

PRACTICE DIRECTIVE 4

COURT DOCUMENTS

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General Heading

4.01(1) Every document in a proceeding shall have a heading in accordance with Form 1 that sets out the name of the court, location, and court file number, if known.

Body of Document

4.01(2) Every document in a proceeding shall contain

- (a) the title of the document;
- (b) its date;
- (c) where the document is filed by a party or is an originating process, the name, address and telephone number of counsel filing the document or, where a party acts in person, his or her name, address for service and telephone number; and
- (d) where the document is issued by a clerk of the court, the address of the court office in which the proceeding was commenced.

CERTIFIED COPIES OF COURT DOCUMENTS

4.02 At the request of a person entitled to see a document in a court file and on payment of the prescribed fee, the clerk of the court shall issue a certified copy of the document.

FILING OF DOCUMENTS

Place of Filing

4.03 (1) All documents shall be filed in the appropriate court office as defined in section 1.03(7).

Method of Filing Documents

4.03 (2) All documents shall be filed by delivering or mailing to the appropriate Court office.

Date of Filing

4.03 (3) The date of the filing shall be the date that is stamped or otherwise affixed on the face of the document by the court office in which the document is filed.

Where Document not Received

4.03 (4) Where a court office has no record of the receipt of a document alleged to have been delivered or mailed, the document shall be deemed not to have been filed, unless the court orders otherwise.

AFFIDAVITS

Format

4.04(1) An affidavit used in a proceeding shall

- (a) be in Form 4;
- (b) be expressed in the first person;
- (c) state the full name of the affiant and, if the affiant is a party or counsel, officer, director, member or employee of a party, shall state that fact;
- (d) be divided into paragraphs, numbered consecutively, with each paragraph being confined as far as possible to a particular statement of fact; and
- (e) be signed by the affiant and sworn or affirmed before a person authorized to administer oaths or affirmations.

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4.04 (2) An affidavit shall be confined to a statement of facts within the personal knowledge of the affiant and to evidence that the affiant could give if testifying as a witness in court, except that an affidavit may contain statements of the affiant's information and belief if the source(s) of the information and the fact of belief are specified in the affidavit.

Exhibits

4.04 (3) An exhibit that is referred to in an affidavit shall be marked as such by the person before whom the affidavit is sworn or affirmed and where the exhibit

- (a) is referred to as being attached to the affidavit, it shall be attached to and filed with the affidavit;
- (b) is a document, a copy shall be served with the affidavit, unless it is impractical to do so.

For a Corporation

4.04 (4) Where these Practice Directives require an affidavit to be made by a party and the party is a corporation, the affidavit may be made for the corporation by an officer, director or employee of the corporation.

Alterations

4.04 (5) Any interlineations, erasure or other alteration in an affidavit shall be initialed by the person before whom the affidavit is sworn or affirmed and, unless so initialed, the affidavit shall not be used without leave of the presiding judge.