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* an official consolidation of Forms made on June 6, 2008 and amended to June 11, 2024.

Form 4.02A

20

No.

Supreme Court of Nova Scotia

Between: [complete the heading as required by Rule 82 - Administration of Civil Proceedings]

[name]

Plaintiff

and

[name]

Defendant

Notice of Action

To: [name each defendant]

Action has been started against you

The plaintiff takes action against you.

The plaintiff started the action by filing this notice with the court on the date certified by the prothonotary.

The plaintiff claims the relief described in the attached statement of claim. The claim is based on the grounds stated in the statement of claim.

Deadline for defending the action

To defend the action, you or your counsel must file a notice of defence with the court no more than the following number of days after the day this notice of action is delivered to you:

- 15 days if delivery is made in Nova Scotia
- 30 days if delivery is made elsewhere in Canada

- 45 days if delivery is made anywhere else.

Judgment against you if you do not defend

The court may grant an order for the relief claimed without further notice, unless you file the notice of defence before the deadline.

You may demand notice of steps in the action

If you do not have a defence to the claim or you do not choose to defend it you may, if you wish to have further notice, file a demand for notice.

If you file a demand for notice, the plaintiff must notify you before obtaining an order for the relief claimed and, unless the court orders otherwise, you will be entitled to notice of each other step in the action.

Rule 57 - Action for Damages Under \$150,000

Civil Procedure Rule 57 limits pretrial and trial procedures in a defended action so it will be more economical. The Rule applies if the plaintiff states the action is within the Rule. Otherwise, the Rule does not apply, except as a possible basis for costs against the plaintiff.

This action is [within/not within] Rule 57. [State “within” if the action is for an order for judgment under \$150,000, no other order (eg. injunction, declaration) is claimed, and the claim is based on debt, injury to property, injury to a person, supply of goods or services, breach of contract, breach of trust, or dismissal from employment.]

Filing and delivering documents

Any documents you file with the court must be filed at the office of the prothonotary
Street, Nova Scotia (telephone #).

When you file a document you must immediately deliver a copy of it to each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge orders it is not required.

Contact information

The plaintiff designates the following address:

Documents delivered to this address are considered received by the plaintiff on delivery.

Further contact information is available from the prothonotary.

Proposed place of trial

The plaintiff proposes that, if you defend this action, the trial will be held in _____,
Nova Scotia.

Signature

Signed _____, 20____

Signature of plaintiff
Print name:

[or]

Signature of counsel
[name] as counsel
for [name of plaintiff]

Prothonotary's certificate

I certify that this notice of action, including the attached statement of claim, was filed with the
court on _____, 20____.

Prothonotary

[attach statement of claim]

Form 4.02B

[no heading, unless this is an amended statement]

Statement of [*Claim/Counterclaim/Crossclaim/Claim Against Third Party*]

- 1 [Describe each party making the claim.]
- 2 [Describe each party claimed against.]
- 3 [State each material fact concisely in separately numbered paragraphs; material facts only, not evidence by which the facts are to be proved or argument.]
- X [Provide references to legislation, or a point of law, relied on if the stated material facts show how the legislation, or point, is applicable.]
- Y This party claims an order providing the following remedies:
- [*judgment for unliquidated damages for... name heads*]
- [*judgment for special damages in the amount of \$*]
- [*judgment for liquidated damages in the amount of \$*]
- [*an injunction describe/a declaratory judgment that*/describe other relief sought, except a request for costs is presumed] .

Signature

Signed , 20

Signature
Print name:

Form 4.03A [use for debt collection only]

20

No.

Supreme Court of Nova Scotia

Between: [complete the heading as required by Rule 82 - Administration of Civil Proceedings]

[name]

Plaintiff

and

[name]

Defendant

Notice of Action for Debt

To: [name each defendant]

Action has been started against you

The plaintiff takes action against you.

The plaintiff started the action by filing this notice with the court on the date certified by the prothonotary.

The plaintiff claims judgment for the debt described in the attached statement of claim.

Defending the action

To defend against the plaintiff's claim, you or your counsel must file a notice of defence with the court no more than the following number of days after the day this notice of action is delivered to you:

- 15 days if delivery is made in Nova Scotia
- 30 days if delivery is made elsewhere in Canada
- 45 days if delivery is made anywhere else.

Judgment against you if you do not defend

The court may grant an order for judgment against you without further notice, unless you defend the action by the deadline shown in this notice.

Amount of judgment

The amount of the judgment if you do not defend the action will be \$ _____, interest on that amount calculated from _____, 20____, as claimed in the statement of claim, and costs in the amount of [Tariff D amount] plus taxed disbursements.

You may have the action dismissed by paying claim

You may pay the amount claimed, obtain a receipt, and deliver the receipt to the prothonotary, who will dismiss the action, except the claim for taxed disbursements.

You may settle the amount for disbursements with the plaintiff's counsel, with a plaintiff who acts on their own, or by proceeding with a taxation of the disbursements in the Small Claims Court.

You may demand notice of steps in the action

If you do not have a defence to the claim or you do not choose to defend it, you may, if you wish to have further notice, file a demand for notice.

If you file a demand for notice, the plaintiff must notify you before obtaining judgment and, unless the court orders otherwise, you will be entitled to notice of each other step in this action.

Rule 57 - Action for Damages Under \$150,000

Civil Procedure Rule 57 limits pretrial and trial procedures of a defended action so it will be more economical. The Rule applies if the plaintiff states the action is within the Rule. Otherwise the Rule does not apply, except as a possible basis for costs against the plaintiff.

This action is [within/not within] Rule 57. [Plaintiff should state "within" if debt, including interest, is under \$150,000.]

Filing and delivering documents

Any documents you file with the court must be filed at the office of the prothonotary _____ Street, _____ Nova Scotia (telephone # _____).

When you file a document you must immediately deliver a copy of it to each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge orders it is not required.

Contact information

The plaintiff designates the following address:

Documents delivered to this address are considered received by the plaintiff on delivery. Further contact information is available from the prothonotary.

Proposed place of trial

The plaintiff proposes that, if you defend this action, the trial will be held in _____, Nova Scotia.

Signature

Signed _____, 20____

Signature of plaintiff

Print name:

[or]

Signature of counsel

[name] as counsel
for [name of plaintiff]

Prothonotary's certificate

I certify that this notice of action for debt, including the attached statement of claim, was filed with the court on _____, 20____.

[attach statement of claim]

Prothonotary

Form 4.03B

[no heading, unless this is an amended statement]

Statement of Claim

1 [describe the plaintiff]

2 [describe each defendant]

3 The defendant owes money to the plaintiff for a debt resulting from [a loan/supply of describe/labour and materials for describe/other].

4 The debt is due because [the loan was demanded/the loan came due according to its terms/the invoice was payable on delivery/the invoice was payable on credit terms past due/other] as of , 20 .

5 [The defendant agreed to pay interest at % a year calculated simply/monthly/ other./There was no express agreement for interest and the plaintiff claims 5% per year prejudgment interest calculated simply.]

6 The amount due as of , 20 is calculated as follows:

principal	\$
credits	(\$)
[agreed interest/5% prejudgment interest]	\$
total	\$.

7 The plaintiff claims an order for judgment in the total amount plus [% agreed interest/5% prejudgment interest] after the date of calculation to the date of judgment.

Signature

Signed , 20

Signature
Print name:

Form 4.05A

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Plaintiff

and

[name]

Defendant

Notice of Defence

To: [name each plaintiff]

Your action is defended

The defendant [name] defends your action.

The grounds for the defence are stated in the attached statement of defence.

Contact information

The defendant designates the following address:

Documents delivered to this address are considered received by the defendant on delivery.

Further contact information is available to each party from the prothonotary.

Signature

Signed _____, 20____.

Signature of defendant

Print name:

OR

Signature of counsel

[name] as counsel

for [name of defendant represented]

Prothonotary's certificate

I certify that this notice of defence, including the attached statement of defence, was filed with the court on _____, 20____.

Prothonotary

[attach statement of defence]

Form 4.05B

[no heading, unless this is an amended statement]

Statement of *[Defence/Defence to Counterclaim/Defence to Crossclaim/Defence to Third Party Claim/Third Party's Defence to Main Action]*

- 1 This statement is made by [name of defending party] .
- 2 This party admits the facts stated in the statement of *[claim/counterclaim/crossclaim]* as follows: [refer to paragraph numbers or repeat text] .
- 3 This party neither admits nor denies allegations of fact about which this party has insufficient knowledge to make an admission or a denial, and those allegations are: [refer to paragraph numbers or repeat text] .
- 4 This party denies all other allegations of fact in the statement of *[claim/counterclaim/crossclaim]* .
- 5 [The party's version of material facts, each one stated concisely in separately numbered paragraphs; material facts only, not evidence by which the facts are to be proved and not argument.]
- X [material facts of any further defence the party will raise at trial]
- Y [references to legislation or points of law relied on, if the stated material facts show how the legislation or point is applicable.]

Signature

Signed _____, 20____

Signature
Print name:

Form 4.06

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Demand for Notice

To: [name each party entitled to notice]

Notice is demanded

The [defendant/third party] , [name] demands notice of everything done in this proceeding, every written communication with a judge or the court, and every document filed.

Contact information

The [defendant/third party] designates the following address:

Documents delivered to this address are considered received by this party on delivery.

Further contact information is available from the prothonotary.

Signature

Signed _____, 20____

Signature of party

Print name:

[or]

Signature of counsel

[name] as counsel

for [name of party represented]

Form 4.08

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Plaintiff

and

[name]

Defendant

Notice of Defence and Counterclaim

To: [name each plaintiff]

Your action is defended

The defendant [name] defends your action.

The grounds for the defence are described in the attached statement of defence.

Also, a claim is made against you

The defendant counterclaims against you for an order described in the attached statement of counterclaim. [Alter if not all the defendants are counterclaiming or all plaintiffs are not counterclaimed against.] The counterclaim is based on the grounds stated in the statement of counterclaim.

Defending the counterclaim

To defend the counterclaim, you or your counsel must file a notice of defence to counterclaim not more than ten days after the day this notice is delivered to you.

Judgment against you if you do not defend counterclaim

The court may grant the order described in the statement of counterclaim without further notice, unless you or your counsel file a notice of defence to counterclaim before the deadline.

Contact information

The defendant designates the following address:

Documents delivered to this address are considered received by the defendant on delivery.
Further contact information is available to each party from the prothonotary.

Signature

Signed _____, 20____

Signature of defendant

Print name:

[or]

Signature of counsel

[name] as counsel for [name]

Prothonotary's certificate

I certify that this notice of defence and counterclaim, including the attached statement of defence and attached statement of counterclaim, was filed with the court on _____, 20____.

Prothonotary

[attach statement of defence]

[attach statement of counterclaim]

Form 4.09

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Plaintiff

and

[name]

Defendant

Notice of Defence with Crossclaim

To: [name each plaintiff]

Your action is defended

The defendant [name] defends your action.

The grounds for the defence are described in the statement of defence.

To: [name of defendant against whom the crossclaim is made]

A crossclaim is made against you

This defendant crossclaims against you for an order described in the attached statement of crossclaim.

Defending the crossclaim

To defend the crossclaim you or your counsel must file a notice of defence to the crossclaim no more than the following number of days after this notice of defence with crossclaim is delivered to you:

- 10 days if this notice is delivered to an address you designated for delivery in this proceeding;
- 15 days if delivery is otherwise made in Nova Scotia;
- 30 days if delivery is made elsewhere in Canada;
- 45 days if delivery is made anywhere else.

Judgment if you do not defend crossclaim

The court may grant the order described in the statement of crossclaim without further notice, unless you file the notice of defence to crossclaim by the deadline.

Contact information

The defendant designates the following address:

Documents delivered to this address are considered received by the defendant on delivery. Further contact information is available to each party from the prothonotary.

Signature

Signed _____, 20____

Signature of defendant
Print name:

[or]

Signature of counsel
[name] as counsel
for [name of defendant represented]

Prothonotary's certificate

I certify that this notice of defence with crossclaim, including the attached statement of defence and statement of crossclaim, was filed with the court on _____, 20____.

Prothonotary

[attach statement of defence]
[attach statement of crossclaim]

Form 4.11

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading except add third party]

[name]

Plaintiff

and

[name]

Defendant

and

[name]

Third Party

Notice of Claim Against Third Party

To: [name each third party]

Action has been brought against you

The defendant [name] brings a third party action against you.

The defendant claims for the order described in the attached statement of claim against third party.

This action is part of another action

The plaintiff started an action against the defendant by filing a notice of action with the court a copy of which is under tab one of this notice.

The defendant defended the action by filing a notice of defence, a copy of which is under tab two.

The defendant then filed this notice of claim against third party on the date certified by the prothonotary.

The statement of claim against third party is attached under tab three.

[Refer to and attach any other notices and pleadings.]

Defending the third party claim

To defend against the third party claim, you or your counsel must file a notice of defence to third party claim no more than the following number of days after this notice of claim against third party is delivered to you:

- 15 days if delivery is made in Nova Scotia
- 30 days if delivery is made elsewhere in Canada
- 45 days if delivery is made anywhere else.

Judgment against you if you do not defend

The court may, when the main action is determined or a judge allows, grant the order described in the statement of claim against third party without further notice, unless you file the notice of defence to third party claim before the deadline.

You may demand notice of steps in the proceeding

If you do not have a defence to the claim or you do not choose to defend it, you may, if you wish to have further notice, file a demand for notice.

If you file a demand for notice, the party who started this third party action must notify you before entering judgment and, unless the court orders otherwise, you will be entitled to notice of each other step in this action.

Filing and delivering documents

Any documents you file with the court must be filed at the office of the prothonotary
Street, Nova Scotia (telephone #).

When you file a document you must immediately deliver a copy of it to each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge orders it is not required.

Contact information

The defendant has designated the following address:

Documents delivered to this address are considered received by the defendant on delivery.
Further contact information is available to each party from the prothonotary.

Signature

Signed _____, 20__

Signature of defendant

Print name:

[or]

Signature of counsel

[name] as counsel for [name of
defendant]

Prothonotary's certificate

I certify that this notice of action against the third party, including an attached copy of the statement of claim, an attached copy of the defence, and the attached original statement of claim against third party was filed with the court on _____, 20__.

Prothonotary

[attach a copy of the notice of action, including statement of claim, under tab one]

[attach a copy of the defendant's defence, under tab two]

[attach the original defendant's statement of claim against third party, under tab three]

[attach copies of any other notices or pleadings in this action, under further tabs]

Form 4.13

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Request for Date Assignment Conference

Party's request

The *[plaintiff/defendant/third party]* , [name] , requests the court to provide a date assignment conference.

Party's election of trial by judge or jury

This party elects trial by *[judge/jury]* .

Requirements for request are satisfied

The pleadings have closed and each party has disclosed all documents and electronic information as required, discovered all individual parties of whom they require discovery, discovered at least the designated manager or one other officer or employee from any corporate party of whom they require discovery, and answered interrogatories required to be answered by or on behalf of the party.

[or]

The party making this request is permitted to do so by order dated , 20 .

List of pleadings

[list all pleadings in chronological order]

<i>Date</i>	<i>Pleading</i>	<i>Description</i>

List of orders

[list all orders affecting future conduct of action or trial in chronological order]

<i>Date</i>	<i>Order</i>	<i>Description</i>

Status of action

The status of this action is [describe generally and include the status of the pleadings, disclosure, discoveries, and expert opinion] .

Future procedures

This party foresees the parties being engaged in the following procedures before trial: [describe all procedures that may be engaged by any party, including holding a discovery, delivery of an expert's report, and making a motion.]

Documents and electronic information to be introduced

This party anticipates the following documentary and electronic evidence will be introduced at trial by any party: [generally describe quantity and nature] .

Witnesses this party will call

<i>Witness</i> [name or subject]	<i>Time required for testimony</i>

Number of days for trial

<i>Event</i>	<i>Time required</i>
jury selection	
plaintiff's case	
defendant's case	
third party's case	
submissions	
jury deliberations	
[other]	

Special requirements and arrangements

[This party anticipates no need for special requirements or accommodations during the trial./

Describe need for administration of an oath in a manner not commonly used, video conference equipment, video equipment, use of computer by judge or jurors, interpretation, commission evidence by video conference, accommodation for a person with a disability, or other need.]

Settlement conference

A settlement conference [is/is not] requested by this party.

When ready for trial

This party forecasts all parties being ready for trial by , 20 .

Copies of pleadings and orders

Copies of each pleading, and each order affecting the future course of this action or the conduct of the trial, are attached to this request.

Signature

Signed _____, 20____

Signature

Print name:

Form 4.15

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Plaintiff

and

[name]

Defendant

**Memorandum for
Date Assignment Judge**

Correction or addition of information

The [plaintiff, defendant, third party] , [name] , agrees with the information and estimates contained in the request for date assignment conference except:

Witnesses this party will call

<i>Witness</i> [name or subject]	<i>Time required for testimony</i>

When ready for trial

This party anticipates being ready for trial by _____, 20__.

Election of trial by judge or jury (if applicable)

[This party acknowledges that trial by jury has been elected by another party./This party accepts the election of trial by judge made by another party/This party elects trial by jury.]

Signature

Signed _____, 20__

Signature of party
Print name:

Form 5.02

20

No.

Supreme Court of Nova Scotia

Ex Parte Application by _____,
Applicant, for an order [short description of kind of order]

***Ex Parte* Application**

Order applied for

The applicant is applying for an order that [full description of order] .

Ex parte

This application is made without notice to any other person because _____ .

Grounds for order

The applicant is applying for the order on the following grounds: [briefly list grounds in point form; include material facts and references to legislation and points of law; do not state evidence or provide argument]

1

2

3

Evidence supporting application

The applicant offers the following affidavits in support of the application: affidavit of [name] sworn on _____, 20____; affidavit of [name] sworn on _____, 20____; [etc.]

Hearing

The applicant will appear before the judge in chambers at _____ [a.m./p.m.] on _____, 20____ in the [Courthouse/Law Courts] at _____ Street, _____, Nova Scotia.

Contact information

The applicant designates the following address:

Documents delivered to this address are considered received by the applicant on delivery.
Further contact information is available from the prothonotary.

Signature

Signed _____, 20__

Signature of applicant

Print name:

[or]

Signature of counsel

[name] as counsel

for the applicant [name]

Prothonotary's certificate

I certify that this *ex parte* application was filed with the court on _____, 20__.

Prothonotary

Form 5.03

20

No.

Supreme Court of Nova Scotia

Between: [complete heading as required by Rule 82 - Administration of Civil Proceedings]

[name]

Applicant

and

[name]

Respondent

Notice of Application in Chambers

To: [name of each respondent]

The applicant requests an order against you

The applicant is applying to a judge in chambers for an order [describe] .

The applicant started this application by filing this notice on the date certified by the prothonotary.

Grounds for order

The applicant is applying for the order on the following grounds: [briefly state grounds in point form; include material facts, and references to legislation or points of law relied on and the facts that make each applicable; do not state evidence or provide argument]

1

2

3

Evidence supporting application

The applicant offers the following affidavits in support of the application: affidavit of [name] sworn on _____, 20____; affidavit of [name] sworn on _____, 20____; [etc.]

A copy of each affidavit is to be delivered to you with this notice, and further affidavits may be delivered before the deadlines provided in Civil Procedure Rule 5 - Application.

You may participate

You may file with the court a notice of contest, and any affidavits upon which you rely, no more than [5 for regular chambers, 10 for appointed time] days after this notice is delivered to you or you are otherwise notified of the application. Filing the notice of contest entitles you to notice of further steps in the application, including notice of further affidavits.

Time, date, and place

The application is to be heard by the judge in chambers at _____ [a.m./p.m.] on _____, 20____ in the [Courthouse/Law Courts] _____ Street, _____, Nova Scotia. You have the right to be present and to be represented by counsel or to act on your own. If you are not present, the judge may proceed without you.

Possible order against you

The judge may grant a final order on the application without further notice to you if you fail to deliver your notice of contest on time, or if you or your counsel fail to appear in chambers at the above time, date, and place.

Filing and delivering documents

Any documents you file with the court must be filed at the office of the prothonotary _____ Street, _____, Nova Scotia (telephone # _____).

When you file a document you must immediately deliver a copy of it to the applicant and each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge orders it is not required.

Contact information

The applicant designates the following address:

Documents delivered to this address are considered received by the applicant.
Further contact information is available from the prothonotary.

Signature

Signed _____, 20__

Signature of applicant

Print name:

OR

Signature of counsel

[name] as counsel

for [name of applicant represented]

Prothonotary's certificate

I certify that this notice of application was filed with the court on _____, 20__.

Prothonotary

Form 5.04

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

**Notice of Contest
(Chambers Application)**

To: [name of each applicant]

Your application is contested

The respondent [name] contests your application.

The respondent admits the facts stated in your grounds numbered , , and .

The respondent denies the rest of your statement of grounds, but may admit the following after you provide more information: , , and .

Grounds of contest

The respondent says that your application should be *[dismissed/allowed only to the extent of...]* because: [briefly list respondent's grounds in point form; include material facts and references to legislation and points of law; do not state evidence or provide argument]

1

2

3

Evidence of respondent

The respondent offers the following evidence:

- 1 affidavit of [name] sworn , 20 ;
- 2 affidavit of [name] sworn , 20 .

Contact information

The respondent designates the following address:

Documents delivered to this address are considered received by the respondent on delivery.
Further contact information is available from the prothonotary.

Signature

Signed , 20

Signature of respondent
Print name:

[or]

Signature of counsel
[name] as counsel for
the respondent [name]

Form 5.07

20

No.

Supreme Court of Nova Scotia

Between: [complete heading as required by Rule 82 - Administration of Civil Proceedings]

[name]

Applicant

and

[name]

Respondent

Notice of Application in Court

To: [name of each respondent]

The applicant requests an order against you

The applicant is applying to the court for an order [describe] .

The applicant started this application by filing this notice on the date certified by the prothonotary.

Grounds for the order

The applicant is applying for the order on the following grounds: [briefly state grounds in point form; include material facts, references to legislation or points of law relied on, and the facts that make each applicable; do not re-state evidence or provide argument]

1

2

3

Named witnesses for applicant

The applicant expects to file affidavits from the following witnesses, dealing with the following subjects:

<i>Name of witness</i>	<i>Subject</i>

Unnamed witness for applicant

[*The applicant intends only to produce evidence from the witnesses named above.*/ Provide information about an unnamed witness, an explanation for the applicant's inability to name the witness, and a justification for proceeding by application, rather than action, without naming the witness at this time.]

Motion for directions and date

At [a.m./p.m.] on , 20 , the applicant will appear before a judge at the [Law Courts/Courthouse] , Street, , Nova Scotia to make a motion for an order giving directions and appointing a time, date, and place for the hearing. The judge may provide directions in your absence, if you or your counsel fail to attend.

Affidavit on motion for directions

The applicant files the affidavit of , sworn on , 20 , as evidence on the motion for directions. A copy of the affidavit is delivered to you with this notice.

You may participate

You may file with the court a notice of contest, and any affidavit for the motion for directions, no more than twenty-five days after this notice is delivered to you or you are otherwise notified of the application. Filing the notice of contest entitles you to notice of further steps in the application.

Possible final order against you

The court may grant a final order on the application without further notice to you if you fail to file a notice of contest, or if you or your counsel fail to appear at the time, date, and place for the motion for directions.

Filing and delivering documents

Any documents you file with the court must be filed at the office of the prothonotary
Street, , Nova Scotia (telephone #).

When you file a document you must immediately deliver a copy of it to the applicant and each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge orders it is not required.

Contact information

The applicant designates the following address:

Documents delivered to this address are considered received by the applicant on delivery.
Further contact information is available from the prothonotary.

Signature

Signed , 20

Signature of applicant
Print name:

[or]

Signature of counsel
[name] as counsel
for [name]

Prothonotary's certificate

I certify that this notice of application was filed with the court on , 20 .

Prothonotary

Form 5.08

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

**Notice of Contest
(Application in Court)**

To: [name of each applicant]

Your application is contested

The respondent [name] contests your application.

The respondent admits the facts stated in your grounds numbered , , and .

The respondent denies the rest of your grounds, but may admit the following after you provide more information: , , and .

Grounds of contest

The respondent says that your application should be [*dismissed/allowed only to the extent of*] because: [briefly list respondent's grounds in point form; include material facts and references to legislation and points of law; do not state evidence or provide argument]

1

2

3

Witnesses for respondent

The respondent expects to produce affidavits from the following witnesses, dealing with the following subjects, as evidence when the application is heard:

<i>Name of witness</i>	<i>Subject</i>

Other possible witnesses

The following are all persons known to the respondent who may have relevant information but are not identified above or in the notice of application:

<i>Name of witness</i>	<i>Possible Subject</i>

Contact information

The respondent designates the following address:

Documents delivered to this address are considered received by the respondent upon delivery.
Further contact information is available from the prothonotary.

Signature

Signed _____, 20____

Signature of respondent

Print name:

[or]

Signature of counsel

[name] as counsel for
the respondent [name]

Form 5.10

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Notice of Respondent's Claim

To: [name of each other party]

The respondent requests an order against [name]

The respondent [name] is applying to a judge for an order [describe] against [*the applicant/the respondent*] , [name].

Grounds for order

The respondent is applying for the order on the following grounds: [briefly state grounds in point form; include material facts, and references to legislation or points of law relied on and the facts that make each applicable; do not state evidence or provide argument]

1

2

3

Witnesses for respondent

The respondent [name] expects to produce affidavits from the following witnesses, dealing with the following subjects, as evidence when the application and the respondent's claim are heard:

<i>Name of witness</i>	<i>Subject</i>

Directions about respondent's claim

The respondent [name] will seek directions about the claim, and the hearing of it, when the applicant's motion for directions is heard.

Whether filing notice of contest

The respondent [name] [*is/is not*] filing a notice of contest.

[Contact information if not filing a notice of contest to the applicant's claim

The respondent name designates the following address:

Documents delivered to this address are considered received by the respondent.
Further contact information is available from the prothonotary.]

Signature

Signed _____, 20__

Signature of respondent

Print name:

[or]

Signature of counsel

[name] as counsel

for [name of respondent]

Prothonotary's certificate

I certify that this notice of respondent's claim was filed with the court on _____, 20__.

Prothonotary

Form 5.11

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Notice of Contest of Respondent's Claim

To: [name of each other party]

The claim of [name] is contested

The [applicant/respondent] , [name] , contests the claim made by the respondent, [name] .

The [applicant/respondent] , [name] admits the facts stated in the grounds of the claim numbered , , and .

The [applicant/respondent] denies the rest of the grounds, but may admit the following after receiving more information: , , and .

Grounds of contest

The [applicant/respondent] , [name] , says that the claim should be [dismissed/allowed only to the extent of] because: [briefly list grounds in point form; include material facts and references to legislation and points of law; do not state evidence or provide argument]

1

2

3

[The applicant/respondent name expects to produce affidavits from the following additional witnesses, in addition to any already named, on the following subjects as a result of the respondent's claim:]

The applicant/respondent name does not expect to produce affidavits from any witness in addition to those already named.]

Documents delivered to this address are considered received by the respondent. Further contact information is available from the prothonotary.]

Signature of counsel
[name] as counsel for
the [applicant/respondent] , [name]

Form 5.16

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

**Notice of Objection to Admissibility
(Application in Court)****To:** [name of other party]**Objection**

The [applicant/respondent] , [name] , objects to [an averment/averments/an exhibit/exhibits/a part of an averment/a part of an exhibit/parts of...] in the affidavit of [name] [sworn/affirmed] on the day of , 20 . The [applicant/respondent] requests that the [subject/subjects] of the objection be expunged.

Particulars of averment

The [subject/subjects] objected to [is/are] in the following [part/parts] of the affidavit and [is/are] to the following effects:

<i>Paragraph and Exhibit</i>	<i>Containing Words to this Effect</i>

Grounds of objection

The averment [at para. /and purporting to prove exhibit] is inadmissible under the rules of evidence because

[Further objected averments, exhibits, or parts.]

Signature

Signed

, 20

Signature

Print Name:

Form 7.05

20

No.

Supreme Court of Nova Scotia

Between: [complete the heading as required by Rule 82 - Administration of Civil Proceedings]

[name]

Applicant

and

[name]

Respondents

Notice for Judicial Review

To: [name each respondent]

Request for judicial review

The applicant requests judicial review of [a decision/an action taken/a failure to decide or take action] by a decision-making authority [name decision-making authority] .

Decision to be reviewed

[The decision is dated , 20 ./Modify for a failure to make a decision.]

[The authority under which the decision is made is refer to legislation, agreement for arbitration, or other authority.]

[The decision was first communicated to the applicant on , 20 ./Modify for failure to make a decision.]

Attached to this notice is [a copy of the decision/copies of documents showing the action/copies of documents showing the failure to decide or to take action/a summary of the decision, action or failure] .

Grounds for review

The applicant seeks review on the following grounds:

1 [state grounds concisely]

2

3

Order proposed

The applicant requests an order [describe] .

You may participate

You may participate in the judicial review if you file a notice of participation no more than ten days after the day a copy of this notice for judicial review is delivered to you. Filing the notice entitles you to notice of further steps in the judicial review.

Record to be produced

[*The applicant foresees no difficulty obtaining the record and believes it will be delivered to the court and the respondents no later than* , 20 /or explain difficulty] . The record will be [name documents by which the proceeding under review was started; name any documents that responded to those initiating documents; *a transcript of* describe, *documentary exhibits numbering* , *other exhibits namely* ; describe all the record] .

Notice to decision-making authority

The respondent, [name of the decision-making authority] , is required by Civil Procedure Rule 7 – Judicial Review and Appeal to file one of the following no more than five days after the day the decision-making authority is notified of this proceeding by delivery of a copy of this notice for judicial review:

- a complete copy of the record, with copies of separate documents separated by numbered or lettered tabs;
- a statement indicating that the decision-making authority has made arrangements with the applicant to produce of the record, providing details of those arrangements, and estimating when the return will be ready;
- an undertaking that the decision-making authority will appear on the motion for directions and will seek directions concerning the record;

- a summary of reasons given orally without a record and your certificate the summary is accurate, if you gave reasons orally and not on record.

If you fail in this regard, a judge may order costs against you including a requirement that you indemnify each other party for any expenses caused by your failure, such as expenses caused by an adjournment if that is the result.

Stay of proceedings or other interim remedy

The applicant [will/will not] make a motion for a stay of the enforcement of the decision under judicial review. [If a motion is to be made provide information on when the notice of motion is to be filed and state that the motion will be set for the same time as the motion for directions.]

Filing and delivering documents

Any documents you file with the court must be filed at the office of the prothonotary
Street, , Nova Scotia (telephone #).

When you file a document you must immediately deliver a copy of it to each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge orders it is not required.

Contact information

The applicant designates the following address:

Documents delivered to this address are considered received by the applicant on delivery. Further contact information is available from the prothonotary.

Motion for date and directions

At [a.m./p.m.] on , 20 , the applicant will appear before a judge in Chambers at the [Law Courts/Courthouse] , Street, , Nova Scotia to make a motion for an order giving directions for the judicial review including a date

and time for the hearing of it. The judge may make an order or provide directions in your absence if you or your counsel fail to attend, and the court may determine the judicial review without further notice to you.

Signature

Signed _____, 20__

Signature of applicant

Print name:

[or]

Signature of counsel

[name] as counsel

for [name]

Prothonotary's certificate

I certify that this notice for judicial review was filed with the court on _____, 20__.

Prothonotary

[attach copy of decision, documents showing subject of review, or summary]

Form 7.08

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondents

Notice of Participation

To: [name applicant and other respondents]

This party will participate

The respondent, [name] , will participate in this proceeding.

Respondent's position

This respondent says the court *[should not disturb any decision, action or other matter under review/should only disturb.../should order as the applicant proposes/other]*

Alternate grounds [omit if supporting decision on its own grounds]

[This respondent contends the decision is supported by grounds not expressed by the decision-making authority./The respondent contends the decision ought to be interfered with on grounds not expressed by the applicant.] . The alternate grounds are as follows:

1 [state grounds concisely]

2

3 .

Participation by decision-making authority

This respondent is the decision-making authority and it will *[take no part in the hearing except, if it wishes, to watch./participate only to defend its jurisdiction./seek to fully participate]* .

Contact information

This respondent designates the following address:

Documents delivered to this address are considered received by this respondent on delivery.
Further contact information is available from the prothonotary.

Signature

Signed _____, 20____

Signature of respondent

Print name:

[or]

Signature of counsel

[name] as counsel

for [name]

[also include decision, documents showing subject of review, or brief summary]

Form 7.12

20

No.

Supreme Court of Nova Scotia

Between:

Name:

Applicant

and

Select:

☐ Attorney General of Nova Scotia

and/or

☐ Attorney General of Canada

Respondent(s)

Notice for *Habeas Corpus*

Habeas Corpus is available to challenge an unlawful deprivation of liberty. A deprivation of liberty can include an initial deprivation of liberty, a substantial change in conditions amounting to a further deprivation of liberty, or a continuation of the deprivation of liberty.

To be successful, you, the applicant for *habeas corpus*, must satisfy the following criteria. First, you must establish that you have been deprived of liberty. Once a deprivation of liberty is proven, you must raise a legitimate ground upon which to question its legality.

Complete the following information in as much detail as possible. Use additional blank pages if necessary. You will be asked to affirm under oath the truth of the contents of this form by the court.

