

III. PREPARE FOR THE HEARING TO SETTLE AN ORDER [§8.9]

A. DOCUMENTATION FOR SETTLING ORDERS [§8.10]

I. APPOINTMENTS TO SETTLE ORDERS [§8.11]

An appointment time must be obtained through Supreme Court Scheduling. The appointment to settle (Civil Rules Form 49; Family Rules Form F55), along with a draft order, the court summary sheet, and either the reasons for judgment or a transcript of the reasons as available, must be filed. Counsel or a party should also append the draft order proposed by the other party, if such a document is available.

See the Forms and Precedents section for:

- Appointment to Settle Orders—Supreme Court Civil Rules, Form 49
- Appointment for Costs—Supreme Court Family Rules, Form F55

2. DRAFT ORDERS TO BE SETTLED [§8.12]

Care should be taken when preparing the draft order to ensure that the action number, style of proceeding, dates, persons appearing, and other particulars set out in the preamble are accurate. They should also be legibly printed. An acceptable form of many standard orders can be found in *Supreme Court Chambers Orders: Annotated*, 2nd ed. (CLEBC, 1995–). See also Supreme Court Civil Practice Direction PD-26—Orders. Also note the prescribed forms of orders: in the Civil Rules, Form 48 for orders made after trial and Form 35 for orders made after applications; and in the Family Rules, Form F53 for orders made after trial and Form F54 for orders made after applications.

3. COURT SUMMARY SHEET [§8.13]

A party must obtain a copy of the court summary sheet from the registry.

4. TRANSCRIPTS OF ORAL REASONS [§8.14]

If the court summary sheet is not clear or is disputed, a party should order and obtain a transcript of the oral reasons for judgment. The procedure for ordering transcripts may vary between registries, and

inquiries should be made. If either cost or urgency is a factor, a party may wish to attend at the registry to listen to the digital audio recording of the proceedings. On occasion, it may even be appropriate for counsel to attend together and listen to the recording of the proceeding.

B. SERVING THE DOCUMENTS BEFORE THE HEARING TO SETTLE AN ORDER [§8.15]

Once the appointment is issued by the registry, it must be delivered to the opposing party or counsel with a copy of the draft order, court summary sheet, and reasons for judgment or a transcript of the reasons, if available. The material must be delivered to all parties whose approval is required at least one day before the time fixed for hearing (Civil Rule 13-1(12); Family Rule 15-1(13)). This one-day requirement seems to conflict with the requirement for hearing records under Civil Rule 23-6(3.1) and Family Rule 22-7(3.1), which require the records containing these materials to be filed by 4:00 p.m. on the business day that is one full business day before the date set for the hearing before the registrar (as discussed at “The Hearing Record for a Registrar’s Hearing” in this chapter).

The parties should endeavour, where possible, to clarify the outstanding issues before the hearing of the appointment.

The opposing party may wish to provide their own draft order and should be prepared to make submissions on the difference between the two draft orders.

C. THE HEARING RECORD FOR A REGISTRAR’S HEARING [§8.16]

Hearing records are required for all registrars’ hearings commenced by appointment (Civil Rule 23-6(3.1) or Family Rule 22-7(3.1)), and must contain a cover page in Form 30.001, an index, the filed appointment with attachments, an affidavit of service, and a copy of every filed affidavit and pleading, and of every other document to be relied on at the hearing. Hearing records must be filed no later than 4:00 p.m. on the business day that is one full business day before the date set for the hearing (Civil Rule 23-6(3.1), Family Rule 22-7(3.1)).