

CONTESTING AN
APPLICATION ON NOTICE IN CHAMBERS

1. The Respondent who is served a Notice of Application in Chambers and who wishes to contest the application MUST file a Notice of Contest (Chambers Application) (Form 5.04), no more than five (5) days after the date of notification of the application (regular 9:30 a.m. chambers) or ten (10) days after the date of notification of the application (more than ½ hour Chambers).
2. The Notice of Contest (Chambers Application) (Form 5.04), once filed with the court becomes official indication of the Respondent's desire to contest the application.
3. Carefully read the Notice of Contest (Chambers Application) (Form 5.04) and retype the document with your own information paying particular attention to areas you must complete.
 - a) a statement indicating which of the material facts in the applicant's grounds are admitted, which are denied and which are neither admitted nor denied
 - b) a concise statement of the grounds relied on by you to contest the application, including material facts you seek to establish and a reference to legislation relied on by you in advancing your position.
 - c) a listing of each affidavit relied on by you.
 - d) your contact information
4. There is no court filing fee for a Notice of Contest (Chambers Application).
5. The documents required to be filed are:
 - a) Notice of Contest (Chambers Application) Form 5.04
 - b) the Respondents's Affidavit (Form 39.08) as listed in the Notice of Contest (Chambers Application)
 - c) the Respondent's Brief in duplicate
6. **The Respondent's Affidavit** must be filed five (5) days after notification for an application in regular chambers or ten (10) days after notification for an Application in Chambers more than ½ hour.
7. **The Respondents Brief** (a concise statement of the grounds for contest,

including material facts that the respondent seeks to establish and a reference to legislation relied on by the respondent) MUST be filed two (2) days before the date of the hearing for regular 9:30 a.m. chambers or three (3) days before the date of hearing for more than ½ hour and less than ½ day.

6. All parties other than yourself, named in the action, must be provided with a copy of the documents you file with the court.
7. 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 the days between excepting Saturday, Sunday or a day the Prothonotary's Office is closed.