What is the name and location of the facility at which you are detained?

[example: “Central Nova Scotia Correctional Facility, Dartmouth”; “Springhill Institution, Springhill”]:

What is the name of the official that notified you of the deprivation of liberty?

What date and time did your deprivation of liberty start?

What reason were you given as to why your liberty is being deprived?

Does your deprivation of liberty continue today?

☐ YES ☐ NO

If yes, has there been any change to the terms of your deprivation of liberty between the start and the present time?

☐ YES ☐ NO

If yes, what are those changes?

Were you given reasons as to why you continue to have your liberty deprived?

☐ YES ☐ NO

If yes, when, how and by whom were those reasons communicated to you?

What were those reasons?

Have you been informed of any present plan for future changes to the conditions of your deprivation of liberty?

☐ YES ☐ NO

If yes, what are those future changes and when are they scheduled to take effect?

Have you been provided with any documents that relate to the deprivation of liberty?

☐ YES ☐ NO

If yes, when, how and by whom were those documents provided to you?

What were those documents?

Have you filed any internal grievance or appeal in respect of the deprivation of liberty?

☐ YES ☐ NO

If yes, what is the status of the internal appeal or grievance?

Please provide any additional reasons for your application that have not been considered by the questions above:

Grounds for review

Why do you say that the deprivation of liberty is unlawful?

- ☐ The decision did not conform with the requirements of the governing legislation or regulations.

In what way?

- ☐ The decision was unreasonable because it was made without evidence, or the evidence was unreliable or irrelevant or cannot support the decision.

Explain why?

- ☐ The decision was procedurally unfair.

Why?

- ☐ Is there any other reason that the deprivation of liberty is unlawful?

Explain.

Remedy sought

What remedy are you seeking / what do you want the court to do?

Notice to facility and Attorney General

At the time of submitting this notice with the Court, you must provide the complete notice to the warden or superintendent of the facility. You hereby confirm that this completed notice was provided on the date below.

Contacting applicant

The prothonotary (court officer) has contact information for you. The authority or persons depriving the applicant's liberty may be contacted at the place of detention, and through other addresses, telephone numbers, fax numbers, email addresses given to the prothonotary.

Signature

Signed _____, 20__

Signature of applicant

Print name:

[or]

Signature of counsel

[name] as counsel

for applicant [name]

[or]

Signature of agent approved by judge

[name] as approved agent for [name]

Prothonotary's certificate

I certify that this notice for *habeas corpus* was filed with the court on _____, 20__.

Prothonotary

Form 7.12A

20

No.

Supreme Court of Nova Scotia

Between:

Name:

Applicant

and

Select:

☐ Attorney General of Nova Scotia

and/or

☐ Attorney General of Canada

Respondent(s)

Notice of Contest (*Habeas Corpus*)

[This Notice is required to be filed by the respondents as soon as practicable but no later than two days after receipt of the filed Notice of Habeas Corpus]

The respondents contest the applicant's Notice of *Habeas Corpus* and claim of entitlement to relief.

The respondents designate the following person as their document manager and primary witness for the purpose of any hearing:

Name:

Job Title:

The respondents answer the questions in the application as follows *[the primary witness for the respondents will be asked to affirm under oath the truth of the answers]* :

Was the applicant's liberty deprived?

☐ YES

☐ NO

What is the name of the official that notified the applicant of their deprivation of liberty?

What date and time did the deprivation of liberty start?

What reason was given to the applicant for their deprivation of liberty?

When, how and by whom were those reasons communicated?

Does the deprivation of liberty continue?

☐ YES ☐ NO

If yes, has there been any change to the terms of deprivation of liberty between its commencement and the present time?

☐ YES ☐ NO

If yes, what are those changes?

If yes, was the applicant given reasons as to why the deprivation of liberty changed?

☐ YES ☐ NO

If yes, when, how and by whom were those reasons communicated?

What were those reasons?

Is there any plan for future changes to the terms of the deprivation of liberty?

☐ YES ☐ NO

If yes, what are those future changes and when are they scheduled to take effect?

Has the applicant been provided with any documents that relate to the deprivation of liberty?

☐ YES ☐ NO

If yes, when, how and by whom were those documents provided?

What were those documents?

Has there been any internal appeal or grievance filed in respect of the deprivation of liberty?

☐ YES ☐ NO

If yes, what is the status of the internal appeal or grievance?

The respondent(s) say(s) that the applicant's deprivation of liberty is lawful, reasonable and that the applicant was afforded a fair procedural process for the following reasons:

1

2

3

The respondent(s) attach(es) a copy of all relevant documents relating to the detention of the applicant in their custody possession and control.

Signature

Signed _____, 20__.

Counsel for respondent(s)

Form 7.13

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Habeas Corpus

Before the Honourable Justice

in Chambers

It is ordered:

- 1 The respondent, and any other person who has control of the applicant and receives notice of this order, must take all steps necessary to bring the applicant before a judge at [a.m./p.m.] on , 20 in the [Law Courts/Courthouse] Street, , Nova Scotia to set a time and date for a hearing into the legality of the detention of the applicant.
- 2 The respondents must also produce to the judge and the applicant all documents in their possession relating to the detention of the applicant.
- 3 The prothonotary must cause a certified copy of this order to be delivered to each party by the following means:

Failure to obey this order may lead to contempt proceedings.

Issued , 20 .

Prothonotary

Form 7.19

20

No.

Supreme Court of Nova Scotia

Between: [complete the heading as required by Rule 82 - Administration of Civil Proceedings]

[name]

Appellant

and

[name]

Respondent

Notice of Appeal

To: [name of each respondent]

Appellant appeals

The appellant appeals under [refer to section number and title of legislation providing for appeal to the Supreme Court of Nova Scotia] from the decision of [name of decision-maker] in their capacity as [title] under the [legislation], which decision provides [describe effect of the decision].

Decision being appealed

The decision was made on , 20 . It was made at , Nova Scotia. It was communicated to the appellant on , 20 . A [copy of/summary of] the decision is attached.

Grounds of appeal

The only grounds of appeal are

1 [state grounds concisely]

2

3

Order requested

The appellant says that the court should allow the appeal and order that [describe order sought].

Record

The record of the proceeding under appeal is held by [name authority holding record] at [address]. [Explain what makes up record, the arrangements for its production, and when it will be ready.]

Filing and delivering documents

Any documents you file with the court must be filed at the office of the prothonotary
Street, , Nova Scotia (telephone #).

When you file a document you must immediately deliver a copy of it to each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge orders it is not required.

Contact information

The appellant designates the following address:

Documents delivered to this address are considered received by the appellant on delivery.
Further contact information is available from the prothonotary.

Motion for date and directions

At [a.m./p.m.] on , 20 , the appellant will appear before a judge in Chambers at the [Law Courts/Courthouse] , Street, , Nova Scotia to make a motion for an order giving directions for the appeal and setting a date and time for the hearing of it. The judge may make an order or provide directions in your absence if you

or your counsel fail to attend, and the court may determine the appeal without further notice to you.

Signature

Signed _____, 20__

Signature of appellant

Print name:

[or]

Signature of counsel

[name] as counsel

for [name]

Prothonotary's certificate

I certify that this notice of appeal was filed with the court on _____, 20__.

Prothonotary

[attach copy of decision under appeal or summary]

Form 9.02

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Notice of Discontinuance

The [plaintiff/applicant/applicant for judicial review/appellant] discontinues this proceeding.

[Insert only if an action or an application in court is discontinued. *A counterclaim, crossclaim, third party claim, or respondent's claim in an action is discontinued with the action unless the party making the claim files a notice continuing the action for the purposes of the counterclaim, crossclaim, third party claim, or respondent's claim.*]

Signature

Signed _____, 20

Signature

Print name:

Form 9.04

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Plaintiff

and

[name]

Defendant

Receipt

The plaintiff in this action brought by notice of action for debt acknowledges payment of the amount claimed [including the claim for disbursements/excluding a claim for \$ in disbursements to be taxed] .

, 20

Signature

Print name:

Form 9.05A

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Plaintiff

and

[name]

Defendant

Notice of Withdrawal

The [title of party] withdraws the [*counterclaim/crossclaim/third party claim/respondent's claim*] made by this party. OR The [title of party in proceeding] withdraws the [*claim/defence/ground*] pleaded in paragraphs [give reference to each paragraph withdrawn from the pleadings] of the [name of pleading] filed by this party.

This party [*waives/does not waive*] entitlement to further notice in accordance with Rule 31 - Notice.

Signature

Signed _____, 20

Signature

Print name:

Form 9.05B

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Plaintiff

and

[name]

Defendant

Consent to Judgment

The [title of party] withdraws all [*defences/grounds of contest*] and consents to judgment in an amount to be assessed, or for a remedy to be determined, in the manner provided in Rule 8 (Default Judgment).

This party [*waives/does not waive*] entitlement to further notice in accordance with Rule 31 (Notice).

Signature

Signed _____, 20____

Signature

Print name:

Form 10.06A (not for court filing)

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Plaintiff

and

[name]

Defendant

Offer to Settle by Claimant (Monetary)

To: [name], the in this action:

Terms for settlement

We, [name], offer to accept the sum of \$ to settle all our claims against you, except costs [and prejudgment interest on that sum from , 20 until the date of payment.]

To settle costs, you will pay [the sum of \$ /an amount to be determined by a judge./ the sum of \$ or an amount to be determined by a judge, at your option upon acceptance.]

Acceptance

You may accept this offer by delivering a statement of your acceptance in writing signed by you or your counsel to our place for delivery any time before trial begins, unless the offer is withdrawn by us in writing.

Signature

Signed , 20

Signature
Print name:

Form 10.06B (not for court filing)

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Plaintiff

and

[name]

Defendant

Offer to Settle by Claimant (Non-Monetary)

To: [name], the in this action:

Terms for settlement

We, [name], offer the following terms to settle all of our claims against you:

1

2

3 To settle costs, you will pay us [the sum of \$ /an amount to be determined by a judge./the sum of \$ or an amount to be determined by a judge, at your option upon acceptance.]

Acceptance

You may accept this offer by delivering a statement of your acceptance in writing signed by you

or your counsel to our place for delivery any time before trial begins, unless the offer is withdrawn by us in writing.

Signature

Signed _____, 20____

Signature

Print name:

Form 10.06C (not for court filing)

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Plaintiff

and

[name]

Defendant

Offer to Settle by Party Claimed Against (Monetary)

To: [name], the in this action

Terms for settlement

We, [name], offer to pay the sum of \$ to settle all your claims against us, except costs.

To settle costs, we will pay [the sum of \$. / an amount to be determined by a judge./the sum of \$ or an amount to be determined by a judge, at your option upon acceptance.]

[If offering prejudgment interest after date of offer, specify a rate and calculation to the date of payment]

Acceptance

You may accept this offer by delivering a statement of your acceptance in writing signed by you

or your counsel to our place for delivery any time before trial begins, unless the offer is withdrawn by us in writing.

Signature

Signed _____, 20____

Signature

Print name:

Form 10.06D (not for court filing)

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Plaintiff

and

[name]

Defendant

Offer to Settle by Party Claimed Against (Non-Monetary)

To: [name], the in this action

Terms for settlement

We, [name], offer the following terms to settle all of your claims against us:

1

2

3 To settle costs, we will pay you [the sum of \$ /an amount to be determined by a judge./the sum of \$ or an amount to be determined by a judge, at your option upon acceptance.]

Acceptance

You may accept this offer by delivering a statement of your acceptance in writing signed by you

or your counsel to our place for delivery any time before trial begins, unless the offer is withdrawn by us in writing.

Signature

Signed_ , 20

Signature

Print name:

Form 15.03A (not for court filing)

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Affidavit Disclosing Documents (Individual)

I, [name] , of [make oath and say/affirm] :

- 1 I am the in this [action/application in court] .
- 2 The attached certificate is true.
- 3 I have diligently made efforts to become informed about and have thoroughly searched for, or supervised a thorough search for, all relevant documents held by me anywhere.
- 4 I have diligently made efforts to become informed about relevant documents held for me by another person, and I have acquired the documents, except as disclosed in this affidavit.
- 5 The attached Schedule A lists all relevant, non-privileged documents I actually possess, including those I have acquired under my duty to acquire relevant documents in my control.
- 6 I have arranged for all documents listed in Schedule A to be copied and placed in a booklet or scanned and copied in a readily exchangeable electronic format, organized in a way that corresponds to Schedule A, and delivered to each other party immediately.
- 7 I retained counsel on the date stated in Schedule B, and I object to producing any documents giving counsel's advice or created to obtain counsel's advice.

- 8 The grounds for any other claim that a document is subject to a privilege in my favour, or in favour of another person, are also provided in Schedule B.
- 9 In Schedule C, I describe each relevant document in my control that I have not yet acquired, and provide my undertaking to acquire the document or my reasons for not doing so.
- 10 In Schedule D, I describe any document that was, but is no longer, in my control and provide details about the document and my ceasing to have control of it.
- 11 To the best of my knowledge, I have never had in my control a document relevant to any issue in this proceeding except as disclosed in this affidavit.
- 12 Electronic information is the subject of another affidavit, an agreement, or directions of a judge.

[*Sworn/Affirmed* etc.]

[attach certificate, followed by each schedule]

Certificate of Counsel

I explained to [name of person providing affidavit] the duties to search for, make diligent efforts to become informed about, acquire, sort, and disclose documents and electronic information under Rules 14, 15, and 16. I have also discussed with the affiant the kinds of documents and electronic information that may be relevant in this proceeding.

Signature

Signed _____, 20____

Signature
[name] as counsel
for [name]

[or]

Certificate of Party Acting on Own

I am [name of person providing affidavit]. I have seen Rules 14, 15, and 16 and have taken all assistance I require to understand them. I understand the duties to search for, make diligent efforts to become informed about, acquire, sort and disclose relevant documents and electronic information.

Signature

Signed _____, 20____

Signature
Print name:

[first table is suggested for disclosure in print, second table for disclosure in electronic format]

Schedule A

<i>Identification Number</i>	<i>Date</i>	<i>Description</i>

Schedule A

<i>Identifier</i>	<i>Date</i>	<i>File Type</i>	<i>Author and Organization</i>	<i>Recipient and Organization</i>

Schedule B

Privilege is claimed over all communications giving, or created to obtain, counsel's advice. Counsel's name is . Counsel was retained on , 20 .

Solicitor-client privilege is claimed over other documents: [*none*/identifier and date] .

Litigation privilege is claimed over documents: [*none*/ identifier and date] .

Other kinds of privilege are claimed over: [*none*/identifier, date, and kind of privilege]

Another person has a claim for privilege in the following documents: [*nothing*/ identifier, kind of privilege, and date] .

Schedule C

I am acquiring the following documents from the following persons, and I undertake to do so diligently by the following means:

Description	Name	Plan for acquiring
[<i>none</i> / or complete]		[if cannot give undertaking to acquire, provide reasons]

Schedule D

There are no relevant documents I once had in my control and no longer have.

[or provide description of each document and explain how the party ceased to have control of it]

Form 15.03B (not for court filing)

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Affidavit Disclosing Documents (Corporation)

I, [name], of [make oath and say/affirm] :

- 1 I am the [position] of the [name of corporation etc.], the [action/application in court], which is a [corporation/society/partnership] in this.
- 2 The attached certificate is true.
- 3 I have diligently made efforts to become informed about and have thoroughly searched for, or supervised a thorough search for, all relevant documents anywhere.
- 4 I have diligently made efforts to become informed about relevant documents held for us by another corporation or an individual who is not our officer or employee, and I have diligently acquired or attempted to acquire all relevant documents and electronic information held for us by another, except as disclosed in this affidavit.
- 5 The attached Schedule A lists all relevant, non-privileged documents we actually possess, including those I have acquired under our duty to acquire relevant documents in our control.
- 6 I have arranged for all documents listed in Schedule A to be copied and placed in a booklet or scanned and copied in a readily exchangeable electronic format, organized in a way that corresponds to Schedule A, and delivered to each other party immediately.

- 7 We retained counsel on the date stated in Schedule B, and we object to producing any documents giving counsel's advice or created to obtain counsel's advice.
- 8 The grounds for any other claim that a document is subject to a privilege in our favour, or in favour of another person, are also provided in Schedule B.
- 9 In Schedule C, I describe each relevant document in our control that we have not yet acquired, and provide my undertaking to acquire the document or our reasons for not doing so.
- 10 In Schedule D, I describe any document that was, but is no longer, in our control and provide details about the document and our ceasing to have control of it.
- 11 To the best of my knowledge, we have never had in our control a written document relevant to any issue in this proceeding except as disclosed in this affidavit.
- 12 Electronic information is the subject of another affidavit, an agreement, or directions of a judge.

[*Sworn/Affirmed* etc.]

[see individual's affidavit for certificate and schedules to be attached]

Form 16.09A (not for court filing)

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Affidavit Disclosing Electronic Information (Individual)

I, [name] , of [make oath and say/affirm] :

1 I am the in this [action/application in court] .

2 The attached certificate is true.

3 I have searched for, or supervised a search for all relevant electronic information in my computers and storage media, and in sources to which I have exclusive access, except as disclosed in this affidavit.

4 I have diligently made efforts to become informed of relevant electronic information held for me by another person, and I have acquired the information, except as disclosed in this affidavit.

5 The attached Schedule A lists, in print and in alterable, readily exchangeable, electronic format, all of the relevant, non-privileged electronic information, of which I am aware in computers or storage media I actually possess, in sources I access to the exclusion of another party, and as I have acquired from another person.

6 I have arranged for the electronic information referred to in Schedule A to be copied in a readily exchangeable electronic format, organized in a way that corresponds to the description in Schedule A, and delivered to each other party.

- 7 I retained counsel on the date stated in Schedule B, and I object to disclosing any communication giving counsel's advice or created to obtain counsel's advice.
- 8 The grounds for any other claim that electronic information is subject to a privilege in my favour, or in favour of another person, are also provided in Schedule B.
- 9 In Schedule C, I describe relevant electronic information in my control that I have not yet searched for or acquired, and I provide my undertaking to do so or my reasons for not doing so.
- 10 Schedule C also provides all information known to me about relevant electronic information that has been deleted from a computer or file.
- 11 Schedule C also provides information about a computer or storage medium I once actually possessed that contains relevant electronic information, but which I no longer possess.
- 12 Disclosure of documents that are not electronic information is the subject of a separate affidavit.

[*Sworn/Affirmed* etc.]

[attach certificate, followed by each schedule]

Certificate of Counsel

I explained to [name of person providing affidavit] the duties to search for, make diligent efforts to become informed about, acquire, sort, and disclose documents and electronic information under Rules 14, 15, and 16. I have also discussed with the affiant the kinds of documents and electronic information that may be relevant in this proceeding.

Signature

Signed _____, 20____

Signature
[name] as counsel
for [name]

[or]

Certificate of Party Acting on Own

I am [name of person providing affidavit]. I have seen Rules 14, 15, and 16 and have taken all assistance I require to understand them. I believe I understand the duties to search for, become informed about, acquire, sort, and disclose relevant documents and electronic information.

Signature

Signed _____, 20____

Signature
Print name:

Schedule A

<i>Identifier</i>	<i>Date</i>	<i>File Type</i>	<i>Author and Organization</i>	<i>Recipient and Organization</i>

Schedule B

Privilege is claimed over all communications giving, or created to obtain, counsel's advice. Counsel's name is . Counsel was retained on , 20 .

Solicitor-client privilege is claimed over other electronic information: [*none*/ identifier and date] .

Litigation privilege is claimed over electronic information: [*none*/ identifier and date] .

Other kinds of privilege are claimed over: [*none*/identifier, date, and kind of privilege] .

Another person has a claim for privilege in the following electronic information: [*none*/ identifier, kind of privilege, and date] .

Schedule C

Electronic information not
searched for or acquired

Reason for not searching or
acquiring, or undertaking to
search for or acquire

[*none*, or list and describe]

Electronic information deleted

[*none*, or describe and explain]

Computer or storage
medium no longer held

[*none*, or describe and explain]

Form 16.09B (not for court filing)

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Affidavit Disclosing Electronic Information (Corporation)

I, [name] , of [make oath and say/affirm] :

- 1 I am the [position] of the [name of corporation etc.] , the [action/application in court] , which is a [corporation/society/partnership] in this .
- 2 The attached certificate is true.
- 3 I have searched for, or supervised a search for, all relevant electronic information in our computers and storage media, and in sources to which we have exclusive access, except as disclosed in this affidavit.
- 4 I am fully informed of relevant electronic information held for us by another person, and we have acquired the information, except as described in this affidavit.
- 5 The attached Schedule A lists, in print and in alterable, readily exchangeable, electronic format, all of the relevant, non-privileged electronic information, of which I am aware in computers or storage media we actually possess, in sources we access to the exclusion of another party, and as we have acquired from another person.
- 6 I have arranged for the electronic information referred to in Schedule A to be copied in a readily exchangeable electronic format, organized in a way that corresponds to the description in Schedule A, and delivered to each other party.

- 7 We retained counsel on the date stated in Schedule B, and we object to disclosing any communication giving counsel's advice or created to obtain counsel's advice.
- 8 The grounds for any other claim that electronic information is subject to a privilege in our favour, or in favour of another person, are also provided in Schedule B.
- 9 In Schedule C, I describe relevant electronic information in our control that I have not yet searched for or acquired, and I provide my undertaking to do so or my reasons for not doing so.
- 10 Schedule C also provides all information known to me about relevant electronic information that has been deleted from a computer or file.
- 11 Schedule C also provides information about a computer or storage medium we once actually possessed that contains relevant electronic information, but which we no longer possess.
- 12 Disclosure of documents that are not electronic information is the subject of a separate affidavit.

[*Sworn/Affirmed* etc.]

[see individual's affidavit for certificates and schedules to be attached]

Form 18.04A

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Discovery Subpoena (Party)

To: [name of party, officer, or employee and designated address]

You must give evidence on discovery

The court requires you to attend a discovery in this proceeding to be held at [a.m./p.m]
on , 20 at and to answer all questions properly asked
by a party.

Documents, electronic information, other things

The court also requires that you bring to the discovery [describe documents or other things]
and that you provide access at the discovery to [describe electronic information] .

Failure may be punished

Failure by you to obey this discovery subpoena may be punished as contempt of court.

Issued , 20

Prothonotary

Form 18.04B

[heading not required if attached to, or printed on back of, subpoena]

Representations and undertaking (party)

On behalf of [full name of party obtaining subpoena/myself] , I say:

1 [The party is/I am] in compliance with Rule 15 - Disclosure of Documents and Rule 16 - Disclosure of Electronic Information.

2 I believe this discovery will promote the just, speedy, and inexpensive resolution of this proceeding because [reasons] .

3 [I have attempted to organize a discovery of this witness by agreement but have been unsuccessful./The subpoena is needed to secure the attendance of the witness.]

4 The witness to whom this subpoena is addressed is an individual party.

[or]

4 The designated manager of [name of corporate party] and one additional employee or officer have not yet been discovered, and this subpoena is addressed to one of those two.

[or]

4 This subpoena is directed to an employee or officer of [name of corporate party] , the designated manager and one other officer or employee have been discovered, and the party undertakes to pay all of the following expenses:

- (a) all charges of the reporter to record and transcribe the discovery;
- (b) the reasonable expenses of the witness to attend the discovery, including transportation, accommodation and meals.

Signature

Signed , 20

Signature
Print name:

Form 18.05A

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Discovery Subpoena (Non-party)

To: [name and community of witness]

You must give evidence on discovery

The court requires you to attend a discovery in this proceeding to be held at [a.m./p.m] on
, 20 at and to answer all questions properly asked
of you by a party.

You must bring documents

The court also requires that you bring to the discovery [describe documents or things] and that
you provide access at the discovery to [describe electronic information] .

Failure may be punished

Failure by you to obey this discovery subpoena may be punished as contempt of court.

You may request this subpoena be revoked

You may make a motion to a judge to revoke this subpoena no less than two days before the day the discovery is to be heard.

You have rights to compensation and counsel

You have the right to be reimbursed your reasonable expenses to attend the discovery and a fee of thirty-five dollars per hour of attendance. You may be represented by counsel when you attend the discovery, but you have no right to be reimbursed for counsel's fees unless a judge orders reimbursement.

Issued _____, 20____

Prothonotary

Form 18.05B

[heading not required if attached to, or printed on back of, subpoena]

Representations and undertaking (non-party)

On behalf of [full name of party obtaining subpoena/myself] , I say:

- 1 [This party is/ I am] in compliance with Rule 15 (Disclosure of Documents) and Rule 16 (Disclosure of Electronic Information).
- 2 I believe the discovery of [name of witness] would promote the just, speedy, and inexpensive resolution of this proceeding because [reasons] . An interview is not a sufficient alternative to discovery because [reasons] .
- 3 [The party undertakes/I undertake] to pay all of the following:
 - (a) the expenses of the discovery including all charges of the reporter and transcriber, and any other expense necessary to have a copy of the transcript delivered to each other party;
 - (b) immediately on presentation of receipts or other evidence, the reasonable expenses of the witness to attend the discovery, including transportation, accommodation and meals;
 - (c) immediately on conclusion of the discovery, an attendance fee for the witness of thirty-five dollars per hour.

Signature

Signed

Signature
Print name:

Form 18.11

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Discovery Subpoena (Application)

To: [name of witness, and designated address of party
witness or community of non-party witness]

You must give evidence on discovery

The court requires you to attend a discovery in this proceeding to be held at [a.m./p.m.] on
, 20 at and to answer all questions properly asked
by a party.

Documents, electronic information, other things

The court also requires that you bring to the discovery [describe documents or things] and that
you provide access at the discovery to [describe electronic information] .

[Rights of non-party witness]

You may be represented by counsel when you attend the discovery.

*The party obtaining this subpoena has undertaken describe any undertaking required by judge
approving subpoena.]*

Failure may be punished

Failure by you to obey this subpoena may be punished as contempt of court.

Issued _____, 20____

Prothonotary

Form 19.05 (not for court filing)

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Interrogatories

To: [name of witness]

Answers are demanded from you

[name of party] , being satisfied that obtaining answers in this manner will promote the just, speedy, and inexpensive resolution of this proceeding, demands that you answer the questions below under oath or affirmation, no more than twenty days after the day this demand is delivered to you.

The questions

The questions are as follows:

- 1 [one question, written simply and briefly] ?
- 2 [next question, written simply and briefly] ?
- 3 ?

Refusal to answer questions and excuse by a judge

You must not fail to respond to this demand for answers. You may include in your response a refusal to answer a question that calls for privileged information, or information that is irrelevant and will not lead to relevant information. Also, you may make a motion to a judge to be excused from answering a question.

Costs if you fail or refuse to answer

A judge may order you to answer a question and award costs against you.

Deliver your answer to all parties

You are required to deliver your answer to the person signing this demand by mailing it or delivering it to the address given below, and you are required to deliver copies to each other party by mail or delivery to their addresses given below.

Signature

Signed _____, 20____

Signature

Print name:

Address for delivery:

[names and designated addresses
of other parties]

Form 19.07 (not for court filing)

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Response to Interrogatories

To: [name of each party]

In answer to the Interrogatories dated _____, 20____, I *[make oath and say/solemnly affirm]* that I am [name and occupation], and respond to the questions as follows:

1 Question: [repeat first question from demand]

Answer: *[Based on my personal knowledge.../ I have no personal knowledge of this, but based upon the information of ...name informant..., whom I believe,.../ I do not know the answer to this question and cannot acquire the information called for./ I refuse to answer this question because...]*

2 Question: [repeat second question from demand]

Answer: ...

Sworn or affirmed, etc.

Form 20.03 (not for court filing)

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Request for Admission

To: [person requested]

You are requested to admit facts

[name of party requesting] requests that you admit the following facts:

1

2

3

Presumed admission

You are required to deliver a response to this request for admission no more than fifteen days after the day this request is delivered to you. If you do not deliver the response in that time, you will be taken to have made each requested admission.

Signature

Signed _____, 20

Signature
Print name:

Form 20.04 (not for court filing)

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Response to Request for Admission

To: [name of each other party]

In response to the Request for Admission dated , 20 I say as follows:

1 Requested admission: [repeat first requested admission]

Response: [*Admitted/Not admitted* because ...]

2 Request admission: [repeat second]

Response: ...

Signature

Signed , 20

Signature
Print name:

Form 22.12

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Notice of Prothonotary's Motion

To: [name of each party entitled to notice]

Motion

The prothonotary moves for an order [briefly describe order] .

Time and place

The motion is to be heard by [the judge in chambers, the judge in appearance day chambers, the Honourable Justice name] on , 20 at [a.m./p.m.] in the [Courthouse/Law Courts] , Street, , Nova Scotia.

References

The prothonotary refers to the following legislation, Rule, or point of law:

Representations

The prothonotary says that the following facts justify the order:

1

2

Your rights

You may attend the hearing of the motion, provide your representations unless the judge requires an affidavit, and state your position on whether the proposed order should be made. If you do not attend, the judge may grant the order without further notice to you.

Signature

Signed _____, 20____

Signature

Print name:

Form 23.03

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Notice of Motion

To: [name of each party entitled to notice]

Motion

[name of party making motion] , the *[plaintiff/defendant/third party/intervenor/applicant/respondent]* in this proceeding, moves for an order [briefly describe order] .

Time and place

The motion is to be heard by a judge on , 20 at [a.m./p.m.] in the [Courthouse/Law Courts] , Street, , Nova Scotia. The moving party has *[set the motion for hearing in a half-hour or less in chambers/arranged one-half day in chambers/arranged* amount of time in chambers] . The moving party says that the motion will not require more time.

References

The moving party relies on the following legislation, Rules, or points of law:

.

Evidence

The evidence in support of the motion is as follows [affidavit of
, 20 and filed with this notice/affidavit of
, 20 already filed in this proceeding/affidavit of
before the deadline, about

] .

sworn on
sworn on
to be sworn and filed

Possible order against you

You may file an affidavit and a brief, attend the hearing of the motion, and state your position on whether the proposed order should be made. If you do not attend, the judge may grant an order without further notice to you.

Signature

Signed , 20

Signature
Print name:

Form 23.14

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Ex Parte Motion

Motion

[name of party making the motion] , the [plaintiff/defendant/third party/intervenor/applicant/respondent] in this proceeding, moves for an order [briefly describe order] .

Evidence in support of motion

The evidence in support of the motion is as follows [affidavit of _____ sworn on _____, 20____ and filed with this notice/affidavit of _____ sworn on _____, 20____ already filed in this proceeding/affidavit of _____ to be sworn and filed before the deadline, about _____] .

References

The moving party relies on the following legislation, Rules, or points of law:

Reason motion is *ex parte*

This motion is made without notice to any other person because

Hearing

The party making this motion will appear before the judge in chambers at the [Courthouse/Law Courts] , Street, Nova Scotia at [a.m./p.m.] on , 20 .

Signature

Signed , 20

Signature

Print name:

Form 24.03

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Notice of Appearance Motion

To: [name of each party entitled to notice]

Motion

[name of party making motion] , the [*plaintiff/defendant/third party/intervenor/applicant/respondent*] in this proceeding moves for an order [briefly describe order] .

Time and place

The motion is to be heard by the judge presiding in [*appearance day chambers/other*] on , 20 at [*noon/ a.m./ p.m.*] in the [*courthouse/law courts*], Street, , Nova Scotia. The motion can be heard and determined quickly.

Reason for motion

The motion is being made because: [referring only to facts that cannot be contested, concisely describe the dispute, failure or other problem that lead to the motion] .

Representations, not affidavit or testimony

A party may make representations at the hearing about facts that are not contested. No party will provide an affidavit or testimony at the hearing. The judge will only act on facts that cannot be contested, as told to the judge by the parties.

Your representations

You have the right to be present and speak at the hearing. You must be as brief as possible.

Attending by telephone or teleconference

If you live, or have your place of business, more than fifty kilometers from the appearance day chambers you may make arrangements, through the prothonotary, to be present and speak at the hearing by telephone or other teleconference.

Failure to attend

If you do not attend the judge may grant an order without further notice to you.

Signature

Signed _____, 20____

Signature
Print name:

Form 31.05

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Affidavit of Service

I, _____, of _____, [make oath and say that/affirm that] I did,
on _____ before the hour of [a.m./p.m.], personally deliver a certified copy
of a notice, the same as the certified copy attached to this affidavit and marked Exhibit 'A', to

_____. The delivery took place at [community]. I knew the person to be the one
to whom delivery was to be made because [state how identified person]

[Sworn to/Affirmed] before me)
on _____, 20)
at _____)
)
)
)
)

Signature of authority

Signature of witness

Print name:

Official capacity:

Form 31.18

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Designation of Address for Delivery

[name of party] designates the following [address/new address] for delivery of documents:

Documents delivered to this address are taken to be received when delivered.

Additional contact information has been given to the prothonotary.

Signature

Signed _____, 20

Signature

Print name:

Form 31.19

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Notice of Constitutional Issue

Notice to Crown

This notice is delivered to the office of [the Attorney General of Nova Scotia at the Attorney's main office/the Attorney General of Canada at the Attorney's Office in Halifax/other] , to notify the Attorney General that [name of party] asserts in this proceeding that a statute of [the Legislative Assembly/Parliament/other] , or a regulation under such a statute, is unconstitutional.

Legislation in issue

The legislation asserted to be unconstitutional is [citation including section, subsection, etc. of statute or regulation] .

