Malaysia	**Lesotho**
Maldives	**Malaisie**
Malta	**Malawi**
Mauritius	**Maldives**
Nauru	**Malte**
New Zealand	**Maurice**
Nigeria	**Nauru**
Pakistan	**Nigeria**
Papua New Guinea	**Nouvelle-Zélande**
St. Christopher and Nevis	**Ouganda**
St. Lucia	**Pakistan**
St. Vincent and the Grenadines	**Papouasie-Nouvelle-Guinée**
Seychelles	**Royaume-Uni**
Sierra Leone	**Saint-Christophe-et-Nevis**
Singapore	**Sainte-Lucie**
Solomon Islands	**Saint-Vincent-et-Grenadines**
South Africa	**Samoa occidental**
Sri Lanka	**Seychelles**
Swaziland	**Sierra Leone**
Tanzania	**Singapour**
Tonga	**Sri Lanka**
Trinidad and Tobago	**Swaziland**
Tuvalu	**Tanzanie**
Uganda	**Tonga**
United Kingdom	**Trinité et Tobago**
Vanuatu	**Tuvalu**
Western Samoa	**Vanuatu**
Zambia	**Zambie**
Zimbabwe	**Zimbabwe**

INDEX

HOW TO USE

"F."	• refers to Form number of the Federal Courts Forms (reproduced at p. 529)
"T.F.A."	• refers to Section number of the Federal Courts Tariff of Fees Tariff A (reproduced at p. 683)
"T.F.B."	• refers to Section number of the Federal Courts Tariff of Fees Tariff B (reproduced at p. 687)
"S."	• refers to Section number of the *Federal Courts Act* (reproduced at p. 59)
"I.R."	• refers to Rule number of the Federal Courts Immigration and Refugee Protection Rules (reproduced at p. 723)
"EX.CT."	• refers to Section number of the unrepealed *Exchequer Court Act* (reproduced at p. 151)
"R."	• refers to Rule number of the *Federal Courts Rules* (reproduced at p. 191)
"IA"	• refers to section number of the *Interpretation Act* (reproduced at p. 839)
"IRA"	• refers to section number of the *Immigration and Refugee Protection Act* (reproduced at p. 707)
"CEA"	• refers to section number of the *Canada Evidence Act* (reproduced at p. 773)
"CLA"	• refers to section number of the *Crown Liability and Proceedings Act* (reproduced at p. 749)

A

Abridgment of time periods
• motion, by, R. 8(1)

Access to Information Act
• applications under, R. 304

Act, Federal Courts
• citation, S. 1
• defined, R. 2

Act of Parliament
• appeals, R. 335(e)
• Rules, conflict, precedence, R. 1

Action. *See also* **Class proceedings; Practice and procedure; Trial**
• admiralty. *See* **Admiralty action**
• bankruptcy, during, R. 116
• bifurcation of issues, R. 107
• class. *See* **Class proceedings**
• commencement, scope, R. 61-R. 64
• Crown, against, institution, S. 48
• deceased person, R. 116
• default proceedings, R. 210-R. 212
• defined, R. 2
• documents. *See* **Documents**
• evidence. *See* **Evidence**
• hearing. *See* **Hearing**
• *in rem, in personam. See* **Admiralty action**
• monetary relief, prothonotary, power, R. 50
• motions to strike, R. 221
• objections. *See* **Objections**
• pleadings. *See* **Pleadings**
• practice and procedure, generally. *See* **Practice and procedure**
• reference, Rr. 153-164
• Rules, application, Rr. 169, 299.1, 299.11
• security for costs, R. 416
• simplified action
• • avoidance, effect, R. 293
• • • evidence by affidavit, service, R. 299
• • • examination for discovery, R. 296
• • defined, R. 2
• • list of documents, R. 295
• • motion, restrictions, R. 298
• • motion, summary judgment, prohibition, R. 297
• • pleadings, R. 294
• • requirement, criteria, R. 292
• • witness, procedure, R. 299
• summary judgment. *See* **Summary judgment**
• trial. *See* **Trial**

Address for service. *See* **Service of documents**

Administration of court
• employees, S. 14
• registry, S. 14

Administrator
• appeal book, preparation, R. 343(5)
• applications, record, preparation, R. 311
• appointment, S. 14
• case management, status review, R. 381
• Crown, order against, certificate, issuance, R. 474
• defined, R. 2
• designation, duties, R. 9, R. 12
• order, delivery, recording, R. 395-R. 396
• pre-trial conference, R. 261
• requisitions, form, F. 18, R. 18
• ship, collision action, duties, R. 498(4)-(6)
• subpoenas, issuance, R. 41
• tribunal, material, return, R. 319

Admiralty action. *See also* **Maritime law; Ship**
• appeal, *Canada Shipping Act*, S. 397(1)
• bail
• • bond, guaranty, surety company, F. 486A, R. 486
• • bond, notice, service, F. 486B, R. 486
• • *caveator*, notice of objection, F. 486C, R. 486
• • determination, R. 485-R. 486
• • form, F. 486A, R. 486
• *caveat*
• • arrest, property, warrant, F. 493A, R. 493(1)
• • costs, damages, liability, R. 494
• • expiry, reissue, R. 495
• • non-party, service, address, R. 493(5)
• • payment, money out of court, F. 493C, R. 493(3)
• • release, arrested property, F. 493B, R. 493(2)
• • setting aside, order, R. 495(4)
• • warrant, costs, liability, R. 494
• • withdrawal, notice, F. 495, R. 495
• collision between ships. *See* **Ship**
• defined, R. 2
• designated officer, defined, R. 476
• *in personam*, scope, style of cause, R. 477
• *in rem*
• • defence, proper party, disclosure, R. 480
• • defendants, inclusions, R. 477(4)
• • ship owners, inclusion, R. 477
• • statement of claim, service, R. 479
• • style of cause, F. 477, R. 477(2)
• liability, limitation, R. 496-R. 497
• maritime law (Canadian), defined, S. 2
• multiple ships, against, defendants, R. 478
• property, ships, arrest
• • affidavit to lead warrant, filing, R. 481
• • costs, fees, security, R. 483
• • documents, sheriff, service, proof, R. 482
• • movement, leave, consent, R. 484
• • possession, responsibility, party, R. 483
• • sheriff, possession, R. 483(2)
• • warrant
• • • *in rem*, issuance, time, F. 481, R. 481
• • • issuance, proper party, R. 473
• property, ships, arrested, release
• • motion, on, R. 488
• • referral, judge, prothonotary, R. 487
• • release, form, F. 487, R. 487
• • requirements, costs, R. 489
• property, ships, arrested, sale
• • appraisal, commission, F. 490, R. 490(2)
• • assessment, R. 490
• • claim, limitation period, expiry, R. 492
• • claimants, notice, rights, R. 491-R. 492
• • liens, exemption, R. 490(3)
• Rules, application, R. 475

Admissions
• deemed admission, R. 256
• effect of request to admit, R. 256
• form, service, F. 255, R. 255
• request to admit fact or document, R. 255

Advocate
• authority to practise in court, S. 11

Aeronautics
• jurisdiction of court, S. 23

Affidavit
• admiralty action, R. 481-R. 482, R. 487
• adverse inference, R. 81(2)
• appeal, leave, motion, inclusion, R. 353-R. 354
• application, completion, time, R. 308
• application, support, service, R. 306-R. 308, R. 312
• blind deponent, R. 80
• commercial arbitration, request, R. 324
• contents, R. 81
• costs, abandoned motion, assessment, R. 411
• cross-examination on. *See also* **Cross-examination; Examination**
• • documents, production for inspection, R. 91
• • due diligence, R. 85
• • terms, time, R. 83, R. 84
• • transcripts, copies, R. 86, R. 368
• default proceedings, motion, R. 210
• documents, discovery. *See* **Documents, discovery of**

Affidavit—*cont'd*
• evidence taken by, S. 53
• exhibits, identification, R. 80(3)
• expert witness, evidence, R. 279-R. 281
• foreign judgment, application, R. 329
• foreign language deponent, Ff. 80B, 80C, R. 80(2.1)
• form, Ff. 80A, 80B, 80C, R. 80(1), (2.1)
• illiterate deponent, R. 80
• immigration decisions, review, I.R. 12
• motion, initiation, R. 363-R. 367
• oath, administration, S. 54, CEA 41
• on belief, R. 81(2)
• simplified action, evidence, time, R. 299
• solicitor, deponent, terms, R. 82
• subpoena, service, R. 44
• translation, F. 80B, R. 80(2.1)
• transmission of interest, R. 117
• trial, at, fact, proof, R. 285-R. 286
• tribunal, order, enforcement, filing, R. 424
• witness, fees, travel expenses, R. 43-R. 44
• written examination, answer, F. 99B, R. 99

Aircraft
• jurisdiction over, S. 22(3)(b)
• pilotage, S. 22(2)(l)
• salvage, S. 22(2)(j)
• towage, S. 22(2)(k)

Amendment of documents
• costs, assessment, pleadings, R. 410
• documents, generally
• • leave, with, criteria, R. 76
• • limitation period, after, R. 77
• • method, time, terms, R. 75, R. 79
• • time, effect, R. 78

Appeal citizenship. *See* **Citizenship appeals**

Appeal from immigration decision. *See* **Immigration Rules**

Appeal from Federal Court. *See also* **Appeals**
• documents, service, R. 127
• jurisdiction of Court of Appeal, S. 27
• scope, R. 335
• solicitor, service, address, R. 340

Appeal from Tax Court of Canada. *See also* **Appeals**
• notice, contents, F. 337.1, R. 337.1
• scope, R. 335

Appeal to Federal Court of Appeal. *See also* **Appeals**
• application to quash, jurisdiction, S. 52
• Court of Appeal, definition, S. 2
• death of judge, continuance, S. 45
• federal board application to review, S. 28
• judgment, scope, S. 52
• scope, R. 335
• special hearing date, R. 35

Appeal to Supreme Court of Canada
• leave, motion, procedure, R. 357

Appeals
• appeal books
• • completion, certificate, F. 344, R. 344
• • contents, agreement, time, R. 343-R. 344
• • failure to agree, R. 343
• • formal requirements, R. 344
• • preparation, time, R. 343(5)
• • service, filing, time, R. 345
• • transcript, reproduction, proof, R. 343(4), R. 344
• Attorney General, respondent, substitution, R. 338
• book of authorities
• • cover, R. 348(4)
• • filing, time, R. 348
• • official languages, R. 348(3)
• • separate, filing, condition, R. 348(3)
• *Citizenship Act*, under, R. 300
• commencement
• • general notice, service, proof, F. 337, R. 337, R. 339
• • procedure generally, R. 61-R. 64
• consolidation, R. 342
• defined, R. 2
• documents commencing, R. 63, R. 67
• evidence, new, leave to present, R. 351
• first instance, defined, R. 336
• general notice, content, R. 337
• judgment, reversal, variation, consent, R. 349
• leave, motion for
• • disposition, time, R. 356
• • memorandum, service, time, R. 354
• • procedure, R. 352
• • record, service, filing, R. 353
• • reply to memorandum, service, time, R. 355
• memoranda of fact and law
• • cover, R. 346(4)
• • cross-appeal, R. 346(3)
• motion for leave, record, inclusion, R. 353-R. 354
• • service, filing, time, R. 346
• offer to settle, party-and-party costs, R. 419
• order, stay pending, R. 398
• prothonotary, order, time, R. 51
• reference, report, time, R. 163
• requisition for hearing
• • contents, R. 347(3)

Appeals—*cont'd*
- • default, filing, service, R. 347(2)
- • service, time, form, F. 347, R. 347
- respondent
- • notice, appearance, form, service, F. 341A, R. 341
- • notice, cross-appeal, failure to file, R. 341
- • notice, cross-appeal, service, form, F. 341B, R. 341
- • proper parties, R. 338
- Rules, application, R. 300
- scope, S. 52
- security for costs. *See* **Security for costs**
- solicitor, address for service, R. 340
- Tax Court, F. 337.1, R. 337.1
- tribunal. *See* **Tribunal**

Appearance
- default at hearing, adjournment, effect, R. 36
- immigration decisions, review, notice, LR. 8
- solicitor, deemed solicitor of record, R. 209

