

NOTICE OF APPLICATION ON NOTICE IN CHAMBERS

1. An application is an original court proceeding.
2. An application, on notice, requires notification of the application by the applicant on the Respondent.
3. An application in Chambers is designed for a relatively quick hearing and discussion on a matter that does not require a trial.
4. An applicant makes such an application by filing a Notice of Application in chambers (Form 5.03). Carefully read the form and retype it with your own information.
5. It is important to complete all portions of the form you file with the court.
6. The filing fee is \$200.09 and a law stamp fee of \$28.75 to file a Notice of Application in Chambers.
7. When you complete the section :Time, date and place it is important to note that there are two (2) different types of chamber sessions for the hearing of applications:
 - a) applications which will take less than half an hour **and** on the hearing of which cross-examination will not be required (Civil Procedure Rule 5.05(1)). You can pick this time - 9:30 a.m. Tuesday, Wednesday or Thursday each week:
 - b) **or** a hearing requiring more than a half an hour. An appointed time is required (Civil Procedure Rule 5.05 (2)). You leave the time and date blank on these forms and the scheduling office will set the hearing date for you.
8. The documents required to be filed are:
 - a) Notice of Application in Chambers (Form 5.03)
 - b) the Applicant's Affidavit (Form 39.08)
 - c) Draft Orders (Form 78.05) . (These documents are to be filed no later than ten (10) days before the date set for the hearing on regular 9:30 a.m. chambers.)

9. The Brief (a concise statement of the grounds for the order, including material facts the applicant seeks to establish and a reference to legislation relied on by the applicant) no later than three (3) days before the date set for the hearing.
10. Where a time has been set by the scheduling office for the chambers hearing the Notice of Application in Chambers (Form 5.03), Applicant's Affidavit (Form 39.08) and Draft Order (Form 78.05) must be filed no later than twenty-five (25) days before the hearing date and the Brief no later than five (5) days before the hearing date.
11. The original documents are filed with the court. You must provide sufficient copies for service upon the respondent (s).
12. The Applicant must notify each Respondent of the application in chambers in accordance with Rule 31 - Notice - no less than ten days before the day of a hearing in chambers that is regularly held or twenty-five days before the day of a hearing at an appointed time and date.
13. Time is calculated in accordance with the Civil Procedure Rule 94- this means you do not count the day you file the documents nor do you count the hearing date. You count the days in between excepting Saturday, Sunday or a day the Prothonotary's Office is closed.
14. A "Court Data Information Sheet" is to be completed by self represented applicants.
15. It is recommended that you seek legal advise before filing any documentation starting court action. A resource list to assist you in this regard is attached.