

TABLE OF CONTENTS - VOLUMES 1, 2 AND 3

VOLUME 1

Editor's Note
Preface
Introduction
Precedent
Definitions

[For a more detailed Table of Contents, see the electronic copy of the Handbook]

RULES OF COURT

PART 1: FOUNDATIONAL RULES RULE

DIVISION 1

Purpose and Intention of These Rules

What these rules do.....1.1

Purpose and intention of these rules.....1.2

DIVISION 2

Authority of the Court

General authority of the Court to provide remedies1.3

Procedural orders1.4

Rule contravention, non-compliance and irregularities.....1.5

Changes to these rules.....1.6

DIVISION 3

Interpreting These Rules

Interpreting these rules.....1.7

Interpretation Act1.8

Conflicts and inconsistencies with enactments1.9

Where definitions are located.....1.10

PART 2: THE PARTIES TO LITIGATION

DIVISION 1

Facilitating Legal Actions

Actions by or against personal representatives and trustees2.1

Actions by or against partners and partnerships2.2

Suing individual partners2.3

Disclosure of partners2.4

Actions by and against sole proprietors.....2.5

Representative actions2.6

Amendments to pleadings in class proceedings2.7

Questioning of class and subclass members2.8

Class proceedings practice and procedure2.9

Intervener status.....2.10

PART 2: THE PARTIES TO LITIGATION	RULE #
DIVISION 2	
Litigation Representatives	
Litigation representative required	2.11
Types of litigation representatives and service of documents	2.12
Automatic litigation representatives	2.13
Self-appointed litigation representatives	2.14
Court appointment in absence of self-appointment	2.15
Court-appointed litigation representatives in limited cases	2.16
Lawyer appointed as litigation representative	2.17
Approval of settlement	2.18
Court approval of settlement, discontinuance, and abandonment of actions	2.19
Money received by litigation representative	2.20
Litigation representative: termination, replacement, terms and conditions	2.21
DIVISION 3	
Representation or Assistance Before the Court	
Self-represented litigants	2.22
Assistance before the Court	2.23
DIVISION 4	
Lawyer of Record	
Lawyer of record	2.24
Duties of lawyer of record	2.25
Verifying lawyer of record	2.26
Retaining lawyer for limited purposes	2.27
Change in lawyer of record or self-representation	2.28
Withdrawal of lawyer of record	2.29
Service after lawyer ceases to be lawyer of record	2.30
Withdrawal after trial date scheduled	2.31
Automatic termination of lawyer of record and resolving difficulties	2.32
PART 3: COURT ACTIONS	
DIVISION 1	
Court Actions and Their Venue	
Rules govern Court actions	3.1
How to start an action	3.2
Determining the appropriate judicial centre	3.3
Claim for possession of land	3.4
Transfer of action	3.5
Where an action is carried on	3.6
Post-judgment transfer of action	3.7

PART 3: COURT ACTIONS	RULE #
DIVISION 2	
Actions Started by Originating Application	
<i>SUBDIVISION 1</i>	
<i>General Rules</i>	
Originating applications and associated evidence.....	3.8
Service of originating application and evidence	3.9
Application of Part 4 and Part 5.....	3.10
Service and filing of affidavits and other evidence in reply and response.....	3.11
Application of statement of claim rules to originating applications.....	3.12
Questioning on affidavit and questioning witnesses	3.13
Originating application evidence (other than judicial review).....	3.14
<i>SUBDIVISION 2</i>	
<i>Additional Rules Specific to Originating Applications for Judicial Review</i>	
Originating application for judicial review.....	3.15
Originating application for judicial review: habeas corpus	3.16
Attorney General's right to be heard.....	3.17
Notice to obtain record of proceedings.....	3.18
Sending in certified record of proceedings	3.19
Other circumstances when record of proceedings may be required	3.20
Limit on questioning.....	3.21
Evidence on judicial review.....	3.22
Stay of decision	3.23
Additional remedies on judicial review	3.24
DIVISION 3	
Actions Started by Statement of Claim	
<i>SUBDIVISION 1</i>	
<i>Statement of Claim</i>	
Contents of statement of claim.....	3.25
<i>SUBDIVISION 2</i>	
<i>Time Limit for Service of Statement of Claim</i>	
Time for service of statement of claim.....	3.26
Extension of time for service	3.27
Effect of not serving statement of claim in time	3.28
Notice of extension of time for service.....	3.29
<i>SUBDIVISION 3</i>	
<i>Defence to Statement of Claim, Reply to Defence and Demand for Notice</i>	
Defendant's options	3.30
Statement of defence	3.31