Applicant
- defined, R. 2

Application to quash on appeal
- jurisdiction, S. 52

Applications
- additional material, filing, order, R. 313
- additional steps, leave, R. 312
- affidavit, R. 306-R. 307, R. 312
- appeals, in, R. 415
- applicant
- • affidavits, exhibits, service, R. 306
- • defined, R. 2
- • record, contents, service, R. 309
- • requisition for hearing, service, F. 314A, R. 314
- • respondents, naming, R. 303
- arbitral awards. *See* **Foreign judgments, Arbitral awards**
- commencement, notice
- • form, contents, F. 301, R. 301
- • generally, R. 63
- • material from tribunal, request, service, R. 317
- • proof, filing, time, R. 304(3)
- • service, motion for directions, R. 304
- commencement, procedure, R. 61-R. 64
- commercial arbitration. *See* **Commercial Arbitration Code**
- conference, order, R. 315-R. 316
- cross-examination on affidavits, time, R. 308
- defined, R. 2
- divorce, R. 300, R. 325
- Federal Board, review, S. 28
- foreign judgments. *See* **Foreign judgments, Arbitral awards**
- judicial review, for
- • Attorney General, substitution, R. 303
- • defects, for, restrictions, S. 18.1
- • Federal Court, powers, S. 18.1
- • immigration. *See* **Immigration Rules**
- • interim orders, S. 18.2
- • jurisdiction, S. 28
- • notice, service, R. 304
- • prerogative remedies, S. 18.1
- • single order only, R. 302
- • time limits, S. 18
- motion, by. *See* **Motion**
- motions to strike, R. 221
- notice of appearance, service, F. 305, R. 305
- offer to settle, party-and-party costs, R. 419
- record, Administrator, preparation, R. 311
- respondents
- • affidavits, exhibits, service, R. 307
- • notice of appearance, service, F. 305, R. 305
- • record, service, filing, R. 310
- security for costs, R. 415. *See also* **Security for costs**
- style of cause, R. 67
- *Trade-marks Act,* R. 300
- tribunal. *See* **Tribunal**
- witness, evidence of fact, R. 316

Arbitration agreement
- defined, R. 326

Armed Forces
- jurisdiction of court over, S. 18

Arrest of property. *See* **Admiralty action**

Assessment officer
- costs, assessment, R. 404, R. 408-R. 409
- defined, R. 2
- transitional provisions, R. 502(2)

Assessor
- communication, open court, R. 52(3)
- expert witness, use, R. 52(6)
- functions, fees, R. 52

Assignor
- examination for discovery, R. 237(4)

Attachment
- non-payment of money, exemption, S. 55

Attorney. *See* **Solicitor**

Attorney on the Record. *See* **Solicitor of record**

Attorneys General, Canada, Provinces
- Canada
- • appeals, respondent, substitution, R. 338
- • application, respondent, R. 303
- • contempt proceedings, assistance, R. 471
- • costs, solicitor, assessment, R. 413
- • Deputy, certificate of judgment, delivery, R. 474
- documents, service, R. 133
- • judicial review, applications, S. 18.1, S. 18.3
- questions, general importance, notice, R. 110
- tribunal, references, parties, R. 322-R. 323

B

Bail
- admiralty action. *See* **Admiralty action**

Bailiff
- contempt of court, R. 466

Bankruptcy
- party, examination for discovery, R. 237
- proceedings, effect, R. 116

Barristers, advocates, attorneys and solicitors. *See also* **Solicitor**
- authority to practise in court, S. 11

Beneficiaries
- proceedings, R. 112

Bill of exchange
- court jurisdiction, S. 23
- Crown involved, S. 23
- payment into court, method, R. 149

Bills of lading
- goods covered by, damage to, S. 22(2)(f)

Blind person
- affidavit, procedure, R. 80

Bonds
- charging order, form, F. 458B, R. 458

Book of Authorities. *See under* **Appeals**

Business day
- defined, R. 2

Business, individual
- service of documents, R. 128

C

Canada Shipping Act
- applications under, scope, R. 169(b), R. 496

Canadian Forces
- jurisdiction of court over, S. 18

Cargo of ship
- bill of lading, S. 22(2)(f)
- damage sustained by, S. 22(2)(e)
- loss of, S. 22(2)(e)
- mortgage, claim respecting, S. 22(2)(c)

Case management
- dispute resolution services. *See* **Dispute resolution services**
- specially managed proceedings
- • defined, R. 2
- • judge, powers, R. 383, R. 383.1, R. 385
- • prothonotary, designation, powers, R. 383, R. 385
- status review
- • conduct, R. 382
- • notice, service, time, F. 380, F. 380.2, R. 381
- • specially managed proceedings, R.380(3)
- • time, determination, R. 380(1)
- • transitional provisions, R. 501(2)
- • written representation, R. 380(2)

Case Management Judge
- defined, R. 2
- dispute resolution
- • conference, conduct, R. 387
- • hearing, at, restrictions, R. 391
- offer to settle or contribute, disclosure, R. 422
- specially managed proceedings, R. 383, R. 383.1, R. 385
- status review, R. 382

Caveat
- admiralty action
- • forms, F. 493A, F. 493B, F. 493C, R. 493
- • procedure, R. 487, R. 493-R. 495

***Caveat* register**
- maintenance, location, R. 22

Certification. *See* **Class proceedings**

Certified copy
- admiralty action, statement of claim, R. 479
- court files, local office, R. 25
- defined, R. 2
- foreign judgment, R. 329
- tribunal, application, material, R. 318
- writ of execution, extension, order, R. 437

Certiorari. *See* **Prerogative writs**

Charging order
- absolute charge, enforcement, form, F. 459, R. 459
- costs, liability, R. 465(3)
- discharge, variation, costs, R. 462
- disposition, validity, R. 460
- funds, transfer, payment, prohibition, R. 465
- injunction, terms, R. 464
- interest, money in court, charge, R. 463
- interested parties, notice of motion, R. 465
- interim charge, motion
  - discharge, R. 459
  - real property, form, F. 458A, R. 458(1)
  - securities, interest, form, F. 458B, R. 458(1)
  - show cause order, R. 458
- payment, enforcement, R. 425
- receiver, appointment, R. 464
- securities
  - dividends, interest, payment, prohibition, R. 461
  - issuer, show cause order, R. 458
  - transfer, prohibition, R. 461
  - transferor, liability, R. 461
- show cause hearing, absolute charge, R. 459
- show cause order, service, parties, R. 458

Christmas recess
- computation of time, R. 6(3)
- defined, R. 2
- General Sittings of Federal Court, R. 34

Citizenship Act
- appeals under, R. 300. *See also* **Appeals**
- references under, R. 169

Citizenship appeals
- jurisdiction, Federal Court, S. 21

Class proceedings
- amendment, R. 334.19
- application of rules, R. 334.11
- certification
  - conditions, R. 334.16
  - counterclaim, certification of, R. 334.14
  - defendant, by, R. 334.13
  - defendant class action, R. 334.14
  - grounds not relied on, R. 334.18
  - notice, R. 334.32
  - order, contents of, R. 334.17
- commencement by member, R. 334.12
- common questions, R. 334.25
  - determination, notice of, R. 334.33
- costs, R. 334.39
  - payments, approval of, R. 334.40
- decertification, R. 334.19
- defendant,
  - against two or more, R. 334.14
  - by, R. 334.13
  - certification of action by, R. 334.13
  - liability, R. 334.27
- discontinuance, approval, R. 334.30
- discovery, R. 334.2
- exclusion of member, R. 334.21
- individual questions, R. 334.26
  - appeals, R. 334.31
- judgments
  - common questions, R. 334.25
  - defendant's liability, R. 334.27
  - individual questions, R. 334.26
  - monetary relief, assessment, R. 334.28
  - separate, R. 334.24
- member,
  - appeal, R. 334.31
  - commencement by, R. 334.12
  - exclusion of, R. 334.21
  - opting out, R. 334.21
  - participation in proceeding, R. 334.23
- monetary relief, R. 334.28
- motion for,
  - service and filing, R. 334.15
- notices, R. 334.32
  - approval, R. 334.37
  - dispensing with notice, R. 334.32
  - expenses, R. 334.38
  - order by judge, R. 334.36
  - representative plaintiff, R. 334.32
- opting out, R. 334.21
- proceedings, specially managed, R. 384.1
- questions, common, R. 334.16
- rules, application of, Rr. 334.11
- settlements,
  - approval, R. 334.29
  - notice of, R. 334.34

Collision action. *See* **Ship**

Collision, ship
- action for, definition, S. 2(1), S. 2[a]

Commencement of proceeding. *See also* **Class actions**
- action, application, appeal, R. 61
- declaratory order, R. 64
- originating documents, R. 62-R. 63. *See also* **Documents**

Commercial Arbitration Code
- request under
  - application, R. 300
  - motion, notice, affidavit, R. 324

Commission evidence. *See also* **Evidence**
- method, S. 53
- oath, administration, S. 54
- procedure, form, F. 272A, F. 272B, F. 272C, R. 272

Computation of time
- abridgement, R. 8
- extensions by consent, R. 7
- extensions upon order, R. 8
- *Interpretation Act* governs, R. 6

Conference
- inclusion in definition of hearing, R. 2

Confidential material
- dispute resolution conference, R. 388
- filing
  - access, restrictions, R. 152
  - grounds, method, R. 151-R. 152
  - motion for order, R. 151
- medical report, R. 352(3)

Constitutional question
- notice, form, F. 69, R. 69
- procedure, S. 57

Contempt of court
- Attorney General (Canada), assistance, R. 471
- determination, R. 466-R. 467
- finding, burden of proof, R. 469
- money, no attachment for non-payment, S. 55
- order
  - burden of proof, R. 467(3)
  - costs, fine, payment, R. 472
  - evidence on motion, R. 470
  - imprisonment, imposition, R. 472
  - issuance, grounds, R. 466
  - motion, *ex parte*, R. 467
  - personal service, R. 467(4)
  - property, sequestration, R. 472
- penalty, R. 472
- presence of judge, effect, R. 468
- prothonotary's, jurisdiction, R. 50
- show cause order, R. 467
- testimony of accused not compellable, R. 470

Contempt order. *See* **Contempt of court**

Contract
- Crown, jurisdiction over, S. 17

Copyright
- infringement proceedings begun by application, R. 300(b)
- jurisdiction of court, S. 18

Corporation
- documents, service, R. 130
- enforcement of orders
  - non-performance of act, R. 429
  - payment of money, officer, examination, R. 426
- discovery of documents, R. 224(1), R. 225
- examination for discovery, R. 237
- operation, cessation, effect, R. 116
- security for costs, supply, R. 416
- shall be represented by counsel, R. 120

Costs. *See also* **Fees; Security for costs**
- abandonment of proceedings, effect, R. 402
- admiralty action
  - *caveats*, warrant, liability, R. 494
  - property, arrest, sale, R. 483, R. 491
- amendment, pleadings, assessment, R. 410
- appeal from Federal Board, general, S. 28
- assessment
  - amendment to pleading without leave, R. 410
  - bill of costs, filing, R. 406, T.F.B. 1
  - decision of assessment officer, review, R. 414
  - discontinued proceeding, notice, R. 412
  - documents, production, R. 408
  - factors, consideration, R. 409
  - grant, refusal, R. 408(3)
  - motion abandoned, documents, filing, R. 411
  - motion for extension of time, R. 410
  - notice of appointment, service, R. 406
  - party-and-party costs, R. 407, T.F.B. 1-T.F.B. 4
  - review, procedure, R. 414
  - set-off, conditions, R. 408(2)
  - solicitor for Crown, terms, R. 413
  - tariff, T.F.B. 1-T.F.B. 4
- assessment officer
  - defined, R. 2
  - functions, R. 405, R. 408-R. 409
- award

Costs—*cont'd*
• • assessed costs, R. 400(4)-(6)
• • court, discretionary power, R. 400
• • determination, factors, R. 400(3)
• • directions, assessment officer, R. 403
• • for or against Crown, S. 46
• • lump sum, R. 400(4)
• • motion, on, R. 401
• • review, grounds, R. 416
• • successful party, against, R. 400(6)
• • Tariff B, reference, R. 400(4),(5), T.F.B. 1
• bill of costs
• • assessment, formula, T.F.B. 2
• • filing, contents, T.F.B. 1
• charging order, R. 462, R. 465(3)
• class proceedings, R. 334.39
• client, order against solicitor, notice, R. 404
• contempt, R. 472
• Crown liability and proceedings, CLA 28
• Crown, payment, R. 400(2), R. 413
• discontinuance of proceedings, effect, R. 402
• enforcement order, act, non-performance, R. 431
• evidence out of court, examination, R. 271
• frivolous or improper proceedings, effect, R. 404
• garnishment, money in court, payment, R. 457
• immigration decisions, review restrictions, I.R. 22
• motion, on, time, extension, R. 401, R. 410
• settlement, offer, party-and-party
• • defendant, entitlement, R. 420-R. 421
• • disclosure to court, restrictions, R. 422
• • offers without costs, R. 420.1
• • plaintiff, entitlement, R. 420
• • proceedings, application, R. 419
• • third party, entitlement, R. 421
• simplified action, R. 293
• solicitor
• • in trust, payment, R. 400(7)
• • liability or disallowance, R. 404
• solicitor-and-client basis, R. 400(6)
• writ of seizure and sale, R. 443-R. 444

