

Table of Contents

ALBERTA RULES OF COURT

PART 1 FOUNDATIONAL RULES

DIVISION 1 PURPOSE AND INTENTION OF THESE RULES

- 1.1 What these rules do
 - § 1.1:1 Rule 1.1
- 1.2 Purpose and intention of these rules
 - § 1.2:1 Rule 1.2

DIVISION 2 AUTHORITY OF THE COURT

- 1.3 General authority of the Court to provide remedies
 - § 1.3:1 *Nunc Pro Tunc* Orders
 - § 1.3:2 Rule 1.3
- 1.4 Procedural orders
 - § 1.4:1 Rule 1.4
 - § 1.4:2 Disallowance of vexatious questions
 - § 1.4:3 Judgment at or after trial
- 1.5 Rule contravention, non-compliance and irregularities
 - § 1.5:1 Rule 1.5
- 1.6 Changes to these rules

DIVISION 3 INTERPRETING THESE RULES

- 1.7 Interpreting these rules
 - § 1.7:1 Rule 1.7
- 1.8 Interpretation Act
 - § 1.8:1 Rule 1.8
- 1.9 Conflicts and inconsistencies with enactments
- 1.10 Where definitions are located
 - § 1.10:1 Rule 1.10

PART 2 THE PARTIES TO LITIGATION

DIVISION 1 FACILITATING LEGAL ACTIONS

- 2.1 Actions by or against personal representatives and trustees
 - § 2.1:1 Rule 2.1
- 2.2 Actions by or against partners and partnerships
- 2.3 Suing individual partners
- 2.4 Disclosure of partners
- 2.5 Actions by and against sole proprietors
- 2.6 Representative actions
 - § 2.6:1 Rule 2.6

- 2.7 Amendments to pleadings in class proceedings
- 2.8 Questioning of class and subclass members
- 2.9 Class proceedings practice and procedure
- 2.10 Intervenor status
 - § 2.10:1 Rule 2.10

DIVISION 2 LITIGATION REPRESENTATIVES

- 2.11 Litigation representative required
 - § 2.11:1 Rule 2.11
- 2.12 Types of litigation representatives and service of documents
- 2.13 Automatic litigation representatives
 - § 2.13:1 Rule 2.13
- 2.14 Self-appointed litigation representatives
 - § 2.14:1 Rule 2.14
- 2.15 Court appointment in absence of self-appointment
- 2.16 Court-appointed litigation representatives in limited cases
- 2.17 Lawyer appointed as litigation representative
- 2.18 Approval of settlement
- 2.19 Court approval of settlement, discontinuance, and abandonment of actions
- 2.20 Money received by litigation representative
- 2.21 Litigation representative: termination, replacement, terms and conditions
 - § 2.21:1 Rule 2.21

DIVISION 3 REPRESENTATION OR ASSISTANCE BEFORE THE COURT

- 2.22 Self-represented litigants
 - § 2.22:1 Rule 2.22
- 2.23 Assistance before the Court
 - § 2.23:1 Rule 2.23

DIVISION 4 LAWYER OF RECORD

- 2.24 Lawyer of record
- 2.25 Duties of lawyer of record
- 2.26 Verifying lawyer of record
- 2.27 Retaining lawyer for limited purposes
 - § 2.27:1 Rule 2.27
- 2.28 Change in lawyer of record or self-representation
- 2.29 Withdrawal of lawyer of record
 - § 2.29:1 Rule 2.29
- 2.30 Service after lawyer ceases to be lawyer of record
- 2.31 Withdrawal after trial date scheduled
 - § 2.31:1 Rule 2.31
- 2.32 Automatic termination of lawyer of record and resolving difficulties

TABLE OF CONTENTS

PART 3 COURT ACTIONS

DIVISION 1 COURT ACTIONS AND THEIR VENUE

- 3.1 Rules govern Court actions
- 3.2 How to start an action
 - § 3.2:1 Rule 3.2
- 3.3 Determining the appropriate judicial centre
 - § 3.3:1 Rule 3.3
- 3.4 Claim for possession of land
- 3.5 Transfer of action
 - § 3.5:1 Rule 3.5
- 3.6 Where an action is carried on
- 3.7 Post-judgment transfer of action

DIVISION 2 ACTIONS STARTED BY ORIGINATING APPLICATION

SUBDIVISION 1 GENERAL RULES

- 3.8 Originating applications and associated evidence
- 3.9 Service of originating application and evidence
- 3.10 Application of Part 4 and Part 5
- 3.11 Service and filing of affidavits and other evidence in reply and response
- 3.12 Application of statement of claim rules to originating applications
 - § 3.12:1 Rule 3.12
- 3.13 Questioning on affidavit and questioning witnesses
 - § 3.13:1 Rule 3.13
- 3.14 Originating application evidence (other than judicial review)

SUBDIVISION 2 ADDITIONAL RULES SPECIFIC TO ORIGINATING APPLICATIONS FOR JUDICIAL REVIEW

- 3.15 Originating application for judicial review
 - § 3.15:1 Rule 3.15
- 3.16 Originating application for judicial review: habeas corpus
- 3.17 Attorney General's right to be heard
- 3.18 Notice to obtain record of proceedings
 - § 3.18:1 Rule 3.18
- 3.19 Sending in certified record of proceedings
 - § 3.19:1 Rule 3.19
- 3.20 Other circumstances when record of proceedings may be required
- 3.21 Limit on questioning
- 3.22 Evidence on judicial review
 - § 3.22:1 Rule 3.22
- 3.23 Stay of decision
 - § 3.23:1 Rule 3.23
- 3.24 Additional remedies on judicial review

DIVISION 3 ACTIONS STARTED BY STATEMENT OF CLAIM

SUBDIVISION 1 STATEMENT OF CLAIM

- 3.25 Contents of statement of claim
 - § 3.25:1 Rule 3.25

SUBDIVISION 2 TIME LIMIT FOR SERVICE OF STATEMENT OF CLAIM

- 3.26 Time for service of statement of claim
 - § 3.26:1 Rule 3.26
- 3.27 Extension of time for service
 - § 3.27:1 Rule 3.27
- 3.28 Effect of not serving statement of claim in time
- 3.29 Notice of extension of time for service
 - § 3.29:1 Rule 3.29

SUBDIVISION 3 DEFENCE TO STATEMENT OF CLAIM, REPLY TO DEFENCE AND DEMAND FOR NOTICE

- 3.30 Defendant's options
- 3.31 Statement of defence
 - § 3.31:1 Rule 3.31
- 3.32 Additional options for defendant who files defence
- 3.33 Reply to defence
 - § 3.33:1 Rule 3.33
- 3.34 Demand for notice by defendant
 - § 3.34:1 Rule 3.34
- 3.35 Judgment or order by agreement
 - § 3.35:1 Rule 3.35

SUBDIVISION 4 FAILURE TO DEFEND

- 3.36 Judgment in default of defence and noting in default
 - § 3.36:1 Rule 3.36
- 3.37 Application for judgment against defendant noted in default
 - § 3.37:1 Rule 3.37
- 3.38 Judgment for recovery of property
 - § 3.38:1 Rule 3.38
- 3.39 Judgment for debt or liquidated demand
 - § 3.39:1 Rule 3.39
- 3.40 Continuation of action following judgment
 - § 3.40:1 Rule 3.40
- 3.41 When no defence is filed in foreclosure action
- 3.42 Limitation on when judgment or noting in default may occur

SUBDIVISION 5 CLAIMS AGAINST CO-DEFENDANTS

- 3.43 How to make claim against co-defendant
 - § 3.43:1 Rule 3.43

TABLE OF CONTENTS

SUBDIVISION 6 THIRD PARTY CLAIMS

- 3.44 When third party claim may be filed
 - § 3.44:1 Rule 3.44
- 3.45 Form of third party claim
 - § 3.45:1 Rule 3.45
- 3.46 Third party defendant becomes party
 - § 3.46:1 Rule 3.46
- 3.47 Third party defendant's options
 - § 3.47:1 Rule 3.47
- 3.48 Plaintiff's options
- 3.49 Third party statement of defence
 - § 3.49:1 Rule 3.49
- 3.50 Demand for notice by third party defendant
- 3.51 Effect of demand for notice
- 3.52 Consequences of not filing third party statement of defence
- 3.53 Judgment against third party defendant
 - § 3.53:1 Rule 3.53
- 3.54 Plaintiff's reply to third party defence
- 3.55 Application of rules to third party claims

