

## EX PARTE APPLICATION IN CHAMBERS

1. An Application is an original proceeding and a motion is an interlocutory step in a proceeding. A person may bring an *ex parte* application where it is appropriate to seek an order without notice to another person.
2. In your document you must set out the reasons why you believe it would be appropriate for the judge to hear you alone without notice to other persons.
3. An ex parte application generally takes less than half an hour, can be heard Monday, Tuesday, Wednesday, Thursday or Friday at 9:30 a.m.
4. The documents required are:
  - a) Ex Parte application (Form 5.02) ,
  - b) supporting Affidavit (Form 39.08),
  - c) Brief (two copies required)
  - d) three (3) draft orders (Form 78.05)

and must be filed at least two (2) days before the date set for the hearing of the application (Civil Procedure Rule 5.02 (5)).

5. **Note:** the Brief is a concise statement of the grounds for the order, including the material facts the applicant seeks to establish and a reference to legislation relied on by the applicant.
6. Time is calculated in accordance with 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 two (2) days in between excepting Saturday, Sunday or a day the Prothonotary's Office is closed.
7. The filing fee is \$218.05 and law stamp fee of \$25.00 + HST required at time of filing.

April 2015