



Effective Date: 2012/01/02

Number: PD -33

Title:

Practice Direction

Telephone Appearances on Foreclosure Applications

Summary:

This Practice Direction sets out guidelines concerning when petitioners or their counsel may appear by telephone on applications in foreclosure proceedings.

Direction:

1. In general, telephone attendances by petitioners or their counsel on applications in foreclosure proceedings are discouraged by the court.
2. The decision as to whether to allow a petitioner or counsel to appear by telephone on an application in foreclosure proceedings remains within the discretion of the judge or master hearing the application.
3. The convenience to petitioners or counsel of attending applications in foreclosure proceedings by telephone must be balanced against the importance of the proceedings to respondents whose home and/or security interests are at issue.

Application for shortened redemption period

4. Unless the judge or master hearing the application otherwise orders, a petitioner or counsel may not appear by telephone on an application for a shortened redemption period, with or without immediate conduct of sale or for conduct of sale within the redemption period, unless one or more of the following conditions are met:
 - a. the petitioning mortgagee or counsel represents on the requisition that no respondent opposes the specific relief sought;

- b. the subject property has been abandoned;
- c. the mortgagor(s) is (are) bankrupt and the trustee in bankruptcy does not oppose the application.

Applications for order approving sale

- 5. Unless the judge or master hearing the application otherwise orders, a petitioner or counsel may not appear by telephone on an application for an order approving sale of property in foreclosure proceedings.

Telephone appearance not permitted from same centre as court

- 6. Unless the judge or master hearing the application otherwise orders, a petitioner or counsel may not appear by telephone from a location that is within the same town or city as the court in which the application is being heard.

Applications with telephone appearance - end of first reading matters

- 7. As a matter of courtesy and court efficiency, applications in foreclosure proceedings on which there are telephone appearances will be heard at the end of the first reading matters on the chambers list.
- 8. Counsel who has been authorized to appear by telephone must be available on the telephone line when the court clerk calls the application on the list. If counsel is not available, the application will be struck from the chambers list.

**Robert J. Bauman
Chief Justice**