

# RULES OF COURT and APPENDICES

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| <b>Rule 17 Default of Appearance or Pleading</b> | (1) Default in filing of appearance<br>(2) Filings required<br>(3) Default in filing and delivering a statement of defence<br>(4) Filings required<br>(5)-(6) Claim for debt or liquidated demand<br>(7) Claim for unliquidated damages<br>(8) Claim for detention of goods<br>(9) Multiple claims<br>(10) Application to judge<br>(11) No defence to part of claim<br>(12) No execution on default judgment where there is a counterclaim<br>(13) Judgment in other claims<br>(14) Default by one of several defendants<br>(15) Method of assessment<br>(16) Court may set aside or vary default judgment<br>(17) Alternative methods of assessment | <b>Rule 20 Pleadings Generally</b><br>(1)-(4) Contents<br>(5) Form<br>(6) Matters arising since commencement<br>(7) Inconsistent allegations<br>(8) Alternative allegations<br>(9) Objection in point of law<br>(10) Pleading conclusions of law<br>(11) Status admitted<br>(12) Where particulars necessary in pleading<br>(13) [repealed, OIC 2022/168]<br>(14) Particulars in libel or slander<br>(15) Set-off or counterclaim<br>(16) Filing and delivery of pleadings<br>(17) Pleading after the statement of claim<br>(18) Order for particulars<br>(19)-(19.1) Demand for particulars<br>(20) Demand for particulars not a stay of proceedings<br>(21) Consequence if fact not responded to<br>(22) General denial sufficient except where proving different facts<br>(23) Substance to be answered<br>(24) Denial of contract<br>(25)-(25.1) Allegation of malice<br>(26)-(29) Scandalous, frivolous or vexatious matters<br>(30) [repealed, OIC 2022/168]<br>(31) General damages shall not be pleaded |
| <b>Rule 18 Summary Judgment</b>                  | (1) Application for summary judgment<br>(2) Order for summary judgment<br>(3) Continuing proceedings after summary judgment<br>(4) Summary judgment on counterclaim or third party proceeding<br>(5) Setting aside or varying summary judgment<br>(6) Summary judgment for defendant<br>(7) Order for summary judgment for defendant   | <b>Rule 21 Statement of defence and counterclaim</b><br>(1) Form<br>(2) Damages<br>(3) Delivery<br>(4)-(5) Counterclaim<br>(6)-(9) Counterclaim against plaintiff and another person<br>(10) Defence to counterclaim<br>(11) Separate trial of counterclaim<br>(12) Where action stayed or discontinued<br>(13) Judgment  |
| <b>Rule 19 Summary Trial</b>                     | (1) Application for summary trial<br>(2) When application must be heard<br>(3) Setting application for hearing<br>(4) Evidence on application<br>(5) Application of Rule 42<br>(6) Application of Rule 34<br>(7) Filings with application<br>(8) Notice of evidence to be used on application<br>(9) Preliminary orders  |   |

