



COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

DIRECTIVE UPDATE RESPECTING CHAMBERS APPLICATIONS AND ADDITIONAL PRE-TRIAL CONFERENCES

As of May 15, 2020

This Directive updates the Directives issued on March 19 and April 23, 2020, and provides details on how chambers applications will be scheduled in June 2020.

By way of background, the Directive issued on March 19, 2020 adjourned all non-urgent, non-family chambers applications scheduled on a chambers date between March 20 and May 31, 2020 as *sine die*. The Directive also adjourned all non-urgent family chambers applications to June 10, 17 and 24, 2020 as “to be spoken to.”

The Directive issued on April 23, 2020 lifted the restrictions on the Court hearing Appearance Day Applications and conducting Case Conferences to permit them to be heard by telephone as of May 1, 2020. This Directive also lifted the restrictions on hearing non-urgent chambers applications to permit them to be heard by telephone as of June 1, 2020.

The Court further announced that as part of its concerted effort to hear chambers applications postponed by the March 19, 2020 Directive, the Court would implement a “chambers blitz” for three weeks in June commencing June 8, 2020. The “blitz” would include setting additional non-traditional chambers dates in June to maximize all available judicial resources.

The practice in Saskatchewan has been that lawyers or the parties select the date on which their chambers application would be heard. Unfortunately, this process will not be possible during the June “chambers blitz.” Instead, the Court will assign the date and time when the chambers application will be heard. Further, each application will be limited to 30 minutes. While this differs significantly from the format to which lawyers and parties have become accustomed, it is the only practical method to address the backlog of chambers applications that have been postponed in response to the COVID-19 pandemic.

The Court has also substantially increased the number of pre-trial conferences over which judges will preside during the months of July and August.

The April 23, 2020 Directive noted that further details on the scheduling of June chambers applications and additional pre-trial conference sittings were to follow. This Directive Update provides those details.

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PART 1 - EFFECTIVE DATE

This Directive update, subject to the specific dates mentioned herein, takes effect immediately.

PART 2: ALL CHAMBERS APPLICATIONS (EXCEPT CHILD PROTECTION APPLICATIONS)

The following process applies to **all civil and family chambers applications that were adjourned**, pursuant to the Court's Directives, as well as to **new chambers applications**, other than child protection applications, which will continue to be scheduled and heard on the regular chambers dates in June.

All chambers applications for the months of June, July and August will continue to be heard only by telephone, unless otherwise ordered by the Court.

Family Chambers Applications Previously Adjourned to June

The family chambers applications adjourned to be spoken to on June 10, 17 and 24, 2020, pursuant to the March 19, 2020 Directive, are hereby deemed to be adjourned *sine die*. The June dates set aside to speak to these applications are cancelled. Instead, these applications may be scheduled to be heard as set out below.

Request to Schedule

Any Applicant who wishes to schedule an application, either to civil chambers or family chambers, to be heard in June 2020 must complete and file a *Request to Schedule*, in the attached form, with the local registrar in the appropriate judicial centre by email, fax, mail or in person. This also applies to Notices of Application that had been served and filed prior to this Directive with a return date in June 2020.

Hearing Date

Once the *Request to Schedule* form is received, the Court will schedule the application to be heard by telephone at a specific date and time in June and return to the Applicant a *Notice of Hearing*. The Applicant is then responsible to serve the *Notice of Hearing* on the opposing parties as set out below.

As part of the “chambers blitz,” additional chambers dates have been added. The Court may schedule an application to any weekday between June 8, 2020 and June 26, 2020, inclusive and to any time between 9:00 am and 4:00 pm.

Duration of Hearing

All applications will be scheduled to a fixed time slot not exceeding 30 minutes. It is the expectation that all matters will be presented efficiently and fully argued within the 30-minute time frame assigned to that chambers application. If the matter cannot be concluded in the time provided, the presiding judge will determine the course of action to be followed.

Summary Judgment Applications and Judicial Reviews

The initial appearance in chambers for Applications for Summary Judgment and Judicial Review will continue to be for the purpose of managing the application and, where appropriate, ordering that a date and time for the hearing of the application be set in accordance with the Court’s Practice Directive GA-PD #9 - *Scheduling of Summary Judgment and Judicial Review Applications*.

Chambers Coordinators

There will be four Chambers Coordinators: two in the South and two in the North. They will be available during business hours, 8:00 am to 5:00 pm, Monday through Friday, between May 20 and June 26, 2020.

