

**HOW TO FILE A NOTICE OF CONTEST  
TO A CYBER-BULLYING APPLICATION (CHILD)  
IN THE SUPREME COURT OF NOVA SCOTIA**

1. Practice Memorandum No. 13 ( PM No.13) allows a person who is the victim of cyber-bullying to apply for a cyber-protection order about cyber-bullying.

**Alternate Resolution:** The complaint may not need to go to court. **CyberSCAN can help to resolve the issues.** A person who wishes to start a cyber-bullying proceeding in court should contact **CyberSCAN** if they have not already done so. They can be reached at <https://novascotia.ca/cyberscan/> or call (855) 702-8324.

2. A person contesting a cyber-protection order must file a Notice of Contest (Cyber-protection Chambers Application) [Form 5.03 is also found in PM No.13] as a Respondent.

There is no court filing fee for a Notice of Contest (Chambers Application).

3. Section 8 of the *Intimate Images and Cyber-protection Act* (the *Act*) provides an **automatic publication ban** for any proceeding involving a child.

- a) A child who is, or is to be, a Respondent, and who wishes to go by a pseudonym (meaning fictitious or made-up name) in the documents and in the proceeding, may deliver a letter to the prothonotary giving the child's
  1. true name,
  2. proof of age,
  3. suggested pseudonym,
  4. address and other contact information, and
  5. a proposed method of receiving notice and documents.

- b) If the child is not identified by a pseudonym in the application documents, the Court is still required to identify the child by pseudonym in the course of the proceeding under subsection 8(2) of the *Act*.

4. The Notice of Contest (Cyber-protection Chambers Application) once filed with the court becomes official indication of the Respondent's desire to contest the application.

5. Carefully read the Notice of Contest (Cyber-protection Chambers Application) and complete the document with your own information as follows:

- 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.

6. A Respondent must file the following documents **no more than 5 days\*** after the date the application was received (served) in accordance with Civil Procedure Rule 5.06(2):
  - a) Notice of Contest (Cyber-protection Chambers Application) [Form 5.03 is also found in PM No.13]
  - b) Affidavit in support of application (Form 39.08 also found in PM No.13)
7. A copy of the Notice of Contest (Cyber-protection Chambers Application) must be delivered (notified in accordance with Civil Procedure Rule 31.02) to the Applicant as soon as possible and **no more than 5 days\*** after the date the application was received (served) in accordance with Civil Procedure Rule 31.15.
  - a) Additionally, a copy of the affidavit outlined in 5 above must be delivered to the Applicant in the same timeframe, in accordance with Civil Procedure Rule 31.15.
  - b) Delivery is made to the Applicant's designated address, in accordance with Civil Procedure Rule 31.15.
8. A Respondent must file a Brief of Law (2 copies) and deliver a copy to each of the Respondents, **no less than 2 days\*** before the day the application is to be heard in accordance with Civil Procedure Rules 5.06(2) and 31.15.

\* **NOTE:** Days are calculated in accordance with Civil Procedure Rule 94 – the days counted are those between the two events and the following days are **not included** in the period of days: the day of service or delivery, the day of the hearing, Saturdays, Sundays or any weekday that the Prothonotary's office is closed.

Further information is available on

- the **CyberScan** Website:  
<https://novascotia.ca/cyberscan/>
- Booklet: What you need to know about the *Intimate Images & Cyber-Protection Act*  
<https://novascotia.ca/cyberscan/documents/What%20You%20Need%20To%20Know%20about%20the%20Intimate%20Images%20and%20Cyber-Protection%20Act.pdf>
- Nova Scotia Supreme Court Practice Memorandum No. 13  
[#13 Intimate Images and Cyber-Protection | Supreme Court of Nova Scotia Practice Memorandums/Notes de pratique de la Cour suprême de la Nouvelle-Écosse | Nova Scotia Courts \(lexum.com\)](#)