**C. CALCULATION OF TIME**

1. Overview

Documents must be served, filed, or delivered within the time periods prescribed in the *Rules of Civil Procedure*. It is important to know when your documents are due. *Rule* 3.01 explains how time is calculated under the *Rules. Rule* 3.02 explains the court’s general powers to extend or abridge time periods, and *Rule* 1.03 defines what is considered a holiday for the calculation of time. Below are some specific examples demonstrating how time is calculated according to the *Rules*.

1. “At Least” or “Not Less Than” (*Rule* 3.01(1)(a))
   1. Where there is a reference to “at least” or “not less than” a number of days, the first and last day are excluded in the calculation of time.
   2. For a moving party to serve and file a motion record for a motion hearing scheduled on Friday, May 23rd, 2025, *Rule* 37.07(6) states that the motion record shall be served at least 10 days before the hearing. As indicated in the sample calendar below, the motion record must be served and filed by Monday, May 12th, 2025.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| May 2025 | | | | | | |
| M | T | W | Th | F | Sat | Sun |
|  |  |  | 1 | 2 | 3 | 4 |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| **12** | **13** | **14** | **15** | **16** | **17** | **18** |
| **19** | **20** | **21** | **22** | **23** | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 |  |

Note: In the above calendar, squared dates denote clear days and circled dates  
denote days that are not counted in the calculation of time.

1. Seven Days or Less (*Rule* 3.01(1)(c))
   1. Where a period of 7 days or less is prescribed, holidays shall not be counted.
   2. A responding party to a motion that is scheduled for Friday, May 23rd, 2025, must serve and file a responding party’s motion record. *Rule* 37.07(8) states that the motion record must be served and filed at least four days before the hearing date. As indicated in the sample calendar below, the motion record must be served and filed by Thursday, May 15th, 2025.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| May 2025 | | | | | | |
| M | T | W | Th | F | Sat | Sun |
|  |  |  | 1 | 2 | 3 | 4 |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 | 14 | **15** | **16** | **17** | **18** |
| **19** | **20** | **21** | **22** | **23** | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 |  |

Note: In the above calendar, squared dates denote clear days and circled dates  
denote days that are not counted in the calculation of time.  
Monday May 19th, is excluded as it is Victoria Day. May 17th and   
18th are excluded as holidays include weekends.

1. Deadline falls on a holiday (*Rule* 3.01(1)(d)), and is not expressed as “at least” or “not less than” or “clear days”
   1. Where a deadline ends on a holiday, the deadline is extended to the next day that is not a holiday.
   2. Where a statement of claim is served on an opposing party on Monday, April 28th, 2025 in Prince Edward Island, pursuant to *Rule* 18.01, the opposing party has 20 days to deliver a statement of defence. Since there is no reference to “at least” or “not less than” or “clear days”, *Rule* 3.01(1)(b) states the first day is excluded from the calculation. As indicated in the sample calendar below, the 20th day is on Sunday, May 18th 2025. The next day is Victoria Day. As both are holidays, the deadline for delivering the statement of defence is Tuesday, May 20th, 2025.

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | April 2025 | | | | | | | | M | T | W | Th | F | Sat | Sun | |  | 1 | 2 | 3 | 4 | 5 | 6 | | 7 | 8 | 9 | 10 | 11 | 12 | 13 | | 14 | 15 | 16 | 17 | 18 | 19 | 20 | | 21 | 22 | 23 | 24 | 25 | 26 | 27 | | 28 | **29** | **30** |  |  |  |  | | |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | May 2025 | | | | | | | | M | T | W | Th | F | Sat | Sun | |  |  |  | **1** | **2** | **3** | **4** | | **5** | **6** | **7** | **8** | **9** | **10** | **11** | | **12** | **13** | **14** | **15** | **16** | **17** | **18** | | **19** | **20** | 21 | 22 | 23 | 24 | 25 | | 26 | 27 | 28 | 29 | 30 | 31 |  | |

Note: In the above calendars, circled dates denote days that are not counted in the calculation of time, squared dates are counted in the calculation of time, and triangled dates represent days where the deadline falls on a holiday.  
Monday May 19th, is excluded as it is Victoria Day. May   
18th is excluded as holidays include weekends.