

PRACTICE DIRECTION 46

PRACTICE DIRECTION 46

**Of the Prince Edward Island Court of Appeal
and the Supreme Court of Prince Edward Island**

1. Rules of Court that require the filing of original documents in court do not allow for compliance with social distancing recommendations during the public health emergency created by the COVID-19 pandemic. As a result, this Practice Direction temporarily provides the ability to file documents electronically by email and temporarily amends the current Rules regarding filing by facsimile (Rule 4.05(8)). Effective use of technology can reduce unnecessary health risks and ensure the administration of justice can be maintained.
2. Effective March 20, 2020 and until further notice, any document, including an originating process, may be filed by way of an email containing a PDF attachment of the document to be filed, or by facsimile, in accordance with this Practice Direction.
3. Documents may be filed by facsimile or by email directed to scfiling@courts.pe.ca with a completed Request to File Electronically/By Facsimile Form attached requesting the filing of a document. The solicitor/party filing the document shall undertake on the form to ensure that the required filing fees (where applicable) are sent to the Court by an email money transfer (once available) or alternatively by cheque or money order in the mail.
4. Upon receipt of the required form and document, and provided that the document complies with all other requirements for filing in the ordinary course, the document shall be issued, if necessary, and filed by the court as if it were received in person with the exception that it shall be endorsed with the following: "This document has been filed electronically (or by facsimile as the case may be) in accordance with Practice Direction 46." The court shall confirm to the party attempting to file the document whether or not the document has been accepted and, if accepted, the date on which it was filed. Accordingly, solicitors/parties should provide contact information where they can currently be reached by phone or email.
5. Where a signature is required on the originating process, the solicitor/party shall provide either an electronic signature or scan their signature into the PDF document.

DATE OF FILING

6. Documents received during regular business hours of the Court will be filed as of the date of receipt. Any documents received after the close of business will be filed on the next business day.

RETENTION OF ORIGINALS

7. Original copies of all facsimile/electronically filed documents shall be retained by the solicitor/party submitting them, in an unaltered condition, until the matter is completed and any appeal period has expired. Parties should be aware that the Court may require these original documents to be produced in the future.

SERVICE OF DOCUMENTS

8. Most service of documents rules require that the party being served receive an original court stamped document, For the duration of this Practice Direction, however, in the case of electronic and facsimile filing, only one copy of documents will be returned to the party filing the document and that party may serve a photocopy or printed copy of the filed document on the opposing party.

PRACTICE DIRECTION 46

This Practice Direction comes into force on March 20, 2020.

Signed by:

David H. Jenkins, Chief Justice of Prince Edward Island

Tracey L. Clements, Chief Justice of the Supreme Court of Prince Edward Island

PRACTICE DIRECTION 46

Court No: _____

BETWEEN: PRINCE EDWARD ISLAND COURT OF APPEAL

AND: _____ APPELLANT

_____ DEFENDANT

REQUEST TO FILE ELECTRONICALLY OR BY FACSIMILE

The _____ (party filing document) hereby requests that the Registrar accept the attached document for filing: _____ electronically
_____ by facsimile.

Particulars of the document are as follows:

Document name or Form # _____
of pages (not including this form): _____

Filed copies of the documents to be returned: _____ by email
_____ by courthouse mail
_____ by mail

Where filing fees apply, I, the solicitor or party signing this request, undertake to:

_____ send an email transfer to pay any required filing fees; or
_____ mail a cheque or money order to the Court.

Dated this _____ day of _____, 2020.

(Name, address, telephone number and
Email address of lawyer or party)

FOR REGISTRY OFFICE ONLY

Date received _____ Date filed _____
DD\MM\YY DD\MM\YY

Fee: yes no Amount \$ _____

Completed by: _____