SUBDIVISION 7 COUNTERCLAIMS

- 3.56 Right to counterclaim
 - § 3.56:1 Rule 3.56
- 3.57 Contents of counterclaim
- 3.58 Status of counterclaim
 - § 3.58:1 Rule 3.58
- 3.59 Claiming set-off
 - § 3.59:1 Rule 3.59
- 3.60 Application of rules to counterclaims

DIVISION 4 REQUEST FOR PARTICULARS, AMENDMENTS TO PLEADINGS AND CLOSE OF PLEADINGS

- 3.61 Request for particulars
 - § 3.61:1 Rule 3.61
- 3.62 Amending pleading
 - § 3.62:1 Rule 3.62
- 3.63 Identifying amendments to pleadings
- 3.64 Time limit for application to disallow amendment to pleading
- 3.65 Permission of Court to amendment before or after close of pleadings
 - § 3.65:1 Rule 3.65
- 3.66 Costs
- 3.67 Close of pleadings

DIVISION 5 SIGNIFICANT DEFICIENCIES IN CLAIMS

- 3.68 Court options to deal with significant deficiencies
 - § 3.68:1 Rule 3.68
 - § 3.68(2):1 Rule 3.68(2)—Non-disclosure of action or defence

- § 3.68(2):2 Rule 3.68(2)—“irrelevant, frivolous or improper”
- § 3.68(2)(c):1 Rule 3.68(2)(c)—“irrelevant” or “improper”
- § 3.68(2)(d):1 Rule 3.68(2)(d)—Abuse of process

DIVISION 6 REFINING CLAIMS AND CHANGING PARTIES

SUBDIVISION 1 JOINING AND SEPARATING CLAIMS AND PARTIES

- 3.69 Joining claims
 - § 3.69:1 Rule 3.69
- 3.70 Parties joining to bring action
 - § 3.70:1 Rule 3.70
- 3.71 Separating claims
 - § 3.71:1 Rule 3.71
- 3.72 Consolidation or separation of claims and actions
 - § 3.72:1 Rule 3.72
- 3.73 Incorrect parties not fatal to actions
 - § 3.73:1 Rule 3.73

SUBDIVISION 2 CHANGES TO PARTIES

- 3.74 Adding, removing or substituting parties after close of pleadings
 - § 3.74:1 Rule 3.74
- 3.75 Adding, removing or substituting parties to originating application
 - § 3.75:1 Rule 3.75
- 3.76 Action to be taken when defendant or respondent added
- 3.77 Subsequent encumbrancers not parties in foreclosure action
 - § 3.77:1 Rule 3.77—Subsequent encumbrancer

PART 4 MANAGING LITIGATION

DIVISION 1 RESPONSIBILITY OF PARTIES

- 4.1 Responsibility of parties to manage litigation
- 4.2 What the responsibility includes
- 4.3 Categories of court action
- 4.4 Standard case obligations
- 4.5 Complex case obligations
- 4.6 Settling disputes about complex case litigation plans
- 4.7 Monitoring and adjusting dates
- 4.8 Court may categorize actions

DIVISION 2 COURT ASSISTANCE IN MANAGING LITIGATION

- 4.9 Orders to facilitate proceedings
- 4.10 Assistance by the Court
 - § 4.10:1 Rule 4.10
- 4.11 Ways the Court may manage action
 - § 4.11:1 Rule 4.11
- 4.12 Request for case management
- 4.13 Appointment of case management judge

TABLE OF CONTENTS

- 4.14 Authority of case management judge
 - § 4.14:1 Rule 4.14
- 4.15 Case management judge presiding at summary trial and trial

DIVISION 3 DISPUTE RESOLUTION BY AGREEMENT

SUBDIVISION 1 DISPUTE RESOLUTION PROCESSES

- 4.16 Dispute resolution processes
 - § 4.16:1 Rule 4.16

SUBDIVISION 2 JUDICIAL DISPUTE RESOLUTION

- 4.17 Purpose of judicial dispute resolution
- 4.18 Judicial dispute resolution process
- 4.19 Documents resulting from judicial dispute resolution
- 4.20 Confidentiality and use of information
- 4.21 Involvement of judge after process concludes

DIVISION 4 SECURITY FOR PAYMENT OF COSTS AWARD

- 4.22 Considerations for security for costs order
 - § 4.22:1 Rule 4.22
- 4.23 Contents of security for costs order
 - § 4.23:1 Rule 4.23

DIVISION 5 SETTLEMENT USING COURT PROCESS

- 4.24 Formal offers to settle
 - § 4.24:1 Rule 4.24
- 4.25 Acceptance of formal offer to settle
 - § 4.25:1 Rule 4.25
- 4.26 If costs are not dealt with in formal offer to settle
- 4.27 Status of formal offer to settle and acceptance
- 4.28 Confidentiality of formal offer to settle
 - § 4.28:1 Rule 4.28
- 4.29 Costs consequences of formal offer to settle
 - § 4.29:1 Rule 4.29
- 4.30 When this Division does not apply

DIVISION 6 DELAY IN AN ACTION

- 4.31 Application to deal with delay
 - § 4.31:1 Rule 4.31
- 4.32 Agreement about delay
 - § 4.32:1 Rule 4.32
- 4.33 Dismissal for long delay
 - § 4.33:1 Rule 4.33

DIVISION 7 TRANSFER AND TRANSMISSION OF INTEREST

- 4.34 Stay of proceedings on transfer or transmission of interest
 - § 4.34:1 Rule 4.34

4.35 Death has no effect on action after evidence heard

DIVISION 8 DISCONTINUANCE

4.36 Discontinuance of claim

§ 4.36:1 Rule 4.36

4.37 Discontinuance of defence

PART 5 DISCLOSURE OF INFORMATION

5.1 Purpose of this Part

§ 5.1:1 Rule 5.1

DIVISION 1 HOW INFORMATION IS DISCLOSED

SUBDIVISION 1 INTRODUCTORY MATTERS

5.2 When something is relevant and material

§ 5.2:1 Rule 5.2

5.3 Modification or waiver of this Part

§ 5.3:1 Rule 5.3—Modification by the Court

5.4 Appointment of corporate representatives

§ 5.4:1 Rule 5.4

SUBDIVISION 2 DISCLOSING AND IDENTIFYING RELEVANT AND MATERIAL RECORDS

5.5 When affidavit of records must be served

§ 5.5:1 Rule 5.5

5.6 Form and content of affidavit of records

§ 5.6:1 Rule 5.6

5.7 Producing records

§ 5.7:1 Rule 5.7

5.8 Producing records for which there is an objection to produce

5.9 Who makes affidavit of records

5.10 Subsequent disclosure of records

§ 5.10:1 Rule 5.10

5.11 Order for record to be produced

§ 5.11:1 Rule 5.11

5.12 Penalty for not serving affidavit of records

§ 5.12:1 Rule 5.12

5.13 Obtaining records from others

§ 5.13:1 Rule 5.13

5.14 Inspection and copying of records

§ 5.14:1 Rule 5.14

5.15 Admissions of authenticity of records

§ 5.15:1 Rule 5.15

5.16 Undisclosed records not to be used without permission

TABLE OF CONTENTS

SUBDIVISION 3 QUESTIONS TO DISCOVER RELEVANT AND MATERIAL RECORDS AND RELEVANT AND MATERIAL INFORMATION

- 5.17 People who may be questioned
 - § 5.17:1 Rule 5.17
- 5.18 Persons providing services to corporation or partnership
 - § 5.18:1 Rule 5.18
- 5.19 Limit or cancellation of questioning
 - § 5.19:1 Rule 5.19
- 5.20 When questioning is to take place
- 5.21 Appointment for questioning
 - § 5.21:1 Rule 5.21
- 5.22 Questioning options
- 5.23 Preparation for questioning
- 5.24 Oral and written questioning limitations
- 5.25 Appropriate questions and objections
 - § 5.25:1 Rule 5.25
- 5.26 Transcript of oral questioning
- 5.27 Continuing duty to disclose
 - § 5.27:1 Rule 5.27
- 5.28 Written questions
- 5.29 Acknowledgment of corporate witness's evidence
 - § 5.29:1 Rule 5.29
- 5.30 Undertakings
 - § 5.30:1 Rule 5.30
- 5.31 Use of transcript and answers to written questions
 - § 5.31:1 Rule 5.31
- 5.32 When information may be used
- 5.33 Confidentiality and use of information
 - § 5.33:1 Rule 5.33