Counsel fees. *See* **Tariff of Fees**

Counterclaim
• availability, R. 189(1)
• commencement, documents, R. 62, R. 63
• contents, specific claims, R. 182
• defence to counterclaim
• • filing, form, F. 171F, R. 171
• • reply, filing, form, F. 171G, R. 171-R. 172
• • reply, inclusion, F. 171G, R. 171, R. 192
• • service, filing, time, R. 192
• filing, form, F. 171D, F. 171E, R. 171
• non-party, addition, issuance, time, R. 191
• offer to settle, party-and-party costs, R. 419
• proceeding independent of action, R. 190
• security for costs. *See* **Security for costs**
• service, time, R. 207
• set-off, terms, R. 186-R. 187
• statement of defence, inclusion, R. 189(2)
• style of cause, additional, R. 189(3)

Court. *See also* **Federal Court; Federal Court of Appeal; Federal Court — Appeal Division; Federal Court, Trial Division**
• administration, general, S. 14
• Court of Appeal, defined, S. 2
• defined, R. 2, S. 2
• directions, orders, R. 53-R. 54
• discretionary powers, R. 47
• divisions, S. 4
• documents. *See* **Documents**
• employees, appointment, S. 14
• Exchequer Court continued, S. 3
• Federal Court, defined, S. 2
• hearings. *See* **Hearing**
• judges, S. 5 jurisdiction
• • Court of Appeal, SS. 27-28
• • Federal Court, SS. 17-26
• local office, defined, R. 2
• officers, R. 12
• police services, S. 59
• process throughout Canada, S. 55
• record, court of, S. 3
• registry, S. 14
• sittings, S. 15

Court file. *See* **Court records**

Court of Appeal
• prothonotary, jurisdiction, R. 50(1)
• time, extension, motion, R. 8

Court officers
• Administrator. *See* **Administrator**
• attendance at court sittings, R. 12
• fees, tariff, T.F.A. 4-T.F.A. 5
• transitional provisions, R. 502

Court records. *See also* **Documents**
• annex, R. 23(2)
• confidential, R. 151-R. 152
• contents, R. 21
• documents
• • appeal, defined, R.26.1
• • removal, terms, Rr. 26, 26.1
• • return, R. 26.1
• files, maintenance, R. 23

Court records—*cont'd*
• local office, filing, R. 25
• location, R. 21
• notice of motion, procedure, R. 24
• public inspection, Rr. 26, 26.1
• removal, restriction, Rr. 26(3), 26.1
• trial record, R. 268-R. 269

Court Registrar
• attendance, duties, R. 12

Court seal, R. 13

Creditor. *See* **Charging order; Garnishment proceedings**

Cross-appeal
• notice, leave, form, F. 341B, R. 341

Cross-examination
• affidavit, on, terms, R. 83-R. 86
• documents, production for inspection, R. 91(2)
• examination for discovery, R. 239(5)
• previous statements, CEA 10
• previous oral statements, CEA 11
• upon affidavit of documents, R. 227

Crown
• costs
• • award to or against, R. 400(2), S. 46
• • solicitor for, assessment, R. 413
• definition, S. 2(1)
• discovery of documents, R. 224(1)
• documents, service, R. 133
• examination for discovery, R. 237
• jurisdiction over
• • agreed re money, S. 17
• • conflicting claims, S. 17
• • contract, S. 17
• • goods possessed by, S. 17
• • injurious affection, S. 17
• • land possessed by, S. 17
• • money possessed by, S. 17
• • obligations determined, S. 17
• • question of law or fact, agreed, S. 17
• • relief against Crown, S. 17, S. 18
• liability. *See* ***Crown Liability and Proceedings Act***
• limitation of actions
• • proceedings against, commencement, S. 48
• • scope, S. 39
• order against, judgment, certificate, issuance, R. 474

Crown Liability and Proceedings Act
• agencies and servants of Crown, CLA 35
• breach of duty, CLA 3
• civil salvage, CLA 5
• • limitation period re, CLA 7
• costs, CLA 28
• damages, CLA 3
• definitions, CLA 2, 2.1
• environmental and labour cooperation agreements, CLA 20.1-20.4
• invasion of privacy, CLA 16
• • consent to interception, CLA 18.1
• • indemnity, CLA 20
• • liability for disclosures, CLA 18
• • liability for interceptions, CLA 17
• • punitive damages, no award for, CLA 19
• judgment
• • execution of, CLA 29
• • interest, CLA 31, 31.1
• • payment of, CLA 30
• jurisdiction, concurrent, CLA 21
• motor vehicles, CLA 4, 11
• pensions, CLA 9
• prerogative and statutory powers, CLA 8
• prescription and limitation, CLA 32
• proceedings against Crown
• • default judgment, CLA 25
• • defences, CLA 24
• • jury trials, no, CLA 26
• • parties, CLA 23(1)
• • rules of court, CLA 27
• • service of documents, CLA 23(2)
• proceedings in rem, CLA 14
• property, provisions re, CLA 13
• regulations, CLA 34
• rights, declaration of, CLA 22
• servants, acts of, CLA 10
• short title, CLA 1
• statutes, application of, CLA 33
• tenders, CLA 31.2
• torts, CLA 3

Custody of property. *See* **Property**

D

Debtor. *See* **Judgment debtor**

Deceased person
• estate representation, R. 112-R. 113
• proceedings, effect, R. 116

Decertification. *See* **Class proceedings**

Declaratory relief
• entitlement, R. 64

Default proceedings
• motion for

Default proceedings—*cont'd*
• • availability, R. 118, R. 210
• • supporting documents, R. 210
• pursuant to Hague Convention, R. 212
• service, substitutional, R. 211

Defence. *See also* **Counterclaim; Statement of defence**
• admiralty action, R. 480
• deemed denial, R. 184
• default. *See* **Default proceedings**
• effects of denial, R. 185
• judgment for balance, R. 187
• mandatory admissions and particulars, R. 183
• set-off, monetary claim, R. 186
• tender before action, terms, R. 188

Definitions, R. 2, R. 87, R. 326, R. 336, R. 476

Deponent. *See* **Affidavit**

Designated Officer
• defined, R. 476

Devolution of interest. *See* **Transmission of interest**

Direction to attend
• examination, service, R. 91

Directions
• court, powers, R. 53-R. 54
• trial record, inclusion, R. 269

Disbursements. *See* **Tariff of Fees**

Disclosure of information, *see also* **Immigration Rules**
• confidence of Queen's Privy Council, CEA 39
• government information, CEA 39
• international relations. *See* national security sensitivity
• national defence. *See* national security sensitivity
• national security sensitivity
• • appeal of disclosure order, CEA 38.09, 38.1
• • application to Federal Court by Attorney General, CEA 38.04
• • authorization of disclosure by Attorney General, CEA 38.03
• • certificate re prohibition of disclosure, CEA 38.13
• • • application for review of, CEA 38.131
• • definitions, CEA 38
• • disclosure agreement, CEA 38.031
• • disclosure order, CEA 38.06, 37.07
• • fair trial, orders re protection of right to, CEA 38.14
• • fiat on prosecutor, issuing of, CEA 38.15
• • notice to Attorney General re potential disclosure, CEA 38.01
• • private hearings, CEA 38.11
• • prohibited disclosure, CEA 38.02
• • protective order, CEA 38.12
• • regulations, CEA 38.16
• • report re proceedings, CEA 38.05
• • review of disclosure order, CEA 38.08
• specified public interest objection, CEA 37
• • appeals from determination, CEA 37.1, 37.2
• • court, to, CEA 37(2), (3)
• • disclosure order, CEA 37(4.1), (5)
• • effective time of determination, CEA 37(7)
• • evidence admissible, CEA 37(6.1), (8)
• • factors re determination, CEA 37(9)
• • fair trial, orders re protection of right to, CEA 37.3
• • limitation period, CEA 37(4)
• • obligation of court, CEA 37(1.1)
• • prohibition order, CEA 37(6)
• • right to make, CEA 37(1)

Discontinuance. *See* **Class proceedings; Summary disposition**

Discovery of documents. *See* **Class proceedings; Documents, discovery of**

Dismissal of proceedings
• continuation not possible, R. 168
• delay, for, R. 167

Dispute resolution services
• conduct, judge or prothonotary, R. 387, R. 390-R. 391
• conference
• • dispute resolution conference, defined, R. 2
• • order, completion, time, R. 386
• • presiding judge, hearing, prohibition, R. 391
• confidentiality, R. 388
• disqualification of case-management judge, R. 391
• document, discussion, confidential, R. 388
• early neutral evaluation, R. 387
• failure to settle, R. 389(3)
• mediation, R. 387

Dispute resolution services—*cont'd*
• notice of settlement, F. 389, R. 389
• stay of proceedings, R. 390

Divorce Act
• applications under, R. 300, R. 325

Dock charges, ships
• claim respecting, S. 22(2)(s)
• service of. *See* **Service of documents**

Documents
• admission, R. 255-R. 256, CEA 54
• affidavit. *See* **Affidavit**
• amendment. *See* **Amendment**
• appeals. *See* **Appeals**
• costs, assessment. *See* **Costs**, assessment
• court
• • contents, R. 66(2)
• • formal requirements, R. 65, CEA 19-36
• • heading, first page, F. 66, R. 66(1)
• • signature, R. 66(3)
• defined, R. 222
• discovery. *See* **Class proceedings; Documents, discovery of**
• dispute resolution conference, confidential, R. 388
• filing
• • fax, by, restrictions, F. 71, R. 71
• • irregularities, effect, R. 72
• • method, R. 71
• • receipt, criteria, R. 71(4)
• • removal, grounds, R. 74
• • service, proof, R. 73
• • time, R. 72(3)
• how effect to be pleaded, R. 177
• issued, defined, R. 2
• language, R. 68(1)
• motions. *See* **Motions**
• originating documents
• • defined, R. 2
• • irregularity, effect, R. 57
• • official languages, R. 68
• • style of cause, R. 67
• • types, R. 63
• production for inspection, R. 91, R. 94, R. 157
• referred to in pleadings, R. 206
• service. *See* **Service of documents**
• signature, R. 66(3)
• simplified action, R. 295
• transmission, R. 25

Documents, discovery of
• affidavit of documents
• • deponent, obligations, R. 224(2)
• • deponent, proper party, R. 224(1)
• • form, contents, F. 223, R. 223
• • inaccuracies, procedure, R. 226-R. 227
• • relevant documents, disclosure, R. 225
• • service, time, R. 223(1)
• • solicitor, duties, R. 224(3)
• • supplementary, conditions, R. 226
• copies, delivery, costs, R. 2
• disclosure not admission of authenticity, R. 231
• document, defined, R. 222
• production for inspection
• • affidavit, deficiencies, R. 227
• • entitlement, location, time, R. 228-R. 229
• • evidence out of court for trial, R. 271
• • exemption, grounds, R. 230
• • non-party, possession, notice, R. 233
• • not admission, authenticity or admissibility, R. 231
• • oral examination, R. 91, R. 94
• undisclosed or privileged, status, R. 232

E

Electronic conferencing
• examination by, R. 88
• hearing, R. 32

Enforcement of order
• charging order. *See* **Charging order**
• condition precedent, non-performance, R. 432
• contempt. *See* **Contempt of court**
• garnishment. *See* **Garnishment proceedings**
• non-performance, performance, prohibited act
• • corporation, committal order, R. 429
• • order of committal, terms, R. 429
• • performance, costs, writ, R. 431
• • personal service of order, R. 430
• • writ of sequestration, R. 429
• payment of money
• • charging order, R. 425(c)
• • garnishment proceeding, R. 425(b)
• • judgment debtor, oral examination, R. 426
• • receiver, appointment, R. 425(d)
• • writ of seizure and sale, F. 425A, R. 425(a)
• • writ of sequestration, F. 425B, R. 425(e)
• personal property, delivery
• • order of committal, R. 428
• • payment of amount equal, option, R. 428-R. 429
• • personal service of order, R. 430
• • writ of delivery to recover, F. 428, R. 428
• • writ of sequestration, R. 428

