

RULE 12 – SUBSTITUTED SERVICE

Court may order substituted service

- (1) Where for any reason it is impractical to serve a document as set out in Rule 11, the court may order substituted service, whether or not there is evidence that the document will probably reach the person to be served or will probably come to the person's attention or that the person is evading service.

How substituted service effected

- (2) Substituted service of a document is effected by taking the steps that the court has ordered to bring the document to the attention of the person to be served and filing the Affidavit of Substituted Service in Form 7A.

Service of order required

- (3) Unless otherwise ordered, a copy of the order for substituted service of a document shall be served with the document, except in the case of an order for substituted service by advertisement, in which case the advertisement shall contain a reference to the order.

Substituted service at residence without order

- (4) [repealed by O.I.C. 2022/168]

Effective date of service

- (5) A document served under subrule (3) is deemed to be served on the same day of the week, in the calendar week following mailing, as the day of the week on which the document was mailed or, if that day is a Saturday or holiday, on the next day that is not a Saturday or holiday.

Affidavit

- (6) [repealed by O.I.C. 2022/168]

Substituted service by mail without order

- (7) [repealed by O.I.C. 2022/168]

Effective date of service

- (8) [repealed by O.I.C. 2022/168]

Affidavit

- (9) [repealed by O.I.C. 2022/168]

Limits on substituted service without order

(10) [repealed by O.I.C. 2022/168]

If document does not reach person

(11) Even though a document has been served in accordance with this rule, a person may show, on an application to set aside the consequences of default, on an application for an extension of time or on an application in support of a request for an adjournment, that the document:

(a) did not come to the person's notice; or

(b) did come to the person's notice at a time later than when it was served or effectively served.