DIVISION 2 EXPERTS AND EXPERT REPORTS

- 5.34 Service of expert's report
 - § 5.34:1 Rule 5.34
- 5.35 Sequence of exchange of experts' reports
 - § 5.35:1 Rule 5.35
- 5.36 Objection to expert's report
- 5.37 Questioning experts before trial
 - § 5.37(2):1 Rule 5.37(2)
 - § 5.37(4):1 Rule 5.37(4)
- 5.38 Continuing obligation on expert
- 5.39 Use of expert's report at trial without expert
 - § 5.39:1 Rule 5.39
- 5.40 Expert's attendance at trial

DIVISION 3 MEDICAL EXAMINATIONS BY HEALTH CARE PROFESSIONALS

- 5.41 Medical examinations
 - § 5.41:1 Rule 5.41

- 5.42 Options during medical examination
 - § 5.42:1 Rule 5.42
- 5.43 Payment of costs of medical examinations
 - § 5.43:1 Rule 5.43
- 5.44 Conduct of examination
 - § 5.44:1 Rule 5.44

PART 6 RESOLVING ISSUES AND PRESERVING RIGHTS

- § 6:1 Comment from the Court of Appeal on Some Fundamental Principles of Civil Procedure

DIVISION 1 APPLICATIONS TO THE COURT

- 6.1 What this Division applies to
- 6.2 Application to the Court to exercise its authority

SUBDIVISION 1 APPLICATION PROCESS GENERALLY

- 6.3 Applications generally
 - § 6.3:1 Rule 6.3
- 6.4 Applications without notice
 - § 6.4:1 Rule 6.4

SUBDIVISION 2 APPLICATION IN FORECLOSURE ACTION

- 6.5 Notice of application in foreclosure action

SUBDIVISION 3 RESPONSES, REPLIES AND DECISIONS ON APPLICATIONS

- 6.6 Response and reply to application
 - § 6.6:1 Rule 6.6
- 6.7 Questioning on affidavit in support, response and reply to application
 - § 6.7:1 Rule 6.7
- 6.8 Questioning witness before hearing
 - § 6.8:1 Rule 6.8
- 6.9 How the Court considers applications
- 6.10 Electronic hearing
 - § 6.10:1 Rule 6.10
- 6.11 Evidence at application hearings
 - § 6.11:1 Rule 6.11
- 6.12 If person does not get notice of application
- 6.13 Recording hearings when only one party present

SUBDIVISION 4 APPEAL FROM MASTER'S JUDGMENT OR ORDER

- 6.14 Appeal from master's judgement or order
 - § 6.14:1 Rule 6.14

SUBDIVISION 5 PROCEDURE FOR QUESTIONING

- 6.15 Appointment for questioning under this Part
- 6.16 Contents of notice of appointment
- 6.17 Payment of allowance

TABLE OF CONTENTS

- § 6.17:1 Rule 6.17
- 6.18 Lawyer’s responsibilities
- 6.19 Interpreter
- 6.20 Form of questioning and transcript
 - § 6.20:1 Rule 6.20

DIVISION 2 PRESERVING EVIDENCE AND OBTAINING EVIDENCE OUTSIDE ALBERTA

- 6.21 Preserving evidence for future use
- 6.22 Obtaining evidence outside Alberta
 - § 6.22:1 Rule 6.22
- 6.23 Duties of person authorized to take evidence
 - § 6.23:1 Rule 6.23
- 6.24 Assistance to judicial authorities outside Alberta
 - § 6.24:1 Rule 6.24

DIVISION 3 PRESERVING AND PROTECTING PROPERTY OR ITS VALUE AND INSPECTION OF PROPERTY

- 6.25 Preserving or protecting property or its value
 - § 6.25:1 Rule 6.25
- 6.26 Inspection or examination of property
 - § 6.26:1 Rule 6.26
- 6.27 Notice before disposing of anything held by the Court

DIVISION 4 RESTRICTION ON MEDIA REPORTING AND PUBLIC ACCESS TO COURT PROCEEDINGS

- 6.28 Application of this Division
 - § 6.28:1 Rule 6.28
- 6.29 Restricted court access applications and orders
- 6.30 When restricted court access application may be filed
 - § 6.30:1 Rule 6.30
- 6.31 Timing of application and service
- 6.32 Notice to media
- 6.33 Judge or master assigned to application
- 6.34 Application to seal or unseal court files
 - § 6.34:1 Rule 6.24
- 6.35 Persons having standing at application
- 6.36 Confidentiality of information

DIVISION 5 FACILITATING PROCEEDINGS

- 6.37 Notice to admit
 - § 6.37:1 Rule 6.37
 - § 6.37:2 Request to admit written opinion as correct
- 6.38 Requiring attendance for questioning
 - § 6.38:1 Rule 6.38
- 6.39 Order to produce prisoner

DIVISION 6 RESOURCES TO ASSIST THE COURT

SUBDIVISION 1 COURT EXPERTS

- 6.40 Appointment of court expert
 - § 6.40:1 Rule 6.40
- 6.41 Instructions or questions to court expert
- 6.42 Application to question court expert
 - § 6.42:1 Rule 6.42
- 6.43 Costs of court expert

SUBDIVISION 2 REFEREES

- 6.44 Persons who are referees
- 6.45 References to referee
- 6.46 Referee's report

DIVISION 7 COURT-APPOINTED RECEIVER

- 6.47 Court-appointed receiver
 - § 6.47:1 Rule 6.47

DIVISION 8 REPLEVIN

- 6.48 Application of this Division
 - § 6.48:1 Rule 6.48
- 6.49 Application for replevin order
 - § 6.49:1 Rule 6.49
- 6.50 Replevin order
 - § 6.50:1 Rule 6.50
- 6.51 Enforcement of replevin order
- 6.52 Respondent may apply for remedy
- 6.53 Expiry of replevin order

DIVISION 9 INTERPLEADER

- 6.54 Definitions
- 6.55 Nature of application for interpleader order
- 6.56 Application for interpleader order
 - § 6.56:1 Rule 6.56—Application for interpleader
- 6.57 Interpleader applicant not disentitled
- 6.58 Interpleader order
- 6.59 Civil enforcement agency application
- 6.60 Several claims combined
- 6.61 Enforcement from different courts
- 6.62 Claim by third person
- 6.63 Notice by civil enforcement agency
- 6.64 Security interest
- 6.65 Expeditious sale

TABLE OF CONTENTS

PART 7 RESOLVING CLAIMS WITHOUT TRIAL

DIVISION 1 RESOLVING PARTICULAR QUESTIONS OR ISSUES

- 7.1 Application to resolve particular questions or issues
 - § 7.1:1 Rule 7.1

DIVISION 2 SUMMARY JUDGMENT

- 7.2 Application for judgment
 - § 7.2:1 Rule 7.2
- 7.3 Application and decision
 - § 7.3:1 Rule 7.3
- 7.4 Proceedings after summary judgment against party

DIVISION 3

- 7.5 [Repealed Alta. Reg. 126/2023, s. 8.]
 - § 7.5:1 Rule 7.5
- 7.6 [Repealed Alta. Reg. 126/2023, s. 8.]
- 7.7 [Repealed Alta. Reg. 126/2023, s. 8.]
- 7.8 [Repealed Alta. Reg. 126/2023, s. 8.]
 - § 7.8:1 Rule 7.8
- 7.9 [Repealed Alta. Reg. 126/2023, s. 8.]
 - § 7.9:1 Rule 7.9
- 7.10 [Repealed Alta. Reg. 126/2023, s. 8.]
- 7.11 [Repealed Alta. Reg. 126/2023, s. 8.]

