



## **COVID-19: Measures Applicable to Small Claims, Bankruptcy and Probate Court**

**Monday, March 16, 2020**

### **Measures Applicable to the Small Claims Court**

All matters in the Small Claims Court across the province will be adjourned to June. Court staff will be in touch about rescheduling. The Court will continue to deal with residential tenancy vacant possession orders by telephone only.

### **Measures Applicable to the Bankruptcy Court**

Bankruptcy Court will continue to sit Fridays in Halifax, and elsewhere in the province, as needed. Social distancing measures will be practised for all these appearances.

Trustees should contact the Deputy Registrar if, to their knowledge, a debtor is symptomatic or has immunocompromising health issues. In those instances, the Court will consider handling the matter via alternative measures, such as teleconference. Long dockets may also be staggered so that a smaller number of people are in the courtroom at any given time.

As with other Courts, trustees or debtors who have travelled internationally within the last two weeks, or are experiencing symptoms of the coronavirus, should contact the Office of the Registrar to seek further instructions.

The Nova Scotia Courts are continuing to monitor updates and advisories from public health officials and will make decisions regarding court proceedings and services with this information in mind. Further notices will be posted through the Courts' website ([www.courts.ns.ca](http://www.courts.ns.ca)) and social media.

### **Measures Applicable to the Probate Court**

All upcoming, scheduled hearings in the Probate Court will be conducted by telephone, unless cross-examination of a witness is required.

Whenever possible, counsel and the parties are asked to use a secure landline for these appearances, however, the Court recognizes that may not always be possible. If you must use a cell phone, please do so in a stable location with good cellular reception.

**Media Contact:**

Jennifer Stairs  
Communications Director  
Nova Scotia Judiciary  
902-221-5257  
[stairsjl@courts.ns.ca](mailto:stairsjl@courts.ns.ca)

**Small Claims Court Contact:**

Contact Information for all Small Claims Court locations in Nova Scotia is available on at [https://www.courts.ns.ca/Courthouse\\_Locations/Courthouse\\_Locations\\_Map.htm/](https://www.courts.ns.ca/Courthouse_Locations/Courthouse_Locations_Map.htm/).

**Bankruptcy Court Contact:**

Gina Didiodato  
Deputy Registrar in Bankruptcy  
Phone: 902-424-6908  
Fax: 902-424-0524  
[Gina.Didiodato@courts.ns.ca](mailto:Gina.Didiodato@courts.ns.ca)

**Probate Court Contact:**

Cora Jacquemin  
Registrar of Probate  
Phone: 902-424-7424  
Fax: 902-428-2224  
[Cora.Jacquemin@courts.ns.ca](mailto:Cora.Jacquemin@courts.ns.ca)



## COVID-19: PROBATE COURT MATTERS

**Updated: Thursday, April 9, 2020**

Until further notice, the Probate Court will not accept any new applications for grants, unless it is deemed to be an urgent or essential matter by a judge. This is in line with the [March 19, 2020, directive](#) that the Supreme Court adopt an essential services model during the COVID-19 pandemic.

Probate proceedings are heard across the province by Justices of the Supreme Court and the Registrar of Probate.

If you feel your matter is urgent and requires immediate action or attention, please write a letter explaining the circumstances and email it to your local Registrar of Probate. A judge will review your letter and provide further instructions through the Registrar of Probate.

All estates previously scheduled will continue, unless a judge decides a reprioritization is needed. Estates take approximately four weeks to process, unless a judge decides to reprioritize the matter.

Until further notice, no new dates will be offered for passing accounts or contentious matters, unless a judge deems it to be urgent.

The Registrar of Probate will not accept Affidavits of Service – Notices of Grant (Form 28) until the Probate Court resumes normal operations.

Counsel should contact their local Probate Court office to extend the filing deadline for the Inventory (Form 29). If you already have your Form 29 signed and sworn, please hold on to these documents for filing when the Probate Court resumes normal operations.

