

APPENDIX H: COMPARISON OF CANADIAN DISCOVERY RULES¹

Documentary Discovery

Jurisdiction	Scope & manner of disclosure	Timing of disclosure	Inspection & authenticity	Sanctions	Non-parties
Ontario (Rules of Civil Procedure)	<ul style="list-style-type: none"> - Every document relating to any matter in issue that is or has been in a party's possession, control, or power (30.02). - Duty to disclose insurance policy (30.02). - Disclosed by affidavit of documents (30.03). 	<ul style="list-style-type: none"> - Within 10 days after close of pleadings, party must serve affidavit of documents (30.03). 	<ul style="list-style-type: none"> - No automatic duty to produce, but duty to make documents available for inspection. Duty applies to non-privileged documents referred to in affidavit of documents & documents referred to in pleadings or an affidavit (30.04). - Court may order production of non-privileged documents for inspection & may inspect documents to determine validity of privilege claim (30.04). 	<ul style="list-style-type: none"> - A party who fails to disclose/produce document may not use it at trial (except with trial judge's leave), or court may make such order as is just (30.08). - If party fails to serve affidavit of documents or produce a document, court may revoke or suspend party's right to examination for discovery, dismiss action or strike the statement of defence, or make such other order as is just (30.08). 	<ul style="list-style-type: none"> - Court may order production of documents in the possession, control or power of a non-party (30.10).
Alberta (Alberta Rules of Court)	<ul style="list-style-type: none"> - Relevant & material records that are or were in a party's possession, custody, or power (187.1). - A question or record is relevant & material only if it could reasonably be expected to significantly help determine issues raised in pleadings, or to ascertain evidence that could reasonably be expected to significantly help determine issues (186.1). - Disclosed by affidavit of records (187, 187.1). 	<ul style="list-style-type: none"> - Plaintiff: within 90 days of service of 1st defence. - Each defendant: within 90 days of service of its statement of defence (187). - Court may not enlarge or abridge time to serve or file affidavit of records unless satisfied that case is complex, volume or location of records requires it, or there is other sufficient reason (187, 188.1, 548). - Time for delivering, amending or filing pleading, answer or other document may be enlarged on consent without leave (549). 	<ul style="list-style-type: none"> - Affidavit of records must state time when record may be inspected, being no later than 10 days after it is served (188). - In very long trial actions, case management judge may establish mechanism for production when number, nature or location of records makes production unduly expensive or cumbersome (189.1). - Party may inspect & copy records referred in another party's pleadings, particulars or affidavits by making a demand for production (193). - Records in affidavit of records deemed authentic unless disputed or court orders otherwise (192). 	<ul style="list-style-type: none"> - For failing to serve or file affidavit of records, court may order prescribed cost penalty or larger amount (190), strike pleadings or impose other sanctions, including cost penalty (190.1, 599.1). - Party who fails to disclose or produce a record may not use it in evidence unless court satisfied that party had sufficient cause for omission or non-production (197). - Where party acts or threatens to act in a manner that is vexatious, evasive, abusive, oppressive, improper or prolix, court may make several orders, including costs (& advance payment of costs), production of documents, schedules or time limits, inspection or production of documents held by non-parties, & supervision of further discovery (216.1). - Person who fails without adequate excuse to comply with a notice or order for production of documents is in civil contempt (703(1)). 	<ul style="list-style-type: none"> - Court may, with or without conditions, direct production of a record in the possession, custody or power of a non-party (209).
B.C. (Rules of Court)	<ul style="list-style-type: none"> - Once a party delivers demand for discovery of documents, responding party must deliver list of documents that are or have been in its possession or control relating 	<ul style="list-style-type: none"> - Party must comply with demand for discovery of documents within 21 days. (26(1)). 	<ul style="list-style-type: none"> - Party delivering list shall allow other party to inspect & copy listed documents, except those delivering party objects to producing. Delivering party list shall deliver 	<ul style="list-style-type: none"> - Where a person refuses or neglects to make discovery of or produce any document, court may dismiss proceeding or order it to continue as if no defence had been filed (2(5)). 	<ul style="list-style-type: none"> - Court may order production and inspection of document in the possession or

¹ Substantive provisions of rules are summarized for comparative purposes only, and should not be relied upon as the full text of the rule.