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| <p><b>Rule 21 (cont'd)</b></p> <p>(14) Payment into court when tender pleaded</p> <p>(15) Costs where defence of tender successful</p> <p>(16) Acceptance of money paid into court</p> <p>(17) Tender in defamation action</p> <p><b>Rule 22 Third Party Procedure</b></p> <p>(1) Filing a third party notice</p> <p>(2) Contents of a third party notice</p> <p>(3) When leave is required</p> <p>(4) Application for leave</p> <p>(5) Service and delivery of a third party notice</p> <p>(6) Application to set aside notice</p> <p>(7) Appearance</p> <p>(8) Statement of defence</p> <p>(9) Reply</p> <p>(10) Default of appearance</p> <p>(11) Default of statement of defence</p> <p>(12) Relief</p> <p>(13) Statement of defence to statement of claim</p> <p>(14) Contribution or indemnity claimed under the <i>Contributory Negligence Act</i></p> <p>(15) Apportionment of liability claimed under the <i>Contributory Negligence Act</i></p> <p>(16) When statement of defence to third party notice not required</p> <p>(17) Application for directions</p> <p>(18) Third party procedure not to prejudice the plaintiff</p> <p>(19) Trial</p> <p><b>Rule 23 Reply and Subsequent Pleadings</b></p> <p>(1) Form</p> <p>(2) Delivery of reply</p> <p>(3) Pleading subsequent to reply</p> <p>(4) Statement of defence to counterclaim</p> <p>(5) Close of pleadings</p> <p>(6) Failure to reply</p> <p>(7) No joinder of issue</p> <p><b>Rule 24 Amendment</b></p> <p>(1) When amendment may be made</p> <p>(2)-(2.1) How amendment made</p> <p>(3) Service of amended pleading</p> <p>(4) Amendment at trial</p> <p>(5) Service or delivery of amended document</p> | <p>(6) Time for appearance to amended originating process</p> <p>(7) Amendment consequent upon amendment</p> <p>(8) Failure to deliver Amended Statement of Defence</p> <p><b>Rule 25 Discovery of Documents</b></p> <p>(1)-(2) Interpretation</p> <p>(3) Disclosure</p> <p>(4) Production for inspection</p> <p>(5) Insurance policies</p> <p>(6)-(6.1) Affidavit or list of documents</p> <p>(7) Lawyer's certificate</p> <p>(8) Affidavit not to be filed</p> <p>(9)-(12) Inspection of documents</p> <p>(13) Documents to be taken to examination and trial</p> <p>(14) Court may order production</p> <p>(15) Court may inspect to determine claim of privilege</p> <p>(16) Court may excuse compliance</p> <p>(17) Copying of documents</p> <p>(18) E-Discovery</p> <p>(19) Delayed disclosure or production</p> <p>(20) Disclosure or production not admission of relevance</p> <p>(21) Where affidavit incomplete or privilege improperly claimed</p> <p>(22) Documents or errors subsequently discovered</p> <p>(23) Party may not use document</p> <p>(24) Failure to deliver affidavit or produce document</p> <p>(25)-(28) Production from non-parties with leave</p> <p>(29) Document deposited for safe-keeping</p> <p><b>Rule 26 Use of Evidence Outside the Proceeding</b></p> <p>(1)-(2) Application</p> <p>(3) Deemed undertaking</p> <p>(4)-(6) Exceptions</p> <p>(7) Order that undertaking does not apply</p> <p><b>Rule 27 Examination for Discovery</b></p> <p>(1) Leave of the court not required</p> <p>(2) Oral examination on oath</p> <p>(3)-(3.1) Examination of party adverse in interest</p> <p>(4) Examination of party that is not an individual</p> <p>(5)-(6) [repealed, OIC 2022/168]</p> <p>(7) Examination of partners</p> |
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  - (11) Examination of bankrupt
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  - (13.2) Considerations of the court
  - (14) Examination before reporter
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  - (23) Refusal to answer
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  - (26) Information subsequently obtained
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  - (2) Expert
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  - (4) Notice of application
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  - (6) Notice of examination
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  - (2) Service of and answer to interrogatories
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  - (5) Where more than one person to answer interrogatories
  - (6) Objection to answer interrogatory
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  - (9)-(10) Delivery of interrogatories to lawyer
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  - (2) Multi-disciplinary examinations
  - (3) Subsequent examinations
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  - (2) Certificate as to result
  - (3) Report and recommendation
  - (4) Application to vary or confirm recommendation
  - (5) Time and place of hearing
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  - (7) Witnesses
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  - (9) Party may file certificate
  - (10) Opinion of the court
  - (11) Accounts of executor, trustee, etc.
  - (12) Special directions
  - (13) Varying directions
  - (14) Form of account
  - (15) Particulars of errors in account
  - (16) Notice of order
  - (17) Dispensing with service
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  - (19) Person may enter appearance
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  - (4) Duty of expert
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| (4) Admissibility of oral testimony of expert opinion      | (4) Withdrawal by defendant   |
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| (13)-(14) Notice of objection to expert evidence           | (6)-(7) Time for making offer   |
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| (17) Time  | (9) Expiry of offer   |
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| (19) Lawyers not to attend                                 | (11) No disclosure to court   |
| (20) Court may make directions                             | (12) Offer not admission  |
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| (5) Notice of hearing of stated case                       | (23) Costs on acceptance of offer in family law proceeding                          |
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| (7) Powers of Court  | (25) Consequences of failure to accept defendant's offer for monetary relief        |
| (8) Order after hearing                                    | (26) Consequences of failure to accept plaintiff's offer for non-monetary relief    |
| <b>Rule 36 Case Management Conference</b>                  | (27) Consequences of failure to accept defendant's offer for non-monetary relief    |
| (1) Mandatory for self-represented plaintiffs/petitioners  | (28) Consequences of failure to accept offer in family law proceeding               |
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| (3) By order   | (30) Interpretation   |
| (4) Agenda   | (31) Burden of proof  |
| (5) Applications   | (32) Multiple plaintiffs  |
| (6)-(6.2) Order following conference                       | (33) Multiple defendants  |
| (7) Case management judge may preside                      | (34) Counter claims and third party claims  |
| <b>Rule 37 Judicial Settlement Conference</b>              | (35) Parties under disability   |
| (1) By order   | (36) <i>Fatal Accidents Act</i>   |
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| (3)-(4) Procedure  |   |
| (5) Disclosure of settlement offers                        |   |
| (6) Without prejudice                                      |   |
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| (7.1) Orders   |   |

