



The Supreme Court of the Northwest Territories

PRACTICE DIRECTION

INACTIVE FILES – EFFECTING SERVICE

This Practice Direction applies to variation applications in family law proceedings.

Members of the Bar have expressed a concern about the issue of effecting service on an opposite party on a file that has been essentially concluded or that has been inactive for a long period of time. Examination of the Court file may indicate that solicitor X is solicitor of record; however, it may be that solicitor X has lost contact with his/her client.

In divorce actions, for subsequent variation applications, this issue is resolved by Divorce Rule 26 which requires notice of any new application to be served personally on the opposite party. It is the intention of this Practice Direction that this rule be applied to other family law actions.

Henceforth, on any family law file where a party and that party's solicitor of record have been "inactive" on a Court file ("inactive" in the sense that that solicitor of record has not appeared in Court on behalf of the party nor filed any documents on the Court file on behalf of the party for a period of 12 months or more), service of any document on that party shall be made personally on the party, unless the party's solicitor of record consents to accepting service on behalf of the party.

Dated this 14th day of December, 2005.

J.E. Richard, J.S.C.

J.Z. Vertes, J.S.C.

V.A. Schuler, J.S.C.