

RULE 8 – STATEMENT OF CLAIM

Statement of Claim

- (1) Except where otherwise authorized by a statute, regulation or these rules, every proceeding in the court shall be commenced by filing a statement of claim.

Form

- (2) A Statement of Claim shall be in Form 1 and:
 - (a) state the proposed place of trial, if other than Whitehorse;
 - (b) if applicable, state the date for the case management conference as required by Rule 1(7); and
 - (c) be as brief as the nature of the case will permit and not plead conclusions of law unless the material facts supporting those conclusions are pleaded.

Specific relief

- (3) A statement of claim must state the specific relief which the plaintiff claims and may ask for relief in the alternative.

Service

- (4) Subject to Rule 13, a statement of claim may be served within or outside Yukon.

Representative capacity

- (5) If the plaintiff sues or a defendant is sued in a representative capacity, the statement of claim shall show in what capacity the plaintiff sues or defendant is sued.

Statement of claim to be signed

- (6) A statement of claim shall be signed by the plaintiff or by the plaintiff's lawyer.

Sealing of statement of claim

- (7) A statement of claim shall be sealed and dated by the clerk.

Clerk's copy of statement of claim

- (8) The plaintiff or the plaintiff's lawyer must leave the original statement of claim with the clerk or, if the statement of claim is transmitted by fax to the registry for filing, the plaintiff or the plaintiff's lawyer must provide the original statement of claim to the clerk promptly.

Procedure on filing statement of claim

- (9) After a statement of claim is filed under this rule, the clerk is to number the action commenced by the statement of claim and enter the names of the parties in an index.

Lost statement of claim

- (10) If a statement of claim has been lost, the court, on being satisfied of the loss and the correctness of a copy of the statement of claim, may order that the copy be filed and stand in the place of the originally filed statement of claim.

Application to petition

- (11) Subrules (4) to (10) apply to a petition.

Commencement of proceeding

- (12) No proceeding may be commenced by a lawyer who is not an active member of the Law Society of Yukon or in possession of a certificate of permission to act in the proceeding.