



***APPLICATION FOR INTERLOCUTORY  
ORDER***

***(SUBSTITUTIONAL SERVICE)***

## **Introduction**

Welcome to the Northwest Territories Surface Rights Board (NWT SRB) *Application for Interlocutory Order (Substitutional Service) Form*. The purpose of this *Application for Interlocutory Order (Substitutional Service) Form* is to provide persons involved in an NWT SRB process wishing to serve a document filed with the NWT SRB who are involved in a NWT SRB process and who are unable to effect service of a document for which personal service is required, and for which proof of service to the NWT SRB is required by *ROP* Rule 3.0 of the NWT SRB *Rules of Procedure (ROP)*, with the opportunity to make an Interlocutory Application to the NWT SRB for an Order of Substitutional Service of the document:

### 3.0 Service of Documents

3.1 Notification of Parties and filing and service of documents with respect to matters involving NWT SRB processes shall at all times be undertaken in a manner reasonable in the circumstances. The NWT SRB may be contacted to determine the appropriate manner of notification and/or filing and service in each circumstance, including:

3.1.1 Filing and serving documents electronically. Documents (originals or scanned copies) may be sent to and filed with the SRB electronically. Filed copies of these documents may also be sent to and served upon other persons electronically. In order to ensure receipt of service, any person filing and/or serving documents via e-mail must receive confirmation of filing and/or service satisfactory to the NWT SRB. In the event that an Applicant attempting to effect service cannot obtain such a confirmation of service, that person may make an Interlocutory Application to the NWT SRB for an Order directing substitutional service.

3.1.2 Filing and serving paper documents. If filing and serving paper documents via postal mail or courier, extra time should be given to complete the process. In any case, proof of service of paper documents satisfactory to the NWT SRB is required by the Board.

3.2 In the event that a document submitted for filing is a NWT SRB Initial Application Form (initiating an Application for an Access Order, an Application for a Compensation Order, an Application for a Review of an Order or an Application for Termination of an Order

of the NWT SRB) or an Interlocutory Application Form (initiating an Interlocutory Application of the NWT SRB) the Applicant must serve a copy of the filed document on all other Parties to the proceeding, accompanied by a request for confirmation of receipt of service and must receive confirmation of service satisfactory to the NWT SRB. All such filed documents shall be posted by the NWT SRB on its website for public viewing.

- 3.3 All filed documents (excluding Initial Application Forms and Interlocutory Application Forms) shall be considered to have been properly served upon all Parties upon being posted by the NWT SRB on its website for public viewing.

## Instructions

Rule 11.1 of the NWT SRB *Rules of Procedure (ROP)* provides:

“11.1 In the event that one or more Parties to any NWT SRB proceedings wish to raise an issue relating primarily to matters of process or procedure, any Party may bring an Interlocutory Application to address the issue. Matters relating primarily to the substance of an Application for Access, Application for Compensation, Application to Review an NWT SRB Order or Application to Terminate an NWT SRB Order shall not be dealt with by the NWT SRB by way of Interlocutory Application.”

Rule 11.2 of the NWT SRB *Rules of Procedure (ROP)* provides:

“11.2 Interlocutory Applications are to be commenced by the Applicant(s):

- a) filing with the NWT SRB a completed Interlocutory Application Form available on request from the SRB, and
- b) serving upon all Parties a copy of the Interlocutory Application Form filed with the NWT SRB in accordance with the Service provisions set out in these *Rules of Procedure*.”

Please note that NWT SRB *Interlocutory Application Forms* are available for the following:

- Application for Interlocutory Order (General) Form
- Application for Interlocutory Order (Insufficient Negotiation Mediation) Form
- Application for Interlocutory Order (Substitutional Service) Form
- Application for Interlocutory Order (Costs) Form
- Application for Interlocutory Order (Enforcement) Form
- Application for Interlocutory Order (Failure to Comply with Rules of Procedure/Practice Direction) Form

NWT SRB *Interlocutory Application Forms* may be obtained by contacting the NWT SRB online at <https://nwtsrb.ca/contact-us>, by postal mail at P.O. Box 2580 Yellowknife, NT, X1A 2P9, via telephone at (867) 766-2822 or via fax at (867) 766-2823 and requesting a copy of the required Form. Upon completion, the Form may be submitted to the NWT SRB via any of the above methods.

