



THE SUPREME COURT OF THE NORTHWEST TERRITORIES

**PRACTICE DIRECTION**

**Representation of Corporations**

Rule 7 (“Audience Before the Court”) of the *Supreme Court Rules* provides as follows:

7. (1) A party to a proceeding who is under disability or acts in a representative capacity shall be represented by a solicitor.
- (2) Unless otherwise ordered by the Court, a party that is a corporation shall be represented by a solicitor.
- (3) Any party other than one referred to in subrule (1) or (2) may act in person or be represented by a solicitor.
- (4) Notwithstanding subrules (1) and (2), the Court may grant audience to any individual where it considers it appropriate in the interests of justice.


The requirement in Rule 7 (2) for a corporation to be represented by a solicitor is one common to most Canadian jurisdictions. It is one that applies to both privately-held corporations as well as public ones. There is, however, a general lack of awareness of this rule and often pleadings are presented, or appearances made in court, on behalf of corporations by lay people, most often by officers or directors of the corporation.

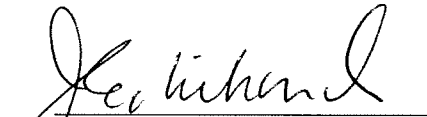
The term “corporation” is to be understood in its common usage, that is, a body corporate or limited liability company wherever or however incorporated, and designated by the words “Limited”, “Limitée”, “Incorporated”, “Incorporée”, “Corporation” or “Société”, or the abbreviation “Ltd.”, “Ltée”, “Inc.” or “Corp.”.

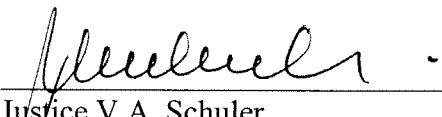
In order to regulate the requirements of Rule 7 (2), the judges of the Supreme Court issue these directions which shall apply in any case where there is a corporation as a party (unless expressly provided otherwise by a statute):


1. If an originating pleading (i.e., a statement of claim, an originating notice, a petition or a notice of motion) is presented for filing on behalf of a corporation, the clerk will file the document but, if it is not filed by a solicitor, the clerk will immediately forward it to a judge for review.
2. The reviewing judge will issue a *Fiat* staying further proceedings. The Fiat shall be in Form 1 appended hereto.
3. The clerk will notify the party that the action has been stayed until a solicitor is appointed to represent the corporation or an application is made for right of audience pursuant to Rule 7 (4). The notice will be in Form 2 appended hereto.
4. If a corporation defends or appears, in response to an originating pleading, by a non-solicitor, the clerk will issue a notice to the party (and to the opposing party) informing them that either a solicitor has to be appointed to represent the corporation or an application has to be made for right of audience. If that is not done within 30 days, the defence or appearance may be struck. The notice will be in Form 3 appended hereto.

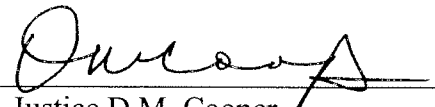
Issued this 2<sup>nd</sup> day of November 2009, by direction of the judges of the Supreme Court of the Northwest Territories.

  
Justice J.Z. Vertes,  
Senior Judge

  
Justice J.E. Richard

  
Justice V.A. Schuler

  
Justice L.A. Charbonneau

  
Justice D.M. Cooper

**FORM 1**

**FIAT:**

Proceedings in action number \_\_\_\_\_ (Number) \_\_\_\_\_ are hereby stayed pursuant to Rule 7 (2) of the *Rules of Court*.

\_\_\_\_\_ (Date) \_\_\_\_\_

\_\_\_\_\_ (Judge's Signature) \_\_\_\_\_

**FORM 2**

\_\_\_\_\_  
(Date)

TO:           (Name of Party)          

          (Address for Service)          

RE:           (File Name & Number)          

The           (name of pleading)           filed on behalf of           (name of party)           on           (date)           has been placed before a Judge of the Supreme Court.

Please be advised that a Fiat has been issued by Justice \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, staying further proceedings in this action until either (a) a solicitor is appointed to represent the corporation, or (b) an order is issued granting a right of audience. Your attention is drawn to the requirements of Rule 7 of the Supreme Court Rules (attached).

Should a solicitor be appointed, a notice giving the name and address of the solicitor must be filed with the Clerk of the Court.

If an application is to be made seeking a right of audience for someone other than a solicitor, such an application must be made in writing and on notice to any other party who has been served with the           (name of pleading)          .

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Clerk of the Court

## RULE 7

Rule 7 (“Audience Before the Court”) of the *Supreme Court Rules* provides as follows:

7. (1) A party to a proceeding who is under disability or acts in a representative capacity shall be represented by a solicitor.
- (2) Unless otherwise ordered by the Court, a party that is a corporation shall be represented by a solicitor.
- (3) Any party other than one referred to in subrule (1) or (2) may act in person or be represented by a solicitor.
- (4) Notwithstanding subrules (1) and (2), the Court may grant audience to any individual where it considers it appropriate in the interests of justice.

**FORM 3**

\_\_\_\_\_  
(Date)

TO:           (Name of Party)            
          (Address for Service)          

RE:           (File Name & Number)          

Please be advised that Rule 7(2) of the Supreme Court Rules (attached) requires that a corporation be represented by a solicitor. For anyone else to act on behalf of a corporation, that person must apply for a right of audience pursuant to Rule 7(4).

Should a solicitor not be appointed, or application made for right of audience, within 30 days, your pleading may be struck out on application by the opposing party.

Should a solicitor be appointed, a notice giving the name and address of the solicitor must be filed with the Clerk of the Court.

If an application is to be made seeking a right of audience for someone other than a solicitor, such an application must be made in writing and on notice to every other party to this action.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Clerk of the Court

AND TO:           (Name of Other Party)            
          (Address for Service)

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