Enforcement of order—*cont'd*
• real property, possession
• • charging order, R. 458
• • Federal Court, before, R. 423
• • order of committal, R. 427
• • writ of possession, notice, F. 427, R. 427
• writ of sequestration, R. 427
• specific performance, R. 429-R. 431
• tribunal, of, filing, certificate, R. 424

English. *See* **Official languages**

Estate
• proceedings, representation, R. 112-R. 113

Evidence. *See also* **Disclosure of Information; Witness**
• admissibility, general, S. 53
• affidavit
• • administration of oath, S. 54
• • general, S. 53
• appeals. *See also* **Appeals**
• • new, presentation, leave, R. 351
• commission, R. 272, S. 54
• contempt, finding
• • burden of proof, R. 469
• • not compellable, R. 470
• • order, burden of proof, R. 467, R. 470
• examination, S. 53
• examination for discovery, non-party, R. 239
• expert witnesses. *See* **Expert witness**
• foreign judgment, application, R. 330
• out of court
• • considerations, R. 271
• • further examination, R. 271(4)
• • location, method, time, R. 271
• • outside Canada, commission, F. 272A, F. 272B, F. 272C, R. 272
• • use at trial, R. 273
• person with physical disability, CEA 6
• reference, at, filing, R. 162
• simplified action, affidavit, R. 299
• taking, mode of, S. 53
• trial, at
• • adjournment, restrictions, R. 284
• • demonstrative, admissibility, R. 287
• • examination for discovery, use, R. 289-R. 291
• • fact, proof by affidavit, R. 285
• • interpreter, use, R. 283
• • order, pre-trial, specifics, R. 286
• • photographs, plans, models, R. 287
• • requirements generally, R. 282
• • witness, failure to appear, R. 284

Examination. *See also* **Cross-examination; Examination for discovery**
• defined, R. 87
• medical. *See* **Medical examination**
• method, R. 88
• oral
• • Canada, outside, R. 89(3), R. 90
• • Canada, within, R. 89(2), R. 90
• • contempt, determination, R. 98
• • direction to attend, form, service, F. 91, R. 91
• • documents for inspection, production, R. 94
• • failure to attend or obstruction, R. 97
• • fees and disbursements, R. 89, T.F.A.
• • improper conduct, sanctions, R. 96
• • interpreter, oath, F. 93, R. 93
• • location, R. 90
• • oath, administration, R. 92
• • objection to question, R. 95
• • production for inspection, material, R. 91
• • recording, method, R. 89(4)
• • travel expenses, R. 90(3)
• previous conviction, CEA 12
• video conference or recording, R. 88(2)
• written
• • answer, affidavit, service, F. 99B, R. 99
• • failure to comply, R. 100
• • procedural requirements, R. 100
• • questions, objections, R. 99(2)
• • questions, service, form, F. 99A, R. 99(1)

Examination for discovery. *See also* **Documents, discovery of**
• adverse party, restriction, R. 235-R. 236
• answer, insufficient, incorrect, R. 244-R. 245
• assignor, conditions, R. 237(4)
• bankrupt person, R. 237(5)
• corporation, partnership, unincorporated body, R. 237
• Crown, representative, R. 237
• judgment debtor. *See* **Judgment debtor**
• knowledge, obligation, R. 241, R. 244
• leave or consent, R. 234
• limits, R. 243
• nominal party, R. 237(7)
• non-party
• • evidence, cross-examination, R. 239
• • hearsay evidence, R. 239(5)
• • motion for leave, R. 238
• • solicitor, assistance, R. 239
• • travel expenses, payment, R. 239
• oppressive, vexatious, limit, R. 243
• oral, R. 234
• person under legal disability, R. 237(6)

Examination for discovery—*cont'd*
• questions
• • better information, acquisition, R. 244
• • objections, restriction, R. 242
• • refusal to answer, trial, effect, R. 248
• • scope, R. 240
• reference, effect, R. 247
• separate issues, effect, R. 247
• simplified action, R. 296
• solicitor, answer, terms, R. 246
• trial, at, use, R. 288-R. 291
• undisclosed information, trial, use, R. 248
• written, R. 234

Examination out of court. *See* **Examination**

Exchequer Court
• continued as Federal Court, S. 3

Execution of judgment. *See also* **Enforcement of order**
• foreign judgment, R. 334

Exhibits
• affidavits, identification, R. 80
• appeal books, R. 343-R. 344
• applications, supporting, R. 306-R. 307
• reference, at, filing, R. 161
• trial, presentation, R. 276
• unclaimed, disposition, R. 27

Expert witness
• amount, CEA 7
• assessor and, R. 52(6)
• assistance, generally, R. 2
• reports to be prepared for pre-trial conference, R. 258
• simplified action, R. 299
• trial, at
• • admissibility of evidence, R. 279-R. 280
• • pre-trial cross-examination, prohibition, R. 280

Extension of time. *See also* **Time**
• consent, restrictions, R. 7
• motion, R. 8

F

Facts. *See also* **Pleadings**
• trial
• • affidavit, proof, R. 285
• • directions for proof, R. 275

Fax
• documents, filing, service, F. 71, F. 140, R. 71, R. 140, R. 143

Federal Board
• definition, S. 2
• exclusion, S. 18.5
• interim order, S. 18.2
• judicial review. *See* **Applications, judicial review for**
• jurisdiction, S. 18
• procedure, S. 18.1
• reference, S. 18.3
• summary hearing, S. 18.4

Federal Court. *See also* **Hearing**
• appeal from. *See* **Appeal from Federal Court; Appeals**
• composition, S. 5.1
• division of Federal Court of Canada, S. 4
• enforcement of orders, R. 423
• General Sittings
• • cancellation, R. 34
• • hearings, time, R. 34, R. 35
• Judicial Administrator, designation, S. 14
• judge. *See* **Judge**
• judicial review applications, S. 18.1-S. 18.5
• jurisdiction
• • aeronautics, S. 23
• • agreement, by, S. 17
• • armed forces, S. 18
• • bills of exchange, S. 23
• • Canada-provincial disputes, S. 19
• • citizenship appeal, S. 21
• • concurrent, S. 17(2), (4), (5), S. 20
• • copyright, S. 20
• • Crown, S. 17
• • extra-provincial, S. 25
• • federal board, S. 18
• • general, S. 17, S. 18, S. 18.4, S. 26
• • immigration decisions review. *See* **Immigration Rules**
• • industrial design, S. 20
• • inter-provincial works, S. 23
• • maritime law, S. 22
• • patent of invention, S. 20
• • prerogative remedies, S. 18
• • provincial disputes *inter se*, S. 19
• • trade marks, S. 20
• sittings, S. 15

Federal Court Immigration and Refugee Protection Rules. *See* **Immigration Rules**

Federal Court of Appeal. *See also* **Appeal to Federal Court of Appeal**
• division of Federal Court of Canada, S. 3
• immigration decisions. *See* **Immigration Rules**

Federal Court of Appeal—*cont'd*
• judge. *See* **Judge**
• Judicial Administrator, designation, S. 14
• judgments, type rendered, S. 52
• jurisdiction
• • appellate, S. 27
• • Federal Board, review, S. 28
• • general, S. 16
• • transfer to, S. 26
• practice and procedure. *See* **Practice and procedure**
• sittings, S. 16

Federal Court — Appeal Division
• continuation, S. 3

Federal Court, Trial Division
• continuation, S. 4

Fees. *See also* **Tariff of Fees**
• admiralty action, property, arrest, sale, R. 483, R. 491
• assessors, R. 52
• Court, power to fix, S. 46
• Court, Registry, R. 19, T.F.A.
• oral examination, R. 89(1)
• payment to Receiver General, S. 57.1
• sheriff, R. 444
• witness, R. 43-R. 44

Filing. *See also* **Class proceedings; Court records**
• appeals. *See also* **Appeals**
• • book of authorities, R. 348
• • leave, memorandum, R. 354-R. 355
• • requisition for hearing, F. 347, R. 347
• application, additional material, R. 313
• confidential material, R. 151-R. 152
• counterclaim, form, F. 171D, R. 171
• Crown, action against, S. 48
• filed, defined, R. 2
• generally. *See* **Documents; Motion; Notice; Service of Documents**
• reference, report, time, R. 161(2)
• trial record, R. 268
• tribunal, order, enforcement, documents, R. 424

Fine
• contempt, R. 472

Foreign judgments, Arbitral awards
• application, registration, recognition
• • affidavit, contents, R. 329
• • amounts payable, currency, R. 331
• • evidence, additional, R. 330
• • *ex parte*, service, R. 328
• • form, F. 327, R. 327
• • interest on payment, R. 332
• arbitration agreement, defined, R. 326
• definitions, CEA 44
• documents, service, R. 127
• execution, issuance, terms, R. 334
• foreign judgment, defined, R. 326
• order for registration, service, R. 333
• procedure, CEA 46-51

Foreign language
• affidavit, procedure, R. 80(2.1)

Forms
• acknowledgment of receipt, F. 128
• action, application, appeal, order, F. 66
• affidavit, F. 80
• affidavit of documents, F. 223
• affidavit of service, F. 146A
• answers to written examination for discovery, F. 99B
• bail bond, F. 486A
• *caveat* payment, F. 493C
• *caveat* release, F. 493B
• *caveat* warrant, F. 493A
• certificate of completeness of appeal book, F. 344
• charging order absolute, F. 459
• commission, F. 272B
• commission of appraisal or sale, F. 490
• counterclaim against parties to main action only, F. 171D
• counterclaim against plaintiff and person not already party to the main action, F. 171E
• defence to counterclaim, F. 171F
• direction to attend, F. 91
• fax cover page, F. 71, F. 140
• form of oath or affirmation - interpreter, F. 93
• interim charging order - real property, F. 458A
• interim charging order - securities, F. 458B
• interpreter, F. 80B
• jurat, F. 80C
• letter of request, F. 272C
• notice of abandonment, F. 370
• notice of appeal, F. 337
• notice of appearance - appeal, F. 341A
• notice of appearance - application, F. 305
• notice of application, F. 301
• notice of application for registration of foreign judgment, F. 327
• notice of appointment of solicitor, F. 124B
• notice of bail, F. 486B
• notice of change of solicitor, F. 124A
• notice of constitutional question, F. 69

Forms—*cont'd*
• notice of cross-appeal, F. 341B
• notice of discontinuance, F. 166
• notice of intention to act in person, F. 124C
• notice of intention to participate, F. 323
• notice of motion, F. 359
• notice of objection to bail, F. 486C
• notice of pre-trial conference, F. 261
• notice of settlement, F. 389
• notice of status review, F. 380, F. 382.2
• notice of withdrawal of *caveat*, F. 495
• order for attendance of person in custody, F. 45
• order for commission and letter of request, F. 272A
• release, F. 487
• reply, F. 171C
• reply to defence to counterclaim, F. 171G
• reply to third party defence, F. 171K
• request for hearing - application, F. 314
• request to admit, F. 255
• requisition - general, F. 18
• requisition for hearing - appeal, F. 347
• requisition for pre-trial conference, F. 258
• response to request to admit, F. 256
• solicitor's certificate of service, F. 146B
• statement of claim, F. 171A
• statement of defence, F. 171B
• style of cause - action *in rem*, F. 477
• subpoena, F. 41
• tender of payment into court, F. 149
• third party claim against person already party to the action, F. 171H
• third party claim against person not already party to the action, F. 171I
• third party defence, F. 171J
• warrant, F. 481
• warrant for arrest (defaulting witness), F. 46
• writ of delivery, F. 428
• writ of possession, F. 427
• writ of seizure and sale, F. 425A
• writ of sequestration, F. 425B
• written examination for discovery, F. 99A

Fraud
• order, effect, R. 399
• pleadings, particulars, R. 181

French. *See* **Official languages**

G

Garnishment proceedings
• garnishee
• • defined, R. 2
• • liability, discharge, R. 454
• • liability, dispute, determination, R. 453
• • payment into court, notice, R. 450
• • show cause order, non-appearance, R. 450
• garnishment order
• • enforcement, method, R. 451(3)
• • future payment, for, R. 451(2)
• • issuance, terms, R. 451
• judgment creditor
• • costs, payment, R. 457
• • order for payment, R. 451
• • payment into court, notice, R. 450
• judgment debt, recovery
• • *ex parte* motion, R. 449(1)
• • party in or outside Canada, R. 449
• money in court
• • motion for payment, costs, R. 456-R. 457
• • payment to judgment creditor, R. 456
• other claimants to debt, R. 455
• payment of money, order, enforcement, R. 425
• show cause order, service, R. 449
• wages or salary, seizure, exemption, R. 452

