

SUPREME COURT OF YUKON

PRACTICE DIRECTION # 45

Certificates of Pending Litigation

Rule 57(4) refers to a person filing a certificate of pending litigation in a foreclosure proceeding. A certificate is also referred to in the *Builders Lien Act* and the *Miners Lien Act*. The following shall govern the filing and setting aside of certificates of Pending Litigation in the Land Titles Office and in the office of the Mining Recorder:

1. Where an action is commenced in which an interest or estate in land or a mining claim is in question, the Clerk may issue a certificate of pending litigation in Form 117.
2. A party who seeks a certificate of pending litigation shall include, in the pleading that commences the action, a claim for it with a description of the land or mining claim in question sufficient, for the purpose of registration in a Land Titles Office to identify the land, or in an office of the Mining Recorder to identify the claim.
3. A certificate of pending litigation shall be served with the originating document in the action on all parties to the action.
4. A person affected by the issuance or registration of a certificate of pending litigation may apply to the Court, on notice, for an order setting aside the certificate or discharging the registration of the certificate.
5. On an application under paragraph 4, the Court may make such order as it considers just, including giving directions for the summary determination of any issue relating to the issuance or registration of the certificate.
6. The clerk shall issue, without an order, a certificate in Form 118 setting aside a certificate of pending litigation on the discontinuance of the action in which the certificate was issued.

Forms 117 and 118 are attached.

Veale J.
July 28, 2009

SUPREME COURT OF YUKON

Between

Plaintiff/ Petitioner

and

Defendant/ Respondent

CERTIFICATE OF PENDING LITIGATION

I certify that in this action commenced on the _____ day of _____, 20__, a claim is made in respect of lands and premises (or mining claim) described as follows:

Lot # _____

Claim # _____

Claim Name _____

Yukon, Plan # _____

Mining District _____

Given under my hand and seal at Whitehorse, Yukon this _____ day of _____, 20__.

Clerk of the Court

SUPREME COURT OF YUKON

Between

Plaintiff/ Petitioner

and

Defendant/ Respondent

WITHDRAWAL OF CERTIFICATE OF PENDING LITIGATION

The Certificate of Pending Litigation filed in this proceeding on _____ and registered at the Land Titles Office on _____, under registration # _____ with respect to lands and premises described as follows is withdrawn:

Or

The Certificate of Pending Litigation filed in this proceeding and registered at the office of the Mining Recorder, at _____, Yukon, on claim # _____, under registration # _____ is withdrawn.

Dated _____

Party [or party's lawyer]