

RULE 29 – DISCOVERY BY INTERROGATORIES

Purpose

- (1) The purpose of interrogatories is to obtain evidence in a timely and cost effective manner and reduce or eliminate the need of or time required for oral examination for discovery.

Service of and answer to interrogatories

- (2) A party to an action may serve on any other party, who is or has been a director, officer, partner, agent, employee or external auditor of a party, interrogatories in Form 26 relating to a matter in question in the action, and the person to whom the interrogatories are directed shall, within 21 days, deliver an answer on affidavit to the interrogatories. The party serving the interrogatories shall serve all other parties of record.

Where a party is a body of persons

- (3) Where a party to an action is a body of persons, corporate or unincorporate, empowered to sue or to be sued, in its own name or in the name of an officer or other person, the court may, on the application of any other party, make an order allowing that other party to serve interrogatories on the officer or member of the body specified in the order.

Time for service

- (4) The plaintiff may serve interrogatories after the expiration of time for delivery of the statement of defence of the party to be examined, and the defendant may serve interrogatories after the defendant has delivered a statement of defence.

Where more than one person to answer interrogatories

- (5) Where interrogatories are required to be answered by more than one person who is an officer, director, partner, agent or employee of a party, the interrogatories shall state which of the interrogatories each person is required to answer.

Objection to answer interrogatory

- (6) Where a person objects to answering an interrogatory on the ground of privilege or on the ground that it does not relate to a matter in question in the action, the person may make the objection in an affidavit in answer.

Insufficient answer to interrogatory

- (7) Where a person to whom interrogatories have been directed answers any of them insufficiently, the court may require the person to make a further answer either by affidavit or on oral examination.

Application to strike out interrogatory

- (8) Where a party objects to an interrogatory on the grounds that it is not necessary for disposing fairly of the action or that the costs of answering would be unreasonable, that party may apply to the court to strike out the interrogatory, and the court shall take into account any offer by him or her to make admissions, to produce documents or to give oral discovery.

Delivery of interrogatories to lawyer

- (9) A party may, instead of serving interrogatories under subrule (2) or (3), deliver the interrogatories to the lawyer of the person to whom the interrogatories are directed.
- (10) Where a lawyer receives interrogatories under subrule (9), the lawyer shall promptly inform the person to whom the interrogatories are directed.

Continuing obligation to answer

- (11) Where a person who has given an answer to an interrogatory later learns that the answer is inaccurate or incomplete, the person is under a continuing obligation to deliver to the party who served the interrogatory an affidavit deposing to an accurate or complete answer.