Reason for assertion

The grounds for asserting the legislation is unconstitutional are as follows:

1 [state grounds concisely]

2

3 .

Copy of pleading

Attached is a copy of the [statement of claim/statement of defence/notice of application/notice of contest/other] in which the assertion is made.

Further notice to Crown

An attorney general may file a demand for notice and be entitled to further notice of all steps in this proceeding. The Crown may be joined as a party if it wishes to participate in the proceeding. This notice is additional to the provisions of the *Constitutional Questions Act* and the requirement to give notice to the Attorney General under that statute.

Signature

Signed _____, 20____

Signature

Print name:

[list all parties entitled to notice
and their addresses for delivery]

Form 33.06

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Notice of New Counsel

New counsel

The [plaintiff/applicant/appellant/defendant/respondent] , [name] , who was [acting on their own/represented by name of former counsel] , is now represented by [name of new counsel] .

Contact information

The party designates the following address:

Documents delivered to this address are considered received by the party on delivery.
Further contact information is available from the prothonotary.

Signature

Signed , 20

Signature of new counsel
Print name:

Form 33.07

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Notice of Intention to Act on One's Own

Discharge of counsel

[I/We] discharged [name of counsel] on [date] .

Acting on own

[I/We] have not retained new counsel and have decided to act on [my/our] own in this proceeding.

Contacting Prothonotary

[I have arranged to deliver this notice personally to the prothonotary, or a deputy prothonotary, so that the prothonotary, or deputy, may provide information to me. /The prothonotary gave me written permission not to deliver this notice personally for filing and provided me with information about my obligation to comply with the Nova Scotia Civil Procedure Rules and to maintain my address for delivery. Change to “we”, “us”, and “our” if corporate party or more than one individual party signs.]

Contact information

The undersigned designates the following address:

Documents delivered to this address are considered received by the undersigned on delivery.
Further contact information is available from the prothonotary.

Signature

Signed _____, 20____

Signature

Print name:

Form 34.03

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Appointment of Agent

[name of corporate party] appoints [name and office of agent] as its agent with authority to speak for the corporation and to bind the corporation on any subject relating to this proceeding. This authority continues unless we replace the agent with another agent or counsel, and file a replacement of agent or notice of new counsel.

The signing officers personally represent to the court and the other parties that they have authority to make this appointment, and it is properly executed by the corporation.

Signature

Signed _____, 20

[name of corporate party]

[seal, if required]

Form 34.04

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Replacement of Agent

[name of corporate party] replaces [name of former agent] with [name of replacement] as its agent to speak for the corporation and bind the corporation on any subject relating to this proceeding. This authority continues unless we replace the agent with another agent or counsel, and file a replacement of agent or a notice of new counsel.

The signing officers personally represent to the court and the other parties that they have authority to make this appointment, and it is properly executed by the corporation.

Signature

Signed _____, 20

[name of corporate party]

[seal, if required]

Form 35.12

20

No.

In the Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Notice to Subsequent Encumbrancer

Claim to foreclose your interest

This proceeding was started to foreclose the equity in [approved description of the property to be sold] . The claim is made in accordance with a [mortgage/debenture/describe other security interest] that was granted by [name of debtor] on [date of mortgage, debenture, or other security interest] . You have been identified as having a subsequent interest, such as a mortgage, judgment, other charge, right of way, or tenancy.

How foreclosure will happen

[The property will be sold by the sheriff/name of appointed auctioneer at the courthouse in at a.m./p.m. on/The property will be sold by ... as receiver on behalf of the court./or other.] Your interest will be foreclosed when the property is sold, unless you defend or contest the claim.

[OR]

The court settled the amount of the mortgage debt in an initial foreclosure order, a copy of which is available from the undersigned. The order also sets a deadline for a person to redeem the property by paying the mortgage debt. Your interest will be foreclosed if the debt remains unpaid after the deadline passes, unless you defend the claim, contest the claim, or redeem the property.

[Use the first unless the claim is for simple foreclosure.]

Defending or contesting the claim

You may file a [notice of defence/notice of contest] by which you [defend against/contest] the claim to foreclose your interest. The notice must be prepared in a form, filed with the prothonotary, and delivered to the parties, as provided in the *Nova Scotia Civil Procedure Rules*. The notice must be filed no more than [number of days provided in order.]

Limits on claim against you

You have been joined as a party to this proceeding only for the purpose of claiming foreclosure of your interest. No other claim is made against you, and your name will not appear in the heading of the proceeding.

[Redemption]

You may have a right to redeem the property under foreclosure by paying the mortgage debt. You may do so by contacting the undersigned, who will provide you with a copy of the order settling the amount of the mortgage and will give you directions for paying the mortgage debt before the deadline.

FOR SIMPLE FORECLOSURE ONLY]

Signature

Signed _____, 20____

Signature of plaintiff

Print name:

Address for delivery and telephone number:

OR

Signature of counsel

[name] as counsel

for [name of plaintiff]

Address for delivery and telephone number:

Sheriff's/Appointed Auctioneer's address and telephone number:

Form 36.07

20

No.

[Supreme Court of Nova Scotia/*Intended proceeding in the Supreme Court of Nova Scotia*]

Between: [copy standard heading unless varied to provide for litigation guardian]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Litigation Guardian's Statement

I [name] consent to be the litigation guardian of [name] who is [relationship to litigation guardian] . I have appointed [counsel's name] to act for us. I have no interest in this proceeding adverse to that of the person I represent as litigation guardian, and I acknowledge that, although costs are normally awarded for or against the party represented by a litigation guardian and not the guardian, costs may be awarded against a litigation guardian who abuses the court's processes.

Signature

Signed _____, 20

Signature

Print name:

Form 38.08

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Demand for Particulars

[name of demanding party] demands from [name of other party] a further and better statement of that party's *[claim/defence]*, as follows:

1 Particulars of ...

2

3

Signature

Signed _____, 20

Signature

Print name:

Form 38.09

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Answer to Demand for Particulars

[name of answering party] answers the demand for particulars of [name of demanding party] as follows:

1 [copy first demand]

Answer: [*The particulars are.../The demand is refused because...*]

2 [copy second demand]

Answer...

Signature

Signed , 20

Signature

Print name:

Form 39.08

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

*[Affidavit/Affidavit of /Affidavit of
sworn on /Supplementary Affidavit /other]*

I [make oath/affirm] and give evidence as follows:

- 1 I am [name] *the/a* [witnesses' relationship, if any, to the proceeding or a party] .
- 2 I have personal knowledge of the evidence [sworn to /affirmed] in this affidavit except where otherwise stated to be based on information and belief.
- 3 I state, in this affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief of the source.
- 4 [Confine affidavit to the facts, do not state any opinion, plea, view, or submission. Use concise sentences divided by numbered paragraphs.]

Sworn to/Affirmed before me)
on , 20)
at ,)
)
)
)
)

Signature of authority
Print name:
Official capacity:

Signature of witness

Form 39.09

20 No.
This is Exhibit “ ” referred to
in the affidavit of _____,
[sworn/affirmed] before me
on 20 .

Signature

Form 43.04

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Bond for Temporary Recovery Order

Purpose of bond

This bond is signed, sealed, and delivered to the court in support of the motion of [name of moving party] made to the prothonotary for a recovery order against [name] to recover the following property: [describe/see attached schedule] .

Bond

We [name of moving party] , as party, [name] , as surety, and [name] , as surety, bind ourselves jointly and severally to pay the sum of \$ [one and one quarter times value] payable when the party signing this bond fails to deliver property to, or fails to indemnify, another party as required by *Nova Scotia Civil Procedure Rule* 43.04.

Conditions of bond

This bond is void only when the claim of the party who obtains the temporary recovery order is brought to a final determination, and either the court allows the claim or the court dismisses the claim and the party delivers the property to the party determined to be entitled to it and indemnifies the party for losses that result from having been deprived of possession.

Who has benefit of bond

This bond is delivered to the court for the benefit of each other party, their heirs, representatives, successors, and assigns, and it may be assigned to a party as the court directs.

Signed, sealed, and turned
over for delivery to the
court _____, 20

_____(Seal)
[Name of Party]

Print name:

Subscribing Witness
Print name:

_____(Seal)
[Name of Surety]
Print name:

_____(Seal)
[Name of Surety]
Print name:

[If signed by recognized surety company, remove signature of party and second surety. If signed by party and sureties, attach affidavits of justification]

Form 43.05

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Temporary Recovery Order

Before the Prothonotary,

On motion of [name of moving party or counsel] , the following is ordered:

Sheriff to seize property

- 1 The sheriff to whom the original, or a certified copy, of this order is delivered, or another sheriff designated by the sheriff to whom it is delivered, must immediately take possession of [describe property/*the property described in the attached schedule*] , located at [civic address] , and held by [name of party or agent/*persons unknown for name of party*] .

Entering places, taking moveable, and breaking obstructions

- 2 The sheriff has the right to enter on land, go into any building on the land, take control of any moveable, break any lock, or tear down any other obstruction.

Injunction against obstruction and for cooperation

- 3 A person who receives a copy of this order or otherwise has notice of it shall not obstruct the seizure and, if the person has means of access to the property, must provide access to the sheriff.

Storage and protection

- 4 The sheriff may make arrangements for storage and protection of the property before it is turned over to a party.

Expenses to be paid by party who obtains order

- 5 The party who obtains this order must pay the expenses of seizure, storage, and protection of seized property and the sheriff need not act, or continue acting, on this order if the party fails to pay the expenses or provide a reasonable advance.

Party to cause order to be delivered

- 6 The party who obtains this order must, as soon as possible, cause a person, other than a party or director, officer, or employee of a party, to deliver a certified copy of the order to each other party by personal delivery or, if they have designated an address for delivery in this proceeding, by delivery to the party's place for delivery.

Registration if land is seized

- 7 In addition to steps taken by the sheriff to seize land under this order, the party who obtains the order shall, on behalf of the sheriff, cause it to be recorded under the *Land Registration Act* or register it under the *Registry Act*.

Reacquiring property

- 8 The party against whom this order is made may reacquire possession of the property by filing a bond and delivering a prothonotary's certificate in accordance with the *Nova Scotia Civil Procedure Rules* before the property is turned over to the party who obtains the order.

Delivery of property by sheriff

- 9 The sheriff must turn the property over to the party who obtains this order five days after the day the party delivers a certified copy of this order to the party against whom it is made, unless the party against whom this order is made delivers a prothonotary's certificate to the sheriff. The sheriff must return the property to the party against whom this order is made, if the party delivers a prothonotary's certificate before the property is turned over to the party who obtains the order.

Report

- 10 The sheriff must file a report of the actions taken under this order no more than fifty days after the day it is issued, and a report of each further action taken after that time.

Contempt

11 Failure to comply with this order may be punished as a contempt.

Issued , 20

Prothonotary

Form 43.06A

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Bond to Retain Property

Purpose of bond

This bond is signed, sealed, and delivered to the court to keep or reacquire property described in a temporary recovery order in this proceeding, which property is, or was, held by [name] in the following way at the following place: [describe possession] .

Bond

We [name of party] , as party, [name] , as surety, and [name] , as surety, bind ourselves jointly and severally to pay the sum of \$ [same amount as in moving party's bond] payable when the party signing this bond fails in the claim for possession of the property and fails to deliver the property to, or indemnify, another party as required by *Civil Procedure Rule* 43.06.

Conditions of bond

This bond is void only when both of the following conditions are fulfilled:

- (1) [name of reacquiring party] brings to a final determination their claim for possession of the property;
- (2) either the court allows the claim of the reacquiring party for possession of the property, or the court dismisses the claim and the reacquiring party delivers the property to the party determined to be entitled to it and indemnifies the other party for losses caused to the party by their having been deprived of possession.

Who has benefit of bond

This bond is delivered to the court for the benefit of each other party, their heirs, representatives, successors, and assigns, and it may be assigned to a party as the court directs.

Signature

Signed, sealed, and turned
over for delivery to the
court _____, 20

_____(Seal)
[Name of Party]
Print name:

Subscribing Witness
Print name:

_____(Seal)
[Name of Surety]
Print name:

_____(Seal)
[Name of Surety]
Print name:

[If signed by recognized surety company, remove signature of party and second surety. If signed by party and sureties, attach affidavit of justification.]

Form 43.06B

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Prothonotary's Certificate

This certifies that [name of reacquiring party] has filed the bond required for a party to keep, or reacquire, possession of the property for which a temporary recovery order was issued in this proceeding.

Signed , 20

Prothonotary

Form 44.04

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Bond for Attachment

Purpose of bond

This bond is signed, sealed, and delivered to the court in support of the motion of [name of moving party] made to the prothonotary for an attachment order against the assets of [name] , including [describe assets and include location] .

Bond

We [name moving party] , as party, [name] , as surety, and [name] , as surety, bind ourselves jointly and severally to pay the sum of \$ [one and one quarter times the limit in the temporary attachment order] payable when the party signing this bond fails to indemnify another party as required by *Nova Scotia Civil Procedure Rule 44.04*.

Conditions of bond

This bond is void only when the claim of the party who obtains the attachment is brought to a final determination, and either the court allows the claim, or the court dismisses the claim and the party who obtains the attachment indemnifies the party whose property is attached for losses caused to that party by the attachment.

Who may have benefit of bond

This bond is delivered to the court for the benefit of all other parties, their heirs, representatives, successors, and assigns, as the court may direct, and it may be assigned to a party as the court directs.

Signature

Signed, sealed, and turned
over for delivery to the
court

, 20

_____(Seal)

[Name of Party]

Print name:

Subscribing Witness

Print name:

_____(Seal)

[Name of Surety]

Print name:

_____(Seal)

[Name of Surety]

Print name:

[If signed by a recognized surety company, remove signature of party and second surety. If signed by party and sureties, attach affidavits of justification.]

Form 44.06

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Attachment Order

Before the Prothonotary,

On motion of [name of moving party or counsel] , the following is ordered:

Attachment

- 1 The property of [name of party] , a party in this proceeding, is attached. The attachment is effective against the following property when the original or a certified copy of this order is recorded, registered, or delivered as follows:
 - (a) land under the *Land Registration Act*, when the copy, and the description referred to in subsection 71(1) of the *Land Registration Act*, are recorded in accordance with that legislation;
 - (b) land under the *Registry Act*, when the copy, and the description and appraisal referred to in subsection 23(1) of the *Registry Act*, are registered in accordance with that legislation;__
 - (c) a moveable in the actual possession of the party, when the copy is delivered to the party;
 - (d) a moveable held by another person, when the copy is delivered to the other person;

- (e) a debt or obligation due, or to come due, when the copy is delivered to the person who owes the debt or obligation;
- (f) corporate shares or securities, when the copy is delivered to the issuing corporation;
- (g) other property, when the copy is delivered to the party.

The limit of the attachment is \$ _____ [limit set by moving party for an amount equal to, or less than, the value of the claim for damages of the party] .

Sheriff to take attached property

- 2 A sheriff to whom a certified copy of this order is delivered, and to whom information about attached property is given, shall take, and hold as a receiver, the attached property, including a debt, rent, legacy, share, bond, debenture, other corporate security, fund, currency, demand, or demand accruing due.

Person who holds property must turn it over

- 3 A party or other person to whom a certified copy of this order is delivered and who holds attached property must turn it over to the sheriff, unless the sheriff, in writing, permits the person to continue holding the property.

Debts and obligations presently owed to party

- 4 A person who owes a debt, or other obligation, to the party whose property is attached must immediately pay the debt, or liquidate the obligation and pay the money, to the sheriff, unless the sheriff allows otherwise in writing.

Debts and obligations to be paid in future

- 5 A person who owes a debt to be paid to the party, who owes an obligation to the party that will be liquidated and paid, or has an obligation to the party that will be valued and paid in the future, must make the payment to the sheriff when the payment comes due, unless the sheriff permits otherwise in writing.

Inquiries by sheriff

- 6 The sheriff is not required to investigate or search for property, but the sheriff must act on relevant and reliable information provided by the party who obtains this order or any other person and the sheriff may make inquiries.

Person must answer sheriff's questions

- 7 A person to whom a certified copy of this order is delivered must answer the sheriff's questions about any attached property and, to the extent that the person has knowledge of it, inform the sheriff about the attached property, including a debt or obligation owed to the party whose property is attached.

Obligations of party who moved for order

- 8 The party who obtains this order must deliver a certified copy of it to the party whose property is attached and, if land is to be attached, take steps on behalf of the sheriff to effect recording under the *Land Registration Act* or registration under the *Registry Act*.

Storage, protection, and inventory

- 9 The sheriff may make reasonable arrangements for storage and protection of attached property and must make an inventory of the property taken and held under this order, and provide a copy of the inventory to a person who requests it.

Expenses to be paid by moving party

- 10 The party who obtains this order must pay the expenses of attaching, taking, holding, storing, and protecting attached property and must provide a reasonable advance required by the sheriff. The sheriff need not act, or continue acting, on this order if the party who moved for it fails to pay the expenses of attachment, taking possession, and holding the property or fails to provide a required advance.

Sheriff not to exceed limit

- 11 The sheriff must cease taking property when the sheriff is satisfied that the value of the attached property is the same as the limit of this attachment order, and the sheriff may resume taking property when the sheriff is no longer satisfied the value is the same as, or greater than the limit.

Termination by certificate

- 12 The attachment terminates, obligations to hold property or make payments cease, and the sheriff must return property delivered and money paid to the sheriff under this order when the party whose property is attached delivers to the sheriff a prothonotary's certificate under Rule 44.07.

Continuing order

- 13 This order continues until the claim for damages of the party who obtained the order is dismissed or a judgment for damages is satisfied, unless a prothonotary's certificate is filed or a judge orders otherwise.

Sheriff's Report

- 14 The sheriff must file a report of the actions taken under this order no more than fifty days after the date it is issued, and a report of each further action taken after that time.

Contempt

- 15 Failure to comply with this order may be punished as a contempt.

Issued , 20

Prothonotary

Form 44.07A

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Bond to Terminate Attachment

Purpose of bond

This bond is signed, sealed, and delivered to the court to terminate the temporary recovery order in this proceeding.

Bond

We [name of party filing bond] , as party, [name] , as surety, and [name] , as surety, bind ourselves jointly and severally to pay the sum of \$ [one and one quarter times limit in the temporary attachment order] , payable when execution is levied against the party signing this bond on the claim for which the temporary attachment was issued, and the execution fails to attach assets to the limit of the temporary attachment order.

Conditions of bond

This bond is void if the claim is dismissed, or the claim is allowed and the judgment is satisfied fully or to the extent of the limit of the temporary attachment order.

Who has benefit of bond

This bond is delivered to the court for the benefit of all other parties, their heirs, representatives, successors, and assigns, and it may be assigned as the court directs.

Signature

Signed, sealed, and turned
over for delivery to the
court _____, 20

_____(Seal)

[Name of Party]

Print name:

Subscribing Witness

Print name:

_____(Seal)

[Name of Surety]

Print name:

_____(Seal)

[Name of Surety]

Print name:

[If signed by a recognized surety company, remove signature of party and second surety. If signed by party and sureties, attach affidavits of justification.]

Form 44.07B

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Prothonotary's Certificate

This certifies that [name of party whose property was attached] has filed the bond required for termination of the temporary attachment order issued in this proceeding.

Signature

Signed _____, 20

Prothonotary

Form 46.04 (for delivery to prothonotary, but not for filing)
(no heading)

Court Number: [number assigned to proceeding]

Paying Party: [name]

Other Parties: [names]

Notice of Payment into Court

The paying party delivers the sum of \$ _____ to the prothonotary. The purpose of this payment is to [secure an offer to settle dated _____, 20____ /satisfy the claim of name _____ for describe claim but leave in issue describe remaining issues /permit the paying party's defence of tender/other] .

This notice is to be kept confidential, unless a judge directs otherwise.

Signed _____, 20____

Signature

Print name:

Form 50.05

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Subpoena

To: [name and community of witness]

The court requires your attendance

You must attend a [trial/hearing/inquiry/appeal/commission] in the proceeding described by the above heading. You must bring with you the following documents and other evidence, or provide access to the following electronic information:

Time, date, and place

You must come to [address] at [a.m./p.m.] on , 20 .

Party issuing

This subpoena was issued on the motion of [name of party] , who is [acting on their own/represented by , as counsel] .

Waiting to be called

When you attend at the required place, you must wait there until you are called to the stand. If there is an adjournment, you must come back at the time and date set for resumption.

Permission to not attend

You may ask the presiding judge for permission to not attend some of the [trial/hearing/inquiry/appeal/commission] .

Arrest, costs, and punishment for contempt

If you fail to attend as required, you may be arrested and taken to give evidence. If you fail to attend as required, bring required documents or other evidence as required, or fail to provide access to electronic information as required, you may be ordered to pay the expenses caused by an adjournment, and be punished for contempt.

Issued , 20

Prothonotary

Affidavit of Delivery

I, , of , [make oath and say/affirm] that I did, on , 20 before the hour of [a.m./p.m.] , personally deliver the sum of \$ and a certified copy of a subpoena, the same as the certified copy to which this affidavit is attached, to . The delivery took place at [community] . I knew the person to be the one to whom delivery was made because [state how identified person]

Sworn/Affirmed etc.

Form 50.13

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Warrant for Arrest of Defaulting Witness

To: Sheriff for

Findings

The judge authorizing the issuance of this warrant has found that an order or a subpoena to attend a [trial/hearing/inquiry/appeal/commission/other] was personally delivered to [name of witness] , with the required payment. Further, the witness failed to attend as required by the subpoena or order. Furthermore, the witness has relevant evidence to give in [this proceeding./ describe proceeding.]

Direction to arrest, detain, and bring before judge

The sheriff must arrest and detain the witness and, on that same day, bring the witness before the judge who authorizes this warrant or another judge of this court. The sheriff is not obligated to execute this warrant unless a judge is available.

Purpose of bringing before judge

The witness will testify when brought before the judge, will be remanded to a lock-up facility pending testimony, or will be released by the judge on a promise to attend court on such terms as the judge may require. The witness may also be cited for contempt.

Information

The sheriff must, as soon as possible after the arrest, read this order to the witness so the witness is informed of the reasons for, and the purpose of, the arrest and detention. The sheriff must inform the witness of the right of an arrested person to retain and instruct counsel without delay. The sheriff is directed to assist the witness to seek or communicate with counsel if the witness wishes to do so, and to advise the witness about duty counsel, if duty counsel is available.

Issued _____, 20____

Prothonotary

Form 56.04

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Order for Commission

Before the Honourable Justice

On the motion of [name of moving party or counsel] , the following is ordered:

Appointment and authorization

- 1 *Mr./Ms./other* [name of commissioner] of [community] is authorized to administer an oath or affirmation to and [take/transmit] the evidence of [name of witness] who resides in [community] , for use in this proceeding.

Appointment conditional on acceptance

- 2 The commission is conditional on the commissioner accepting the instructions in the document attached to this order, signing a copy of the document, and filing it with the court.

Time, date, and place

- 3 The evidence is to be [taken/transmitted] [time, date, and place /a time, date, and place to be set by the commissioner by delivery to each party and the witness of a notice in writing no less than one month before the date] .

Recording

4 The evidence is to be *[taken by audio recording and transcription/taken by audio-visual recording and transcription/transmitted by video conference of such quality the witness is virtually present before this court/transmitted by teleconference]* .

Issued , 20

Prothonotary

Form 56.05

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Instructions to Commissioner for Taking Evidence

The Supreme Court of Nova Scotia has commissioned you to take evidence for use in this proceeding and, as a condition of your appointment, requires that you accept the following instructions by signing a copy of this document and filing it with the court. If the evidence is to be taken outside Nova Scotia, you may also accept instructions from a court in the jurisdiction where the evidence is taken.

Impartiality and accuracy

- 1 You will conduct the taking of evidence impartially, cause it to be accurately recorded, and see that it is transcribed as soon as possible after the witness testifies.

Administering oath or affirmation

- 2 The authorization for you to administer an oath or affirmation is in accordance with Sections 2 and 67 of the Nova Scotia *Evidence Act*. The words of the oath or affirmation are:

You [swear/solemnly, sincerely, and truly declare and affirm] that the evidence you are about to give in this proceeding between [names of parties] will be the truth, the whole truth, and nothing but the truth.
(Witness acknowledges)

If you are taking evidence outside Nova Scotia, you may take whatever further steps are required to ensure that the laws of perjury of the place where the examination is conducted apply to the taking of the evidence.

Order of examinations

- 3 After swearing or affirming the witness, you will permit the party who moved for the order appointing you to conduct a direct examination of the witness, allow each other party to conduct a cross-examination in the order in which the parties appear in the heading, and allow any re-direct examination by the party who leads evidence on direct.

Objections

- 4 A party may object to a question, but, unless the question is withdrawn, you must direct the witness to answer it so the court can rule later on admissibility of the answer.

Exhibits

- 5 You will mark each exhibit shown to the witness by consecutive number, and take control of the exhibit.

Translation

- 6 You will retain a translator or signer if the witness cannot adequately understand the questions, or give answers adequately understood, without the assistance of a person who is able to translate or sign. After swearing or affirming a translator or signer, you, or counsel for a party, will question the translator or signer on record about their ability to clearly understand the questions to be asked and the answers to be given, and to exactly translate or sign the questions and answers. The translator or signer must also swear or affirm as required by *Nova Scotia Civil Procedure Rule* 48.03(3).

Transcript

- 7 You, or a person retained by you who is competent to prepare a transcript for use in court, will prepare a transcript of everything said during the taking of evidence. You will certify that the transcript is accurate.

Your report

8 You will report to the court that you carried out your commission in accordance with the order and these instructions, and you will file the transcript and each exhibit with the report. These are filed by delivery to [name of prothonotary] , Prothonotary of the Supreme Court of Nova Scotia, at _____ Street _____ Nova Scotia, Canada [postal code] .

Issued _____, 20

Prothonotary
[include name, address and telephone
number]

I accept these instructions.
_____, 20

Signature
Print name:

Form 56.06

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Instructions to Commissioner to Transmit Evidence

The Supreme Court of Nova Scotia has commissioned you to transmit evidence to the court in this proceeding and, as a condition of your appointment, requires that you accept the following instructions by signing a copy of this document and filing it with the court. If the evidence is to be taken outside Nova Scotia, you may also accept instructions from a court in the jurisdiction where the evidence is taken.

Transmission, description, and identification

- 1 You will carefully cause the witnesses' voice and image to be simultaneously transmitted to the court, describe at the beginning of the transmission the parts of the commissioner's room not seen in the courtroom, and identify everyone present there. The transmission must be by video conference *[of such quality the witness is virtually present in the courtroom/describe equipment]* .

Administering oath or affirmation

- 2 The authorization for you to administer an oath or affirmation is in accordance with Sections 2 and 67 of the Nova Scotia *Evidence Act*. The words of the oath or affirmation are:

You *[swear/solemnly, sincerely, and truly declare and affirm]* that the evidence you are about to give in this proceeding between *[names of parties]* will be the truth, the whole truth, and nothing but the truth.
(Witness acknowledges)

If you are taking evidence outside Nova Scotia, you may take whatever further steps are required to ensure that the laws of perjury of the place where the examination is conducted apply to the taking of evidence.

Directions by, and report to, judge

- 3 The judge will direct the examinations after you swear or affirm the witness. You will follow directions given by the judge to you, such as directions about exhibits, controlling the witness, translation or signing, and a witness who may only testify on a promise to tell the truth. You must report to the judge anything unusual that happens in the room, unless it appears in the transmission.

Inferior telecommunication

- 4 If the transmission is not by video conference of such quality that the witness is virtually present in the courtroom, you must keep the witness from communicating with others during the examination, keep the witness from consulting notes or other information, show the witness each exhibit as directed by the judge or referred to by a party, and make a report on record when the witness looks at an exhibit indicating what the witness is looking at. These instructions may be varied by the judge.

Failures in transmission

- 5 The court will provide an emergency telephone number, and you must call that number to get directions from the judge if the transmission fails to the extent that you and the judge are not in communication.

Your report

- 6 You will report as the judge directs, including directions about an exhibit proved during the taking of evidence.

[Provide for issuance and acceptance the same as in Form 56.05.]

Form 56.09

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Letter of Request

To: [full name of court or judicial authority]

A proceeding was started in the Supreme Court of Nova Scotia involving the above named parties, and documents are filed with the court's primary official, the prothonotary.

The Honourable Justice _____, a judge of this court, was satisfied that it is in the interests of justice that [name of witness] of [community], a witness residing in your jurisdiction, give evidence in this proceeding from the community in which they reside. The evidence includes the following documents: _____.

Therefore, the court issued an order for a commission to [name of commissioner] of [address] providing for the examination of the witness at a place in your jurisdiction and *[taking down the witnesses' evidence/transmitting the evidence by video conference to this court while it is in session]* .

The Supreme Court of Nova Scotia requests that you permit the commissioner to conduct the examination of the witness in accordance with the *Nova Scotia Civil Procedure Rules* and instructions issued by the Supreme Court of Nova Scotia. However, those instructions may be modified as you require.

The Supreme Court of Nova Scotia requests that, in the interests of justice, you cause, by the means ordinarily used in your jurisdiction to secure attendance, the witness named above to attend before the commissioner and answer questions. We also request that you require the witness to bring the documents named above.

For your information, the Nova Scotia *Evidence Act* and the *Nova Scotia Civil Procedure Rules* allow this court to do the same on your request in a similar case.

Signature

Signed _____, 20____

Prothonotary
[include name, address, and
telephone number]

Form 59.07

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [complete the heading as required by Rule 82 - Administration of Civil Proceedings]

[full name, including middle name(s)]

Applicant

and

[full name, including middle name(s)]

Respondent

Notice of Application

To: [name(s) of respondent or respondents]

The applicant requests an order

The applicant, [name of party] , is applying for an order that would affect the following child or children: [may delete if there are no children affected]

Child's Last Name	First and Middle Names	Date of Birth (d/m/y)

The applicant is applying for an order for the following: [Read the instructions in each part below. Complete as applicable to your case.]

PART I: <input type="checkbox"/> relief under the <i>Parenting and Support Act</i> (This part will generally apply to you if you are <i>not</i> divorced from or divorcing the other party and you are seeking any relief set out in the boxes below. To complete this part, check this box and all relevant boxes below.)	
Parenting <input type="checkbox"/> custody and parenting arrangements (s. 18) <input type="checkbox"/> leave to apply by person who is not a parent or guardian <input type="checkbox"/> parenting time (s. 18) <input type="checkbox"/> primary care (time in excess of 60%) <input type="checkbox"/> shared parenting (time between 40-60%) <input type="checkbox"/> other <input type="checkbox"/> leave to apply by person who is not a parent/guardian <input type="checkbox"/> paternity testing (s. 27)	Contact <input type="checkbox"/> grandparent contact time (s. 18) <input type="checkbox"/> grandparent interaction (s. 18) <input type="checkbox"/> contact time (s. 18) <input type="checkbox"/> leave to apply by person who is not a parent, grandparent or guardian (s. 18) <input type="checkbox"/> interaction (s. 18) <input type="checkbox"/> leave to apply by person who is not a parent, grandparent or guardian (s. 18)

Support	
<input type="checkbox"/> child support involving (must choose one) <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="width: 45%;"> <input type="checkbox"/> married parents/guardians (s. 9) <input type="checkbox"/> unmarried parents/finding of paternity (s. 11) </div> <div style="width: 45%;"> <input type="checkbox"/> spousal support (s. 3) <input type="checkbox"/> payable from (date) _____ forward </div> </div> <input type="checkbox"/> child support details (must complete) <div style="margin-left: 20px;"> <input type="checkbox"/> payable from (date) _____ forward <input type="checkbox"/> table amount <input type="checkbox"/> special or extraordinary expenses <input type="checkbox"/> administrative recalculation <i>(Administrative Recalculation of Child Support Regulations, s.8)</i> <input type="checkbox"/> medical insurance (s. 9 or 11) </div>	
Relocation	Other
<input type="checkbox"/> determining or waiving notice for relocation (s.18F) <input type="checkbox"/> relocation of a child (s.18G) <div style="margin-left: 20px;"> <input type="checkbox"/> authorizing <input type="checkbox"/> preventing </div> <input type="checkbox"/> relocation of a parent (s.18G)	<input type="checkbox"/> exclusive occupation of residence (s. 7) <input type="checkbox"/> registering an agreement or parenting plan (s. 52) <input type="checkbox"/> addressing denial of time or interaction with a child (s.40) <input type="checkbox"/> addressing failure to exercise time or interaction with a child (s.40A) <input type="checkbox"/> requiring the respondent's appearance to explain failure to comply with an order (s.41)

PART II: <input type="checkbox"/> relief under the <i>Maintenance Enforcement Act</i> (This part may apply if there is a dispute about the amount of child support owing or paid during a period of time <i>before</i> the date this application was filed. To complete this part, check this box and all relevant boxes below.)	
<input type="checkbox"/> enforcing arrears incurred before the support order was filed with the Maintenance Enforcement Program and after receiving the Director's written confirmation of (date) _____ stating that those arrears will not be enforced (s. 15)	<input type="checkbox"/> addressing a dispute between the parties about the amount of arrears (s. 15)

PART III: ☐ relief under the *Divorce Act* – for non-spouses

(To complete this part, check this box and relevant boxes below.)

NOTE: If you want to change a court order made under the *Divorce Act*, do **not** use this form. You **must** complete the Notice of Variation Application Form (Form FD 59.12) instead of this form.