General Average Contribution
• claim for, S. 22(2)(q)

Goods. *See also* **Property**
• Crown in possession, jurisdiction, S. 17
• damage or loss
• • carried in transit, S. 22(2)(f)
• • carried on ship, S. 22(2)(h)

H

Hague Convention
• defined, R. 2
• documents, service, judgment, R. 137, R. 212

Hearing. *See also* **Federal Court; Trial**
• absence of party, effect, R. 38
• adjournment, terms, R. 36, R. 37
• appeal, requisition, R. 347. *See also* **Appeals**
• application, representation, R. 314
• costs, solicitor, liability, R. 404. *See also* **Costs**
• defined, R. 2
• *in camera*, R. 29
• interpreters, R. 31
• location, time, R. 28, R. 35
• motions without, R. 30
• notice requirements, R. 37, R. 38
• order, disposition, R. 392. *See also* **Order**
• public, R. 29
• rehearing, grounds, R. 39
• remote conferences, R. 32
• request for, R. 314, R. 347

Hearing impaired person
• examination, oral, procedure, R. 93

Hearsay
• adverse inference, R. 81(2)
• affidavits on belief upon motions, R. 81(1)
• evidence, exemption, R. 239(5)

Holiday
• Christmas, summer recess, R. 34
• defined, R. 2
• documents served on, effective date, R. 144
• General Sittings of Federal Court, R. 34

I

Illiterate person
• affidavit, procedure, R. 80

Immigration Rules
• appeals
• • Court of Appeal, to, commencement, time, I.R. 20
• • Form IR-4 (Schedule), I.R. 20
• • notice of appeal, form, I.R. 20
• applicant
• • record, service on respondent, I.R. 10
• • tribunal, written reasons, supply, I.R. 9
• applications for judicial review
• • decisions of visa officers, inclusion, I.R. 18
• • disposition, I.R. 18
• • scope, IRA 72
• applications for leave
• • affidavits, evidence, restrictions, I.R. 12
• • defined, I.R. 2
• • disposition, directions, I.R. 14
• • disposition, documents, order, I.R. 14
• • documents, Registry, retention, I.R. 16
• • filing, service, time, extension, I.R. 6
• • form, contents, I.R. 5
• • Form IR-1 (Schedule), I.R. 5
• • order granting, contents, service, I.R. 15
• • perfecting, time, I.R. 10
• • record of decision, tribunal, preparation, I.R. 17
• • service, proof, I.R. 7
• certificate of inadmissibility, IRA 77
• • definitions, IRA 76
• • detention and release of permanent resident, IRA 81
• • • appeal, IRA 82.3
• • • breach of conditions, IRA 82.2
• • • release order, IRA 82.4
• • • review of, IRA 82
• • • variation of order, IRA 82.1
• • determination by judge, IRA 78, 79, 80
• • removal order, IRA 81
• coming into force, I.R. 24
• costs, award, restrictions, I.R. 22
• definitions, I.R. 2
• disclosure. *See* protection of information
• Federal Courts Rules, application, I.R. 4
• fees, applications, notices of appeal, I.R. 23
• notice of appeal, service, proof, filing, I.R. 20
• notice of appearance
• • failure to file, effect, I.R. 8
• • Form IR-2 (Schedule), I.R. 8
• protection of information
• • application for non-disclosure
• • • admissibility hearing/appeal, during, IRA 84, 86
• • • judicial review proceeding, during, IRA 83, 87
• • definitions, IRA 76
• • special advocate
• • • immunity, IRA 85.3
• • • list of who may act as, IRA 85
• • • non-disclosure, IRA 85.5
• • • obligation to provide information, IRA 85.4
• • • powers, IRA 85.2
• • • role, IRA 85.1
• • • rules, IRA 85.6
• service, form, I.R. 8
• record, applicant, service, contents, I.R. 10
• regulations, IRA 87.2
• reply memoranda, filing, service, time, I.R. 13
• respondent
• • affidavits, memoranda, service, time, I.R. 11
• • Minister, designation, I.R. 2, I.R. 5
• • notice of appearance, service, time, proof, I.R. 8
• rules under IRP Act, IRA 74, 75
• time limits
• • Long Vacation, calculation, inclusion, I.R. 21
• • variation, restrictions, I.R. 21
• tribunal
• • application for leave, order, supply, I.R. 15
• • decision, request, form, I.R. 9
• • defined, I.R. 2
• • Form I.R.-3 (Schedule), I.R. 9
• • record of decision, parties, supply, I.R. 17

Imprisonment
• contempt, for, R. 472

***In camera* proceedings**
• directions, R. 29

***In personam, In rem*, action**. *See* **Admiralty action**

Industrial designs
• jurisdiction of court, S. 20

Information. *See* **Disclosure of information**

Injunction
• Anton Piller/Mareva injunctions, R. 377
• charging order, ancillary, R. 464
• interim, grant, extension, R. 374
• interlocutory
• • expedited hearing, R. 373(3)
• • grant, motion, order, R. 373
• • motion record, memorandum, R. 366
• prothonotary, has no jurisdiction, R. 50(1)

Injurious affection
• jurisdiction over claim against Crown, S. 17

Inspection
• demonstrative evidence at trial, time limits, R. 287

Inspection of property
• non-party, possession, notice, service, R. 249
• order, grounds, R. 249

Insurance, marine
• claim respecting, S. 22(2)(r)

Interest
• award by court, limitation, S. 36
• judgment, on, S. 37
• payment, R. 332, R. 461, R. 463
• prejudgment, S. 36

Interpleader
• determination, directions, R. 108

Interpretation Act
• amendment, IA 42, 45(2)
• application of, IA 3
• arrests, IA 34.1
• citation of enactment, IA 40
• clauses
• • enacting, IA 4(1)
• • order of, IA 4(2)
• commencement, IA 5-7
• common and civil laws, IA 8.1, 8.2
• common names, IA 38
• corporations, IA 21
• Crown
• • demise of, IA 46
• • not bound, IA 17
• defined terms, IA 35-7
• definitions, IA 2(1)
• enactments remedial, IA 12
• entry into dwelling houses, IA 34.1
• evidence, IA 25
• expired and replaced enactments, IA 2(2)
• forms, IA 32
• gender, IA 33
• historical references, IA 14
• imperative vs. permissive construction, IA 11
• interpretation provisions, IA 15
• law always speaking, IA 10
• marginal notes, IA 14
• majorities, IA 22(1)
• oaths, IA 19
• offences, IA 34
• powers, IA 31
• preamble, IA 13
• private Acts, IA 9
• proclamations, IA 18
• property and civil rights, IA 8.1
• public officers, appointment and powers of IA 23
• quorum, IA 22(2)
• references, IA 41
• regulations
• • prior to commencement, IA 7
• • words in, IA 16
• repeal, IA 42-5
• reports to Parliament, IA 20
• resolutions, affirmative and negative, IA 39
• royal assent, IA 5
• rules of contruction, IA 3(3), 8.1-34.1
• short title, IA 1
• territorial operation, IA 8
• time, computation, R. 6(1) IA 26-30

Interpretation of terms, R. 2, R. 87, R. 326, R. 336, R. 476

Interpreters
• examination, oral, assistance, oath, F. 93, R. 93
• hearings, request, R. 31
• trial, R. 283

Inter-provincial undertakings
• jurisdiction, S. 23

Intervenor
• defined, R. 2

Intervention
• leave, grant, R. 109(1)
• notice of motion, contents, R. 109

Invasion of privacy. *See Crown Liability and Proceedings Act*

Irregularity
- challenges, R. 58
- documents, filing, effect, R. 72
- order on motion, R. 59
- originating document, effect, R. 57
- remedial measures, R. 60
- Rules, non-compliance, R. 55, R. 56

J

Joinder
- claims
- - generally, R. 101(1)
- - separate determination, R. 106
- consolidation of proceedings, R. 105
- interest, scope, R. 101(3)
- issues, determination, R. 107
- misjoinder or nonjoinder, effect, R. 103
- multiple persons, criteria, R. 102
- order for, R. 104
- relief against, R. 104
- separate capacity, R. 101(2)

Judge
- appeal
- - same judge may not hear, S. 16
- - sittings, S. 16
- appointment, S. 5
- associate chief justice
- - defined, S. 2
- - function, S. 5
- case management
- - specially managed proceedings, R. 383, R. 383.1, R. 385
- - status review, R. 382
- chief justice
- - defined, S. 2
- - function, S. 5
- court records
- - removal, Rr. 26(3), 26.1(2)
- - return, R. 26.1(3), (4)
- definition, S. 2
- deputy judge
- - appointment, S. 10
- - salary, S. 10
- dispute resolution, R. 387
- functions, S. 5
- oath of office, S. 8
- pre-trial conference
- - authority, R. 264-R. 267
- - offer to settle or contribute, disclosure, R. 422
- - restriction at trial, R. 266
- qualifications, S. 5
- ranking of, S. 6
- residence of, S. 7
- resignation of, pending matters, S. 45
- rule-making power, S. 46
- rules committee, representation, S. 45.1
- stay away from home, duration, S. 7
- term of office, S. 8
- transfer of proceedings, R. 49
- trial management conference, R. 270
- vacancies, S. 6
- Vancouver rota, assignment, R. 40

Judgment. *See also* **Class proceedings**; ***Crown Liability and Proceedings Act*; Default proceedings**; **Order**; **Summary judgment**
- appeal, reversal, variation, R. 349
- appeal from
- - general, S. 27
- - interlocutory, S. 27
- Court of Appeal, scope, S. 52
- Crown, order against, certificate, R. 474
- final judgment
- - appeal from, S. 27
- - definition, S. 2
- foreign. See **Foreign judgments, Arbitral awards**
- interest
- - rate, S. 37
- reasons, oral, written, scope, R. 393
- reasons to be filed, S. 51
- Supreme Court of Canada, appeal to, S. 51
- terms, settlement, pronouncement, R. 394(2)

Judgment creditor
- charging order. *See* **Charging order**
- garnishment. *See* **Garnishment proceedings**

Judgment debtor
- charging order. *See* **Charging order**
- garnishment. *See* **Garnishment proceedings**
- order, payment of money, assets, examination, R. 426
- writ of seizure and sale, effect, R. 445

Judicial review applications
- scope. *See* **Applications**

Jurisdiction of court
- aeronautics, S. 23
- agreement, by, S. 17
- aircraft, S. 22(3)
- bills of exchange, S. 23
- citizenship appeals, S. 21
- civil, S. 3
- concurrent, CLA 21
- continuance of, S. 3
- copyright, S. 20
- Court of Appeal
- - appellate, S. 27

Jurisdiction of court—*cont'd*
- - federal board, review, S. 28
- criminal, S. 3
- Crown, over, S. 17, S. 18
- federal boards, S. 18
- Federal Court
- - extraordinary remedies, S. 18
- - general, S. 17
- - residual, S. 26
- industrial designs, S. 20
- injunction, award, S. 44
- inter-provincial
- - disputes, S. 19
- - works, S. 23
- *mandamus*, award, S. 44
- maritime law
- - general, S. 22
- - *in personam*, S. 43
- - *in rem*, S. 43
- patents, S. 20
- promissory notes, S. 23
- railways, EX. CT. 26-28
- receiver, appointment, S. 44
- record, court of, S. 3
- residual, S. 25, S. 26
- ships, S. 22
- specific performance, award, S. 44
- trade marks, S. 20
- waters, S. 22

Jury
- proceedings without, S. 49

L

Land. *See also* **Property**
- Crown in possession, jurisdiction, S. 17

Language. *See* **Official languages**

Laws of Canada
- definition, S. 2, S. 3

Leave to appeal. *See* **Appeals**

Liability. *See* ***Crown Liability and Proceedings Act***

Life, loss of
- ship, caused by, S. 22(2)(d), (g)

Limitation of action
- Federal Court proceedings, S. 39

Local Registry Offices
- cities, location, list, R. 17
- local office, defined, R. 2

M

Malice
- pleadings, particulars, R. 181

Mandamus. *See also* **Prerogative writs**
- jurisdiction of court, S. 44

Maritime law. *See also* **Admiralty action; Ship**
- action for collision, defined, S. 2
- Canadian maritime law, defined, S. 4
- continuity, S. 42
- jurisdiction
- - Federal Court, S. 22
- - *in personam*, S. 43
- - *in rem*, S. 43
- ship, defined, S. 2

Marshal
- process, execution, S. 55
- sheriff is marshal, S. 13

Master of ship
- claim by, S. 22(2)(o), (p)