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	<p>to every matter in question (26(1)).</p> <ul style="list-style-type: none"> - Court may order a party to deliver an affidavit verifying the list of documents (26(3)). - A party may deliver a notice requiring another party to produce documents referred to in its pleadings or affidavits (26(8)). 		<p>notice stating where documents may be inspected & copied (26(7)).</p> <ul style="list-style-type: none"> - Party entitled to inspect documents may receive copies upon payment of delivery & reproduction costs (26(9)). 	<ul style="list-style-type: none"> - Any person guilty of an act or omission described in r. 2(5) is also guilty of contempt & subject to court's power to punish for contempt (56(4)). - Party who party fails to make discovery of or produce document for inspection may not use document in evidence or for examination or cross-examination, unless court orders otherwise (26(14)). 	<p>control of a non-party (26(11)).</p>
Manitoba (Court of Queen's Bench Rules)	<ul style="list-style-type: none"> - Every relevant document that is or has been in a party's possession, control or power. Document is relevant if it relates to any matter in issue. (30.01, 30.02). - Duty to disclose insurance policy (30.02). - Disclosed by affidavit of documents (30.03). 	<ul style="list-style-type: none"> - Within 10 days after close of pleadings, party must serve affidavit of documents (30.03). 	<ul style="list-style-type: none"> - Duty to make documents available for inspection if served with request to inspect. Duty applies to non-privileged documents referred to in affidavit of documents & documents referred to in pleadings or an affidavit (30.04). - Court may order production of non-privileged documents for inspection & may inspect documents to determine validity of privilege claim (30.04). 	<ul style="list-style-type: none"> - Party who fails to disclose or produce document for inspection may not use it at trial, except with trial judge's leave. If not favourable to party's case, court may make such order as is just (30.08). - If party fails to serve an affidavit of documents or produce a document, court may revoke or suspend the party's right to examination for discovery, dismiss the action or strike the statement of defence, or make such other order, including a contempt order, as is just (30.08). 	<ul style="list-style-type: none"> - Court may order production for inspection of documents in the possession, control or power of a non-party (30.10).
New Brunswick (Rules of Court)	<ul style="list-style-type: none"> - Every document that relates to a matter in issue & is or has been in a party's possession or control, or that a party believes to be in a non-party's possession, custody or control (31.02). - Disclosed by affidavit of documents (31.03). - Duty to disclose insurance policy by letter (31.02). 	<ul style="list-style-type: none"> - Party may serve notice requiring affidavit of documents. Responding party must file & serve affidavit of documents within 10 days (31.03). - Party must disclose insurance policy within 10 days after close of pleadings (31.02). 	<ul style="list-style-type: none"> - Duty to make documents available for inspection if served with request to inspect. Duty applies to non-privileged documents referred to in affidavit of documents & documents referred to in pleadings or an affidavit (31.04). - Court may order production of non-privileged documents for inspection & may inspect documents to determine validity of privilege claim (31.04). 	<ul style="list-style-type: none"> - Party who fails to disclose or produce a document for inspection may not use the document at trial, except with trial judge's leave (31.08). - If party fails to serve an affidavit of documents or produce a document for inspection, court may revoke or suspend the party's right to examination for discovery; dismiss the action or strike the statement of defence or impose such terms as to costs or otherwise as may be just (31.08). 	<ul style="list-style-type: none"> - Court may order production for inspection of documents in the possession or control of a non-party (31.11).
Nfld. & Labrador (Rules of Civil Procedure)	<ul style="list-style-type: none"> - Documents of which party has knowledge relating to every matter in question in the proceeding (32.01). - Disclosed by list of documents (32.01). - List of documents must state that a true copy of documents for which privilege is not claimed is attached, may be inspected, & will be produced at trial (32.01(4)) 	<ul style="list-style-type: none"> - Unless court orders otherwise, party must file & serve list of documents within 10 days after close of pleadings. Where there are no pleadings, party must file & serve list within 7 days after service of originating document. (32.01) 	<ul style="list-style-type: none"> - Subject to r. 32.01(4), party may serve notice to inspect any document referred to in pleadings, affidavit or list of documents (32.05) - Receiving party is deemed to admit that any document in list is an original or a true copy, unless it serves notice within 10 days of receiving list (32.04). 	<ul style="list-style-type: none"> - Party who fails to make discovery of or produce documents may have proceeding dismissed or defence struck (32.10). 	<ul style="list-style-type: none"> - Court may order production for inspection of documents in the possession, custody or control of a non-party (32.07).