TABLE OF CONTENTS - VOLUME 1

PART 3: COURT ACTIONS - Started by Statement of Claim (Continued)	RULE #
Additional options for defendant	3.32
Reply to defence.....	3.33
Demand for notice by defendant.....	3.34
Judgment or order by agreement	3.35
 <i>SUBDIVISION 4</i>	
<i>Failure to Defend</i>	
Judgment in default of defence and noting in default	3.36
Application for judgment against defendant noted in default	3.37
Judgment for recovery of property.....	3.38
Judgment for debt or liquidated demand	3.39
Continuation of action following judgment	3.40
When no defence is filed in foreclosure action	3.41
Limitation on when judgment or noting in default may occur.....	3.42
 <i>SUBDIVISION 5</i>	
<i>Claims Against Co-defendants</i>	
How to make claim against co-defendant.....	3.43
 <i>SUBDIVISION 6</i>	
<i>Third Party Claims</i>	
When third party claim may be filed	3.44
Form of third party claim.....	3.45
Third party defendant becomes party.....	3.46
Third party defendant's options	3.47
Plaintiff's options.....	3.48
Third party statement of defence and additional options.....	3.49
Demand for notice by third party defendant.....	3.50
Effect of demand for notice	3.51
Consequences of not filing third party statement of defence.....	3.52
Judgment against third party defendant	3.53
Plaintiff's reply to third party defence.....	3.54
Application of rules to third party claims.....	3.55
 <i>SUBDIVISION 7</i>	
<i>Counterclaims</i>	
Right to counterclaim.....	3.56
Contents of counterclaim.....	3.57
Status of counterclaim	3.58
Claiming set-off.....	3.59
Application of rules to counterclaims	3.60
 DIVISION 4	
Request for Particulars, Amendments to Pleadings and Close of Pleadings	
Request for particulars	3.61
Amending pleading.....	3.62

PART 3: COURT ACTIONS	RULE #
Request for Particulars (Continued)	
Identifying amendments to pleadings	3.63
Time limit for application to disallow amendment to pleading.....	3.64
Permission of Court to amendment before or after close	
of pleadings	3.65
Costs	3.66
Close of pleadings	3.67
DIVISION 5	
Significant Deficiencies in Claims	
Court options to deal with significant deficiencies	3.68
DIVISION 6	
Refining Claims and Changing Parties	
<i>SUBDIVISION 1</i>	
<i>Joining and Separating Claims and Parties</i>	
Joining claims	3.69
Parties joining to bring action	3.70
Separating claims	3.71
Consolidation or separation of claims and actions	3.72
Incorrect parties not fatal to actions.....	3.73
<i>SUBDIVISION 2</i>	
<i>Changes to Parties</i>	
Adding, removing or substituting parties after close of	
pleadings	3.74
Adding, removing or substituting parties to originating	
application	3.75
Action to be taken when defendant or respondent added	3.76
Subsequent encumbrancers not parties in foreclosure	
action	3.77
PART 4: MANAGING LITIGATION	
DIVISION 1	
Responsibilities of Parties	
Responsibilities of parties to manage litigation	4.1
What the responsibility includes	4.2
Categories of court action	4.3
Standard case obligations	4.4
Complex case obligations.....	4.5
Settling disputes about complex case litigation plans	4.6
Monitoring and adjusting dates.....	4.7
Court may categorize actions	4.8
DIVISION 2	
Court Assistance in Managing Litigation	
Orders to facilitate proceedings	4.9
Assistance by the Court	4.10

