

# RULES OF COURT and APPENDICES

<b>Rule 1</b>	<b>Introduction and Definitions</b>	<b>Rule 5</b>	<b>Multiple claims and Parties</b>
(1)-(3)	Citation	(1)	Multiple claims
(4)	Application	(2)-(5)	Multiple parties
(5)	Practice Directions	(6)-(7)	Separation
(6)	Object of rules	(8)	Consolidation
(7)	Mandatory Case Management	(9)	Misjoinder or nonjoinder of parties
(8)	Case Management	(10)	<i>Carriage by Air Act</i> (Canada)
(9)	Delay of Proceeding	(11)-(12)	Representative proceeding
(10)-(10.2)	Appearance Day	(13)	Enforcement of order made in representative proceeding
(11)	Interpretation	(14)-(16)	Representation of interested person who cannot be ascertained
(12)	Titles and headings	(17)-(18)	Representation of beneficiaries by trustees
(13)	Definitions	(19)-(20)	Representation of deceased person interested in a proceeding
(14)	Waiver of rule	(21)	Declaratory order
(15)	Orders on terms and conditions	(22)	Conduct of a proceeding
(16)	Petitions and applications		
(17)	Statute or regulation of Canada		
(18)	Transition		
(19)	Directions		
(20)	Fees		
<b>Rule 2</b>	<b>Effect of Non-Compliance</b>	<b>Rule 6</b>	<b>Persons under Disability</b>
(1)-(3)	Non-compliance with rules	(1)	Interpretation
(4)	Application to set aside for irregularity	(2)-(4)	Commencement of proceedings by person under disability
(5)-(6)	Consequences of certain non-compliance	(5)	Litigation guardian
(7)	Dismissal for want of prosecution	(6)	Consent of litigation guardian
(8)-(9)	Want of prosecution	(7)	Certificate of fitness
<b>Rule 3</b>	<b>Time</b>	(8)	Party becoming incompetent
	Definitions	(9)	Removal of litigation guardian
(1)	Computation of time	(10)	Party attaining age of majority
(2)-(3)	Extending or shortening of time	(11)	Effect of filing affidavit
(4)	Short notice applications	(12)-(14)	Step in default
(5)	Form of applications	(15)-(15.1)	Compromise by person under disability
(6)	Notice of intention to proceed after delay of one year	(16)	Approval of compromise
(7)	Attendance	<b>Rule 7</b>	<b>Partnerships</b>
<b>Rule 4</b>	<b>Forms and Address for Delivery</b>	(1)	Partners may sue or be sued in firm name
(1)	Forms	(2)	Service on firm
(2)-(3)	Documents	(3)	Appearance
(4)	Space for stamp	(4)-(5)	Affidavit naming partners
(5)	Style of proceeding	(6)-(9)	Execution against partnership or partners
(6)	Signature and dating	(10)	Action against person carrying on business in a name other than the person's own
(7)	Address for delivery	<b>Rule 8</b>	<b>Statement of Claim</b>
(8)	Required address	(1)	Statement of Claim
(9)	Additional address	(2)	Form
(10)	Required address must be available for delivery of documents	(3)	Specific relief
(11)	Address must be in Yukon	(4)	Service
(12)	Change of address for delivery	(5)	Representative capacity
(13)	Failure to give address for delivery	(6)	Statement of claim to be signed
		(7)	Sealing of statement of claim
		(8)	Clerk's copy of statement of claim

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<b>Rule 8 (cont'd)</b>		(5)	Effective date of service
(9)	Procedure on filing statement of claim	(6)-(10)	[repealed, OIC 2022/168]
(10)	Lost statement of claim	(11)	If document does not reach person
(11)	Application to petition		
(12)	Commencement of proceeding		
<b>Rule 9 Renewal of statement of claim</b>		<b>Rule 13 Service outside Yukon</b>	
(1)	Renewal of original statement of claim	(1)-(2)	Service outside Yukon without order
(2)	Renewal of renewed statement of claim	(3)	Application for order to serve outside Yukon
(3)	Renewal of statement of claim	(4)	Applications may be made without notice
(4)	Application to petition	(5)	Service of order
		(6)	Time for appearance
		(7)	Time for appearance may be shortened
<b>Rule 10 Petition</b>		(8)	Where service without leave valid
(1)	Petition	(9)-(10)	Contract containing terms for service
(2)	Application by consent or if notice not required	(11)	Definition
(2.1)	Supporting affidavits to be filed	(12)	Manner of service abroad
(3)	Service	(13)	Proof of service abroad
(4)	Setting down for case management and for hearing	(14)	Forms
(5)	Response	(15)	Certificate
(6)	Time for Response		
(7)	Reply by petitioner	<b>Rule 14 Appearance</b>	
(8)	No additional affidavits	(1)	Filing of appearance
(9)	Conversion	(2)	Time for appearance
(10)	Applicable rules	(3)	Appearance after time for appearance
		(4)	Disputed jurisdiction
<b>Rule 11 Service and Delivery of Documents</b>		(5)	Application for stay
(1)	Service of statement of claim	(6)	Disputed process or service
(2)	How service effected	(7)	Powers of court pending resolution
(3)	Date of deemed service	(8)	Party does not submit to jurisdiction
(4)	Service on Government of Yukon		
(4.1)	Service on Government of Canada	<b>Rule 15 Change of parties</b>	
(5)	Service on a party of record	(1)-(2)	Party's death
(6)	How to deliver a document	(3)	Assignment or conveyance of interest
(7)	When delivery by mail is effective	(4)	Change or transmission of interest or liability
(8)	When delivery by fax or email is effective	(5)-(5.2)	Removing, adding or substituting party
(9)	If document does not reach person	(6)	Procedure where order made
(10)	Proof of service or delivery	(7)	Effect of order
(11)	Service of delivery acknowledged by lawyer	(8)-(9)	[repealed, OIC 2022/168]
(12)	Delivery where no address for delivery given		
(13)	Service on member of Canadian Armed Forces	<b>Rule 16 Change or withdrawal of lawyer</b>	
		(1)	Change of lawyer
<b>Rule 12 Substituted Service</b>		(2)	Order that lawyer has ceased to act
(1)	Court may order substituted service	(3)	Order on application of lawyer
(2)	How substituted service effected	(4)-(4.1)	Notice of withdrawal
(3)	Service of order required	(5)	Filing of objection
(4)	[repealed, OIC 2022/168]	(6)	Procedure where no objection filed
		(7)	Delivery of notice of withdrawal