PART 8 TRIAL

DIVISION 1 MODE OF TRIAL

- 8.1 Mode of trial

DIVISION 1.1 JURY TRIAL

- 8.2 Request for jury trial
 - § 8.2:1 Rule 8.2
- 8.3 Deposit for jury
 - § 8.3:1 Rule 8.3

DIVISION 2 SCHEDULING OF TRIAL DATES

- 8.4 Trial date: scheduled by court clerk
 - § 8.4:1 Rule 8.4
- 8.5 Trial date: scheduled by the judge
- 8.6 Notice of trial date
 - § 8.6:1 Rule 8.6
- 8.7 Confirmation of trial date

DIVISION 3 ATTENDANCE OF WITNESSES AT TRIAL

- 8.8 Notice to attend as witness at trial
 - § 8.8:1 Rule 8.8
- 8.9 Requiring attendance of witnesses

DIVISION 4 PROCEDURE AT TRIAL

- 8.10 Order of presentation
- 8.11 Absence of witnesses at trial
- 8.12 Exclusion of witnesses
 - § 8.12:1 Rule 8.12
- 8.13 No communication with excluded witnesses
- 8.14 Unavailable or unwilling witness
 - § 8.14:1 Rule 8.14
- 8.15 Notice of persons not intended to be called as witnesses
 - § 8.15:1 Rule 8.15
- 8.16 Number of experts
 - § 8.16:1 Rule 8.16
- 8.17 Proving facts
 - § 8.17:1 Rule 8.17
- 8.18 Trial conducted by electronic hearing
- 8.19 Use of trial evidence in subsequent proceedings
- 8.20 Application for dismissal at close of plaintiff's case
 - § 8.20:1 Rule 8.20
- 8.21 Retrials
 - § 8.21:1 Rule 8.21
- 8.22 Continuing trial without jury
- 8.23 Judgment after jury trial
- 8.24 Accidents and mistakes
 - § 8.24:1 Rule 8.24

DIVISION 5 STREAMLINED TRIAL

- 8.25 Use of streamlined trial
- 8.26 Application for streamlined trial
- 8.27 Dispute over mode of trial
- 8.28 Preparing record
- 8.29 Scheduling of streamlined trials
- 8.30 Procedure at streamlined trial
- 8.31 Decision after streamlined trial

PART 9 JUDGMENTS AND ORDERS

DIVISION 1 PREPARATION AND ENTRY OF JUDGMENTS AND ORDERS

- 9.1 Form of judgments and orders
 - § 9.1:1 Rule 9.1
- 9.2 Preparation of judgments and orders
 - § 9.2:1 Rule 9.2

TABLE OF CONTENTS

- 9.3 Dispute over contents of judgment or order
- 9.4 Signing judgments and orders
 - § 9.4:1 Rule 9.4
- 9.5 Entry of judgments and orders
 - § 9.5:1 Rule 9.5
- 9.6 Effective date of judgments and orders
 - § 9.6:1 Rule 9.6
- 9.7 Certified copies
- 9.8 Service of judgments and orders

DIVISION 2 DETERMINATION OF DAMAGES, JUDGMENT IN COUNTERCLAIMS AND JUDGMENT AGAINST BENEFICIARIES

- 9.9 Determining damages
 - § 9.9:1 Rule 9.9
- 9.10 Judgment for balance on counterclaim
 - § 9.10:1 Rule 9.10
- 9.11 Judgment against beneficiaries

DIVISION 3 CORRECTIONS, FURTHER ORDERS, SETTING ASIDE, VARYING AND DISCHARGING JUDGMENTS AND ORDERS

- 9.12 Correcting mistakes or errors
 - § 9.12:1 Rule 9.12
- 9.13 Re-opening case
 - § 9.13:1 Rule 9.13
- 9.14 Further or other order after judgment or order entered
 - § 9.14:1 Rule 9.14
- 9.15 Setting aside, varying and discharging judgments and orders
 - § 9.15:1 Rule 9.15
 - § 9.15:2 Judgment set aside
- 9.16 By whom applications are to be decided

DIVISION 4 ENFORCEMENT OF JUDGMENTS AND ORDERS

- 9.17 Enforcement: orders for payment and judgments for payment into Court
- 9.18 Judgments and orders subject to conditions
- 9.19 Persons who are not parties
- 9.20 Time writ remains in force
 - § 9.20:1 Rule 9.20
- 9.21 Application for new judgment or order
 - § 9.21:1 Rule 9.21
- 9.22 Application that judgment or order has been satisfied
- 9.23 Enforcement against partners' and partnership property
 - § 9.23:1 Rule 9.23
- 9.24 Fraudulent preferences and fraudulent conveyances
 - § 9.24:1 Rule 9.24
- 9.25 Order of possession of land
- 9.26 Authority to evict occupants

- 9.27 Removal, storage and sale of personal property
- 9.28 Abandoned goods
- 9.29 Questioning person to assist in enforcement

DIVISION 5 FORECLOSURE ACTIONS

- 9.30 When affidavit of value must be filed
 - § 9.30:1 Rule 9.30—Affidavit of value
- 9.31 Other material to be filed
- 9.32 Offer for sale of secured property
 - § 9.32:1 Rule 9.32
- 9.33 Sale to plaintiff
 - § 9.33:1 Rule 9.33
- 9.34 Order confirming sale
 - § 9.34:1 Rule 9.34—Order confirming sale
- 9.35 Checking calculations: assessment of costs and corrections
 - § 9.35:1 Rule 9.35
- 9.36 Service of certified bill of costs

DIVISION 6 SALE AND DISPOSITION OF LAND OTHER THAN BY FORECLOSURE ACTION

- 9.37 Application of this Division
- 9.38 Sale and disposition of land
 - § 9.38:1 Rule 9.38
- 9.39 Terms, conditions and limitations on orders

DIVISION 7 RECIPROCAL ENFORCEMENT OF UNITED KINGDOM JUDGMENTS

- 9.40 Definitions
- 9.41 Scope
- 9.42 Application to Court
- 9.43 Affidavit in support of application for order to register convention judgment
- 9.44 When application may be filed without notice
- 9.45 Order to register convention judgment
- 9.46 Convention judgment debtor's application to set aside
- 9.47 Convention judgment creditor's appeal
- 9.48 Appeal when order is made on notice
- 9.49 Factors to be considered

DIVISION 8 REGISTRATION OF JUDGMENTS UNDER *RECIPROCAL ENFORCEMENT OF JUDGMENTS ACT*

- 9.50 Originating application to register judgment from reciprocating jurisdiction
- 9.51 Notice of registration

PART 10 LAWYERS' CHARGES, RECOVERABLE COSTS OF LITIGATION, AND SANCTIONS

TABLE OF CONTENTS

**DIVISION 1 LAWYERS' CHARGES, RETAINER AGREEMENTS
AND RIGHT OF REVIEW**

- 10.1 Definitions
 - § 10.1:1 Rule 10.1

SUBDIVISION 1 LAWYERS' CHARGES

- 10.2 Payment for lawyer's services and contents of lawyer's account
 - § 10.2:1 Rule 10.2
- 10.3 Lawyer acting in representative capacity
- 10.4 Charging order for payment of lawyer's charges
 - § 10.4:1 Rule 10.4

SUBDIVISION 2 RETAINER AGREEMENTS

- 10.5 Retainer agreements
 - § 10.5:1 Rule 10.5
- 10.6 Void provisions

SUBDIVISION 3 CONTINGENCY FEE AGREEMENTS

- 10.7 Contingency fee agreement requirements
- 10.8 Lawyer's non-compliance with contingency fee agreement
 - § 10.8:1 Rule 10.8

SUBDIVISION 4 RIGHT OF REVIEW

- 10.9 Reasonableness of retainer agreements and charges subject to review
 - § 10.9:1 Rule 10.9
- 10.10 Time limitation on reviewing retainer agreements and charges
 - § 10.10:1 Rule 10.10
- 10.11 Who may request review of lawyer's charges
- 10.12 Location of review
- 10.13 Appointment for review
 - § 10.13:1 Rule 10.13
- 10.14 Client-obtained appointment: lawyer's responsibility
 - § 10.14:1 Rule 10.14
- 10.15 Retainer agreement confidentiality
- 10.16 Absence of person at appointment for review
- 10.17 Review officer's authority
 - § 10.17:1 Rule 10.17
- 10.18 Reference to Court
 - § 10.18:1 Rule 10.18
- 10.19 Review officer's decision
- 10.20 Enforcement of review officer's decision
 - § 10.20:1 Rule 10.20
- 10.21 Repayment of charges
- 10.22 Action for payment of lawyer's charges
 - § 10.22:1 Rule 10.22—Action for costs due
- 10.23 Costs of review
- 10.24 Reviewing lawyer's charges: incomplete services and particular events

- § 10.24:1 Rule 10.24
- 10.25 Order to return records

SUBDIVISION 5 APPEAL FROM REVIEW OFFICER'S DECISION

- 10.26 Appeal to judge
 - § 10.26:1 Rule 10.26
- 10.27 Decision of judge
 - § 10.27:1 Rule 10.27

DIVISION 2 RECOVERABLE COSTS OF LITIGATION

SUBDIVISION 1 GENERAL RULE, CONSIDERATIONS AND COURT AUTHORITY

- 10.28 Definition of "party"
- 10.29 General rule for payment of litigation costs
 - § 10.29:1 Rule 10.29
- 10.30 When costs award may be made
 - § 10.30:1 Rule 10.30
- 10.31 Court-ordered costs award
 - § 10.31:1 Rule 10.31
 - § 10.31:2 Charges for experts
 - § 10.31:3 Charges of legal agents
 - § 10.31:4 Plans, models, copies of documents
 - § 10.31:5 Other Charges
 - § 10.31:6 Cases on Miscellaneous Topics
- 10.32 Costs in class proceeding
 - § 10.32:1 Rule 10.32
- 10.33 Court considerations in making costs award
 - § 10.33:1 Rule 10.33
- 10.34 Court-ordered assessment of costs

