

## **Part 22 - Forms**

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**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 \$100,000**

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 \$100,000, 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 \$100,000**

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 \$100,000.]

**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	(\$ _____ )
[ <i>agreed interest/5% prejudgment interest</i> ]	\$ _____
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>
<b>jury selection</b>	
<b>plaintiff's case</b>	
<b>defendant's case</b>	
<b>third party's case</b>	
<b>submissions</b>	
<b>jury deliberations</b>	
<b>[other]</b>	

**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



**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>

**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 fifteen 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

**Further witnesses**

*[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:*

or

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

**[Contact information** if respondent and 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  
[applicant/respondent]  
Print name:

[or]

\_\_\_\_\_  
Signature of counsel  
[name] as counsel for  
the [applicant/respondent] , [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: [complete heading as required by Rule 82 - Administration of Civil Proceedings]

[name]

Applicant

and

[name]

Respondent

**Notice for *Habeas Corpus***

**Applicant is detained**

The applicant is detained at [name and address] .

The applicant is detained by [name and title] .

The applicant is detained [because.../without reasons having been given] .

It is impossible for the applicant to leave detention because [reasons] .

**Applicant requests review**

The applicant says the detention is illegal.

The applicant requests an order directing the respondent, and any other person who has control of the applicant and receives notice of the order, to bring the applicant and all documents relating to the detention before the court.

**Grounds for review**

The applicant says the detention is illegal because:

1

2

3

**Contacting applicant**

The prothonotary has been informed of all means of communications with the applicant. The authority or persons detaining the applicant 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 [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 7.13**

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 [name] 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 [name] in this action

**Terms for settlement**

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

To settle costs, we will pay [*the sum of \$ [amount] . / an amount to be determined by a judge./the sum of \$ [amount] 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 [name] 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.

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 [title] in this action, which is a [corporation/society/partnership] .
- 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.

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]

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 in this action, which is a [corporation/society/partnership] .

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 [date], 20 [year] at [location] 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 [date], 20 [year]

\_\_\_\_\_  
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]

**Appearance Day Notice**

**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 in appearance day chambers on \_\_\_\_\_, 20\_\_\_\_ at [noon/ a.m./ p.m.] in the Law Courts at 1815 Upper Water Street, Halifax, 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  
Print name:  
Official capacity:

\_\_\_\_\_  
Signature of witness



**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 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.

**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.

**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 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 sworn on /Affidavit of /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

\_\_\_\_\_  
Signature of witness

Print name:  
Official capacity:



**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:

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 56.08**

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]

Supreme Court of Nova Scotia  
(Family Division)

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

[name] Applicant

and

[name] Respondent

**Notice of Application**

**To:** [name of respondent or respondents]

**The applicant requests an order**

The applicant, [name of party] is applying for an order for the following: [may delete any that do not apply]

- under the *Maintenance and Custody Act*, including the following section numbers as referenced:
  - custody (s. 18)                       leave to apply (s. 18)
  - access (s. 18)                         leave to apply (s. 18)
  - child maintenance involving married parents (s. 9)
  - child maintenance involving unmarried parents and finding of paternity (s. 11)
  - spousal maintenance (s. 3)
  - exclusive occupation of residence (s. 7)
  - order for paternity or blood tests (s. 27)
  - registration of agreement (s. 52)
  
- under the *Matrimonial Property Act*:
  - exclusive possession of matrimonial home (s. 11)
  - division of assets (s. 12)
  - other [give specifics]
  
- under the *Pension Benefits Act*, the *Pension Benefits Standards Act*, or other legislation to divide a pension or to enable a division of pension

- 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.

### **Documents in support of application**

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

- parenting statement
- 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 application. A judge or court officer will direct you regarding the deadline for filing a response to application that you want to file.

### **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**

Signed , 20

\_\_\_\_\_  
Signature of applicant  
Print name:

[or]

\_\_\_\_\_  
Signature of counsel  
[name] as counsel for [name of party]

**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]

Supreme Court of Nova Scotia  
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

**Response to Application**

**To:** [name of applicant or applicants]

**The respondent requests an order**

The respondent, [name of party] , is applying for an order for the following: [may delete any that do not apply]

- under the *Maintenance and Custody Act*, including the following sections as referenced in brackets:
  - custody (s. 18)                       leave to apply (s. 18)
  - access (s. 18)                         leave to apply (s. 18)
  - child maintenance involving married parents (s. 9)
  - child maintenance involving unmarried parents and finding of paternity (s. 11)
  - spousal maintenance (s. 3)
  - exclusive occupation of residence (s. 7)
  - order for paternity or blood tests (s. 27)
  - registration of agreement (s. 52)
  
- under the *Matrimonial Property Act*:
  - exclusive possession of matrimonial home (s. 11)
  - division of assets (s. 12)
  - other [give specifics]
  
- under the *Pension Benefits Act*, the *Pension Benefits Standards Act*, or other legislation to divide a pension or to enable a division of pension

- costs
- other [give specifics, including legislation or other legal authority for relief sought]

**Documents in support of application**

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

- parenting statement
- 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.

