September 21, 2018

SUPREME COURT OF NEWFOUNDLAND AND LABRADOR

NOTICE TO THE PROFESSION

Potential Canada Post Labour Disruption

Labour negotiations between Canada Post and the Canadian Union of Postal Workers (CUPW) continue, however a legal work disruption may occur on or after September 26, 2018. During a labour disruption, Canada Post may not be picking up, processing or delivering mail. Because of this, litigants may experience difficulties delivering documents to the Court or serving documents on other parties or persons. Similarly, the Court may experience difficulties in sending documents/packages to litigants, lawyers and other persons. This Notice is intended to set out options to address these issues in the event of a mail service disruption.

Filing documents with the Court

1. In the event of a disruption in the service provided by Canada Post, litigants will be required to explore other ways to deliver documents to the Court. Delivery options will vary depending on your case, but may include:

   (a) delivering materials to the court in person;

   (b) using a courier; or

   (c) electronically filing your document (by fax or email) in accordance with rule 56.35 or this notice.

2. Please note that if you have already mailed documents or forms to the court by regular mail, the court may not be able to complete your request until the labour disruption is over.

3. The Court will, during any period of Canada Post service disruption, permit litigants and lawyers to file documents with the Court by email or fax. Emailed documents should be scanned PDFs of the original. Please note that the original of any affidavit filed electronically must, following the end of the mail service disruption, be filed. The Court or a judge may also require that you provide a hardcopy of any other document filed electronically in this period and may require that this be done before an order of Court will be granted.

4. Documents may be emailed or faxed to the applicable address/number set out in the appendix.

5. The expense of producing a paper version of a document filed electronically must be paid by the person filing the document. The fee charged will be the fee for making copies, which is $0.25/page.

6. The electronic filing of a document is conditional on the payment of the required fee (which consists of the applicable fee for filing the document, plus $0.25 for every page). The fee must be paid within one business day of sending the document (for example, if you send the document on Friday, the fee must be paid on Monday at the latest). The document will not be considered "filed" until the applicable fee is received. Payment may be made by credit card over the phone.

7. Where a registry clerk rejects an electronically filed document on the ground that it does not conform to content or format requirements set out in these rules or that the fee was not paid within one business day of receiving the document, the registry clerk shall notify the sender by fax or email that the document has not been filed and indicate the reason why. It is the responsibility of the person filing the document to make sure it was filed.

8. Where a document filed must be issued, the Court will hold the document for pick-up.

Serving documents

9. While the rules of court state that, in certain circumstances, service may be effected by ordinary or registered mail, litigants are encouraged to explore other ways of serving documents during a Canada Post labour disruption. Service may not be considered effective or timely if done by mail during a mail service disruption.

10. Alternatives may include (the alternatives available to you will depend on the document being served and the circumstances of your case – please consult the relevant rules of court):

    (a) personal service or hand-delivery;

    (b) using a courier or process server to deliver documents; or

    (b) email/fax service with the consent of the receiving person (by signing an acknowledgment of service form – if required).

    Applicable service rules may include:

    http://www.assembly.nl.ca/legislation/sr/regulations/RulesSC/Rc86ru06.htm

    http://www.assembly.nl.ca/legislation/sr/regulations/RulesSC/Rc86ru06A.htm

    http://www.assembly.nl.ca/legislation/sr/regulations/RulesSc/rc86PartIV.htm#F8_

Notices/documents from the Court

11. If a strike occurs, notices and documents/packages that are required to be mailed out and which are time sensitive will be couriered. All documents/packages which are not time sensitive may be held at the Court until the labour dispute is resolved or will be made available for pick-up (the Court may require that you provide ID). Documents which do not need to be mailed may be emailed out or faxed by the Court.

12. The procedure described in this notice will only be applicable in the event of and for the duration of a Canada Post labour disruption.

RAYMOND P. WHALEN
Chief Justice

APPENDIX

JUDICIAL CENTRE CONTACT INFORMATION

St. John's General Division Registry
inquiries@supreme.court.nl.ca
Fax: 709-729-6623

St. John's Probate Office
inquiries@supreme.court.nl.ca
Fax: 709-729-6174

St. John's Family Division Registry
familyinquiries@supreme.court.nl.ca
Fax: 709-729-0784

Grand Bank Registry
inquiries@supreme.court.nl.ca
Fax: 709-832-2755

Gander Registry
inquiries@supreme.court.nl.ca
Fax: 709-256-1120

Grand Falls-Windsor Registry
inquiries@supreme.court.nl.ca
Fax: 709-292-4224

Corner Brook Registry
inquiries@supreme.court.nl.ca
Fax: 709-637-8036

Happy Valley Goose Bay Registry
inquiries@supreme.court.nl.ca
Fax: 709-896-9212