SUBDIVISION 2 ASSESSMENT OF COSTS BY ASSESSMENT OFFICER

- 10.35 Preparation of bill of costs
- 10.36 Assessment of bill of costs
 - § 10.36:1 Rule 10.36
- 10.37 Appointment for assessment
- 10.38 Assessment officer's authority
 - § 10.38:1 Rule 10.38
- 10.39 Reference to Court
 - § 10.39:1 Rule 10.39
- 10.40 Absence of person served with notice of appointment for assessment
- 10.41 Assessment officer's decision
 - § 10.41:1 Rule 10.41
- 10.42 Actions within Court of Justice Jurisdiction
- 10.43 Certification of costs payable

TABLE OF CONTENTS

SUBDIVISION 3 APPEAL FROM ASSESSMENT OFFICER'S DECISION

- 10.44 Appeal to judge
 - § 10.44:1 Rule 10.44
- 10.45 Decision of the judge

DIVISION 3 OTHER MATTERS RELATED TO LAWYERS' CHARGES AND LITIGATION COSTS

- 10.46 Review and assessment under enactments
- 10.47 Liability of litigation representative for costs
- 10.48 Recovery of goods and services tax

DIVISION 4 SANCTIONS

SUBDIVISION 1 PENALTY

- 10.49 Penalty for contravening rules
 - § 10.49:1 Rule 10.49
- 10.50 Costs imposed on lawyer
 - § 10.50:1 Rule 10.50

SUBDIVISION 2 CIVIL CONTEMPT OF COURT

- 10.51 Order to appear
 - § 10.51:1 Rule 10.51
- 10.52 Declaration of civil contempt
 - § 10.52:1 Rule 10.52
 - § 10.52:2 Rule 10.52(3)(a)(i)—“other than an order for the payment of money”
 - § 10.52:3 Sloppy Practice Is Not Contempt
 - § 10.52:4 Rule 10.52(3)(a)(vi)—Implied undertakings
- 10.53 Punishment for civil contempt of Court
 - § 10.53:1 Rule 10.53

DIVISION 5 MEDICAL EXAMINATION

- 10.54 Mental disorder

DIVISION 6 INHERENT JURISDICTION

- 10.55 Inherent jurisdiction

PART 11 SERVICE OF DOCUMENTS

DIVISION 1 GENERAL PROVISIONS

- 11.1 Service of original documents and copies
 - § 11.1:1 Rule 11.1
- 11.2 Service not invalid
 - § 11.2:1 Rule 11.2

DIVISION 2 SERVICE OF COMMENCEMENT DOCUMENTS IN ALBERTA

- 11.3 Agreement between parties
 - § 11.3:1 Rule 11.3
- 11.4 Methods of service in Alberta
 - § 11.4:1 Rule 11.4
- 11.5 Service on individuals
 - § 11.5:1 Rule 11.5
- 11.6 Service on trustees and personal representatives
- 11.7 Service on litigation representatives
- 11.8 Missing persons
- 11.9 Service on corporations
 - § 11.9:1 Rule 11.9
- 11.10 Service on limited partnerships
- 11.11 Service on partnerships other than limited partnerships
- 11.12 Service on individuals using another name
- 11.13 Service on a corporation using another name
- 11.14 Service on statutory and other entities
- 11.15 Service on person providing an address for service
 - § 11.15:1 Rule 11.15
- 11.16 Service on lawyer
 - § 11.16:1 Rule 11.16
- 11.17 Service on lawyer of record
 - § 11.17:1 Rule 11.17
- 11.18 Service on self-represented litigants
- 11.19 Service on business representatives of absent parties
 - § 11.19:1 Rule 11.19

DIVISION 3 SERVICE OF DOCUMENTS, OTHER THAN COMMENCEMENT DOCUMENTS, IN ALBERTA

- 11.20 Service of documents, other than commencement documents, in Alberta
- 11.21 Service by electronic method
- 11.22 Recorded mail service
 - § 11.22:1 Rule 11.22

DIVISION 4 SERVICE OF DOCUMENTS, OTHER THAN COMMENCEMENT DOCUMENTS, IN FORECLOSURE ACTIONS

- 11.23 Additional service options in foreclosure actions
- 11.24 Notice of address for service in foreclosure actions
 - § 11.24:1 Service outside Alberta

DIVISION 5 SERVICE OF DOCUMENTS OUTSIDE ALBERTA

- 11.25 Real and substantial connection
 - § 11.25:1 Rule 11.25
- 11.26 Method of service outside Alberta
 - § 11.26:1 Rule 11.26

TABLE OF CONTENTS

**DIVISION 6 VALIDATING, SUBSTITUTING, DISPENSING WITH
AND SETTING ASIDE SERVICE**

- 11.27 Validating service
 - § 11.27:1 Rule 11.27
- 11.28 Substitutional service
 - § 11.28:1 Rule 11.28
- 11.29 Dispensing with service
 - § 11.29:1 Rule 11.29
- 11.30 Proving service of documents
 - § 11.30:1 Rule 11.30
- 11.31 Setting aside service
 - § 11.31:1 Rule 11.31

DIVISION 7 SERVICE OF FOREIGN PROCESS

- 11.32 Procedure for service

**DIVISION 8 SERVICE IN A CONTRACTING STATE UNDER
THE HAGUE CONVENTION**

- 11.33 Definitions
- 11.34 Service in Contracting State
- 11.35 Default judgment under the Convention

PART 12 FAMILY LAW RULES

DIVISION 1 FOUNDATIONAL RULES

- 12.1 Definitions
- 12.2 What this Part applies to
- 12.3 Application of other Parts
- 12.4 Forms

DIVISION 2 THE PARTIES TO LITIGATION

- 12.5 Requirement that parties be spouses
- 12.6 Exception to rule 2.11(a)

DIVISION 3 COURT ACTIONS

**SUBDIVISION 1 ACTIONS RELATING TO PROCEEDINGS UNDER THE
DIVORCE ACT (CANADA), FAMILY PROPERTY ACT OR MATRIMONIAL
PROPERTY ACT**

- 12.7 Starting proceeding under *Divorce Act* (Canada)
 - § 12.7:1 Rule 12.7
- 12.8 Starting proceeding under *Family Property Act*
- 12.9 Starting combined proceeding under *Divorce Act* (Canada) and *Family Property Act*
- 12.10 Action for unjust enrichment
- 12.11 Statement of defence, counterclaim and demand for notice
- 12.12 Time for service of documents filed under rule 12.11

- 12.121 Transitional—proceedings under former Act
- 12.13 Joint proceeding under *Divorce Act* (Canada)
- 12.14 Transfer of divorce proceedings under *Divorce Act* (Canada) from court in a province other than Alberta
- 12.15 Central Divorce Registry

SUBDIVISION 2 ACTIONS RELATING TO PROCEEDINGS UNDER THE FAMILY LAW ACT

- 12.16 Starting proceeding under *Family Law Act*
- 12.17 Service of documents filed under rule 12.16(1) and (2)
- 12.18 Response to proceeding under *Family Law Act*
- 12.19 Service of documents filed under rule 12.18
- 12.20 Response to respondent's request for additional order
- 12.21 Service of documents filed under rule 12.20
- 12.22 New evidence
- 12.23 Questioning on statement, reply statement or affidavit
- 12.24 Certificate of lawyer

SUBDIVISION 3 ACTIONS COMMENCED BY ORIGINATING APPLICATION

- 12.25 Exception to rule 3.13(5)
- 12.26 Application under *Divorce Act* (Canada) to recognize decision of competent authority varying parenting or contact order
- 12.27 Applications under *Extra-provincial Enforcement of Custody Orders Act*

SUBDIVISION 4 ACTIONS RELATING TO PROCEEDINGS UNDER THE PROTECTION AGAINST FAMILY VIOLENCE ACT

- 12.28 Application of Part 3, Division 2
- 12.29 Affidavit of evidence for review
- 12.30 Application for King's Bench protection order
- 12.31 Alternative to affidavit
- 12.32 Actual notice of protection order

SUBDIVISION 5 ACTIONS RELATING TO RESTRAINING ORDERS

- 12.33 Application for restraining order

DIVISION 4 MANAGING LITIGATION

- 12.34 Application of Part 4
- 12.35 Operation of rule 4.34 under this Part
- 12.36 Advance payment of costs
 - § 12.36:1 Rule 12.36