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<b>Rule 16 (cont'd)</b>	(8) Delivery of documents after withdrawal	(10) Timing of preliminary application
	(9) Procedure where objection filed	(11) Judge not seized of application
	(10) Substituted service	(12) Judgment
	(11) Delivery of copy of order	(13) No further application without leave
		(14) Directions
		(15) Right to vary or set aside order
		(16) Order if jury notice filed
<b>Rule 17 Default of Appearance or Pleading</b>		<b>Rule 20 Pleadings Generally</b>
(1) Default in filing of appearance		(1)-(4) Contents
(2) Filings required		(5) Form
(3) Default in filing and delivering a statement of defence		(6) Matters arising since commencement
(4) Filings required		(7) Inconsistent allegations
(5)-(6) Claim for debt or liquidated demand		(8) Alternative allegations
(7) Claim for unliquidated damages		(9) Objection in point of law
(8) Claim for detention of goods		(10) Pleading conclusions of law
(9) Multiple claims		(11) Status admitted
(10) Application to judge		(12) Where particulars necessary in pleading
(11) No defence to part of claim		(13) [repealed, OIC 2022/168]
(12) No execution on default judgment where there is a counterclaim		(14) Particulars in libel or slander
(13) Judgment in other claims		(15) Set-off or counterclaim
(14) Default by one of several defendants		(16) Filing and delivery of pleadings
(15) Method of assessment		(17) Pleading after the statement of claim
(16) Court may set aside or vary default judgment		(18) Order for particulars
(17) Alternative methods of assessment		(19)-(19.1) Demand for particulars
		(20) Demand for particulars not a stay of proceedings
		(21) Consequence if fact not responded to
<b>Rule 18 Summary Judgment</b>		(22) General denial sufficient except where proving different facts
(1) Application for summary judgment		(23) Substance to be answered
(2) Order for summary judgment		(24) Denial of contract
(3) Continuing proceedings after summary judgment		(25)-(25.1) Allegation of malice
(4) Summary judgment on counterclaim or third party proceeding		(26)-(29) Scandalous, frivolous or vexatious matters
(5) Setting aside or varying summary judgment		(30) [repealed, OIC 2022/168]
(6) Summary judgment for defendant		(31) General damages shall not be pleaded
(7) Order for summary judgment for defendant		
<b>Rule 19 Summary Trial</b>		<b>Rule 21 Statement of defence and counterclaim</b>
(1) Application for summary trial		(1) Form
(2) When application must be heard		(2) Damages
(3) Setting application for hearing		(3) Delivery
(4) Evidence on application		(4)-(5) Counterclaim
(5) Application of Rule 42		(6)-(9) Counterclaim against plaintiff and another person
(6) Application of Rule 34		(10) Defence to counterclaim
(7) Filings with application		(11) Separate trial of counterclaim
(8) Notice of evidence to be used on application		(12) Where action stayed or discontinued
(9) Preliminary orders		(13) Judgment

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### **Rule 21 (cont'd)**

- (14) Payment into court when tender pleaded
- (15) Costs where defence of tender successful
- (16) Acceptance of money paid into court
- (17) Tender in defamation action

### **Rule 22 Third Party Procedure**

- (1) Filing a third party notice
- (2) Contents of a third party notice
- (3) When leave is required
- (4) Application for leave
- (5) Service and delivery of a third party notice
- (6) Application to set aside notice
- (7) Appearance
- (8) Statement of defence
- (9) Reply
- (10) Default of appearance
- (11) Default of statement of defence
- (12) Relief
- (13) Statement of defence to statement of claim
- (14) Contribution or indemnity claimed under the *Contributory Negligence Act*
- (15) Apportionment of liability claimed under the *Contributory Negligence Act*
- (16) When statement of defence to third party notice not required
- (17) Application for directions
- (18) Third party procedure not to prejudice the plaintiff
- (19) Trial

### **Rule 23 Reply and Subsequent Pleadings**

- (1) Form
- (2) Delivery of reply
- (3) Pleading subsequent to reply
- (4) Statement of defence to counterclaim
- (5) Close of pleadings
- (6) Failure to reply
- (7) No joinder of issue

### **Rule 24 Amendment**

- (1) When amendment may be made
- (2)-(2.1) How amendment made
- (3) Service of amended pleading
- (4) Amendment at trial
- (5) Service or delivery of amended document