When submitting an *Interlocutory Application Form*, (relating to an existing NWT SRB file), Applicants are encouraged to complete the *Interlocutory Application Form* in as much detail as possible. Upon receiving an *Interlocutory Application Form*, the NWT SRB will review the *Form* for completeness. In the event that the NWT SRB determines that it requires additional

information, the Board will contact the Applicant using the contact information provided on the *Interlocutory Application Form*, and request such information. The *Interlocutory Application Form* will not be considered complete until the Board is satisfied that it has received all required information.

Once the NWT SRB determines that the *Interlocutory Application Form* is complete, it will provide the Applicant with stamped copies (paper and electronic) of the filed *Interlocutory Application Form* and post a copy of the filed *Interlocutory Application Form* on the NWT SRB website. **If the *Interlocutory Application* is for Substitutional Service, it is assumed that the Applicant will be unable to effect personal service of the filed and stamped *Interlocutory Application (Substitutional Service)* in the usual manner. Thus, notice of the *Interlocutory Application (Substitutional Service)* will be served by the Applicant as directed by the NWT SRB in addition to being advertised by the NWT SRB on its website.**

Once the NWT SRB determines that the *Interlocutory Application Form* is complete and has been properly served, it may, in its discretion, choose to hear the matter by way of *Interlocutory Hearing*, or may deal with the matter by any other means deemed appropriate by the NWT SRB. (*ROP* Rule 11.2). In the event that the NWT SRB decides to hold an *Interlocutory Hearing* it will provide notice of the *Hearing* to all Parties to the *Application*. (*ROP* Rule 11.4) The *Interlocutory Hearing* may be in-person, or via electronic means, or in writing, or by any combination of the three at such time and location as directed by the NWT SRB, which may set out the process to be followed for that *Interlocutory Hearing*. (*ROP* Rule 11.5). Upon hearing an *Interlocutory Application* the NWT SRB will render a decision in writing, which will include reasons for the decision (*ROP* Rule 11.6). A copy of the decision will be provided by the NWT SRB to every person participating in the *Interlocutory Application* and will also be published on the NWT SRB website. (*ROP* Rule 11.7).

**NWT SRB Application No.:** \_\_\_\_\_

**Interlocutory Application - Applicant Information**

**Name:** \_\_\_\_\_  
*(If a corporation please include full corporate name and attach current Certificate of Incorporation)*

**Address:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_

**Fax:** \_\_\_\_\_

**E-Mail:** \_\_\_\_\_

**Website:** \_\_\_\_\_

**Contact:** \_\_\_\_\_

**Interlocutory Application - Respondent Information**

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_

**Fax:** \_\_\_\_\_

**E-Mail:** \_\_\_\_\_

**Website:** \_\_\_\_\_

**Contact:** \_\_\_\_\_

**Interlocutory Application - Any Person Directly Affected by this *Interlocutory Application***

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_

**Fax:** \_\_\_\_\_

**E-Mail:** \_\_\_\_\_

**Website:** \_\_\_\_\_

**Contact:** \_\_\_\_\_

**Interlocutory Application - Any Person Directly Affected by this *Interlocutory Application***

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_

**Fax:** \_\_\_\_\_

**E-Mail:** \_\_\_\_\_

**Website:** \_\_\_\_\_

**Contact:** \_\_\_\_\_

**Interlocutory Application - Any Person Directly Affected by this *Interlocutory Application***

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_

**Fax:** \_\_\_\_\_

**E-Mail:** \_\_\_\_\_

**Website:** \_\_\_\_\_

**Contact:** \_\_\_\_\_

