

PRACTICE NOTE 35

Rectification

1. Rectification of a deed is not to be used in cases where a piece of land has not been included in a deed; i.e. two lots are described, but a third has not been because it was “forgotten.” In such a case the motion should be under the *Quieting of Titles Act*.

Witnesses

2. You are requested to inform the Court Clerk if you have a witness who might wish to affirm rather than swear on the Bible prior to taking the stand. Any other special requests that the witness might have should be passed on to the Court Clerk in sufficient time to allow the necessary arrangements.

Judges’ case book

3. The following cases do not have to be filed in motions, applications, briefs, etc. in family matters as they will be in a Judges’ case book:

Moge v. Moge, [1992] 3 S.C.R. 813;
Bracklow v. Bracklow, [1999] 1 S.C.R. 420;
Cassidy v. Cassidy, 2000 PESCTD 56;
Creelman v. Creelman, 2000 PESCTD 64;
Peter v. Beblow, [1993] 1 S.C.R. 980.

I would appreciate receiving the names of other frequently referred to cases in family law or sentencing cases to be added to the Judges’ case book. In future, when referring to a case that is in a Judges’ case book, reference need only be made to paragraph and page number.

Family law

4. Unless interim relief is being sought, when an application is used to commence a proceeding for support or custody, it shall not be set down on a Chambers day. In such a case, the Registrar shall obtain from the parties an estimate of the time the hearing will take and then give a date on the regular court calendar.

Filing

5. Forwarding documents by any means directly to a Judge or Judge's clerk does not constitute filing with the Registrar. (i.e. fax, e-mail, mail, hand delivery)

Kenneth R. MacDonald
Chief Justice - Trial Division
Dated October 30, 2000