



THE NUNAVUT COURT OF JUSTICE

PRACTICE DIRECTIVE #5

LOCATION OF CHAMBERS APPLICATIONS

Explanatory note: The parties whose rights and interests stand to be most affected by decisions made in civil chambers should have the option of seeing justice done in their respective communities. In order to facilitate the citizen's access to civil justice, the Nunavut Court of Justice will hear motions in the communities if a hearing can be facilitated within a reasonable time after a motion has been filed.

1. Chambers applications should ordinarily be set for hearing in the community in which the cause of action arises and in which the parties ordinarily reside.
2. If the next available chambers date in the originating community is more than two months after the date the motion is filed, the motion may be made returnable in Iqaluit chambers at the discretion of counsel for the moving party.
3. Where the hearing of an application is moved from an originating community to Iqaluit chambers, counsel for the moving party must ensure that any unrepresented Defendant/Respondent is served with a Notice to appear by telephone in Form 5A.

This practice directive does not apply to applications made in exigent circumstances where a speedy hearing is necessary in Iqaluit. If counsel wish to apply for an exemption from the application of rule 1 or 2 above, they must file a memorandum to support their request.

This practice directive replaces practice directive #5 issued December 10th 2001.

This practice directive comes into force immediately.

Issued this 1st day of August, 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
Madame Justice S. Cooper