

COURT OF KING'S BENCH FOR SASKATCHEWAN

AMENDMENTS TO *THE KING'S BENCH RULES*

The King's Bench Rules are amended, effective May 1st, 2025, in the manner set forth below:

PART 1
Rules

Part 3 amended

1 The Information Note after rule 3-22 is amended by striking out “\$30,000” and substituting “\$50,000”.

Part 4 amended

2(1) Subrule 4-11(5) is amended by striking out “subrule (3) or (4)” and substituting “subrule (2) or (3)”.

(2) Subrule 4-21(1) is amended by striking out “unless all parties and the judge consent in writing”.

(3) Subrule 4-46(5) is amended by striking out “mentioned in subrule (4)”.

Part 5 amended

3 Rule 5-40(2)(a) is amended by striking out “60 days” and substituting “90 days”.

Part 6 amended

4(1) Rules 6-68 and 6-69 are repealed and the following substituted:

“Recovery of goods unlawfully taken or detained

6-68(1) A plaintiff in any action brought to recover personal property who claims, alone or with any other claim, that the personal property was unlawfully taken or is unlawfully detained may apply to the Court pursuant to the rules in this Division for a replevin order to deliver the personal property to the plaintiff.

(2) An application pursuant to subrule (1) may be made at any time after the issue of the statement of claim.

(3) Nothing in this Division authorizes the replevying of any personal property seized by a sheriff or other officer charged with the execution of any process issued out of the Court.

“Application for replevin order

6-69(1) A plaintiff may apply to the Court for a replevin order without serving notice of the application on any other party pursuant to Rule 6-4, unless otherwise ordered by the Court.

(2) The application for a replevin order must be supported by an affidavit sworn or affirmed by the plaintiff, or a duly authorized agent of the plaintiff, that contains all of the following:

- (a) a description of the personal property and its value, to the best of the deponent's belief;
- (b) a statement that the plaintiff claiming the personal property is the owner or is entitled to the possession of the personal property;
- (c) if replevin is sought in the case of personal property distrained for rent or damage feasant, a statement that the personal property was taken under colour of distress for rent or damage feasant, as the case may be;
- (d) if replevin is sought in the case of personal property wrongfully taken out of the possession of the plaintiff, or fraudulently got out of the plaintiff's possession, a statement of:
 - (i) the time when, and the wrongful and fraudulent manner in which, the personal property was taken or gotten out of the plaintiff's possession; and
 - (ii) those facts and circumstances that show that the plaintiff is entitled to the possession of the personal property;
- (e) the name of the judicial centre nearest to which the personal property sought to be replevied is situated;
- (f) an undertaking to conclude the action for recovery of the personal property without delay;
- (g) an undertaking to return the personal property to the defendant if ordered by the Court to do so;
- (h) an undertaking to pay damages, costs and expenses sustained by the defendant as a result of the replevin order if the plaintiff is not successful in the action for recovery and if the Court so orders.

(3) On the plaintiff filing an application pursuant to subrule (1) and an affidavit that complies with subrule (2), the Court may issue a replevin order in Form 6-69.

(4) If the defendant does not receive notice of the application for a replevin order, or in any circumstance with leave of the Court, the defendant may apply to the Court for an order:

- (a) to discharge or amend the replevin order;
- (b) to stay the enforcement of a replevin order;
- (c) to return, keep safe or sell the personal property or any part thereof; or
- (d) for any other remedy relating to the personal property”.

(2) Subrule 6-70(1) is amended by adding “personal” before “property”.

(3) Subrule 6-71(3) is repealed and the following substituted:

“(3) Subject to subrule (4), a sheriff or other officer may, if necessary, break open, enter and search any premises for the purpose of replevying any personal property demanded if:

(a) the sheriff or other officer believes on reasonable grounds that all or any part of the personal property to be replevied is secured, contained or concealed in any premises, building or enclosure of:

(i) the defendant; or

(ii) any other person keeping or holding the personal property for or on behalf of the defendant;

(b) the sheriff or other officer has demanded that the owner, occupier or other person in charge of the premises, building or enclosure deliver the personal property; and

(c) the personal property has not been delivered on that demand”.

(4) Subrule 6-71(5) is amended by striking out “all or any of the property” and substituting “all or any of the personal property”.

(5) Subrule 6-72(1) is amended by striking out “the property” wherever it appears and in each case substituting “the personal property”.

(6) Rule 6-73 is amended:

(a) in clause (b) of the English version by adding “personal” before “property”;

(b) in clause (c) by adding “personal” before “property”; and

(c) in clause (d) by adding “personal” before “property”.

