



THE SUPREME COURT OF THE NORTHWEST TERRITORIES

PRACTICE DIRECTION

Pre-hearing Conferences in Judicial Reviews and

Appeals from Administrative Bodies

Rule 604(1) of the *Rules of the Supreme Court of the Northwest Territories* requires that in applications for judicial review or appeals from administrative bodies, the parties or their counsel attend a pre-hearing conference (“Conference”) before a hearing date will be set. The purpose of the Conference is stated in Rule 604(1). It provides a process “to clarify and specify the issues, the evidence to be relied on, and the relief sought”.

Examples of appeals from administrative bodies include, but are not limited to, appeals under the *Residential Tenancies Act*, RSNWT 1988, c R-5, the *Human Rights Act*, SNWT 2002, c 18 and the *Employment Standards Act*, SNWT 2007, c 13.


The purpose of this Practice Direction is to set out procedures for scheduling and preparing for Conferences. These are as follows:

1. The Conferences will always be held in court, on the record.
2. Those Conferences that are straightforward and which are expected to take **no more than 30 minutes** will be scheduled to proceed as part of Regular Civil Chambers on Friday mornings.
3. If it appears the Conference will last **more than 30 minutes**, the parties will be asked, when the matter is addressed in Regular Civil Chambers, to send their available dates and estimated time requirements **to the Supreme Court Registry**. It will then be scheduled for a special hearing time. Alternatively, the parties may, on consent, provide their available dates and time estimates directly to the Supreme Court Registry, without speaking to the matter in Regular Civil Chambers, with a written request for a special date for the pre-hearing conference.
4. The parties must complete and file a Pre-hearing Conference Memorandum of Issues (“Memorandum”) in the form attached as “Appendix A”, in advance of the Conference.

5. Where the parties are able to do so, they may file a jointly prepared Memorandum at least two (2) business days before the Conference is scheduled to occur.
6. If the parties are unable to submit a joint Memorandum, they shall ensure they each complete their own, which shall be filed with the Court and served on the other parties at least five (5) business days before the Conference is scheduled to occur.
7. Unless he or she deems it necessary, the judge who presides at the Conference will not typically provide a written report to the parties following the Conference. A transcript shall be prepared and placed on the Court file, and copies will be distributed to each of the parties.


This Practice Direction takes effect immediately.

Issued this 17th day of October 2016, by direction of the Judges of the Supreme Court of the Northwest Territories.




---

Justice L.A. Charbonneau  
Senior Judge



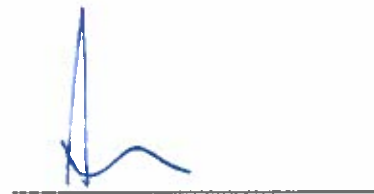
---

Justice K.M. Shaner



---

Justice S.H. Smallwood



---

Justice A.M. Mahar

**“Appendix A”**

**IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES**

**BETWEEN:**

XXX

Applicant(s)

-and-

XXX

Respondent(s)

**Pre-Hearing Conference Memorandum  
Rule 604**

- I. What type of proceeding is this?  
 Judicial Review  
 Appeal from Administrative Body
- II. Is this Memorandum being submitted on behalf of all of the parties?  
 Yes  
 No
- III. Is there any other person or entity, including governments, who should have notice of the proceedings? If so, please specify and whether they have been given notice.
- IV. Has the Record been filed? If so, when?
- V. Are there any issues respecting the completeness or format of the Record?
- VI. Will any additional evidence be filed or called?

- VII. Are there preliminary issues, including leave applications, which must be addressed before the hearing itself? If so, will a separate hearing be required?
- VIII. What are the main issues?
- IX. How much time does each party anticipate will be required for the hearing, including that required to hear any preliminary issues?

Dated this \_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
(Signature of party submitting Memorandum)