



THE NUNAVUT COURT OF JUSTICE

PRACTICE DIRECTIVE # 37

THE EMERGENCY CLOSURE ORDER

Explanatory Note: This Practice Directive is intended to alleviate the hardship and uncertainty associated with the Court closing for an emergency, particularly weather emergencies. The Emergency Closure Order provides for the notification of all litigants of the existence and duration of a court closure. It provides for the extension of filing deadlines to cover this period, and ensures the orderly adjournment and resumption of cancelled sittings.

A. The Emergency Closure Order

The Court may be closed if weather, technological failure or other hazardous or emergency conditions and events exist that threaten the safety or welfare of court personnel, or otherwise prevent the court from continuing to function. In the event of an emergency in Iqaluit, the Senior Judge of the Nunavut Court of Justice or his or her designate, in consultation with the Director of Court Services, may order that all sittings of the Court in Iqaluit be immediately suspended, including the operations of the Court Registry.

Upon being notified of an emergency closure, the Manager of Court operations shall as soon as practical cause a copy of the Emergency Closure Order in Form 37A to be transmitted electronically by email to all members of the Nunavut Law Society, the RCMP, Department of Corrections and any other persons or agencies who have advised the Manager of Court Operations in writing of their wish to receive Emergency Closure Notices. The party wishing to receive such notification is obligated to ensure that the Manager is given a valid and subsisting email address for the purpose of receiving these notifications.

The Manager of Court Operations shall further cause a copy of the Emergency Closure Order to be posted on the front door of the Iqaluit Courthouse in a conspicuous location.

B. The Effect of the Emergency Closure Order

The sittings of the Court are cancelled or suspended and any matters set for hearing shall be adjourned to 930a.m. on the next full day that the Court resumes its normal operations to fix a new date for hearing.

The Court Registry will be closed for the duration of the emergency closure and the filing or entry of any legal documents with the Court shall be suspended.

When by a procedural rule or statute, or by notice given under a procedural rule or statute, or by court order, any filing, act, or hearing is required to be done at or within a specified time, and that time expires during an Emergency Closure, the deadline for performance of the filing, act, or hearing as the case may be, shall be extended until the close of business on the next full day after the Court resumes normal operations.

Any remand warrant, warrant of committal, removal order, subpoena, summons or other court process returnable during a period of emergency closure shall continue in full force and effect until the close of business on the next full day after the Court resumes normal operations.

C. Re-Opening of the Court after an Emergency Closure

Upon returning to normal operations, the Manager of Court Operations shall transmit an electronic Notice of Resumption of Court Operations in Form 37B to all members of the Law Society of Nunavut, the RCMP, the Department of Corrections and other persons or agencies that have notified the Manager of their desire to receive emergency closure notices. The notice shall provide that all matters returnable in Court during a period of closure shall be spoken to at 930a.m. on the next full day of Court operations. The Notice shall further provide for an extension all filing deadlines until the close of business on the first full day of the court resuming normal operations. This deadline will be set out in the Notice of Termination.

This practice directive comes into force immediately.

Issued this 1st day of May, 2010 upon the direction of the Judges of the Nunavut Court of Justice.

Mr. Justice R. Kilpatrick

Mr. Justice E. Johnson

Mr. Justice N. Sharkey

Madam Justice S. Cooper