

SUPREME COURT OF YUKON

PRACTICE DIRECTION
CIVIL-15

*Rule 54 and Form 2A - Filing and service timelines
for applicant's and respondent's materials*

This Practice Direction corrects an inconsistency in the filing and service timelines for judicial review materials that was inadvertently created by the 2022 amendments to the *Rules of Court*. It also provides a revised Form 2A which shall be used for all new applications for judicial review.

Rule 54(5.2) was added to the *Rules* in 2022. It provides that unless the court directs otherwise, the supporting affidavits for an application for judicial review shall be filed at the same time as the application for judicial review. The requirements in Rule 54(5.2) and in Rule 54(6) to serve within 10 days of filing shall be followed for all the applicant's materials - that is, application for judicial review and supporting affidavits.

With the change to the time for filing and service of an applicant's materials, a respondent shall now have 30 days from the end of the 8-day response period to file and deliver their affidavits.


Rules 54(11) and 54(12) shall not be followed.

The following table summarizes the timelines for the filing and service of materials:

Party	Documents	Filing & service/delivery timelines
Applicant	<ul style="list-style-type: none">Application for judicial reviewSupporting affidavits	<ul style="list-style-type: none">Filed at the same timeServed within 10 days of filing
Respondent	<ul style="list-style-type: none">Appearance	Must be filed within: <ul style="list-style-type: none">7 days from service of applicant's materials, if person is served in the Yukon;21 days from service of applicant's materials, if person is served anywhere else in Canada;28 days from service of applicant's materials, if person is served in the United States of America; or42 days from service of applicant's materials, if person is served elsewhere. A copy of the filed appearance must be delivered promptly to the applicant.
Respondent	<ul style="list-style-type: none">Response	Must be filed and delivered to the applicant and every other person given notice of the application within 8 days from the end of the appearance period noted above.

Respondent	• Affidavits	Must be filed and delivered to the applicant and every other person given notice of the application within 30 days from the end of the 8-day response period noted above.
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Rule 54 will be corrected in the next rule amendment. Until then, this practice direction and the attached revised Form 2A shall be followed.


Duncan C.J.
August 26, 2024

SUPREME COURT OF YUKON

Between

Applicant

and

Respondent

APPLICATION FOR JUDICIAL REVIEW

THIS IS THE APPLICATION FOR JUDICIAL REVIEW OF:

[Name and address of applicant] _____

ON NOTICE TO:

Within 10 days after filing this application for judicial review and supporting affidavits with the court registry, the applicant must serve a copy on:

1. all respondents;
2. the decision maker of the decision that is being reviewed;
3. any other person who participated in the proceeding before the decision-maker in respect of which the application is made;
4. the Government of Yukon;
5. where the application is made under statute to the official appointed under statute; and
6. any person required to be served under that statute.

[Name and address of each person being served]

TAKE NOTICE that *[name of applicant]* _____

_____ applies to the Supreme Court of Yukon for judicial review of the Order [or decision] of [state name of person, court, or body appealed from] _____ issued on [date] _____

If you have interests that are affected by the order sought TAKE NOTICE that the applicant applies to court for relief set out in this application for review.

APPEARANCE REQUIRED BY RESPONDENT

IF YOU WISH TO BE NOTIFIED of any further proceedings, YOU MUST GIVE NOTICE of your intention by filing an APPEARANCE in Form 9 in this court within the time for appearance and YOU MUST ALSO DELIVER a copy of the filed Appearance to the applicant's address for delivery, which is set out in this Application for Judicial Review.

YOU OR YOUR LAWYER may file the APPEARANCE. You may obtain an APPEARANCE form at the registry or at www.yukoncourts.ca.

IF YOU FAIL to file the Appearance within the proper time for appearance, the applicant may continue this application without further notice to you.

TIME FOR APPEARANCE

If this Application for Judicial Review is served on a person in Yukon, the time for appearance by that person is 7 days from the date of service (not including the day of service).

Where this Application for Judicial Review is served on a person outside Yukon, the time for appearance by that person is: 21 days from the date of service (not including the day of service) in the case of a person residing anywhere within Canada; 28 days from the date of service (not including the day of service) in the case of a person residing in the United States of America; and 42 days from the date of service (not including the day of service) in the case of a person residing elsewhere.

OR

If the time for appearance has been set by order of the court, within that time.

TIME FOR RESPONSE

IF YOU WISH TO RESPOND to the Application for Judicial Review, you must, on or before 8 days from the end of the time for appearance provided for above, file with the court registry a response in Form 11 and deliver one copy of the filed response to:

- (a) the applicant, and
- (b) every other person given notice of the application.

AFFIDAVITS

IF YOU ARE THE APPLICANT you must file and serve any supporting affidavits in Form 59, and attached documentary exhibits, at the same time as this application for judicial review.

IF YOU ARE THE RESPONDENT you must, on or before 30 days from the end of the time for response provided for above,

- (a) file with the court registry and deliver to the applicant and to every other person given notice of the application
 - (i) 1 copy of your supporting affidavits in Form 59 and attached documentary exhibits

(1)	The address of the registry is: The Law Courts 2134 Second Avenue Whitehorse, Yukon Y1A 5H6 Telephone: (867) 667-5937 Fax: (867) 393-6212
(2)	The applicant's ADDRESS FOR DELIVERY (Required: (per Rules 4(10) and (11)) must be a residential address OR business address AND postal address in Yukon) is: _____ _____ _____ <u>Optional:</u> Telephone: _____ Email address: _____ Fax number for delivery: _____
(3)	The name and office address of the applicant's lawyer is:

ENDORSEMENT FOR SERVICE OUTSIDE YUKON (if applicable)

The applicant claims the right to serve this Application for Judicial Review on the respondent [*insert name*] _____ outside Yukon on the ground that

[*State ground and provision in Rule 13(1) upon which the applicant relies.*]

APPLICATION FOR JUDICIAL REVIEW

Set out the date and details of the decision of which judicial review is sought and the date on which it was first communicated to the applicant:

The grounds for the Application for Judicial Review are as follows: *[set out briefly the relevant grounds in numbered paragraphs, include any statute, regulation or rule relied on]*

- 1.
- 2.

...

The documentary evidence that will be used at the hearing of the application:

- 1.
- 2.

...

The applicant applies for an order that: *[set out orders sought in numbered paragraphs; a draft order may be attached]*

- 1.
- 2.

The applicant estimates that the application will take _____ minutes (hours).

Dated _____

Signature *[Applicant or Applicant's Lawyer]*

Print Name *[Applicant or Applicant's Lawyer]*

NOTICE OF CASE MANAGEMENT CONFERENCE
(if applicable)

Take notice that a Case Management Conference will be held at the Law Courts, 2134
Second Avenue, Whitehorse, Yukon, pursuant to Rule 1(7) on [date]
_____ at [time] _____.

If you fail to attend, orders may be made in your absence.

Dated _____

Signature [*Applicant*]

Print Name [*Applicant*]