

PRACTICE DIRECTION

COURT OF QUEEN'S BENCH OF MANITOBA (Brandon Centre only)

RE: TRANSITIONAL ISSUES WITH RESPECT TO FAMILY PROPERTY REFERENCES TO THE MASTER

Pre-Existing FPA Reference Orders

Under the New Case Flow Model in the Family Division, the Offices of the Master will have an enhanced role at the beginning of the case. That enhanced role will deal with custody assessments, any issues involving pre-requisites and family property references, including dates of cohabitation and separation.

Efforts are required in order to ensure sufficient resources are available from the Offices of the Master to deal with this new enhanced role.

As part of the New Model, when parties are seeking a reference to the Master, they will be required to provide the Court with a Comparative Property Analysis (which can be found at the following link: <http://www.manitobacourts.mb.ca/court-of-queens-bench/procedure-rules-and-forms/forms/>). This document will assist the Court in ordering a *focused* reference to the Master.

Currently, there are a number of previously-pronounced property reference orders that are all-inclusive and generic in nature, often referring to the valuation of “the assets and liabilities” of the parties. More particularly, those orders that utilized clause SB-1 of Version 5 of the Standardized Court Order clauses.

If you have such a generic all-inclusive reference Order and HAVE NOT had your first appearance before the Master, you will now be required to IMMEDIATELY do the following:

1. File a Comparative Property Analysis; and
2. Schedule an appointment, in chambers, to attend with the Honourable Mr. Justice Abel.

Please contact Michelle Brown at 204-726-7430 to schedule your appointment (**counsel only are required to attend**).

The purposes of the appointment are to:

1. Narrow the issues for the reference and record through a disposition sheet the terms of agreement;
2. Pronounce an amended Order, by consent, containing only those terms that require the attention of the Master; and
3. If issues are narrowed sufficiently, potentially avoid a reference all together and refer the remaining matters to trial.

FPA Reference Orders Yet to be Pronounced Prior to February 1, 2019

In accordance with prior transitional directions from the Court, for any matter now scheduled to be heard at a currently-fixed motion date or for any matter currently scheduled for a case conference date, a trial date will be set either at that motion date or case conference (which ever comes first).

In the event that there are Family Property issues, a Comparative Property Analysis must be filed with the Court and a focused reference Order must be ordered.

Coming into effect

This Practice Direction comes into effect immediately.

ISSUED BY:

"original signed by Joyal, C.J."

**The Honourable Chief Justice Glenn D. Joyal
Court of Queen's Bench (Manitoba)**

DATE: December 14, 2018