Mediation. *See* **Dispute resolution services**

Medical examination
- attendance, proper parties, R. 250
- confidentiality, R. 252
- expenses, R. 254
- failure to comply, effect, R. 250(4)
- further examination, order, R. 251
- medical practitioner
- - report, contents, R. 252
- - witness at trial, R. 253
- order for, conditions, R. 250

Memoranda of fact or law
- appellant, respondent, service, R. 346, R. 354
- contents, R. 70
- cover, R. 346(4)
- motion record, inclusion, R. 353, R. 366
- number, R. 346(5)
- official languages, R. 68, R. 70(2)

Mental disorder
- pleadings, particulars, R. 181

Ministers
- documents, service, R. 133

Misjoinder, R. 103

Misrepresentation
• pleadings, particulars, R. 181

Money
• Crown, possession, claims, S. 17
• enforcing payment, S. 55
• interest
• • award of, S. 36
• • judgment bearing, S. 41
• order for payment, enforcement, R. 425-R. 426
• payment
• • attachment, for, restriction, S. 55
• • dispute, jurisdiction, S. 17
• payment into court. *See* **Payment into court**
• payment out of court. *See* **Payment out of court**

Mortgagee
• charging order, money paid into court, R. 465

Motion. *See also* **Order**
• abandonment
• • deemed, R. 379(2)
• • notice, F. 370, R. 370
• admiralty action, property, release, sale, R. 488, R. 490-R. 491
• appeals
• • appeal books, preparation, R. 343
• • Attorney General (Canada), substitution, R. 338
• • leave, R. 352-R. 356. *See also* **Appeals**
• • leave, particular rules, application, R. 358
• • Supreme Court of Canada, to, leave, R. 357
• applications
• • record, preparation, R. 311
• • witness, evidence in court, R. 316
• charging order
• • discharge, variation, R. 462
• • funds, transactions, prohibition, R. 465
• • injunction, R. 464
• • interest, money in court, R. 463
• • receiver, appointment, R. 464
• commercial arbitration, request, R. 324
• confidentiality, material, order, R. 151
• contempt order, R. 467, R. 470
• costs
• • abandoned motion, assessment, R. 411
• • award, amount, R. 401
• • extension of time, liability, R. 410
• • directions, for, time, R. 403
• court, powers, exercise, R. 47
• cross-examination, transcripts, filing, R. 368
• decision, written representations, R. 369
• default judgment, R. 118
• defined, R. 2
• directions, for, R. 54
• dismissal of proceedings, R. 167
• disposition, hearing, written, R. 369(4)
• divorce proceedings, Rules, change, R. 325
• evidence out of court, R. 271
• *ex parte*
• • application, directions, R. 304
• • charging order, interim, R. 458
• • contempt order, R. 467(2)
• • default proceedings, R. 210
• • garnishment proceedings, R. 449
• • interim injunction, extension, R. 374
• • substituted service, order, R. 136(2)
• • tribunal, references, directions, R. 322
• garnishment, R. 449, R. 456-R. 457
• hearing
• • respondent, request, R. 369(2)
• • without, R. 30, R. 369(1)
• initiation
• • affidavit, service, filing, R. 362-R. 365, R. 367
• • *ex parte*, service, method, R. 361
• • hearing date, R. 360
• • less than two days notice, R. 362(2)
• • memorandum of fact and law, inclusion, R. 366
• • moving party, record, reply, R. 364, R. 369
• • respondent, record, service, R. 365, R. 369
• interlocutory injunction, grant, R. 373
• intervention, leave, R. 109(1)
• medical examination, order, R. 250-R. 251
• motion record
• • contents, R. 364(2), R. 366-R. 367
• • service, filing, party, R. 364-R. 365
• notice of motion, service
• • admiralty action, party, addition, R. 497
• • charging order, funds, R. 465
• • costs, abandoned motion, filing, R. 411
• • costs, assessment, review, R. 414
• • costs, directions, R. 403
• • documents, production, non-party, R. 233
• • examination for discovery, non-party, R. 238
• • form, contents, F. 359, R. 359
• • garnishment, payment out of court, R. 456
• • inspection of property, non-party, R. 249
• • intervention, contents, R. 109
• • order, terms, reconsideration, time, R. 397
• • record, as, service, filing, R. 367

Motion—*cont'd*
• • reference, report, appeal, R. 163
• • service, filing, time, R. 362
• • solicitor of record, removal, R. 125
• • summary judgment, time, R. 214
• • writ of sequestration, issuance, terms, R. 441
• objection to proceedings, R. 208
• oral examination, conduct, directions, R. 96
• order
• • drafting, issues, judgment, R. 394
• • setting aside or variation, R. 399
• • stay, R. 398
• pleadings, striking out, R. 221
• pre-trial
• • grounds, R. 372
• • style of cause, R. 67
• property, preservation, order, R. 377
• prothonotary, appeal from, time, R. 51
• question of law, determination, R. 220
• receiver, appointment, R. 375-R. 376
• Rules, non-compliance, challenge, R. 58, R. 59
• security for costs, payment into court, R. 416
• simplified action, terms, R. 297-R. 298
• specially managed proceedings, R. 384
• striking out proceedings, R. 221
• summary judgment, record, service, R. 214
• transmission of interest, objection, R. 117
• witness, evidence, issue of fact, R. 371
• written examination, question, objection, R. 99
• written representations
• • official languages, R. 68
• • request, service, time, R. 369

Municipal corporation
• documents, service, R. 130(2)

N

National Capital Region
• court files, location, R. 21, R. 23

National security. *See* **Disclosure of information**

Non-joinder, R. 103

Notice. *See also* **Class proceedings; Service of documents**
• admiralty action
• • bail bond, form, F. 486B, F. 486C, R. 486
• • *caveat*, withdrawal, form, F. 495, R. 495
• appeals. *See* **Appeals**
• application, commencement, R. 63, R. 301, R. 304-R. 305
• bail, of, form, F. 486B, F. 466C, R. 486
• case management, status review, form, F. 380, F. 382.2, R. 381
• charging order, funds, transfer, R. 465
• class action. *See* **Class proceedings**
• commercial arbitration, request, R. 324
• constitutional question, form, F. 69, R. 69
• costs, assessment
• • abandoned motion, R. 411
• • notice of appointment, R. 406
• • proceeding discontinued, R. 412
• • order against solicitor, R. 404
• Crown liability proceedings, CLA 23(2)
• discontinuance, form, F. 166, R. 165-R. 166
• dispute resolution, F. 389, R. 389
• foreign judgment, application, R. 328
• hearing
• • adjournment, after, R. 36(2)
• • failure to give, effect, R. 37
• motion, of. *See* **Motion**
• pre-trial conference, service, time, R. 261
• question of general importance, R. 110
• security for costs, payment into court, R. 416(5)
• settlement, of, F. 389, R. 389(1)
• solicitor, removal, change, F. 124A, F. 124B, F. 124C, R. 124
• status review, F. 380, F. 382.2, R. 381
• transmission of interest, R. 117
• tribunal, references, R. 321, R. 323
• writ of execution
• • endorsement, sheriff, service, R. 439
• • validity, extension, R. 437
• writ of possession, issuance, R. 427

O

Oath
• affidavit, administering oath, S. 54
• affirmation in place of oath, CEA 14-15
• defined, R. 2
• interpreter, R. 93
• judge, oath of office, S. 9, CEA 13
• oaths taken abroad, CEA 53
• oral examination, administration, R. 92-R. 93
• swear, defined, R. 2
• witness at trial, R. 282

Objections
• action, commencement, R. 208
• examination for discovery, at, R. 242
• jurisdiction of court, R. 208

Objections—*cont'd*
- oral examination, question, R. 95
- solicitor, objecting party, status, R. 209
- statement of claim, service, R. 208
- transmission of interest, R. 117
- written examination, question, R. 99

Offer to settle
- disclosure to court, terms, R. 422
- party-and-party costs, entitlement, R. 420-R. 421
- proceedings, application, R. 419

Officers of the Court
- Administrator. *See* **Administrator**
- attendance at court sittings, R. 12
- fees, tariff, T.F.A. 4-T.F.A. 5
- transitional provisions, R. 502

Official languages
- affidavit, translation, R. 80(2.1)
- appeals, book of authorities, R. 348(3)
- applications, requisition, R. 314
- documents for proceedings, R. 68
- examination, oral, R. 93(2)

Official Languages Act
- applications under, R. 304

Order. *See also* **Judgment; Motion**
- admiralty action, arrested property, sale, R. 492
- applications, conference, R. 315
- charging order. *See* **Charging order**
- committal, of, R. 427-R. 429
- contempt. *See* **Contempt of court**
- copies, Administrator, supply, R. 395
- costs
- • award, R. 400, T.F.B.
- • solicitor, against, grounds, R. 404
- defined, R. 2
- disclosure, for, R. 225
- discretionary powers of court, R. 53
- dispute resolution conference, R. 386
- documents, production, inspection, R. 229
- drafting, form, content, issues, R. 394
- effective time, R. 392
- enforcement. *See* **Enforcement of order**
- errors, omissions, correction, R. 397
- evidence
- • out of court, R. 271
- • trial, at, fact, method, R. 286
- *ex parte*, setting aside, R. 399
- expert witness, evidence in chief, R. 279
- foreign judgment, registration, R. 333
- fraud, effect, R. 399
- garnishment, R. 449, R. 451-R. 455
- hearing, disposition, R. 392
- judgment, motion, pronouncement, R. 394
- medical examination, R. 250
- money, enforcing payment, S. 55
- out of court, R. 30
- party, absence, setting aside, R. 399
- pre-trial conference, R. 265
- proceedings, transfer, R. 49
- property
- • custody, preservation, R. 377-R. 379
- • inspection, R. 249
- prothonotary, of, appeal, R. 51
- reasons for judgment
- • oral, R. 393
- • written, procedure, R. 393
- recording, time, R. 396
- security for costs, R. 416
- setting aside, variation, motion, R. 399
- solicitor of record, removal, service, R. 125
- stay
- • grounds, motion, R. 398
- • security for costs, provision, R. 398(2)
- • setting aside, grounds, R. 398(3)
- terms, motion to reconsider, R. 397
- trial record, inclusion, R. 269
- validity, scope, R. 399(3)
- writ of execution, extension, R. 437

Originating documents. *See* **Documents**

Originating notice. *See* **Motion**

P

Particulars
- contents, details, R. 181
- further and better, order, R. 181(2)
- trial record, inclusion, R. 269

Partnership
- documents, service, R. 131
- examination for discovery, R. 237
- proceedings by or against, R. 111.1

Party
- defined, R. 2
- proceedings
- • by or against, R. 111-R. 115
- • representation. *See* **Representation; Solicitor**

Patent of invention
- jurisdiction of court, S. 20

Payment into Court
- admiralty action, property, release, R. 487, R. 490-R. 491

Payment into Court—*cont'd*
- bill of exchange, R. 149
- charging order, interest, R. 463
- effective date, R. 149(2)
- garnishment proceedings, R. 450-R. 451
- method, R. 149
- security for costs, R. 416(5), R. 418
- summary judgment, refusal, grant, R. 218
- tender, copies, form, F. 149, R. 149(1)

Payment out of Court
- admiralty action, arrested property, sale, R. 491
- garnishment proceedings, R. 457
- method, R. 150

Person
- defined, R. 2

Person under legal disability
- documents
- • discovery, R. 224(1)
- • service, R. 129
- examination for discovery, R. 237
- proceedings, representation, R. 115

Personal injury
- caused by ship, S. 22(2)(d)

Photograph
- trial, evidence, admissibility, R. 287

Plaintiff
- defined, R. 2
- security for costs. *See* **Security for costs**

Plans
- trial, evidence, admissibility, R. 287

Pleadings. *See also* **Documents**
- alternative claims, defences, R. 178
- amendment
- • leave, without, costs, assessment, R. 410
- • terms, time, R. 200-R. 201
- appeal, leave, motion, record, inclusion, R. 353
- close, time, R. 202
- condition precedent, inclusion, R. 176
- counterclaim. *See* **Counterclaim**
- defence to counterclaim. *See* **Counterclaim**
- defined, R. 2
- documents
- • conversations, R. 177
- • referred to, service, time, R. 206
- facts
- • admission, R. 183, R. 255-R. 256
- • allegation, R. 180
- • denial, R. 184(1)
- • proof, exemption, R. 184(2)
- • subsequent, R. 179
- filing
- • fees, tariff, T.F.A. 1
- • forms, generally, R. 171
- • reply, after, leave, R. 172
- formal requirements, R. 173-R. 174
- inconsistency, R. 180
- issuance, fees, tariff, T.F.A. 1
- material facts, R. 174
- official languages, R. 68
- particulars, inclusions, R. 181
- point of law, R. 175
- reply, filing, form
- • defence to counterclaim, F. 171G, R. 171
- • statement of defence, F. 171C, R. 171
- • third party defence, F. 171K, R. 171
- simplified action, R. 294
- statement of claim. *See* **Statement of claim**
- statement of defence. *See* **Statement of defence**
- striking out, grounds, R. 221
- subsequent
- • admission, denial, R. 183-R. 185
- • set-off, R. 186-R. 187
- • tender before action, conditions, R. 188
- subsequent fact, R. 179
- third party claim. *See* **Third party procedure**
- trial record, inclusion, R. 269