- (6) Time for appearance to amended originating process
- (7) Amendment consequent upon amendment
- (8) Failure to deliver Amended Statement of Defence

### **Rule 25 Discovery of Documents**

- (1)-(2) Interpretation
- (3) Disclosure
- (4) Production for inspection
- (5) Insurance policies
- (6)-(6.1) Affidavit or list of documents
- (7) Lawyer's certificate
- (8) Affidavit not to be filed
- (9)-(12) Inspection of documents
- (13) Documents to be taken to examination and trial
- (14) Court may order production
- (15) Court may inspect to determine claim of privilege
- (16) Court may excuse compliance
- (17) Copying of documents
- (18) E-Discovery
- (19) Delayed disclosure or production
- (20) Disclosure or production not admission of relevance
- (21) Where affidavit incomplete or privilege improperly claimed
- (22) Documents or errors subsequently discovered
- (23) Party may not use document
- (24) Failure to deliver affidavit or produce document
- (25)-(28) Production from non-parties with leave
- (29) Document deposited for safe-keeping

### **Rule 26 Use of Evidence Outside the Proceeding**

- (1)-(2) Application
- (3) Deemed undertaking
- (4)-(6) Exceptions
- (7) Order that undertaking does not apply

### **Rule 27 Examination for Discovery**

- (1) Leave of the court not required
- (2) Oral examination on oath
- (3)-(3.1) Examination of party adverse in interest
- (4) Examination of party that is not an individual
- (5)-(6) [repealed, OIC 2022/168]
- (7) Examination of partners

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| <p><b>Rule 27 (cont'd)</b></p> <ul style="list-style-type: none"> <li>(8) Examination of party for whose benefit action brought</li> <li>(9) Examination of assignor</li> <li>(10) Examination of person under a legal disability</li> <li>(11) Examination of bankrupt</li> <li>(12) Time</li> <li>(13) Place</li> <li>(13.1) Time limitation</li> <li>(13.2) Considerations of the court</li> <li>(14) Examination before reporter</li> <li>(15)-(16) Appointment</li> <li>(17) Delivery of notice</li> <li>(18) Production of documents</li> <li>(19) Examination and re-examination</li> <li>(20)-(21) Scope of examination</li> <li>(22) Objections</li> <li>(23) Refusal to answer</li> <li>(24) Failure to answer in accordance with request</li> <li>(25) Effect of counsel answering</li> <li>(26) Information subsequently obtained</li> <li>(27) How recorded</li> <li>(28) Application to persons outside Yukon</li> <li>(29) Insurance policies</li> </ul> <p><b>Rule 28 Pre-trial Examination of Witness</b></p> <ul style="list-style-type: none"> <li>(1) Order for</li> <li>(2) Expert</li> <li>(3) Affidavit in support of application</li> <li>(4) Notice of application</li> <li>(5) Subpoena</li> <li>(6) Notice of examination</li> <li>(7) Mode of examination</li> <li>(8) Application of examination for discovery rules</li> </ul> <p><b>Rule 29 Discovery by Interrogatories</b></p> <ul style="list-style-type: none"> <li>(1) Purpose</li> <li>(2) Service of and answer to interrogatories</li> <li>(3) Where a party is a body of persons</li> <li>(3.1) Powers of court</li> <li>(4) Timing of answer to interrogatories</li> <li>(5) Where more than one person to answer interrogatories</li> <li>(6) Objection to answer interrogatory</li> <li>(7) Insufficient answer to interrogatory</li> <li>(8) Application to strike out interrogatory</li> <li>(9)-(10) Delivery of interrogatories to lawyer</li> <li>(11) Continuing obligation to answer</li> </ul> | <p><b>Rule 30 Physical Examination and Inspection</b></p> <ul style="list-style-type: none"> <li>(1) Order for medical examination</li> <li>(2) Multi-disciplinary examinations</li> <li>(3) Subsequent examinations</li> <li>(4) Questions by examiner</li> <li>(5) Order for inspection and preservation of property</li> <li>(6) Entry upon land or buildings</li> <li>(7) Application to persons outside Yukon</li> </ul> <p><b>Rule 31 Admissions</b></p> <ul style="list-style-type: none"> <li>(1) Notice to admit</li> <li>(2) Effect of notice to admit</li> <li>(3) Copy of document to be attached</li> <li>(4) Unreasonable refusal to admit</li> <li>(5) Withdrawal of admission</li> <li>(6) Application for order on admissions</li> </ul> <p><b>Rule 32 Inquiries, Assessments and Accounts</b></p> <ul style="list-style-type: none"> <li>(1) Direction for inquiries, assessments or accounts</li> <li>(2) Certificate as to result</li> <li>(3) Report and recommendation</li> <li>(4) Application to vary or confirm recommendation</li> <li>(5) Time and place of hearing</li> <li>(6) Appointment</li> <li>(7) Witnesses</li> <li>(8) Certificate or recommendation to be filed and served</li> <li>(9) Party may file certificate</li> <li>(10) Opinion of the court</li> <li>(11) Accounts of executor, trustee, etc.</li> <li>(12) Special directions</li> <li>(13) Varying directions</li> <li>(14) Form of account</li> <li>(15) Particulars of errors in account</li> <li>(16) Notice of order</li> <li>(17) Dispensing with service</li> <li>(18) Person may apply to vary or rescind</li> <li>(19) Person may enter appearance</li> </ul> <p><b>Rule 33 Court Appointed Experts</b></p> <ul style="list-style-type: none"> <li>(1)-(2) Appointment by court</li> <li>(3) Directions to expert</li> <li>(4) Duty of expert</li> <li>(5) Contents of order appointing expert</li> <li>(6) Remuneration of expert</li> <li>(7) Security for remuneration</li> <li>(8) Report</li> <li>(9) Report filed as evidence</li> <li>(10) Further reports</li> </ul> |
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**Rule 33 (cont'd)**  
(11) Cross-examination of expert

