

Practice Memorandum No. 2

Affidavits of Service

Personal service of a notice is proved by an affidavit of service that includes a certified copy of the notice: Rule 31.05(2)(c). However, this Rule does not apply to proof of service of other documents, such as an affidavit in support of an application or motion. In that case, the affidavit of service need only provide sufficient details about the served document that the reader can be satisfied about what got served.

Parties should consider using the following form of affidavit of service for applications, and a modified version for motions requiring personal service or other processes requiring personal service.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Affidavit of Service for Application

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 of application (*in chambers/in court*), the same as the certified copy to which this affidavit is attached, together with other documents bearing the same heading, namely a copy of an affidavit of [name] sworn on _____, 20____, a draft order, [other], 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