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| <b>Rule 39 (cont'd)</b>                                   | (5) Transcript for the court  |
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| (41)-(42) Settlement offer may be delivered               | (7) Failure to prove a material fact                                |
| (43) Application of subrules (10 to (12)                  | (8)-(9) No evidence application                                     |
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|   | (12) Notice to produce  |
| <b>Rule 40 Depositions</b>                                | (13) Numbering exhibit pages  |
| (1) Examination of person                                 | (14) Opportunity to inspect exhibit                                 |
| (2) Grounds for order                                     | (15) Registry to take charge of exhibits                            |
| (3) Subpoena  | (16) Adverse party as witness                                       |
| (4) Place of examination                                  | (17) Notice to call adverse party as witness                        |
| (5) Application of rule outside Yukon                     | (18) Exceptions   |
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| (7) Where person not willing to testify                   | (20) Court may make order   |
| (8) Letter of request                                     | (21) "Adverse party" defined  |
| (9) Filing of undertaking                                 | (22) Refusal to comply with notice                                  |
| (10) Notice of examination                                | (23) Adverse party as witness may be cross-examined                 |
| (11) Mode of examination                                  | (24) Examination of witnesses                                       |
| (12) Objection to question                                | (25) Any party may contradict testimony                             |
| (13) Recording of deposition evidence                     | (26) Use of deposition evidence                                     |
| (14) Perpetuating testimony                               | (27) Proof of deposition evidence                                   |
|   | (28) Deposition to be given in full                                 |
| <b>Rule 41 Trial</b>                                      | (29) Use of discovery evidence                                      |
| (1) Application   | (30) Discovery evidence of person under legal disability            |
| (2) Request for trial date                                | (31) Transcript of discovery evidence                               |
| (3)-(5) Notice of trial                                   | (32) Use of pre-trial examination of a witness                      |
| (6) Place of trial  | (33) Objection to transcript evidence at trial                      |
| (7) Time of trial   | (34) Custody of transcripts   |
| (8) Court may adjourn trial date, etc.                    | (35) Use of interrogatories at trial                                |
| (9) Duty to inform trial coordinator                      | (36) Form of subpoena   |
| (10)-(10.1) Trial record for the court                    | (37) Party may prepare and serve subpoena                           |
| (11) Powers of clerk respecting trial records             | (38) Subpoena not to be filed or sealed                             |
| (12) Trial record documents to be marked                  | (39) Service of subpoena  |
| (13) Filing and delivery of trial record                  | (40) Fees to accompany subpoena                                     |
| (14) Amended trial record                                 | (41) Production of documents and physical objects                   |
| (15) Direction as to trial record                         | (42) Order for attendance of witness in custody                     |
| (16) Failure to file                                      | (43) Failure of witness to attend, etc.                             |
| (17) Trial without jury generally                         | (44) Order setting aside subpoena                                   |
| (18) Trial of one question before others                  | (45) Clerk to note time of trial                                    |
| (19) Trial by different modes of trial                    | (46) Affidavit evidence   |
| (20) Calculation of amount by officer of the court        | (47) Copy of affidavit must be furnished                            |
| (21) Failure of all parties to appear at trial            | (48) Cross-examination  |
| (22) Failure of one party to appear at trial              | (49) Court may extend or abridge time to require witness attendance |
| (23) Court may set aside judgment                         | (50)-(51) Contents  |
|   | (52) Costs where attendance unnecessary                             |
| <b>Rule 42 Evidence and Procedure at Trial</b>            | (53) Evidence of particular facts                                   |
| (1) Application   |   |
| (2) Witness to testify orally                             |   |
| (3) Court may vary order                                  |   |
| (4) Use of transcript of other proceedings                |   |

