PRACTICE DIRECTION

COURT OF KING'S BENCH OF MANITOBA

RE: PROCEDURE APPLICABLE TO THE TORT OF INTIMATE PARTNER VIOLENCE (IPV)

A Pilot Project is being undertaken as part of this Court's response to the new tort of intimate partner violence established by the Supreme Court of Canada in ***Ahluwalia v. Ahluwalia***, 2026 SCC 16.

The procedure for adjudicating claims for intimate partner violence is guided by the foundational purpose of Rule 70 to secure the just, most expeditious and least expensive determination of every family proceeding on its merits and the principles of proportionality articulated in the King's Bench Rules ("KBR") 70.02.1(1) and 70.02.1(2) respectively.

The following procedure applies to the tort of intimate partner violence.

Statement of Claim

A claim based on the tort of intimate partner violence (IPV) shall be set out in a statement of claim pursuant to KBR 70.03(8)(b) and filed in the Court of King's Bench (Family Division).

Filing a Stand-alone IPV Claim

Where there are no initiating pleadings seeking statutory relief, including a petition for divorce, petition, notice of application and a notice of motion to vary, a stand-alone statement of claim for IPV may be filed.

Contested Proceeding

When the times specified by KBR 18 and 19 for filing and serving a responding pleading have expired, counsel or a self-represented party may contact the case conference coordinator to schedule a case conference for the contested proceeding. Case conference briefs shall be filed by the parties. The trial dates for the proceeding will be set by the case conference judge at the first case conference. The parties shall ensure that there has been full disclosure of relevant documentation respecting the issues of liability and damages with authorities related to claimed damages.

Default

In the event no responding pleadings are filed, default under KBR 19 may be noted and the matter will proceed on an uncontested basis. A requisition noting default and a motion and affidavit in support of the claim shall be filed.

IPV Claim where Initiating Pleading seeking Statutory Relief filed

Where there is an existing initiating pleading seeking statutory relief, including a petition for divorce, petition, notice of application, and a notice of motion to vary, a statement of claim based on the tort of IPV shall be given the same file number, as the existing proceeding involving the same parties.

Where the statement of claim is filed prior to the first case conference, the claim shall be automatically joined with the initiating pleading in the existing proceeding.

When a claim based on the tort of IPV has not been filed prior to the first case conference, a motion for joinder under KBR 5.01(1) may be filed and served and heard by the case conference judge.

A statement of claim based on the tort of IPV will not be subject to triage screening by the triage conference coordinator under KBR 70.24(19).

Claims for statutory relief and the tort of IPV, including liability and damages, shall be heard by the trial judge at the same time.

Prior Amendment to Initiating Pleading

Where an initiating pleading has been amended prior to the issuing of this Practice Direction to include an IPV tort claim, the triage/case conference judge will determine whether the amendments are sufficient to adjudicate the issues of liability and damages.

If the amendments are not sufficient to adjudicate these issues, the initiating party will file a statement of claim and the responding party will file responding pleadings, as directed by the triage/case conference judge.

Coming into effect

This Practice Direction comes into effect immediately.

ISSUED BY:

"Original signed by Associate Chief Justice Hatch"

The Honourable Associate Chief Justice Gwen B. Hatch
Court of King's Bench (Manitoba)

DATE: October 27, 2026