



Chambers Application Procedures 101

Desk Reference Manual

General Information

Chambers is a term used to describe courtrooms that have been set aside to hear interlocutory applications to resolve issues that arise prior to a matter going to trial.

Although the Supreme Court Civil Rules no longer uses the term *interlocutory applications*, Rule 8-1 sets out the procedure to follow when bringing an application for "an order from the court other than at trial or at the hearing of a petition".

According to *Black's Law Dictionary*, the definition of **interlocutory** is:

Provisional; interim; temporary; not final. Something intervening between the commencement and the end of a suit which decides some point or matter but is not a final decision of the whole controversy. An interlocutory order or decree is one which does not finally determine a cause of action but only decides some intervening matter pertaining to the cause, and which requires further steps to be taken in order to enable the court to adjudicate the cause on the merits.

Chamber matters differ from a trial, because in a trial, evidence is provided through witnesses and is of a final nature. Chamber's evidence is generally presented by affidavit and usually not of a final nature. They can be scheduled on any day the court sits whereas trial dates must be reserved. As well lawyers and judges do not wear robes in chamber hearings.

Applications are used to resolve issues arising in a matter prior to trial. For example, an application can:

- o enable a party to do something, ie. amend a pleading; or
- o compel a party to do something, ie. compel attendance of a plaintiff at an independent medical examination (IME); or
- o stop a party from doing something; ie. an injunction.

Various procedural issues may arise once a proceeding has been commenced by a Notice of Civil Claim or by way of a Petition requiring an application to be brought before the court. For example, you may believe another party has documents that have not been produced and in that case, an application can be made for an order to compel that party to produce those documents.

As indicated above, there are a number of specific rules governing applications under the new Supreme Court Civil Rules which will be discussed in further detail throughout these materials. They are as follows:

- Rule 8-1 sets out what documents are required as well as the time limits that apply;
- Rule 8-2 explains where the application should be heard;
- Rule 8-3 relates to consent applications;
- Rule 8-4 pertains to applications where no notice is required
- Rule 8-5 pertains to urgent applications
- Rule 8-1(21.1) pertains to resetting applications adjourned generally
- Rule 22-1 pertains to chambers proceedings
- Rule 22-2 pertains to how affidavits must be prepared and filed
- Rule 23-6 sets out the powers of a master, registrar or special referee
- Rule 14-1 pertains to costs.
- Rule 16-2 pertains to applications by Petition



If your application is under Rule 15-1 Fast Track Litigation, applications are not allowed unless a case planning conference or trial management conference has been held subject to the exceptions listed in Rule 15.1(8).

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