## RULES OF COURT and APPENDICES

- Rule 42 (cont'd)**
- (54) Order of speeches
  - (55) Court may make order respecting submissions
  - (56) Return of Exhibits
  - (57) Disposal of exhibits after final disposition
  - (58) Notice respecting disposal of exhibits before final disposition
  - (59) Disposal of exhibits before final disposition
  - (60) If exhibit disposed of
  - (61) If exhibit destroyed
- Rule 43 Orders**
- (1) No application for judgment necessary
  - (2) Drawing and approving orders
  - (3) Form of order
  - (4) Endorsement of order on application sufficient in certain cases
  - (5) Order granted conditionally on document to be filed
  - (6) Waiver of order obtained upon condition
  - (7) Effect and form of orders
  - (8) Date of order
  - (9)-(9.1) Requirement of consent order
  - (10) Application by consent
  - (11) Application by consent if party under a legal disability
  - (12) Consent order
  - (13) Application of which notice is not required
  - (14) Referral by clerk
  - (15) Disposition of referred applications
  - (16) Settlement of orders
  - (17) Appointment to settle
  - (18) Party failing to attend on appointment to settle
  - (19) Review of settlement
  - (20) Clerk may draw order
  - (21) Special directions for carriage, entry or service
  - (22) Correction of orders
  - (23) Case file to be kept by clerk
- Rule 44 Enforcement of Orders**
- (1) Order to pay money
  - (2) Order for recovery of personal property or land
  - (3) Appointment of receiver
  - (4) Production of order before execution
  - (5) Endorsement of writ
- (6) Issue of writ of execution where order to pay money within a period
  - (7) Issue of writ of execution
  - (8) Term and renewal of writ of execution
  - (9) Enforcement costs
  - (10) Separate writs for costs
  - (11) Judgment for recover of property other than land
  - (12) Acknowledgment of payment
  - (13) Order that judgment has been paid
  - (14) Stay of execution
  - (15) Application for directions
  - (16) Judgment summons
  - (17) Order of commitment
  - (18) Debtor to be brought before court
  - (19) Application to set aside or vary order
  - (20) Payment of debt
  - (21) Requisition for discharge
  - (22) Liability imposed by order
- Rule 45 Examination in aid of execution**
- (1) Examination of debtor
  - (2) Examination of corporate, partnership or firm debtor
  - (3) Limitation
  - (4) Examination of person other than debtor
  - (5) Order in certain cases
  - (6) Application of examination for discovery rules
  - (7) Use of examination
  - (8) Costs
- Rule 46 Sales by the Court**
- (1) Court may order sale
  - (2) Sale in debenture holder's proceeding
  - (3) Conduct of sale
  - (4) Directions for sale
  - (5) Application for directions
  - (6) Certificate of sale
  - (7) Vesting order
- Rule 47 Applications**
- (1)-(1.1) How an application must be brought
  - (2) An application by consent or if notice not required
  - (3) Notice of application
  - (4) More than one matter may be included
  - (5) Service or delivery
  - (6)-(6.1) Response
  - (7) Reply by applicant



