

RULE 66
PARTITION PROCEEDINGS

GENERAL

- 66.01** (1) The originating process for the commencement of a proceeding for the partition of land under Part 3 of the *Real Property Act* is a notice of application or statement of claim.
- (2) A proceeding for partition or sale may be commenced by any person who is entitled to compel partition.
- (3) A proceeding for partition shall be in accordance with the provisions of Part 3 of the *Real Property Act*.
- (4) These rules apply to such proceedings with necessary modifications except where the rules are inconsistent with the provisions of Part 5 of the *Real Property Act* in which case the rules do not apply to the extent of any such inconsistency.
- (5) A proceeding for partition by or on behalf of a minor shall be on notice to the Official Guardian.

Form of Judgment

- 66.02** A judgment for partition shall be in Form 66A.

Proceeds of Sale

- 66.03** All money realized in a partition proceeding from a sale of land shall forthwith be paid into court, unless the parties agree otherwise, and no money shall be distributed or paid out except by order of a judge or, on a reference, by order of the referee.

Redmond v. Walsh, 2022 PECA 15

On an application for partition, the court must consider all relevant evidence that permits a solution that is advantageous for all owners.

Campbell, Harris and Kays v. Ford and Harris, 2022 PESC 13

Where seven family members disagreed on the method of sale of real property owned by them, the court ordered the sale to be facilitated by the prothonotary, based on the goals of maximizing selling price, and a fair, transparent and timely sale.