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N.W.T. (Supreme Court Rules)	<ul style="list-style-type: none"> - Every document relating to any matter in issue that is or has been in a party's possession, control, or power (219). - Duty to disclose insurance policy (222). - Disclosed by statement as to documents (221). 	<ul style="list-style-type: none"> - Within 30 days after close of pleadings, party must file statement as to documents (221). 	<ul style="list-style-type: none"> - Statement as to documents must state day, time & place where documents may be inspected (221). - Party may give notice to other party to produce for inspection any document referred to in party's pleadings, affidavits, or statements as to documents (225). 	<ul style="list-style-type: none"> - Party may not put document in evidence that has not been disclosed or produced, unless court permits (230). - Party who fails to comply with notice or order for production or inspection may be held in contempt (233, 704). 	<ul style="list-style-type: none"> - Court may order production of documents in the possession of a non-party (231).
Nova Scotia (Civil Procedure Rules)	<ul style="list-style-type: none"> - Documents that are or have been in a party's possession, custody or control relating to every matter in question in the proceeding (20.01). - Disclosed by list of documents (20.01). - Unless court orders otherwise, list of documents must state that a true copy of a document for which privilege is not claimed is attached (20.01(4)). 	<ul style="list-style-type: none"> - Unless court orders otherwise, party must serve & file list of documents within 60 days after close of pleadings. Where there are no pleadings, party must file & serve list within 7 days after service of originating notice. (20.01). 	<ul style="list-style-type: none"> - Subject to r. 20.01(4), party may serve notice requiring other party to produce any document referred to in pleading, affidavit or list of documents for inspection & copying (20.04). - Unless denied in a notice served within 10 days after a party receives list of documents, receiving party is deemed to admit that any document listed is an original or true copy (20.03). 	<ul style="list-style-type: none"> - Party who fails to make discovery or produce any document where required is liable to be punished for contempt & to have proceeding dismissed or defence struck (20.09). - Where court finds a failure to make a reasonable effort to give full discovery, court may impose such terms or penalty as it thinks just (20.09). 	<ul style="list-style-type: none"> - Court may order production or inspection of documents in possession, custody or control of non-party only where necessary to dispose fairly of proceeding or to save costs, & is not injurious to public interest (20.06).
Nunavut	<ul style="list-style-type: none"> - NWT rules apply. <i>Nunavut Judicial System Implementation Act</i>, S.N.W.T. 1998, c.34, Sched. A., s. 59(2) 	<ul style="list-style-type: none"> - NWT rules apply. 	<ul style="list-style-type: none"> - NWT rules apply. 	<ul style="list-style-type: none"> - NWT rules apply. 	<ul style="list-style-type: none"> - NWT rules apply.
P.E.I. (Civil Procedure Rules)	<ul style="list-style-type: none"> - Every document relating to any matter in issue in an action that is or has been in a party's possession, control or power (30.02). - Duty to disclose insurance policy (30.02). - Disclosed by affidavit of documents (30.03). - True copies of non-privileged documents must be annexed to affidavit of documents, unless other party has produced or agreed to produce a true copy (30.03(4)). 	<ul style="list-style-type: none"> - Within 10 days after close of pleadings, party must serve affidavit of documents (30.03). 	<ul style="list-style-type: none"> - Duty to make documents available for inspection. Duty applies to non-privileged documents referred to in affidavit of documents & documents referred to in pleadings or an affidavit (30.04). - Court may order production of non-privileged documents for inspection & may inspect document to determine validity of privilege claim (30.04). 	<ul style="list-style-type: none"> - Party who fails to disclose or produce a document for inspection may not use the document at trial, except trial judge's leave. If document is not favourable to party's case, court may make such order as is just (30.08). - If party fails to serve an affidavit of documents or produce a document for inspection, court may revoke or suspend party's right to examination for discovery, dismiss the action or strike the statement of defence, or make such other order as is just (30.08). 	<ul style="list-style-type: none"> - Prothonotary or court may order production for inspection of documents in possession, control or power of non-party (30.10).