## RULES OF COURT and APPENDICES

- Rule 47 (cont'd)**
- (8) No additional affidavits
  - (9) Place of hearing of application
  - (10) Appearance at hearing
  - (11)-(12) Application for directions
- Rule 48 Setting down application for hearing**
- (1) Application of this rule
  - (2) Definitions
  - (3) Setting application for hearing
  - (4) Date and time if hearing time less than 30 minutes
  - (5) Date and time if hearing time more than 30 minutes
  - (6) Time for filing and delivery of notice of hearing
  - (7) Documents to be filed with the notice of hearing if application is without notice
  - (8) Documents to be filed with the notice of hearing if application is by consent, unopposed or estimated to take not more than 30 minutes
  - (9) Documents to be filed by respondent if application is opposed
  - (10) Procedure if the application is estimated to take more than 30 minutes
  - (11) If respondent's application is to be heard at the hearing
  - (12) Chambers record to be returned
  - (13) May apply for directions
- Rule 49 Affidavits**
- (1) Affidavit to be filed
  - (1) Form and content of affidavit
  - (3) Identifying affidavits
  - (4) Making affidavit
  - (4.1)-(4.2) Identification of notary public or other person receiving an affidavit
  - (5) Reference to oath in affidavit or exhibit
  - (6) Jurat where deponent unable to read
  - (7) Interpretation to deponent who does not understand English
  - (8) Exhibit to be marked
  - (9) Copies of documentary exhibits
  - (10) Numbering exhibit pages
  - (11) Alterations to be initialled
  - (12) Contents of affidavit
  - (13) Use of defective affidavit
  - (14) Affidavit sworn before proceeding commenced
- (15) Affidavit of patient under legal disability
- Rule 50 Chambers**
- (1) Applications to be heard in chambers
  - (2) Particular applications to be heard in Chambers
  - (3) Definition of "application"
  - (4) Failure of party to attend
  - (5) Reconsideration of proceeding [repealed, OIC 2022/168]
  - (6) Chambers list
  - (7)-(8) Evidence on an application
  - (9) Hearing of application in public
  - (10) Adjournment of application returnable on a holiday
  - (11) Power of the court
  - (12) Powers of court if notice not given
  - (13) Orders without notice
  - (14) Service of orders required
  - (15) Setting aside orders made without notice
  - (16) Adjournment
  - (17) Notes of proceedings
- Rule 51 Injunctions**
- (1) Applications for pre-trial injunctions
  - (2) Applications for pre-trial injunctions before proceeding commenced
  - (3) Applications for pre-trial injunctions without notice
  - (4) Injunction by court order
  - (5) Undertaking as to damages
  - (6) Application for injunction after judgment
- Rule 52 Detention, preservation and recovery of property**
- (1) Property which is the subject matter of a proceeding
  - (2) Fund which is the subject matter of a proceeding
  - (3) Allowance of income from property
  - (4) Recovery of specific property
  - (5) Compensation for wrongful recovery
- Rule 53 Appeals**
- (1) Application
  - (2) Form
  - (3) Directions
  - (4) Application for direction
  - (5) Service of notice of appeal
  - (6) Powers of court
  - (7) Respondent to enter appearance