(8) Settlement conference judge  
(9) Documents and briefs

**Rule 34 Evidence of own experts**

- (1) Application
- (2)-(3) Admissibility of written reports of expert opinion
- (4) Admissibility of oral testimony of expert opinion
- (5) Form of report
- (6) Production of documents
- (7) Proof of qualifications
- (8) Admissibility of evidence
- (9) Notice of trial date to expert
- (10)-(11) Demand to cross-examine
- (12) Costs of cross-examination
- (13)-(14) Notice of objection to expert evidence
- (15)-(16) Dispensing with statement
- (17) Time
- (18) Experts to confer
- (19) Lawyers not to attend
- (20) Court may make directions
- (21) Delivery of statement
- (22) Privilege
- (23) Duty of expert
- (24) Advice and certification

**Rule 35 Stated Case**

- (1) On consent
- (2) By order
- (3)-(4) Stated case from tribunal
- (5) Notice of hearing of stated case
- (6) Hearing
- (7) Powers of Court
- (8) Order after hearing

**Rule 36 Case Management Conference**

- (1) Mandatory for self-represented plaintiffs/petitioners
- (2)-(2.1) By request
- (3) By order
- (4) Agenda
- (5) Applications
- (6)-(6.2) Order following conference
- (7) Case management judge may preside

**Rule 37 Judicial Settlement Conference**

- (1) By order
- (2) Agenda
- (3)-(4) Procedure
- (5) Disclosure of settlement offers
- (6) Without prejudice
- (7) Recording
- (7.1) Orders

**Rule 38 Discontinuance and Withdrawal**

- (1) Discontinuance by plaintiff
- (2)-(3) Application
- (4) Withdrawal by defendant
- (5)-(8) Costs and default procedure on discontinuance or withdrawal
- (9) Discontinuance not a defence

**Rule 39 Offer to settle**

- (1) Definitions
- (2) Where available
- (3) Money settlement
- (4)-(5) Application
- (6)-(7) Time for making offer
- (8) Withdrawal of offer
- (9) Expiry of offer
- (10) Counter offer
- (11) No disclosure to court
- (12) Offer not admission
- (13)-(14) Acceptance of offer
- (15) Acceptance must be unconditional
- (16) Stay of proceedings
- (17)-(18) Payment into court as condition of offer or acceptance
- (19) Payment out of court
- (20) Failure to comply with conditions
- (21) Order on acceptance
- (22) Costs on acceptance
- (23) Costs on acceptance of offer in family law proceeding
- (24) Consequences of failure to accept plaintiff's offer to settle a monetary claim
- (25) Consequences of failure to accept defendant's offer for monetary relief
- (26) Consequences of failure to accept plaintiff's offer for non-monetary relief
- (27) Consequences of failure to accept defendant's offer for non-monetary relief
- (28) Consequences of failure to accept offer in family law proceeding
- (29) Exception
- (30) Interpretation
- (31) Burden of proof
- (32) Multiple plaintiffs
- (33) Multiple defendants
- (34) Counter claims and third party claims
- (35) Parties under disability
- (36) *Fatal Accidents Act*
- (37)-(38) Defamation actions

