

RULE 31 – ADMISSIONS

Notice to admit

- (1) At any time after the close of pleadings, a party may, by delivery of a Notice to Admit in Form 27, request any party of record to admit, for the purposes of the proceeding only, the truth of a fact or the authenticity of a document specified in the notice.

Effect of notice to admit

- (2) Unless the court otherwise orders, the truth of a fact or the authenticity of a document specified in the Notice to Admit shall be deemed to be admitted, for the purposes of the proceeding only, unless, within 60 days, the party receiving the notice delivers to the party giving the notice a written statement that:
 - (a) specifically denies the truth of that fact or the authenticity of that document;
 - (b) sets forth in detail the reasons why the party cannot make the admission; or
 - (c) states that the refusal to admit the truth of that fact or the authenticity of that document is made on the grounds of privilege or irrelevancy or that the request is otherwise improper, and sets forth in detail the reasons for the refusal.

Copy of document to be attached

- (3) Unless the court otherwise orders, a copy of a document specified in a notice to admit shall be attached to the notice when it is delivered.

Unreasonable refusal to admit

- (4) Where a party unreasonably denies or refuses to admit the truth of a fact or the authenticity of a document, the court may order the party to pay the costs of proving the truth of the fact or the authenticity of the document and may award as a penalty additional costs, or deprive a party of costs, as the court thinks just.

Withdrawal of admission

- (5) A party is not entitled to withdraw:
 - (a) an admission made in response to a notice to admit;
 - (b) a deemed admission under subrule (2); or
 - (c) an admission made in a pleadingexcept by consent or with leave of the court.

Application for order on admissions

(6) An application for judgment or any other application may be made to the court using as evidence:

(a) admissions of the truth of a fact or the authenticity of a document made

(i) in an affidavit or pleading filed by a party;

(ii) in an examination for discovery of a party or a person examined for discovery on behalf of a party; or

(iii) in response to a notice to admit; or

(b) admissions of the truth of a fact or the authenticity of a document deemed to be made under subrule (2),

and the court may, without waiting for the determination of any other question between the parties, make any order it thinks just.