

PRACTICE DIRECTIVE 5
SERVICE OF DOCUMENTS

MANNER OF SERVICE

5.01 Service of a document may be effected:

(1) On an accused who is represented by counsel, by leaving a copy of the document with counsel or an employee in the counsel's office, or by fax in accordance with Practice Directive 5.03;

- (2) On an accused not represented by counsel,
- (a) by leaving a copy of the document with the accused, or
 - (b) by mailing a copy of the document by registered mail or certified mail, in which case service is effective on the date the document was delivered to the person as shown on the confirmation of delivery obtained from Canada Post Corporation.

(3) On the Attorney-General of Manitoba, by leaving a copy of the document with counsel or an employee of the appropriate regional office of the Attorney-General of Manitoba, or at the office of the prosecutor retained by the Attorney-General of Manitoba to have carriage of a specific prosecution, or by fax in accordance with Practice Directive 5.03

(4) On the Attorney-General of Canada, by leaving a copy of the document with counsel or an employee at the Winnipeg regional office of the Attorney-General of Canada, or at the office of the prosecutor retained by the Attorney-General of Canada to have carriage of a specific prosecution, or by fax in accordance with Practice Directive 5.03

(5) On a corporation not represented by counsel, by leaving a copy of the document with an officer, director or registered agent of the corporation, or with a person at any place of business of the corporation who appears to be in control or management of the place of business, or by fax in accordance with Practice Directive 5.03.

PROOF OF SERVICE

Affidavit of service

5.02(1) Service of a document may be proved by an affidavit of the person who served it, in Form 5.

Admission of Acceptance By Counsel of Record

5.02 (2) A written admission or confirmation on the record of acceptance of service by counsel of record is sufficient proof of service and need not be verified by affidavit.

SERVICE BY FAX

- 5.03(1)** A document that is served by fax shall include a cover page indicating
- (a) the sender's name, address and telephone number;
 - (b) the name of the lawyer to be served;
 - (c) the date of the transmission;
 - (d) the total number of pages transmitted, including the cover page;
 - (e) the fax number of the sender; and
 - (f) the name and telephone number of a person to contact in the event of transmission problems.

5.03 (2) Proof of service by fax may be made by attaching an affidavit to the fax confirmation sheet.

5.03 (3) Where service is made under this clause between 5 p.m. and midnight, it shall be deemed to have been made on the following day.