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<b>Rule 39 (cont'd)</b>		(5)	Transcript for the court
(39)-(40)	Costs in cases within small claims jurisdiction	(6)	Use of recording device
(41)-(42)	Settlement offer may be delivered	(7)	Failure to prove a material fact
(43)	Application of subrules (10 to (12)	(8)-(9)	No evidence application
		(10)-(11)	Insufficient evidence application
		(12)	Notice to produce
<b>Rule 40 Depositions</b>		(13)	Numbering exhibit pages
(1)	Examination of person	(14)	Opportunity to inspect exhibit
(2)	Grounds for order	(15)	Registry to take charge of exhibits
(3)	Subpoena	(16)	Adverse party as witness
(4)	Place of examination	(17)	Notice to call adverse party as witness
(5)	Application of rule outside Yukon	(18)	Exceptions
(6)	Where person willing to testify	(19)	Application to set notice aside
(7)	Where person not willing to testify	(20)	Court may make order
(8)	Letter of request	(21)	"Adverse party" defined
(9)	Filing of undertaking	(22)	Refusal to comply with notice
(10)	Notice of examination	(23)	Adverse party as witness may be cross-examined
(11)	Mode of examination	(24)	Examination of witnesses
(12)	Objection to question	(25)	Any party may contradict testimony
(13)	Recording of deposition evidence	(26)	Use of deposition evidence
(14)	Perpetuating testimony	(27)	Proof of deposition evidence
		(28)	Deposition to be given in full
<b>Rule 41 Trial</b>		(29)	Use of discovery evidence
(1)	Application	(30)	Discovery evidence of person under legal disability
(2)	Request for trial date	(31)	Transcript of discovery evidence
(3)-(5)	Notice of trial	(32)	Use of pre-trial examination of a witness
(6)	Place of trial	(33)	Objection to transcript evidence at trial
(7)	Time of trial	(34)	Custody of transcripts
(8)	Court may adjourn trial date, etc.	(35)	Use of interrogatories at trial
(9)	Duty to inform trial coordinator	(36)	Form of subpoena
(10)-(10.1)	Trial record for the court	(37)	Party may prepare and serve subpoena
(11)	Powers of clerk respecting trial records	(38)	Subpoena not to be filed or sealed
(12)	Trial record documents to be marked	(39)	Service of subpoena
(13)	Filing and delivery of trial record	(40)	Fees to accompany subpoena
(14)	Amended trial record	(41)	Production of documents and physical objects
(15)	Direction as to trial record	(42)	Order for attendance of witness in custody
(16)	Failure to file	(43)	Failure of witness to attend, etc.
(17)	Trial without jury generally	(44)	Order setting aside subpoena
(18)	Trial of one question before others	(45)	Clerk to note time of trial
(19)	Trial by different modes of trial	(46)	Affidavit evidence
(20)	Calculation of amount by officer of the court	(47)	Copy of affidavit must be furnished
(21)	Failure of all parties to appear at trial	(48)	Cross-examination
(22)	Failure of one party to appear at trial	(49)	Court may extend or abridge time to require witness attendance
(23)	Court may set aside judgment	(50)-(51)	Contents
		(52)	Costs where attendance unnecessary
<b>Rule 42 Evidence and Procedure at Trial</b>		(53)	Evidence of particular facts
(1)	Application		
(2)	Witness to testify orally		
(3)	Court may vary order		
(4)	Use of transcript of other proceedings		

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### **Rule 42 (cont'd)**

- (54) Order of speeches
- (55) Court may make order respecting submissions
- (56) Return of Exhibits
- (57) Disposal of exhibits after final disposition
- (58) Notice respecting disposal of exhibits before final disposition
- (59) Disposal of exhibits before final disposition
- (60) If exhibit disposed of
- (61) If exhibit destroyed

### **Rule 43 Orders**

- (1) No application for judgment necessary
- (2) Drawing and approving orders
- (3) Form of order
- (4) Endorsement of order on application sufficient in certain cases
- (5) Order granted conditionally on document to be filed
- (6) Waiver of order obtained upon condition
- (7) Effect and form of orders
- (8) Date of order
- (9)-(9.1) Requirement of consent order
- (10) Application by consent
- (11) Application by consent if party under a legal disability
- (12) Consent order
- (13) Application of which notice is not required
- (14) Referral by clerk
- (15) Disposition of referred applications
- (16) Settlement of orders
- (17) Appointment to settle
- (18) Party failing to attend on appointment to settle
- (19) Review of settlement
- (20) Clerk may draw order
- (21) Special directions for carriage, entry or service
- (22) Correction of orders
- (23) Case file to be kept by clerk

### **Rule 44 Enforcement of Orders**

- (1) Order to pay money
- (2) Order for recovery of personal property or land
- (3) Appointment of receiver
- (4) Production of order before execution
- (5) Endorsement of writ

- (6) Issue of writ of execution where order to pay money within a period
- (7) Issue of writ of execution
- (8) Term and renewal of writ of execution
- (9) Enforcement costs
- (10) Separate writs for costs
- (11) Judgment for recover of property other than land
- (12) Acknowledgment of payment
- (13) Order that judgment has been paid
- (14) Stay of execution
- (15) Application for directions
- (16) Judgment summons
- (17) Order of commitment
- (18) Debtor to be brought before court
- (19) Application to set aside or vary order
- (20) Payment of debt
- (21) Requisition for discharge
- (22) Liability imposed by order

### **Rule 45 Examination in aid of execution**

- (1) Examination of debtor
- (2) Examination of corporate, partnership or firm debtor
- (3) Limitation
- (4) Examination of person other than debtor
- (5) Order in certain cases
- (6) Application of examination for discovery rules
- (7) Use of examination
- (8) Costs

### **Rule 46 Sales by the Court**

- (1) Court may order sale
- (2) Sale in debenture holder's proceeding
- (3) Conduct of sale
- (4) Directions for sale
- (5) Application for directions
- (6) Certificate of sale
- (7) Vesting order

### **Rule 47 Applications**

- (1)-(1.1) How an application must be brought
- (2) An application by consent or if notice not required
- (3) Notice of application
- (4) More than one matter may be included
- (5) Service or delivery
- (6)-(6.1) Response
- (7) Reply by applicant