Quebec (Code of Civil Procedure)	<ul style="list-style-type: none"> - Party who intends to rely on exhibit must communicate it to other parties (331.1). If it is in support of a pleading, a notice or copy must be attached thereto (331.2). In proceedings introduced by motion, 	<ul style="list-style-type: none"> - Procedure & time limit for communicating exhibits may be agreed on by parties in a proceeding timetable or determined by court 	<ul style="list-style-type: none"> - After filing of defence, party may call on opposite party to admit genuineness or correctness of an exhibit by notice. Deemed admitted unless opposite party serves statement denying genuineness or 	<ul style="list-style-type: none"> - Where parties fail to comply with agreed timetable, sanctions include striking the allegations & dismissing the action or application (151.3). - If request for copy of exhibits not complied with within 10 days of receipt, party may 	<ul style="list-style-type: none"> - Court may order documents relating to issues between parties in possession of a third party to be

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	<p>exhibit is disclosed by notice of disclosure, but disclosure is not required if the exhibit is provided with pleading (331.2)</p> <ul style="list-style-type: none"> - Except where provided in a proceeding timetable, on inscribing a case for proof & hearing, a party who intends to rely on exhibit must communicate it to all parties. Other parties must do likewise within 30 days after inscription (331.4). 	<p>(331.3).</p> <ul style="list-style-type: none"> - If timetable does not set out procedure or time limit, party receiving notice of disclosure may request copy of exhibits, to be provided within 10 days after receipt (331.3). - If copy of exhibit cannot reasonably be provided, party in possession must give access by other means. If parties cannot agree, judge may be requested to determine procedure & time limit (331.5). 	<p>correctness within 10 days or time fixed by judge (403).</p>	<p>apply to court for satisfaction (331.3).</p> <ul style="list-style-type: none"> - Party who fails to communicate exhibit other than exhibit in support of pleading within time limit may file only with authorization of the court (331.4). - Unjustified refusal to admit exhibit may result in cost sanctions (403). 	<p>communicated (402).</p>
Sask. (Rules of Court)	<ul style="list-style-type: none"> - Documents that are or have been in party's possession or power relating to any matter in question in the action (212). - Disclosed by statement as to documents (212). 	<ul style="list-style-type: none"> - Within 10 days after statement of defence is filed, parties must serve statement as to documents (212). 	<ul style="list-style-type: none"> - Statement must state time, not later than 10 days from service, when documents may be inspected (212). - Party may give notice to other party to produce for inspection & copying non-privileged document referred to in party's pleadings, affidavits, or statement as to documents (213). - Court may inspect documents to determine validity of privilege claim (215). 	<ul style="list-style-type: none"> - If party does not make discovery as required or fails to produce documents for inspection, court may order production of documents or further or better production (215), permit cross-examination on statement as to documents (215), dismiss action or strike defence (217), or refuse to allow party to put document in evidence (218). - Party who fails to comply with order for discovery or inspection of documents is liable to committal (217). - Solicitor who fails to give notice of discovery order to his client is liable to committal (221). 	<ul style="list-style-type: none"> - Court may order production of documents in possession of non-party (236).
Yukon <i>Judicature Act</i> , s. 38	<ul style="list-style-type: none"> - BC Rules apply. 	<ul style="list-style-type: none"> - BC Rules apply. 	<ul style="list-style-type: none"> - BC Rules apply. 	<ul style="list-style-type: none"> - BC Rules apply. 	<ul style="list-style-type: none"> - BC Rules apply.

