

CIVIL PRACTICE NOTE 1

JUSTICE AND APPLICATIONS JUDGES' CHAMBERS AND SPECIAL APPLICATIONS

Effective July 2, 2024

1. In this Practice Note, "Duty Justice" means a Justice designated by the Chief Justice or an Associate Chief Justice as a Duty Justice for the appropriate day or week as the case may be.
2. This Practice Note does not supersede or extend any filing deadlines set out in any statute or regulation for an appeal or judicial review.
3. If the day on which materials are required by this Practice Note to be filed and served is a holiday, the filing and service of these materials must occur the last business day before the holiday.
4. Reference in this Practice Note to the Court Coordinator means:
 - (a) For Justice Specials in Calgary and Edmonton, the Civil Court Coordinator;
 - (b) For Applications Judge Specials in Calgary and Edmonton, the Applications Judge Specials Coordinator;
 - (c) For Justice Specials and Applications Judge Specials in regional centres (outside of Calgary and Edmonton), the appropriate Regional Court Coordinator.

A. APPLICATIONS WITHOUT PERSONAL APPEARANCE AND CONSENT APPLICATIONS

5. As contemplated by Rule 6.9(1)(c) of the *Alberta Rules of Court*, a party may apply for applications without notice or Consent Orders without personal appearance. Applications so made will be placed before a Justice or Applications Judge by the Clerk and returned by the Clerk to the party with the Order signed or a note setting forth the grounds for rejection.
6. The parties will file the usual material in support of the Application, together with the Application Form and any other materials that the parties wish to put before the Court, with the Clerk or the Clerk's designate in the Judicial Centre in which the Application should be made according to the *Alberta Rules of Court*.
7. When the Application is made at a Judicial Centre at which a Justice or Applications Judge is not then sitting, the Clerk will, on request of the party, forward the material to a Duty Justice or Applications Judge sitting in another Judicial Centre.

B. ADJOURNMENTS OF REGULAR CHAMBERS APPLICATIONS

8. All urgent Applications for adjournments of regular Civil Justice Chambers and Applications Judge Chambers (less than 2 days from the scheduled chambers date) must be heard in chambers. Parties are required to attend to speak to the adjournment, or the Application will be struck.
9. All Applications for adjournments of regular Civil Justice Chambers and Applications Judge Chambers Applications more than 2 days from the scheduled chambers date can be made online through the Court's website, at the following link:
<https://www.albertacourts.ca/kb/court-operations-schedules/adjournment>.

C. CIVIL JUSTICE AND APPLICATIONS JUDGES SPECIAL APPLICATIONS

10. A Special Application is a contested application before a Justice or Applications Judge other than a family law matter likely to take longer than 20 minutes to argue and decide.
11. Special Applications must be scheduled with the consent of all parties unless the Court orders otherwise.
12. Pursuant to Rule 6.11(1)(g) of the *Alberta Rules of Court*, oral evidence may be adduced on the hearing of a Special Application only with the prior leave of the Court on notice, if appropriate, to the other parties involved resulting in an Oral Hearing Order filed with the Court.
13. Hearing times for Special Applications will be assigned on request by the Court Coordinator, following the adjournment of the application from the regular list.
14. Short and concise written briefs by all parties must be filed with the Clerk's Office as hereinafter set forth:
 - (a) The brief of the Applicant must contain a written summary of the relevant facts involved in the Special Application and the main points of law that will be argued. The brief of the Respondent will respond in like manner.
 - (b) Parties should only reproduce those authorities that are expected to be referred to on the Special Application and should not reproduce a full authority when a headnote or extract will suffice. Any portions of authorities which parties intend to rely on shall be highlighted.
15. Parties may rely on a brief filed in respect of previous Applications in lieu of new briefs by advising all parties and the Court Coordinator in writing on or before the filing deadline of that parties' brief as set out in paragraph 21. If notice is not provided on or before the filing deadline as set out in paragraph 21, the Court will deem no brief having been filed for the Special Application by that party and as such, the same consequence of not filing a brief at all will be imposed.
16. Without leave of the Justice or Applications Judge assigned to hear the Special Application or, in the absence of that person, another Justice, or Applications Judge (as the case may be), parties may not file a supplemental brief or any other materials after the deadline for filing and service of that party's materials as set out in paragraph 21 below.

