



Effective Date: 2025/03/03

Number: PD - 66

Title:

Practice Direction

Foreclosure Proceedings

Summary:

This Practice Direction provides that, in general, in-person attendance is required for foreclosure proceedings. In applications for approval of sale, sealed bids must be collected in the courtroom by 9:45 a.m. on the day of the hearing to be presented to the Court. This Practice Direction also sets out the process to be followed in the rare circumstances where a party applies to attend an application in a foreclosure proceeding remotely.

Direction:

1. This Practice Direction replaces *Practice Direction 33 – Telephone Appearances on Foreclosure Applications* dated January 2, 2012 and *Practice Direction 62 – Sealed Bid Process for Foreclosures and Other Matters Involving Sales of Land* dated August 12, 2022.

Remote attendance at foreclosure proceedings is discouraged

2. The Court discourages attendance at foreclosure proceedings by way of telephone, video conference, or other communication medium.
3. In the rare circumstances where a party applies for leave to attend an application in a foreclosure proceeding remotely, the party should include in their requisition in Form 20.1:
 - a. the nature of the foreclosure application (i.e., order nisi; application to shorten redemption period with or without immediate conduct of sale; application for conduct of sale within or upon the expiry of the redemption period; application for approval of sale; etc.); and
 - b. whether the foreclosure application is anticipated to be opposed.

4. If a party is granted leave to attend an application for approval of sale remotely, the party must arrange for an agent to attend in person to present the offer(s) to the Court if the party anticipates sealed bids or if such are received before the hearing.
5. The decision on whether to grant leave to attend a foreclosure application remotely remains within the discretion of the judge or associate judge hearing the application, regardless of any leave granted through the requisition process.

Sealed bids are to be provided to the court clerk at 9:45

6. In applications for approval of sale, sealed bids (including a copy, but not the original, of the proof of deposit) must be collected and assembled in the courtroom by 9:45 a.m. the day of the hearing, to be presented to the Court in such manner as the Court directs. It remains within the discretion of the judge or associate judge hearing the application whether to consider sealed bids provided after that time.

Setting foreclosure applications for hearing

7. Foreclosure applications may be scheduled on certain days at certain registries. Parties should consult the Supreme Court Scheduling webpage for the applicable registry prior to filing to ensure the foreclosure application is set for the appropriate day.

**Ron A. Skolrood
Chief Justice**