

## SUPREME COURT OF YUKON

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PRACTICE DIRECTION  
CIVIL-9

*Certificates of Pending Litigation*

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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*, *Land Titles 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:

- 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.
- 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 the Office of the Mining Recorder to identify the claim.
- A certificate of pending litigation shall be served with the originating document in the action on all parties to the action.
- 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.
- 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.
- The clerk shall issue, without an order, a Withdrawal of Certificate of Pending Litigation in Form 118 at the request of the party who sought it.

Duncan C.J.  
October 13, 2022