Part 10 amended

5 The following subrule is added after subrule 10-47(6):

“(7) An applicant for an order under this rule who seeks solicitor and client costs shall identify in the materials filed in support of the application the contractual provision relied on to claim those costs”.

Part 11 amended

6 The following Information Note is added after rule 11-28:

“

Information Note

If the Court has made an order against a person pursuant to subrule 11-28(1), the person, without notice to any other party, may apply to the Court for leave to commence a proceeding. The judge receiving the application for leave may direct that it be brought with notice in the manner the judge considers appropriate.

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Part 12 amended

7(1) The following subrule is added after subrule 12-10(5):

“(6) If an order for substituted service authorizes service by electronic transmission of a statement of claim, a third party claim or a document commencing a family law proceeding, the party served by that mode of substituted service is deemed to have been served outside of Canada and the United States of America”.

(2) The following Information Note is added after rule 12-10:

“

Information Note

Subrule 12-10(6) determines the applicable period for filing a reply document (e.g. a Statement of Defence or a Counter-Petition) when a party is served with an originating document substitutionally under rule 12-10.

”.

Part 15 amended

8 Subrule 15-70(1) is amended by striking out “unless all parties and the judge consent in writing”.

Part 17 amended

9 Rule 17-1 is amended:

(a) in the English version, in the definition of “Court” by striking out “means the” and substituting “means”; and

(b) in the definition of “remedy” by striking out “subrule 1-4(1)” and substituting “rule 1-4”.

PART 2
Forms

Form 3-49 amended

10 The second paragraph of the Notice in Form 3-49 is repealed and the following substituted:

“A party moving or opposing an originating application must serve on each of the other parties and file a brief of written argument in accordance with the timelines specified in rule 3-50. The applicant’s brief must be served and filed at least 10 days before the hearing. The respondent’s brief must be served and filed at least 5 days before the hearing”.

Form 6-24 amended

11 Form 6-24 is amended:

(a) by striking out the following:

“The application will be heard by telephone conference with the chambers judge from the judicial centre of _____ on _____ after 10:00 a.m.
(state judicial centre) (date)

NOTICE

Parties must remain available by telephone between the hours of 10:00 a.m. and 4:00 p.m. on the date mentioned until the matter is heard.

”; and

(b) by substituting the following:

“The application will be heard by telephone conference with the chambers judge from the judicial centre of _____ on _____, 30 minutes before the time
(state judicial centre) (date)
chambers is scheduled to commence.

NOTICE

Parties must be available by telephone when the appearance day application is scheduled to commence and remain available until the application is heard.

Chambers commences at 10:00 a.m., except for days immediately following a statutory holiday.
Scheduled chambers times can be found here: <https://sasklawcourts.ca/kings-bench/court-locations/>.

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COURT OF KING'S BENCH – RULE AMENDMENTS

6

Form 6-68 amended

12 Form 6-68 is renumbered as Form 6-69.

Form 12-3 amended

13 Form 12-3 is amended by adding the following style of cause to the beginning of the form:

“

COURT FILE NUMBER _____

COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE _____

PLAINTIFF/PETITIONER _____

DEFENDANT/RESPONDENT _____

”.

Form 12-14 amended

14 Form 12-14 is amended by adding the following style of cause to the beginning of the form:

“

COURT FILE NUMBER _____

COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE _____

PLAINTIFF/PETITIONER _____

DEFENDANT/RESPONDENT _____

”.

COURT OF KING'S BENCH – RULE AMENDMENTS

7

Form 12-15 amended

15 Form 12-15 is amended by adding the following style of cause to the beginning of the form:

“

COURT FILE NUMBER _____

COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE _____

PLAINTIFF/PETITIONER _____

DEFENDANT/RESPONDENT _____

”.

Form 16-11B amended

16 The French version of Form 16-11B is amended by striking out “de la Reine” and substituting “du Roi” in each of the following provisions:

(a) paragraph 2;

(b) paragraph 10.

COURT OF KING'S BENCH – RULE AMENDMENTS

8

CERTIFICATE

I, MARTEL D. POPESCU, Chief Justice of the Court of King's Bench, certify that these amendments to *The King's Bench Rules* were made by a majority of the judges of His Majesty's Court of King's Bench for Saskatchewan pursuant to section 6-2 of *The King's Bench Act*.

Dated at Saskatoon, Saskatchewan, on April 15th, 2025.


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