

## **Potential Canada 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, clients 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 clients, lawyers and other persons. This Notice is intended to set out options to address these issues in the event of a mail service disruption. If you are required to file documents with the Court, we encourage you to do so in person or electronically where permitted.

### **Filing documents with 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 e-filing if Small Claims matter or by fax if no filing fee required).
- 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.
- The Court will, during any period of Canada Post service disruption, permit clients and lawyers to file documents with the Court by fax or email. 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.
- 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, 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 in the proper format.
- Where a document filed must be issued, the Court will hold the document for pick-up.

### **Serving documents**

- While the rules of court state that, in certain circumstances, service may be effected by ordinary or registered mail, clients 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.
- 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
  - (c) 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://laws-lois.justice.gc.ca/eng/regulations/SI-2004-134/FullText.html>

<https://www.assembly.nl.ca/legislation/sr/regulations/rc970052.htm>

<http://www.assembly.nl.ca/legislation/sr/regulations/rc070028.htm>