☐ contact arrangements and leave to apply by a person who is *not* a divorcing spouse (s. 16.5 & 16.5(3))
(e.g. grandparent, or someone else important to the child)

☐ contact time

☐ interaction

☐ parenting arrangements and leave to apply by a person who is *not* a divorcing spouse but who is a parent, stands in the place of a parent, or intends to stand in the place of a parent (s. 16.1 & 16.1(3))
(e.g. grandparent or someone else who is like a parent to a child, or who wants to be)

☐ parenting time

☐ decision-making responsibility

☐ other [give specifics, including relevant section number(s)] _____

PART IV: ☐ Other (This part may apply to you if the relief you are seeking is not listed above.

Examples: relief under the *Vital Statistics Act*, *Change of Name Act*, unjust enrichment/constructive trust, or other authority. To complete this part, please check this box and complete the portion below.)

☐ costs

☐ other [give specifics, including legislation or other legal authority for relief sought] _____

The applicant started this application by filing this notice on the date certified by the court officer.

Other relevant proceedings and orders

The applicant confirms that: [may delete the one that does not apply]

☐ There are, and there were, *no* other proceedings between the parties, or proceedings/circumstances affecting the well-being or safety of the children/parties;

OR

☐ There are, or there were, other proceedings between the parties, or proceedings/circumstances affecting the well-being or safety of the children/parties, details of which are as follows: [complete the sections below for each proceeding]

Type of proceeding(s) & court file number: [describe each, for instance civil, protection, criminal or other proceeding] _____

Order(s) or other measure: [describe, such as an order to protect a person's safety, recognizance or undertaking, peace bond, condition, etc.] _____

Circumstance(s): [describe] _____

Documents in support of application

The applicant files the following documents in support of the application:

- ☐ parenting statement
- ☐ statement of contact time and interaction
- ☐ statement of income
- ☐ statement of special or extraordinary expenses
- ☐ statement of undue hardship circumstances
- ☐ statement of expenses
- ☐ statement of property
- ☐ pre-hearing brief
- ☐ affidavit of [name] _____
- ☐ other affidavits and documents [give specifics] _____

A copy of each document is to be delivered to you with this notice.

Response to Application

To respond to the application, or to make your own application, you or your counsel may file a response to application. A judge or court officer will direct you regarding the deadline for filing a response to application.

Required to file documents

There are requirements in the *Nova Scotia Civil Procedure Rules* for parties to file documents and these requirements depend on the type of relief sought. A judge or court officer may direct you to file documents and provide information by a specific date in response to this application.

Possible order against you

A judge may grant a final order on the application without further notice to you if you fail to appear at the court when directed or fail to file documents as directed.

Filing and delivering documents

Any documents you file with the court must be filed at the courthouse at
[Street/Avenue], _____, Nova Scotia (telephone # _____).

The *Nova Scotia Civil Procedure Rules* require that whenever you file a document you must immediately deliver a copy of it to the applicant, or respondent, and to each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge or a court officer directs it is not required.

Designated address for service

The applicant designates the following address for delivery of documents:

Documents delivered to this address will be considered to be received by the applicant on delivery.

Signature & certificate of applicant

By signing below, I confirm that this is my application and certify that I am aware of my duties, including:

1. I must exercise any decision-making responsibility or parenting time allotted to me, or contact time under a contact order, in a manner that is consistent with the best interests of the child/children;
2. To the best of my ability, I must protect the child/children from conflict arising from this proceeding;
3. To the extent that it is appropriate to do so, I must try to resolve the issues in this proceeding through a family dispute resolution process;
4. I must provide complete, accurate and up-to-date information as required under law, as part of this proceeding and under a Court Order; and,
5. If I am subject to an order, I must follow and comply with the order until it is no longer in effect.

Signed _____, 20____

Signature of applicant
Print name:

[complete additional signature if more than one applicant]

Signed on _____, 20____

Signature of applicant
Name:

Counsel's certificate [delete if not represented by counsel]

I, counsel for the applicant, certify that I have complied with the requirements of section 7.7 of the *Divorce Act*/section 54C(2) of the *Parenting and Support Act*.

Signature of counsel

Court officer's certificate

I certify that this notice of application was filed with the court on _____, 20__.

Court Officer

For delivery with supporting documents to each respondent:
[full name and address of each]

Form 59.08

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[full name, including middle name(s)]

Applicant

and

[full name, including middle name(s)]

Respondent

Response to Application**To:** [name(s) of applicant or applicants]**The respondent requests an order**

The respondent, [name of party] , is applying for an order which would affect the following children:
[may delete if there are no children affected]

Child's Last Name	First and Middle Names	Date of Birth (d/m/y)

The respondent is applying for an order for the following: [Read the instructions in each part below.
Complete as applicable to your case.]

PART I: <input type="checkbox"/> relief under the <i>Parenting and Support Act</i> (This part will generally apply to you if you are <i>not</i> divorced from or divorcing the other party and you are seeking any relief set out in the boxes below. To complete this part, check this box and all relevant boxes below.)	
Parenting <input type="checkbox"/> custody and parenting arrangements (s. 18) <input type="checkbox"/> leave to apply by person who is not a parent or guardian <input type="checkbox"/> parenting time (s. 18) <input type="checkbox"/> primary care (time in excess of 60%) <input type="checkbox"/> shared parenting (time between 40-60%) <input type="checkbox"/> other <input type="checkbox"/> leave to apply by person who is not a parent/guardian <input type="checkbox"/> paternity testing (s. 27)	Contact <input type="checkbox"/> grandparent contact time (s. 18) <input type="checkbox"/> grandparent interaction (s. 18) <input type="checkbox"/> contact time (s. 18) <input type="checkbox"/> leave to apply by person who is not a parent, grandparent or guardian (s. 18) <input type="checkbox"/> interaction (s. 18) <input type="checkbox"/> leave to apply by person who is not a parent, grandparent or guardian (s. 18)

Support	
<input type="checkbox"/> child support involving (must choose one) <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div> <input type="checkbox"/> married parents/guardians (s. 9) <input type="checkbox"/> unmarried parents/finding of paternity (s. 11) </div> <div> <input type="checkbox"/> spousal support (s. 3) <input type="checkbox"/> payable from (date) _____ forward </div> </div> <input type="checkbox"/> child support details (must complete) <div style="margin-top: 5px;"> <input type="checkbox"/> payable from (date) _____ forward <input type="checkbox"/> table amount <input type="checkbox"/> special or extraordinary expenses <input type="checkbox"/> administrative recalculation <i>(Administrative Recalculation of Child Support Regulations, s.8)</i> <input type="checkbox"/> medical insurance (s. 9 or 11) </div>	
Relocation	Other
<input type="checkbox"/> determining or waiving notice for relocation (s.18F) <input type="checkbox"/> relocation of a child (s.18G) <div style="margin-left: 20px;"> <input type="checkbox"/> authorizing <input type="checkbox"/> preventing </div> <input type="checkbox"/> relocation of a parent (s.18G)	<input type="checkbox"/> exclusive occupation of residence (s. 7) <input type="checkbox"/> registering an agreement or parenting plan (s. 52) <input type="checkbox"/> addressing denial of time or interaction with a child (s.40) <input type="checkbox"/> addressing failure to exercise time or interaction with a child (s.40A) <input type="checkbox"/> requiring the respondent's appearance to explain failure to comply with an order (s.41)

PART II: <input type="checkbox"/> relief under the <i>Maintenance Enforcement Act</i> (This part may apply if there is a dispute about the amount of child support owing or paid during a period of time <i>before</i> the date this application was filed. To complete this part, check this box and all relevant boxes below.)	
<input type="checkbox"/> addressing a dispute between the parties about the amount of arrears (s. 15)	<input type="checkbox"/> enforcing arrears incurred before the support order was filed with the Maintenance Enforcement Program and after receiving the Director's written confirmation of (date) _____ stating that those arrears will not be enforced (s. 15)

PART III: ☐ relief under the *Divorce Act* – for non-spouses

(To complete this part, check this box and relevant boxes below.)

NOTE: If you want to change a court order made under the *Divorce Act*, do **not** use this form. You **must** complete the Notice of Variation Application Form (Form FD 59.12) instead of this form.

☐ contact arrangements and leave to apply by a person who is *not* a divorcing spouse (s. 16.5 & 16.5(3))
(e.g. grandparent, or someone else important to the child)

☐ contact time

☐ interaction

☐ parenting arrangements and leave to apply by a person who is *not* a divorcing spouse but who is a parent, stands in the place of a parent, or intends to stand in the place of a parent (s. 16.1 & 16.1(3))
(e.g. grandparent or someone else who is like a parent to a child, or who wants to be)

☐ parenting time

☐ decision-making responsibility

☐ other [give specifics, including relevant section number(s)] _____

PART IV: ☐ Other (This part may apply to you if the relief you are seeking is not listed above.

Examples: relief under the *Vital Statistics Act*, *Change of Name Act*, unjust enrichment/constructive trust, or other authority. To complete this part, please check this box and complete the portion below.)

☐ costs

☐ other [give specifics, including legislation or other legal authority for relief sought] _____

The applicant started this application by filing their notice on the date certified by the court officer.

Other relevant proceedings and orders

The respondent confirms that: [may delete the one that does not apply]

☐ There are, and there were, no other proceedings between the parties, or proceedings/ circumstances affecting the well-being or safety of the children/parties;

OR

☐ There are, or there were, other proceedings between the parties, or proceedings/circumstances affecting the well-being or safety of the children/parties, details of which are as follows: [complete the sections below for each proceeding]

Type of proceeding(s) & court file number: [describe each, for instance civil, protection, criminal or other proceeding] _____

Order(s) or other measure: [describe, such as an order to protect a person's safety, recognizance or undertaking, peace bond, condition, etc.] _____

Circumstance(s): [describe] _____

Documents in support of response

The respondent files the following documents in support of the response:

- ☐ parenting statement
- ☐ statement of income
- ☐ statement of contact time and interaction
- ☐ statement of special or extraordinary expenses
- ☐ statement of undue hardship circumstances
- ☐ statement of expenses
- ☐ statement of property
- ☐ pre-hearing brief
- ☐ affidavit of [name] _____
- ☐ other affidavits and documents [give specifics] _____

A copy of each document is to be delivered to you with this notice.

Designated address for service

The respondent designates the following address for delivery of documents:

Documents delivered to this address will be considered to be received by the respondent on delivery.

Signature & certificate of respondent

By signing below, I confirm that this is my response to application and certify that I am aware of my duties, including:

1. I must exercise any decision-making responsibility or parenting time allotted to me, or contact time under a contact order, in a manner that is consistent with the best interests of the child/children;
2. To the best of my ability, I must protect the child/children from conflict arising from this proceeding;

3. To the extent that it is appropriate to do so, I must try to resolve the issues in this proceeding through a family dispute resolution process;
4. I must provide complete, accurate and up-to-date information as required under law, as part of this proceeding and under a Court Order; and,
5. If I am subject to an order, I must follow and comply with the order until it is no longer in effect.

Signed _____, 20____

Signature of respondent
Print name:

[complete additional signature if more than one respondent]

Signed on _____, 20____

Signature of respondent
Name:

Counsel's certificate [delete if not applicable]

I, counsel for the applicant, certify that I have complied with the requirements of section 7.7 of the *Divorce Act*.

Signature of counsel

For delivery with supporting documents to each applicant:
[full name and address of each]

Form 59.09

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [complete the heading as required by Rule 82 - Administration of Civil Proceedings]

[full name, including middle name(s)]

Petitioner

and

[full name, including middle name(s)]

Respondent

Petition for Divorce

To: [name of respondent]

An action was started for divorce

The petitioner started this action to apply for a divorce and to claim other relief described later in this petition for divorce.

The action was started by filing this petition with the court on the date certified by the court officer.

Deadline for answer

To defend the action, or to make your own claim in the proceeding, you or your counsel must file an answer with the court no more than the following number of days after the day this petition for divorce is delivered to you:

- 15 days if delivery is made in Nova Scotia
- 30 days if delivery is made elsewhere in Canada
- 45 days if delivery is made anywhere else.

Judgment against you if you do not answer

The court may grant a divorce order and an order for the other relief claimed, unless you file the answer before the deadline.

No remarriage until after order and appeal period

Except when allowed by a judge in special circumstances after undertakings not to appeal are filed, a married person is not free to remarry until after a divorce is granted and the times for appeals are over, or an appeal is started but the divorce is upheld and the time for any further appeal is over. The court provides a divorce certificate only at that time.

Claims under the *Divorce Act*

The petitioner claims a divorce under section 8 of the *Divorce Act*, and the following relief under the following sections of the *Divorce Act*: [may delete any that do not apply]

- ☐ decision-making responsibility (s. 16)
- ☐ parenting time (s. 16) [choose one]
 - ☐ primary care (time in excess of 60%)
 - ☐ shared parenting (time between 40-60%)
 - ☐ other
- ☐ child support (s. 15.1)
 - ☐ administrative recalculation of child support (s. 25.1)
- ☐ spousal support (s. 15.2)
- ☐ other: [describe] .

Claims under other legislation

The petitioner claims under the following legislation for the following relief: [may delete any that do not apply]

- ☐ *Matrimonial Property Act* for the following:
 - ☐ exclusive possession of matrimonial home (s. 11)
 - ☐ division of assets (s. 12)
 - ☐ other [give specifics, i.e. s. 13, s. 18] .
- ☐ *Pension Benefits Act*, *Pension Benefits Division Act*, or other legislation to enable a division of pension, for a division of pension
- ☐ *Change of Name Act* (s. 7) for a change of registered name
- ☐ Other: [describe] .

Ground for divorce and particulars

There was a breakdown of the marriage of the parties and in particular: [may delete any that do not apply]

- ☐ The parties were living separate and apart since [day, month, and year] , were living separate and apart at the time this action was started, and will have lived separate and apart for no less than one year when this action is determined.
- ☐ The respondent has committed adultery and there was no condonation or connivance on the part of the petitioner.
- ☐ The respondent has treated the petitioner with physical or mental cruelty of such kind as to render intolerable the continued cohabitation of the spouses, and there was no condonation or connivance on the part of the petitioner.

No reconciliation

There is no possibility of reconciliation between the parties.

No improper conduct

There was no collusion between the parties leading to this petition for divorce.

Details of the marriage

[The details of the marriage sought to be dissolved are shown on the attached marriage certificate and as set out below./It is not possible to attach a marriage certificate to this petition for divorce and the following are the details of the marriage:]

- Date of marriage:
- Place of marriage:
- Surnames and given names on the day before marriage
petitioner:
respondent:
- Surnames and given names on birth certificate
petitioner:
respondent:
- Gender on the day before marriage
petitioner: ☐ male ☐ female ☐ other
respondent: ☐ male ☐ female ☐ other
- Marital status when married
petitioner: ☐ single ☐ divorced
respondent: ☐ single ☐ divorced
- Place and date of birth
petitioner:
respondent:

Jurisdiction

The petitioner lives in _____ [community] , and the respondent lives in _____ [community] . *[The petitioner/The respondent]* was habitually resident in Nova Scotia for at least one year before the day this petition is signed and, in particular since _____ .

Children

The following are the full names and dates of birth of the children of the marriage as defined in the *Divorce Act*:

Name

Date of Birth

Decision-making responsibility arrangements

Present arrangements for decision-making responsibility of the children are as follows:

Parenting time arrangements

Present arrangements for parenting time with the children are as follows:

Child support arrangements

Present arrangements for child support are as follows:

Agreements

Details of all agreements about separation, parenting, property, and support are as follows:

Other relevant proceedings and orders [may delete the one that does not apply]

☐ There are, and there were, no other proceedings between the parties, or proceedings/circumstances affecting the well-being or safety of the children/parties.

OR

☐ There are, or there were, other proceedings between the parties, or proceedings/circumstances affecting the well-being or safety of the children/parties, details of which are as follows: [complete the sections below for each proceeding]

Type of proceeding(s) & court file number: [describe each, for instance civil, protection, criminal or other proceeding]

Order(s) or other measure: [describe, such as an order to protect a person's safety, recognizance or undertaking, peace bond, condition, etc.]

Circumstance(s): [describe]

Documents in support

The **petitioner** files the following documents in support of the petition:

- ☐ parenting statement
- ☐ statement of income
- ☐ statement of special or extraordinary expenses
- ☐ statement of undue hardship circumstances
- ☐ statement of expenses
- ☐ statement of property
- ☐ affidavit of [name]
- ☐ other affidavits and documents [give specifics]

A copy of each document is to be delivered to you with this petition.

Required to file documents

There are requirements in the *Nova Scotia Civil Procedure Rules* for parties to file documents and these requirements depend on the type of relief sought. A judge or court officer may direct you to file documents and provide information by a specific date in response to this petition.

Filing and delivering documents

Any documents you file with the court must be filed at the courthouse at _____ [Street/Avenue], _____, Nova Scotia (telephone # _____).

When you file a document you must immediately deliver a copy of it to the other party, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge orders it is not required.

Contact information

The petitioner designates the following address:

Documents delivered to this address are considered received by the petitioner on delivery.

Proposed place of trial

The petitioner proposes that, if you file an answer, the trial will be held in _____, Nova Scotia.

Declaration & certificate

I declare that the statements in this petition for divorce are true to the best of my personal knowledge, or information given to me that I believe to be true, and I certify that I am aware of my duties under sections 7.1 through 7.5 of the *Divorce Act* which include:

1. I must exercise any parenting time or decision-making responsibility that I have with respect to any child/children of the marriage in a manner that is consistent with the best interests of the child/children;
2. To the best of my ability, I must protect the child/children of the marriage from conflict arising from this proceeding;
3. To the extent that it is appropriate to do so, I must try to resolve the issues in this proceeding through a family dispute resolution process;
4. I must provide complete, accurate and up-to-date information as required under the *Divorce Act*, as part of this proceeding and under a Court Order; and,

5. If I am subject to an order made under the *Divorce Act*, I must follow and comply with the order until it is no longer in effect.

Signed _____, 20____

Signature of petitioner
Print name:

Counsel's certificate [delete if not represented by counsel]

I, counsel for the petitioner, certify that I have complied with the requirements of section 7.7 of the *Divorce Act*.

Signature of counsel
Print name:

Court officer's certificate

I certify that this petition for divorce was filed with the court on _____, 20____.

Court Officer

For delivery with supporting documents to the respondent:
[full name and address]

[Attach marriage certificate.]

Form 59.10

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[full name, including middle name(s)]

Petitioner

and

[full name, including middle name(s)]

Respondent

Answer

To: [name of petitioner]

Contested claims, facts and allegations

The claims made in the petition for divorce are not contested, except as follows:

[There are no claims in the petition that are contested and the respondent files this answer only to make a claim./State which claims are contested.]

The facts and allegations made in the petition for divorce in support of the claim for divorce are not contested, except as follows:

[The facts and allegations in support of the claim for divorce in the petition are admitted./State which facts and allegations are contested.]

Corrections to details stated in the petition

The petition for divorce correctly provides details about the children of the marriage [./except provide corrections.]

The petition also correctly provides details of all relevant agreements, and related proceedings and orders [./except provide corrections.]

The respondent wishes to correct other statements in the petition as follows: [none./provide corrections].

Respondent's claims under *Divorce Act*

The respondent claims the following relief under the following sections of the *Divorce Act*: [may delete any that do not apply]

- ☐ divorce (s. 8)
- ☐ decision-making responsibility (s. 16)
- ☐ parenting time (s. 16) [choose one]
 - ☐ primary care (time in excess of 60%)
 - ☐ shared parenting (time between 40-60%)
 - ☐ other
- ☐ child support (s. 15.1)
 - ☐ administrative recalculation of child support (s. 25.1)
- ☐ spousal support (s. 15.2)
- ☐ other: [describe] .

Respondent's claims under other legislation

The respondent claims under the following legislation for the following relief: [may delete any that do not apply]

- ☐ *Matrimonial Property Act* for the following:
 - ☐ exclusive possession of matrimonial home (s. 11)
 - ☐ division of assets (s. 12)
 - ☐ other [give specifics, i.e. s. 13, s. 18]
- ☐ *Pension Benefits Act*, *Pension Benefits Division Act*, or other legislation, for a division of pension
- ☐ *Change of Name Act* for a change of registered name
- ☐ Other: [describe] .

Ground for divorce and particulars [delete if a divorce is not claimed]

There was a breakdown of the marriage of the parties and in particular: [may delete any that do not apply]

- ☐ The parties were living separate and apart since [day, month, and year] , were living separate and apart at the time this action was started, and will have lived separate and apart for no less than one year when this action is determined.
- ☐ The petitioner has committed adultery and there was no condonation or connivance on the part of the respondent.

- ☐ The petitioner has treated the respondent with physical or mental cruelty of such kind as to render intolerable the continued cohabitation of the spouses, and there was no condonation or connivance on the part of the respondent.

No reconciliation [delete if a divorce is not claimed]

There is no possibility of reconciliation between the parties.

No improper conduct [delete if a divorce is not claimed]

There was no collusion between the parties leading to this answer.

Documents in support

The respondent files the following documents in support of the answer:

- ☐ parenting statement
- ☐ statement of income
- ☐ statement of special or extraordinary expenses
- ☐ statement of undue hardship circumstances
- ☐ statement of expenses
- ☐ statement of property
- ☐ affidavit of [name]
- ☐ other affidavits and documents [give specifics]

A copy of each document is to be delivered to you with this answer.

Contact information

The respondent designates the following address:

Documents delivered to this address are considered received by the respondent on delivery.

Declaration & certificate

I declare that the statements in this answer are true to the best of my personal knowledge, or information given to me that I believe to be true, and I certify that I am aware of my duties under sections 7.1 through 7.5 of the *Divorce Act* which include:

1. I must exercise any parenting time or decision-making responsibility that I have with respect to any child/children of the marriage in a manner that is consistent with the best interests of the child/children;

2. To the best of my ability, I must protect the child/children of the marriage from conflict arising from this proceeding;
3. To the extent that it is appropriate to do so, I must try to resolve the issues in this proceeding through a family dispute resolution process;
4. I must provide complete, accurate and up-to-date information as required under the *Divorce Act*, as part of this proceeding and under a Court Order; and,
5. If I am subject to an order made under the *Divorce Act*, I must follow and comply with the order until it is no longer in effect.

Signed _____, 20__

Signature of respondent
Print name:

Counsel's certificate [delete if not represented by counsel]

I, counsel for the respondent, certify that I have complied with the requirements of section 7.7 of the *Divorce Act*.

Signature of counsel
Print name:

Court officer's certificate

I certify that this answer was filed with the court on _____, 20__.

Court Officer

Form 59.11

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Petitioner

and

[name)

Respondent

Demand for Notice (Divorce Action)

To: [name of petitioner]

Notice is demanded

The respondent demands notice of everything done in this proceeding, every written communication with a judge or the court, and every document filed.

Contact information

The respondent designates the following address:

Documents delivered to this address are considered received by the respondent on delivery.

Signature

Signed

, 20

Signature of respondent

Print name:

[or]

Counsel for the respondent

Print name:

Supreme Court of Nova Scotia
(Family Division)

Between: [complete the heading as required by Rule 82 - Administration of Civil Proceedings]

[full name, including middle name(s)]

Applicant

and

[full name, including middle name(s)]

Respondent

Notice of Variation Application

To: [name of respondent or respondents]

The applicant requests an order or orders be changed

The applicant, [name of party] , is applying to vary or change an order or orders which is permitted by the following: [may delete the one that does not apply]

- ☐ section 17 of the *Divorce Act*;
- ☐ section 37 of the *Parenting and Support Act*.

The changes would affect the following order or orders: [include the title and date of each order]

The changes would affect the following child or children: [may delete if there are no children affected]

Child's Last Name	First & Middle Names	Date of Birth (d/m/y)

The requested changes are as a result of a change in circumstances which are described in the applicant's affidavit provided with this application.

The requested changes concern the following: [check only those that apply]

- ☐ parenting/contact
 - ☐ decision-making responsibility/custody
 - ☐ parenting time [choose one]
 - ☐ primary care (time in excess of 60%)
 - ☐ shared parenting (time between 40-60%)
 - ☐ other
 - ☐ relocation of the child
 - ☐ preventing ☐ authorizing
 - ☐ relocation of a parent
 - ☐ contact time or interaction
 - ☐ grandparent contact time or interaction
 - ☐ other
- ☐ child support:
 - ☐ table amount
 - ☐ special or extraordinary expenses
 - ☐ change in number of dependent children
 - ☐ retroactive variation
 - ☐ termination of child support
 - ☐ administrative recalculation of child support
 - ☐ other [give specifics] _____
- ☐ spousal support
 - ☐ retroactive variation from _____ to _____
 - ☐ termination of spousal support
 - ☐ other [give specifics]
- ☐ arrears of support [give specifics] _____
- ☐ other [give specifics] _____

As part of the variation application, the applicant is applying: [check only those that apply]

- ☐ under section 15 of the *Maintenance Enforcement Act* to address a dispute between the parties about the amount of arrears
- ☐ under section 46(4) of the *Maintenance Enforcement Act* for relief from payment of arrears

The applicant requests that the changes take effect as of (date) _____
and the applicant must present evidence in support of this date.
[may specify for each change if necessary]

The applicant started this variation application by filing this notice on the date certified by the court officer.

Other relevant proceedings and orders

The applicant confirms that: [may delete the one that does not apply]

- ☐ There are, and there were, no other proceedings between the parties, or proceedings/ circumstances affecting the well-being or safety of the children/parties.

OR

- ☐ There are, or there were, other proceedings between the parties, or proceedings/ circumstances affecting the well-being or safety of the children/parties, details of which are as follows: [complete the sections below for each proceeding]

Type of proceeding(s) & court file number: [describe each, for instance civil, protection, criminal or other proceeding] _____

Order(s) or other measure: [describe, such as an order to protect a person's safety, recognizance or undertaking, peace bond, condition, etc.] _____

Circumstance(s): [describe] _____

Documents in support of application

The applicant files the following documents in support of the application:

- ☐ parenting statement
- ☐ statement of contact time and interaction
- ☐ statement of income
- ☐ statement of special or extraordinary expenses

- ☐ statement of undue hardship circumstances
- ☐ statement of expenses
- ☐ statement of property
- ☐ pre-hearing brief
- ☐ affidavit of [name of applicant] ,
which includes evidence establishing change in circumstances and
evidence supporting the effective date
- ☐ other affidavits and documents [give specifics] _____

- ☐ certified copy of each order that the applicant seeks to vary

A copy of each document is to be delivered to you with this notice.

Response to variation application

To respond to the variation application, or to make your own variation application, you or your counsel may file a response to variation application. A judge or court officer will direct you regarding the deadline for filing a response to variation application.

Required to file documents

There are requirements in the *Nova Scotia Civil Procedure Rules* for parties to file documents and these requirements depend on the type of relief sought. A judge or court officer may direct you to file documents and provide information by a specific date in response to this application.

Possible order against you

A judge may grant a final order on the variation application without further notice to you if you fail to appear at the court when directed or fail to file documents as directed.

Filing and delivering documents

Any documents you file with the court must be filed at the courthouse at [Street/Avenue], _____, Nova Scotia (telephone # _____).

The *Nova Scotia Civil Procedure Rules* require that whenever you file a document you must immediately deliver a copy of it to the applicant, or respondent, and to each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge or a court officer directs it is not required.

Designated address for service

The applicant designates the following address for delivery of documents:

Documents delivered to this address will be considered to be received by the applicant on delivery.

Signature & certificate of applicant

By signing below, I confirm that this is my application and certify that I am aware of my duties, including:

1. I must exercise any decision-making responsibility or parenting time allotted to me, or contact time under a contact order, in a manner that is consistent with the best interests of the child/children;
2. To the best of my ability, I must protect the child/children from conflict arising from this proceeding;
3. To the extent that it is appropriate to do so, I must try to resolve the issues in this proceeding through a family dispute resolution process;
4. I must provide complete, accurate and up-to-date information as required under law, as part of this proceeding and under a Court Order; and,
5. If I am subject to an order, I must follow and comply with the order until it is no longer in effect.

Signed _____, 20____

Signature of applicant
Print name:

[complete additional signature if more than one applicant]

Signed on _____, 20____

Signature of applicant
Name:

Counsel's certificate [delete if not represented by counsel]

I, counsel for the applicant, certify that I have complied with the requirements of section 7.7 of the *Divorce Act*/section 54C(2) of the *Parenting and Support Act*.

Signature of counsel

Court officer's certificate

I certify that this notice of variation application was filed with the court on , 20 .

Court Officer

For delivery with supporting documents to each respondent:
[full name and address of each]

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[full name, including middle names(s)]

Applicant

and

[full name, including middle names(s)]

Respondent

Response to Variation Application

To: [name(s) of applicant or applicants]

The respondent requests an order or orders be varied

The respondent, [name of party] is applying to vary or change an order or orders which is permitted by the following: [may delete the one that does not apply]

- ☐ section 17 of the *Divorce Act*;
- ☐ section 37 of the *Parenting and Support Act*.

The changes would affect the following order or orders: [include the title and date of each order]

The changes would affect the following child or children: [leave blank if there are no children affected]

Child's Last Name	First and Middle Names	Date of Birth (d/m/y)

The requested changes are as a result of a change in circumstances which are described in the respondent's affidavit provided with this application.

The requested changes concern the following: [check only those that apply]

- ☐ parenting/contact
 - ☐ decision-making responsibility/custody
 - ☐ parenting time [choose one]
 - ☐ primary care (time in excess of 60%)
 - ☐ shared parenting (time between 40-60%)
 - ☐ other
 - ☐ relocation of the child
 - ☐ preventing ☐ authorizing
 - ☐ relocation of a parent
 - ☐ contact time or interaction
 - ☐ grandparent contact time or interaction
 - ☐ other
- ☐ child support:
 - ☐ table amount
 - ☐ special or extraordinary expenses
 - ☐ change in number of dependent children
 - ☐ retroactive variation
 - ☐ termination of child support
 - ☐ administrative recalculation of child support
 - ☐ other [give specifics] _____
- ☐ spousal support
 - ☐ retroactive variation from _____ to _____
 - ☐ termination of spousal support
 - ☐ other [give specifics]
- ☐ arrears of support [give specifics] _____
- ☐ other [give specifics] _____

As part of the response to variation application, the respondent is applying: [check only those that apply]

- ☐ under section 15 of the *Maintenance Enforcement Act* to address a dispute between the parties about the amount of arrears
- ☐ under section 46(4) of the *Maintenance Enforcement Act* for relief from payment of arrears

The respondent requests that the changes take effect as of (date) _____
and the respondent must present evidence in support of this date.
[may specify for each change if necessary]

Other relevant proceedings and orders

The respondent confirms that: [may delete the one that does not apply]

- ☐ There are, and there were, no other proceedings between the parties, or proceedings/ circumstances affecting the well-being or safety of the children/parties.

OR

- ☐ There are, or there were, other proceedings between the parties, or proceedings/ circumstances affecting the well-being or safety of the children/parties, details of which are as follows: [complete the sections below for each proceeding]

Type of proceeding(s) & court file number: [describe each, for instance civil, protection, criminal or other proceeding] _____

Order(s) or other measure: [describe, such as an order to protect a person's safety, recognizance or undertaking, peace bond, condition, etc.] _____

Circumstance(s): [describe] _____

Documents in support of response

The respondent files the following documents in support of the response:

- ☐ parenting statement
- ☐ statement of contact time and interaction
- ☐ statement of income

- ☐ statement of special or extraordinary expenses
- ☐ statement of undue hardship circumstances
- ☐ statement of expenses
- ☐ statement of property
- ☐ pre-hearing brief
- ☐ affidavit of [name of respondent]
which includes evidence establishing change in circumstances and evidence supporting the effective date
- ☐ other affidavits and documents [give specifics]_____
- ☐ _____
- ☐ certified copy of each order that the applicant seeks to vary

A copy of each document is to be delivered to you with this notice.

Designated address for service

The respondent designates the following address for delivery of documents:

Documents delivered to this address will be considered to be received by the respondent on delivery.

Signature & certificate of respondent

By signing below, I confirm that this is my response and certify that I am aware of my duties, including:

1. I must exercise any decision-making responsibility or parenting time allotted to me, or contact time under a contact order, in a manner that is consistent with the best interests of the child/children;
2. To the best of my ability, I must protect the child/children from conflict arising from this proceeding;
3. To the extent that it is appropriate to do so, I must try to resolve the issues in this proceeding through a family dispute resolution process;
4. I must provide complete, accurate and up-to-date information as required under law, as part of this proceeding and under a Court Order; and,

5. If I am subject to an order, I must follow and comply with the order until it is no longer in effect.

Signed _____, 20____

Signature of respondent
Print name:

[complete additional signature if more than one respondent]

Signed on _____, 20____

Signature of respondent
Name:

Counsel's certificate [delete if not represented by counsel]

I, counsel for the respondent, certify that I have complied with the requirements of section 7.7 of the *Divorce Act*/section 54C(2) of the *Parenting and Support Act*.

Signature of counsel

For delivery with supporting documents to each applicant:
[full name and address of each]

Form 59.13B

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between:

[full name, including middle names(s)]

Applicant

and

[full name, including middle names(s)]

Respondent

Request to Convert

Check the box that applies to you (the respondent) and complete:

☐ I am the respondent in this proceeding. I do not have a lawyer. I live in the following Province/Territory: _____. My contact information for this proceeding is listed in the attached Personal Representation Form. [You must complete and attach the Personal Representation Form to this Request. Documents delivered to the address in the Personal Representation Form are considered received by you on delivery].