**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**

Signed \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Signature of respondent  
Print name:

[or]

\_\_\_\_\_  
Signature of counsel  
[name] as counsel for [name of party]

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]

[name]

Petitioner

and

[name]

Respondent

**Petition for Divorce**

**To:** [name of respondent]

**An action has been 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]

- custody (s. 16)
- access (s. 16)
- child support (s. 15.1)
- 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]
- 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 has been a breakdown of the marriage of the parties and in particular: [may delete any that do not apply]

- The parties have been 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 has been 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 has been 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 has been 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./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 before marriage*  
*petitioner:*  
*respondent:*
- *Surnames on birth certificate*  
*petitioner:*  
*respondent:*
- *Marital status when married*  
*petitioner:*  
*respondent:*
- *Place and date of birth*  
*petitioner:*  
*respondent:* .]



**Jurisdiction**

The petitioner lives in \_\_\_\_\_ [community] , and the respondent lives in \_\_\_\_\_ [community] . [The petitioner/The respondent] has been ordinarily 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
------	---------------

**Custody arrangements**

Present arrangements for custody are:

**Child support arrangements**

Present arrangements for child support are:

**Agreements**

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

**Other proceedings**

There are, and there have been, no other proceedings between the parties or affecting the children [./, *except* 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**

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.

**Signatures**

Signed , 20

\_\_\_\_\_  
Signature of petitioner  
Print name:

I, counsel for the petitioner, certify that I have complied with the requirements of section 9 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]

[name]

Petitioner

and

[name]

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 [./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)
- custody (s. 16)
- access (s. 16)
- child support (s. 15.1)
- 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]
- 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 has been a breakdown of the marriage of the parties and in particular: [may delete any that do not apply]

- The parties have been 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 has been 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 has been 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 has been 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**

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.

**Signatures**

Signed \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Signature of respondent  
Print name:  
  
[and, if represented by counsel]

\_\_\_\_\_  
Signature of counsel  
Counsel for the respondent  
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:

**Form 59.12**

20

No.

Supreme Court of Nova Scotia  
(Family Division)

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

[name]

Applicant

and

[name]

Respondent

**Notice of Variation Application**

**To:** [name of respondent or respondents]

**The applicant requests an order be varied**

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

- section 17 of the *Divorce Act*;
- section 37 of the *Maintenance and Custody Act*.

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

The requested changes concern the following: [may delete any that do not apply]

- custody
- access
- child support or child maintenance:
  - table amount
  - special expenses or extraordinary expenses
  - change in number of dependent children
  - other [give specifics]

- spousal support or spousal maintenance [give specifics]
- other [give specifics]
- As part of the variation application, the applicant applies under sections 15 and 46 of the *Maintenance Enforcement Act* for an order addressing arrears of support or maintenance.

The applicant requests that the changes take effect [on the day the application is started. / retroactive to \_\_\_\_\_, 20\_\_\_\_, and the applicant must present evidence in support of this date.]

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

**Documents in support of application**

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

- parenting statement
- 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 [applicant] \_\_\_\_\_, [name of party] \_\_\_\_\_, which includes evidence establishing change in circumstances [./ and evidence supporting the retroactive date.]
- other affidavits and documents [give specifics]
- order made by another court that the applicant seeks to vary: [number of copies] certified copies

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 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**

Signed , 20

\_\_\_\_\_  
Signature of applicant

Print name:

[or]

---

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

**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]

**Form 59.13**

20

No.

Supreme Court of Nova Scotia  
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

**Response to Variation Application**

**To:** [name of applicant or applicants]

**The respondent requests an order be varied**

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

- section 17 of the *Divorce Act*;
- section 37 of the *Maintenance and Custody Act*.

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

The requested changes concern the following: [may delete any that do not apply]

- custody
- access
- child support or child maintenance:
  - table amount
  - special expenses or extraordinary expenses
  - change in number of dependent children
  - other [give specifics]

- spousal support or spousal maintenance [give specifics]
- other [give specifics]
- As part of the variation application, the respondent applies under sections 15 and 46 of the *Maintenance Enforcement Act* for an order addressing arrears of support or maintenance.

The respondent requests that the changes take effect [on the day the application is started. / retroactive to \_\_\_\_\_, 20\_\_\_\_, and the respondent must present evidence in support of this date.]

**Documents in support of application**

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

- parenting statement
- 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 [respondent] \_\_\_\_\_, [name of party] \_\_\_\_\_, which includes evidence establishing change in circumstances [./ and evidence supporting the retroactive date.]
- 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**

Signed \_\_\_\_\_, 20\_\_\_\_

---

Signature of respondent

Print name:

[or]

---

Signature of counsel

[name] as counsel for [name of party]

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



**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 custody or access, or about parenting*] ;
- 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 [www.cra.gc.ca/myaccount](http://www.cra.gc.ca/myaccount));
  - (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 or child maintenance;

- (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:  
fax:

**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 custody or access, or about parenting] ;
- 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 [www.cra.gc.ca/myaccount](http://www.cra.gc.ca/myaccount));
  - (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 custody, access, or about parenting;
- (5) make an interim or final order for child support or child maintenance;
- (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 custody or access, or about parenting*] ;
- 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 [www.cra.gc.ca/myaccount](http://www.cra.gc.ca/myaccount));

- (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 custody, access, or about parenting;
- (5) make an interim or final order for child support or child maintenance;
- (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.]*

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 custody and access, 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]

- custody/access/parenting
  - custody: custody to one party or joint custody
  - custodial or residential parent
  - access or contact
  - paternity
  - relocation
  - other [detail]
  
- child support
  - paternity
  - determination of income
  - special or extraordinary expenses
  - undue hardship
  - shared 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/maintenance*]
- recommend that order for child [*support/maintenance*] 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]

**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**

If you fail to appear in court at the required time, 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 custody, access, or about parenting;
- (5) make an interim or final order for child support or child maintenance;
- (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.

