

NOTICE

MANITOBA COURT OF APPEAL

RE: FLEXIBILITY ON UNSWORN DOCUMENTS DURING COVID-19

MARCH 18, 2020

This Notice is to address the concern and recognize that there could be circumstances where a lawyer cannot ultimately have documentation properly executed during the COVID-19 situation. During this time, the Court of Appeal will allow affidavits and declarations that are subject to formal requisites (i.e. they have to be properly sworn/affirmed and signed by the deponent or person declaring and properly witnessed etc.) to be filed without compliance with these formal requisites (such as original signatures or witnessed in the presence of the commissioner or other officer or person administering the oath etc.) so long as they are also filed with an undertaking by the lawyer.

In order for the Registry to accept the documentation, the lawyer will have to undertake to file, prior to the hearing date, an original of the documentation that complies with the formal requisites, failing which the party would not be entitled to rely on it or would be required to withdraw it. For this purpose, section 66 of *The Manitoba Evidence Act* is being invoked. It provides as follows:

No informality in the heading or other formal requisites to any affidavit or declaration, made or taken before a commissioner or other person authorized to take affidavits under this or any Act, is an objection to its reception in evidence, if the court or officer before whom it is tendered thinks proper to receive it.

Finally, for the latest information, please monitor the Manitoba Courts website at: <http://www.manitobacourts.mb.ca/>

ISSUED BY:

“Original signed by Chief Justice Chartier”

The Honourable Richard J. Chartier
Chief Justice of Manitoba

DATE: March 18, 2020