

## **NOTICE TO THE PROFESSION AND PUBLIC**

### **STREAMLINED TRIAL PROCESS – FAMILY ACTIONS**

This Notice outlines the procedure to have an Action set down for adjudication by a Streamlined Trial, per amendments to the [Alberta Rules of Court](#) coming into effect January 1, 2024.

#### **Purpose of Streamlined Trials**

It is in the interests of the parties and any children affected by the proceedings to have a dispute resolved by the most timely, efficient, and inexpensive method. A Streamlined Trial is conducted under Part 8, Division 5 of the *Rules of Court* and is used when an Action can be fairly and justly resolved by the streamlined process, and that process is proportionate to the importance and complexity of the issues, the amounts involved, and the resources that can reasonably be allocated to resolving the dispute: R. 8.25(1).

#### **Requesting a Streamlined Trial**

Subject to any Order of the Court, the Court's [Mandatory Requirements](#), including an alternative dispute resolution process on the matters in dispute, must be completed before a party makes a request for the matter to proceed to a Streamlined Trial.

In Calgary and Edmonton, a party who wishes to have their dispute resolved by a Streamlined Trial may make that request in Family Docket Court without filing a Form 36. If the Justice presiding in Family Docket Court determines that the matter may be suitable for determination by way of a Streamlined Trial, they will schedule the matter for a Rule 4.10 Case Conference for the purpose of: confirming suitability for a Streamlined Trial; and finalizing the Streamlined Trial Order. A template Streamlined Trial Order is available at this link:

[https://www.albertacourts.ca/docs/default-source/qb/order---streamlined-trial-\(family\).docx](https://www.albertacourts.ca/docs/default-source/qb/order---streamlined-trial-(family).docx).

Prior to the Rule 4.10 Case Conference, each party must provide the Court with a [Case Conference Summary](#) and a draft Streamlined Trial Order. If property is in issue, a property statement must also be provided by each party, with line items aligned for ease of review by the Justice and the opposing party. If retroactive child or spousal

support is in issue, each party must also provide a concise summary of their retroactive support claim.

If there is a dispute about whether the matter is suitable for a Streamlined Trial process, the Case Conference Justice may resolve that issue in a summary manner, relying on the pleadings, statements by the parties of the issues to be resolved at the Streamlined Trial, outlines of evidence that would be called at the Streamlined Trial, and any other relevant information: R 8.27

Actions can be suitable for the Streamlined Trial Process even if issues of credibility may arise, some oral evidence will be required, or expert evidence may be introduced: R. 8.25(2).

The following types of cases may be appropriate for the streamlined trial process:

- family property actions, where the property is not complex;
- spousal/adult interdependent partner support claims;
- child support claims;
- income determination;
- retroactive support claims;
- some types of parenting issues.

Parties are discouraged from having multiple Streamlined Trials in the same Action.

Unless waived by the Court, an alternative dispute resolution process is mandatory for family matters before a matter can proceed to a Streamlined Trial.

### **The Streamlined Trial Order**

The parties must obtain an Order permitting the use of the Streamlined Trial Process: R. 8.26(1). While the process cannot be invoked by consent, the parties are encouraged to reach a consensus on the use of the process and the form of [Streamlined Trial Order](#) for the first Rule 4.10 Case Conference.

The Streamlined Trial Order may provide for oral evidence at a Streamlined Trial.

### **Scheduling a Streamlined Trial**

Unless otherwise authorized in the Streamlined Trial Order, a Streamlined Trial is scheduled by submitting a [Trial Booking Form](#), paying the appropriate fee, and providing a copy of the Streamlined Trial Order to the Court Coordinator designated for Family Trials. Unless the Streamlined Trial Order dispensed with the need for a Form 37, a [Form 37](#), modified to meet the requirements of the Streamlined Trial process, must also be provided.

The parties must attend a second R. 4.10 Case Conference no later than three months before the scheduled trial date to confirm that the parties have complied with the pre-trial requirements contained in the Streamlined Trial Order and will be ready to

proceed to trial: R. 8.28(4). A date for the second R. 4.10 Case Conference will be provided by the Court Coordinator when the date for the Streamlined Trial is provided. One week prior to attending the second R. 4.10 Case Conference the parties must provide a [Family Pre-trial Conference Summary](#) confirming compliance with the Summary Trial Order and readiness for trial.

Three months or more before the scheduled Streamlined Trial date, each party must confirm, in [Form 39](#), that they will be a) be ready to proceed with the Summary Trial on the scheduled trial date and b) have attended the second R.4.10 Case Conference: R. 8.29(4), R. 8.29(5), R. 8.7. If only one party confirms trial readiness, the scheduled date for the trial remains unless otherwise ordered. If no party confirms trial readiness, the trial date is cancelled.

### **Preparing for the Streamlined Trial**

Where a Streamlined Trial has been ordered, the parties have a joint responsibility to identify the real issues in dispute (the questions that the Court must answer), agree on relevant and material facts that are not in dispute, ensure that only relevant and material evidence necessary to resolve the dispute is contained in the trial record, and organize the record and the evidence to expedite the Streamlined Trial and assist the Trial Judge: R. 8.28 The parties must also determine whether any third parties will provide evidence and in what form, whether it will be necessary to have oral evidence, including cross examination at trial, and whether any expert reports can be entered into evidence by consent. All of these things should be addressed in the Streamlined Trial Order. All parties have an obligation to prepare a record that will allow for an efficient adjudication: R. 8.28.

### **Evidence and Procedure at the Streamlined Trial**

The Rules in Part 8, Divisions 3 and 4 apply to Streamlined Trials, with all necessary modifications and subject to the Streamlined Trial Order, any Procedural Order, or any Practice Note: R. 8.30(1).

Subject to Rule 13.18(3), the rules of evidence, any contrary direction, and the Streamlined Trial Order, evidence at a Streamlined Trial shall be entered by Affidavit: R 8.30(2).

Subject to the right of the Trial Judge to set procedure at the trial, the procedure at the Streamlined Trial will be as provided for in the Streamlined Trial Order.

A Streamlined Trial is a full trial on the merits, and the presiding Judge shall grant judgment at the end of the trial: R 8.31.

Unless the Chief Justice otherwise directs, if a Streamlined Trial is adjourned after the commencement of the trial, the assigned trial Judge shall remain seized of the matter.