PART 4: MANAGING LITIGATION	RULE #
Court Assistance (Continued)	
Ways the Court may manage action.....	4.11
Request for case management	4.12
Appointment of case management judge	4.13
Authority of case management judge	4.14
Case management judge presiding at summary trial and trial	4.15
DIVISION 3	
Dispute Resolution by Agreement	
<i>SUBDIVISION 1</i>	
<i>Dispute Resolution Processes</i>	
Dispute resolution processes	4.16
<i>SUBDIVISION 2</i>	
<i>Judicial Dispute Resolution</i>	
Purpose of judicial dispute resolution	4.17
Judicial dispute resolution process	4.18
Documents resulting from judicial dispute resolution	4.19
Confidentiality and use of information	4.20
Involvement of judge after process concludes.....	4.21
DIVISION 4	
Security for Payment of Costs Award	
Considerations for security for costs order	4.22
Contents of security for costs order	4.23
DIVISION 5	
Settlement Using Court Process	
Formal offers to settle.....	4.24
Acceptance of formal offer to settle	4.25
If costs are not dealt with in formal offer to settle	4.26
Status of formal offer to settle and acceptance	4.27
Confidentiality of formal offer to settle	4.28
Costs consequences of formal offer to settle.....	4.29
When this Division does not apply.....	4.30
DIVISION 6	
Delay in an Action	
Application to deal with delay	4.31
Agreement about delay.....	4.32
Dismissal for long delay.....	4.33
DIVISION 7	
Transfer and Transmission of Interest	
Stay of proceedings on transfer or transmission of interest.....	4.34
Death has no effect on action after evidence heard	4.35

PART 4: MANAGING LITIGATION (Continued)	RULE #
DIVISION 8	
Discontinuance	
Discontinuance of claim.....	4.36
Discontinuance of defence	4.37
PART 5: DISCLOSURE OF INFORMATION	
Purpose of this Part	5.1
DIVISION 1	
How Information is Disclosed	
<i>SUBDIVISION 1</i>	
<i>Introductory Matters</i>	
When something is relevant and material.....	5.2
Modification or waiver of this Part.....	5.3
Appointment of corporate representatives.....	5.4
<i>SUBDIVISION 2</i>	
<i>Disclosing and Identifying Relevant and Material Records</i>	
When affidavit of records must be served	5.5
Form and content of affidavit of records	5.6
Producible records.....	5.7
Producible Records for which there is an objection to produce.....	5.8
Who makes affidavit of records	5.9
Subsequent disclosure of records	5.10
Order for record to be produced	5.11
Penalty for not serving affidavit of records.....	5.12
Obtaining records from others	5.13
Inspection and copying of records.....	5.14
Admissions of authenticity of records	5.15
Undisclosed records not to be used without permission	5.16
<i>SUBDIVISION 3</i>	
<i>Questions to Discover Relevant and Material Records and</i>	
<i>Relevant and Material Information</i>	
People who may be questioned.....	5.17
Persons providing services to corporation or partnership	5.18
Limit or cancellation of questioning	5.19
When questioning is to take place.....	5.20
Appointment for questioning.....	5.21
Questioning options.....	5.22
Preparation for questioning.....	5.23
Oral and written questioning limitations.....	5.24
Appropriate questions and objections	5.25
Transcript of oral questioning.....	5.26
Continuing duty to disclose.....	5.27
Written questions.....	5.28
Acknowledgment of corporate witness's evidence	5.29

PART 5 - DISCLOSURE OF INFORMATION (Continued)	RULE #
<i>SUBDIVISION 3</i>	
<i>Questions to Discover Relevant and Material Records and Relevant and Material Information (Continued)</i>	
Undertakings	5.30
Use of transcript and answers to written questions	5.31
When information may be used	5.32
Confidentiality and use of information	5.33
<i>DIVISION 2</i>	
Experts and Expert Reports	
Service of expert's report	5.34
Sequence of exchange of experts' reports	5.35
Objection to expert's report	5.36
Questioning experts before trial	5.37
Continuing obligation on expert	5.38
Use of expert's report at trial without expert	5.39
Expert's attendance at trial	5.40
<i>DIVISION 3</i>	
Medical Examinations by Health Care Professionals	
Medical examinations	5.41
Options during medical examination	5.42
Payment of costs of medical examinations	5.43
Conduct of examination	5.44
PART 6: RESOLVING ISSUES AND PRESERVING RIGHTS	
<i>DIVISION 1</i>	
Applications to the Court	
What this Division applies to	6.1
Application to the Court to exercise its authority	6.2
<i>SUBDIVISION 1</i>	
<i>Application Process Generally</i>	
Applications generally	6.3
Applications without notice	6.4
<i>SUBDIVISION 2</i>	
<i>Application in Foreclosure Action</i>	
Notice of application in foreclosure action	6.5
<i>SUBDIVISION 3</i>	
<i>Responses, Replies and Decisions on Applications</i>	
Response and reply to application	6.6
Questioning on affidavit in support, response and reply to application	6.7
Questioning witness before hearing	6.8
How the Court considers applications	6.9
Electronic hearing	6.10
Evidence at application hearings	6.11
If person does not get notice of application	6.12