Oral and Written Discovery

Jurisdiction	Scope & limits on examination	Who may be examined	When exam may occur & method	Sanctions	Improper conduct
Ontario (Rules of Civil Procedure)	<ul style="list-style-type: none"> - Oral or written discovery, but not both, except with leave (31.02). - Duty to answer to best of knowledge, information & belief, any proper question relating to any matter in issue (31.06). - Party may obtain disclosure of: names & addresses of persons who might reasonably be expected to have knowledge of transactions or occurrences in issue (31.06); & of expert's name, address & findings, opinions & conclusions except where made or formed in preparation for contemplated or pending litigation & expert will not be called as witness (31.06). 	<ul style="list-style-type: none"> - Party adverse in interest may be examined once, except with leave (31.03). - May examine 1 officer, director or employee on behalf of corporate party (31.03). - If party is a partnership or sole proprietorship, each person who was a partner or sole proprietor at a material time may be examined (31.03). - Court may limit multiple examinations (31.03). - Court may grant leave to examine non-party (31.10). - 	<ul style="list-style-type: none"> - After statement of defence delivered or defendant noted in default, & unless parties agree otherwise, after service of affidavit of documents (31.04). - Party who first serves notice of examination or written questions may examine first, unless court orders otherwise (31.04). - Oral examination is before person assigned by an official examiner or reporting service (34.02). 	<ul style="list-style-type: none"> - Party who refuses or fails to furnish information requested, may not introduce it at trial, except with trial judge's leave (31.07). - Where person fails to attend examination, refuses to take oath or make affirmation, answer any proper question or produce a document as required, court may order re-examination at person's expense, dismiss action or strike defence, strike person's evidence or make such other order as is just (34.15). 	<ul style="list-style-type: none"> - Examination may be adjourned to move for directions or for an order terminating examination or limiting its scope where right to examine is abused (e.g. improper questions, interruptions or objections), is being conducted in bad faith, answers are evasive, unresponsive or unduly lengthy, there has been neglect or improper refusal to produce relevant documents (34.14). - Court may order person to personally & forthwith pay costs of motion, costs thrown away & costs of continuation of examination & make such other order as is just (34.14). - See Sanctions (34.15).
Alberta (Alberta Rules of Court)	<ul style="list-style-type: none"> - Oral discovery only (200(1)). Court may order written interrogatories (216.1). - Duty to answer only relevant & material questions (200(1.2)). 	<ul style="list-style-type: none"> - Party adverse in interest, 1 or more officers of a corporate party & 1 or more persons who are or were employed by the other party & appear to have knowledge of matters in issue (200(1)). - Member of a firm that is a party (201). - Court may limit number of employees who may be examined (200(2)). 	<ul style="list-style-type: none"> - Party may not conduct examination for discovery until it has filed & served affidavit of records, unless court orders otherwise (188.1(2), 189). - Discovery may take place once statement of defence has been delivered, time has expired or party has been noted in default (203). - Examination is before examiner or court reporter (203, 212). - Examiner's ruling or direction may be appealed to court (210). 	<ul style="list-style-type: none"> - Where party acts in vexatious, evasive, abusive, oppressive, improper or prolix manner, court may make several orders, including costs, different venue for examination, schedules or time limits, written interrogatories & supervision of further discovery (216.1). - Every person is in contempt who fails without adequate excuse to attend examination, or refuses to be sworn or to answer proper questions (703(1)). 	<ul style="list-style-type: none"> - Person taking examination may & if need be shall, make a special report to court touching the examination & conduct or absence of any person. Court may make such order as is requisite (216). - See Sanctions (216.1, 703(1))
B.C. (Rules of Court)	<ul style="list-style-type: none"> - Oral (27(1)(2)) or written discovery (29(1)). No restriction on using both. - Duty to answer any question within knowledge or means of knowledge regarding any non-privileged matter relating to a matter in question. Also compellable to give names & addresses of all persons who 	<ul style="list-style-type: none"> - Party adverse in interest, director, officer, employee, agent or external auditor of party, partner (27(3)(4)(7)). - Court may order examination of non-party who may have material evidence relating to a matter in question (28(1)). - Expert may not be examined under r. 28 unless party 	<ul style="list-style-type: none"> - After delivery of statement of defence or time has expired (27(13)), & any time up to 14 days before scheduled trial date (27(1)). - Interrogatories may be served after delivery of statement of defence or time has expired (29(3)). - Examination is before official 	<ul style="list-style-type: none"> - Where a person fails to attend examination for discovery, refuses to be sworn or to answer any question, or fails to answer interrogatories, court may dismiss proceeding or order it to continue as if no defence had been filed (2(5)). - Any person who is guilty of an act or omission described in r. 	<ul style="list-style-type: none"> - See Sanctions (2(5), 56(4)).

