

Summary of the *Alberta Rules of Court Amendment Regulation*

Included in the *Alberta Rules of Court Amendment Regulation* (AR 72/2022), which became effective on May 4, 2022, are the following provisions:

- **Rule 3.22** [*Evidence on judicial review*] is amended to clarify that an affidavit may be filed by any party to an originating application for judicial review without first getting the permission of the court, unless the application is to set aside a decision or act of a tribunal or other administrative decision-maker.
- **Rule 4.31** [*Application to deal with delay*] is amended to clarify that when the court considers whether to dismiss all or part of a court action for delay, the court must consider whether the applicant participated or contributed to the delay.
- **Rule 12.26** [*Application under Divorce Act (Canada) to recognize decision of competent authority varying parenting or contact order*] is amended to direct the court clerk that, if the original parenting or contact order was made by a court in another Canadian province or territory, the court clerk must send a copy of the decision of the competent authority along with the Alberta court's decision to that court in the other province or territory.
- **Rule 12.50** [*Divorce without appearance by parties or counsel*] is amended to permit the court clerk to send copies of the divorce judgment to the parties by regular mail or by electronic method, provided the person has provided an electronic address for service, or an electronic address is identified for the person in the affidavit of the applicant supporting the divorce application.
- **Rule 12.53** [*Form of orders*] is amended so that a court order under the *Family Law Act* for parenting time, decision-making responsibility, contact, child support or spousal or partner support, should be in Form FL-27 – which is the form used for similar relief under the *Divorce Act* – with appropriate changes as circumstances require.
- **Rule 12.55** [*Service of documents*] is amended to clarify that service of documents on the director of the Maintenance Enforcement Program, other than documents which commence a claim against the program or the Crown, can be effected by sending the document by ordinary mail or by electronic method under Rule 11.21.
- **Rule 14.32(2)** [*Oral argument*] is amended to clarify that an appeal court judge can direct the appeal to proceed without oral argument.
- **Rule 14.51** [*Applications without oral argument*] is amended to allow the Court of Appeal to hear and decide applications without oral argument in appropriate cases.
- Amendments are made to a number of the **Family Law Forms** in the Rules to clarify that the first two paragraphs of the Statement of Plaintiff (or the Statement of Defendant, or the Statement of Applicant, as the case may be) apply only if there are children of the marriage between the parties. With the current wording, parties without children of the marriage may be confused as to whether the duties imposed on them by sections 7.1 to 7.5 of the *Divorce Act* (Canada) still apply.

- **Form FL-20** [*Notice of Interjurisdictional Support Hearing*] is amended to ensure the form also provides an option for initial support applications made under section 18.1 of the *Divorce Act*, not only support variation applications.
- **Form FL-23** [*Affidavit of Applicant for Divorce*] is amended:
 - to confirm the mailing address and email address for the respondent,
 - to clarify the status of the applicant if they are the defendant in the action and they are the party applying for the divorce judgment, and
 - to clarify the desired response if the applicant is not the subject of criminal proceedings, child protection proceedings, or civil protection proceedings – providing a checkbox for “None”, rather than a non-responsive reply of “Not applicable”.
- **Form FL-24** [*Affidavit of Applicants for Divorce (Joint)*] is amended in a similar manner to clarify the desired response if the parties are not the subject of criminal proceedings, child protection proceedings, or civil protection proceedings.
- **Schedule C, item 10(3)** [*Trial and summary trial*] is amended to clarify that when a matter is resolved in the lead up to trial or summary trial, the fee set out in item 10(3) is payable in addition to the base fee for trial preparation set out in item 10(1), rather than instead of the base fee.