PART 6: RESOLVING ISSUES AND PRESERVING RIGHTS	RULE #
Applications (Continued)	
<i>SUBDIVISION 3</i>	
<i>Responses, Replies and Decisions on Applications (Continued)</i>	
Recording hearings when only one party present	6.13
<i>SUBDIVISION 4</i>	
<i>Appeal from Application Judge's Judgment or Order</i>	
Appeal from application judge's judgment or order	6.14
<i>SUBDIVISION 5</i>	
<i>Procedure for Questioning</i>	
Appointment for questioning under this Part	6.15
Contents of appointment	6.16
Payment of allowance.....	6.17
Lawyer's responsibilities	6.18
Interpreter.....	6.19
Form of questioning and transcript.....	6.20
DIVISION 2	
Preserving Evidence and Obtaining Evidence Outside Alberta	
Preserving evidence for future use.....	6.21
Obtaining evidence outside Alberta.....	6.22
Duties of person authorized to take evidence.....	6.23
Assistance to judicial authorities outside Alberta	6.24
DIVISION 3	
Preserving and Protecting Property or its Value and	
Inspection of Property	
Preserving or protecting property or its value.....	6.25
Inspection or examination of property	6.26
Notice before disposing of anything held by the Court	6.27
DIVISION 4	
Restriction on Media Reporting and Public Access	
to Court Proceedings	
Application of this Division.....	6.28
Restricted court access applications and orders.....	6.29
When restricted court access application may be filed.....	6.30
Timing of application and service	6.31
Notice to media.....	6.32
Judge or Applications Judge assigned to application	6.33
Application to seal or unseal Court files	6.34
Persons having standing at application	6.35
No publication pending application.....	6.36
DIVISION 5	
Facilitating Proceedings	
Notice to admit.....	6.37

TABLE OF CONTENTS - VOLUME 1

PART 6: RESOLVING ISSUES AND PRESERVING RIGHTS	RULE #
Applications (Continued)	
<i>SUBDIVISION 5</i>	
<i>Facilitating Proceedings (Continued)</i>	
Requiring attendance for questioning.....	6.38
Order to produce prisoner	6.39
DIVISION 6	
Resources to Assist the Court	
<i>SUBDIVISION 1</i>	
<i>Court Experts</i>	
Appointment of Court experts.....	6.40
Instructions or questions to court expert	6.41
Application to question court expert	6.42
Costs of court experts	6.43
<i>SUBDIVISION 2</i>	
<i>Referees</i>	
Persons who are referees.....	6.44
References to referee	6.45
Referee's report.....	6.46
DIVISION 7	
Court-appointed Receiver	
Court-appointed receiver	6.47
DIVISION 8	
Replevin	
Application of this Division.....	6.48
Application for replevin order	6.49
Replevin order	6.50
Enforcement of replevin order	6.51
Respondent may apply for remedy	6.52
Expiry of replevin order.....	6.53
DIVISION 9	
Interpleader	
Definitions.....	6.54
Nature of application for interpleader order	6.55
Application for interpleader order	6.56
Interpleader applicant not disentitled.....	6.57
Interpleader order	6.58
Civil enforcement agency application	6.59
Several claims combined.....	6.60
Enforcement from different courts	6.61
Claim by third person.....	6.62

