

# I. *Service of Judicial Documents in Canada*

This procedure involves the formal service of legal documents in Canada.

## A. Treaty and Entente Countries

Canada is bound by nineteen treaties, mainly with European states, regarding Legal Proceedings in Civil and Commercial Matters, which provide for the transmission and the service of documents on a reciprocal basis, between Canada and the states concerned (a list is attached as Appendix B). Such treaties and the entente on judicial assistance between France and the Province of Quebec do not extend to criminal proceedings. (These treaties are published in the Canada Treaty Series. For details on ordering copies of them, see Note on Appendix B). The procedures described in the treaties and the entente are not always mandatory.

Canada is not a party to any multilateral treaty providing for the service abroad of judicial and extra-judicial documents, such as the 1965 Hague Convention.

The Request for Service in civil and commercial matters which usually accompanies a duplicate set of the documents to be served, need not be in a particular form but should contain:

- (a) the name of the authority from whom the documents emanate;
- (b) the names and descriptions of the parties;
- (c) the address of the recipient; and
- (d) the nature of the documents in question.

According to the treaties, the Request for Service and the documents accompanied by a translation into English (or preferably French in Quebec) also in duplicate, certified as correct by a diplomatic or consular officer of the country from whose territory the documents emanate, are to be sent directly to the Attorney-General in the province where service is intended to take place. The competent officials then serve the documents in the usual way according to the provincial rules. Service by a