



Supreme Court of
Prince Edward Island

NOTICE TO MEMBERS OF THE LAW SOCIETY

Date: April 20, 2020

From: Krista J. MacKay, Q.C., Prothonotary/Registrar

Triage Process for Supreme Court Hearings

Further to my Notice provided on April 1, 2020, we continue to hear only those matters that are deemed urgent, essential, or an emergency. The attached form has been developed to assist parties in making requests for urgent, essential or emergency hearings. Instead of sending an email to the trial co-ordinator or to me, as directed in my previous Notice, we are now asking parties to complete and file the attached document containing their submissions regarding how the matter is urgent, essential or an emergency. A fillable version of this form can be found on the court's website at www.courts.pe.ca. We remind counsel that if your request has been determined by a judge to have met the threshold and will be heard, any filings regarding the matter should include a note to the deputy registrars that it has been approved for hearing. They can then ensure the documents get to the judge hearing the matter in a timely way.

Clarification on Filing

Further to Update Notice from the Chief Justices on April 7, 2020, we wish to clarify that the court is amenable to receiving Consent Orders or Notices of Discontinuance for filing at this time, given that they will serve to complete actions which can then be removed from the active file roster of the court.

Krista J. MacKay, Q.C.

Prothonotary and Registrar of the Court of Appeal
and Supreme Court



NOTICE TO MEMBERS OF THE LAW SOCIETY

Date: April 1, 2020
From: Krista J. MacKay, Q.C., Prothonotary/Registrar

Filing of Documents

We continue to work with a skeleton staff and appreciate those lawyers that are reflecting on whether a document needs to be filed at this time before forwarding them for filing. We appreciate the use that is being made of e-filing and filing by fax pursuant to Practice Direction 46, and encourage continued use of these formats where appropriate. For larger bound documents, the newly implemented drop-box method is available and may be more suitable.

Triage Process for Supreme Court Hearings

We continue to hear only those matters that are deemed urgent, essential, or an emergency. The court has implemented a triage process for parties wishing to have hearings on matters that the parties believe are urgent, essential or an emergency. Parties requesting a hearing should forward an email containing their request, supported by their submissions regarding how the matter is urgent, essential, or an emergency, to either the trial Co-coordinator, Shelley Young Brennan (sdyoung@gov.pe.ca) or to me (kjmackay@gov.pe.ca). Your request will be forwarded to the court for consideration and you will be advised whether or not a hearing will be granted at this time. The court may require additional documents to be filed. Should the court determine that the matter does not meet the threshold to be heard at this time, parties may file their documents and a hearing date will be assigned in due course once restrictions are no longer in place. Please note that if your matter has met the threshold and will be heard, any filings regarding the matter should include a note to the deputy registrars that it has been approved for hearing. They can then ensure the documents get to the judge hearing the matter in a timely way.

Original Wills

Under normal circumstances, the original will must be provided at the time of the Petition for Probate. At this time, however, where lawyers are using e-filing, the court will accept the following:

- a. The Proof of Will and a scanned copy of the Will shall continue to be filed, along with confirmation by the lawyer that the scanned version is a true and complete copy of the original, which is currently in their possession, subject to clause (b) below.

- b. The original Will may thereafter be provided via the drop-box system, or by mailing it to the court. Lawyers should be cautioned, however, that they continue to be responsible for the Will until such time as it reaches the courthouse. Alternatively, the lawyer can choose to hold the original Will in their possession until such time as the court requires it be provided.

Original Birth and Marriage Certificates

Under normal circumstances, the original birth and marriage certificates must be provided and they are copied and returned to the lawyer. At this time, however, the court will accept a scanned notarized copy of the applicable certificate OR a scanned copy that is not notarized, but is accompanied by the lawyer's undertaking to provide the original within a reasonable time via drop-box or mail.

Contact Information

Please ensure that current contact information of the lawyer is provided so that if there are any issues with documents attempting to be filed, registry staff can quickly and efficiently contact the lawyer to discuss. We are receiving documents with only law firms' main reception lines provided, and are not able to reach the lawyer directly in most cases with many lawyers working from home.

Requests for Documents

Any requests to the court for copies of documents or FACTS printouts should be made to scfiling@courts.pe.ca, and not to individual deputy registrars, who may or may not be working on any particular day.

We appreciate the continued co-operation of the Bar in these matters as we continue to navigate the current health crisis.



Krista J. MacKay, Q.C.

Prothonotary and Registrar of the Court of
Appeal and Supreme Court



Supreme Court of
Prince Edward Island

NOTICE TO MEMBERS OF THE LAW SOCIETY

Date: March 20, 2020
From: Krista J. MacKay, Q.C., Prothonotary

Filing of Documents

We are now working with a skeleton staff and would appreciate if lawyers would, before attempting to file documents, consider if the filing is necessary at this time. If the document can wait to be filed until we have more fulsome staffing situation, we would encourage and appreciate lawyers hanging onto their documents until that time.

Filing by Email

Later today, you will be receiving a Practice Direction regarding email and facsimile filing of documents. We are encouraging all counsel to file by email where possible. This will reduce the volume of in-person attendance at the courthouse and will also limit the number of faxes being received by the court. We are also in the process of establishing an email address for e-transfer of filing fees and will advise when that is ready to accept e-transfers of funds. Until then, payment should be made by cheque mailed to the appropriate courthouse.

Filing of Affidavits

In the usual course, affidavits are required to be sworn in person prior to being filed. Due to the current health situation, and until further notice, the Court will accept insufficiently sworn affidavits provided that the lawyer filing the affidavit undertakes to file, prior the hearing date, an original affidavit that complies with the formal requirements, failing which the party would not be entitled to rely on it or may be required to withdraw it.

Netlegal and Requesting copies of judgments, Satisfaction, Letters Probate, etc.

Please be advised that Netlegal is up and running for judgment searching online.

If you require a copy of a judgment, Satisfaction, Letters Probate, etc., please fax the Registry Office in Charlottetown at 902-368-0266 with the Court File number and name of document

you are requesting and we will email or fax a copy to you. Please indicate where you would like it sent (fax or email) and please provide a contact number so that we can call you with any questions we may have.

Interoffice Mail at the Courthouse

Instead of attending in person, please contact the Commissionaire's desk in Charlottetown at 902-368-6000 or Summerside office at 902-888-8187 to inquire if you have mail in your mail box. If you do have mail, the Commissionaire (or Summerside staff) will obtain and provide it to you upon your arrival.

Law Library After Hours

Please contact me to arrange in advance if you need to visit the Law Library after hours. If you have not received prior approval you will not be permitted into the library after hours.

Contact Information

When filing documents, please ensure to provide contact information so that court staff can reach you, if needed.

Writ Enforcement by Sheriff's office

We will not be accepting payments on writs in person until further notice. We are issuing a Notice advising anyone wishing to make a payment is to contact the Sheriff's office at 902-6203573 (Charlottetown) to make a payment via credit card, by mail or to set up direct deposit. We appreciate your co-operation in these matters as we work through the current health crisis.



Krista J. MacKay, Q.C.
Prothonotary of the Court of Appeal and Supreme Court