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]

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:
  - custody (s. 16)
  - access (s. 16)
  - child support (s. 15.1)
  - 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]
  
- 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 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



**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]

[name]

Applicant

and

[name]

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]

**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.

**Signatures**

Signed \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Signature of applicant  
Print name:

I, counsel for the applicant, certify that I have complied with the requirements of section 9 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

**Form 59.46**

20

No.

Supreme Court of Nova Scotia  
(Family Division)

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

**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
- applicant's, [name] , statement of income filed on \_\_\_\_\_, 20
- applicant's, [name] , statement of income filed on \_\_\_\_\_, 20
- applicant's, [name] , statement of special or extraordinary expenses filed on \_\_\_\_\_, 20
- applicant's, [name] , statement of special or extraordinary expenses filed on \_\_\_\_\_, 20
- applicant's, [name] , statement of expenses filed on \_\_\_\_\_, 20
- applicant's, [name] , statement of expenses filed on \_\_\_\_\_, 20
- applicant's, [name] , statement of undue hardship circumstances filed on \_\_\_\_\_, 20
- applicant's, [name] , statement of undue hardship circumstances filed on \_\_\_\_\_, 20
- applicant's, [name] , statement of property filed on \_\_\_\_\_, 20
- 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] .

**Contact information**

The applicant [name] designates the following address:

The applicant [name] designates the following address:

Documents delivered to these addresses are considered received by the applicant who designated the address on delivery.

**Signatures**

Signed by [name of applicant] on , 20

---

Signature of joint applicant

Signed by [name of applicant] on , 20

---

Signature of joint applicant

I, counsel for [name of applicant] , certify that I have complied with the requirements of section 9 of the *Divorce Act*.

---

Signature of counsel

Print name:



I, counsel for [name of other applicant] , certify that I have complied with the requirements of section 9 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

**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

**Notice of Child Protection Application**

**To:** [name of 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 clause 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 \_\_\_\_\_, 20\_\_\_\_, an interim hearing will take place before a judge in Chambers at the Courthouse, \_\_\_\_\_ Street, \_\_\_\_\_ 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 \_\_\_\_\_, sworn on \_\_\_\_\_, 20\_\_\_\_, 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.

**Filing and delivering documents**

Any documents you file with the court must be filed at the office of the Family Division  
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]

**Form 60A.07**

[If taking a child into care is before starting a child protection application]

In the matter of [name of agent] , for agency [name of agency]  
[name the Minister of Community Services or the Children's Aid Society involved]  
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

[If taking a child into care is after starting a child protection application]

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 Taking into Care**

**Taking into care**

I, as agent under the *Children and Family Services Act* for the applicant named above, have on this day taken into care the child, \_\_\_\_\_, born on \_\_\_\_\_, 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 clause 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 the 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 \_\_\_\_\_, 20

\_\_\_\_\_  
Signature of agent

Print name:

[or]

\_\_\_\_\_  
Signature of counsel

[name] as counsel for  
the agent [name]

**Form 60A.07A**

20

No.

Supreme Court of Nova Scotia  
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

**Notice of Taking into Care**

**Taking into care**

I, as agent under the *Children and Family Services Act* for the applicant named above, have on this day taken into care the child, \_\_\_\_\_, born on \_\_\_\_\_, 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, \_\_\_\_\_, 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 \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Signature of agent  
Print name:

[or]

\_\_\_\_\_  
Signature of counsel  
[name] as counsel for  
the agent [name]

**Form 60A.12**

20

No.

Supreme Court of Nova Scotia  
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

**Order for Stay During Mediation**

Before the Honourable Justice

in chambers

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 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 proceeding is stayed until [insert end date of stay] .

- 2 *[The mediator must file a report with the court and deliver a copy to each party./ 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 and who attended/the terms of an agreement or that an agreement was not reached./ The report must not be limited and not include recommendations, but may include any information the mediator considers relevant to the issues.]*

Issued , 20

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Prothonotary

**Form 60A.16**

20

No.

Supreme Court of Nova Scotia  
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

**Notice of Motion for Disposition Order**

**To:** [name of each respondent entitled to notice]

**Motion for disposition order**

[name of agency] , 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 hearing motion**

The motion is to be heard by a judge at a [pre-hearing conference/disposition hearing] to be held on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ [a.m./p.m.] in the [Courthouse/Law Courts] \_\_\_\_\_, Street, \_\_\_\_\_, Nova Scotia.

**Evidence**

The evidence in support of the motion is as follows:

- (1) affidavit of \_\_\_\_\_ sworn on \_\_\_\_\_, 20\_\_\_\_ and filed with this notice.
- (2) affidavit of \_\_\_\_\_ sworn on \_\_\_\_\_, 20\_\_\_\_ already filed in this proceeding.

(3) affidavit of \_\_\_\_\_ to be sworn and filed before the deadline, about \_\_\_\_\_ .

