

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

AMENDMENTS TO *THE QUEEN'S BENCH RULES*

The *Queen's Bench Rules* are amended, effective November 1<sup>st</sup>, 2022, in the manner set forth below:

**Part 3 amended**

**1(1) Rule 3-50 is repealed and the following substituted:**

**“Service of originating application, evidence and written argument**

**3-50(1)** Except on an originating application for an order in the nature of *habeas corpus* and unless ordered otherwise by the Court on an application without notice, an originating application and any affidavit and other evidence to be used to support the originating application must be served on each of the other parties and filed at least 14 days before the date set for hearing the application.

(2) On an originating application, each party shall serve on each of the other parties and file a brief consisting of a concise argument stating the facts and law relied on by the party.

(3) The applicant's brief must be served and filed at least 10 days before the hearing.

(4) The respondent's brief must be served and filed at least 5 days before the hearing.

(5) If the applicant wishes to reply to any new matters raised in the respondent's brief, the applicant must serve and file a reply brief at least 3 days before the hearing”.

**(2) Rule 3-52 and its Information Note are repealed and the following substituted:**

**“Service and filing of affidavits and other evidence in reply and response**

**3-52(1)** If the respondent to an originating application intends to rely on an affidavit or other evidence at the hearing of the originating application, the respondent shall reply by, at least 10 days before the hearing, serving on the applicant and filing the affidavit and other evidence on which the respondent intends to rely.

(2) If the applicant wishes to respond to the respondent's affidavit or other evidence, the applicant must:

(a) serve on the respondent and file a response affidavit or other evidence at least 5 days before the hearing; and

(b) limit the response to replying to the respondent's affidavit or other evidence.

(3) If a party fails to comply with a filing deadline set out in subrule (1) or (2), and if an adjournment is not granted:

(a) the party who failed to comply with the filing deadline may not rely on the affidavit or other evidence that is filed late, unless the Court permits otherwise; and

(b) the Court may make a costs award against the party that filed late.

**Information Note**

See rules 3-55 and 13-38 regarding the type of evidence that may be contained in affidavits and the use of affidavits filed for chambers.

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**(3) Subrule 3-63(3) is repealed and the following substituted:**

“(3) An affidavit or other evidence to be used to support the originating application must be served on each of the other parties and filed at least 10 days before the date set for hearing the application”.

**Part 6 amended**

**2(1) The Information Note after Rule 6-4 is repealed and the following substituted:**

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**Information Note**

Many judges, in exercising their discretion respecting applications without notice, will require some form of notice be given to the opposite party or, if represented, to the opposite party's lawyer.

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**(2) Rule 6-9 is repealed and the following substituted:**

**“Length of notice and filing deadlines**

**6-9(1)** The party bringing an application pursuant to this rule shall serve with the application:

- (a) each affidavit on which the party intends to rely at the hearing; and
- (b) a draft order setting out the precise relief or remedy sought.

(2) Subject to an order granted pursuant to subrule (4) abridging the time for service, an application, supporting affidavits and draft order must be served on each of the other parties and filed at least 14 days before the date set for hearing the application.

(3) If all parties consent to an earlier date for hearing the application, the application may be heard on the earlier date with leave of the Court.

(4) An application without notice for leave to abridge the time for service of an application must be brought before service of the application, and any order that is obtained must be served with the application.

(5) A party who wishes to oppose a claim made in the application shall:

- (a) serve on each of the other parties to the application each affidavit on which that party intends to rely at the hearing; and

(b) file the affidavits, with proof of service, at least 7 days before the date set for hearing the application.

(6) The party bringing the application may then serve an affidavit replying only to any new matters raised by the opposite party, and shall file the affidavit, with proof of service, at least 2 clear days before the date set for hearing the application.

(7) No additional affidavits may be relied on without leave of the Court.

(8) An affidavit filed in contravention of this rule may be struck and costs awarded against the party filing it.

(9) If any new matters are raised by the party bringing the application in the affidavit in reply without the leave of the Court:

(a) those matters may be disregarded; and

(b) costs may be awarded against the party filing the affidavit.

(10) If there is or may be a dispute as to the facts on the hearing of an application, a judge may, before or on the hearing:

(a) order that the application be heard on oral evidence, either alone or with any other form of evidence; and

(b) give directions relating to pre-hearing procedure and the conduct of the proceeding”.

**(3) Rule 6-14 is repealed.**

**(4) Subrule 6-24(3) is repealed and the following substituted:**

“(3) An appearance day notice must be served on each of the other parties and filed at least 14 days before the appearance day application is set to be heard”.

**Part 7 amended**

**3 Rule 7-4 is repealed and the following substituted:**

**“Briefs required**

7-4(1) On an application for summary judgment, each party shall serve on each of the other parties to the application and file a brief consisting of a concise argument stating the facts and law relied on by the party.

(2) The applicant’s brief must be served and filed at least 10 days before the hearing.

(3) The respondent’s brief must be served and filed at least 5 days before the hearing.

(4) If the applicant wishes to reply to any new matters raised in the respondent’s brief, the applicant must serve and file a reply brief at least 3 days before the hearing”.

**Part 13 amended**

**4(1) Rule 13-23.1 is repealed and the following substituted:**

**“Late filing of documents**

**13-23.1** If the local registrar accepts for filing any document after the filing deadline set out in these rules, the local registrar shall mark the front page of the document with the words ‘Filed Late’, in a conspicuous location”.

**(2) Subrule 13-38(3) is repealed and the following substituted:**

“(3) An affidavit filed after the deadline set out in these rules or set by order of the Court must not be used without leave of the Court”.

**Part 15 amended**

**5(1) Rule 15-90 is repealed and the following substituted:**

**“Briefs required**

**15-90(1)** On an application for summary judgment, each party shall serve on each of the other parties to the application and file a brief consisting of a concise argument stating the facts and law relied on by the party.

(2) The applicant’s brief must be served and filed at least 10 days before the hearing.

(3) The respondent’s brief must be served and filed at least 5 days before the hearing.

(4) If the applicant wishes to reply to any new matters raised in the respondent’s brief, the applicant must serve and file a reply brief at least 3 days before the hearing”.

**(2) Rule 15-127(2)(a) is repealed and the following substituted:**

“(a) rules 6-9 and 6-12”.

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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 Queen's Bench Rules* 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, on September 14<sup>th</sup>, 2022.

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