## RULES OF COURT and APPENDICES

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| <p><b>Rule 53 (Cont'd)</b></p> <p>(8) Notice of hearing of appeal</p> <p>(9) Notice of abandonment of appeal</p>   | <p>(2) Form of Security</p> <p>(3) Remuneration</p> <p>(4) Accounts</p>  |
| <p><b>Rule 54 Application for judicial Review</b></p> <p>(1) Application of rule</p> <p>(2) Writs abolished</p> <p>(3) Form of application for judicial review</p> <p>(4) Limited to single decision</p> <p>(5)-(5.1) Respondents</p> <p>(5.2) Filing of Application for Judicial Review and Affidavits</p> <p>(6) Service of application for judicial review</p> <p>(6.1) Appearance and response</p> <p>(7) Person affected may take part in proceeding</p> <p>(8)-(10) Case management</p> <p>(11) Applicant's affidavits</p> <p>(12) Respondent's affidavits</p> <p>(13) Cross-examination on affidavits</p> <p>(14) Additional steps</p> <p>(15) Preparation by decision-maker</p> <p>(16) Requirement to file additional material</p> <p>(17) Setting the application down for hearing</p> <p>(18) Testimony regarding issue of fact</p> <p>(19) Material from tribunal</p> <p>(20) Request in application for judicial review</p> <p>(21) Service of request</p> <p>(22) Material to be transmitted</p> <p>(23) Objection by decision-maker</p> <p>(24) Directions as to procedure</p> <p>(25) Order</p> <p>(26) Return of material</p> | <p><b>Rule 57 Foreclosure and cancellation</b></p> <p>(1) Commencement</p> <p>(2) Service</p> <p>(3) Joinder of claim or party</p> <p>(4)-(4.1) Person filing interest after certificate of pending litigation</p> <p>(5) Powers of the court</p> <p>(6) Final order</p> <p>(7) Order for sale</p> <p>(8) Inquiry to settle terms of sale</p> <p>(9) Order confirming sale</p> <p>(10) Notice to assess costs</p> <p>(11) Agreement for sale</p>   |
|  | <p><b>Rule 58 Reciprocal enforcement of judgments</b></p> <p>(1)-(3) Applications</p>  |
|  | <p><b>Rule 59 Contempt of Court</b></p> <p>(1) Non-compliance with order</p> <p>(2) Power of court to punish</p> <p>(3) Corporation in contempt</p> <p>(4) Special costs</p> <p>(5) Certain acts as contempt</p> <p>(6)-(7) Apprehension of person</p> <p>(8) Release of apprehended person</p> <p>(9) Order for release</p> <p>(10)-(11) Proceeding for contempt</p> <p>(12) Hearing</p> <p>(13) Service of order not necessary</p> <p>(14) Suspension of punishment</p> <p>(15) Discharge of person</p> <p>(16) Weekly review of person in custody</p>   |
| <p><b>Rule 55 Interpleader</b></p> <p>(1) Entitlement to relief by way of interpleader</p> <p>(2) Claim to real or personal property taken by sheriff</p> <p>(3) Sheriff to deliver notice</p> <p>(4) Where claim admitted</p> <p>(5) Sheriff may apply for interpleader relief</p> <p>(6) Mode of application</p> <p>(7) Affidavit</p> <p>(8) Application for interpleader relief</p> <p>(9) Powers of court on hearing application</p>   | <p><b>Rule 60 Costs</b></p> <p>(1) How costs assessed generally</p> <p>(1.1) Special costs</p> <p>(1.2) Increased costs</p> <p>(1.3) Lump sum costs</p> <p>(2) Costs to be reasonable</p> <p>(3) Review of an assessment</p> <p>(4) Expenses and disbursements</p> <p>(5) <i>Estate Administration Act</i></p> <p>(6) Judge to assess costs</p> <p>(7) Assessment before clerk</p> <p>(8) Tax in respect of legal services and disbursements</p> <p>(9) Costs to follow event</p> <p>(10) Costs in cases within small claims jurisdiction</p> <p>(11) Costs where party represented by an employee</p> |
| <p><b>Rule 56 Receivers</b></p> <p>(1) Appointment</p>   |  |

## RULES OF COURT and APPENDICES

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| <b>Rule 60 (cont'd)</b>   |           | <b>Rule 62 Sittings and Hearings</b>   |
| (12) Costs of applications  |           | (1) Under direction of Chief Justice   |
| (13)-(14) When costs payable  |           | (2) Urgency  |
| (15) Costs arising from improper act or omission                        |           | (3) Urgency or convenience   |
| (16) Costs of part of proceeding  |           | (4) Video conferencing   |
| (17) Costs payable from estate or property                              |           |  |
| (18) Set-off of costs   |           | <b>Rule 63 Divorce and Family Law</b>  |
| (19) Costs of one defendant payable by another                          |           | (1) Definitions  |
| (20) Unnecessary expense after judgment                                 | (4)-(5)   | (2) Application  |
| (21) Form of bill of costs  | (6)       | (3) Commencement by statement of claim   |
| (22) Appointment to review a bill, examine an agreement or assess costs | (7)       | (4)-(5) Claim for relief after divorce granted   |
| (23) Place for review or examination                                    | (8)       | (6) Application to vary, suspend or rescind  |
| (24) Further particulars  | (9)       | (7) Procedural step after long delay   |
| (25) Assessment of sheriff's fees                                       | (10)      | (8) Form of pleadings  |
| (26) Service of appointment   | (11)      | (9) Appearance   |
| (27) Costs on default judgment  | (12)      | (10) Person allegedly involved in adultery in a divorce proceeding   |
| (28) Notice to person affected  | (13)-(17) | (11) Withdrawal of pleading  |
| (29) Certificate of costs   | (18)-(19) | (12) Financial disclosure  |
| (30) Certificate of fees  | (20)-(22) | (13)-(17) Family Law Case Conference   |
| (31) Certificate deemed to be an order                                  | (23)      | (18)-(19) Certificate to be filed  |
| (32) Review of the clerk's assessment                                   | (24)      | (20)-(22) Addition of claims and parties   |
| (33) Form of bill in certain cases                                      | (25)      | (23) Party who is a minor  |
| (34) Description of services  | (26)      | (24) Appointment of litigation guardian  |
| (35) Evidence of lawyer   | (27)      | (25) Service   |
| (36) Disallowance of lawyer's fees and disbursements                    | (28)      | (26) Affidavit of service  |
| (37) Costs may be ordered without assessment                            | (29)      | (27) Security for costs  |
| (38)-(39) Notice  | (30)      | (28) Proceedings in default  |
| (40) Limitation   | (31)-(32) | (29) Uncontested divorce proceeding  |
| (41) Refusal or neglect to procure assessment                           | (33)      | (30) Application for judgment in uncontested family law proceeding   |
| (42)-(43) Referrals   | (34)-(35) | (31)-(32) Application by requisition   |
| (44)-(49) Security for Costs  | (36)      | (33) Powers of court on application  |
|   | (37)      | (34)-(35) Judgment on Consent  |
|   | (38)      | (36) Powers of court on application  |
|   | (39)      | (37) Pending prior divorce proceedings   |
|   | (40)      | (38) Claim for divorce joined with other claims  |
|   | (41)      | (39) Form of divorce order   |
|   | (42)      | (40) Form of certificate of divorce  |
|   | (43)      | (41) Delivery of divorce order   |
|   | (44)      | (42) Consent Orders  |
|   | (45)      | (43) Notice of Relocation  |
|   | (46)      | (44) Objection   |
|   | (47)      | (45) Notice of Application   |
|   |           | (46) Restraining Orders  |
|   |           | (47) No stay on appeal   |
|   |           | <b>Inter-jurisdictional Proceedings and proceedings from a designated jurisdiction under the Divorce Act</b> |
|   |           | (48) Application   |
|   |           | (49) Receipt of Application  |

