

Summary of the Alberta Rules of Court Amendment Regulation

Included in the *Alberta Rules of Court Amendment Regulation* (AR 126/2023), which becomes effective on January 1, 2024, are the following provisions:

- **Part 7 [Resolving Claims Without Full Trial]** is amended to repeal the entirety of **Division 3 [Summary Trials]**, Rules 7.5 to 7.8.
- **Rule 7.3 [Application and decision]** is amended to allow a judge hearing an unsuccessful application for summary judgment to instead direct all or part of the claim to proceed by a streamlined trial.
- **Rule 8.1 [Trial without jury]** is amended to clarify the three modes of trial – a jury trial, a trial by judge alone, and a streamlined trial.
- **Part 8 [Trial]** is amended to add a new streamlined trial procedure as **Division 5 [Streamlined Trial]**, including the following new rules:
 - **Rule 8.25 [Use of streamlined trial]** addresses when parties can request a streamlined trial to be scheduled, and the circumstances in which the court may agree to the request. The streamlined trial procedure is premised on providing a fair resolution of the dispute in a manner proportionate to the importance and complexity of the issues, the amounts involved, and the resources that can reasonably be allocated to resolving the dispute.
 - **Rule 8.26 [Application for streamlined trial]** provides the method to apply to have the action set down for a streamlined trial, including by filing an application and serving it on the other parties, or by submitting a written request with the consent of the other parties.
 - **Rule 8.27 [Dispute over mode of trial]** provides that disputes about the mode of trial will be resolved in a summary manner, without affidavit evidence. If a party is unjustified in objecting to the use of a streamlined trial, the judge may make a costs award.
 - **Rule 8.28 [Preparing record]** indicates the parties share a joint responsibility to prepare the trial record to identify the real issues in dispute and ensure an efficient adjudication of the action.
 - **Rule 8.29 [Scheduling of streamlined trials]** addresses the scheduling of the streamlined trial and requires the parties to participate in an alternative dispute resolution process where required by the streamlined trial order, a procedural order, or a practice note from the court. The new rule also adds that a conference with a judge is required at some point prior to the scheduled trial date to ensure that the action is ready to proceed.
 - **Rule 8.30 [Procedure at streamlined trial]** addresses procedure at a streamlined trial and gives flexibility to the streamlined trial judge respecting the procedure to be followed. Affidavits are the default method of entering evidence at a streamlined trial, provided they are sworn based on the personal knowledge of the person swearing the affidavit.
 - **Rule 8.31 [Decision after streamlined trial]** provides that a streamlined trial will result in a final adjudication of the action.
- **Rule 12.49 [Evidence in summary trials]** is repealed and replaced with a provision stating that family law matters can be tried by streamlined trial.

- **Rule 14.5(1)** [*Appeals only with permission*] is amended to clarify that permission to appeal is required if the appeal relates to a decision of
 - a trial or chambers judge awarding costs to one of the parties, and
 - an assessment officer or a review officer of the Court of King's Bench.
- **Rule 14.36(3)** [*Case management officers*] is amended to add a one-month timeline to apply for a review from a direction of a case management officer of the Court of Appeal.
- **Form 36** [*Application for a Summary Trial*] is repealed and replaced with a new Application for Streamlined Trial form.
- Various other rules and forms are consequentially amended to replace references to “summary trials” to “streamlined trials”.