DIVISION 5 DISCLOSURE OF INFORMATION

- 12.37 Application of Part 5
- 12.38 Affidavit of records
- 12.39 Oral and written questioning
- 12.40 Written interrogatories
- 12.41 Notice to disclose documents
- 12.42 Request for financial information

TABLE OF CONTENTS

DIVISION 6 RESOLVING ISSUES AND PRESERVING RIGHTS

- 12.43 Application of Part 6, Division 1
- 12.44 Application within course of proceeding
- 12.45 Application after order or judgment under *Divorce Act* (Canada)
- 12.451 Application to vary, suspend or rescind a support order under the *Divorce Act* (Canada) where one former spouse resides in another province
- 12.46 Outgoing interjurisdictional application to obtain, vary, suspend or rescind a support order—section 18.1 of the *Divorce Act* (Canada)
- 12.47 Incoming interjurisdictional applications to obtain, vary, suspend or rescind a support order—section 18.1 or 19 of the *Divorce Act* (Canada)

DIVISION 7 RESOLVING CLAIMS WITHOUT FULL TRIAL

- 12.48 Availability of application for summary judgment
 - § 12.48:1 Rule 12.48
- 12.49 Streamlined trial
- 12.50 Divorce without appearance by parties or counsel
 - § 12.50:1 Rule 12.50

DIVISION 8 TRIAL

- 12.51 Appearance before the Court

DIVISION 9 JUDGMENTS AND ORDERS

- 12.52 Registration of order made in another province under the *Divorce Act* (Canada)
- 12.53 Form of orders
- 12.54 Certificate of divorce

DIVISION 10 SERVICE OF DOCUMENTS

- 12.55 Service of documents
 - § 12.55:1 Rule 12.55
- 12.56 Address for service
- 12.57 Proof of service
- 12.58 Rules that do not apply

DIVISION 11 APPEALS

SUBDIVISION 1 APPEAL FROM DIVORCE JUDGMENT

- 12.59 Appeal from divorce judgment

SUBDIVISION 2 APPEALS UNDER THE *FAMILY LAW ACT*

- 12.60 Appeal from decision of Court of King's Bench sitting as original court
- 12.61 Appeal from Court of Justice order to Court of King's Bench
- 12.62 Duty of court clerks
- 12.63 Transcript
- 12.64 Filing of affidavits of service

- 12.65 Non-compliance by appellant
- 12.66 Speaking to list
- 12.67 Scheduling appeal
- 12.68 Evidence
- 12.69 Appeal memoranda
- 12.70 Powers of Court on appeal
- 12.71 Appeal from decision of Court of King's Bench sitting as appeal court
 - § 12.71:1 Rule 12.71

PART 13 TECHNICAL RULES

DIVISION 1 JUDGE UNABLE TO CONTINUE

- 13.1 When one judge may act in place of or replace another
 - § 13.1:1 Rule 13.1

DIVISION 2 CALCULATING TIME

- 13.2 Application of these rules for calculating time
- 13.3 Counting days
- 13.4 Counting months and years
- 13.5 Variation of time periods
 - § 13.5:1 Rule 13.5

DIVISION 3 PLEADINGS

- 13.6 Pleadings: general requirements
 - § 13.6:1 Brief Overview
 - § 13.6:2 Importance of Pleadings
 - § 13.6:3 Relief Claimed
 - § 13.6:4 Claiming Prejudgment Interest
 - § 13.6:5 Material facts
 - § 13.6:6 Where document or conversation material
 - § 13.6:7 Where condition precedent material
 - § 13.6:8 Specific matters requiring pleading
 - § 13.6:9 Where malice or fraud alleged
 - § 13.6:10 R. 13.6(3)—Matters which would surprise
 - § 13.6:11 Proof of incorporation
- 13.7 Pleadings: other requirements
 - § 13.7:1 Rule 13.7
 - § 13.7:2 Particulars to be pleaded
- 13.8 Pleadings: other contents
 - § 13.8:1 Rule 13.8
- 13.9 Defence of tender
 - § 13.9:1 Rule 13.9
- 13.10 Pleadings: specific requirements for replies
- 13.11 Pleadings: specific requirements for class proceedings
- 13.12 Pleadings: denial of facts
 - § 13.12:1 Silence is not an admission
 - § 13.12:2 Demands of money

TABLE OF CONTENTS

DIVISION 4 FILED DOCUMENTS

SUBDIVISION 1 CONTENTS AND FILING

- 13.13 Requirements for all filed documents
 - § 13.13:1 Rule 13.13
- 13.14 Endorsements on documents
- 13.15 When document is filed
 - § 13.15:1 Rule 13.15
- 13.16 Deviations from and changes to prescribed forms
- 13.17 Amendments to records other than commencement documents, pleadings or affidavits

SUBDIVISION 2 FORM AND CONTENTS OF AFFIDAVITS AND EXHIBITS

- 13.18 Types of affidavit
 - § 13.18:1 Rule 13.18
- 13.19 Requirements for affidavits
 - § 13.19:1 Rule 13.19
- 13.20 Changes in affidavits
- 13.21 Requirements for exhibits to affidavit
- 13.22 Affidavits by visually impaired or those unable to read
- 13.23 Understanding affidavit
- 13.24 More than one individual swearing affidavit
- 13.25 Use of filed affidavits
- 13.26 Exhibits: filing and return
 - § 13.26:1 Rule 13.26

SUBDIVISION 3 LOST AND CONCURRENT DOCUMENTS, CERTIFIED COPIES, AUTHENTICATED PHOTOGRAPHS AND VIDEO RECORDINGS

- 13.27 Lost documents
- 13.28 Concurrent document
- 13.29 Certified copies of original records
- 13.30 Authenticated photographs of personal property
- 13.31 Video recordings in place of transcripts

DIVISION 5 PAYMENT OF FEES AND ALLOWANCES, AND WAIVERS OF FEES

- 13.32 Fees and allowances
 - § 13.32:1 Rule 13.32
- 13.33 Uncertainty of amount of fees and allowances
- 13.34 Fee accounts
- 13.35 Fee exemption
- 13.36 Fee waiver: legal aid
- 13.37 Fee waiver: restraining orders

DIVISION 6 JUDGE'S FIAT, COURT OFFICERS AND COURT REPORTERS

- 13.38 Judge's fiat
- 13.39 Court officers

- 13.40 Court officers may delegate authority
- 13.41 Authority of court clerk
 - § 13.41:1 Rule 13.41
- 13.42 Absence of court clerk
- 13.43 Seal
- 13.44 Duties of court clerk
 - § 13.44:1 Rule 13.44
- 13.45 Notice to be given to court officers
- 13.46 Official court reporters
 - § 13.46:1 Rule 13.46
- 13.47 Proof of official court reporter's signature not required

DIVISION 7 PAYMENT INTO COURT AND PAYMENT OUT OF COURT

- 13.48 When money may be paid into Court
- 13.49 How money is paid into Court
- 13.50 Tender on judicial sale
- 13.51 Litigant's account
- 13.52 Payments into Court under *Trustee Act*
- 13.53 Payments out of Court
- 13.54 Investments and payment earnings
- 13.55 Disposition of money in accounts

PART 14 APPEALS

DIVISION 1 THE RIGHT TO APPEAL

SUBDIVISION 1 INTERPRETATION AND APPLICATION

- 14.1 Definitions
 - § 14.1:1 "Respondent" Defined
- 14.2 Application of general rules
 - § 14.2:1 Rule 14.2
- 14.3 When these rules apply

SUBDIVISION 2 APPEALS AS OF RIGHT

- 14.4 Right to appeal
 - § 14.4:1 Rule 14.4

SUBDIVISION 3 APPEALS WITH PERMISSION

- 14.5 Appeals only with permission
 - § 14.5:1 Rule 14.5

SUBDIVISION 4 CROSS APPEALS

- 14.6 Cross appeals

DIVISION 2 THE APPEAL PROCESS

TABLE OF CONTENTS

SUBDIVISION 1 STARTING AN APPEAL OR CROSS APPEAL

- 14.7 How to start an appeal
- 14.8 Filing a notice of appeal
 - § 14.8:1 Rule 14.8
- 14.9 Appeals from several decisions
 - § 14.9:1 Rule 14.9
- 14.10 [Repealed Alta. Reg. 61/2023, s. 5.]
- 14.11 How to start a cross appeal

SUBDIVISION 2 NOTICES OF APPEAL AND CROSS APPEAL

- 14.12 Contents and format of notices of appeal and cross appeal
 - § 14.12:1 Rule 14.12

SUBDIVISION 3 TYPES OF APPEALS

- 14.13 Standard appeals
- 14.14 Fast track appeals

SUBDIVISION 4 APPEAL RECORD

- 14.15 Ordering the Appeal Record
- 14.16 Filing the Appeal Record
- 14.17 [Repealed Alta. Reg. 61/2023, s. 7.]
- 14.18 Contents of Appeal Record—standard appeals
 - § 14.18:1 Rule 14.18
- 14.19 [Repealed Alta. Reg. 61/2023, s. 9.]
- 14.20 Contents of Appeal Record—appeals from tribunals
- 14.21 Format of Appeal Record
- 14.22 [Repealed Alta. Reg. 61/2023, s. 10.]

