

II. *Service of Judicial Documents Outside Canada*

Persons who have documents to be served abroad must, in having that service carried out, ensure that it will satisfy the requirements of the Canadian court and be consistent with the law of the place where it is to be effected. Even when a treaty permits several forms of service in a foreign country, the mode of service must conform to the requirements of the Canadian court which ordered it.

The service of court documents is possible as well in countries with which Canada has no treaties; but there are some countries (e.g. Switzerland) that require documents to be served within their borders by their own state officials. In such cases, a request must be made to the judicial authorities for assistance in effecting the service.

A. Treaty and Entente Countries

Canada is bound by several bilateral treaties which apply to civil and commercial matters, including non-contentious matters. The provisions of these treaties are generally quite similar. (For a list see Appendix B).

A request for service of judicial or extrajudicial documents must be sent by a Canadian diplomatic or consular officer to the competent authority of the state where the documents are to be served, requesting that service of the documents be effected. The request for service must be drawn up in the language of the state where service is to be effected. It must indicate the names and descriptions of the parties, the name, description and address of the recipient, and the nature of the documents to be served, and must enclose the documents to be served in duplicate. In this connection, it is important to provide the Department of External Affairs with complete instructions as to the manner of service, i.e., which documents are to be left with the person who is served and which are to be returned, and which documents must be completed by the server to furnish proof of service. These documents are either to be drawn up in the lan-