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| <p><b>Rule 47 (cont'd)</b></p> <ul style="list-style-type: none"> <li>(8) No additional affidavits</li> <li>(9) Place of hearing of application</li> <li>(10) Appearance at hearing</li> <li>(11)-(12) Application for directions</li> </ul> <p><b>Rule 48 Setting down application for hearing</b></p> <ul style="list-style-type: none"> <li>(1) Application of this rule</li> <li>(2) Definitions</li> <li>(3) Setting application for hearing</li> <li>(4) Date and time if hearing time less than 30 minutes</li> <li>(5) Date and time if hearing time more than 30 minutes</li> <li>(6) Time for filing and delivery of notice of hearing</li> <li>(7) Documents to be filed with the notice of hearing if application is without notice</li> <li>(8) Documents to be filed with the notice of hearing if application is by consent, unopposed or estimated to take not more than 30 minutes</li> <li>(9) Documents to be filed by respondent if application is opposed</li> <li>(10) Procedure if the application is estimated to take more than 30 minutes</li> <li>(11) If respondent's application is to be heard at the hearing</li> <li>(12) Chambers record to be returned</li> <li>(13) May apply for directions</li> </ul> <p><b>Rule 49 Affidavits</b></p> <ul style="list-style-type: none"> <li>(1) Affidavit to be filed</li> <li>(1) Form and content of affidavit</li> <li>(3) Identifying affidavits</li> <li>(4) Making affidavit</li> <li>(4.1)-(4.2) Identification of notary public or other person receiving an affidavit</li> <li>(5) Reference to oath in affidavit or exhibit</li> <li>(6) Jurat where deponent unable to read</li> <li>(7) Interpretation to deponent who does not understand English</li> <li>(8) Exhibit to be marked</li> <li>(9) Copies of documentary exhibits</li> <li>(10) Numbering exhibit pages</li> <li>(11) Alterations to be initialled</li> <li>(12) Contents of affidavit</li> <li>(13) Use of defective affidavit</li> <li>(14) Affidavit sworn before proceeding commenced</li> </ul> | <ul style="list-style-type: none"> <li>(15) Affidavit of patient under legal disability</li> </ul> <p><b>Rule 50 Chambers</b></p> <ul style="list-style-type: none"> <li>(1) Applications to be heard in chambers</li> <li>(2) Particular applications to be heard in Chambers</li> <li>(3) Definition of "application"</li> <li>(4) Failure of party to attend</li> <li>(5) Reconsideration of proceeding [repealed, OIC 2022/168]</li> <li>(6) Chambers list</li> <li>(7)-(8) Evidence on an application</li> <li>(9) Hearing of application in public</li> <li>(10) Adjournment of application returnable on a holiday</li> <li>(11) Power of the court</li> <li>(12) Powers of court if notice not given</li> <li>(13) Orders without notice</li> <li>(14) Service of orders required</li> <li>(15) Setting aside orders made without notice</li> <li>(16) Adjournment</li> <li>(17) Notes of proceedings</li> </ul> <p><b>Rule 51 Injunctions</b></p> <ul style="list-style-type: none"> <li>(1) Applications for pre-trial injunctions</li> <li>(2) Applications for pre-trial injunctions before proceeding commenced</li> <li>(3) Applications for pre-trial injunctions without notice</li> <li>(4) Injunction by court order</li> <li>(5) Undertaking as to damages</li> <li>(6) Application for injunction after judgment</li> </ul> <p><b>Rule 52 Detention, preservation and recovery of property</b></p> <ul style="list-style-type: none"> <li>(1) Property which is the subject matter of a proceeding</li> <li>(2) Fund which is the subject matter of a proceeding</li> <li>(3) Allowance of income from property</li> <li>(4) Recovery of specific property</li> <li>(5) Compensation for wrongful recovery</li> </ul> <p><b>Rule 53 Appeals</b></p> <ul style="list-style-type: none"> <li>(1) Application</li> <li>(2) Form</li> <li>(3) Directions</li> <li>(4) Application for direction</li> <li>(5) Service of notice of appeal</li> <li>(6) Powers of court</li> <li>(7) Respondent to enter appearance</li> </ul> |
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## RULES OF COURT and APPENDICES

<b>Rule 53 (Cont'd)</b>	(2) Form of Security
(8) Notice of hearing of appeal	(3) Remuneration
(9) Notice of abandonment of appeal	(4) Accounts
<b>Rule 54 Application for Judicial Review</b>	<b>Rule 57 Foreclosure and cancellation</b>
(1) Application of rule	(1) Commencement
(2) Writs abolished	(2) Service
(3) Form of application for judicial review	(3) Joinder of claim or party
(4) Limited to single decision	(4)-(4.1) Person filing interest after certificate of pending litigation
(5)-(5.1) Respondents	(5) Powers of the court
(5.2) Filing of Application for Judicial Review and Affidavits	(6) Final order
(6) Service of application for judicial review	(7) Order for sale
(6.1) Appearance and response	(8) Inquiry to settle terms of sale
(7) Person affected may take part in proceeding	(9) Order confirming sale
(8)-(10) Case management	(10) Notice to assess costs
(11) Applicant's affidavits	(11) Agreement for sale
(12) Respondent's affidavits	<b>Rule 58 Reciprocal enforcement of judgments</b>
(13) Cross-examination on affidavits	(1)-(3) Applications
(14) Additional steps	<b>Rule 59 Contempt of Court</b>
(15) Preparation by decision-maker	(1) Non-compliance with order
(16) Requirement to file additional material	(2) Power of court to punish
(17) Setting the application down for hearing	(3) Corporation in contempt
(18) Testimony regarding issue of fact	(4) Special costs
(19) Material from tribunal	(5) Certain acts as contempt
(20) Request in application for judicial review	(6)-(7) Apprehension of person
(21) Service of request	(8) Release of apprehended person
(22) Material to be transmitted	(9) Order for release
(23) Objection by decision-maker	(10)-(11) Proceeding for contempt
(24) Directions as to procedure	(12) Hearing
(25) Order	(13) Service of order not necessary
(26) Return of material	(14) Suspension of punishment
<b>Rule 55 Interpleader</b>	(15) Discharge of person
(1) Entitlement to relief by way of interpleader	(16) Weekly review of person in custody
(2) Claim to real or personal property taken by sheriff	<b>Rule 60 Costs</b>
(3) Sheriff to deliver notice	(1) How costs assessed generally
(4) Where claim admitted	(1.1) Special costs
(5) Sheriff may apply for interpleader relief	(1.2) Increased costs
(6) Mode of application	(1.3) Lump sum costs
(7) Affidavit	(2) Costs to be reasonable
(8) Application for interpleader relief	(3) Review of an assessment
(9) Powers of court on hearing application	(4) Expenses and disbursements
<b>Rule 56 Receivers</b>	(5) <i>Estate Administration Act</i>
(1) Appointment	(6) Judge to assess costs
	(7) Assessment before clerk
	(8) Tax in respect of legal services and disbursements
	(9) Costs to follow event
	(10) Costs in cases within small claims jurisdiction
	(11) Costs where party represented by an employee

