

PRACTICE NOTE 36

UNCONTESTED CHAMBERS GUIDELINES

1. Materials for use on motions or applications

- (a) The Rules of Civil Procedure will apply in relation to all matters concerning the hearing of motions and applications. In particular, the attention of counsel is directed to Rule 37.10 and Rule 38.10, which concerns materials for use on motions and applications.
- (b) On uncontested motions or applications, Rules 37.10 and 38.10 are to be strictly adhered to, except where otherwise noted (as in (3) herein). As proof of a claim, affidavit evidence is required and statements of counsel on the hearing are not sufficient.

2. Uncontested motions or applications

In regard to unopposed motions or applications, and in regard to those in which an order or judgment is to be granted on consent, counsel should prepare a draft order or judgment for the assistance of the presiding judge.

J. Armand DesRoches
Chief Justice - Trial Division
December 20, 2001