Police
- services rendered to court, S. 59

Practice
- definition, S. 2
- federal board, revision by court, S. 28

Practice and procedure
- case management. *See* **Case management**
- commencement of proceedings
- • action, appeal, application, R. 61
- • declaratory actions, R. 64
- • originating documents, types, R. 63
- • style of cause, R. 67
- hearing. *See* **Hearing**

Pre-trial conference
- conference memorandum
- • contents, R. 258
- • service, filing, time, R. 262
- location, time, determination, R. 259
- notice, service, form, F. 261, R. 261
- requisition, form, contents, F. 258, R. 258
- scope, R. 263
- solicitor, participation, R. 260

Pre-trial conference—*cont'd*
• trial
• • location, time, determination, R. 264
• • pre-trial disclosures, consent, R. 267
• • pre-trial judge, conduct, consent, R. 266

Pre-trial settlement discussion
• solicitors, time, R. 257

Prerogative writs
• jurisdiction—armed forces, S. 18
• federal boards, S. 18

Prescription of action, S. 39

Preservation of property. *See* **Property**

Prisoners
• court attendance, procedure, R. 45

Privacy Act
• applications under, R. 304

Procedure. *See also* **Practice and procedure**
• defined, S. 2
• federal board, court review applications, S. 28

Proceedings, *see also* ***Crown Liability and Proceedings Act***
• commencement, R. 61-R. 64
• Court, powers, R. 47-R. 50
• default, R. 210
• orders, directions, R. 53-R. 54
• other division, transfer, R. 49
• parties, R. 111-R. 115
• Rules, non-compliance, R. 55-R. 60
• specially managed, R. 383-R. 385
• stay, R. 154, R. 390
• transfer to other division, R. 49

Process of the Court
• admiralty action, property, arrest, R. 473
• Crown, order against, certificate of judgment, R. 474
• throughout Canada, S. 55

Promissory notes
• jurisdiction, Crown involvement, S. 23

Property
• admiralty action, arrest. *See* **Admiralty action**
• contempt, sequestration, R. 472
• Crown liability, CLA 13
• definition, S. 2
• inspection, R. 249
• possession. *See* **Enforcement of order**
• preservation or custody
• • order, grounds, R. 377-R. 378
• • order, specific inclusions, R. 378
• • perishable, deteriorating, sale, R. 379
• real, charging order, motion, F. 458A, R. 458
• recovery, order. *See* **Enforcement of order**
• writ of seizure or sale, R. 446-R. 447

Prothonotary
• action, monetary relief, jurisdiction, R. 50
• appeal from order of, R. 51
• appointment of, S. 12
• case management
• • specially managed proceedings, R. 383, R. 385
• • status review, R. 382
• costs, Crown, solicitor, assessment, R. 413
• court files
• • removal, authority, Rr. 26(3), 26.1(2)
• • return, R. 26.1(3), (4)
• definition of court, inclusion in, R. 2
• dispute resolution
• • conference, conduct, R. 387
• • stay of proceedings, R. 390
• functions, general, S. 12
• jurisdiction, restrictions, R. 50
• offer to settle or contribute, disclosure, R. 422
• order out of court, R. 30
• pre-trial conference, powers, R. 264-R. 267
• public service, member, S. 12
• salary, S. 12
• trial management conference, R. 270

Public
• hearings, attendance, R. 29
• recommendation boxes, use, R. 16

Public interest. *See* **Disclosure of information**

Q

Question of general importance
• Attorneys General, notice, service, R. 110

Question of law
• appeal from, S. 27
• determination
• • directions, finality, R. 220
• • finality, R. 220(3)
• • motion record, R. 366

R

Railway
• debts, when unable to pay, EX. CT. 27
• foreclosure, EX. CT. 26
• insolvency, EX. CT. 27

Railway—*cont'd*
• jurisdiction of court, EX. CT. 28
• receiver
• • appointment, EX. CT. 26
• • duties, EX. CT. 26
• • remuneration, EX. CT. 26
• sale, EX. CT. 26
• security, saving of power, EX. CT. 26

Real property. *See* **Property**

Reasons for judgment
• copies, transmission, method, R. 395
• delivery, procedure, R. 393
• filing, S. 21

Receiver
• accounts, approval, R. 376
• appointment, remuneration, R. 375
• charging order, enforcement, R. 464
• jurisdiction to appoint, S. 44
• payment of money, enforcement, R. 425
• railway cases, EX. CT. 26

Recommendation boxes
• public comments, use, R. 16

Records. *See* **Court records**

Referee. *See* **Reference**

Reference
• conduct, R. 156
• documents, referee, supply, R. 155
• examination for discovery, R. 157
• hearing, location, time, R. 155
• hearing, procedure, S. 18.3, S. 18.4
• order for, R. 153
• production for inspection, order, R. 157
• referee
• • authority, R. 159-R. 164
• • court files
• • • removal, authority, Rr. 26(3), 26.1(2)
• • • return, R. 26.1(3), (4)
• • defined, R. 2
• • report, filing, appeal, time, R. 161-R. 164
• stay, related proceedings, R. 154
• tribunal. *See* **Tribunal**
• witnesses, procedure, R. 158

Registered mail
• order, Administrator, parties, R. 395
• reference, report, R. 161
• service. *See* **Service of documents**

Registry
• administration, R. 14
• boxes, recommendation, R. 16
• *caveat* register, entries, location, R. 22
• defined, R. 2
• discretionary powers under, R. 47
• documents, principal office, R. 25
• fees, R. 19, T.F.A.
• hours of operation, R. 15
• judgment, written reasons, deposit, R. 393
• local offices, list, R. 17, S. 14
• Ottawa office, S. 14

Relief
• defined, S. 2
• monetary, class action, R. 299.3

Remote conferencing, R. 32

Reply. *See under* **Pleadings**

Report
• medical examination, service, parties, R. 252

Reports of cases
• editing and publishing, S. 58

Representation
• estate, R. 113
• individual, R. 119
• partnerships, R. 111.1
• party as representative, duties, R. 122
• person under legal disability, R. 115
• representative, appointment, R. 115
• sole proprietorships, R. 111.2
• solicitor, by. *See* **Solicitor**
• trustee, executor, administrator, R. 112
• unborn or unascertained person, R. 115
• unincorporated association, R. 111

Retrial
• conditions, R. 39

Royal Canadian Mounted Police
• court, rendering services to, S. 59

Rules
• advance publication, S. 46(4)
• application, R. 1(1), R. 3
• coming into force, R. 504
• committee, S. 45.1, S. 46
• compliance, dispensing with, R. 55
• computation of time, R. 6-R. 8
• conflicts, other legislation, R. 1(2)
• court, power to make, S. 46
• definitions, R. 2, S. 2
• forms, criteria, R. 5
• immigration decisions, review. *See* **Immigration Rules**

Rules—*cont'd*
- non-compliance
- - challenges, R. 58
- - effect, R. 56
- - orders on motions, scope, R. 59
- - remedial measures, R. 60
- - special circumstances, R. 55
- omissions, procedure, R. 4
- scope, S. 46
- transitional provisions, R. 501, R. 502

S

Sale. *See* **Admiralty action; Writ of seizure and sale**

Seal of court
- approval, facsimiles, R. 13

Seaman
- wages, action, security for costs, R. 499, S. 22

Securities
- charging order, F. 458B, R. 458, R. 461

Security for costs. *See also* **Costs**
- address, incorrect or absence, R. 416
- admiralty action, property, arrest, R. 483
- application, R. 415
- availability, circumstances, R. 416
- corporation, R. 416(1)
- default judgment, order, terms, R. 218
- defendant, for, stages, R. 416(2)
- insufficient assets in Canada, R. 416
- method, R. 418
- nominal plaintiff, R. 416(1)
- order, stay, R. 398
- payment into court or bond, R. 418
- plaintiff
- - additional amount, terms, R. 416(6)
- - further steps, restriction, R. 416(3)
- - impecuniosity, effect, R. 417
- - nominal, provision, R. 416(1)
- - payment into court, notice, R. 416(5)
- refusal, grounds, R. 417
- residency outside Canada, R. 416(4)
- Rules, application, R. 415
- seaman, wages, action, exemption, R. 499
- temporary residency in Canada, R. 416(4)
- unincorporated association, supply, R. 416(1)
- voluntary payment, R. 416(5)
- writ of execution, issuance, R. 438

Service of documents. *See also* **Class proceedings**
- address for service
- - admiralty action, *caveat*, R. 493(5)
- - defined, R. 2
- - incorrect, unknown, security for costs, R. 416
- - unknown, procedure, R. 140, R. 145
- admiralty action
- - *caveats*, R. 493, R. 495
- - property, arrest, release, R. 482, R. 489
- - statement of claim, R. 479
- admission, request, response, R. 256
- after 5.00 p.m., effective date, R. 144
- appeals
- - appeal book, R. 345
- - judgment, reversal, variation, notice, R. 349
- - memoranda of fact and law, R. 346
- - motions for leave, R. 352-R. 354
- - notice of appeal, proof, R. 339
- - notice of cross-appeal, R. 341
- - requisition for hearing, R. 347
- application, notice, affidavit, record, R. 304-R. 310
- class proceedings, R. 334.15
- contempt order, R. 467(4)
- costs, assessment, bill of costs, R. 406
- counterclaim
- - defence to, time, R. 192
- - non-party, addition, R. 191
- Crown, on, S. 48
- discovery, non-party, possession, notice, R. 233
- expert witness, affidavit of evidence, R. 279
- extension of time, terms, R. 148
- filed, proof, R. 73
- foreign judgment, registration, order, R. 333
- further service not required, terms, R. 145
- garnishment
- - payment out of court, notice of motion, R. 456
- - show cause order, R. 449(2)
- holiday, effective date, R. 144
- irregularities, acceptance, R. 147
- motion
- - affidavits, R. 362(1), R. 367
- - moving party, record, reply, R. 364, R. 369
- - respondent, record, R. 365, R. 369
- non-personal
- - address unknown, R. 140
- - effective date, R. 141
- - fax, by, consent, R. 140(3), R. 143
- - method, generally, R. 140
- - ordinary mail, filing, R. 141, R. 142
- - registered mail, effective date, R. 141
- - scope, R. 138, R. 139
- notice, generally. *See* **Notice**

Service of documents—*cont'd*
- notice of appeal to Federal Court of Appeal, S. 27
- notice of motion. *See also* **Motion, notice of**
- - method, time, R. 362, R. 367
- - terms, reconsideration, R. 397
- oral examination, direction to attend, R. 91
- outside Canada
- - default judgment, Hague Convention states, R. 212
- - method, proof, R. 137
- personal
- - admiralty action, statement of claim, R. 479(2)
- - Attorneys General, time, R. 133
- - business location, R. 128
- - contempt order, R. 467(4)
- - corporation, R. 130
- - Crown, time, R. 133
- - effective date, individual, R. 128
- - enforcement order, act, non-performance, unauthorized, R. 430
- - individual or as business, R. 128
- - mail, acknowledgement, form, F. 128, R. 128
- - ministers of the Crown, time, R. 133
- - municipal corporation, R. 130(2)
- - originating documents, exceptions, R. 127
- - partnership, R. 131
- - person under legal disability, R. 129
- - registered mail, R. 128
- - sole proprietorship, R. 131.1
- - solicitor, acceptance, effect, R. 134
- - substituted service in lieu, terms, R. 136
- - unincorporated association, R. 132
- - writ of sequestration, issuance, notice, R. 441
- pleadings, time, R. 203-R. 207
- proof
- - acceptance, signature, R. 146
- - acknowledgment, R. 146
- - affidavit, F. 146A, R. 146
- - certificate of solicitor, form, F. 146B, R. 146
- simplified action, affidavit, R. 299
- statement of defence, non-party, addition, R. 191
- third party claims, R. 195-R. 196
- trial record, R. 268
- written examination, affidavit, R. 99