## RULES OF COURT and APPENDICES

<b>Rule 60 (cont'd)</b>		<b>Rule 62 Sittings and Hearings</b>	
(12) Costs of applications		(1) Under direction of Chief Justice	
(13)-(14) When costs payable		(2) Urgency	
(15) Costs arising from improper act or omission		(3) Urgency or convenience	
(16) Costs of part of proceeding		(4) Video conferencing	
(17) Costs payable from estate or property			
(18) Set-off of costs		<b>Rule 63 Divorce and Family Law</b>	
(19) Costs of one defendant payable by another		(1) Definitions	
(20) Unnecessary expense after judgment		(2) Application	
(21) Form of bill of costs		(3) Commencement by statement of claim	
(22) Appointment to review a bill, examine an agreement or assess costs		(4)-(5) Claim for relief after divorce granted	
(23) Place for review or examination		(6) Application to vary, suspend or rescind	
(24) Further particulars		(7) Procedural step after long delay	
(25) Assessment of sheriff's fees		(8) Form of pleadings	
(26) Service of appointment		(9) Appearance	
(27) Costs on default judgment		(10) Person allegedly involved in adultery in a divorce proceeding	
(28) Notice to person affected		(11) Withdrawal of pleading	
(29) Certificate of costs		(12) Financial disclosure	
(30) Certificate of fees		(13)-(17) Family Law Case Conference	
(31) Certificate deemed to be an order		(18)-(19) Certificate to be filed	
(32) Review of the clerk's assessment		(20)-(22) Addition of claims and parties	
(33) Form of bill in certain cases		(23) Party who is a minor	
(34) Description of services		(24) Appointment of litigation guardian	
(35) Evidence of lawyer		(25) Service	
(36) Disallowance of lawyer's fees and disbursements		(26) Affidavit of service	
(37) Costs may be ordered without assessment		(27) Security for costs	
(38)-(39) Notice		(28) Proceedings in default	
(40) Limitation		(29) Uncontested divorce proceeding	
(41) Refusal or neglect to procure assessment		(30) Application for judgment in uncontested family law proceeding	
(42)-(43) Referrals		(31)-(32) Application by requisition	
(44)-(49) Security for Costs		(33) Powers of court on application	
		(34)-(35) Judgment on Consent	
		(36) Powers of court on application	
		(37) Pending prior divorce proceedings	
		(38) Claim for divorce joined with other claims	
		(39) Form of divorce order	
		(40) Form of certificate of divorce	
		(41) Delivery of divorce order	
		(42) Consent Orders	
		(43) Notice of Relocation	
		(44) Objection	
		(45) Notice of Application	
		(46) Restraining Orders	
		(47) No stay on appeal	
		(48) Application	
		(49) Receipt of Application	
<b>Rule 61 Money in Court</b>			
(1) Interpretation			
(2) Deposit of funds			
(3) Payment out of court			
(4)-(5) Interest			
(6) Calculation of interest			
(7) Investments			
(8) Direction for payment out			
(9)-(10) Deposit of other money paid into court			
(11) Money for person under disability			
(12) Payment out of money or security			
(13) Payment in for infant			
(14) Payment out of money held for infant			