OR

☐ I have a lawyer representing me in this proceeding. I live in the province/territory of _____. I designate my lawyer to receive notifications at the lawyer's address and contact information below. [Documents delivered to the address below are considered received by me on delivery.]

Counsel's Name: _____

Address: _____

Phone number: _____

Fax number: _____

Email: _____

Receipt of variation application

The notice of variation application was received on _____, ____ 20 ____.

Request to convert

I request to convert the support issues (i.e. child/spousal support) in the notice of variation application into an interjurisdictional application under the *Divorce Act* (sections 18.2). I request the variation application be heard in my province.

Delivery to the applicant

I delivered a copy of this form to the applicant at the designated address on _____[date] by the following method (s):

- ☐ By mail to: _____ [insert address]; or
- ☐ By Fax to: _____ [insert number]; or,
- ☐ By email to: _____ [insert email address].

[You must use the Applicant's designated address information provided in the notice of variation application.]

Signed on: _____20____

Signature

Print name:

Instructions for delivering this Form to the Nova Scotia Court:

You **must** file this completed Form with the Nova Scotia court within 40 days of receiving the variation application. You may file it in one of the following ways:

- By mail or courier to: [insert court address]; or,
- By Fax to: [insert court address]; or,
- By email to: [insert court address].

Form 59.16A

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Notice of Discontinuance (Family Proceeding)

Discontinuance

The applicant discontinues the proceeding started by [notice of application/petition for divorce/notice of variation application] filed on , 20 .

Respondent may continue

The respondent must file a notice continuing the response or answer, no more than ten days after a copy of this notice is delivered, to proceed with the relief sought in the answer or response.

Signature

Signed , 20

Signature of applicant

Print name:

Form 59.16B

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Notice of Continuance

Continuance

The respondent continues the [response to application/answer/response to variation application] filed on , 20 , and continues to seek the order described in the [response/answer] .

Signature

Signed , 20

Signature of respondent
Print name:

Form 59.16C

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Notice of Withdrawal of Response or Answer

Withdrawal

The respondent withdraws the [response to application/answer/response to variation application] filed on , 20 .

Signature

Signed , 20

Signature of respondent
Print name:

Form 59.25

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Direction to Disclose

To: [name and address of party]

You must complete and file the following documents:

- ☐ a parenting statement, *[if you intend to make or dispute a claim for decision-making responsibility/custody, parenting time, or about parenting]* ;
- ☐ a statement of contact time and interaction, *[if you intend to make or dispute a claim for time or interaction with a child]* ;
- ☐ a sworn statement of income, including all of the following attachments:
 - (a) copies of your last two consecutive income statements (for example, pay stubs, Employment Insurance stubs, social assistance stubs) or a letter from your employer or income provider stating your gross income so far this year;
 - (b) copies of all notices of assessment from Canada Revenue Agency for [20 , 20 , and 20 , the last three years] (you can obtain copies from the Canada Revenue Agency by calling 1-800-959-8281 or going online at <https://www.canada.ca/en/revenue-agency/services/e-services/e-services-individuals/account-individuals.html>);
 - (c) copies of all income tax returns, whether filed with the Canada Revenue Agency or not, completed with all schedules, attachments, and information slips (also available from the Canada Revenue Agency), for [20 , 20 , and 20 , the last three years] ;

- (d) if you are self-employed, or a member of a partnership, or a trustee, administrator or beneficiary of a trust, or you control a corporation, you must comply with the directions in the statement of income;
 - (e) if you are unable to provide the applicable attachments listed from (a) to (d), you must provide a letter detailing why you cannot provide them.
- ☐ a sworn statement of special or extraordinary expenses, *[if you intend to make a claim for special or extraordinary expenses]* ;
 - ☐ a sworn statement of undue hardship circumstances, *[if you intend to make a claim of undue hardship]* ;
 - ☐ a sworn statement of expenses;
 - ☐ a sworn statement of property;
 - ☐ other [give specifics] .

Deadline for filing documents

[Bring these documents with you to the conciliation meeting scheduled to be held at [a.m./p.m.] on _____, 20____, at the courthouse, _____, [Street/Avenue] _____, Nova Scotia. / Mail or deliver the documents to the court at the courthouse at _____, [Street/Avenue] _____, Nova Scotia (telephone # _____) no later than _____, 20____.]

Copies for other parties

[Also, bring two copies of each required statement, including attachments, with you to the conciliation meeting. / Mail or deliver a copy of each statement, including attachments, to [name] at [designated address/updated address] at the same time you mail or deliver it to the court.]

Possible order against you if you fail

If you fail to disclose at the required time, a court officer or a judge may do any of the following without further notice to you:

- (1) order costs against you in an appropriate amount which is usually \$250.00;
- (2) make an interim order for child support;
- (3) dismiss an application, motion, or claim, or any part of it, or stay a proceeding started by you.

Legal Counsel

You have the right to be represented by counsel and it is recommended that you seek legal advice as soon as possible.

Issued , 20

[name of court officer]

COURT OFFICER

telephone:

Form 59.26A

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Order to Appear and Disclose

[*Before Court Officer* name /*The Honourable Justice* name] :

A [*direction to appear/direction to disclose/direction to appear and a direction to disclose*] [*was/were*] [*mailed to you/personally delivered to you*] on , 20 ;

And you, [name] , failed to [*appear/disclose/appear and disclose*] as directed;

You must appear in court

You are ordered to come to the courthouse at , [Street/Avenue] ,
, Nova Scotia and appear before [*a judge/a court officer*] at [a.m./p.m.] on
, 20 .

You must bring documents

You are also ordered to bring with you three copies of each of the following:

- ☐ a parenting statement, [*if you intend to make or dispute a claim for decision-making responsibility/custody, parenting time, or about parenting*] ;
- ☐ a statement of contact time and interaction, [*if you intend to make or dispute a claim for time or interaction with a child*] ;
- ☐ a sworn statement of income, including all of the following attachments:

- (a) copies of your last two consecutive income statements (for example, pay stubs, Employment Insurance stubs, social assistance stubs) or a letter from your employer or income provider stating your gross income so far this year;
 - (b) copies of all notices of assessment from Canada Revenue Agency for [20 , 20 , and 20 , the last three years] (you can obtain copies from the Canada Revenue Agency by calling 1-800-959-8281 or going online at <https://www.canada.ca/en/revenue-agency/services/e-services/e-services-individuals/account-individuals.html>);
 - (c) copies of all income tax returns, whether filed with the Canada Revenue Agency or not, completed with all schedules, attachments, and information slips (also available from the Canada Revenue Agency), for [20 , 20 , and 20 , the last three years] ;
 - (d) if you are self-employed, or a member of a partnership, or a trustee, administrator or beneficiary of a trust, or you control a corporation, you must comply with the directions in the statement of income;
 - (e) if you are unable to provide the applicable attachments listed from (a) to (d), you must provide a letter detailing why you cannot provide them.
- ☐ a sworn statement of special or extraordinary expenses, [*if you intend to make a claim for special or extraordinary expenses*] ;
 - ☐ a sworn statement of undue hardship circumstances, [*if you intend to make a claim of undue hardship*] ;
 - ☐ a sworn statement of expenses;
 - ☐ a sworn statement of property;
 - ☐ other [give specifics] .

Possible order against you if you fail

If you fail to obey this order, a judge or court officer may do any of the following without further notice to you:

- (1) order costs against you in an appropriate amount which is usually \$250.00;
- (2) make an order directing a person, such as your employer, to disclose financial or other information about you;
- (3) dismiss an application, motion, or claim, or any part of it, or stay a proceeding_ started by you;

- (4) make an interim or final order for decision-making responsibility/custody, time or interaction with a child, or about parenting;
- (5) make an interim or final order for child support;
- (6) make any other interim or final order, including an order for spousal support, division of property, division of pensions, or any other order sought;
- (7) start contempt proceedings against you for a contempt order.

Issued _____, 20____

[name of court officer]

COURT OFFICER

telephone:

fax:

[Add the following when order made by court officer]

[Note that when an order is made by a court officer, the Civil Procedure Rules permit you, or your counsel, to make a motion to the court officer to terminate or change the order, or appeal the order to a judge. The motion must be made or the appeal started, no more than ten days after a copy of the order is delivered to you.]

Form 59.26B

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Order to Disclose

[*Before Court Officer* name /*The Honourable Justice* name] :

A direction to disclose was [mailed to you/personally delivered to you] on
, 20 ;

And you, [name] , failed to disclose as directed;

You must file documents

You are ordered to file three copies of each of the following:

- ☐ a parenting statement, [*if you intend to make or dispute a claim for decision-making responsibility/custody, parenting time, or about parenting*] ;
- ☐ a statement of contact time and interaction, [*if you intend to make or dispute a claim for time or interaction with a child*] ;
- ☐ a sworn statement of income, including all of the following attachments:
 - (a) copies of your last two consecutive income statements (for example, pay stubs, Employment Insurance stubs, social assistance stubs) or a letter from your employer or income provider stating your gross income so far this year;
 - (b) copies of all notices of assessment from Canada Revenue Agency for [20 , 20 , and 20 , the last three years] (you can obtain copies from the Canada Revenue Agency by calling 1-800-959-8281 or going online at <https://www.canada.ca/en/revenue-agency/services/e-services/e-services-individuals/account-individuals.html>);

- (c) copies of all income tax returns, whether filed with the Canada Revenue Agency or not, completed with all schedules, attachments, and information slips (also available from the Canada Revenue Agency), for [20 , 20 , and 20 , the last three years] ;
 - (d) if you are self-employed, or a member of a partnership, or a trustee, administrator or beneficiary of a trust, or you control a corporation, you must comply with the directions in the statement of income;
 - (e) if you are unable to provide the applicable attachments listed from (a) to (d), you must provide a letter detailing why you cannot provide them.
- ☐ a sworn statement of special or extraordinary expenses, [*if you intend to make a claim for special or extraordinary expenses*] ;
 - ☐ a sworn statement of undue hardship circumstances, [*if you intend to make a claim for special or extraordinary expenses*] ;
 - ☐ a sworn statement of expenses;
 - ☐ a sworn statement of property;
 - ☐ other [give specifics] .

Filing documents instead of appearing in court

You may file all of the information listed above with the court no later than , 20 , to avoid the need to appear in court.

Otherwise, you are ordered to come to the courthouse at , [Street/Avenue] , , Nova Scotia and appear before [a judge/a court officer] at [a.m./p.m.] on , 20 .

Possible order against you if you fail

If you fail to obey this order, a judge or court officer may do any of the following without further notice to you:

- (1) order costs against you in an appropriate amount which is usually \$250.00;
- (2) make an order directing a person, such as your employer, to disclose financial or other information about you;

- (3) dismiss an application, motion, or claim, or any part of it, or stay a proceeding started by you;
- (4) make an interim or final order for decision-making responsibility/custody, time or interaction with a child, or about parenting;
- (5) make an interim or final order for child support;
- (6) make any other interim or final order, including an order for spousal support, division of property, division of pensions, or any other order sought;
- (7) start contempt proceedings against you for a contempt order.

Issued _____, 20____

[name of court officer]
COURT OFFICER
telephone:
fax:

[Add the following when order made by court officer]

[Note that when an order is made by a court officer, the Civil Procedure Rules permit you, or your counsel, to make a motion to the court officer to terminate or change the order, or appeal the order to a judge. The motion must be made or the appeal started, no more than ten days after a copy of the order is delivered to you.]

Form 59.27

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Order for Disclosure by a Non-party

[Before Court Officer name /The Honourable Justice name] :

The [Applicant/Respondent] , [name] , has made an Application for an order [briefly describe the relief sought in the main application] .

The [Respondent/Applicant] , [name of party who has failed to make disclosure] , after being personally served with an order to do so, failed to file required financial statements or supporting documents before the deadlines in the order.

The [Applicant/Respondent] , has shown that [name of non-party] is [describe nature of relationship of the non-party to the party who has failed to make disclosure] .

It appears that [name of non-party] has relevant information about [name of party who has failed to make disclosure] .

It is ordered under *Civil Procedure Rule 59.25* as follows:

1 [name of non-party] is to provide the following information concerning the [name of party who has failed to make disclosure] no more than [fifteen/ other number] days after the day a copy of this order is delivered to [name of non-party] :

(a) [details of required information and how it is to be disclosed] ;

(b)

2 A copy of this order is to be served personally to [name of non-party] by providing it to [name and office] at [address] .

Issued , 20

[name of court officer]
COURT OFFICER
telephone:
fax:

[Add the following when order made by court officer]

[Note that when an order is made by a court officer, the Civil Procedure Rules permit you, or your counsel, or anyone affected by the order, to make a motion to the court officer to terminate or change the order, or make a motion for a review of the order by a judge. The motion must be made no more than ten days after a copy of the order is delivered to you.]

Form 59.30

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Direction to Appear

To: [name and address of party]

You must appear in court

You are required to appear before a court officer of the Supreme Court (Family Division) for a conciliation meeting.

Time and place

The conciliation meeting will occur on [date] at [time] , at the courthouse located at [court location] , Nova Scotia.

Disclosure and Conciliation

When you appear, you and the [respondent or applicant] will each be required to make full disclosure as required by the court of the relevant parenting and financial information, and to take part in discussions, which may include negotiations, to clarify and try to resolve the issues.

Legal Counsel

You have the right to be represented by counsel and it is recommended that you seek legal advice as soon as possible.

Issued _____, 20____

[name of court officer]

COURT OFFICER

telephone:

fax:

Form 59.35

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Conciliation Record

1. Issues in Proceeding

The Applicant raises the following issues:

The Respondent raises the following issues:

[see section 7, Issues to be Resolved]

2. Steps Taken

Application and Intake filed on , 20 .

Referral to Parent Information: Applicant on , 20 .
Respondent on , 20 .

Attendance at Parent Information: Applicant on , 20 .
Respondent on , 20 .

Conciliation Meeting: [date or dates, and names of parties participating]

3. Documents Filed

By the Applicant: [list forms and documents filed, for example
notice of application filed on , 20 .
parenting statement filed on , 20 .
statement of income filed on , 20 .]

By the Respondent: [list forms and documents filed, for example
response to application filed on , 20 .
parenting statement filed on , 20 .
statement of income filed on , 20 .]

4. Orders and Written Agreements

[list documents, for example

consent order respecting decision-making responsibility/custody and parenting
time, issued on , 20.
interim order for child support, issued on , 20.
order to disclose to [name] , by court officer, issued on , 20 .]

5. Representation by Counsel

Applicant: [unrepresented/name of counsel]

Respondent: [unrepresented/name of counsel]

6. Subjects Never Disputed or Now Agreed

[see section 7, Issues to be Resolved]

7. Issues to be Resolved [may delete any that do not apply]

- ☐ parenting arrangements/time or interaction with a child
 - ☐ decision-making responsibility/custody: to one party or joint residential parent
 - ☐ parenting arrangements
 - ☐ parenting time
 - ☐ contact time
 - ☐ interaction
 - ☐ paternity
 - ☐ relocation
 - ☐ other [detail]
- ☐ child support
 - ☐ paternity
 - ☐ determination of income
 - ☐ special or extraordinary expenses
 - ☐ undue hardship
 - ☐ shared parenting time/custody
 - ☐ child 19 or over
 - ☐ person in place of a parent
 - ☐ retroactive claim [detail]
 - ☐ other [detail]

- ☐ spousal support
 - ☐ entitlement or need
 - ☐ ability to pay
 - ☐ amount
 - ☐ other [detail]
- ☐ exclusive possession or occupation
 - ☐ matrimonial home
 - ☐ family residence
 - ☐ other [detail]
- ☐ property division
 - ☐ classification of property
 - ☐ valuation of property
 - ☐ matrimonial home
 - ☐ contribution to business asset
 - ☐ unequal division
 - ☐ other [detail]
- ☐ other property issues
 - ☐ division under applicable pension legislation
 - ☐ trust remedies or unjust enrichment
 - ☐ other [detail]
- ☐ other [detail]

8. Next Steps Taken by Court Officer or Recommended

- ☐ provide draft consent order for approval
- ☐ refer to mediation
- ☐ order to non-party to disclose information
- ☐ interim order for child support
- ☐ recommend that order for child support be varied
- ☐ schedule a [*conference/motion for directions/date assignment conference*]
- ☐ schedule a settlement conference
- ☐ recommend that a parenting assessment report be prepared
- ☐ schedule a hearing before a judge
- ☐ other [detail]

9. Accessibility requests or language-related needs:

[provide details about language, communication, or health needs that require accommodation]

Conciliation record as evidence

This conciliation record may be considered as evidence by the judge, subject to an objection to any part of the conciliation record, filed by a party or counsel no more than two days after the day a copy of this record is delivered to the party.

Issued , 20

[name of court officer]

COURT OFFICER

telephone:

fax:

TO: [name] , Applicant or [name] , counsel for the Applicant
[Address]

[name] , Respondent or [name] , counsel for the Respondent
[Address]

Form 59.36

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Notice to Appear in Court

You must appear in court

You must appear in court at the courthouse at _____, [Street/Avenue] _____, Nova Scotia and appear before [a judge/ name of judge] on _____, 20____ at [a.m./p.m.] for [the hearing of a motion for give details of motion./an organizational conference./a date assignment conference./a settlement conference./the final hearing of this application./the hearing of a variation application./ the trial. give details]

[Number of hours or days have/has] been set aside for the [conference./hearing./trial.]

Legal Counsel

You have the right to be represented by counsel and it is recommended that you seek legal advice as soon as possible.

Possible order against you if you fail to appear

If you fail to appear in court at the required time, a judge may do any of the following without further notice to you:

- (1) order costs against you;
- (2) make an order directing a person, such as your employer, to disclose financial or other information about you;

- (3) dismiss an application, motion, or claim, or any part of it, or stay a proceeding started by you;
- (4) make an interim or final order for decision-making responsibility/custody, time or interaction with a child, or about parenting;
- (5) make an interim or final order for child support;
- (6) make any other interim or final order, including an order for spousal support, division of property, division of pensions, or any other order sought;
- (7) require you to appear before a judge to explain your failure to comply with a court order and determine the issue including any additional order the judge deems necessary to ensure compliance, under section 41 of the *Parenting and Support Act*;
- (8) start contempt proceedings against you.

Accessibility

If you have any language, communication, or health needs that require accommodation, please contact the court at [contact information].

Issued , 20

[name of court officer]
COURT OFFICER
telephone:
fax:

TO: [name] , Applicant or [name] , counsel for the Applicant
[Address]

[name] , Respondent or [name] , counsel for the Respondent
[Address]

Form 59.44

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Petitioner

and

[name]

Respondent

Uncontested Motion for Divorce

Motion

[*The petitioner/The respondent* under Rule 59.44(2)] moves for a divorce order.

[*The petitioner/The respondent* under Rule 59.44(2)] also moves for a corollary relief order for relief under the following legislation [delete if no corollary relief is claimed] :

- ☐ *Divorce Act* for the following:
 - ☐ decision-making responsibility (s. 16)
 - ☐ parenting time (s. 16) [choose one]
 - ☐ primary care (time in excess of 60%)
 - ☐ shared parenting (time between 40-60%)
 - ☐ other
 - ☐ child support (s. 15.1)
 - ☐ administrative recalculation of child support (s. 25.1)
 - ☐ spousal support (s. 15.2)
- ☐ *Matrimonial Property Act* for the following:
 - ☐ exclusive possession of matrimonial home (s. 11)
 - ☐ division of assets (s. 12)
 - ☐ other [give specifics, i.e. s. 13, s. 18] .
- ☐ *Pension Benefits Act, Pension Benefits Division Act*, or other legislation to enable a division of pension, for a division of pension
- ☐ *Change of Name Act* (s. 7) for a change of registered name
- ☐ Other: [describe]

[*The petitioner/The respondent* under Rule 59.44(2)] requests that a judge determine the motion without a hearing.

Information and evidence in support

The evidence in support of the motion is as follows:

- ☐ marriage certificate [if marriage certificate cannot be produced, an affidavit must be filed proving the marriage and providing sufficient reasons for not proving it by certificate]
- ☐ sworn affidavit in support of this motion filed on _____, 20____
proving the required facts and claims
- ☐ written agreement between the parties filed as an exhibit attached to the affidavit in support of this motion
- ☐ affidavit proving the other party was notified of the proceeding
- ☐ parenting statement filed on _____, 20____
- ☐ statement of contact time and interaction filed on _____, 20____
- ☐ statement of income filed on _____, 20____
- ☐ statement of special or extraordinary expenses filed on _____, 20____
- ☐ statement of undue hardship circumstances filed on _____, 20____
- ☐ statement of expenses filed on _____, 20____
- ☐ statement of property filed on _____, 20____
- ☐ draft divorce order
- ☐ draft corollary relief order
- ☐ other required statements or documents [specify]
- ☐ *[the other party's required statements and information Specify documents from above list /affidavit evidence showing that the other party fails to produce a required statement or information and showing production cannot reasonably be compelled]*
- ☐ two stamped envelopes with the designated address of the party making this motion and two stamped envelopes with the designated address of the other party, or the ordinary address of the other party who has not designated an address

Non parties

Are there other persons *with* contact time, interaction, or parenting time with the child/children?

- ☐ Yes, details in the Affidavit.
- ☐ No

Are there other persons *looking for* contact time, interaction, or parenting time with the child/children?

- ☐ Yes, details in the Affidavit.
- ☐ No

Reason motion is *ex parte* [delete if responding party is notified]

[*The respondent has not filed an answer although the deadline for doing so has expired./The petitioner and respondent settled all issues in this proceeding, and the written agreement is filed with this motion./The respondent filed a notice of withdrawal of answer on _____, 20____./The petitioner has become disentitled to notice.*]

Responding party being notified [delete if *ex parte*]

The responding party is immediately being notified of this motion by delivery of a copy of it to the address designated in that party's [Demand for Notice/Answer/Designation of Address for Delivery] .

Signature

Signed _____, 20____

Signature of [the petitioner/the respondent under Rule 59.44(2)]

Print name:

[or]

Signature of counsel

[name] as counsel for [name of party]

Form 59.45

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [complete heading as required by Rule 82 - Administration of Civil Proceedings]

[full name, including middle name(s)]

Applicant

and

[full name, including middle name(s)]

Respondent

Application for Divorce by Agreement

To: [name of respondent]

The applicant requests a divorce

The applicant applies to the court for a divorce order [and a corollary relief order] consistent with the written agreement made between you and the applicant on _____, 20____, which settles all issues concerning the dissolution of the parties' marriage and corollary relief.

Accordingly, the applicant requests that this application be referred directly to a judge without opportunity for a hearing.

If you disagree

You must notify a court officer in writing immediately and no more than ten days after the day this application is delivered to you, if you disagree with any statement made in this application.

Motion

The applicant moves for a divorce order and for a corollary relief order consistent with the written agreement.

Information and evidence in support

The evidence in support of the motion is as follows:

- ☐ marriage certificate [if marriage certificate cannot be produced, an affidavit must be filed proving the marriage and providing sufficient reasons for not proving it by certificate]
- ☐ the applicant's sworn affidavit filed on _____, 20____ proving the required facts and claims, and attaching the following as exhibits to the affidavit:
 - ☐ written agreement between the parties
 - ☐ respondent's written consent to this application proceeding without an opportunity for a

hearing or contest, which is provided in [the written agreement./a separate document.]
☐ designated address of the respondent signed by the respondent, which is provided in [the written agreement./a separate document.]

[May delete any of the following that do not apply]

- ☐ waiver of financial statements filed on _____, 20
- ☐ written undertaking not to appeal the divorce order filed on _____, 20
- ☐ applicant's parenting statement filed on _____, 20
- ☐ applicant's statement of income filed on _____, 20
- ☐ respondent's statement of income filed on _____, 20
- ☐ applicant's statement of special or extraordinary expenses filed on _____, 20
- ☐ respondent's statement of special or extraordinary expenses filed on _____, 20
- ☐ applicant's statement of expenses filed on _____, 20
- ☐ respondent's statement of expenses filed on _____, 20
- ☐ applicant's statement of undue hardship circumstances filed on _____, 20
- ☐ respondent's statement of undue hardship circumstances filed on _____, 20
- ☐ applicant's statement of property filed on _____, 20
- ☐ respondent's statement of property filed on _____, 20
- ☐ draft divorce order
- ☐ draft corollary relief order
- ☐ two stamped envelopes with the designated address of the applicant making this motion and two stamped envelopes with the designated address of the respondent
- ☐ other required statements or documents [specify]

Non-parties

Are there other persons *with* contact time, interaction, or parenting time with the child/children?

- ☐ Yes, details in the Affidavit.
- ☐ No

Are there other persons *looking for* contact time, interaction, or parenting time with the child/children?

- ☐ Yes, details in the Affidavit.
- ☐ No

Contact information

The applicant designates the following address:

Documents delivered to this address are considered received by the applicant on delivery.

Delivery to respondent

You will immediately be notified of this application by immediate delivery of a copy of this notice to the address you designated in the agreement.

Declaration & certificate

I declare that the statements in this application for divorce are true to the best of my personal knowledge, or information given to me that I believe to be true, and I certify that I am aware of my duties under sections 7.1 through 7.5 of the *Divorce Act*, which include:

1. I must exercise any parenting time or decision-making responsibility that I have with respect to any children of the marriage in a manner that is consistent with the best interests of the child/children;
2. To the best of my ability, I must protect the child/children of the marriage from conflict arising from this proceeding;
3. To the extent that it is appropriate to do so, I must try to resolve the issues in this proceeding through a family dispute resolution process;
4. I must provide complete, accurate and up-to-date information as required under the *Divorce Act*, as part of this proceeding and under a Court Order; and,
5. If I am subject to an order made under the *Divorce Act*, I must follow and comply with the order until it is no longer in effect.

Signed _____, 20____.

Signature of applicant
Print name:

Counsel's certificate [delete if not applicable]

I, counsel for the applicant, certify that I have complied with the requirements of section 7.7 of the *Divorce Act*.

Signature of counsel
Print name:

Court officer's certificate

I certify that this application for divorce by agreement was filed with the court on _____, 20____.

Court Officer

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[full name, including middle name(s)]

Applicant

and

[full name, including middle name(s)]

Co-Applicant

Joint Application for Divorce

The applicants request a divorce

The applicants apply to the court for a divorce order [and a corollary relief order] consistent with an agreement dated , 20 , which settles all issues concerning the dissolution of their marriage and corollary relief.

Accordingly, the applicants request this joint application be referred directly to a judge without opportunity for a hearing.

Motion

The applicants jointly move for a divorce order and for a corollary relief order consistent with the agreement.

Information and evidence in support

The evidence in support of the motion is as follows:

- ☐ marriage certificate [if marriage certificate cannot be produced, an affidavit must be filed proving the marriage and providing sufficient reasons for not proving it by certificate]
- ☐ affidavits, or a joint affidavit, of the applicants proving the required facts and claims, and attaching the written agreement between the applicant as an exhibit to the affidavit [modify if only one applicant files an affidavit]

[May delete any of the following that do not apply]

- ☐ waiver of financial statements filed on _____, 20
- ☐ written undertaking not to appeal the divorce order filed on _____, 20
- ☐ applicant's, [name] , parenting statement filed on _____, 20
- ☐ co-applicant's, [name] , parenting statement filed on _____, 20
- ☐ applicant's, [name] , statement of income filed on _____, 20
- ☐ co-applicant's, [name] , statement of income filed on _____, 20
- ☐ applicant's, [name] , statement of special or extraordinary expenses filed on _____, 20
- ☐ co-applicant's, [name] , statement of special or extraordinary expenses filed on _____, 20
- ☐ applicant's, [name] , statement of expenses filed on _____, 20
- ☐ co-applicant's, [name] , statement of expenses filed on _____, 20
- ☐ applicant's, [name] , statement of undue hardship circumstances filed on _____, 20
- ☐ co-applicant's, [name] , statement of undue hardship circumstances filed on _____, 20
- ☐ applicant's, [name] , statement of property filed on _____, 20
- ☐ co-applicant's, [name] , statement of property filed on _____, 20
- ☐ draft divorce order
- ☐ draft corollary relief order
- ☐ two stamped envelopes with the designated address of one applicant and two stamped envelopes with the designated address of the other applicant
- ☐ other required statements or documents [specify] .

Non-parties

Are there other persons *with* contact time, interaction, or parenting time with the child/children?

- ☐ Yes, details in the Affidavit.
- ☐ No

Are there other persons *looking for* contact time, interaction, or parenting time with the child/children?

- ☐ Yes, details in the Affidavit.
- ☐ No

Contact information

The applicant [name] designates the following address:

The co-applicant [name] designates the following address:

Documents delivered to these addresses are considered received by the applicant who designated the address on delivery.

Declaration & certificate

I declare that the statements in this application for divorce are true to the best of my personal knowledge, or information given to me that I believe to be true, and I certify that I am aware of my duties under sections 7.1 through 7.5 of the *Divorce Act*, which include:

1. I must exercise any parenting time or decision-making responsibility that I have with respect to any child/children of the marriage in a manner that is consistent with the best interests of the child/children;
2. To the best of my ability, I must protect the child/children of the marriage from conflict arising from this proceeding;
3. To the extent that it is appropriate to do so, I must try to resolve the issues in this proceeding through a family dispute resolution process;
4. I must provide complete, accurate and up-to-date information as required under the *Divorce Act*, as part of this proceeding and under a Court Order; and,
5. If I am subject to an order made under the *Divorce Act*, I must follow and comply with the

order until it is no longer in effect.

Signed by [name of applicant] on , 20

Signature of applicant

Signed by [name of co-applicant] on , 20

Signature of co-applicant

Counsel's certificate [delete if not applicable]

I, counsel for [name of applicant] , certify that I have complied with the requirements of section 7.7 of the *Divorce Act*.

Signature of counsel
Print name:

[delete if not applicable]

I, counsel for [name of co-applicant] , certify that I have complied with the requirements of section 7.7 of the *Divorce Act*.

Signature of counsel
Print name:

Court officer's certificate

I certify that this joint application for divorce was filed with the court on , 20 .

Court Officer

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[full name, including middle name(s)]

[*Petitioner/Applicant*]

and

[full name, including middle name(s)]

[*Respondent/Co-Applicant*]

Divorce Order

Before the Honourable Justice [name or blank]

On motion of [name of moving party, parties, or counsel] the following is ordered:

Divorce

- 1 [name of party] and [name of other party], who were married at [city, town, etc.],
in [province, state, country] on [date of marriage] are hereby divorced.

Effective date [select the applicable paragraph and delete the other one]

- 2 The effective date of the divorce is thirty-one days after the date of this order, as provided
in the *Divorce Act*, unless an appeal is started.

OR

By reason of special circumstances, and undertakings being filed, as required by
subsection 12(2) of the *Divorce Act*, the divorce takes effect when this order is issued.

Copies to parties

- 3 A court officer must mail a certified copy of this order, and any corollary relief order
issued with it, to each party.

Certificate of Divorce

- 4 A certificate of divorce will be issued by a court officer and sent to the parties, after 31 days from the date of this order, if the court officer is satisfied that a copy of this order was mailed to both parties, the order has become effective, and no appeal was started.

Canada Pension Plan

- 5 This divorce order, and a corollary relief order issued with it, does not affect in any way a statutory entitlement to seek a division of credits or benefits under the *Canada Pension Act*.

Change of name [delete if not applicable]

- 6 a. The name of the [petitioner/applicant/respondent] , [present name, including middle name(s)] is changed to [new name, including middle name(s)] , effective immediately.
- b. The [petitioner/applicant/respondent] was born at [place] on [birth date] . The [petitioner's/applicant's/respondent's] name registered at birth was [birth name, including middle name(s)].

Issued , 20

Court Officer

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[full name, including middle name(s)]

[*Petitioner/Applicant*]

and

[full name, including middle name(s)]

Respondent

Corollary Relief Order

Before the Honourable Justice [name or blank]

The parties were divorced by a divorce order dated , 20 .

This proceeding is before the court for determination [*in the absence of the parties / following a divorce trial*] .

Proof of service of the petition was established and the pleadings, and the evidence presented by [*affidavit / testimony / affidavit and testimony*] , were considered.

[add if there are children]

The parties have the following [*child/children*] of the marriage as defined by the *Divorce Act*:

Name of Child

Date of Birth

[add if child support is to be paid]

[name of party paying child support] is found to have an annual income of \$ [amount] .

[add if child support includes special or extraordinary expenses]

For the purpose of making an order for payment of special or extraordinary expenses, [name of party receiving child support] is found to have an annual income of \$ [amount] .

OR

[replace the two income clauses with the following, if applicable]

For the purpose of making an order for payment of child support in an amount other than the table

amount and special or extraordinary expenses, [name of party paying child support] is found to have an annual income of \$ [amount] , and [name of party receiving child support] is found to have an annual income of \$ [amount] .

[add if there is a court order for contact time with the child/children]

Contact time/interaction arrangements involving the [child/children] of the marriage were granted pursuant to the [Divorce Act/Parenting and Support Act] by court order dated [date issued] bearing the court file number [insert #] .

