

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

AMENDMENTS TO *THE QUEEN'S BENCH RULES*

The Queen's Bench Rules are amended, effective MARCH 15th, 2019, in the manner set forth below:

PART 1
Rules

Part 3 amended

1(1) Part 3 is amended in the manner set forth in this section.

(2) **Subrule 3-22(1) is amended in the portion preceding clause (a) by adding “and after filing an affidavit in Form 3-22 ,” after “elapsed,”.**

(3) **The following subrules are added after subrule 3-22(2):**

“(3) If the plaintiff’s claim for a debt or liquidated demand has been partially satisfied, default judgment shall be confined to the balance of the plaintiff’s claim.

“(4) In the assessment of costs, fees shall be allowed in accordance with Item 39 of Schedule I “B” – General of the Tariff as follows:

(a) on Column 1 or 2, if *The Small Claims Act, 2016* applies to the claim; and

(b) on Column 3, if *The Small Claims Act, 2016* does not apply to the claim”.

(4) **The following Information Note is added after rule 3-22:**

“

Information Note

The Small Claims Act, 2016 applies to claims for debt or liquidated demand that are not greater than the prescribed monetary limit that is to be calculated without taking into consideration interest or costs. Currently, the prescribed monetary limit is \$30,000.

”.

(5) **Clause 3-24(a) is amended by adding “after filing an affidavit in Form 3-22,” before “enter”.**

PART 2
Tariff of Costs

Schedule I "B" – General, new Item 39

2 Schedule I "B" – General of the Tariff of Costs is amended by repealing Item 39 and substituting the following:

“

39	Entry of Judgment in default for a liquidated demand in ordinary cases, in full satisfaction of all other fees	\$200	\$200	\$1,000
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”.

PART 3
Forms

Part 3 amended

3(1) Part 3 of the Forms is amended in the manner set forth in this section.

(2) Form 3-9 is amended by striking out the date and signature provisions at the end of the Statement of Claim and substituting the following:

“DATED at _____, Saskatchewan, this _____ day
of _____, 2 _____.

(signature of plaintiff or plaintiff's lawyer)

”.

(3) The following Form is added after Form 3-18:

“Form 3-22
(Rule 3-22)

COURT FILE NUMBER _____

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE _____

PLAINTIFF(S) _____

DEFENDANT(S) _____

AFFIDAVIT FOR DEFAULT JUDGMENT ON A DEBT OR LIQUIDATED DEMAND

AFFIDAVIT OF: _____
(name of deponent)

I, _____, of _____, Saskatchewan,
(full name) (city, town or village)

swear (or affirm):

1 That I am:

(select one)

- the Plaintiff in this action and have personal knowledge of the facts here stated.
- an _____ (officer/director/employee/agent) of the Plaintiff and have inspected the Plaintiff's complete records with respect to the claim in this action.

2 That the allegations set out in the Statement of Claim are true.

3 That the claim for which default judgment is sought is a claim for a debt or liquidated demand as defined in Rule 17-1 of *The Queen's Bench Rules*.

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4 That since the Statement of Claim was issued:

(select one)

- there has been no payment on account of the claim.
- the following payments have been made on account of the claim:

Payment Date	Payment Amount (\$)
Total Payments Made:	

5 That in the Statement of Claim, the Plaintiff claimed interest on the principal amount of the debt or liquidated demand and is entitled to interest thereon, commencing on _____, 2 _____
 (state the date on which the defendant agreed to commence paying interest or, if no agreement, the date on which the debt became due and payable):

(select one)

- at the rate allowed pursuant to *The Pre-judgment Interest Act* (Saskatchewan).
- at the yearly rate or percentage of interest expressly stated in the written or printed contract and as expressly pleaded in the Statement of Claim.
- at the rate of 5% per annum pursuant to section 4 of the *Interest Act* (Canada).

(If interest is claimed based on an oral agreement at a rate greater than the rate provided in The Pre-judgment Interest Act (Saskatchewan), an Application Without Notice for judgment must be made to the Court.)

6 That the Plaintiff claims pre-judgment interest in the amount of \$ _____, calculated as follows:

Principal Sum (\$)	Start Date	End Date	Number of Days	Rate (%)	Interest Amount (\$)
Total Interest:					

(If the claim for debt or liquidated demand is based on a negotiable instrument, note the requirements of subrule 10-5(4) of The Queen's Bench Rules.)

SWORN (OR AFFIRMED) BEFORE ME

at _____, Saskatchewan,

this _____ day of _____,

2 _____.

Commissioner for Oaths for Saskatchewan



(signature)

”.

Part 4 amended

4 Form 4-11 is amended by striking out the date and signature provisions and substituting the following:

“DATED at _____, Saskatchewan, this _____ day

of _____, 2 _____.

(signature of plaintiff or plaintiff's lawyer)

Telephone Number:

DATED at _____, Saskatchewan, this _____ day

of _____, 2 _____.

(signature of defendant or defendant's lawyer)

Telephone Number:

”.

Part 6 amended

5(1) Part 6 of the Forms is amended in the manner set forth in this section.

(2) Form 6-51B is amended by striking out “(signature of party serving notice)” and substituting “(signature of party admitting facts)”.