## RULES OF COURT and APPENDICES

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| <p><b>Rule 63 (cont'd)</b></p> <p>(50) Service on Respondent</p> <p>(51)-(52) Conversion of Applications</p> <p>(53) Service not Possible</p> <p>(54) Registration of orders</p> <p>(55) Exchange of orders between territories and provinces</p> <p>(56) Enforcement in Territorial Court</p> <p>(57) Search of files</p> <p>(58) Search of exhibits</p> <p><b>Rule 63A Family Law Proceeding</b></p> <p>(1) Interpretation</p> <p>(2) Application of this rule</p> <p>(3) Who must provide Financial Statement (Family Law – Simplified)</p> <p>(4) Numbering applicable income documents</p> <p>(5) If special or extraordinary expenses are claimed</p> <p>(6) If special or extraordinary expenses are claimed</p> <p>(7)-(8) If undue hardship is claimed</p> <p>(9) When party must serve documents</p> <p>(10) Agreement instead of documents</p> <p>(11) Who must provide income documents</p> <p>(12) When party must serve documents</p> <p>(13) Who must provide Part 4 of a financial statement</p> <p>(14) When parties must serve documents</p> <p>(15) Assessment notice to be included</p> <p>(16) When documents must be filed</p> <p>(17) Service of notice to file financial statement</p> <p>(18) Endorsement of notice</p> <p>(19) Particulars may be demanded</p> <p>(20) Court may order particulars</p> <p>(21) Cross-examination on financial statements</p> <p>(22) Information must be kept current</p> <p>(23) Additional documents</p> <p>(24) If written statement or particulars provided</p> <p>(25) Updated statements</p> <p>(26) Production of documents</p> <p>(27) Responding to demand</p> <p>(28) Request to corporation, partnership or proprietorship</p> <p>(29) Production required</p> <p>(30) Application to court for directions</p> <p>(31) Application to court for exemption</p> <p>(32) Application by person authorized</p> <p>(33) Court may order exemption</p> | <p>(34) Cost</p> <p>(35) When costs are payable</p> <p>(36) Relief</p> <p>(37) Confidentiality</p> <p>(38) Sealing of financial information</p> <p>(39) Child support guidelines prevail</p> <p>(40) No conflict</p> <p><b>Rule 64 Administration of Estates (Non-Contentious)</b></p> <p>(1) Interpretation and application</p> <p>(2) Application for grant of probate or administration</p> <p>(3) Notice of application</p> <p>(4) Time of issuing grant</p> <p>(5) Proof of death</p> <p>(6) Self-Government Agreement</p> <p>(7) <i>Indian Act</i></p> <p>(8) Approval by court</p> <p>(9) Hearing of application</p> <p>(10) Proof of execution where no attestation clause</p> <p>(11) Affidavit of witness</p> <p>(12) Proof where no affidavit of witness</p> <p>(13) Proof of date of execution</p> <p>(14) Proof of will</p> <p>(15)-(16) Petition</p> <p>(17) Interlineations and alterations</p> <p>(18) Erasures and obliterations</p> <p>(19) Affidavit explaining</p> <p>(20)-(21) Document referred to in a will</p> <p>(22) Appearance of the paper</p> <p>(23) Notice to next of kin</p> <p>(24)-(25) Limited administrations</p> <p>(26) Grants to an attorney</p> <p>(27) Grants of administration to guardians</p> <p>(28) Administration bonds</p> <p>(29) Affidavit of surety</p> <p>(30) Required surety</p> <p>(31) Delay in application</p> <p>(32) Identity of parties</p> <p>(33) Proof of search for will</p> <p>(34) Search of will</p> <p>(35) Renunciations</p> <p>(36) Caveats</p> <p>(37) Contents of caveat</p> <p>(38) Time caveat in force</p> <p>(39) No grant while caveat in force</p> <p>(40) Notice to caveator</p> <p>(41) Contents of notice</p> <p>(42) Appearance to notice</p> <p>(43) Effect of failure to appear to notice</p> <p>(44) Citation to accept executorship</p> <p>(45) Form of subpoena and answer</p> <p>(46) Subpoena to apply</p> |
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## RULES OF COURT and APPENDICES

