



## **THE NUNAVUT COURT OF JUSTICE**

### **PRACTICE DIRECTIVE # 5**

#### **LOCATION OF CHAMBERS APPLICATIONS**

One of the ongoing goals of the Nunavut Court of Justice is to ensure that individuals in all communities have access to justice, including the right to appear in person on civil matters. It is also, however, important to recognize that the regular court circuits to various communities are sometimes three or six months away and expeditious justice is also important.

To assist in achieving the competing interests set out above, the following Practice Directive has been issued:

1. Chambers applications should be set to be heard in whatever community the action arose, particularly if that is also the usual residence of the applicant and the defendant.
2. If the applicant is represented by counsel and the defendant is not represented by counsel, then the application should be brought in the community of the defendant's residence subject to the time constraints set out in this practice directive.
3. If both parties are represented by counsel, then there is no preference as to where the application should be heard.
4. In the event that these rules would result in the application not being heard for a period of more than one month from the date of filing, then another location can be obtained from the Clerk of the Court to ensure that the application can be heard within one month from the date of filing.
5. If counsel prefers a location other than the location at which the action arose, they should explain the reasons in an attached memorandum when the matter is sent in for filing to obtain leave of the clerk for another venue for the Chambers application.
6. If an application is set in a location other than the defendant's usual residence, the defendant must be advised through service of their right to appear in court by telephone (using the Notice to Appear by Telephone form).

Issued this 10<sup>th</sup> day of December 2001, by direction of the judges of the Nunavut Court of Justice.

**Justice B.A. Browne**  
**Justice R.G. Kilpatrick**

**Updated November 18, 2008**