

## **RULE 3 – TIME**

### **Definitions**

“holiday” means Sunday, New Year’s Day, Heritage Day, Good Friday, Easter Monday, Victoria Day, National Indigenous Day, Canada Day, Discovery Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day.

### **Computation of time**

- (1) Unless a contrary intention otherwise appears, the computation of time under these rules or in an order of the court is governed by the following provisions:
  - (a) if a period of less than 7 days is prescribed by these rules or the order, holidays shall not be counted;
  - (b) service or delivery of documents effected after 4 p.m. shall be deemed to have been effected on the next day that is not a Saturday or holiday.

### **Extending or shortening time**

- (2) The court may extend or shorten any period of time provided for in these rules or in an order of the court, notwithstanding that the application for the extension or the order granting the extension is made after the period of time has expired.
- (3) The period fixed by these rules or an order for serving, delivering, filing or amending a pleading or other document may be extended by consent.

### **Short notice applications**

- (4) Without limiting subrule (2),
  - (a) in case of urgency, the court may
    - (i) order that an application be heard in chambers on short notice,
    - (ii) fix the date and time for the application to be heard,
    - (iii) fix the date and time before which service of or delivery of documents must be made, and
    - (iv) give such other directions as may be appropriate, and
  - (b) if an order is made under paragraph (a), the time limits provided in Rules 10 and 47 and the provisions of Rule 48 do not apply to the application.

### **Form of applications**

- (5) If an application is made for an order under subrule (4)(a),

- (a) the application may be made by requisition, without notice, and in a summary way, and
- (b) the provisions of Rule 48 do not apply to the application.

**Notice of intention to proceed after delay of one year**

- (6) In a proceeding, excluding a family law or *Divorce Act*, R.S.C. 1985, c. 3 (2nd Supp.), proceeding, where judgment has not been obtained and no step has been taken for one year, no party shall proceed until
  - (a) the expiration of 28 days after service of Notice of Intention to Proceed in Form 24 on all other parties of record, and
  - (b) a copy of the notice and proof of its service has been filed.

**Attendance**

- (7) Attendance on an appointment for discovery under Rule 27(14) before a certified reporter within 30 minutes following the time fixed for the appointment is a sufficient attendance.