



Effective Date: 2022/05/02

Number: PD - 61

Title:

Practice Direction

Applications to Commence Proceedings Anonymously

Summary:

This Practice Direction sets out the procedure for commencing proceedings using initials or a pseudonym in a civil or family law case, other than a case where an order for adoption is sought. The Practice Direction requires a party who commences proceedings by filing a notice of civil claim, notice of family claim, petition or requisition (an “originating pleading”) using initials or a pseudonym to simultaneously file a notice of application seeking leave of the Court to proceed using initials or a pseudonym.

The Court may make an anonymity order to permit a litigant to bring proceedings anonymously in exceptional circumstances where the public interest in open courts is displaced by another public interest of superordinate importance.

Direction:

Application for an anonymity order by a plaintiff, petitioner or claimant

1. A party who files an originating pleading using initials or a pseudonym must, at the same time, file a notice of application for an anonymity order in accordance with Part 8 of the *Supreme Court Civil Rules* or Part 10 of the *Supreme Court Family Rules*, unless there is an enactment which authorizes or requires the party to proceed anonymously.
2. The applicant must file affidavit evidence in support of the application.

3. An application for an anonymity order must be set for hearing not more than 10 business days from the date the originating pleading was filed. An application for an anonymity order may not be brought by desk order, even if by consent.
4. This Practice Direction does not alter the existing rules respecting service of the application for an anonymity order in Part 8 of the *Supreme Court Civil Rules* and Part 10 of the *Supreme Court Family Rules*.
5. If the applicant also seeks a sealing order, the applicant must follow the procedure set out in [Practice Direction 58 – Sealing Orders in Civil and Family Proceedings](#).

If an anonymity order is granted

6. If, on the hearing of an application, an anonymity order is granted, the applicant must file a copy of the order with the full names of the parties, unless the Court otherwise orders. As above, the applicant may apply to have the anonymity order sealed.

If an anonymity order is refused

7. If, on the hearing of an application, an anonymity order is refused, the applicant must amend the originating pleading to include the full names of the parties before taking any further steps in the proceeding.

Application for an anonymity order by a defendant or respondent

8. For clarity, if a defendant or a respondent is served with an originating pleading that uses the parties' full names, and the defendant or respondent seeks to anonymize the pleadings, the defendant or respondent must bring an application for an anonymity order in accordance with Part 8 of the *Supreme Court Civil Rules* or Part 10 of the *Supreme Court Family Rules*.

**Christopher E. Hinkson
Chief Justice**