DIVISION 3 PREPARING WRITTEN ARGUMENT AND SCHEDULING ORAL ARGUMENT OF APPEALS

SUBDIVISION 1 FACTUMS

- 14.23 Filing factums—standard appeals
- 14.24 Filing factums—fast track appeals
- 14.25 Contents of factums
 - § 14.25:1 Rule 14.25
- 14.26 Format of factums

SUBDIVISION 2 EXTRACTS OF KEY EVIDENCE

- 14.27 Filing Extracts of Key Evidence
- 14.28 Record before the Court
- 14.29 Format of Extracts of Key Evidence

SUBDIVISION 3 CONDENSED BOOKS

- 14.30 Filing Condensed Books
- 14.31 [Repealed Alta. Reg. 61/2023, s. 17.]

SUBDIVISION 4 SCHEDULING ORAL ARGUMENT

- 14.32 Oral argument
 - § 14.32:1 Transcripts of Oral Argument
- 14.33 Scheduling standard appeals
 - § 14.33:1 Rule 14.33
- 14.34 Scheduling fast track appeals
- 14.35 Rescheduling appeals

DIVISION 4 APPLICATIONS

SUBDIVISION 1 DECIDING APPLICATIONS

- 14.36 Case management officers
 - § 14.36:1 Rule 14.36
- 14.37 Single appeal judges
 - § 14.37:1 Rule 14.37
- 14.38 Court of Appeal panels
 - § 14.38:1 Rule 14.38

SUBDIVISION 2 HOW TO APPLY

- 14.39 Case management officers
- 14.40 Applications to single appeal judges
 - § 14.40:1 Rule 14.40
- 14.41 Responses to applications to single appeal judges
- 14.42 Applications to court of appeal panels
- 14.43 Responses to applications to court of appeal panels

SUBDIVISION 3 RULES FOR SPECIFIC APPLICATIONS

- 14.44 Application for permission to appeal
- 14.45 Application to admit new evidence
 - § 14.45:1 Rule 14.45—New Evidence
- 14.46 Application to reconsider a previous decision
 - § 14.46:1 Rule 14.46
- 14.47 Application to restore an appeal
 - § 14.47:1 Rule 14.47
- 14.48 Stay pending appeal
 - § 14.48:1 Rule 14.48

SUBDIVISION 4 DECIDING APPLICATIONS

- 14.49 Failure to respond
 - § 14.49:1 Rule 14.49
- 14.50 Time limits for oral argument
- 14.51 Applications without oral argument
- 14.52 Applications not heard within 3 months

SUBDIVISION 5 FORMAT OF APPLICATIONS AND RESPONSES

- 14.53 Format of applications
- 14.54 Format of memorandum

TABLE OF CONTENTS

§ 14.54:1 Rule 14.54

DIVISION 5 MANAGING THE APPEAL PROCESS

SUBDIVISION 1 RESPONSIBILITIES OF THE PARTIES AND COURT ASSISTANCE

14.55 Responsibility of parties to manage an appeal

14.56 Orders to facilitate appeal

SUBDIVISION 2 PARTIES TO AN APPEAL

14.57 Adding, removing or substituting parties to an appeal

§ 14.57:1 Rule 14.57

14.58 Intervenor status on appeal

§ 14.58:1 Rule 14.58

SUBDIVISION 3 SETTLEMENT USING COURT PROCESS

14.59 Formal offers to settle

§ 14.59:1 Rule 14.59

SUBDIVISION 4 JUDICIAL DISPUTE RESOLUTION ON APPEAL

14.60 Judicial dispute resolution of an appeal

14.61 Suspension of time periods

SUBDIVISION 5 DELAY IN ADVANCING APPEALS

14.62 Dismissal for delay

§ 14.62:1 Rule 14.62

14.63 Powers of a single appeal judge

14.64 Failure to meet deadlines

§ 14.64:1 Rule 14.64

14.65 Restoring appeals

§ 14.65:1 Rule 14.65

SUBDIVISION 6 DISCONTINUING AN APPEAL

14.66 Discontinuance

SUBDIVISION 7 SECURITY FOR COSTS

14.67 Security for costs

§ 14.67:1 Rule 14.67

DIVISION 6 DECIDING APPEALS AND APPLICATIONS

SUBDIVISION 1 EFFECT OF FILING AN APPEAL

14.68 No stay of enforcement

§ 14.68:1 Rule 14.68

14.69 Intermediate acts valid

SUBDIVISION 2 BASIS ON WHICH APPEALS ARE DECIDED

- 14.70 No new evidence without order
- 14.71 Interlocutory decisions
 - § 14.71:1 Rule 14.71
- 14.72 Binding precedents

SUBDIVISION 3 POWERS OF THE COURT

- 14.73 Procedural powers
- 14.74 Application to dismiss an appeal
 - § 14.74:1 Rule 14.74
- 14.75 Disposing of appeals
 - § 14.75:1 Rule 14.75
- 14.76 Judgment by consent

SUBDIVISION 4 JUDGMENTS AND ORDERS

- 14.77 Preparation and signature of judgments and orders
- 14.78 Entry of judgments and orders
- 14.79 Supreme Court of Canada judgments
- 14.80 Interest on judgments
 - § 14.80:1 Rule 14.80—Interest from date of trial

DIVISION 7 GENERAL RULES FOR APPEALS

SUBDIVISION 1 SERVICE OF APPEAL DOCUMENTS AND REPRESENTATION

- 14.81 Service of appeal documents
 - § 14.81:1 Rule 14.81
- 14.82 Lawyer of record and litigation representative

SUBDIVISION 2 RESTRICTED ACCESS ORDERS

- 14.83 Orders restricting access to appeal proceedings

SUBDIVISION 3 RULES FOR ALL FILED MATERIALS

- 14.84 Place of filing
- 14.85 Method of filing
- 14.86 Non-compliant appeal materials
- 14.87 Requirements for all documents

SUBDIVISION 4 COSTS OF APPEALS

- 14.88 Cost awards
 - § 14.88:1 Rule 14.88

SUBDIVISION 5 FEES ON APPEAL

- 14.89 Fees and allowances

TABLE OF CONTENTS

SUBDIVISION 6 SANCTIONS

- 14.90 Sanctions
 - § 14.90:1 Rule 14.90
 - § 14.90:2 Late filing

SUBDIVISION 7 THE REGISTRAR

- 14.91 Duties of a Registrar
- 14.92 Authority of the Registrar
 - § 14.92:1 Rule 14.92

PART 15 TRANSITIONAL PROVISIONS AND COMING INTO FORCE

- 15.1 Definitions
- 15.2 New rules apply to existing proceedings
- 15.3 Dispute resolution requirements
- 15.4 [Repealed Alta. Reg. 124/2010, r. 15.15(3).]
- 15.5 Contingency fee agreements
- 15.6 Resolution of difficulty or doubt
- 15.7 Filing of orders or judgments
- 15.8 Increased or decreased time limits
- 15.9 Time limit under these rules
- 15.10 Time runs from different event
- 15.11 Formal offer to settle
- 15.12 New test or criteria
 - § 15.12:1 Rule 15.12
- 15.13 Place of existing proceeding
- 15.14 Repeal
 - § 15.14:1 Rule 15.14
- 15.15 Coming into force
- 15.16 Transitional provisions—Part 14

SCHEDULE A FORMS

SCHEDULE B COURT FEES AND WITNESS AND OTHER ALLOWANCES

SCHEDULE C

APPENDIX DEFINITIONS

APPENDIX I PRACTICE NOTES, NOTICES TO THE PROFESSION AND PRACTICE DIRECTIONS

COURT OF KING'S BENCH OF ALBERTA

- [KB-1] Civil Practice Note 1—Justice and Masters' Chambers
- [KB-3] Civil Practice Note 3—Class Proceedings
- [KB-4] Civil Practice Note No. 4—Guidelines for the Use of Technology in any Civil Litigation Matter
- [KB-5] Civil Practice Note No. 5—Format of Expert Evidence of Economic Loss or Damages

