

PART 17: DEFINITIONS

What this Part is about: This Part contains definitions of words and phrases that appear in the rules. It also contains certain interpretive rules.

TABLE OF CONTENTS

Part 17: Definitions

17-1	Definitions
17-2	Requirements for stating address for service
17-3	Reference aids
17-4	Application of <i>The Legislation Act</i>

PART 17: DEFINITIONS

Definitions

17-1 In these rules:

“action” means:

- (a) a civil proceeding commenced by statement of claim or in any other manner authorized or required by *The King’s Bench Act* or these rules; or
- (b) any other original proceeding between a plaintiff and a defendant; (« *action* »)

“address for service” means a proper place in Canada where pleadings, notices, orders and other documents and written communications in a proceeding may be left for or mailed to a party and that complies with rule 17-2; (« *adresse aux fins de signification* »)

“administration de bonis non” means an administration granted for the purpose of settling the remainder of an estate that was not administered by the former executor or administrator; (« *lettres d’administration complétives* »)

“age of majority” means 18 years of age; (« *majorité* »)

“appraisal report” means a written report that contains a description, assessment or valuation of real or personal property and that may contain pictures, photographs or diagrams or statements of fact or opinion; (« *rapport d’évaluation* »)

“assessment officer” means:

- (a) the local registrar for the judicial centre in which the proceeding was commenced;
- (b) if the proceeding has been transferred to another judicial centre, the local registrar for that judicial centre; or
- (c) if the sheriff is also the local registrar at a judicial centre, a local registrar from another judicial centre; (« *liquidateur des dépens* »)

“Attorney General for Saskatchewan” means the Minister of Justice and Attorney General for Saskatchewan; (« *procureur général de la Saskatchewan* »)

“Chief Justice” means the Chief Justice of the Court of King’s Bench mentioned in clause 2-2(1)(a) of *The King’s Bench Act*; (« *juge en chef* »)

“claim” means a claim respecting a matter in which a plaintiff, originating applicant, plaintiff-by-counterclaim, third party plaintiff or petitioner seeks a remedy; (« *demande en justice* » ou « *prétention* »)

“client” includes:

- (a) a former client;
- (b) any person to whom a lawyer has rendered an account for lawyer’s charges; and
- (c) a person who is or may be liable to pay or who has paid lawyer’s charges or part of them; (« *client* »)

“commencement document” means:

- (a) a statement of claim;
- (b) an originating application;
- (c) a counterclaim;
- (d) a third party claim; or
- (e) a document commencing a family law proceeding pursuant to Part 15;

and includes an amended commencement document; (« *document introductif* »)

“Court” means the His Majesty’s Court of King’s Bench for Saskatchewan acting by a judge except when the context refers to the Court as an institution; (« *Cour* »)

“court transcriber” means a court transcriber appointed pursuant to section 3 of *The Court Officials Act, 2012*; (« *transcripteur judiciaire* »);

“defendant” means a person who is served, or is entitled to be served, with a statement of claim or other process; (« *défendeur* »)

“deliver” means:

- (a) to serve and file a document; or
- (b) if the document is issued, to issue and serve the document; (« *délivrer* »)

“dependent adult” means:

- (a) an adult defined in *The Adult Guardianship and Co-decision-making Act*; or
- (b) a dependent adult defined in clause 2(l)(c.1) of *The Public Guardian and Trustee Act*; (« *adulte à charge* »)

“document” includes information recorded or stored by means of any device, including an audio recording, video recording, computer disc, film, photograph, chart, graph, map, plan, survey, book of account or machine readable information; (« *document* »)

“duly qualified medical practitioner” means a person registered pursuant to *The Medical Profession Act, 1981*, other than a person registered pursuant to Part IV.1 of that Act, whose registration is not under suspension; (« *médecin dûment qualifié* »)

“enactment” means an Act, a regulation, an Act of the Parliament of Canada, a regulation made pursuant to an Act of the Parliament of Canada or any portion of them, but does not include these rules; (« *texte* »)

“expert” means a person who is proposed to give expert opinion evidence; (« *expert* »)

“family law proceeding” means a family law proceeding defined in *The King’s Bench Act*; (« *instance en matière familiale* »)

“**fax**” means a machine or device that electronically transmits a copy of a document, picture or other printed material by means of a telecommunication system; (« *télécopieur* »)

“**file**” means:

- (a) to present to the local registrar the correct commencement document, pleading, affidavit or other document; and
- (b) to obtain an acknowledgment by the local registrar that the commencement document, pleading, affidavit or other document presented pursuant to clause (a) is part of the Court file; (« *déposer* »)

“**Form**” means a Form as set out in the Schedule of Forms to these rules; (« *formule* »)

“**guarantee company**” means a guarantee company as defined in *The Guarantee Companies Securities Act*; (« *société de cautionnement* »)

“**interlocutory application**” means an application that is made within an existing action or originating application; (« *requête interlocutoire* »)

“**judge**” means a judge of the Court and includes a supernumerary judge of the Court; (« *juge* »)

“**judgment**” means a judgment of the Court and includes a decree; (« *jugement* »)

“**judgment creditor**” means a person who has a judgment or order requiring a person who is the subject of the judgment or order or part of it to pay money; (« *créancier judiciaire* »)

“**judgment debtor**” means a person who is the subject of a judgment or order or part of it requiring the person to pay money; (« *débiteur judiciaire* »)

“**judicial centre**” means a judicial centre continued or established pursuant to section 5-1 of *The King’s Bench Act*; (« *centre judiciaire* »)

“**land**” means real property; (« *bien-fonds* »)

“**lawyer**” means a person entitled to practise law in Saskatchewan; (« *avocat* »)

“**liquidated demand**” means:

- (a) a claim for a specific sum payable under an express or implied contract for the payment of money, including interest, not being in the nature of a penalty or unliquidated damages, if the amount of money claimed can be determined by:
 - (i) the terms of the contract;
 - (ii) calculation only; or
 - (iii) taking an account between the plaintiff and the defendant; or

(b) a claim for a specific sum of money, whether or not in the nature of a penalty or damages, recoverable pursuant to an enactment that contains an express provision that the sum that is the subject of the claim may be recovered as a liquidated demand or as liquidated damages; (« *demande de somme déterminée* »)

“**litigation guardian**” includes a reference in any enactment to a “guardian *ad litem*” or “next friend”; (« *tuteur à l’instance* »)

“**local registrar**” means a local registrar of the Court appointed pursuant to section 3 of *The Court Officials Act, 2012*, and includes a deputy local registrar; (« *registraire local* »)

“**minor**” means a person under 18 years of age; (« *mineur* »)

“**official administrator**” means the Public Guardian and Trustee; (« *administrateur officiel* »)

Repealed. Gaz. 13 Oct. 2023.

“**order**” means an order of the Court; (« *ordonnance* »)

“**partnership**” means a partnership to which *The Partnership Act* applies; (« *société de personnes* »)

“**party**” includes every person who is served, or is entitled to be served, with notice of any action or matter, even if the person is not named in the record; (« *partie* »)

“**person**” includes a corporation and the heirs, executors, administrators or other legal representatives of a person; (« *personne* »)

“**personal representative**” includes an executor and an administrator; (« *représentant personnel* »)

“**plaintiff**” means a person who is named as plaintiff in a statement of claim; (« *demandeur* »)

“**pleading**” includes a petition, a summons and the statement in writing of:

- (a) the claim or demand of:
 - (i) a plaintiff against a defendant;
 - (ii) a defendant against a third party;
 - (iii) a third party against a subsequent party; or
 - (iv) a subsequent party against any other subsequent party;
- (b) a defence or counterclaim of a defendant, third party or subsequent party to a claim or demand mentioned in clause (a);
- (c) a reply to a defence or counterclaim mentioned in clause (b); and
- (d) a rejoinder to a reply mentioned in clause (c); (« *plaidoirie* »)

“procedural order” means an order relating to practice or procedure pursuant to rule 1-5 or any other rule respecting practice or procedure; (« *ordonnance procédurale* »)

“professional report” means a report purporting to be signed by a physician, chiropractor, dentist, psychologist, physical therapist or occupational therapist authorized pursuant to a statute to practise in any part of Canada; (« *rapport d’un professionnel* »)

“property” includes real and personal property; (« *bien* »)

“Public Guardian and Trustee” means the Public Guardian and Trustee of Saskatchewan continued pursuant to *The Public Guardian and Trustee Act*; (« *curateur public* »)

“receiver” includes a manager appointed by, or pursuant to, an order; (« *séquestre* »)

“registrar” means the registrar of the Court; (« *registraire* »)

“remedy” means relief or a remedy described or referred to in subrule 1-4(1); (« *réparation* »)

“style of cause” means the names of the parties and the capacity in which a party sues or is sued, if it is in a representative capacity; (« *intitulé de l’instance* »)

“Tariff” means the Tariff of Costs to these rules; (« *tarif* »)

“third party defendant” means the person named as defendant in a third party claim; (« *tiers défendeur* »)

“third party plaintiff” means:

- (a) a defendant who files a third party claim against another person; or
- (b) any third party defendant who files a third party claim against another person; (« *tiers demandeur* »)

“trustee” means a person who is the trustee of a trust, regardless of how that person is appointed, and includes, unless an enactment or these rules provide otherwise:

- (a) an executor or administrator;
- (b) a property guardian;
- (c) the guardian of the property of a child as defined in *The Children’s Law Act, 2020*; and
- (d) a person named as a trustee in a will but who died before the testator. (« *fiduciaire* »)

Requirements for stating address for service

17-2(1) If a party is represented by a lawyer, the party's address for service is the office of that lawyer in Canada, and that address for service:

- (a) must include the name, physical address, mailing address, email address and telephone number of the legal firm, and the name of the lawyer in charge of the file; and
- (b) may include the fax number, if any, of the legal firm.

(2) If a party is an individual not represented by a lawyer, the party's address for service:

- (a) must include the party's full name, residential address and telephone number; and
- (b) subject to subrule (3), may include the fax number or email address, if any, of the party.

(3) A party's address for service must include an email address if the party's address for service is located outside Saskatchewan.

New. Gaz. 15 Jly. 2016.

Reference aids

17-3 The following are not part of these rules, but are inserted for convenience of reference only:

- (a) tables of contents;
- (b) headings, including rule headings;
- (c) information notes;
- (d) any other informational guides.

New. Gaz. 2 Jly. 2021.

Application of *The Legislation Act*

17-4 Unless a contrary intention appears in these rules or these rules expressly provide otherwise, *The Legislation Act* applies to these rules.

Amended, Gaz. 2 Jly. 2021.

Information Note

In addition to the words and expressions defined in this Part, the rules contain definitions of words and expressions that apply only to specific Parts, Divisions, Subdivisions or rules. The following is a list of definitions found elsewhere in the rules:

Part 15

15-1	“corollary relief proceeding” “Divorce Act” “divorce proceeding” “document commencing a family law proceeding” “family law proceeding” “financial statement” “guidelines” “parenting assessment” “property claim” “property statement” “support” “trial” “vary” or “variation”
15-71	“binding pre-trial conference”
15-74	“uncontested family law proceeding”
15-108	“provisional order”
15-113	“Act” “applicant” “Central Authority” “contracting state” “convention”
15-122	“Act” “applicant” “federal Act” “regulations”