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 \_\_\_\_\_, 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

**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 on the basis of which the child was found in need of protective services:

*[the agency will provide the following services:* [agency services]

*[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 time lines 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 on the basis of which the child was found to be in need of protective services] ;

(b) [a description of past and present services] :

Services that have been attempted and their current status [include any reasons why the services have failed, if applicable]

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]

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:
- (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 to be used to achieve 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 brothers or sisters, a statement of efforts made to keep the child with those brothers and sisters;
  - (j) an explanation of the efforts made to maintain contact with the child's relatives and friends;
  - (k) an explanation of the steps taken to preserve the child's cultural, racial, and linguistic heritage;
  - (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:
- (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) 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) access, if any, proposed for the child and any terms and conditions to be included in such access arrangements;
  - (d) an explanation of how the placement is with a family of the child’s own religious faith, culture, race, and language.

[The three paragraphs numbered five are in the alternative.]

**Signature**  
Signed

, 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

**Order of Dismissal**

Before the Honourable Justice

in Chambers

**Findings**

The persons entitled to notice of this proceeding have been notified;

The child, \_\_\_\_\_, born \_\_\_\_\_, was in need of protective services under the *Children and Family Services Act*, clauses 22(2) [refer to clause relied on] \_\_\_\_\_, on \_\_\_\_\_, 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 \_\_\_\_\_, 20 \_\_\_\_, a decision was made on \_\_\_\_\_, 20 \_\_\_\_;

**Order**

It is ordered that this child protection proceeding for the child \_\_\_\_\_, born \_\_\_\_\_, is dismissed.

Issued \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
Prothonotary

**Form 60A.20**

20

No.

Supreme Court of Nova Scotia  
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

**Supervision Order**

Before the Honourable Justice

in Chambers

**Findings**

The persons entitled to notice of this proceeding have been notified;

The child, \_\_\_\_\_, born \_\_\_\_\_, was in need of protective services under the *Children and Family Services Act*, clauses 22(2) [refer to clause relied on] \_\_\_\_\_, on \_\_\_\_\_, 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 \_\_\_\_\_, 20 \_\_\_\_, a decision was made on \_\_\_\_\_, 20 \_\_\_\_;

**Order**

It is ordered:

- 1 The child \_\_\_\_\_, 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 , 20  
at [a.m./p.m.] in the [Courthouse/Law Courts] , Street, ,  
Nova Scotia, or at an earlier time directed by a judge.

Issued , 20

---

Prothonotary

**Form 60A.21**

20

No.

Supreme Court of Nova Scotia  
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

**Order for Temporary Care and Custody**

Before the Honourable Justice

in Chambers

**Findings**

The persons entitled to notice of this proceeding have been notified;

The child, \_\_\_\_\_, born \_\_\_\_\_, was in need of protective services under the *Children and Family Services Act*, clauses 22(2) [refer to clause relied on] \_\_\_\_\_, on \_\_\_\_\_, 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 \_\_\_\_\_, 20\_\_\_\_\_, a decision was made on \_\_\_\_\_, 20\_\_\_\_\_;

**Order**

It is ordered:

1 The child \_\_\_\_\_, born \_\_\_\_\_, 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 The agency must return the child to the care and custody of \_\_\_\_\_ [on \_\_\_\_\_, 20 \_\_\_\_./when describe event.]

4 A judge will review this order for temporary care and custody at \_\_\_\_\_ [a.m./p.m.] on \_\_\_\_\_, 20 \_\_\_\_ at \_\_\_\_\_ [a.m./p.m.] in the [Courthouse/Law Courts] \_\_\_\_\_, Street, \_\_\_\_\_, Nova Scotia, or at an earlier time directed by a judge.

Issued \_\_\_\_\_, 20 \_\_\_\_

---

Prothonotary

**Form 60A.22**

20

No.

Supreme Court of Nova Scotia  
(Family Division)

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

**Order for Permanent Care and Custody**

Before the Honourable Justice

in Chambers

**Findings**

The persons entitled to notice of this proceeding have been notified;

The child, \_\_\_\_\_, born \_\_\_\_\_, was in need of protective services under the *Children and Family Services Act*, clauses 22(2) [refer to clause relied on] \_\_\_\_\_, on \_\_\_\_\_, 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 \_\_\_\_\_, 20 \_\_\_\_\_, a decision was made on \_\_\_\_\_, 20 \_\_\_\_\_;

**Order**

It is ordered:

- 1 The child \_\_\_\_\_, born \_\_\_\_\_, is placed in the permanent care and custody of the agency.
  
- 2 The agency must permit [name] access to the child on the following terms and conditions: [if applicable]
  - (a) \_\_\_\_\_ ;
  - (b) \_\_\_\_\_ ;
  - (c) \_\_\_\_\_ .

Issued \_\_\_\_\_, 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, \_\_\_\_\_, born on \_\_\_\_\_, has withdrawn from the child's parent, guardian, or agency, namely, \_\_\_\_\_, and there are reasonable and probable grounds to believe that the child's health or safety may be at risk;

**Order**

It is ordered that each peace officer to whom a copy of this order is delivered shall locate and detain the child, \_\_\_\_\_, and upon detaining the child the peace officer shall as soon as it is possible deliver the child, \_\_\_\_\_, to the Department of Community Services, its servants or agents to be interviewed and, if appropriate, thereafter returned to the care of \_\_\_\_\_.