On motion of [name of moving party, parties, or counsel] :

[select the applicable paragraph and delete the other to complete this sentence]

it is ordered, under the *Divorce Act*, the *Matrimonial Property Act* and any other applicable legislation, that the terms of the attached [separation agreement / minutes of settlement / agreement] are incorporated into this order and provide the terms of corollary and other relief, to the extent the jurisdiction of the Court allows.

[if this paragraph is selected, a description of the contents of the attachment is not required and paragraphs 1 to 10 are not required]

OR

the following is ordered under the *Divorce Act*, the *Matrimonial Property Act* and any other applicable legislation.

[if this paragraph is selected, a selection from paragraphs 1 to 10, as applicable, is also required]

[delete paragraphs 1 to 6 if there are no children]

Decision-making responsibility

- 1 a. Decision-making responsibility of the following [child/children] is granted to [name/both parties jointly] :

Name of Child

Date of Birth

- b. The following terms apply to decision-making responsibility set out at paragraph 1a:
[delete if not applicable]

Parenting time and arrangements

- 2 [name] has primary care and residence for the [child/children] , and [name] has parenting time at the following times, according to the following terms: [provide details]

OR

- 2 [name] has primary care and residence for the [child/children] , and [name] will have reasonable parenting time on reasonable notice to [name] or at times agreed to by

the parties.

OR

- 2 The parties will share parenting time with the [child/children] , such that each parent caring for the [child/children] for a minimum of 40% of the time over the course of a year, according to the following schedule and according to the following terms: [provide details]

Child support payments

- 3 a. [name] must pay child support to [name] in the amount of \$ [amount] each month, based on the applicable table amount of the *Federal Child Support Guidelines*.

[add if an amount for special or extraordinary expenses is to be paid]

- b. In addition to the table amount, [name] must pay child support to [name] in the amount of \$ [amount] each month for [their] share of the following special or extraordinary [expense /expenses] :

[use the following list for each child's expense or create a chart providing this information]

Child's name:

Description of expense:

Total monthly net expense: \$ Monthly

amount to be paid: \$

Percentage: %

- c. In total, [name] must pay child support to [name] in the amount of \$ [amount] each month, consisting of the table amount of \$ [amount] per month, plus special or extraordinary expenses of \$ [amount] per month.

When child support payments are due

- 4 Child support payments are due on the first day of each month starting on , 20 .

OR

[provide payment schedule, for example, weekly, bi-weekly, or twice per month on specified dates]

Child support through health plan

- 5 [name] must [continue/acquire and continue] medical, dental and drug plan coverage for the [child/children] available through [their] present or subsequent employer and

and [name] must see that the other party is reimbursed without delay after a receipt is delivered by the other party for submission to the insurer.

OR

[set out specific terms]

Ongoing disclosure for child support

- 6 No later than June 1 of each year, [name /st *both parties*] must provide [name /*each other*] with a copy of [*their*] income tax return, completed and with all attachments, even if the return is not filed with the Canada Revenue Agency, and also provide each other with all notices of assessment from the Canada Revenue Agency, immediately after they are received. If non-taxable or unreported income is earned or received, [name] must provide [name] with supporting documents to show all non-taxable and unreported income earned for the prior income tax year.

Spousal support

- 7 Neither party is required to pay spousal support to the other.

OR

- 7 [name] must pay spousal support to [name] in the amount of \$ [amount] each month.

When spousal support payments are due

[delete if neither party is to pay spousal support]

- 8 Spousal support payments are due on the first day of each month starting on , 20 .

OR

[provide payment schedule, for example, weekly, bi-weekly, or twice per month on specified dates]

Director of Maintenance Enforcement

[delete if neither party is to pay support]

- 9 a. All support payments must be made payable to [name of party receiving support] .

b. The payments must be sent by [name of party paying support] to the Office of the Director of Maintenance Enforcement, P.O. Box 803, Halifax, Nova Scotia B3J 2V2, while the order is filed for enforcement with the Director.

c. A court officer must send a copy of this order, under section 9 of the *Maintenance Enforcement Act*, and the current designated addresses of the parties, to the Office of the Director of Maintenance Enforcement.

d. Both parties must advise the Office of the Director of Maintenance Enforcement of any change to their address, within ten (10) days of the date of the change, under section 42(1) of the *Maintenance Enforcement Act*.

e. [name of party paying support] must advise the Office of the Director of Maintenance Enforcement of any change in location, address and place of employment, including the start or end of employment, within ten (10) days of the date of the change, under section 42(2) of the *Maintenance Enforcement Act*.

Property Division

10 All property and debts were divided by the parties and each shall retain possession and ownership of property now in their possession. Neither party is required to transfer an equalization payment to the other.

OR

Property is divided under the *Matrimonial Property Act* as follows:

Enforcement

11 a. A requirement to pay money under this order, that is not enforced under the *Maintenance Enforcement Act*, may be enforced by execution order, or periodic execution order.

b. The sheriff must do such things as are necessary to enforce this order and, to do so, may exercise any power of a sheriff permitted in a recovery order or an execution order.

c. All constables and peace officers are to do all such acts as may be necessary to enforce the terms of this order and they have full power and authority to enter upon any lands and premises to enforce this order.

Issued

, 20

Court Officer

Form 59.49

20

No.

Supreme Court of Nova Scotia
(Family Division)

Certificate of Divorce

This certifies that the marriage of [full name of applicant] and [full name of respondent or co-applicant] which was solemnized on , 20 , was dissolved by a divorce order that became effective on , 20 .

Issued , 20

Court Officer
[apply court seal]

Form 60A.03

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [complete heading as required by Rule 82 - Administration of Civil Proceedings]

[name]

Applicant

and

[name]

Respondent[s]

Notice of Child Protection Application

TAKE NOTICE: Sharing identifying information, including copies of documents, from this proceeding verbally, in writing or through the internet, including Facebook, Snapchat, Instagram or any other social media, is an offence pursuant to section 94(1) of the *Children and Family Services Act*, punishable by a fine of up to \$10,000 and imprisonment for 2 years.

To: [name each respondent]

The applicant requests a child protection order that a child is in need of protective services
The applicant is applying to the Supreme Court (Family Division) for an order determining that the child [name, birth date and sex] is in need of protective services under the *Children and Family Services Act*.

The applicant started this application by filing this notice on the date certified by the prothonotary.

Grounds for the order

The applicant is applying for the order on the following grounds:

- 1 [refer to section(s) in subsection 22(2) of the *Act*] ;
- 2 ;
- 3 .

Evidence to be presented

For the purpose of the hearing of the application, the applicant expects to file affidavits from the following witnesses, dealing with the following subjects:

<i>Name of Witness</i>	<i>Subject</i>

Notice of interim hearing

At [a.m./p.m.] on [date] , 20 , an interim hearing will take place before a judge in Chambers at the Courthouse, [insert address] , Nova Scotia to hear a motion for an order [describe kind of interim order requested] . The interim hearing must be held no less than two days after the day the respondent is notified of the proceeding. The judge may grant the interim order in your absence if you or your counsel do not attend.

Affidavit on motion for order at interim hearing

The applicant files the affidavit of [name] , sworn on [date] , as evidence on the motion for an order at the interim hearing. A copy of the affidavit is delivered to you with this notice.

You may participate

You may participate in every hearing. You are entitled to notice of further steps in the proceeding, unless a judge orders otherwise.

Possible interim or final order against you

The judge may grant an interim or final order without further notice to you if you or your counsel do not appear at the time, date, and place for any hearing.

Counsel

You may retain and instruct counsel to represent you at the hearing. If you are unable to afford a lawyer, a lawyer may be available through the local Legal Aid office. If you wish to be represented by a lawyer, you should contact a lawyer as soon as possible.

Previous proceedings

The child, [name] , who was the subject of a previous proceeding pursuant to the *Children and Family Services Act*, may have been the subject of one or more orders pursuant to section 42(1)(d) of the *Children and Family Services Act*, and, if so, the applicant will advise you of the time period(s) the child was so subject within 25 days of making the Application herein.

[or]

The child, [name] , who was the subject of a previous proceeding pursuant to the *Children and Family Services Act*, was the subject of one or more orders pursuant to section 42(1)(d) of the *Children and Family Services Act* and spent a total of [insert number of months] months in the temporary care and custody of an agency.

The child, [name] , is or is entitled to be an Aboriginal child.

The child, [name] , is or is entitled to be a Mi'kmaq child.

The band of the child is [name of band] .

Filing and delivering documents

Any documents you file with the court must be filed at the office of the Supreme Court (Family Division), [insert address] , Nova Scotia, (telephone number).

The *Nova Scotia Civil Procedure Rules* require that whenever you file a document you must immediately deliver a copy of it to each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge orders it is not required.

Documents you deliver to the applicant may be delivered to the applicant's designated address shown in the contact information for the applicant on this notice, and documents delivered there are considered received by the applicant on delivery.

Contact information

The applicant designates the following address: [insert address]

Further contact information is available from the prothonotary.

Signature

Signed [date] , 20

Signature of applicant

Print name:

[or]

Signature of counsel
[name] as counsel for [name]

Prothonotary's certificate

I certify that this notice of child protection application was filed with the court on [insert date] .

Prothonotary

Form 60A.06

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading unless varied to provide for guardian *ad litem*]

[name]

Applicant

and

[name]

Respondent[s]

Statement of the Guardian *Ad Litem*

I [name] [make oath/affirm] and give evidence as follows:

1 I have personal knowledge of the evidence [sworn to/affirmed] in this affidavit.

2 I state, in this affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief of the source.

3 I consent to be the guardian *ad litem* of the child, [name], born on [date of birth].

4 I have no prior relationship that could interfere with or prevent me from acting as guardian *ad litem* for the child.

5 I have appointed [counsel's name] to act for us.

6 I have no interest in the proceeding adverse to that of the child.

7 I acknowledge I may be liable for court costs if I abuse the court's processes.

For a Mi'kmaq child

8 The child, [name], is a Mi'kmaq child.

9 I have [Mi'kmaw/Aboriginal heritage] [and/or] community connections as follows:
[provide details].

- 10 My competence and understanding of the importance of a Mi'kmaq child's connection with the child's First Nation, heritage, spirituality and traditions are as a result of [provide details] .

[or]

For an Aboriginal child

- 8 The child, [name] is an Aboriginal child:
- 9 I have Aboriginal heritage [and/or] community connections as follows: [provide details] .
- 10 My competence and understanding of the importance of an Aboriginal child's connection with the child's culture, heritage, spirituality and traditions are as a result of [provide details] .

[or]

For a child who identifies with a diverse group and/or a recognized community or cultural group

- 8 My connections with the child's diverse, community or cultural group are [provide details] .
- 9 My competence and understanding of the child's diverse group, community or cultural group, including culture, heritage, spirituality, and traditions, and the importance of those to the child are as a result of [provide details] .

Sworn to/Affirmed before me)
on [date] , 20)
at [Town/City] , Nova Scotia)
)
)
)

Signature of authority
Official capacity:

Signature of witness
Print name:

Form 60A.06A

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

Minister of Community Services / Mi'kmaw Family and Children's Services

Applicant

and

[name]

Respondent

Order Appointing a Guardian *Ad Litem*
(Hearing: , 20)

Before the Honourable Justice

in Chambers

Findings

The persons entitled to notice of this proceeding have been notified;

After reading the motion for appointment of a guardian *ad litem*, and all the documents on file, including the Statement of the Guardian *Ad Litem* of [name] [sworn/affirmed] on [date] , a decision was made on [date] , 20 .

Order

It is ordered:

1 Pursuant to section 37(3) of the *Children and Family Services Act* and *Civil Procedure Rule* 60A.06, the child, [name] shall be and is hereby a party to the proceeding herein.

2 Pursuant to section 37(2A) of the *Children and Family Services Act*, [name] shall be and is hereby appointed guardian *ad litem* for the child, [name] , [date of birth] .
[child under sixteen]

[or]

2 Pursuant to section 37(3) of the *Children and Family Services Act*, [name] shall be and is hereby appointed guardian *ad litem* for the child, [name] , [date of birth] . [child sixteen or older]

- 3 Pursuant to section 37(4) of the *Children and Family Services Act*, the reasonable fees and disbursements of the guardian *ad litem*, and, of counsel for the guardian *ad litem*, shall be as specified in Regulation 46 of the *Children and Family Services Regulations* made under section 99 of the *Children and Family Services Act*.

Prothonotary

Form 60A.06B

20

S.F. CFSA No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Report of the Guardian *Ad Litem*
(Dated: , 20)

This report is to update this Honourable Court regarding my involvement as guardian *ad litem* for the child [name] , born [date] , 20 . I previously filed reports dated [insert dates of reports] .

The child

[Provide an overview of the current circumstances of the child.]

Materials reviewed and persons spoken with

I reviewed the following materials:

I discussed the child with the following persons:

I spoke with the child on the following dates:

Information shared with the child

When I spoke with the child, I advised the child that:

I choose not to advise the child that:

The child asked to be informed regarding:

Whether the guardian *ad litem* continues to act

As the child turned sixteen years of age since my last report, I met with the child and advised the child of the opportunity to retain a lawyer directly. The child stated:

Child's views and preferences

The child stated the following:

Services for child

The services currently in place for the child are:

The services I would recommend for the child are:

Comments and recommendations

I observe that:

I recommend that:

Certification:

I certify that I have reviewed *Family Division Practice Memorandum* regarding the role of the guardian *ad litem* of a child under the *Children and Family Services Act*.

Signature

[name]

guardian *ad litem* of [name of child]

Form 60A.07

20

No.

Supreme Court of Nova Scotia (Family Division)

[If taking a child into care before starting a child protection application.]

In the matter of [name of representative] , for agency [Minister of Community Services or Mi'kmaw Family and Children's Services] giving notice of taking a child into care under subsection 33(2) of the *Children and Family Services Act* before starting a child protection application

Between: [insert standard heading]

[name]

Applicant

and

[name]

Respondent[s]

Notice of Taking Into Care

Taking into care

I, [name] , as representative under the *Children and Family Services Act* for the applicant named above, have on this day taken into care the child, [name] , born on [date] , under the *Children and Family Services Act*. I believe on reasonable and probable grounds that the child is in need of protective services, and that the child's health and safety cannot be protected adequately otherwise than by being taken into care.

Child protection application will be made

The agency will, as soon as possible, start a child protection application in the Supreme Court (Family Division) to determine whether the child is in need of protective services under the *Act*. The agency relies on the following grounds:

- 1 [refer to section(s) in subsection 22(2) in the *Act*] ;
- 2 ;
- 3 [or such other grounds as may be included in the child protection application] .

Motion will be made for order at interim hearing

The *Children and Family Services Act* provides that, as soon as practicable, but in any event no later than five days after the day the notice of application is filed to determine whether a child is in need of protective services or the child is taken into care, whichever is earlier, the agency must make a motion for an order at an interim hearing to determine if there are reasonable and probable grounds to believe that the child is in need of protective services.

The agency undertakes to make the motion within the time stated above and to schedule the interim hearing.

Counsel

You may retain and instruct counsel to represent you at the hearing. If you are unable to afford a lawyer, a lawyer may be available through the local Legal Aid office. If you wish to be represented by a lawyer, you should contact a lawyer as soon as possible.

Signature

Signed [date] , 20

Signature of representative
Print name:

Form 60A.07A

20

No.

Supreme Court of Nova Scotia
(Family Division)

[If taking a child into care after starting a child protection application.]

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent[s]

Notice of Taking Into Care

Taking into care

I, [name] as representative under the *Children and Family Services Act* for the applicant named above, have on this day taken into care the child, [name], born on [date], under the *Children and Family Services Act*.

I believe on reasonable and probable grounds, that the child is in need of protective services, and that the child's health and safety cannot be protected adequately otherwise than by being taken into care.

[or]

The person, [name], in whose care and custody the child was placed subject to the supervision of the agency has not complied with the order that placed the child in the care of that person.

Hearing

The *Children and Family Services Act* provides that, as soon as practicable, but in any event no later than five working days after the child is taken into care a hearing, must be held to determine whether the order should be reviewed and varied.

Counsel

You may retain and instruct counsel to represent you at the hearing. If you are unable to afford a lawyer, a lawyer may be available through the local Legal Aid office. If you wish to be represented by a lawyer, you should contact a lawyer as soon as possible.

Signature

Signed [date] , 20

Signature of representative

Print name:

Form 60A.10

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Notice to Band

TAKE NOTICE: Sharing identifying information, including copies of documents, from this proceeding verbally, in writing or through the internet, including Facebook, Snapchat, Instagram or any other social media, is an offence pursuant to section 94(1) of the *Children and Family Services Act*, punishable by a fine of up to \$10,000 and imprisonment for 2 years.

To: [name of band council member]

The applicant requests a child protection order that a child is in need of protective services
The applicant is applying to the Supreme Court (Family Division) for an order determining that the child [name, birth date and sex] is in need of protective services under the *Children and Family Services Act*.

The applicant started this application by filing a Notice of Application on the date certified by the prothonotary.

Grounds for the order

The applicant is applying for the order on the following grounds:

- 1 [refer to section(s) in subsection 22(2) of the *Act*] ;
- 2 ;
- 3 .

Notice of interim hearing

At [a.m./p.m.] on [date], 20 , an interim hearing will take place before a judge in Chambers at the Courthouse, [insert address], Nova Scotia to hear a motion for an order [custodial term of interim order requested only]. The judge may grant the interim order in your absence if you or your counsel do not attend.

[or]

Notice of disposition or review hearing

At [a.m./p.m.] on [date], 20 , a disposition/review hearing will take place before a judge in Chambers at the Courthouse, [insert address], Nova Scotia to hear a motion for an order [custodial term of order requested only]. The judge may grant the disposition/review order in your absence if you or your counsel do not attend.

You may participate

Pursuant to section 36(4A) of the *Children and Family Services Act*, the band may participate in every hearing. Section 36(4A) of the *Children and Family Services Act* provides:

36(4A) Where the child who is the subject of a proceeding is or is entitled to be a Mi'kmaq child,

- (a) at an interim hearing;
- (b) at a disposition hearing;
- (c) on a hearing to review a disposition order pursuant to section 46; or
- (d) on an application to terminate, or vary access under, an order for permanent care and custody pursuant to section 48, the child's band, if known,
- (e) is entitled to the same notice of the proceeding as a party, which notice may be served upon any member of the band council;
- (f) may have a designate present at the hearing;
- (g) may be represented by counsel; and
- (h) may make submissions to the court, but shall take no further part in the hearing without leave of the court.

You are entitled to notice of further steps in the proceeding, unless a judge orders otherwise.

Agency contact person

The social worker for the Mi'kmaq Family and Children's Services/the Minister of Community Services is [name] of the [office, with address] who may be contacted at [telephone number(s)].

Notice of band's intentions

You must advise the court and the parties of the band's interest in the proceeding by way of the notice of band's intentions, a copy of which is attached to this notice. This document should be filed with the court and provided to all parties to the proceeding.

Possible interim or final order against you

The judge may grant an interim or final order without further notice to you if you or your counsel do not appear at the time, date, and place for any hearing.

Counsel

You may retain and instruct counsel to represent you at the hearing.

Filing and delivering documents

Any documents you file with the court must be filed at the office of the Supreme Court of Nova Scotia (Family Division), [insert address] [telephone number(s)] .

The *Nova Scotia Civil Procedure Rules* require that whenever you file a document you must immediately deliver a copy of it to the applicant and each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge orders it is not required.

Documents you deliver to the applicant may be delivered to the applicant's designated address shown in the contact information for applicant on this notice, and documents delivered there are considered received by the applicant on delivery.

Contact information

The applicant designates the following address:

Further contact information is available from the prothonotary.

Signature

Signed [date] , 20

Signature of applicant

Print name:

[or]

Signature of counsel
[name] as counsel for [name]

Form 60A.10A

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Notice to Mother, Father or Parent

TAKE NOTICE: Sharing identifying information, including copies of documents, from this proceeding verbally, in writing or through the internet, including Facebook, Snapchat, Instagram or any other social media, is an offence pursuant to section 94(1) of the *Children and Family Services Act*, punishable by a fine of up to \$10,000 and imprisonment for 2 years.

To: [name of mother, father, or parent]

The applicant requests an order that a child is in need of protective services

The applicant is applying to the Supreme Court (Family Division) for an order determining that the child [name, birth date and sex] is in need of protective services under the *Children and Family Services Act*.

The applicant started this application by filing this notice on the date certified by the prothonotary.

Grounds for the order

The applicant is applying for the order on the following grounds:

1 [refer to section(s) in subsection 22(2) of the *Act*] ;

2 ;

3 .

Notice of [interim] hearing

At [a.m./p.m.] on [date], 20 , an interim hearing will take place before a judge in Chambers at the Courthouse, [insert address], Nova Scotia to hear a motion for an order [custodial term of interim order requested only]. The judge may grant the [interim] order in your absence if you or your counsel do not attend.

Reason for notice

You have been identified as the [mother of/father of/possible father of/parent of] the child, [name], and, pursuant to section 36A(1) of the *Children and Family Services Act*, you are being provided with notice. Section 36A(1) of the *Children and Family Services Act* provides:

36A(1) Where the child who is the subject of the proceeding is under one year of age when the proceeding is commenced, and the mother or father of the child is not the child's parent or guardian, notice of the proceeding shall be served upon the mother or father, as the case may be, not later than forty-five days after the proceeding is commenced.

Possible interim or final order against you

The judge may grant an interim or final order without further notice to you if you or your counsel do not appear at the time, date, and place for any hearing.

Counsel

You may retain and instruct counsel to represent you at the hearing. If you are unable to afford a lawyer, a lawyer may be available through the local Legal Aid office. If you wish to be represented by a lawyer, you should contact a lawyer as soon as possible.

Filing and delivering documents

Any documents you file with the court must be filed at the office of the Supreme Court of Nova Scotia (Family Division), [insert address], Nova Scotia [telephone number(s)].

The *Nova Scotia Civil Procedure Rules* require that whenever you file a document you must immediately deliver a copy of it to the applicant and each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge orders it is not required.

Documents you deliver to the applicant may be delivered to the applicant's designated address shown in the contact information for applicant on this notice, and documents delivered there are considered received by the applicant on delivery.

Contact information

The applicant designates the following address:

Further contact information is available from the prothonotary.

Signature

Signed [date] , 20

Signature of applicant

Print name:

[or]

Signature of counsel
[name] as counsel for [name]

Form 60A.10B

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Notice of Band's Intention

I, [name], Chief/band Council Member, of [band's name] acknowledge receipt of the notice to band of application and notice of hearing dated [date].

Please select all which apply:

- ☐ We intend to have a designate appear before the court at the next hearing.
- ☐ We would like to receive further notice of hearings in the matter.
- ☐ We require no further notice of hearings in this matter unless the child, [name], is taken into care.
- ☐ We require no further notice of hearings in this matter unless the agency makes application for an order for permanent care and custody of the child, [name].
- ☐ We request that the assigned social worker contact [name and contact information] to discuss services and supports within our band.
- ☐ We request that [insert name of party] contact [name and contact information] to discuss services and supports within our band.

- ☐ We request that placement of the child(ren) in customary care with [name] , a band member, be explored and [name and contact information] may be contacted in this regard.

Any further notice may be given ☐ by mail ☐ by facsimile to:

Name: _____

Address: _____

Facsimile or email: _____

Signed on behalf of the band, [band's name] , this _____ day of [date] , 20 _____ .

Chief/Council Member

Form 60A.12

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent[s]

Order for Mediation

Before the Honourable Justice

The persons entitled to notice of this proceeding have been notified;

The parties have appointed a mediator and have made a motion for an order for a stay pending mediation;

The parties have agreed to mediate all of the following issues: [briefly list issues in point form]

1 ;

2 ;

3 .

It is ordered:

1 The time limit under section 41(1), 45(1) or 45(2) of the *Children and Family Services Act* shall be extended by [insert time period for extension which is not to exceed three months] .

2 The mediator must file a report with the court and deliver a copy to each party.

[or]

2 The parties have agreed to a closed mediation and the mediator must not report to the court.

3 The report must be limited to only a statement of the number of interviews conducted, who attended, and the terms of an agreement or that an agreement was not reached.

[or]

3 The report must not be limited and not include recommendations, but may include any information the mediator considers relevant to the issues.

Issued [date] , 20

Prothonotary

Form 60A.13

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

**Notice of Contest
(Child Protection)**

To: [name each party]

The application of the [Minister of Community Services or Mi'kmaw Family and Children's Services] is contested.

The respondent [insert name] contests your application.

Grounds of contest

The respondent says that your application should be [dismissed/allowed only to the extent of] because: [briefly list respondent's grounds in point form; include material facts and references to legislation and points of law; do not state evidence or provide argument]

1 ;

2 ;

3 .

Witnesses for respondent

The respondent expects to produce affidavits from the following witnesses, dealing with the following subjects, as evidence when the application is heard:

<i>Name of Witness</i>	<i>Subject</i>

Signature
Signed [dated] , 20

Signature of respondent
Print name:

[or]

Signature of counsel
[name] as counsel for the
respondent [name]

Form 60A.13A

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Order for Conferencing Prior to the Protection Hearing

Before the Honourable Justice

in Chambers

Findings

The persons entitled to notice of this proceeding have been notified;

After reading the Notice of Child Protection Application and all the documents on file, and hearing testimony on [date] , 20 , a decision was made on [date] , 20 ;

The child, [name] , is placed in the care and custody of the respondent, [name] , subject to the supervision of the agency pursuant to section 39(4)(b) of the *Children and Family Services Act* by order granted [date] , 20 .

It is in the best interests of the child, [name] , that the parties be referred for conferencing.

Order

It is ordered:

- 1 The parties shall be referred to conferencing pursuant to section 40(1)(b) of the *Children and Family Services Act*.

Issued [date] , 20

Prothonotary

Form 60A.13B

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Order for Conferencing Prior to the Disposition Hearing

Before the Honourable Justice

in Chambers

Findings

The persons entitled to notice of this proceeding have been notified;

The child, [name], born [date], was in need of protective services under the *Children and Family Services Act*, section 22(2) [refer to section(s) relied on], on [date], 20 ;

After reading the notice of motion for a disposition order and all the documents on file, including the child's birth certificate, or other proof of birth and the agency plan for the child's care, and hearing testimony on [date], 20 , a decision was made on [date], 20 ;

The child, [name], is placed in the care and custody of the respondent, [name], subject to the supervision of the agency pursuant to section 39(4)(b) of the *Children and Family Services Act* by order granted [date], 20 .

It is in the best interests of the child, [name], that the parties be referred for conferencing.

Order

It is ordered:

- 1 The parties shall be referred to conferencing pursuant to section 41(1)(b) of the *Children and Family Services Act*.

Issued [date], 20

Prothonotary

Form 60A.13C

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Notice of Application Regarding Missed Conference and Notice of Hearing

To: [name each respondent entitled to notice]

Motion for review of conferencing order

[*Minister of Community Services or Mi'kmaq Family and Children's Services*] , the applicant in this proceeding, moves for a review of the order for conferencing made by the court on the [date] , 20 , as a conference was not held within thirty days as required by [section 40B(1) of the Children and Family Services Act/sixty days as required by section 40C(1) of the Children and Family Services Act] .

Time and place hearing motion

The motion is to be heard by a judge at a [prehearing conference/disposition hearing] to be held on [date] , 20 at [a.m./p.m.] in the Courthouse, [insert address] , Nova Scotia.

Evidence

The evidence in support of the motion is as follows:

- 1 affidavit of [name] sworn on [date] , 20 and filed with this notice.
- 2 affidavit of [name] sworn on [date] , 20 already filed in this proceeding.
- 3 affidavit of [name] to be sworn and filed before the deadline, and attached is a will say statement.

A copy of each affidavit referred to in paragraphs 1 and 2 above is to be delivered to you with the notice.

Possible order against you

You may attend the hearing of the motion, and state your position on whether the proposed order should be made. If you do not attend, the judge may grant an order without further notice to you.

Counsel

You may retain and instruct counsel to represent you at the hearing. If you are unable to afford a lawyer, a lawyer may be available through the local Legal Aid office. If you wish to be represented by a lawyer, you should contact a lawyer as soon as possible.

Signature

Signed [date] , 20

Signature

Print name:

Form 60A.13D

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Order Terminating Conferencing

Before the Honourable Justice

in Chambers

Findings

The persons entitled to notice of this proceeding have been notified;

After reading the notice of motion for review regarding missed conference and all the documents on file, and hearing testimony on [date] , 20 , a decision was made on [date] , 20 ;

The conference required by [section 40B(1)/40C(1)] of the *Children and Family Services Act* not being held within the required time period;

It is in the best interests of the child, [name] , that the referral of the parties for conferencing be terminated.

Order

It is ordered:

- 1 Pursuant to section 40E(2)(b), the conferencing ordered pursuant to section [40(1)(b)/41(1)(b)] of the *Children and Family Services Act* shall be terminated.
- 2 The matter is scheduled for a prehearing conference pursuant to section 40F(2) of the *Children and Family Services Act* on [insert date - must be within five working days of the termination of conferencing] .

- 3 The protection hearing pursuant to [section 40/[or] the disposition hearing pursuant to section 41] of the *Children and Family Services Act* shall be held on [insert date - such date not to exceed sixty (60) days from the termination of conferencing] .

Issued [date] , 20

Prothonotary

Form 60A.13E

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Notice Terminating Conferencing and Notice of Hearing

To: [name each party entitled to notice]

Notice terminating conferencing

Conferencing is hereby terminated pursuant to section 40F(1) of the *Children and Family Services Act*.

Time and place of hearing

The prehearing conference is to be heard by a judge on [date], 20 , at [a.m./p.m] in the Courthouse, [insert address], Nova Scotia.

Possible order against you

You may attend the hearing, and state your position. If you do not attend, the judge may grant an order without further notice to you.

Counsel

You may retain and instruct counsel to represent you at the hearing. If you are unable to afford a lawyer, a lawyer may be available through the local Legal Aid office. If you wish to be represented by a lawyer, you should contact a lawyer as soon as possible.

Signature

Signed [date], 20

Signature
Print name:

Form 60A.13F

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Notice of Time Spent in Conferencing

To: [name each party entitled to notice]

Notice of time spent in conferencing

The court having referred the parties to conferencing pursuant to section [40(1)(b)(ii)/41(1)(b)(ii)] of the *Children and Family Services Act* on [date] ;

The [Applicant/Respondent] [name] , having given notice of termination of conferencing pursuant to section 40F(1) of the *Children and Family Services Act* on [date] .

The parties having spent [insert number of days] days in conferencing, the maximum cumulative duration of all disposition orders made pursuant to section 42 will be reduced by [insert number of days] pursuant to section 45(3) of the *Children and Family Services Act*.

Signature

Signed [date] , 20

Signature
Print name:

Form 60A.13G

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Agreed Statement of Facts Respecting Conferencing

The following facts are agreed by the parties endorsing this agreement:

History of proceeding

1 [Provide brief description of history of proceeding.]

Assessment, treatment and services provided

2 [Provide brief description of assessment, treatment and services.]

Why discontinuance is in the child's best interests

3 [Provide reasons for discontinuance.]

Arrangements regarding custody and access

4 [Provide description of custody and access arrangements.]

All of which is agreed, this [date] , 20 .

Counsel for the applicant, [name]

[*Mi'kmaw Family and Children Services/Minister of Community Services*]

Counsel for the respondent, [name]

The respondent, [name]

Form 60A.16

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent[s]

Notice of Motion for Disposition Order

TAKE NOTICE: Sharing identifying information, including copies of documents, from this proceeding verbally, in writing or through the internet, including Facebook, Snapchat, Instagram or any other social media, is an offence pursuant to section 94(1) of the *Children and Family Services Act*, punishable by a fine of up to \$10,000 and imprisonment for 2 years.

To: [name each respondent entitled to notice]

Motion for disposition order

[*Minister of Community Services/Mi'kmaq Family and Children's Services*] , the applicant in this proceeding, moves for a disposition order to be granted under subsection 42(1) of the *Children and Family Services Act* at a hearing under section 41 of the *Act*.

Time and place for hearing of motion

The motion is to be heard by a judge at a [prehearing conference/disposition hearing] to be held on [date] , 20 at [a.m./p.m.] in the Courthouse [address] , Nova Scotia.

Evidence

The evidence in support of the motion is as follows:

1 affidavit of [name] sworn on [date] , and filed with this notice.

2 affidavit of [name] sworn on [date] , already filed in this proceeding.

3 affidavit of [name] to be sworn and filed before the deadline, about [insert details of the anticipated evidence of the witness] .

Also, the evidence will include the agency's plan for the child's care.

A copy of each affidavit and the agency's plan for the child's care is to be delivered to you with the notice.

Possible order against you

You may attend the hearing of the motion, and state your position on whether the proposed order should be made. If you do not attend, the judge may grant an order without further notice to you.

Counsel

You may retain and instruct counsel to represent you at the hearing. If you are unable to afford a lawyer, a lawyer may be available through the local Legal Aid office. If you wish to be represented by a lawyer, you should contact a lawyer as soon as possible.

Signature

Signed [date] , 20

Signature
Print name:

Form 60A.17

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent[s]

Agency's Plan for the Child's Care

1 Disposition order sought [describe the order the agency seeks] .

2 **Description of services to be provided**

[describe the services to be provided to remedy the condition or situation in which the child was found in need of protective services] :

(a) the agency will provide the following services: [agency services] ;

(b) the agency will seek services from: [other community resources] .