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| <p><b>Rule 64 (cont'd)</b></p> <p>(47)-(48) Subpoena to bring in a will, document or asset</p> <p>(49) Filing and service of subpoena and answer</p> <p>(50)-(51) Foreign grants</p> <p>(52) Foreign wills</p> <p>(53)-(54) Application to reseal grant</p> <p>(55) Affidavit on resealing</p> <p>(56) Domicile of deceased on resealing</p> <p>(57) Application of other rules on resealing</p> <p>(58) Grant to be resealed</p> <p>(59)-(60) Notice of resealing</p> <p>(61)-(62) Remuneration and passing of accounts</p> <p>(63) Affidavit required for passing of accounts and remuneration</p> | <p>(5) Uncontested family law proceedings</p> <p>(6) [repealed by O.I.C. 2022/168]</p> <p>(7) Default judgment and process for execution</p> <p>(8) Apportionment where proceedings tried together</p> <p>(9) Offer to settle bill of costs</p> <p>(10) Transitional - orders, settlements and costs before the coming into force of updated Rules</p> <p>(11) Transitional - orders, settlements and costs on or after coming into force of updated Rules</p> <p>Schedule 1 [repealed by O.I.C. 2022/168]</p> <p>Schedule 2 [repealed by O.I.C. 2022/168]</p> <p>Schedule 3 [repealed by O.I.C. 2022/168]</p> <p>(1)-(35) Tariff</p> |
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**Rule 65 Administration of Estates (Contentious)**

- (1) Interpretation
- (2) Dispute as to the validity of a testamentary paper
- (3) Commencement of action
- (4) Parties
- (5) Action for revocation of grant
- (6) Failure to lodge grant on action for revocation
- (7) Failure to enter appearance
- (8) Counterclaim
- (9) Failure to serve statement of claim
- (10) Defence limited to proof of will
- (11) Order for discontinuance or dismissal
- (12) Compromise

**APPENDIX C Fees**

- (1)-(19) **Schedule 1**  
Fees payable to Territorial Treasurer
- (S1) Indigency status
- (1)-(7) **Schedule 2**  
Fees payable to the Sheriff
- (1)-(4) **Schedule 3**  
Fees payable to witnesses

**Rule 66 Transfer of proceedings to and from Small Claims Court**

- (1) Definition
- (2) Transfer order to Supreme Court
- (3) Pleadings
- (4) Case Management Conference
- (5) Filing fees
- (6) Transfer order to Small Claims Court of Yukon

**APPENDIX A Forms**  
(Separate Binder)

**APPENDIX B Party and Party Costs**

- (1) Interpretation
- (2) Scale of costs
- (3) Value of units
- (4) Per diem rates