Issued \_\_\_\_\_, 20

---

Prothonotary

**Form 60A.32**

20

No.

Supreme Court of Nova Scotia  
(Family Division)

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

[name]

Applicant

and

[name]

Respondent

**Application for Removal from Child Abuse Register**

**To:** [name respondent]

**Application to remove name from Child Abuse Register**

The applicant, [full name] , of [community] , 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:
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 \_\_\_\_\_, 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 child abuse register was filed with the court on \_\_\_\_\_, 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, dependancy, 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:

.]





**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

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Prothonotary

**Form 62.09**

20

No.

Supreme Court of Nova Scotia

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

[name]

Petitioner

and

[name]

Respondent

**Petition for Divorce**

**To:** [name of respondent]

**Action has been started for divorce**

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

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

**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 notice of action 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*: [mark the applicable box, or remove inapplicable lines]

- custody (s. 16)
- access (s. 16)
- child support (s. 15.1)
- spousal support (s. 15.2)
- other: [describe]

**Claims under other legislation**

The petitioner claims under the following legislation for the following relief: [mark the applicable box, or remove inapplicable lines]

- Matrimonial Property Act* for the following:
  - exclusive possession of matrimonial home
  - division of property
  - other: [describe]
- 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* for a change of registered name
- Other: [describe]

**Grounds for divorce**

The parties have been living separately since [day, month, and year or month and year if less than two years/just the year if longer] and will have lived separately for no less than one year when this action is determined. [May add or substitute grounds of adultery or cruelty with details.]

**Reconciliation, improper conduct**

There is no possibility of reconciliation. Also, there has been no collusion, condonation, or connivance leading to this notice of petition for divorce.

**Details of the marriage**

[The details of the marriage sought to be dissolved are shown on the attached marriage certificate./It is not convenient to attach a marriage certificate to this notice of action for divorce and the following are the details of the marriage:

- *Date of marriage:*
- *Place of marriage:*
- *Surnames before marriage*  
*petitioner:*  
*respondent:*
- *Surnames on birth certificate*  
*petitioner:*  
*respondent:*
- *Marital status when married*  
*petitioner:*  
*respondent:*
- *Place and date of birth*  
*petitioner:*  
*respondent:* .]

**Jurisdiction**

The petitioner lives in [community] , and the respondent lives in [community] . [The petitioner/The respondent] has been ordinarily resident in Nova Scotia for at least one year before the day this notice is signed and, in particular [for life/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
------	---------------

**Custody arrangements**

Present arrangements for custody are:

**Income and child support** [delete only if neither party is liable to pay child support]

The [*petitioner/respondent*] is liable to pay child support. [*The petitioner’s income is/The petitioner estimates the respondent’s income to be*] \$ . The amount of child support payable under the *Federal Child Support Guidelines* is \$ a month.

**Child support arrangements**

Present arrangements for child support are:

**Agreements**

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

**Other proceedings**

There are, and there have been, no other proceedings between the parties or affecting the children [*./, except describe.*]

### **Petitioner's financial and property statements**

The petitioner will file all of the following financial and property statements before the deadline for you to file an answer:

- statement of income [Check if there is to be a contested spousal support claim. Check if there is to be a child support claim against the petitioner or if the petitioner claims child support for more than the *Federal Child Support Guidelines* table amount.]
- statement of special or extraordinary expenses [Check if there is to be a claim for a contribution to a child's expenses in addition to the *Guidelines* table amount.]
- statement of expenses [Check if there is to be a contested spousal support claim. Check if there is to be a claim for child support different from the *Guideline* table amount plus special or extraordinary expenses.]
- statement of child's income and expenses [Check if the petitioner claims support for child over nineteen.]
- statement of property [Check if there is to be a contested claim for spousal support or property division.]
- other [Consult *Guidelines* about a claim that child support causes undue hardship. Consult Rules about a spousal support claim by a person who lives with a partner.]

The petitioner must also file all documents and statements required by the *Federal Child Support Guidelines* to be provided to the respondent.

### **Respondent's financial and property statements**

You are required to file the following financial and property statements before the deadline for you to file an answer, whether or not you intend to file an answer:

- statement of income, if there is a contested spousal support claim, a child support claim against you, or a child support claim by you that seeks more than the *Federal Child Support Guidelines* table amount
- statement of special or extraordinary expenses, if you claim a contribution to a child's expenses in addition to the *Guidelines* table amount



- statement of expenses, if there is a contested spousal support claim or a claim for child support different from the *Guidelines* table amount plus special or extraordinary expenses
- statement of a child's income and expenses, if you claim support for a child over nineteen
- statement of property, if there is a contested claim for division of property or for spousal support

You have further disclosure obligations on a claim that child support will cause undue hardship, a claim by you for spousal support if you live with a partner, and to file documents or statements required to be disclosed to the petitioner under the *Federal Child Support Guidelines*.

**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 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. Further contact information is available from the prothonotary.

**Proposed place of trial**

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

**Declaration**

I declare that the statements in this notice of petition for divorce are true to the best of my personal knowledge, or information given to me that I believe to be true.

**Signatures**

Signed \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Signature of petitioner  
Print name:

I, counsel for the petitioner, certify that I have complied with the requirements of section 9 of the *Divorce Act*.

