

NOTICE OF APPLICATION IN COURT

- 1.** A Notice of Application in Court is an original proceeding which requires more time than an application in chambers. Because more time is required a Motion for Direction must first be heard by a judge. At the Motion for Directions, a time and date for the hearing of the application in court will be set by the judge.
- 2.** The Notice of Application in Court (Form 5.07) requires the setting of a date and time for the motion for direction. This date must be no more than twenty-five (25) days from the date the Notice of Application in court is filed. The Motion will be heard at 11:00 a.m. on a Monday, Tuesday, Wednesday or Thursday. To insure only one such motion is scheduled per time block, you must call the scheduling office at 424-5782 or 424-7964 **BEFORE** you file your documents with the court to secure a date for the Motion for Direction.
- 3.** Carefully read the attached Notice of Application in Court (Form 5.07) and retype it with your own information. It is important to complete all portions of the form you file with the court.
- 4.** In addition to the Notice of Application in Court, you must file an affidavit on the Motion for Directions. See Civil Procedure Rule 5.07(4) to see what must be set out in the affidavit.
- 5.** The court will keep the original Notice of Application in Court. You must provide enough copies to serve each Respondent to your application. You will serve a certified copy of the Notice of Application that the Prothonotary has signed.
- 6.** The filing fee for the Notice of Application in Court is \$218.05 and a law stamp fee of \$25.00 + HST.
- 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.

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