Settlement. *See also* **Class proceedings; Offer to settle**
- dispute resolution, R. 389

Shares
- charging order, F. 458B, R. 458

Sheriff
- admiralty action, property, power, R. 482-R. 483, R. 489-R. 490
- appointment, S. 13
- contempt of court, R. 466
- defined, R. 2
- fees, tariff, R. 20, S. 46, T.F.A. 4-T.F.A. 5
- local sheriff, S. 13
- marshal, sheriff is, S. 13
- process, execution, R. 473, S. 55
- writ of execution, R. 433, R. 437-R. 439
- writ of seizure and sale, R. 442, R. 444, R. 448

Ship. *See also* **Admiralty action**
- advances made, claim for, S. 22(2)(p)
- agreement for carriage, S. 22(2)(i)
- agreement for hire, S. 22(2)(i)
- appraisement of, R. 490
- arrest of
- - jurisdiction, S. 43(8)
- - release, security, S. 43(9)
- bill of lading, action on, S. 22(2)(f)
- carriage of goods by, S. 22(2)(f)
- charges, tolls, dues, S. 22(2)(s)
- collision, action
- - collision, definition, S. 43
- - plaintiff, examination for discovery, R. 500
- - preliminary act, examination, filing, R. 498(4)-(7)
- - seaman, security for costs, exemption, R. 499
- - statement of claim, R. 498(1)
- construction of, S. 22(2)(n)
- co-owners, question between, S. 22(2)(b)
- crew, claim by, S. 22(2)(o)
- damage
- - caused by, S. 22(2)(d)
- - sustained by, S. 22(2)(e)
- definition, S. 2
- equipping of, S. 22(2)(n)
- goods
- - damage to, S. 22(2)(f), (h)
- - supplied to ship, S. 22(2)(m)
- interest in, claim for, S. 22(2)(a)
- jurisdiction over
- - general, S. 22(3)
- - *in personam*, S. 43
- - *in rem*, S. 43
- loss of life
- - caused by ship, S. 22(2)(d)
- - claim for, S. 22(2)(g)
- loss of ship, S. 22(2)(e)
- master, claim by, S. 22(2)(o)
- mortgage, claim respecting, S. 22(2)(c)
- ownership, claim for, S. 22(2)(a)
- personal injury

Ship—*cont'd*
• • caused by ship, S. 22(2)(d)
• • claim for, S. 22(2)(g)
• pilotage, claim for, S. 22(2)(l)
• possession, claim for, S. 22(2)(a)
• release from arrest, R. 488
• repair of, S. 22(2)(n)
• salvage, S. 22(2)(j)
• services supplied to, S. 22(2)(m)
• title, claim to, S. 22(2)(k)
• towage, claim for, S. 22(2)(k)

Simplified action. *See under* **Action**

Sittings of the Court
• appeals, S. 16
• arrangements for, S. 15
• Canada, anywhere in, S. 15
• judge, away only one month, S. 7
• location, time, R. 28

Sole proprietorships
• documents, service, R. 131.1
• proceedings by or against, R. 111.2

Solicitor
• authority to practise, S. 11
• costs, liability for payment, terms, R. 404
• defined, R. 2
• medical examination, presence, R. 250
• representation by
• • corporation, partnership, unincorporated body, R. 120
• • party in representative capacity, R. 121
• • person under legal disability, R. 121

Solicitor of record
• appeal from Federal Court, service, address, R. 340
• ceasing to act, status, R. 126
• change, removal, notice, F. 124A, F. 124B, F. 124C, R. 124
• confidential material, access, R. 152
• death, effect, R. 126
• deemed, conditions, R. 123
• defined, R. 2
• documents, discovery, affidavit, R. 224
• pre-trial conference, attendance, R. 260
• removal, grounds, method, R. 125

Specially managed proceedings. *See* **Case management**

Specific performance
• jurisdiction to grant, S. 44
• order enforcing, R. 429-R. 431

Statement of claim
• action, commencement, R. 63
• admiralty action, service, R. 479
• contents, specified claims, R. 182
• defined, R. 2
• filing, form, F. 171A, R. 171
• objection. *See* **Objections**
• service, time, proof, R. 203
• ship, collision action, R. 498

Statement of defence
• admissions, R. 183
• counterclaim
• • commencement, R. 63
• • inclusion, R. 189
• filing, form, F. 171B, R. 171
• non-party, addition, issuance, time, R. 190
• reply, service, time, R. 205
• service, time, R. 204, R. 207
• ship, collision action, R. 498
• simplified action, motion, R. 298
• style of cause, R. 189
• time, service, filing, after, R. 210

Status review. *See* **Case management**

Statutes. *See* ***Interpretation Act***

Stay of proceedings
• action
• • admiralty, S. 43
• • general, S. 50, S. 50.1
• dispute resolution, time, R. 390
• order, R. 398

Style of cause
• action, application, appeal, R. 67
• counterclaim, additional, R. 189(3)

Subpoena
• attendance under, fees, travel, R. 42, T.F.A.
• issuance, form, contents, F. 41, R. 41
• reference, witnesses, R. 158
• service, affidavit, proof, R. 44

Summary disposition
• discontinuance, notice, filing, F. 166, R. 165-R. 166
• dismissal, grounds, R. 167-R. 168

Summary judgment and summary trial
• facts and evidence required, R. 214
• motion record for summary trial, R. 216
• no genuine issue for trial, R. 215
• party, motion by, R. 213
• powers of court, R. 218

Summary judgment and summary trial—*cont'd*
• right of plaintiff who obtains judgment, R. 217
• stay of execution, R. 219

Summer recess
• defined, R. 2
• General Sittings of Federal Court, R. 34

Supreme Court of Canada
• leave to appeal, R. 357

T

Tariff of Fees. *See also* **Fees**
• bill of costs
• • assessment, formula, T.F.B. 2-T.F.B. 4
• • filing, contents, T.F.B. 1
• court officer, T.F.A. 4
• Registry
• • documents, filing, T.F.A. 1(2)
• • parties, payment, R. 19, T.F.A. 1
• • pleadings, issuance, T.F.A. 1(1)
• • trial or hearing, T.F.A. 2
• sheriff, R. 20, T.F.A. 4, T.F.A. 5
• witness, R. 43, T.F.A. 3

Tax Court
• appeal, notice, F. 337.1, R. 337.1

Taxation of costs. *See* **Costs**, assessment

Taxing Officer
• transitional provisions, R. 502(2)

Telephone conference
• hearings, R. 32

Tender
• defence, R. 188

Third party procedure
• availability, generally, leave, R. 193-R. 194
• claim
• • contents, specific claims, R. 182
• • filing form, F. 171H, F. 171I, R. 171
• • non-party, against, service, R. 196
• • service, filing, time, R. 195
• commencement, originating documents, R. 62, R. 63
• decision of court, binding effect, R. 199(1)
• default of defence, R. 199
• defence, filing, form, F. 171J, R. 171
• hearing, time, R. 198
• judgment, enforcement, leave, R. 199
• liability, determination, R. 198
• offer to settle, party-and-party costs, R. 419
• procedural rights, obligations, R. 197
• reply, filing, form, F. 171K, R. 171
• security for costs. *See* **Security For Costs**
• statement of defence, filing, time, R. 197
• third party, defined, R. 2

Time. *See also* **Motions**; **Notice**; **Service of documents**
• appeal from Federal Court, general, S. 27
• computation
• • Christmas recess, effect, R. 6(3)
• • legislation governing, R. 6(1), IA 26-30
• dispute resolution services
• • conference, R. 386
• • notice of settlement, filing, R. 389
• • stay of proceedings, R. 390
• documents, amendment, calculation, R. 75, R. 78
• extension
• • abridgment, R. 7, R. 8
• • costs of motion, liability, R. 410
• judge
• • duration away from home, S. 7
• • term of office, S. 8
• less than seven days, holidays, R. 6(2)
• motion, notice, filing, service. See Motion
• pleadings, amendment, close, R. 200-R. 202
• pre-trial conference, R. 259, R. 262
• reference, report, appeal, R. 163

Trade-marks Act
• appeals under, applications, R. 300. *See also* **Applications**

Transcripts
• appeal books, R. 343-R. 344
• motion record, filing, R. 364, R. 368

Transmission of interest
• bankrupt person, R. 116
• corporation, cessation, R. 116
• deceased person, R. 116
• failure to continue, remedies, R. 118
• objection, directions, R. 117
• procedure, R. 117

Travel expenses
• witness, R. 43-R. 44

Trial. *See also* **Action**; **Hearing**
• arguments, order, reply, R. 278
• evidence. *See* **Evidence**, trial, at
• examination for discovery, use
• • impeachment of credibility, R. 291
• • method, R. 288
• • relevance, R. 289
• • unavailable deponent, R. 290

Trial—*cont'd*
• exhibits, presentation, R. 276
• facts, evidence, proof, directions, R. 275
• fees, tariff, T.F.A. 2
• inspection by court, R. 277
• multiple parties, order, R. 27
• pre-trial. *See* **Pre-trial conference**
• presentation, order, R. 274
• witness. *See* **Witness**

Trial Division. *See* **Federal Court**

Trial management conference
• scope, R. 270

Trial record
• contents, R. 269
• service, filing, time, R. 268

Tribunal
• defined, R. 2
• enforcement of order, procedure, R. 424
• order, appeal
• • material, request, refusal, return, R. 317-R. 319, R. 350
• • motion for leave, rules, application, R. 350
• • notice, service, parties, R. 304
• reference
• • Attorney General of Canada, R. 322
• • motion for directions, R. 322
• • notice, application, contents, R. 321
• • notice, intention to participate, F. 323, R. 323
• • records, preparation, R. 309-R. 311, R. 320
• • reference, defined, R. 320

U

Unascertained person
• proceedings, representation, R. 115

Unborn person
• proceedings, representation, R. 115

Unincorporated association
• defined, R. 2
• documents
• • discovery, R. 224(1)
• • service, R. 132
• examination for discovery, R. 237
• proceedings by or against, R. 111
• security for costs, supply, terms, R. 416

V

Vacations of the Court
• General Sittings, Federal Court, R. 34
• immigration decisions, review, time, calculation, I.R. 21
• notice of appeal, serving, S. 27

Vancouver rota of judges
• establishment, R. 40

Vexatious proceedings, S. 40

Video conference
• examination out of court, R. 88
• hearings, R. 32

W

Warrant
• admiralty action, ship, arrest, F. 481, R. 481

Witness. *See also* **Evidence**
• accused, spouse and, CEA 4
• adverse witnesses, CEA 9
• default in appearance, form, F. 46, R. 46
• evidence out of court, R. 271-R. 272
• expert. *See* **Expert witness**
• fees, travel expenses
• • entitlement, tariff, R. 43, T.F.A. 3
• • payment, affidavit, proof, R. 44
• handwriting comparison, CEA 8
• identification of accused, CEA 6.1
• incrimination questions, CEA 5
• interest or crime of, CEA 3
• medical practitioner, examination, R. 253
• motion, on, issue of fact, R. 371
• prisoners, court, attendance, order, F. 45, R. 45
• reference, attendance, R. 158
• simplified action, R. 299
• subpoena. *See* **Subpoena**
• trial, evidence. *See* **Evidence**

Writ of delivery
• form, F. 428
• personal property, recovery, R. 428

Writ of execution
• debt, no custody of person, S. 56
• defined, R. 2
• execution, method of, S. 56
• issuance
• • advance or security for costs, R. 438
• • endorsement, notice, R. 439
• • leave, motion, order, R. 434-R. 436
• • multiple writs, single order, R. 440
• • other writ, aiding, leave, R. 435
• • sheriff, R. 433, R. 437, R. 439
• • time, requirements, R. 433(2)

Writ of execution—*cont'd*
• • validity, extension, R. 437
• order, enforcement, R. 431
• process of court, throughout Canada, S. 55
• requisition for, filing, R. 433

Writ of possession
• form, F. 427
• payment, enforcement, R. 427

Writ of seizure and sale
• date of delivery, binding effect, R. 447
• form, F. 425A
• judgment debtor, interest, sale, R. 445
• money, amount, R. 443
• multiple writs, issuance, R. 442
• order under $200, fees, costs, refusal, R. 444
• payment, order, enforcement, R. 425
• province of seizure, law, application, R. 448
• sale of property, proper time, R. 446

Writ of sequestration
• act, abstention, order, non-compliance, R. 429
• form, F. 425B
• issuance, leave, notice, service, R. 441
• non-performance of act, R. 429
• payment, money, order, enforcement, R. 425
• property, delivery, possession, R. 427-R. 428