\_\_\_\_\_  
Signature of counsel  
Print name:

**Prothonotary's Certificate**

I certify that this notice of petition for divorce was filed with the court on \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Prothonotary

[Attach marriage certificate.]

[This petition must be served on the respondent by someone other than the petitioner.]

**Form 62.10**

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Petitioner

and

[name]

Respondent

**Answer**

**To:** [name of petitioner]

**Contested claims**

The claims made in the notice of 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.]*

**Respondent's claims under *Divorce Act***

The respondent claims the following relief under the following sections of the *Divorce Act*:  
[mark the applicable box, or remove inapplicable lines]

- divorce (s. 8)
- custody (s. 16)
- access (s. 16)
- child support (s. 15.1)
- spousal support (s. 15.2)
- other: [describe]

[Provide grounds if a divorce order is claimed by respondent.]

**Income and child support** [delete only if neither party is liable to pay child support]

The [petitioner/respondent] is liable to pay child support. [The respondent's annual income is/The respondent estimates the petitioner's annual income to be] \$ \_\_\_\_\_ a year. The amount of child support payable under the *Federal Child Support Guidelines* is \$ \_\_\_\_\_ a month.

**Respondent's claims under other legislation**

The respondent claims under the following legislation for the following relief: [mark the applicable box, or remove inapplicable lines]

- Matrimonial Property Act* for the following:
  - exclusive possession of matrimonial home
  - division of property
  - division of pension
  - other: [describe]
  
- 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]

**Corrections to facts stated in notice of petition**

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

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

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

## **Financial and property statements**

The respondent now files all required financial and property statements.

- statement of income [File if there is a spousal support claim and parties do not waive filing. File if there is a child support claim against the respondent or the respondent claims child support for more than the *Guideline* table amount.]
- statement of special or extraordinary expenses [File if respondent claims a contribution to child's expenses in addition to *Guideline* table amount.]
- statement of expenses [File if there is a spousal support claim and parties do not waive filing. File if there is a claim for child support above the *Guideline* table amount plus special or extraordinary expenses, or below the table.]
- statement of child's income and expenses [File if respondent claims support for child over nineteen.]
- statement of property [File if spousal support or property division is claimed and parties do not waive the filing.]
- other [Consult Rules and *Guidelines* about claim that child support causes undue hardship and spousal support claim by person who lives with partner.]

The respondent also files all documents and statements required by the *Federal Child Support Guidelines*.

**Declaration**

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.

**Signatures**

Signed \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Signature of respondent  
Print name:

[and]

\_\_\_\_\_  
Signature of counsel  
Counsel for the respondent  
Print name:

**Form 62.11**

20

No.

Supreme Court of Nova Scotia

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.  
Further contact information is available from the prothonotary.

**Signature**

Signed

, 20

---

Signature of party

Print name:

[or]

---

Signature of counsel

Counsel for the respondent

Print name:





- [the other party's required statements and information/affidavit evidence showing that the other party fails to produce a required statement or information and showing production cannot reasonably be compelled]*
- an affidavit proving the respondent was notified of the proceeding;
- my financial statement dated \_\_\_\_\_, 20\_\_\_\_ [required if there is a "child of the marriage" in the meaning of the *Divorce Act* or a claim for spousal support]
- documents providing my income information as required under the *Federal Child Support Guidelines* [if there is a "child of the marriage" in the meaning of the *Divorce Act*]
- my statement of property dated \_\_\_\_\_, 20\_\_\_\_ [required if there is a claim for division of property]
- other required statements or documents [specify]

**Reason motion is *ex parte*** [delete if respondent 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 a written agreement is proved by my affidavit./The respondent withdrew the answer. The withdrawal is in writing and exhibited to my affidavit.]*

**Respondent being notified** [delete if *ex parte*]

The respondent is immediately being notified of this motion by delivery of a copy of it to the address designated in the respondent's [Demand for Notice/Answer/Designation of Address for Delivery] .

**Signature**

Signed \_\_\_\_\_, 20\_\_\_\_

---

Signature of petitioner

[or]

---

Signature of counsel

**Form 62.14**

20

No.

Supreme Court of Nova Scotia

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

[name]

Applicant

and

[name]

Respondent

**Application for Divorce by Agreement**

**To:** [name of respondent]

**Applicant requests divorce**

The applicant applies to the court for a divorce order [*and a corollary relief order*] consistent with the agreement made in writing 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.

You must notify the prothonotary in writing immediately if you disagree with any statement made in this application.

**Summary of agreement**

The written agreement includes the following:

- A divorce order should be issued.
- The parties undertake not to appeal the divorce order.
- The parties request that the order be issued as soon as possible.
- The parties will have joint custody of \_\_\_\_\_ [name of child] *and the terms for care and custody are included in the agreement.* / [name of party] *will have custody of, and* [name of party] *will have access to,* [name of child] *and the terms for custody and access are included in the agreement.*

- [name of paying party] will pay \$ \_\_\_\_\_ each month to [name of receiving party] in child support [include further terms for child support provided in the agreement] .
- [name of paying party] will pay \$ \_\_\_\_\_ each month to [name of receiving party] for spousal support.
- Matrimonial property is to be divided by [explain] .
- The respondent designates an address for delivery of documents and consents to proceeding by application without an opportunity for a hearing or contest.