3 **Criteria for determination**

The agency will determine when its care and custody or supervision is no longer required as follows: [specify the objectives of the agency's intervention and how attainment of those objectives will be determined] .

4 **When agency plan should end**

The agency estimates the time required to achieve the purpose of the agency's intervention [including the appropriate date for review, specific timelines with respect to service plans and prognosis] .

5 **Removing child from care of parent or guardian**

If the agency proposes to remove the child from the care of a parent or guardian, provide the following information:

(a) [an explanation of why the child cannot be adequately protected while in the care of the parent or guardian] [refer to the condition or situation and the basis on which the child was found to be in need of protective services] ;

- (b) [a description of past and present services] :
 - (i) Services that have been attempted and their current status [include any reasons why the services have failed, if applicable] ;
 - (ii) Services that have been refused by the parent or guardian [specify the reasons for the refusal and any renewed offer of services made subsequent to that refusal] ;
 - (iii) Services that have been considered, but would be inadequate to protect the child [specify why the services would be inadequate to protect the child] .
- (c) possible placements with a relative, neighbour or other member of the child's community or extended family that have been considered and rejected and reasons for the rejection;
- (d) what efforts, if any, are planned to maintain the child's contact with the parent or guardian [specify the proposed frequency and terms of any such contact] .

6 If the agency proposes that the child be placed in temporary care and custody of the agency, they must provide the following information:

- (a) a description of the child's needs with reference to the findings of current or previous assessments;
- (b) a statement of the goals to be achieved for the child while in temporary care and custody;
- (c) a statement of the objectives and the specified goals for the child;
- (d) a statement of the educational program for the child;
- (e) a statement of the ways in which the child's parents will be involved in the plan of care, including arrangements for contact between the child and the child's family;
- (f) particulars of any specialized service to be provided;
- (g) particulars of the dates for review of the plan of care and revisions to the plan of care as necessary;
- (h) a statement of the anticipated plan at final disposition, where applicable;
- (i) if the child has siblings, a statement of efforts made to keep the child with those siblings;

- (j) an explanation of the efforts made to maintain contact with the child's relatives and friends;
- (k) an explanation of how the child's religion, culture, race, and language will be preserved with the placement;
- (l) an explanation of the steps taken for continuity in the child's education and religion.

[or]

6 If the agency proposes that the child be placed in the permanent care and custody of the agency, they must provide the following information:

- (a) why the circumstances justifying the proposal are unlikely to change within a reasonably foreseeable time not exceeding the maximum time limits [specify the barriers to change, agency efforts to remedy or alleviate those barriers and why those efforts would be unsuccessful within the maximum time limits provided in the *Act*] ;
- (b) a description of the arrangements made or being made for the child's long-term stable placement [refer to the child's present placement, any intended changes to that placement, any special needs of the child, availability of long-term placements, agency plans to identify a permanent placement for the child, adoption prospects, etc.] ;
- (c) an explanation of how the child's religion, culture, race, and language will be preserved with the placement.

[The two paragraphs numbered six are in the alternative.]

Signature

Signed [date] , 20

Signature

Print name:

Form 60A.19

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent[s]

Order of Dismissal

Before the Honourable Justice

Findings

The persons entitled to notice of this proceeding have been notified;

The child, [name], born [date], was found to be in need of protective services under the *Children and Family Services Act*, section 22(2) [refer to section(s) relied on], on [date], 20 ;

After reading the notice of motion for a disposition order and all the documents on file, including the agency plan for the child's care, and hearing testimony on [date], 20 , a decision was made on [date], 20 ;

Order

It is ordered that this child protection proceeding for the child [name], born [date], is dismissed.

Issued [date], 20

Prothonotary

Form 60A.20

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent[s]

Supervision Order

Before the Honourable Justice

Findings

The persons entitled to notice of this proceeding have been notified;

The child, [name], born [date], was found to be in need of protective services under the *Children and Family Services Act*, section 22(2) [refer to section(s) relied on], on [date], 20 ;

After reading the notice of motion for a disposition order and all the documents on file, including the child's birth certificate, or other proof of birth and the agency plan for the child's care, and hearing testimony on [date], 20 , a decision was made on [date], 20 ;

The maximum time period of the proceeding with respect to the child, [name], is [date] .

Order

It is ordered:

- 1 The child [name], born , [is to remain in/to be returned to] the care and custody of , under supervision of the agency.
- 2 The terms and conditions of the supervision are as follows:
 - (a) ;
 - (b) ;
 - (c) .

- 3 A representative of the agency may enter the residence of the child to provide guidance and assistance and to determine that the child is being properly cared for.
- 4 A judge will review the supervision order at [a.m./p.m.] on [date] , 20 at in the Courthouse, [insert address] , Nova Scotia, or at an earlier time directed by a judge.

Issued [date] , 20

Prothonotary

Form 60A.20A

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Customary Care Order

Before the Honourable Justice

Findings

The persons entitled to notice of this proceeding have been notified;

The child, [name], born [date], was in need of protective services under the *Children and Family Services Act*, section 22(2) [refer to section(s) relied on], on [date], 20 ;

The child, [name], is or is entitled to be a [Mi'Kmaq/an Aboriginal child] ;

After reading the notice of motion for a disposition order and all the documents on file, including the child's birth certificate, or other proof of birth and the agency plan for the child's care, and hearing testimony on [date], 20 , a decision was made on [date], 20 ;

The maximum time period of the proceeding with respect to the child, [name], is [date], 20 ;

Order

It is ordered:

- 1 The child, [name], born, [date], [is to remain in [or] is to be placed in] the customary care and custody of [name], with the consent of [name], and under the supervision of the agency.

2 The terms and conditions of the supervision are as follows:

a. ;

b. .

3 A representative of the agency may enter the residence of the child to provide guidance and assistance and to determine that the child is being properly cared for.

4 A judge will review the customary care order at [a.m./p.m.] on [date] , 20 , at
in the Courthouse, [insert address] , Nova Scotia, or at an earlier time
directed by a judge.

Issued [date] , 20

Prothonotary

Form 60A.21

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent[s]

Order for Temporary Care and Custody

Before the Honourable Justice

Findings

The persons entitled to notice of this proceeding have been notified.

The child, [name] , born [date] , was in found to be in need of protective services under the *Children and Family Services Act*, section 22(2) [refer to section(s) relied on] , on [date] , 20 .

Less intrusive alternatives, including services to promote the integrity of the family have been attempted and have failed, have been refused by the parent or guardian, or would be inadequate to protect the child.

Placement of the child with a relative, neighbour, or other member of the child's community or extended family is not possible.

After reading the notice of motion for a disposition order and all the documents on file, including the child's birth certificate, or other proof of birth and the agency plan for the child's care, and hearing testimony on [date] , 20 , a decision was made on [date] , 20 .

The maximum time period of the proceeding with respect to the child, [name] , is [date] , 20 . However, if the court is not satisfied that the circumstances justifying this order are likely to change by [insert date of maximum time period] , the court may make an order for permanent care and custody.

Order

It is ordered:

- 1 The child [name] , born [date] , is placed in the temporary care and custody of the agency.
- 2 The terms and conditions of the temporary care and custody are as follows:
 - (a) _____ ;
 - (b) _____ ;
 - (c) _____ .
- 3 A judge will review this order for temporary care and custody at [a.m./p.m.] on [date] , 20____ , in the Courthouse [address] , Nova Scotia, or at an earlier time directed by a judge.

Issued [date] , 20____

Prothonotary

Form 60A.22

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent[s]

Order for Permanent Care and Custody

Before the Honourable Justice

Findings

The persons entitled to notice of this proceeding have been notified;

The child, [name] , born [date] , was found to be in need of protective services under the *Children and Family Services Act*, section 22(2) [refer to section(s) relied on] , on [date] , 20 ;

Less intrusive alternatives, including services to promote the integrity of the family have been attempted and have failed, have been refused by the parent or guardian, or would be inadequate to protect the child;

Placement of the child with a relative, neighbour, or other member of the child's community or extended family is not possible;

The circumstances justifying the order of permanent care and custody are unlikely to change within a reasonably foreseeable time not exceeding the maximum time limits under the *Children and Family Services Act* for the child to be returned to the parent or guardian;

After reading the notice of motion for a disposition order and all the documents on file, including the child's birth certificate, or other proof of birth and the agency plan for the child's care, and hearing testimony on [date] , 20 , a decision was made on [date] , 20 .

Order

It is ordered:

- 1 The child [name] , born [date] , is placed in the permanent care and custody of the agency.

Issued [date] , 20

Prothonotary

Form 60A.28

20

No.

Supreme Court of Nova Scotia
(Family Division)

Ex Parte Application by [name of each applicant] [Applicant/Applicants]

for an Order to Locate and Detain a Child

Order to Locate and Detain a Child

Before the Honourable Justice

in Chambers

Findings

The child, [name] , born on [date] , has withdrawn from the child's parent, guardian, or agency, namely, [insert name of parent, guardian or agency] , and there are reasonable and probable grounds to believe that the child's health or safety may be at risk.

Order

It is ordered:

- 1 Pursuant to section 29(1)(c) of the *Children and Family Services Act*, each peace officer to whom a copy of this order is delivered shall locate and detain the child, [name] , and upon detaining the child, the peace officer shall, as soon as it is possible, return the child, to [insert name and contact information of the parent, guardian or agency] .

[or]

- 1 Pursuant to section 29(1)(d) of the *Children and Family Services Act*, each peace officer to whom a copy of this order is delivered shall locate and detain the child, [name] , and upon detaining the child, the peace officer shall, as soon as it is possible, deliver the child to a representative of the Minister of Community Services.

[or]

- 1 Pursuant to section 29(1)(e) of the *Children and Family Services Act*, each peace officer to whom a copy of this order is delivered shall locate and detain the child, [name] , and upon detaining the child, the peace officer shall, as soon as it is possible, deliver the child to a child-caring facility as directed by a representative of the Minister of Community Services.

[AND (If appropriate)]

- 2 Pursuant to *Civil Procedure Rule* 60A.28(3), the Affidavit of [name] sworn [date] , 20 , a copy of the recording of the hearing held [date] , 20 , and this order shall be provided to [Minister of Community Services/Mi'kmaw Family and Children's Services] forthwith.

Issued [date] , 20

Prothonotary

Form 60A.32

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent[s]

Application to Remove Name From Child Abuse Register

To: [name respondent]

Application to remove name from child abuse register

The applicant, [full name] , of [address] , Nova Scotia applies for an order to remove the applicant's name from the Child Abuse Register under subsection 64(2) of the *Children and Family Services Act*.

Certificate

The applicant certifies as follows:

- 1 I do not now pose a risk to children, for the following reasons: [insert reasons] .
- 2 I therefore request an order that my name be removed from the Child Abuse Register.
- 3 Attached to this application and marked Exhibit "A" is a true copy of the written notice of registration received by me from the Child Abuse Register.

Contact information

The applicant has designated the following address:

Further contact information is available from the prothonotary.

Signature

Signed [dated] , 20

Signature of applicant
Print name:

[or]

Signature of counsel
[name] as counsel
for the applicant [name]

Prothonotary's certificate

I certify that this application for removal from the child abuse register was filed with the court on
[date] , 20 .

Prothonotary

Form 60A.39

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [complete heading as required by Rule 82 - Administration of Civil Proceedings]

[name]

Applicant

and

[name]

Respondent

Notice of Adult Protection Application

To: [name of each respondent]

The applicant seeks order that adult needs protection

The applicant, the Minister of _____, is applying to the Supreme Court (Family Division) for the following orders:

- (1) an order determining that [name], whose birth date is [date] is an adult in need of protection under the *Adult Protection Act*.
- (2) a declaration that the respondent for whose benefit the application is brought is an adult in need of protection, and that the respondent is [not competent to decide whether or not to accept the assistance of the Minister/refusing assistance or is refusing assistance by reason of duress] .
- (3) an order authorizing the Minister to provide services to the respondent under clause 9(3)(c) of the *Adult Protection Act* or for a protective intervention order under clause 9(3)(d) of the Act, or for both.

The applicant started this application by filing this notice on the date certified by the prothonotary.

Grounds for the order

The applicant is applying for the order on the following grounds: [Briefly state grounds. Include either that the person is not mentally competent to decide whether or not to accept the assistance of the Minister, or the person refuses the assistance by reason of duress. For an order authorizing the Minister to provide the person with services, or a protective intervention order, state how it is in the best interest of the person.]

Witnesses for applicant

For the purpose of the hearing of the application, the applicant expects to file affidavits from the following witnesses, dealing with the following subjects:

<i>Name of witness</i>	<i>Subject</i>

Other possible witnesses

Other persons known to the applicant who may have relevant information are:

<i>Name of witness</i>	<i>Possible subject</i>

Motion for date and directions

At [a.m./p.m.] on , 20 , the applicant will appear before a judge in Chambers at Courthouse , Street, Nova Scotia to make a motion for an order giving directions for the hearing of the adult protection application including a date and time for the hearing of it. The judge may provide directions in your absence if you or your counsel fail to attend.

Affidavit on motion for directions

The applicant files the affidavit of _____, sworn on _____, 20____, as evidence on the motion for directions. A copy of the affidavit is delivered to you with this notice.

You may participate

You may attend at the hearing.

And you may file an affidavit for the hearing.

Possible final order against you

The court may grant a final order against you on the application without further notice to you if you or your counsel fail to appear at the time, date, and place for the hearing.

Counsel

You may retain and instruct counsel to represent you at the hearing. If you are unable to afford a lawyer, a lawyer may be available through the local Legal Aid office. If you wish to be represented by a lawyer, you should contact a lawyer as soon as possible.

Filing and delivering documents

Any documents you file with the court must be filed at the office of the prothonotary _____ Street, _____ Nova Scotia (telephone # _____).

The *Nova Scotia Civil Procedure Rules* require that whenever you file a document you must immediately deliver a copy of it to the applicant and each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge orders it is not required.

Documents you deliver to the applicant may be delivered to the applicant's designated address shown in the contact information for applicant on this notice, and documents delivered there are considered received by the applicant on delivery.

Contact information

The applicant designates the following address:

Further contact information is available from the prothonotary.

Signature

Signed _____, 20__

Signature of applicant
Print name:

[or]

Signature of counsel
[name] as counsel
for [name]

Prothonotary's certificate

I certify that this notice of application was filed with the court on _____, 20__.

Prothonotary

Form 60A.40

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between: [complete heading as required by Rule 82 - Administration of Civil Proceedings]

[name]

Applicant

and

[name]

Respondent

Notice of Adult Protection Application (After Removal)

To: [name each respondent]

Respondent removed for protection

The applicant, the Minister of Community Services, caused [name] to be removed to such place as the Minister considers fit and proper for the protection of the person and preservation of the person's life.

The applicant seeks order that adult needs protection

The applicant, the Minister of _____, is applying to the Supreme Court (Family Division) for the following orders:

- (1) An order determining that [name], whose birth date is [date] is an adult in need of protection under the *Adult Protection Act*.
- (2) An order for both of the following:
 - (a) a declaration that the respondent for whose benefit the application is brought is an adult in need of protection, and that the respondent is *[not competent to decide whether or not to accept the assistance of the Minister/refusing assistance or is refusing assistance by reason of duress]* .
 - (b) An order authorizing the Minister to provide services to the respondent under clause 9(3)(c) of the *Adult Protection Act* or for a protective intervention order under clause 9(3)(d) of the Act.

The applicant started this application by filing this notice on the date certified by the prothonotary.

Grounds for the order

The applicant is applying for the order on the following grounds: [briefly state grounds in point form; include material facts, references to legislation or points of law relied on, and the facts that make each applicable; do not re-state evidence or provide argument]

[describe the removal of the person, whom the Minister has removed to a place for the protection of the person and the preservation of the person's life, including the date of removal, the place from and to the person was moved to, and the reasonable and probable grounds for the removal]

[in the statement of grounds, include the following grounds in reference to the following orders:

- (1) for an order that the person is an adult in need of protection, state either that the person is
 - (a) not mentally competent to decide whether or not to accept the assistance of the Minister,
 - (b) refusing the assistance by reason of duress
- (2) for an order authorizing the Minister to provide the person with services, or a protective intervention order, state how it is in the best interest of the person
- (3) for an order authorizing the Minister to provide the person with services, or a protective intervention order, state how it is in the best interest of the person]

Witnesses for applicant

For the purpose of the hearing of the application, the applicant expects to file affidavits from the following witnesses, dealing with the following subjects:

<i>Name of witness</i>	<i>Subject</i>

Other possible witnesses

Other persons known to the applicant who may have relevant information are:

<i>Name of witness</i>	<i>Possible subject</i>

Motion for date and directions

At [a.m./p.m.] on , 20 , the applicant will appear before a judge in Chambers at the [Law Courts/Courthouse] , Street, Nova Scotia to make a motion for an order giving directions for the judicial review including a date and time for the hearing of it. The judge may provide directions in your absence if you or your counsel fail to attend.

Affidavit on motion for directions

The applicant files the affidavit of , sworn on , 20 , as evidence on the motion for directions. A copy of the affidavit is delivered to you with this notice.

You may participate

You may attend at the hearing.

And you may file an affidavit for the hearing.

Possible interim order or final order against you

The court may grant an interim order against you without further notice to you if you or your counsel fail to appear at the time, date, and place for the hearing.

Counsel

You may retain and instruct counsel to represent you at the hearing. If you are unable to afford a lawyer, a lawyer may be available through the local Legal Aid office. If you wish to be represented by a lawyer, you should contact a lawyer as soon as possible.

Filing and delivering documents

Any documents you file with the court must be filed at the office of the prothonotary
Street, Nova Scotia (telephone #).

The *Nova Scotia Civil Procedure Rules* require that whenever you file a document you must immediately deliver a copy of it to the applicant and each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge orders it is not required.

Documents you deliver to the applicant may be delivered to the applicant's designated address shown in the contact information for applicant on this notice, and documents delivered there are considered received by the applicant on delivery.

Contact information

The applicant designates the following address:

Further contact information is available from the prothonotary.

Signature

Signed , 20

Signature of applicant

Print name:

[or]

Signature of counsel

[name] as counsel

for [name]

Prothonotary's certificate

I certify that this notice of application was filed with the court on , 20 .

Prothonotary

Form 61.02

20

No.

[*Supreme Court of Nova Scotia/Supreme Court
of Nova Scotia (Family Division)*]

Application, with consents, by [name]
to adopt, under the *Children and Family Services Act*,
the person whose birth is registered as [number] [by the
Registrar General of Nova Scotia/other]

Application for Adoption with Consents

To: [name] as representative of the Minister of Community Services

The applicant requests an adoption order

The applicant is applying to a judge in chambers to adopt [name] [*and to change his/her name
to*] .

The applicant started this application by filing this notice on the date certified by the prothonotary.

Grounds for order

The applicant is applying for the order on the following grounds:

- 1 I, [name] , [*am single/am married to*] . I reside at [community] , am
[age] years old, and am a [occupation] .
- 2 I, [name] , [complete as above for a second applicant.]
- 3 [Describe the circumstances under which the person being adopted came to live with the
applicant. Include whether there was a placement, the development of a relationship with
a parent, or another circumstance that led to the decision to adopt.]
- 4 The person to be adopted has lived with [me/us] for years. [He/She *also
shares our home with* . Describe others who live with the person to be adopted,
including age, dependency, and relationship to the applicant.]
- 5 [I/We] have the ability and means to provide care, maintenance, and education for the
person to be adopted. [Give details.]

6 [I/We] desire to adopt this person as [my/our] own child.

7 [I/We also apply for an order changing the name of this person to .]

8 [I/We] filed, with the Minister of Community Services, a notice of proposed adoption on , 20 and received the Minister's acknowledgement on .

9 [The child is, or is entitled to be, a Mi'kmaq child and a cultural connection plan has been developed.]

Consents

[I/we] [have obtained/expect to obtain] all necessary consents for the adoption order to be granted.

Time, date, and place

The application is to be heard by the judge in chambers at [a.m./p.m.] on ,
20 in the [Courthouse/Law Courts] , Street,
, Nova Scotia.

Contact information

The applicant designates the following address:

Documents delivered to this address are considered received by the applicant.
Further contact information is available from the prothonotary.

Signature

Signed , 20

Signature of applicant
Print name:

Counsel's certificate

I certify that I am counsel for the applicant.

Signature of counsel
Print name:

Prothonotary's certificate

I certify that this application for adoption with consents was filed with the court on
 , 20 .

Prothonotary

Form 61.05A

[heading not required]

Consent to Adoption

I, [name] , of [community] consent to the adoption of [name] by [names of applicants] , of [community] . I give this consent freely and I understand its effect, including to deprive me permanently of parental rights in respect of the person given up for adoption.

Signature

Signed _____, 20__

Signature

Print name:

Lawyer's certificate as witness

I certify that I witnessed the execution of this document and am satisfied it was signed by [name] on _____, 20__ .

Signature of lawyer

Print name:

Form 61.05B

[heading not required]

[*Solemn Declaration*]/correct title if not under the *Nova Scotia Evidence Act*

I, [name of natural mother] , of [community] [*solemnly declare*/or conform with statute if not under *Nova Scotia Evidence Act*] that:

- 1 I am the mother of [child's name] who was born at [hospital or other] in [community] , Nova Scotia on [date] and whose birth is registered as No. , by the Registrar General of Nova Scotia.
- 2 [*I was single when the child was born, and remain single./other*]
- 3 The father of the child is [name] . [Or provide explanation.]
- 4 No proceeding for custody of, support of, or access to the child is outstanding.
- 5 The father has not provided support for, or exercised access to, the child since [date or period] , and no one claiming to be the father has done so.
- 6 No person, other than the applicants and me, has had custody of the child, since [date or period] .
- 7 There is no order or agreement for custody of the child. [or provide explanation.]
- 8 During the past twelve months no person, other than myself or the applicants, has acted as a parent of the child and, in particular, no person has lived as a spouse with the child's mother or father and contributed to the support of the child.
- 9 No person, other than me or the applicants, is obligated to support the child, or is entitled to have access to the child, under an order or a written agreement.
- 10 [The child is, or is entitled to be, a Mi'kmaq child.]
- 11 [A cultural connection plan has been developed, details of which are as follows:

.]

and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

Declared before me at)
on)
, 20)
)
)
)
)

Signature of authority
Print name:
Official capacity:

Signature of declarant

Form 61.07

20

No.

[*Supreme Court of Nova Scotia/Supreme Court
of Nova Scotia (Family Division)*]

[copy standard heading]

Application, with consents, by [name]
to adopt, under the *Children and Family Services Act*,
the person whose birth is registered as [number] [by the
Registrar General of Nova Scotia/other]

Adoption Order

Before the Honourable Justice [name or blank] in chambers

[names of applicants] filed a notice of proposed adoption with the Minister of Community Services more than six months before the date of this order. A copy of the [*application for adoption with consents/notice of application*] and the affidavit in support was delivered to the Minister more than one month before the date of this order.

The person sought to be adopted lived with the applicants for more than six months before the date of this order.

All persons referred to in the application have been sufficiently identified, and their ages have been correctly stated, and all persons whose consent is required have freely given consent, understanding its effects.

[The person sought to be adopted is under sixteen, is or is entitled to be a Mi'kmaq child, and is the subject of a cultural connection plan.]

The court finds that, in all the circumstances, including the circumstances under which the person sought to be adopted has been living with the applicants, it is in [*his/her*] best interests to be adopted by [names of applicants] .

On the motion of [name of counsel] as counsel for the applicants, the following is ordered:

Application granted

The application of [names] who live at [address] to adopt a [*boy/girl/young man/young woman/person*] who was born on [date] at [hospital or other place] in [community] and whose birth was registered by the Registrar General of the Province of Nova Scotia as number , is granted.

Name

[No change is made to the name of the person whose adoption is granted./The name of the person who is adopted is changed to name .]

Declaration about the effects of order

The person who is adopted becomes, for all purposes except those stated in the *Children and Family Services Act*, the child of the applicants and they become, for all such purposes, the parents of the adopted person as if [he/she] had been born to the applicants in lawful wedlock.

, 20

Prothonotary

Form 63.04

20 [year appeal is started]

Court No. [to be assigned by Prothonotary]

Charge No. [obtain from Provincial Court]

Person No. [obtain from Provincial Court]

Supreme Court of Nova Scotia

Between:

[name]

Appellant

and

[name]

Respondent

Form 63.05

20

Court No.
Charge No.
Person No.

Supreme Court of Nova Scotia

Between:

[name]

Appellant

and

[name]

Respondent

Notice of Summary Conviction Appeal

Appellant appeals

The appellant appeals from the decision of [His/Her] Honour [Judge/Mr./ Ms.] [name] a [judge/justice of the peace/adjudicator/other] of the [Provincial Court of Nova Scotia/other] . The decision was made on [date decision given orally or date of reserved written decision] at [courthouse where oral decision was given or written decision released] . [If appeal is from conviction and sentence: The appellant also appeals from sentence passed on .]

Motion for directions and to set date

Take notice that at [a.m./p.m.] on [date] the appellant will make a motion to the judge presiding in Crownside chambers in the [Law Courts/Courthouse] at [place] to set a time, date, and place for the hearing of the appeal, set deadlines for filing the transcript, exhibits, and briefs, and obtain other directions.

Decision appealed from

The [appellant/respondent] was charged as follows: [copy charge from the information] . The decision appealed from was a [conviction/dismissal/order staying the information/sentence/verdict of unfit to stand trial/verdict of not criminally responsible/ or describe other order or disposition] . [If appeal is of conviction and sentence, or sentence only, give details of the sentence including what offence the sentence was for.]

Grounds of appeal

The grounds of appeal are as follows:

1 [state grounds concisely]

2

3 .

Order requested [omit if sentence only]

The appellant says the court should allow the appeal, set aside the [conviction/acquittal/order/verdict/other] , and [enter an acquittal, enter a conviction, order a new trial, other] .

Variation of sentence requested [omit if not applicable]

The appellant says that the court should vary the sentence as follows:

Interim order [omit if not seeking]

The appellant intends to make a motion for a stay of [describe what is to be stayed] . This motion will be made no later than [date] .

Transcript [to be completed for all appeals, including Crown appeals]

The appellant acknowledges that subsection 821(3) of the *Criminal Code* requires the appellant to cause a transcript to be furnished to the court and the respondent. The appellant has made arrangements for transcription, has made inquiries about when it will be ready, and is able to deliver it no later than [period required to complete transcript] .

Undertaking for Decision Approved by Trial Judge

The appellant undertakes to obtain, for inclusion in the appeal book, a copy of a written decision issued by the trial judge, a written version of an oral decision signed by the trial judge, or a transcript of the decision certified by the trial judge to be accurate.

Notice to judge

The appellant undertakes to cause a copy of this notice of summary conviction appeal to be delivered immediately to the office of the [judge/adjudicator/justice of the peace/other] who made the decision under appeal.

Contact information

The appellant designates the following address:

Documents delivered to this address will be considered received by the appellant on delivery.
Further contact information is available to the respondent from the prothonotary.

Signature

Signed _____, 20__

Signature of the appellant

Print name:

OR

Signature of counsel

[name] as counsel

for [name]

Prothonotary's certificate

I certify that this notice of appeal was filed with the court on _____, 20__.

Prothonotary

Form 65.03

20 [year application is started]

No. [to be assigned by Prothonotary]

Supreme Court of Nova Scotia

Between:

[name]

Applicant

and

[The Attorney General
of Nova Scotia]

Respondent

Form 65.04

20

No.

Supreme Court of Nova Scotia

Between:

[name]

Applicant

and

[The Attorney General of
Nova Scotia]

Respondent

Application for Reduction of Parole Ineligibility

Reduction sought

I [full name] born on [date of birth] apply to the Honourable the Chief Justice of the Supreme Court of Nova Scotia for a reduction in my period of parole ineligibility.

Details of conviction and sentence

I was convicted and sentenced as follows:

- 1 I was indicted that I did _____ contrary to section _____ of the *Criminal Code*.
- 2 [The indictment was tried at/I pleaded guilty at] _____ .
- 3 The date of the [conviction/guilty plea] was _____ .
- 4 I was sentenced on [date] to imprisonment for life without eligibility for parole for _____ years from that date.
- 5 The following are all the institutions in which I have been held since I was charged and the dates of my entry into each:

Name of Institution

Date of Entry

Signature of applicant
Print name:

Form 65.05 [heading not required; attach to application]

Affidavit Supporting Application

I, _____, [swear/affirm] that the statements in the attached application for reduction of parole ineligibility are true, and are based on my personal knowledge except [indicate any statements that are based on what you are told by another, name that person, and state your belief of them] .

Sworn to/Affirmed before me)
on _____, 20)
at _____,)
)
)
)

Signature of authority
Print name:
capacity:

Signature of witness

Form 67.03

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading from builders' lien statement of claim]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Notice of Alternative Claim

To: [name defendant claimed to be personally liable]

Action was taken to enforce lien

The plaintiff has taken action against you.

The plaintiff started the action by filing a statement of claim under the *Builders' Lien Act* with the court on the date certified by the prothonotary on the statement of claim.

The action is for enforcement of the lien by sale and for a judgment for any deficiency.

Alternative claim for judgment

An alternative claim is made that you are personally liable to pay the entire amount due to the builder. Judgment is claimed against you personally, if the plaintiff chooses to withdraw the claim to enforce the lien.

The alternative claim is made by filing this notice of alternative claim.

Defending the alternative claim

To defend against the plaintiff's alternative claim, you or your counsel must file a notice of defence with the court no more than the following number of days after the day this notice of action is delivered to you:

1. 15 days if delivery is made in Nova Scotia
2. 30 days if delivery is made elsewhere in Canada
3. 45 days if delivery is made anywhere else.

Judgment against you if you do not defend

If the claim to enforce the lien is withdrawn, the court may grant an order for judgment against you on the alternative claim without further notice, unless you defend the claim by the deadline shown in this notice.

Amount of judgment

The amount of the judgment if you do not defend the alternative claim will be \$ _____, interest on that amount calculated as stated in the statement of claim, and costs in the amount of \$ [Tariff D amount] plus disbursements.

You may have the alternative claim dismissed by paying amount claimed

You may pay the amount claimed, obtain a receipt, and deliver the receipt to the prothonotary, who will dismiss the alternative claim, except the claim for taxed disbursements.

You may settle the amount for disbursements with the plaintiff's counsel, with a plaintiff who acts on their own, or by proceeding with a taxation of the disbursements in the Small Claims Court.

You may demand notice of steps in the action

If you do not have a defence to the claim or you do not choose to defend it, you may, if you wish to have further notice, file a demand for notice.

If you file a demand for notice, the plaintiff must notify you before obtaining judgment and, unless the court orders otherwise, you will be entitled to notice of each other step in this action.

Filing and delivering documents

Any documents you file with the court must be filed at the office of the prothonotary _____ Street, _____ Nova Scotia (telephone # _____).

Contact information

The plaintiff designates the following address:

Documents delivered to this address will be considered received by the plaintiff upon delivery.
Further contact information is available to each party from the prothonotary.

Place of trial

The plaintiff proposes that, if the alternative claim is defended, the trial will be held in _____,
Nova Scotia.

Signature

Signed _____, 20____

Signature of plaintiff

Print name:

[or]

Signature of counsel

[name] as counsel

for [name of plaintiff]

Form 69.02

20

No.

Supreme Court of Nova Scotia

Between: [complete standard heading as required by Rule 82 - Administration of Civil Proceedings]

[name]

Petitioner

and

[name]

Respondent

Election Petition

Status to challenge election

An election was held on [date of election] for the election of a member of the House of Assembly representing [electoral district] . I [*had a right to vote at/was a candidate in*] the election. [vary if more than one petitioner]

Challenge to election

[I/We] claim that there has been [*an undue return/an unlawful act by a candidate not returned*] within the meaning of the *Controverted Elections Act*. [The return date in the election writ was /For the purpose of clause 9(b) of the *Controverted Elections Act*, the date of the alleged unlawful act was] .

Grounds for the claim

[I/We] make this claim on the following grounds: [briefly state grounds in point form, provide statements of fact and not argument; see Rule 69.02(1)(b) for required details]

1

2

3

Relief sought

[I/We] request that [name *be declared duly returned/the election be declared void/the return be enforced/other*] .

Notice to respondent: trial date and directions

The petition will be tried on a date to be set by a judge. The petitioner will ask the judge presiding in chambers to set the date and give directions for the conduct of the proceeding at [a.m./p.m.] on [date] in the [Courthouse/Law Courts] , Street, , Nova Scotia. You have the right to be present or represented by counsel. If you are not present or represented, the judge may proceed without you and the petition may be determined without further notice to you.

Notice to respondent: designate address

You are required to designate an address to which further documents may be delivered to you. (See *Civil Procedure Rule 31 - Notice.*)

Contact information

The petitioner designates the following address:

Documents delivered to this address are considered received by the petitioner upon delivery. Further contact information is available from the prothonotary.

Signature

Signed , 20

Signature of petitioner
[Note: *Controverted Elections Act*
requires signature by petitioner]
Print name:

Counsel of record

I am counsel for the petitioner.

Signature

Signed _____, 20__

Signature of counsel

Print name:

Certificate of prothonotary

I certify that this election petition was filed with the court on _____, 20__.

Prothonotary

Form 78.05

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Order

[may add words to distinguish from other orders]

Before the Honourable Justice [name or blank] in chambers

OR

Before [*the Honourable Justice/the Prothonotary*/name or blank]

[A concise narrative is permitted but not required. e.g. *A motion was made on* ,
the judge granted/dismissed/other the motion by decision on /
This proceeding was tried/heard on , a *decision/verdict* was given on
 , and describe result of decision or verdict .]