(3) Form 6-70A is amended by striking out the signature provision and substituting the following:

“
Signed, sealed and delivered in the presence of: _____
_____ }
_____ } *(signature of person giving bond)*
_____ }
Witness _____”

(4) Form 6-70B is amended by striking out the signature provision and substituting the following:

“
Signed, sealed and delivered in the presence of: _____
_____ }
_____ } *(signature of person depositing security)*
_____ }
Witness _____”

(5) Form 6-70C is amended by striking out the signature provision and substituting the following:

“
Signed, sealed and delivered in the presence of: _____
_____ }
_____ } *(signature of person depositing letter of credit)*
_____ }
Witness _____”

(6) Form 6-72A is amended by striking out the signature provision and substituting the following:

“
Signed, sealed and delivered in the presence of: _____
_____ }
_____ } *(signature of person giving bond)*
_____ }
Witness _____”

(7) Form 6-72B is amended by striking out the signature provision and substituting the following:

“

Signed, sealed and delivered in the presence of:



(signature of person depositing security)

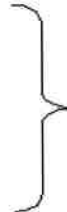
Witness

”

(8) Form 6-72C is amended by striking out the signature provision and substituting the following:

“

Signed, sealed and delivered in the presence of:



(signature of person depositing letter of credit)

Witness

”

(9) Form 6-85B is amended by adding the following to the end of the form:

“

CONTACT INFORMATION AND ADDRESS FOR SERVICE

Name: _____

Address for service: _____

(set out the street address)

Telephone number: _____

Fax number *(if any)*: _____

E-mail address *(if any)*: _____

”

Part 12 amended

6 Form 12-3 is repealed and the following substituted:

“Form 12-3
(Subrule 12-3(1))

ACKNOWLEDGEMENT OF SERVICE

You are asked to fill out and sign this form without delay, and to mail it in the accompanying postage prepaid envelope addressed to *(name of party or lawyer effecting service)* or to return it by fax to *(name and fax number of party or lawyer effecting service)*. If you do not return this signed and completed Acknowledgement of Service without delay, you may not receive notice of any further proceedings or any documents may be personally served on you and you will be required to pay the costs of service.

I acknowledge service on me of a copy of the following document(s) *(list documents by title and date)*:

I am:

(select one)

- a party in this action.
- authorized to accept service on behalf of _____ *(name of party)*, being a _____ *(e.g. lawyer, officer of corporation, power of attorney)*.

(signature)

(date of service)

My name is: _____
(full legal name)

The address for service of _____ *(name of party acknowledging service)* is
(address in Canada where Court documents may be mailed or left):

My telephone number is: _____

My fax number is *(optional)* : _____

My e-mail address is *(see Notice)* : _____

NOTICE

- (1) You must include an address in Canada where documents may be mailed to or left for you if you wish to receive notice of subsequent proceedings in this matter. Your address for service must include an e-mail address if you are represented by a lawyer or if your address for service is located outside Saskatchewan. Otherwise, including an e-mail address is optional. It is also optional to include a fax number.
- (2) When an e-mail address or a fax number is included in your address for service, documents may be served on you by e-mail or fax.
- (3) The address, fax number or e-mail address that you give on this form will be used to serve you with documents until you serve on the other parties and file with the court written notice of a new address for service.

(If this form is to be signed by a lawyer or authorized person on behalf of a corporation, unincorporated entity, minor, or dependent adult, it must be adapted accordingly.)

CONTACT INFORMATION AND ADDRESS FOR SERVICE

If prepared by a lawyer for the party:

Name of firm: _____

Name of lawyer in charge of file: _____

Address of legal firm: _____
(set out the street address)

Telephone number: _____

Fax number *(if any)*: _____

E-mail address: _____

or

If the party is self-represented:

Name of party: _____

Address for service: _____
(set out the street address)

Telephone number: _____

Fax number *(if any)*: _____

E-mail address *(see Notice)*: _____

Part 15 amended

7(1) Part 15 of the Forms is amended in the manner set forth in this section.

(2) Form 15-21 is amended:

(a) by striking out "The solicitors by their signatures hereto:" and substituting "The solicitors [or parties] by their signatures hereto:"; and

(b) by striking out the date and signature provisions and substituting the following:

"DATED at _____, Saskatchewan, this _____ day
of _____, 2 _____.

(signature of petitioner or petitioner's lawyer)

Telephone Number:

DATED at _____, Saskatchewan, this _____ day
of _____, 2 _____.

(signature of respondent or respondent's lawyer)

Telephone Number: _____".

(3) Form 15-43 is amended by adding the following after paragraph 2:

"ISSUED at _____, Saskatchewan, this _____ day
of _____, 2 _____".

(4) Form 15-56A is amended by striking out the date and signature provisions and substituting the following:

“DATED at _____, Saskatchewan, this _____ day
of _____, 2 _____.

(signature of petitioner or petitioner's lawyer)

Telephone Number:

DATED at _____, Saskatchewan, this _____ day
of _____, 2 _____.

(signature of respondent or respondent's lawyer)

Telephone Number: _____”.

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CERTIFICATE

I, MARTEL D. POPESCU, Chief Justice of Her Majesty's Court of Queen's Bench for Saskatchewan, certify that these amendments to the rules and forms were made by a majority of judges of Her Majesty's Court of Queen's Bench for Saskatchewan pursuant to section 28 of *The Queen's Bench Act, 1998*.

Dated at Saskatoon, Saskatchewan, February 11, 2019.



Martel D. Popescu, C.J.Q.B.