the date set for hearing unless all parties through their solicitors have indicated in writing to the Clerk that formal proof of service is being waived. The Civil Registrar is directed to automatically strike from the Chambers list any matter for which there is no proof of service filed in accordance with this directive.

Where counsel have not received formal proof of service from a process server, but have reliable information to the effect that the documents have been served, counsel may file a memorandum with the Clerk of the Court to avoid the matter being stuck from the list. The memorandum must outline the circumstances behind the missing proof of service and the source of counsel's information and belief that the documents have been served. This memorandum must be filed no later than three clear business days before the date set for hearing.

Matters that are struck from the list may be set for hearing by counsel at the next available date at that circuit point, or in Iqaluit chambers in the event the matter is urgent. A memorandum must be filed by counsel outlining their request and the reasons for it.

Issued this 21st day of December 2009_at the direction of the Judges of the Nunavut Court of Justice.

Mr. Justice R. Kilpatrick

Mr. Justice E. Johnson

Mr. Justice N. Sharkey