

**MOTION ON NOTICE
IN THE SUPREME COURT OF NOVA SCOTIA**

1. Once an action is commenced it may be necessary to have a motion heard to resolve an issues that has arisen in the course of the proceeding. Such a motion is heard on “notice” so the other party can also be present and be heard on the motion.
2. Read the attached Notice of Motion (Form 23.03) carefully. Retype the Notice of Motion with your own information paying particular attention to the areas you must complete:
 - a) the concise description of the motion being made
 - b) the name of the party bringing the motion
 - c) the time required to hear the motion: a half hour or less, more than a half hour but less than a half-day, or more than a half day
 - d) identify and list the legislation, Rules or points of law you rely on to bring the motion
 - e) listing of each affidavit relied on by the party, identified by the name of the deponent of the affidavit and either the date it was sworn or a brief description of its contents
3. How time is set for the hearing of the motion:
 - a) the motion will take less than half ($\frac{1}{2}$) hour in chambers will be 9:30 a.m. Chambers on Monday, Tuesday, Wednesday or Thursday.
 - b) if more than half ($\frac{1}{2}$) hour is required to hear this motion, you must leave the time and date blank on your Notice of Motion. The Scheduling office will set this date.
4. You must file the following :
 - a) an original and at least two copies (or one for each person named as parties to the action) of the Notice of Motion (Form 23.14)
 - b) supporting affidavit (Form 39.08)
 - c) three Draft Orders (Form 78.05)
 - d) four copies of the Brief, the court keep two copies of the Brief
5. The documents noted in Section 4 must be filed no less than five (5) days before the hearing if the motion is half ($\frac{1}{2}$) hour or less. Time is calculated in accordance with Rule 94. You do not count the day you file your document nor the day of the hearing but rather you count 5 (five) days between the two events excluding Saturday, Sunday or a day on which the Prothonotary’s Office is closed.
6. You must serve the other parties with a copy of all the documents you file with the Court.
7. The Court filing fee for a Notice of Motion is \$66.00.