17. If an Applicant wishes a Special Application which has been struck due to non-compliance with the filing requirements to be reinstated, and no other matter has been scheduled in its place, as well as in any Special Application in which the Respondent wishes to file a brief late, an Application may be made, on notice to the opposing party, to the Court presiding over the Special Application for leave to reinstate or to file late. Notice of this Application and the resulting decision must be provided to the Court Coordinator.
18. Applications for an adjournment of the Special Application after the Applicant's brief has been filed should be made to the Justice or Applications Judge assigned to the Application or, in the absence of or failing the assignment of that person, to another Justice or Applications Judge.
19. Notwithstanding paragraph 18, an adjournment sought more than 3 weeks prior to the assigned hearing date of a Special Application may, with the prior agreement of all parties, be obtained by telephone or email from the Court Coordinator but must be confirmed by letter or email, copied to all parties and the Court Coordinator.
20. If the issues identified in the Application resolve or settle, the parties are to advise the Court Coordinator immediately and confirm the settlement/resolution by letter or email copied to all parties and the Court Coordinator.
21. Filing Requirements and Deadlines:
 - (a) Judicial Reviews and Civil Appeals
 - i. These filing deadlines apply to all Civil Special Applications and all Judicial Reviews and Civil Appeals from the Alberta Court of Justice that require a record of proceedings to be filed, except Applications Judge Appeals which are governed by Rule 6.14 of the *Alberta Rules of Court*. Where the Judicial Review or Civil Appeal is to be heard *de novo* pursuant to statute or a Court order, these filing deadlines do not apply and parties must obtain a procedural order addressing required filing deadlines and requirements for briefs before scheduling a review or appeal hearing.
 - ii. The Applicant will file their commencement document (such as a required Application or Notice of Appeal), Affidavit (if required) and comply with any other requirements for commencing the Judicial Review or Civil Appeal within the times prescribed by applicable statutes, regulations or rules. Where the tribunal or a party is required to file a record of proceedings, the record must be filed within any prescribed deadlines and the special application date must be scheduled to allow sufficient time following delivery of the record to permit the parties to file their submissions. The parties may obtain a procedural order if unable to agree on the delivery date of the record if that date is not already prescribed by law.
 - iii. The parties must file a short and concise brief and supporting authorities within the time periods set out herein. The briefs should include pinpoint references to the portions of the record under review that will be relied on in argument by the party filing the brief.

iv. The Applicant's brief and authorities, and any other necessary affidavit permitted by law, must be filed with the Clerk's Office at or before 12:00 noon and served on the Respondent(s) at or before 4:30 p.m. on the third Friday before the week in which the assigned hearing date falls.

v. The Respondent's brief and authorities must be filed with the Clerk's Office at or before 12:00 noon and served on the Applicant(s) and other Respondent(s), if applicable, at or before 4:30 p.m. on the second Friday before the week in which the assigned hearing date falls.

vi. In the event that the materials filed by the Applicant or Respondent are defective or deficient, the Clerk's office will return the materials to the party filing them with a direction to correct the deficiency and re-file the materials by 4:00 p.m. If the materials can be corrected and re-filed by that time, they will be accepted by the Clerk's office and a fiat in accordance with Rule 13.38 of the *Alberta Rules of Court* will not be necessary.

vii. If the Applicant's brief required by this paragraph is not filed in time, the application will be struck automatically. The Court Coordinator may then replace the struck matter with another application which does comply with the filing requirements.

viii. If a Respondent's brief required pursuant to this paragraph is not filed in time, the Application may proceed, and the Court may order costs against the Respondent(s) or impose such other penalty as deemed appropriate.

(b) Civil Justice and Applications Judges Special Applications

i. These filing deadlines apply to all Civil Justice and Applications Judges Special Applications that are not included in paragraph 21(a).

ii. These filing deadlines are based on a "triggering date". The triggering date is the date a Special Application is scheduled/booked. A confirmation letter will be provided to the parties by the Court Coordinator at the time of scheduling confirming the triggering date.

iii. It is the Court's expectation that parties and/or counsel will take the steps necessary to ensure that the evidentiary record is complete, prior to the scheduling of the Special Application. All affidavits and any other evidence permitted under Rule 6.11 intended to be relied on at the Special Application must be filed, served, and any cross-examination completed (including undertakings), prior to requesting a date for a Special Application. The [Applicant's Request Form](#) must include a copy of the application to be heard, an estimated time required for argument and a list of all affidavits or other evidence permitted under Rule 6.11 that will be referred to by the parties at the hearing. No other affidavits or other evidence will be permitted to be referenced at the hearing without leave of the Court presiding over the Special Application.

iv. The Applicant's Application or Originating Application, Affidavit, or other evidence pursuant to Rule 6.11 of the *Alberta Rules of Court*, brief and authorities must be filed with the Clerk's Office at or before 12:00 noon and served on the

Respondent(s) at or before 4:30 p.m. no more than 2 weeks following the triggering date.

v. The Respondent's Affidavit(s) and other evidence pursuant to Rule 6.11 of the *Alberta Rules of Court*, brief and authorities must be filed with the Clerk's Office at or before 12:00 noon and served on the Applicant and other Respondent(s), if applicable, at or before 4:30 p.m. no more than four weeks following the triggering date

vi. In the event that the materials filed by the Applicant or Respondent are defective or deficient, the Clerk's office will return the materials to the party filing them with a direction to correct the deficiency and re-file the materials by 4:00 p.m. If the materials can be corrected and re-filed by that time, they will be accepted by the Clerk's office and a fiat in accordance with Rule 13.38 of the *Alberta Rules of Court* will not be necessary.

vii. Any Cross-Application or any further information/materials can only be filed with leave of the Court on notice.

viii. If the Applicant's brief required pursuant this paragraph is not filed in time, the application will be struck automatically. The Court Coordinator may replace the struck matter with another application which does comply with the filing requirements.

ix. If the Respondent's brief required pursuant to this paragraph is not filed in time, the Application may proceed and the Court may order costs against the Respondent(s) or impose such other penalty as deemed appropriate.