**Motion**

The applicant moves 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 reasonably be produced an affidavit must be filed proving the marriage and providing sufficient reasons for not proving it by certificate]
- the applicant’s affidavit sworn on \_\_\_\_\_, 20\_\_\_\_ proving the facts referred to in Rule 62.16 and exhibiting the agreement
- applicant’s and respondent’s financial statements dated \_\_\_\_\_, 20\_\_\_\_ [required if there is a “child of the marriage” in the meaning of the *Divorce Act* or a claim is made for spousal support]
- applicant’s and respondent’s income information under the *Federal Child Support Guidelines* [required if there is a “child of the marriage” in the meaning of the *Divorce Act*]
- other [specify]

**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.

**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.

**Signatures**

Signed \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Signature of applicant  
Print name:

I, counsel for the applicant, certify that I have complied with the requirements of section 9 of the *Divorce Act*.

\_\_\_\_\_  
Signature of counsel  
Print name:

**Prothonotary's certificate**

I certify that this uncontested application for divorce was filed with the court on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Prothonotary

Supreme Court of Nova Scotia

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

[names of both spouses]

Joint Applicants

**Joint Application for Divorce**

**Applicants request 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.

**Summary of agreement**

The parties' written agreement includes the following:

- A divorce order should be issued.
- The parties undertake not to appeal the divorce order.
- The parties request that the order be issued as soon as possible.
- The parties will have joint custody of [name of child] and the terms for care and custody are included in the agreement./ [name of party] will have custody of, and [name of party] will have access to, [name of child] and the terms for custody and access are included in the agreement.*
- [name of paying party] will pay \$ each month to [name of receiving party] in child support [include any further terms for child support provided in the agreement]
- [name of paying party] will pay \$ each month to [name of receiving party] for spousal support.
- Matrimonial property is to be divided by [explain] .

**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 reasonably be produced an affidavit must be filed proving the marriage]
- affidavits, or a joint affidavit, of the applicants proving the facts referred to in 62.13(1) and (2), and exhibiting the agreement [vary if only one applicant files an affidavit]
- the applicants’ financial statements dated \_\_\_\_\_, 20\_\_\_\_  
[required if there is a “child of the marriage” in the meaning of the *Divorce Act*]
- the applicants’ income information required under the *Federal Child Support Guidelines* [required if there is a “child of the marriage” in the meaning of the *Divorce Act*]
- other [specify]

**Contact information**

The applicant \_\_\_\_\_ [name] designates the following address:

The applicant \_\_\_\_\_ [name] designates the following address:

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

**Signatures**

Signed by [name of applicant] on \_\_\_\_\_, 20

\_\_\_\_\_  
Signature of joint applicant

Signed by [name of applicant] on \_\_\_\_\_, 20

\_\_\_\_\_  
Signature of joint applicant

I, counsel for [name of applicant], certify that I have complied with the requirements of section 9 of the *Divorce Act*.

\_\_\_\_\_  
Signature of counsel

Print name:

I, counsel for [name of other applicant], certify that I have complied with the requirements of section 9 of the *Divorce Act*.

\_\_\_\_\_  
Signature of counsel

Print name:

**Prothonotary's certificate**

I certify that this joint application for divorce was filed with the court on \_\_\_\_\_, 20 .

\_\_\_\_\_  
Prothonotary



**Form 62.23**

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

**Divorce Order**

Before the Honourable Justice [name or blank] in chambers

On motion of [name of moving party, parties, or counsel] the following is ordered: [delete inapplicable paragraphs and renumber others]

**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 divorced.

**Effective date**

2 As no order is made under subsection 12(2) of the *Divorce Act*, it is declared that the effective date of the divorce is as provided in the *Divorce Act*, namely thirty-one days within the meaning of the *Act* after the date of this order unless an appeal is started.

OR

Special circumstances having been proved and the undertaking required by subsection 12(2) of the *Divorce Act* having been filed, the divorce takes effect when this order is issued.

**Copies to parties**

- 3 The prothonotary must mail a certified copy of this order, and any corollary relief order issued with it, to each party.

**Certificate of divorce**

- 4 The prothonotary must issue a certificate of divorce when the prothonotary is satisfied that a copy of this order is mailed to both parties, the order becomes effective, and no appeal is started.

**Canada Pension Plan**

- 5 Neither this divorce order, nor a corollary relief order issued with it, is intended to affect a statutory entitlement to seek a division of credits or benefits under the *Canada Pension Act*.

**Change of name [delete if not applicable]**

- 6 The name of the [petitioner/applicant/respondent] , [present name] , who was born at [place] on [birth date] and whose name before marriage was [maiden or pre-marriage name] , is changed to [new name] .

Issued , 20

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Prothonotary

**Form 62.24**

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

**Corollary Relief Order**

Before the Honourable Justice [name or blank] in chambers

The parties were divorced by a divorce order dated , 20 .

On motion of [name of moving party, parties, or counsel] the following is ordered: [delete inapplicable paragraphs and renumber others]

**Custody**

1 Custody of the following children is granted to [name/both

*parties jointly*] :

Name of Child

Date of Birth

**Access [delete if joint custody]**

2 [name] may have access to the children at the following times, and according to the following terms:

OR

2 [name] may have reasonable access to the children on reasonable notice to the custodial parent or at times agreed to by the parties.