Southern Chambers Coordinator

For the Judicial Centres of Estevan, Moose Jaw, Regina, Swift Current and Yorkton, the Southern Chambers Coordinator may be contacted by email, phone, fax or mail as follows:

Email: scc@skqb.ca
Phone: 1 (306) 787-5396 or 1(306) 787-6486
Fax: 1 (306) 787-7160
Mailing Address: 2425 Victoria Avenue, Regina, SK S4P 4W6

Northern Chambers Coordinator

For the Judicial Centres of Battleford, Melfort, Prince Albert and Saskatoon, the Northern Chambers Coordinator may be contacted by email, phone, fax or mail as follows:

Email: ncc@skqb.ca
Phone: 1 (306) 933-5131
Fax: 1 (306) 933-5725
Mailing Address: 520 Spadina Crescent East, Saskatoon, SK S7K 3G7

Requests for Alternate Hearing Dates and Notice of Adjournments

For the purposes of the June “chambers blitz,” all questions and requests concerning scheduling must be directed to the appropriate Chambers Coordinator. The Chambers Coordinators will attempt to accommodate requests for changes in the time and date set for chambers applications. However, it is the expectation that the lawyers and parties will make a concerted effort to modify their schedule to accommodate the time and date assigned to them. The Court’s ability to entertain change requests is limited.

It is the responsibility of the Applicant to notify the appropriate Chambers Coordinator immediately if the Applicant wishes, or has agreed to, adjourn the hearing or if the Applicant becomes aware the Respondent will be seeking an adjournment of the hearing.

Service of the Notice of Hearing

Previously adjourned Applications

In the case of an application that had been filed and adjourned by virtue of the March 19, 2020 Directive, the Applicant must serve a copy of the *Notice of Hearing* on the Respondent. *The Queen's Bench Rules* respecting the time for service of an application do not apply to the *Notice of Hearing*. However, the Applicant is expected to serve the *Notice of Hearing* upon the Respondent as soon as possible. In addition, the Applicant must file with the Court proof of service of the *Notice of Hearing* upon the Respondent and any other interested parties.

New Applications

In the case of a new application, the Applicant must serve a copy of the *Notice of Hearing* with the Notice of Application and other supporting material. If the Notice of Application has already been served on the Respondent with a return date described as “a date to be set by the Local Registrar,” the Applicant need only serve a copy of the *Notice of Hearing*.

If a Notice of Application has already been served with a return date in June 2020, the Applicant must serve and file, together with the *Notice of Hearing*, a new Notice of Application with the return date and time set out in the *Notice of Hearing*.

The Queen's Bench Rules respecting the method and time for service and filing of a Notice of Application apply to new applications. In addition to the other service requirements set forth in *The Queen's Bench Rules* respecting service of applications, the Applicant must also file with the Court proof of service of the *Notice of Hearing* upon the Respondent and any other interested parties.

Respondent's Responsibility

When a Respondent is served with a *Notice of Hearing*, he or she must immediately contact the appropriate Chambers Coordinator at the numbers and address set out in the *Notice of Hearing* to provide the Court with a telephone number where the Respondent can be reached at the time of the hearing.

Late Filing

The filing deadline for documents to be used on the application set out in *Rule 13-23* remains in effect. Compliance is of critical importance to accommodate remote hearings.

Audio Recording Prohibited

Rule 9-33 prohibits the recording by any device, machine or system the proceedings of any Court or proceedings, by counsel or any participant, except with leave of the presiding judge.

Failure to comply with this Rule may be found to be in contempt of Court.

PART 3: APPEARANCE DAY NOTICES

All Appearance Day Notices may be scheduled to commence at 4:00 p.m. by telephone on any chambers date set for June 2020 as published in the Saskatchewan Gazette. These dates can be found on the Courts' website:

<https://sasklawcourts.ca/index.php/home/court-of-queen-s-bench/court-locations-and-sitting-times>.

For the month of June 2020, *sub-Rule 6-25(2)* is modified to require parties to an Appearance Day Application to be available by phone only from 4:00 pm until their application is heard.

PART 4: PRE-TRIAL CONFERENCES FOR JULY AND AUGUST

The Court has set aside a substantial number of dates on which pretrial conferences can be conducted during the months of July and August. Parties who wish to secure one of these dates should contact the appropriate local registrar in order to make a request to have a pre-trial conference scheduled. As set forth in the April 23, 2020 Directive, pre-trial conferences will be conducted either by telephone or, where appropriate and possible, in person. The manner in which the pre-trial conference will be conducted will be at the discretion of the judge assigned to preside at the pre-trial conference, following consultation with the parties. Where the pre-trial conference is determined by the presiding judge to be in person, all precautions set forth in Part 5 of the March 19, 2020 Directive shall be followed.

PART 5 - UPDATES TO THE DIRECTIVE

As the circumstances of the operational challenges posed by COVID-19 change, the terms of this Directive and other Directives issued by the Court may be amended. Please check this COVID-19 web page for amendments:

<https://sasklawcourts.ca/index.php/home/court-of-queen-s-bench/covid-19-update>.

CHIEF JUSTICE M.D. POPESCU