On the motion of [name of moving party or counsel], the following is ordered:

[Subtitle is optional]

[Subtitle is optional]

Issued , 20

Prothonotary

Form 79.10

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Notice of Execution against Joint Account

Joint account holders: [name and address of each account holder]

Joint account number:

Balance: \$

Execution order delivered

A copy of an execution order that was delivered to us is attached to this notice.

Share of account to be paid to sheriff

The joint account holder who is named as judgment debtor on the order is presumed to be entitled to an equal share of the account, unless you or another interested person proves otherwise. We will pay that share to the sheriff, unless you or another interested person files with the court a notice of motion for an order determining what, if any, interest the judgment debtor has in the account.

Ten days to make your motion

Your notice of motion and supporting affidavits must be filed with the court no more than ten days after the day this notice is delivered to you, and you must deliver copies of them immediately to the judgment creditor, the sheriff, each other joint account holder, and us.

Account frozen

We will refuse withdrawals, cheques, and other demands on the joint account until the equal share is paid to the sheriff, a judge permits us to honour a demand, or a judge determines the amount of the judgment debtor's interest in the account.

Contact information

We designate the following address:

Documents delivered to this address are considered received by us on delivery. Further contact information is available from the prothonotary

Signature

Signed _____, 20____

Signature of officer

Print name of corporation:

Print name of officer:

[attach copy of execution order]

Form 79.17A

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Execution Order

Before the prothonotary,

Judgment Debtor: [name and address of judgment debtor]

On the motion of the judgment creditor [name] , the following is ordered:

Amount to be recovered

- 1 This execution order is issued to recover the amounts showing, or allowed for, in the attached statement of amount for execution.

Sale of land

- 2 The sheriff may take possession of land to be sold under the *Sale of Land Under Execution Act*.

Seizure of other property

- 3 The sheriff must seize, otherwise take control of, and accept as a receiver all property in which the judgment debtor has an interest, except property exempt from execution and property held by the execution debtor as trustee for another person. This includes moveables, currency, shares, bonds, debentures, other security, legacies, debts, rent, wages, and any other demand due or accruing due to the judgment debtor at any time. The sheriff may come on land, open a building, take control of a moveable not under seizure,

break a lock or other barrier, and take any other reasonable measure to effect the seizure. The property may be seized, or otherwise taken from, the judgment debtor or any other person.

Copy of order on seizure

- 4 The sheriff must deliver a copy of this order personally to a person from whom a moveable is seized when the person is present, and by registered mail after the seizure to a person who is not present.

Inventory and limit for seizure

- 5 The sheriff must prepare an inventory of seized moveables including the sheriff's estimate of the value of each. The sheriff may not seize more moveables than the sheriff estimates are necessary to satisfy the amount for execution under all execution orders against the judgment debtor.

Attachment of moveable and debt

- 6 The sheriff who cannot conveniently seize a moveable may cause a copy of the execution order to be delivered to a person who has control of the moveable. The sheriff may deliver a copy of the order to a person who is or may become obligated to pay a debt or other liquidable obligation to and for the benefit of the judgment debtor. The judgment debtor's interest in the moveable or the obligation is attached when the order is delivered. The person is released from liability to make a payment to, or hold a moveable on behalf of, the judgment debtor only when one of the following occurs:

- the person makes the payment to the sheriff;
- the sheriff seizes the moveable, or sells a moveable without a seizure;
- the person complies with terms for payment, seizure, or sale agreed to by the sheriff or set by further order.

Injunction to hold property, freeze obligations, and require delivery or payment

- 7 A judgment debtor, a person who controls property of the judgment debtor, and a person who is obligated or becomes obligated to pay a debt or other liquidable obligation to the judgment debtor must not give up control of the property or make the payment unless one of the following applies:

- the property or obligation is exempt from this execution order;
- the sheriff, in writing, permits otherwise;

- this execution order or a further order provides otherwise.

The person must, instead, allow the property to be seized by, or make the payment to, the sheriff. A person who fails to obey these injunctions may be punished under *Nova Scotia Civil Procedure Rule 89 - Contempt*.

Sale of moveable and other kinds of property

- 8 The sheriff may sell at public auction anything that is seized and is saleable to a member of the public. The sheriff may make a motion for permission to sell an asset of the judgment debtor by private sale or by public sale other than an auction.

Collecting debt

- 9 The sheriff may demand payment of a debt, or other liquidable obligation, other than wages owed to the judgment debtor and take any step the judgment debtor could take to collect the debt, including enforce security for the debt.

Injunction for securities

- 10 A person who controls a share, bond, debenture or other security in which the judgment debtor has an interest must transfer the interest to the sheriff, or liquidate the security as the sheriff directs and pay the proceeds to the sheriff.

Payment of judgment debtor's wages

- 11 All but fifteen percent of the judgment debtor's gross wages are exempt from this execution order. Also, nothing may be paid under this order that reduces the judgment debtor's wages, net of all statutory deductions, below \$450 a week for a judgment debtor who supports a dependant or \$330 a week for any other judgment debtor.

An employer who owes wages to, or comes to owe wages to, the judgment debtor must pay the unexempt amount to the sheriff. An employer must not by reason of this execution order, terminate the employment of, demote, reduce the wages of, or otherwise penalize the judgment debtor. Also, the employer is released from liability to pay the unexempt wages only when the payment is made to the sheriff.

Wages in account of deposit-taking corporation

- 12 A deposit-taking corporation that maintains an account into which, to the knowledge of a person who is responsible for the account, the judgment debtor's wages are automatically deposited must pay from the account the amount the employer would have had to pay. Also, the corporation is released from liability only when that amount is paid to the sheriff.

The sheriff may make a calculation of the amount and the deposit-taking corporation may rely on the calculation.

Injunction for joint account

- 13 A deposit-taking corporation must not honour a demand on a joint account of which the judgment debtor is one of the joint account holders until the judgment debtor's interest is determined in accordance with *Nova Scotia Civil Procedure Rule 79.09*. A payment made contrary to this injunction does not discharge the deposit-taking corporation's liability to the judgment debtor and it may be punished as contempt.

Injunction to assist sheriff

- 14 The judgment debtor, a person who controls property of a judgment debtor, and a person who is or becomes obligated to a judgment debtor must fully answer any question of the sheriff about the judgment debtor's property and give the answers in the manner directed by the sheriff. A person who controls access to the judgment debtor's property must provide the sheriff with access. No person may obstruct the sheriff from carrying out this order.

Agent of sheriff

- 15 The sheriff may retain a person to act as the sheriff's agent in carrying out this order.

Sheriff's expenses

- 16 The sheriff may pay all reasonable expenses incurred to carry out this order, including expenses to seize, otherwise take control of, store, protect, and liquidate property of the judgment debtor. The sheriff may agree to terms with, or accept an advance from, the judgment creditor to cover an expense. The sheriff may refuse to act on this order until terms are agreed or an advance is given.

Surplus

- 17 The sheriff may pay money, or deliver property, to the judgment debtor that is not required to satisfy the amount for execution, unless a judge directs otherwise.

Directions

- 18 A sheriff who receives a copy of an execution order may make a motion for directions on the sheriff's duties under the order or any other subject related to the order, and the sheriff may be represented by counsel or act on the sheriff's own behalf.

Contempt

19 A failure to comply with this order may be punished as contempt.

Date of Judgment

20 The judgment that this execution order enforces was issued on , 20 .

Issued , 20

Prothonotary

Form 79.17B [to be attached to execution order]

Statement of Amount for Execution

Part 1 - Judgment Amount

judgment debt	\$ [include costs and pre-judgment interest]
less credits	(\$_____)
judgment amount	\$

Part 2 - Total Due to Creditor

registration expenses	\$
plus judgment interest	\$
plus judgment amount	\$_____
total due to creditor	\$

Part 3 - Further Charges and Credits [to be completed by sheriff or prothonotary]

sheriff's fees and expenses	\$
plus further judgment interest	\$
less further credits	(\$_____)
balance	\$

Form 79.19

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Periodic Execution Order

Before the prothonotary,

Judgment debtor: [name and address of judgment debtor]

Amount of periodic order: \$

Payments due on: [*the* *day of each month starting on* /other]

Expiry date: [*open ended*/termination event/date]

Certified to be for family maintenance or support: [yes/no]

If family maintenance or support, arrears: [*nil/not enforced by this order*/\$ _]

On the motion of the judgment creditor [name] , the following is ordered:

Injunction for periodic payment

A person to whom a copy of this order is delivered, and who is, or becomes, periodically obligated to pay money to the judgment debtor must pay to the sheriff, and out of each periodic obligation, the amount required by this order. Examples of periodic obligations are wages, salary, commissions, gratuities, other regular compensation for work, payments under an annuity, rent, regular income from shares, and periodic trust payments.

Amount required

The person must pay the lesser of the following amounts each time the periodic obligation comes due, unless the judgment debtor's periodic entitlement is exempt from execution:

- (a) the amount of the periodic order and, if this order includes arrears of family maintenance or support, an additional twenty-five percent of the amount of the periodic order until the arrears are paid;
- (b) the amount due on the periodic obligation.

Exempt wages

All but fifteen percent of the judgment debtor's gross wages are exempt from this execution order. Also, nothing may be paid under this order that reduces the judgment debtor's wages, net of all statutory deductions, below \$450 a week for a judgment debtor who supports a dependant or \$330 a week for any other judgment debtor.

These exemptions do not apply to an order certified to be for family maintenance or support.

Failure to comply: contempt and pay twice

A person who fails to comply with this injunction may be punished for contempt. Also, a person who pays money to the judgment debtor in contravention of this order remains liable for the amount.

Termination

The requirement to pay under this order ceases on the termination date or event stated on this order or, if there is no termination date or event, when the person who is periodically obligated receives a copy of an order terminating the periodic order or declaring it to be terminated.

Issued _____, 20

Prothonotary

Form 79.23A

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Discovery Subpoena in Aid of Execution

To: [name and community of debtor,
officer, manager, or director]

Details of judgment

[name of judgment creditor] obtained a judgment against [name of judgment debtor] on [date] for \$. The judgment creditor is entitled to ask you questions, to be answered under oath or affirmation, at a discovery held to inquire into the judgment debtor's assets and circumstances.

You must give evidence at the discovery

The court requires you to attend the discovery. It is to be held at [a.m./p.m] on , 20 at [place] . You are required to answer all questions properly asked of you by the judgment creditor.

You must bring documents

The court also requires that you bring to the discovery [describe documents or things] and that you provide access at the discovery to [describe electronic information] .

Failure may be punished

Failure by you to obey this discovery subpoena may be punished as contempt of court.

Right to counsel

You may retain and be represented by counsel.

Issued , 20

Prothonotary

Form 79.23B [to be attached to or printed on the back of the subpoena for a judgment debtor]

The judgment creditor represents that the person to whom this subpoena is addressed is [*the judgment debtor./an officer of the judgment debtor./a manager of the judgment debtor/a director of the judgment debtor./a former officer, manager or director of the judgment debtor and there are no present officers, managers, or directors.*]

The judgment creditor also represents that the discovery to be held under this subpoena is necessary to determine whether there are assets available for execution, to locate assets to be executed on, or to identify a debt or other liquidable demand for attachment.

Dated _____, 20____

Signature
Print name:

Form 81.03

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Notice of *Ex Parte* Registration

To: [name and address of judgment debtor]

Judgment registered in Nova Scotia

Take notice that a judgment obtained against you by the applicant in [place of original judgment] is now registered in Nova Scotia and may be enforced as an order of this court.

Details of judgment and registration

The judgment was granted by [court in original jurisdiction] on [date of judgment] for \$ [amount] against [names of all judgment debtors] . It was registered in Nova Scotia by order in this proceeding dated [date] , which proceeding was started by *ex parte* application.

Setting aside registration

The Nova Scotia *Reciprocal Enforcement of Judgments Act* provides that this court may set the registration aside on the following grounds:

- (a) the original court acted either
 - (i) without jurisdiction under the conflict of laws rules of the court to which application is made, or
 - (ii) without authority under the law in force in the reciprocating state where the judgment was made to adjudicate concerning the cause of action or subject-matter that resulted in the alleged judgment or concerning the person of the alleged judgment debtor, or without such jurisdiction and without such authority;

- (b) the judgment debtor, being a person who was neither carrying on business nor ordinarily resident within the jurisdiction of the original court, did not voluntarily appear or otherwise submit during the proceeding to the jurisdiction of that court;
- (c) the judgment debtor, being the defendant in the proceeding, was not duly served with the process of the original court and did not appear, notwithstanding that he was ordinarily resident or was carrying on business within the jurisdiction of that court or agreed to submit to the jurisdiction of that court;
- (d) the judgment was obtained by fraud;
- (e) an appeal is pending or the time within which an appeal may be taken has not expired;
- (f) the judgment was in respect of a cause of action that for reasons of public policy or for some similar reason would not have been entertained by the registering court; or
- (g) the judgment debtor would have a good defence if a proceeding were brought on the judgment.

You have one month after a copy of this notice is delivered to you to make a motion to set aside the registration.

Address for delivery

The applicant designated an address for delivery of documents in this proceeding:

[designated address]

Documents delivered to this address are considered received when delivered. Further contact information is available from the prothonotary.

Signature

Signed _____, 20

Signature
Print name:

Form 82.09A

20

No.

Supreme Court of Nova Scotia

Between:

[names of each plaintiff in a series, i.e. do not list]

[*Plaintiff/Plaintiffs*]

and

[names of each defendant in a series]

[*Defendant/Defendants*]

Form 82.09B

20

No.

Supreme Court of Nova Scotia

Ex Parte Application by [name of each applicant]

[*Applicant/Applicants*] for an order [short description of order]

Form 82.09C

20

No.

Supreme Court of Nova Scotia

Between:

[names of each applicant in a series, i.e. do not list]

[*Applicant/Applicants*]

and

[names of each respondent in a series]

[*Respondent/Respondents*]

Form 82.09D

20

No.

Supreme Court of Nova Scotia

Between:

[names of each appellant in a series, i.e. do not list]

[*Appellant/Appellants*]

and

[names of each respondent in a series]

[*Respondent/Respondents*]

Form 82.09E

20

No.

Supreme Court of Nova Scotia

Between:

[names of each petitioner in a series, i.e. do not list]

[*Petitioner/Petitioners*]

and

[names of each respondent in a series]

[*Respondent/Respondents*]

Form 82.09F

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading except add third parties]

[name]

Plaintiff

and

[name]

Defendant

and

[names of each third party in a series, i.e do not list]

[Third Party/Third Parties]

Form 82.09G

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between:

[name of agency]

Applicant

and

[names of each respondent in a series]

[Respondent/Respondents]

Form 82.09H

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between:

[name]

Applicant

and

The Minister of Community Services

Respondent

Form 82.09I

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between:

The Minister of Community Services

Applicant

and

[names of each respondent in a series]

[Respondent/Respondents]

Form 82.09J

20

No.

*[Supreme Court of Nova Scotia/Supreme Court
of Nova Scotia (Family Division)]*

Application, with consents, by [name]
to adopt, under the *Children and Family Services Act*,
the person whose birth is registered as [number] [by the
Registrar General of Nova Scotia/other]

Form 82.09K

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between:

[name of applicant or names of each in a series]

[Applicant/Applicants]

and

[name of respondent or names of each in a series]

[Respondent/Respondents]

Form 82.09L

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between:

[name]

Petitioner

and

[name]

Respondent

Form 82.09M

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between:

[name]

Applicant

and

[name]

Respondent

Form 82.09N

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between:

[name]

Joint Applicant

and

[name]

Joint Applicant

Form 82.09O

20

No.

Supreme Court of Nova Scotia

Between:

[name]

Petitioner

and

[name]

Respondent

Form 82.09P

20

No.

Supreme Court of Nova Scotia

Between:

[name]

Applicant

and

[name]

Respondent

Form 82.09Q

20

No.

Supreme Court of Nova Scotia

[name of both spouses]

Joint Applicants

Form 89.05

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Notice of Motion for Contempt Order

To: [name and community of the party sought to be held in contempt]

Motion

[name of party making motion] , the [plaintiff/defendant/third party/intervenor/applicant/respondent] in this proceeding, moves for an order holding [name] in contempt and punishing [him/her/it] for the contempt.

The allegation against you

It is alleged that you [provide a precise description of the conduct alleged to be contemptuous] .

Time and place

Your contempt hearing is to be held on , 20 at [a.m./p.m.] in the [Courthouse/Law Courts] , Street, , Nova Scotia.

Your rights

You may require that a witness who provides an affidavit against you attend the hearing to be cross-examined by you. You do not have to present evidence. If you choose to do so, you may file an affidavit or affidavits in accordance with the *Civil Procedure Rules* or wait until after you conduct any cross-examination and you decide whether to present evidence. You may make submissions after the evidence is complete.

Evidence

The evidence for holding you in contempt is as follows [affidavit of sworn
on ,20 and filed with this notice/affidavit of sworn on
, 20 already filed in this proceeding and delivered to you/affidavit of to be
sworn and filed before the deadline, about
.]

A copy of each affidavit is to be delivered to you with this notice, unless it was delivered to you for a previous motion.

Signature

Signed , 20

Signature

Print name:

Form 89.11

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Arrest Warrant for Contempt Hearing

To: Sheriff for [municipality]

Findings

The judge authorizing the issuance of this warrant has found that [full name] of [community] must be arrested because [state findings about notice and failure to attend, or likelihood of repetition and serious loss] .

Direction to arrest, detain, and bring before judge

The sheriff must arrest and detain [name] and, on that same day, bring [him/her] before the judge who authorizes this warrant or another judge of this court. The sheriff is not obligated to execute this warrant unless a judge is available.

Purpose of bringing before judge

The person is to be arrested and detained so that the person may be brought before a judge to [secure the person's attendance at the contempt hearing/avoid serious loss to a party that likely will be caused by repetition of contemptuous behaviour] . If necessary, that purpose will be achieved by remanding the person to a lock-up facility until a bail hearing, or the contempt hearing, is held.

Information

The sheriff must, as soon as possible after the arrest, read this order to the person so the person is informed of the reasons for, and the purpose of, the arrest and detention. The sheriff must inform the person of the right to retain and instruct counsel without delay. The sheriff is directed to assist the person to seek or communicate with counsel if the person wishes to do so, and to advise the person about duty counsel, if duty counsel is available.

Issued , 20

Prothonotary

Form 90.06

20

C.A. No.

Nova Scotia Court of Appeal

Between:

[name]

Appellant

and

[name]

Respondent

Notice of Appeal (General)

To: [name and address of each respondent]

Appellant appeals

The appellant appeals from the judgment dated , 20 , [name of court or tribunal] [state whether the whole or only part, and if so which part, of the order or decision is being appealed from] in the proceedings in the [name of court or tribunal] showing court number [insert trial court file number] made by [name of judge or other decision-maker] .

Order or decision appealed from

The [order/decision] was made on , 20 . It was made at , Nova Scotia.

Grounds of appeal

The grounds of appeal are

(1) [state grounds completely and concisely]

(2)

(3)

Authority for appeal

[include list of legislation relied on]

Order requested

The appellant says that the court should allow the appeal and that the judgment appealed from be [reversed/rescinded/varied] and [describe requested relief] .

Motion for date and directions

The appeal will be heard on a time and date to be set by a judge of the Court of Appeal. The appellant must not more than eighty days after the date this notice is filed, make a motion to a judge of the Court of Appeal to set that time and date and give directions. You will be notified of the motion.

Contact information

The appellant designates the following address:

Documents delivered to this address will be considered received by the appellant on delivery. Further contact information is available to each party through the prothonotary.

Signature

Signed _____, 20____

Signature of appellant
Print name:

OR

Signature of counsel
[name] as counsel
for [name]

Registrar's Certificate

I certify that this notice of appeal was filed with the court on _____, 20____.

[if available attach copy of judgment and order appealed from]

Form 90.07A

20

C.A. No.

Nova Scotia Court of Appeal

Between:

[name]

Appellant

and

[name]

Respondent

**Notice of Application for Leave to Appeal
(Workers' Compensation)**

To: [name and address of each respondent]

Appellant applies for leave to appeal

The appellant applies for leave to appeal pursuant to s. 256 of the *Workers' Compensation Act* from a decision of the Nova Scotia Workers' Compensation Appeals Tribunal dated , 20 , [state whether the whole or only part, and if so which part, of the order or decision is being appealed from] .

Grounds of appeal

If leave to appeal is granted, the grounds of appeal will be

- (1) [state grounds completely and concisely and include list of legislation relied on]
- (2)
- (3)

Motion for date and directions

The application for leave will be heard on a time and date to be set by a judge of the Court of Appeal. The appellant must, not more than eighty days after the date this notice is filed, make a motion to a judge of the Court of Appeal to set that time and date and give directions. You will be notified of the motion.

Contact information

The appellant designates the following address:

Documents delivered to this address will be considered received by the appellant on delivery.
Further contact information is available to each party through the prothonotary.

Signature

Signed _____, 20____

Signature of appellant
Print name:

OR

Signature of counsel
[name] as counsel
for [name]

Registrar's Certificate

I certify that this notice of application for leave to appeal was filed with the court on
_____, 20____.

[attach copy decision appealed from]

Form 90.07B

20

C.A. No.

Nova Scotia Court of Appeal

Between:

[name]

Appellant

and

[name]

Respondents

*[include as respondents the Attorney General of Nova Scotia and the Tribunal
appealed from in addition to any other respondent]*

Notice of Appeal (Tribunal)

To: [name and address of each respondent]

Appellant appeals

The appellant appeals from the order [or decision] dated [] , 20 [] ,
*[state whether the whole or only part, and if so which part, of the order or decision is being
appealed from]* in the proceedings in the [name of tribunal] showing tribunal number [insert
file number] made by [name of decision-maker] .

Order or decision appealed from

The [order/decision] was made on [] , 20 [] . It was made at []
, Nova Scotia.

Grounds of appeal

The grounds of appeal are

(1) [state grounds completely and concisely]

(2) []

(3) [] .

Authority for appeal

[include list of legislation relied on]

Order requested

The appellant says that the court should allow the appeal and that the order or decision appealed from be *[reversed/rescinded/varied]* and *[describe requested relief]* .

Respondent's Notice of Intention to Participate

A respondent may participate in this tribunal appeal as a respondent only if the respondent files a notice of intention to participate no more than ten days after this notice of appeal is delivered to the respondent.

Motion for date and directions

The appeal will be heard on a time and date to be set by a judge of the Court of Appeal. The appellant must, not more than twenty-five days after the date this notice is filed, make a motion to a judge of the Court of Appeal to set that time and date and give directions. You will be notified of the motion.

Contact information

The appellant designates the following address:

Documents delivered to this address will be considered received by the appellant on delivery. Further contact information is available to each party through the prothonotary.

Signature

Signed _____, 20____

Signature of appellant

Print name:

OR

Signature of counsel

[name] as counsel

for [name]

Registrar's Certificate

I certify that this notice of appeal was filed with the court on [], 20 [] .

[Attach copy of any written decision and order appealed from]

Form 90.08

20

C.A. No.

Nova Scotia Court of Appeal

Between:

[name]

Appellant

and

[name]

Respondent

**Notice of Appeal
(Child Protection)**

To: [name and address of each respondent]

And to the Minister of Community Services

And to the Clerk of the Court appealed from

Appellant appeals

The appellant appeals from the judgment dated , 20 in the proceedings in the [Supreme Court (Family Division)/Family Court] showing court number [insert trial court file number] granted by [name of judge] .

Order or decision appealed from

The [order/decision] was made on , 20 . It was made at , Nova Scotia.

Grounds of appeal

The grounds of appeal are

- (1) [state grounds completely and concisely]
- (2)
- (3)

Authority for appeal

[include list of legislation relied on]

Order requested

The appellant says that the court should allow the appeal and that the judgment appealed from be [reversed/rescinded/varied] and [describe requested relief] .

Motion for date and directions

The appeal will be heard on a time and date to be set by a judge. The appellant will ask a judge of the Court of Appeal to set that time and date and give directions on , 20 ,

[NOTE: THIS DATE MUST BE WITHIN TEN DAYS OF THE FILING OF THE NOTICE OF APPEAL. IF IT IS NOT MADE IN TIME THE APPEAL SHALL BE DEEMED TO BE DISMISSED, UNLESS A JUDGE ORDERS OTHERWISE]

at The Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia. You have the right to be present or represented by counsel. If you are not present or represented, the judge may proceed without you.

Contact information

The appellant designates the following address:

Documents delivered to this address will be considered received by the appellant on delivery. Further contact information is available to each party through the prothonotary.

Signature

Signed , 20

Signature of appellant
Print name:

OR

Signature of counsel
[name] as counsel
for [name]

Registrar's Certificate

I certify that this notice of appeal was filed with the court on _____, 20____.

[Notice to Minister of Community Services. The timely preparation of a transcript of the proceedings subject to this appeal is required by subsection 49(4) of the *Children and Family Services Act*]

Form 90.09/90.10

20

C.A. No.

Nova Scotia Court of Appeal

Between:

[name]

Appellant

and

[name]

Respondent

**Notice of Application for Leave to Appeal and Notice Appeal
(Interlocutory) or (Costs Only)**

To: [name and address of each respondent]

Appellant appeals

The appellant applies for leave to appeal and, if granted, will appeal from the [order/decision] dated , 20 in the proceedings in the Supreme Court showing court number [insert trial court file number] granted by [name of judge] .

Order or decision appealed from

The [order/decision] was made on , 20 . It was made at , Nova Scotia.

Grounds of appeal

The grounds of appeal are

- (1) [state grounds completely and concisely and include list of legislation relied on]
- (2)
- (3)

Order requested

The appellant says that the court should allow the appeal and that this [order/decision] appealed from be [reversed, rescinded/varied] and [describe requested relief] .

Motion for date and directions

The appeal will be heard on a date to be set by a judge. The appellant will ask a judge of the Court of Appeal to set that date and give directions on _____, 20____, at The Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia. You have the right to be present or represented by counsel. If you are not present or represented, the judge may proceed without you.

Contact information

The appellant designates the following address:

Documents delivered to this address will be considered received by the appellant on delivery. Further contact information is available to each party through the prothonotary.

Signature

Signed _____, 20____

Signature of appellant

Print name:

OR

Signature of counsel

[name] as counsel

for [name]

Registrar's Certificate

I certify that this notice of appeal was filed with the court on _____, 20____.

Form 90.26

(Rule 90.26)

20

C.A. No.

Nova Scotia Court of Appeal

Between:

[name]

Appellant

and

[name]

Respondent

Certificate of Readiness

(to be faxed or sent to the registrar no less than five days prior to Chambers application for setting dates for the hearing of an appeal)

I, _____ (counsel for the appellant or appellant in person) certify to the Court :

- (i) that the court or tribunal appealed from has issued a formal order (if applicable);
- (ii) I have a paper copy of the written decision under appeal;

OR

- (ii) if no written decision has been filed, I undertake to send a copy of the transcribed oral decision to the judge or tribunal appealed from as soon as I receive it from the court reporter;

[delete inapplicable clause (ii)]

- (iii) that I have ordered copies of the audio recordings from the appropriate court or tribunal;
- (iv) that I have ordered the transcription of these audio recordings (the evidence);
- (v) that I am informed by _____ (name of court reporter or transcription service) and believe that the transcription will be completed no later than _____ (date); and
- (vi) that I anticipate being able to file the Appeal Book in this matter no later than _____ (date).
- (vii) that I have sent a copy of the notice of appeal to the judge (or tribunal) from whose decision this appeal is taken.

Dated at _____, Nova Scotia this _____ day of _____, 20 ____.

(Counsel for Appellant/Appellant in Person)

Address: _____

Phone No.: _____

Fax No.: _____

Form 91.05(A)

C.A. No.

Nova Scotia Court of Appeal

Between:

[name]

Appellant

and

[name]

Respondent

Notice of Appeal
(Where appellant is represented by a solicitor)

To: [name of respondent]

PARTICULARS OF CONVICTION:

1. Place of conviction _____
2. Name of Judge _____
3. Name of Court _____
4. Name of Crown Prosecutor at trial _____
5. Name of Defence Counsel at trial _____
6. Offence(s) charged: _____ under _____ (*state sections of Criminal Code or other statute*)
7. Offence(s) of which appellant convicted _____
8. Sections of the Criminal Code or other statutes under which appellant convicted _____

9. Plea at trial _____
10. Sentence imposed _____

11. Date of conviction _____

12. Date of sentence _____

13. If appellant in custody, place of incarceration _____

Take notice that the appellant: (insert whichever of the following is applicable)

(1) appeals against his conviction upon grounds involving a question of law alone;

(2) applies for leave to appeal his conviction upon grounds involving a question of fact alone or a question of mixed law and fact, and if leave be granted hereby appeals against the said conviction;

(3) applies for leave to appeal against sentence, and if leave be granted hereby appeals against the sentence.

Grounds of appeal and relief sought

This appeal is brought under section _____ of the [*Criminal Code*/other] .

The grounds of appeal are as follows:

1 [state grounds concisely]

2

3 .

At the conclusion of the appeal the appellant will request an order that [concisely describe order sought] .

Contact information

The appellant designates the following address:

Documents delivered to this address are considered received by the appellant on delivery.

Further contact information is available from the registrar.

Signature

Signed _____, 20__

Signature of Appellant

Print name:

[or]

Signature of counsel

[name] as counsel

for [name of appellant]

Registrar's certificate

I certify that this notice of appeal was filed with the Court of Appeal on _____, 20__.

Registrar

Form 91.05(B)

C.A. No. _____

Nova Scotia Court of Appeal

Between:

[name]

Appellant

and

His Majesty the King

Respondent

Notice of Appeal

(Where appellant is not represented by a Solicitor)

To: His Majesty the King

PARTICULARS OF CONVICTION:

1. Place of conviction _____

2. Name of Judge _____

3. Name of Court _____

4. Name of Crown Prosecutor at trial _____

5. Name of Defence Counsel at trial _____

6. Offence(s) charged: _____ under _____ *(state sections of Criminal Code or other statute)*

7. Offence(s) of which appellant convicted _____

8. Sections of the Criminal Code or other statutes under which appellant convicted _____

9. Plea at trial _____

10. Sentence imposed _____

11. Date of conviction _____

12. Date of sentence _____

13. If appellant in custody, place of incarceration _____

Take notice that the appellant appeals (and if necessary applies for leave to appeal):

_____ (see note 1 below)

Grounds of appeal and relief sought

This appeal is brought under section _____ of the [Criminal Code/other] .

The grounds of appeal are as follows:

1 [state grounds concisely] (see note 2 below)

2

3 .

At the conclusion of the appeal the appellant will request an order that
[concisely describe order sought] .

I desire to present my case and argument (strike out (a) or (b),

(a) in writing (see note 3 below)

(b) in person

If a new trial is ordered and you have a right to trial by judge and jury do you wish trial by judge
and jury? _____

Contact information

The appellant designates the following address:

Documents delivered to this address are considered received by the appellant on delivery.
Further contact information is available from the registrar.

Signature

Signed _____, 20__

Signature of Appellant
Print name:

Registrar's certificate

I certify that this notice of appeal was filed with the Court of Appeal on _____, 20__.

Registrar

NOTES:

- (1) If the appellant wishes to appeal against conviction, he must write the word "conviction". If he wishes to appeal against sentence, he must write the word "sentence". If he wishes to appeal against both conviction and sentence he must write the words "conviction and sentence". If an appellant convicted of more than one offence wishes to appeal against some only of his convictions and sentences, he must state clearly the convictions or sentences against which he wishes to appeal.
 - (2) These must be filled in before the notice is sent to the Registrar. The appellant must here set out the grounds or reasons he alleges why his conviction should be quashed or his sentence reduced.
 - (3) If the appellant desires to submit his case and argument in writing he may serve his written argument with this notice of appeal, or within fourteen (14) days of receiving the transcript and the appeal book from the Attorney General, or within such time as ordered by a Judge.
-

OTHER INFORMATION:

- I. If your appeal is against conviction alone this notice must be served within twenty-five days of the date of the conviction.
2. If your appeal is against sentence alone or conviction and sentence this notice must be served within twenty-five days of the date of imposition of the sentence.
3. If this notice is served beyond twenty-five days then you must apply for an extension of time by completing the application below. If you do not apply to the Court for such extension of time or if your application for extension is refused, your appeal will be dismissed without further hearing.
4. If you are in custody two (2) signed copies of this notice of appeal must be delivered to the senior official of the institution in which you are confined. If you are not in custody three (3) copies of the notice of appeal must be delivered to the Registrar.

Application for Extension of time:

I hereby apply for an extension of the time within which I may appeal for the following reasons:

Signature

Signed _____

Date _____

Form 91.23

C.A. No.

Nova Scotia Court of Appeal

Between:

[name]

Appellant

and

[name]

Respondent

Notice of Abandonment

To: the Registrar of the Court of Appeal
and [name of respondent]

I [name of appellant] abandon this appeal.

Signature

Signed _____, 20

This notice was signed in the presence of

Signature of Witness

Print name:

Title: [*Counsel for the Appellant*/
name of office held in institution]

Signature of Appellant

Print name:

Note: Provide affidavit if not witnessed by counsel or officer of institution in which appellant is held.