PART 6: RESOLVING ISSUES AND PRESERVING RIGHTS	RULE #
Applications (Continued)	
DIVISION 9	
<i>Interpleader (Continued)</i>	
Notice by civil enforcement agency	6.63
Security interest.....	6.64
Expeditious sale	6.65
PART 7: RESOLVING CLAIMS WITHOUT A FULL TRIAL	
DIVISION 1	
Resolving Particular Questions or Issues	
Application to resolve particular questions or issues.....	7.1
DIVISION 2	
Summary Judgment	
Application for judgment	7.2
Application and decision.....	7.3
Proceedings after summary judgment against party	7.4
PART 8: TRIAL	
DIVISION 1	
Mode of Trial	
Mode of trial.....	8.1
DIVISION 1.1	
Jury trial	
Request for jury trial	8.2
Deposit for jury	8.3
DIVISION 2	
Scheduling of Trial Dates	
Trial date: scheduled by court clerk	8.4
Trial date: scheduled by the Court	8.5
Notice of trial date.....	8.6
Confirmation of trial date	8.7
DIVISION 3	
Attendance of Witnesses at Trial	
Notice to attend as witness at trial.....	8.8
Requiring attendance of witnesses.....	8.9
DIVISION 4	
Procedure at Trial	
Order of presentation.....	8.10
Absence of witnesses at trial.....	8.11
Exclusion of witnesses	8.12
No communication with excluded witnesses	8.13

TABLE OF CONTENTS - VOLUME 1

PART 8: TRIAL (Continued)	RULE #
Unavailable or unwilling witness	8.14
Notice of persons not intended to be called as witnesses	8.15
Number of experts	8.16
Proving facts	8.17
Trial conducted by electronic hearing	8.18
Use of trial evidence in subsequent proceedings	8.19
Application for dismissal at close of plaintiff's case	8.20
Retrials	8.21
Continuing trial without jury	8.22
Judgment after jury trial	8.23
Accidents and mistakes	8.24
DIVISION 5	
Streamlined Trials	
Use of Streamlined Trial	8.25
Application for Streamlined Trial	8.26
Dispute Over Mode of Trial	8.27
Preparing Record	8.28
Scheduling of Streamlined Trials	8.29
Procedure at Streamlined Trial	8.30
Decision After Streamlined Trial	8.31

VOLUME 2

RULES OF COURT

PART 9: JUDGMENTS AND ORDERS

PART 10: LAWYERS' CHARGES, RECOVERABLE COSTS OF LITIGATION, AND
SANCTIONS

PART 11: SERVICE OF DOCUMENTS

PART 12: FAMILY LAW RULES

PART 13: TECHNICAL RULES

PART 14: APPEALS

PART 15: TRANSITIONAL PROVISIONS AND COMING INTO FORCE

PART 16: CRIMINAL APPEAL RULES

PART 16.1: DIVISION 2 - CRIMINAL PROCEDURE RULES

PART 57: WINDING UP ACT [Repealed]

INDEX

VOLUME 3

RULES OF COURT SCHEDULES

SCHEDULE A

DIVISION 1: FORMS FOR PARTS 2-11, 13 AND 14

DIVISION 2: FAMILY LAW FORMS

FORMS FOR PART 12

DIVISION 3: FORMS FOR PART 14

SCHEDULE B

COURT FEES AND WITNESS AND OTHER ALLOWANCES

SCHEDULE C

TARIFF OF RECOVERABLE FEES

COURT OF APPEAL

CRIMINAL APPEAL RULES

PRACTICE DIRECTIONS

NOTICES TO PROFESSION

NEWS AND ANNOUNCEMENTS

COURT OF KING'S BENCH

CIVIL PRACTICE NOTES

CIVIL PRACTICE NOTICES

FAMILY PRACTICE NOTES

FAMILY PRACTICE NOTICES

COMMERCIAL PRACTICE NOTE

COMMERCIAL PRACTICE NOTICES

CRIMINAL PRACTICE NOTES

CRIMINAL PRACTICE NOTICES

GENERAL PRACTICE NOTICES

COURT OF KING'S BENCH (SURROGATE MATTERS)

SURROGATE RULES AND FORMS

RULES AND FORMS

NOTICES TO PROFESSION

NEWS AND ANNOUNCEMENTS

ALBERTA COURT OF JUSTICE

STATUTES

CIVIL ENFORCEMENT ACT

JUDGMENT INTEREST ACT

JURY ACT

LANGUAGES ACT

PROTECTION AGAINST FAMILY VIOLENCE ACT

RESIDENTIAL TENANCIES ACT

CONCORDANCE

TABLE OF CASES