## RULES OF COURT and APPENDICES

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| <p><b>Rule 63 (cont'd)</b></p> <p>(50) Service on Respondent</p> <p>(51)-(52) Conversion of Applications</p> <p>(53) Service not Possible</p> <p>(54) Registration of orders</p> <p>(55) Exchange of orders between territories and provinces</p> <p>(56) Enforcement in Territorial Court</p> <p>(57) Search of files</p> <p>(58) Search of exhibits</p> <p><b>Rule 63A Family Law Proceeding</b></p> <p>(1) Interpretation</p> <p>(2) Application of this rule</p> <p>(3) Who must provide Financial Statement (Family Law – Simplified)</p> <p>(4) Numbering applicable income documents</p> <p>(5) If special or extraordinary expenses are claimed</p> <p>(6) If special or extraordinary expenses are claimed</p> <p>(7)-(8) If undue hardship is claimed</p> <p>(9) When party must serve documents</p> <p>(10) Agreement instead of documents</p> <p>(11) Who must provide income documents</p> <p>(12) When party must serve documents</p> <p>(13) Who must provide Part 4 of a financial statement</p> <p>(14) When parties must serve documents</p> <p>(15) Assessment notice to be included</p> <p>(16) When documents must be filed</p> <p>(17) Service of notice to file financial statement</p> <p>(18) Endorsement of notice</p> <p>(19) Particulars may be demanded</p> <p>(20) Court may order particulars</p> <p>(21) Cross-examination on financial statements</p> <p>(22) Information must be kept current</p> <p>(23) Additional documents</p> <p>(24) If written statement or particulars provided</p> <p>(25) Updated statements</p> <p>(26) Production of documents</p> <p>(27) Responding to demand</p> <p>(28) Request to corporation, partnership or proprietorship</p> <p>(29) Production required</p> <p>(30) Application to court for directions</p> <p>(31) Application to court for exemption</p> <p>(32) Application by person authorized</p> <p>(33) Court may order exemption</p> | <p>(34) Cost</p> <p>(35) When costs are payable</p> <p>(36) Relief</p> <p>(37) Confidentiality</p> <p>(38) Sealing of financial information</p> <p>(39) Child support guidelines prevail</p> <p>(40) No conflict</p> <p><b>Rule 64 Administration of Estates (Non-Contentious)</b></p> <p>(1) Interpretation and application</p> <p>(2) Application for grant of probate or administration</p> <p>(3) Notice of application</p> <p>(4) Time of issuing grant</p> <p>(5) Proof of death</p> <p>(6) Self-Government Agreement</p> <p>(7) <i>Indian Act</i></p> <p>(8) Approval by court</p> <p>(9) Hearing of application</p> <p>(10) Proof of execution where no attestation clause</p> <p>(11) Affidavit of witness</p> <p>(12) Proof where no affidavit of witness</p> <p>(13) Proof of date of execution</p> <p>(14) Proof of will</p> <p>(15)-(16) Petition</p> <p>(17) Interlineations and alterations</p> <p>(18) Erasures and obliterations</p> <p>(19) Affidavit explaining</p> <p>(20)-(21) Document referred to in a will</p> <p>(22) Appearance of the paper</p> <p>(23) Notice to next of kin</p> <p>(24)-(25) Limited administrations</p> <p>(26) Grants to an attorney</p> <p>(27) Grants of administration to guardians</p> <p>(28) Administration bonds</p> <p>(29) Affidavit of surety</p> <p>(30) Required surety</p> <p>(31) Delay in application</p> <p>(32) Identity of parties</p> <p>(33) Proof of search for will</p> <p>(34) Search of will</p> <p>(35) Renunciations</p> <p>(36) Caveats</p> <p>(37) Contents of caveat</p> <p>(38) Time caveat in force</p> <p>(39) No grant while caveat in force</p> <p>(40) Notice to caveator</p> <p>(41) Contents of notice</p> <p>(42) Appearance to notice</p> <p>(43) Effect of failure to appear to notice</p> <p>(44) Citation to accept executorship</p> <p>(45) Form of subpoena and answer</p> <p>(46) Subpoena to apply</p> |
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## RULES OF COURT and APPENDICES

<b>Rule 64 (cont'd)</b>		(5)	Uncontested family law proceedings
(47)-(48)	Subpoena to bring in a will, document or asset	(6)	[repealed by O.I.C. 2022/168]
(49)	Filing and service of subpoena and answer	(7)	Default judgment and process for execution
(50)-(51)	Foreign grants	(8)	Apportionment where proceedings tried together
(52)	Foreign wills	(9)	Offer to settle bill of costs
(53)-(54)	Application to reseal grant	(10)	Transitional - orders, settlements and costs before the coming into force of updated Rules
(55)	Affidavit on resealing	(11)	Transitional - orders, settlements and costs on or after coming into force of updated Rules
(56)	Domicile of deceased on resealing		
(57)	Application of other rules on resealing	Schedule 1	[repealed by O.I.C. 2022/168]
(58)	Grant to be resealed	Schedule 2	[repealed by O.I.C. 2022/168]
(59)-(60)	Notice of resealing	Schedule 3	[repealed by O.I.C. 2022/168]
(61)-(62)	Remuneration and passing of accounts	(1)-(35)	Tariff
(63)	Affidavit required for passing of accounts and remuneration		

<b>Rule 65 Administration of Estates (Contentious)</b>	
(1)	Interpretation
(2)	Dispute as to the validity of a testamentary paper
(3)	Commencement of action
(4)	Parties
(5)	Action for revocation of grant
(6)	Failure to lodge grant on action for revocation
(7)	Failure to enter appearance
(8)	Counterclaim
(9)	Failure to serve statement of claim
(10)	Defence limited to proof of will
(11)	Order for discontinuance or dismissal
(12)	Compromise

<b>Rule 66 Transfer of proceedings to and from Small Claims Court</b>	
(1)	Definition
(2)	Transfer order to Supreme Court
(3)	Pleadings
(4)	Case Management Conference
(5)	Filing fees
(6)	Transfer order to Small Claims Court of Yukon

<b>APPENDIX A Forms</b>	
	(Separate Binder)

<b>APPENDIX B Party and Party Costs</b>	
(1)	Interpretation
(2)	Scale of costs
(3)	Value of units
(4)	Per diem rates

<b>APPENDIX C Fees</b>	
(1)-(19)	<b>Schedule 1</b>
	Fees payable to Territorial Treasurer
(S1)	Indigency status
(1)-(7)	<b>Schedule 2</b>
	Fees payable to the Sheriff
(1)-(4)	<b>Schedule 3</b>
	Fees payable to witnesses