



How not to have documents returned by the NCJ Civil Registry

The Civil Registry has compiled a list of reasons documents are returned to lawyers or self-represented individuals for correction. Below are a list of hints and tips to avoid having documents returned from the Civil Registrar. The underlined words are clickable and will take you to the Court's website. **This document covers common issues that may result in documents being returned but it does not cover all requirements for filing in Nunavut.** Please review the Rules of Court, Practice Directives, forms and fee information at www.nunavutcourts.ca

This document provides general information about common issues with requirements of the Rules of Court of the Nunavut Court of Justice and is not intended as legal advice. The Civil Registry cannot provide legal advice about procedural matters.

Filing Request Form

In order to file documents in a proceeding, the appropriate filing fee must be paid in accordance with the Rules and the **legislated fees of the Court**. In order to permit the filing fee to be calculated, parties must complete a Filing Request Form to accompany the document. The Registry cannot file your documents without the Filing Request Form and if you do not provide it, filing will be delayed.

Hint: Have you completed and sent a **Filing Request form** with your documents for filing?

Proof of Authorized Practice of Law

Documents may only be filed in the NCJ by self-represented parties or lawyers authorized to practice law in accordance with *Legal Profession Act* as set out in **Rule 17**.

Lawyers and articling clerks filing documents are required to include **on the backer** their respective Roll Number, Restricted Appearance Certificate (RAC) Number or particulars of their certificate of clerkship in accordance with **Practice Directive 45**.

Hint: Please make sure your backer precedent is updated to include your Law society of Nunavut Roll Number or RAC

For matters or appearances where written documentation is not required, counsel appearing in court on a RAC are required to file a copy of the RAC in accordance with **Practice Directive 45**.

Hint: Don't forget to send the Registry a copy of your RAC (or renewed RAC) when requesting a motion date if you have not filed documents with your current RAC number.

Signatures

Documents filed in Nunavut are required to be signed in accordance with **Rule 15**. The Nunavut Court of Justice does not accept electronic signatures (e.g., a document electronically signed using a feature of a PDF program, etc.).

Hint: Please make sure you physically sign your documents before sending them to the registry – if you use the digital signature feature of a computer document program, your document will be returned to you.

Service

The **Rules of Court** in Nunavut define "address for service" in **Rule 1** as being an address for service **in Nunavut**. This means that any party to a proceeding must provide an address for service in the Territory. All pleadings in Nunavut must include the address for service in accordance with **Rule 15**.

Hint: Please make sure you have included an address for service in Nunavut in accordance with the Rules.

PD 31 sets out the requirements for electronic service of Documents (e.g., serving documents by email).

General Heading and Document Format Issues

The form of the **style of cause** in a proceeding in the NCJ is set out in the Rules. Unless otherwise permitted by the Rules, the Style of Cause must comply with **Rule 15**. Changes to the Style of Cause are only permitted as authorized by the Rules or by Order of Court

Hint: Don't forget to make sure the Style of Cause on your documents remains the same for each document you file in a proceeding unless permitted by the Rules or the Court.

Hint: If you are changing the Style of Cause in accordance with a Rule or court order, referencing the Rule or Order permitting the change in the first email to the Clerk with the changed style of cause will save time the review of your document before filing by the Registry.

Hint: If you are filing a cross-application or an interlocutory motion that changes the status of the parties, don't forget to add references in the style of cause to the change to confirm the party's status in the current matter (i.e., Applicant/Responding Party on the Motion; Respondent/Moving Party on the Motion)

The documents in a proceeding must include the mandatory information required in **Rule 732** including the court file number assigned to the proceeding, the date of the document, and the name of the party providing the document.

Hint: Make sure the court file number of the document you are filing is included on the general header of the document.

Hint: Don't forget to double check that the court file number you are using is the one assigned to the proceeding in which you are filing documents – especially if you are working from a previous precedent.

Hint: Don't forget to double check that you are including the appropriate style of cause, the title of the document, the date of the document and the name of the filing party on all of your documents.

Witnessing of Signatures

The **Evidence Act** sets out requirements for commissioning of oaths (signed within the territory) and notarizing documents (signed outside of Nunavut). Where documents that are filed with the Court require a witness to the signature on the document, the Commissioner or Notary must sign the document and any required exhibits must be marked and signed as well. The Rules require that the name of the person witnessing the signature be printed below their signature in accordance with **Rule 368**. Documents must be witnessed **in person**. Exceptions allowing for video-conferencing witnessing of documents during the pandemic no longer apply.

Hint: Please make sure the person is properly authorized to witness the signature.

Hint: Please make sure each document requiring a commissioned or notarized signature is signed including ensuring that all exhibits are stamped and sworn or affirmed.

Hint: Please make sure that each commissioner or notary clearly prints their name under their signature.

Hint: Please make sure your documents are witnessed in person.

Backsheet

The back sheet (sometimes called a 'backer') for the NCJ is set out in **Form 1** the Rules. Documents filed with the Civil Registry are required to include a backer in the form set out in Form 1.

Hint: Have you attached a backer to your document that includes the style of cause, court file number, and the correct short title of the document (e.g., Statement of Claim, Notice of Motion, Motion Record, Affidavit of [Name of Person], etc.) along with your address for service in Nunavut?

Hint: Don't forget that the backer is the last page of the document (for example, if you are filing an affidavit, the backer would be placed after all of the exhibits) and each document requires its own backer (for example, one backer for a notice of motion and one back for each of the affidavits being filed)