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<p style="text-align: center;"><b>MANITOBA KING'S BENCH RULES ANNOTATED</b> <b>Jonathan M. Woolley</b> <b>Founding Author: Karen Busby</b> <b>Release No. 3, September 2024</b></p>
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This work provides easy access to the Rules and case annotations and includes the King's Bench and Court of Appeal Rules of Practice and Procedure for both civil and criminal matters. The work provides commentary explaining the rules and annotations of all the decisions that interpret the civil rules. Commentary and other secondary resources include Tariffs, forms, practice directions, and Table of Rules Concordance.

### What's New in this Update

In this release, the author has updated annotations, checklists, and legislation updates.

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## Highlights

**Checklists** — The Client Identification and Verification Checklist, General Civil Litigation Checklist, Collections Checklist and Court of Appeal Checklist have all been updated.

**Manitoba Court of Appeal Act – Section 24** — Section 24 of *The Court of Appeal Act* is not inconsistent with section 31(1) of *The Court of King’s Bench Act*. Section 31(1) of *The Court of King’s Bench Act* deals with circumstances in which the judge has not yet rendered judgment and retires, resigns or is appointed to another court. Section 24 of *The Court of Appeal Act* confers jurisdiction on judges of the Court of Appeal to act as judges of the Court of King’s Bench. Section 24 is intended to include circumstances in which a matter has been partially heard by a judge of the Court of King’s Bench but not yet completed at the time the judge is appointed to the Court of Appeal. *Campbell et al. v. Brar et al.* 2024 MBKB 72, 2024 CarswellMan 185 (Man. K.B.), per Edmond JA (ex officio JKB).

**Manitoba King’s Bench Rules – Rule 17.06** — In a motion challenging the Court’s jurisdiction (and in the alternative arguing that the court is not the convenient forum), considering factors above and beyond the presumptive connecting factors set out in the Supreme Court of Canada’s decision in *Van Breda v. Village Resorts Ltd.*, 2012 SCC 17, 2012 CarswellOnt 4268, 2012 CarswellOnt 4269 (S.C.C.) conflates the issues of convenience, which are considered under the *forum non conveniens* principle with the determination of whether the court can assume jurisdiction *simpliciter*. *Rosser Holstein Ltd. v. Faresin Industries SPA et al.*, 2024 MBKB 16, 2024 CarswellMan 24 (Man. K.B.), per Associate Judge Berthaudin.

## ProView Developments

Your ProView edition of this product now has a new, modified layout:

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