Contact information for all Probate Court offices is available on the Courts' website at [https://www.courts.ns.ca/Courthouse\\_Locations/Courthouse\\_Locations\\_Map.htm](https://www.courts.ns.ca/Courthouse_Locations/Courthouse_Locations_Map.htm).

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## **COVID-19: PROBATE COURT EXPANDING SERVICES AVAILABLE DURING THE PANDEMIC**

**Wednesday, April 22, 2020**

Effective immediately, the Probate Court is expanding its essential services model to allow new applications for Grants of Probate and Grants of Administration to be filed during the COVID-19 pandemic. Registrars of Probate will also offer new dates for passing accounts.

This directive replaces the Probate Court directive issued on April 9, 2020.

Original wills and applications for grants must be filed as paper copies. Unless otherwise noted in legislation, all other probate documents should be filed electronically, as outlined in the [March 26, 2020, e-filing directive](#) of the Supreme Court.

Until further notice, and unless the *Probate Act* Regulations indicate otherwise, the Probate Court will permit personal service to be effected by email during the pandemic, as outlined in the [April 17, 2020, directive](#) of the Supreme Court. The Probate Court will also allow accommodations for the commissioning of affidavits in circumstances where it is not possible or is medically unsafe for the deponent to physically attend before a commissioner. The directions on preparing virtual affidavits are outlined in the [April 2, 2020, directive](#) of the Supreme Court.

Like many sectors right now, the judicial system continues to operate with significantly reduced staff. With that in mind, counsel and self-represented individuals should expect some delays in the processing of probate documents, especially in the Halifax region where the volume of filings is often greater. Your patience is appreciated.

All estates filed with the Registry will be processed in the order received. All hearings in the Probate Court will be conducted by telephone, unless cross-examination of a witness is required.

Whenever possible, counsel and the parties are asked to use a secure landline for these appearances, however, the Court recognizes that may not always be possible. If you must use a cell phone, please do so in a stable location with good cellular reception.

Any additional questions on the filing of probate documents or the hearing of probate matters during the pandemic should be directed to the Registrar of Probate in your area. Contact information for all Registrars is available online [here](#).

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Jennifer Stairs  
Communications Director  
Nova Scotia Judiciary  
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## **COVID-19: SMALL CLAIMS COURT EXPANDING SERVICES**

Wednesday, July 8, 2020 (Halifax, NS) – Effective today, the Nova Scotia Small Claims Court will begin expanding the services available during the COVID-19 pandemic, including accepting non-urgent filings and hearing more matters by telephone.

Counsel and parties will be able to file Notices of Claim, Taxations and Residential Tenancy Appeals documents by mail or in-person via drop boxes set up in the courthouses. Mailing addresses for all courthouses are available online [here](#). All documents will be date-stamped the day they are delivered to the Court. Counsel and parties should expect some delays with processing this paperwork.

Public access to courthouses continues to be restricted. Only those who work in the building, who are involved in a hearing or those who have an appointment will be permitted inside. Sheriffs are conducting screening at all courthouses to ensure a visitor's presence is required and that it is safe for them to attend.

To further reduce the number of people coming to court, adjudicators will hear all small claims matters by telephone. The preliminary teleconference with the parties and the adjudicator will proceed on its initial hearing date. The adjudicator will then determine if the matter can proceed by telephone or if it will need to be adjourned until it can be heard in person. Among other things, adjudicators will consider the complexity of the case, the number of witnesses, and the type of evidence and documentation involved. Any in-person hearings will be rescheduled to dates in September.

Any new claims issued that were not served prior to March 19, 2020, will need to be re-issued at the Court of Jurisdiction.

For more information on how the Nova Scotia Courts are adapting during the pandemic, go to [https://www.courts.ns.ca/News\\_of\\_Courts/COVID19\\_Preventative\\_Measures.htm](https://www.courts.ns.ca/News_of_Courts/COVID19_Preventative_Measures.htm).

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