OR

2 [name] may have access to the children at the times and on the terms provided in the [separation agreement/ minutes of settlement/agreement] dated , 20 attached to this order, the terms of which are incorporated as terms of this order.

**Terms for joint custody [delete if custody and access is ordered]**

2 [name] may exercise primary care and control of the children and [name] may have care and control at the following times, and according to the following terms:

OR

2 The parties must provide for the custody, care and control of the children in accordance with the [separation agreement/minutes of settlement/ agreement] dated , 20 attached to this order, the terms of which are incorporated as terms of this order.

**Child support payments**

3 [name] must pay child support to [name] in the amount of \$ each month.

The amount of child support is based upon the supporting parent's annual income of \$ [if there is a contribution to special or extraordinary expenses add *and the receiving parent's annual income of \$* ] .

The amount of child support is also based on the applicable table amount, in the *Federal Child Support Guidelines*, which is \$ each month [*plus the supporting parent's share of the following expenses:*

<i>Name of Child</i>	<i>Description of Expense</i>	<i>Percentage</i>	<i>Amount to be paid</i>
			\$

] .

[Note: findings must be recorded if support is lower than the table amount.]

**Child support through health plan**

4 [name] must continue any medical, dental, or drug coverage by an employer that covers a child referred to in this order, must acquire and maintain coverage when it becomes available, and must see that the other parent is reimbursed without delay after a receipt is delivered by the other parent.

**Disclosure**

5 So long as a party is required to provide child support, both parties shall deliver to the other a copy of the party’s tax return, immediately after it is filed, and a copy of an assessment, immediately after it is received.

**Spousal Support**

6 Neither party is required to pay spousal support to the other.

OR

6 [name] must pay spousal support to [name] in the amount of \$ [name] each month.

**When payments are due**

7 Support payments are due on the first day of each month starting on [name], 20 [name].

The payments are to be sent to the director at P.O. Box 803, Halifax, Nova Scotia, B3J 2V2 if this order is filed with the Director of Maintenance Enforcement.

The current addresses of the parties are as follows:

***Matrimonial Property Act***

8 All property and debts have been divided by the parties and each shall retain possession of property now in his or her possession.

OR

8 Property must be divided in accordance with the [separation agreement/minutes of settlement/agreement] dated [name], 20 [name] attached to this order, the terms of which are incorporated as terms of this order.

OR

8 Property is divided under the *Matrimonial Property Act* as follows:

**Enforcement**

9 A requirement to pay money under this order may be enforced by execution order, or periodic execution order.

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.

Issued \_\_\_\_\_, 20

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Prothonotary

**Form 62.25**

20

No.

Supreme Court of Nova Scotia

**Certificate of Divorce**

This certifies that the marriage of \_\_\_\_\_ and \_\_\_\_\_,  
which was solemnized on \_\_\_\_\_, 20\_\_\_\_, was dissolved by a divorce order that became  
effective on \_\_\_\_\_, 20\_\_\_\_.

Issued \_\_\_\_\_, 20\_\_\_\_

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Prothonotary  
[apply court seal]

**Form 62.27**

20

No.

Supreme Court of Nova Scotia

Between:

Applicant

and

Respondent

**Notice of Hearing Concerning Provisional Order**

**To:** [name of respondent and community  
which respondent resides]

**Provisional Order**

The [name of court in other jurisdiction] made a provisional order under the *Divorce Act*. A copy of the order is attached to this notice.

**Hearing to consider confirmation**

At \_\_\_\_\_ o'clock on \_\_\_\_\_, 20\_\_\_\_ at the [Courthouse/Law Courts] in \_\_\_\_\_, Nova Scotia a judge of this court will consider whether to confirm the provisional order.

**Your rights**

You have the right to be present at the hearing, to be represented by counsel retained by yourself, to present evidence, and to make submissions. An order may be made against you without further notice although you choose not to attend.



**Evidence supporting provisional order**

Copies of all documents delivered to this court by the court that made the provisional order are to be delivered to you with this notice.

Issued \_\_\_\_\_, 20

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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

- 6 *[I am not serving any sentence other than the sentence that is the subject of this application./or describe other sentences being served and include the date and place sentence was imposed and details of the offence] .*
- 7 I seek a reduction of \_\_\_\_\_ years in the period of parole ineligibility and the grounds for seeking that reduction are as follows: [state grounds concisely] .
- 8 The mailing address for the institution in which I am presently held is: \_\_\_\_\_ .  
*.[I designate that address as the place for delivery of documents to me./My counsel is \_\_\_\_\_ , counsel's address is \_\_\_\_\_ , and I designate counsel's address as the place for delivery of documents to me.]*

**Signature**  
 Signed \_\_\_\_\_

, 20

---

Signature of applicant  
 Print name:



**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

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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

**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

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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\_\_\_\_.

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[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]



**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*]**

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**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\_\_\_\_ .

\_\_\_\_\_

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.: \_\_\_\_\_



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

Nova Scotia Court of Appeal

Between:

[name]

Appellant

and

Her Majesty the Queen

Respondent

**Notice of Appeal**  
*(Where appellant is not represented by a Solicitor)*

**To:** Her Majesty the Queen

**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

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**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.

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Application for Extension of time:

I hereby apply for an extension of the time within which I may appeal for the following reasons:

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**Signature**

Signed \_\_\_\_\_

Date \_\_\_\_\_

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.