

**HOW TO FILE A MOTION TO EXTEND, VARY OR TERMINATE
A CYBER-PROTECTION ORDER (ADULT)
IN THE SUPREME COURT OF NOVA SCOTIA**

1. Practice Memorandum No. 13 (PM No.13) allows a person who is the victim of unlawful electronic distribution of intimate images or a victim of cyber-bullying to make a motion to extend, vary or terminate a cyber-protection order.

Alternate Resolution: The complaint may not need to go to court. **CyberSCAN can help to resolve the issues.** A person who wishes to start a cyber-bullying proceeding in court should contact **CyberSCAN** if they have not already done so. They can be reached at <https://novascotia.ca/cyberscan/> or call (855) 702-8324.

2. A person seeking to extend, vary or terminate a cyber-protection order must make a motion by filing a Notice of Motion (Extend, Vary or Terminate a Cyber-Protection Order) [Notice of Motion Form is found in PM No.13].
The filing fee is \$66.00.
3. The Applicant must take reasonable steps to select a time for the court hearing that is convenient for each Respondent's counsel and each Respondent who acts on their own, in accordance with Civil Procedure Rule 23.04(3).
4. An Applicant must file the following documents **no less than 5 days*** before the day the motion is to be heard in accordance with Civil Procedure Rule 23.11(1):
 - a) Notice of Motion (Extend, Vary or Terminate a Cyber-Protection Order) [Notice of Motion Form is found in PM No.13].
 - b) Affidavit in support of application [Form 39.08 is found in PM No.13]
 - c) Draft Order [Form of Order to Extend, Vary or Terminate a Cyber-Protection Order is found in PM No.13] - no less than 3 copies of draft, providing for the order to:
 1. extend a cyber-protection order,
 2. vary a cyber-protection order, or
 3. terminate a cyber-protection order.
5. A copy of the Notice of Motion (Extend, Vary or Terminate a Cyber-Protection Order) must be personally served (notified in accordance with Civil Procedure Rule 31.02) to each of the Respondents as soon as possible and **no less than 5 days*** before the day the motion is to be heard in accordance with Civil Procedure Rule 23.11(1): [Affidavit of Service is found in PM No.13].
 - a) Additionally, a copy of the affidavit and draft order outlined in 4 above must be delivered to each of the Respondents in the same timeframe, in accordance with Civil Procedure Rule 31.15.
 - b) Personal service must be done by a literate person who is not a party in the proceeding, in accordance with Civil Procedure Rule 31.04.

6. An Applicant must file a Brief of Law (2 copies) and deliver a copy to each of the Respondents, **no less than 5 days*** before the day the motion is to be heard in accordance with Civil Procedure Rules 23.11(1) and 31.15.
7. If the Respondent does not file a document in response, the Applicant must either:
 - a) file an affidavit of service proving required notice (personal service) was done no less than 5 days before the day the motion is heard and in accordance with Civil Procedure Rule 31 – Notice, or
 - b) advise the prothonotary that notice has not been given.

which must be done **no less than 2 days*** before the day the application is to be heard in accordance with Civil Procedure Rule 23.11(1).

* **NOTE:** Days are calculated in accordance with Civil Procedure Rule 94 – the days counted are those between the two events and the following days are **not included** in the period of days: the day of service or delivery, the day of the hearing, Saturdays, Sundays or any weekday that the Prothonotary’s office is closed.

Further information is available on

- the **CyberScan** Website:
<https://novascotia.ca/cyberscan/>
- Booklet: What you need to know about the *Intimate Images & Cyber-Protection Act*
<https://novascotia.ca/cyberscan/documents/What%20You%20Need%20To%20Know%20about%20the%20Intimate%20Images%20and%20Cyber-Protection%20Act.pdf>
- Nova Scotia Supreme Court Practice Memorandum No. 13
[#13 Intimate Images and Cyber-Protection | Supreme Court of Nova Scotia Practice Memorandums/Notes de pratique de la Cour suprême de la Nouvelle-Écosse | Nova Scotia Courts \(lexum.com\)](#)