- [KB-7] Civil Practice Note 7—Vexatious Application/Proceeding
- [KBF-1] Family Law Practice Note 1—Parenting after Separation
- [KBF-2] Family Law Practice Note 2—Family Law Regular and Special Chambers
- [KBF-3] Q.B. Family Law Practice Note 3—Family Law Conferences (For matters under Part 12 of the Alberta Rules of Court)
- [KBF-4] Family Law Practice Note 4—Dispute Resolution Officer Project (Calgary)/Child Support Resolution Project (Edmonton)
- [KBF-5] Family Law Practice Note 5 Allegations of Sexual Abuse
- [KBF-6] Family Law Practice Note 6—International Child Abduction—Hague Convention
- [KBF-7] Family Law Practice Note 7—Interventions
- [KBF-8] Court of Queen’s Bench of Alberta Family Law Practice Note 8 Child Custody/Parenting Evaluation
- [KBF-9] Family Law Practice Note 9—Intake, Resolution and Caseflow Management Calgary and Red Deer
- [KBF-10] Family Law Practice Note 10—Access to Court Files in Family Law Proceedings
- [KBC-1] Q.B. Commercial Practice Note No. 1—The Commercial Chambers Initiative

COURT OF APPEAL OF ALBERTA PRACTICE NOTES

- [CA-1] Consolidated Practice Directions of the Court of Appeal of Alberta
- [CA-2] Electronic Filing Practice Direction

APPENDIX II JUDICIAL DISTRICTS

APPENDIX III SURROGATE RULES

THE SURROGATE RULES

- 1 Definitions
- 2 Rules of Court
 - § SR2:1 Rule 2
- 3 [Repealed Alta. Reg. 53/2001, s. 3.]
- 4 Application for Directions
 - § SR3:1 Rule 3
- 5 Notice to Attend or Produce
- 6 Venue
- 7 [Repealed Alta. Reg. 165/2010, s. 5.]
- 8 Additional Information
- 9
- 9.1 Personal Representative’s Notice When Acting Without a Grant

PART 1 NON-CONTENTIOUS MATTERS

DIVISION 1 APPLICATION FOR GRANT

- 10 Grants
- 11 [Repealed Alta. Reg. 44/2015, s. 5.]
- 12 Limited Grant

TABLE OF CONTENTS

- 13 Required forms
- 13.1 Application Forms and Documents

WILL

- 14 Void Gift
- 15 Wills and Codicils
- 16 Proof of signing formalities
- 17 Proving Signing of Will
- 18 Will not in English or French
- 19 Witnesses Dead
- 20 Dated Will
- 21 Minor Testator
- 22 Other Documents
- 23 Formal Proof of Will
- 24 Lost Will
- 25 Alterations, etc.

NOTICE REQUIRED

- 26 Notice of application
 - § SR26:1 Rule 26
- 26.1 Notice of Grant
- 27 Unknown Beneficiary

BONDS

- 28 Bonds
- 29 Dispensation from bond
- 30 Application re bond
- 31 Powers of court

PERSONAL REPRESENTATIVES

- 32 Renunciation
- 33 Nominations
- 34 Grant of Double Probate
- 35 Grant of re-sealed probate or re-sealed administration
- 36 Ancillary Grant
- 37 Unadministered property

CLAIMANTS

- 38 Notice to Claimants
- 39 Notice by Claimant
- 40 Verification of Claims
- 41 Valuation of Security
- 42 Contested claims
- 43 Claims Not Yet Payable

DUTIES OF THE CLERK

- 44 Fees
- 44.1 Waiver of Fees
- 45 Applications
- 46 Grants
- 47 Retention of Documents
- 48 Copies of Documents
- 49 Clerk's Certificate

DIVISION 2 ADMINISTRATION OF MINORS' PROPERTY

- 49.1 Definition of trusteeship order
- 50 Application for trusteeship order
- 51 Documents to be served
- 52 Bonds
- 53 Dispensing with bond
- 54 Application of rules

DIVISION 3 MAKING, ALTERING OR REVOKING OF A WILL BY A MINOR

- 54.1 Application under *Wills and Succession Act*

PART 2 CONTENTIOUS MATTERS

DIVISION 1 GENERAL

- 55 Application
- 56 Parties
 - § SR56:1 Rule 56
- 57 Persons interested in the estate
- 58 Commencement of action
- 58.1 Reply and demand for notice
- 59 Documents to be served
- 60 Service
- 61 Notice
- 62 Representation
- 63 Proceedings in chambers
- 64 Procedure at hearing
 - § SR64:1 Rule 64—Procedure at hearing
- 65 Standing
- 66 Trial of an issue
- 67 Time limit
- 68 Production of testamentary documents
- 69 Security for costs
- 70 Time for completion

DIVISION 1.1 APPLICATIONS UNDER VARIOUS ACTS

- 70.1 Applications under various Acts
- 70.2 Powers of the court

TABLE OF CONTENTS

- 70.3 Parties, etc.
- 70.4 Service
- 70.5 Notice
- 70.6 Rules that apply to service of documents
- 70.7 Proceedings in chambers
- 70.8 Witness fees
- 70.9 Disclosure of financial information in family maintenance and support applications

DIVISION 2 PROCEEDINGS ON CAVEATS

- 71 Caveat against issue of grant
- 72 Warning to caveator
- 73 Objection to grant
- 74 Frivolous or vexatious caveat

DIVISION 3 FORMAL PROOF OF A WILL

- 75 Applications
 - § SR75:1 Rule 75
- 76 Original will lost or destroyed
- 77 Required documents
- 78 Persons interested in the estate
 - § SR78:1 Rule 78
- 79 Action commenced by a person interested in the estate
- 80 Special applications
- 81 Order requiring formal probate
- 82 Parties
- 83 Trial
 - § SR83:1 Rule 83—Trial
- 84 Hearing in chambers
- 85 Evidence
 - § SR85:1 Rule 85
- 86 Order of decisions
- 87 Order of proceedings
- 88 Other proceedings
- 89 Witness fees
- 90 Powers of the court
 - § SR89:1 Rule 89
- 91 Order final
- 92 Appeal
 - § SR92:1 Rule 92
- 93 Return and revocation of informal grant

DIVISION 4 PROOF OF DEATH

- 94 Proof of death

DIVISION 5 CLAIMS ON AN ESTATE

- 95 Contested claim
- 96 Application to court

PART 3 ACCOUNTING

DIVISION 1 GENERAL

- 97 Requirement for an accounting
- 98 Contents of financial statements
- 99 Acceptable documentation

DIVISION 2 RELEASES

- 100 Releases
- 101 Effect of release
- 102 Bond

DIVISION 3 DISPENSING WITH FORMAL PASSING OF ACCOUNTS

- 103 Dispensing with passing accounts
- 104 Proceeding without notice
- 105 Court order
- 106 Objection

DIVISION 4 PASSING ACCOUNTS

- 107 Required forms
- 108 Application by person interested in estate
- 109 Reply
- 110 Withdrawal
- 111 Objection
- 112 Consent to an accounting
- 113 Powers of court
 - § SR113:1 Rule 113—Powers of court
- 114 Notice of objection
- 115 Examination of accounts by professional accounting firm
- 116 Access to records
- 117 Report

PART 3.1 ELECTRONIC SYSTEM (SS. 117.1-117.7)

PART 4

118-136 [Repealed Alta. Reg. 10/2010, s. 4.]

PART 5 TRANSITIONAL, REPEAL AND COMMENCEMENT

- 137-140 [Repealed Alta. Reg. 132/2000, s. 10.]
- Schedule 1 Legal and Personal Representative Compensation—Part 1
 - § SRSched1:1 Schedule 1, Part 1—Personal representatives compensation
- Schedule 1 Legal and Personal Representative Compensation—Part 2
 - § SRSched2:1 Schedule 1, Part 2—Lawyer’s compensation
 - § SRSched2:2 Table 1 Core legal services
- Schedule 2 Court Fees
- Schedule 2.1 Forms—Grants and Minors’ Property Act Applications

TABLE OF CONTENTS

Schedule 3 Surrogate Rules Forms

**APPENDIX IV COURT OF KING'S BENCH OF ALBERTA
CRIMINAL PROCEDURE RULES**

APPENDIX

Appendix PS. Procedural Summaries

Table of Cases

Index

