

Order Rule 78.08 and Documents to correct errors and omissions in Court Orders

Errors and extensions of time

78.08 A judge may do any of the following, although a final order has been issued:

- (a) correct a clerical mistake, or an error resulting from an accidental mistake or omission, in an order;
- (b) amend an order to provide for something that should have been, but was not, adjudicated on;
- (c) extend the time for doing something required to be done by an order that provides a deadline;
- (d) set a deadline for complying with an order that does not set a deadline.

Documents required to make correction to an order

Request is made by Motion by Correspondence [*Rule 27*]

Letter that includes the following required elements:

- Addressed and sent to Court Administration - **not** to a Judge directly [*Rule 59.59(1)*]
- 'RE:' Line contains:
 - Court File number(s)
 - Names of all parties in proceeding
 - Date of Issued Order
- Relief Sought:
 - Referral of motion to the judge who granted the order
 - Judge's permission to proceed by motion by correspondence
 - Request to amend Order including:
 - Identification of error(s) or omission(s) in Order
 - Explanation for error(s) or omission(s)
- Cc'd (copied) to all other parties, or their counsel when represented, in the proceeding

Copy of the **original order**

Copy of the **amended order** with underlined title "Order - Amended" showing the changes in the same way that amendments are shown in documents under *Rule 83 – Amendment*

"**Clean**" copy of amended order which allows the judge to decide which version of the amended order will be issued in the circumstances of the case