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	<p>might have knowledge relating to any matter in question (27(22)).</p> <ul style="list-style-type: none"> - Examination for discovery to be in the nature of a cross-examination & person examined may be re-examined (27(21)). - Written discovery allowed relating to a matter in question (29(1)). 	<p>cannot obtain facts & opinions on same subject by other means. (28(2)).</p>	<p>reporter (27(15)).</p>	<p>2(5) is also guilty of contempt of court & subject to court's power to punish contempt of court (56(4)).</p>	
Manitoba (Court of Queen's Bench Rules)	<ul style="list-style-type: none"> - Oral or written discovery or both (31.02). - Duty to answer to best of knowledge, information & belief any proper question relating to any matter in issue (31.06). - Party may obtain disclosure of names & addresses of persons who might reasonably be expected to have knowledge of transactions or occurrences in issue (31.06); & of expert's name, address & findings, opinions & conclusions, except where made or formed in preparation for contemplated or pending litigation & expert will not be called as witness (31.06). 	<ul style="list-style-type: none"> - Party adverse in interest may be examined once, except with leave (31.03). - May examine 1 officer, director or employee on behalf of corporate party (31.03). - If party is a partnership or sole proprietorship, each person who was a partner or sole proprietor at a material time, or who was in control or management of proprietorship, may be examined. - Court may limit multiple examinations (31.03) & grant leave to examine non-party (31.10). 	<ul style="list-style-type: none"> - After statement of defence filed & served or defendant noted in default, & unless parties agree otherwise, after service of affidavit of documents (31.04). - Party who first serves notice of examination or interrogatories examines first, unless court orders or parties agree otherwise (31.04). - Oral examination is before official examiner or master, or person agreed on by parties (34.02). 	<ul style="list-style-type: none"> - Party who refuses or fails to furnish information requested may not introduce it at trial, except with trial judge's leave (31.07). - Where person fails to attend examination, refuses to take oath or make affirmation, answer any proper question or produce a document as required, court may order re-examination at person's expense, dismiss action or strike defence, strike person's evidence or make such other order as is just (34.14). 	<ul style="list-style-type: none"> - See Sanctions (34.14).
New Brunswick (Rules of Court)	<ul style="list-style-type: none"> - Oral or written discovery, but not both except on consent or with leave (32.04). - Duty to answer to best of knowledge, information & belief, any proper question relating to an issue, unless ordered otherwise (32.06). - Duty to answer to best of knowledge, information & belief, any question concerning names and addresses of potential witnesses (32.06). - Party may obtain discovery of expert's findings, opinions & conclusions, except where made or formed in preparation for 	<ul style="list-style-type: none"> - Party adverse in interest may be examined once, except with leave (32.02). - May examine 1 officer, director, manager or employee on behalf of corporate party (32.02). - If party is a partnership or sole proprietorship, each person who was a partner or sole proprietor at a material time may be examined (32.02). - Court may limit number of persons to be examined (32.02). 	<ul style="list-style-type: none"> - After statement of defence filed & served or defendant noted in default, &, if served with notice requiring affidavit of documents, after affidavit of documents filed & served (32.03). - Examination is before court reporter (33.02). 	<ul style="list-style-type: none"> - Party who refuses to answer question, may not introduce information at trial, except with trial judge's leave (32.07). - Where person refuses or neglects to attend examination, refuses to be sworn or to answer a proper question, to produce a document as required, or to fulfill & undertaking, court may order re-attendance at the person's own expense, order production of document & re-attendance at person's own expense, dismiss claim or strike statement of defence, strike person's 	<ul style="list-style-type: none"> - Examination may be adjourned to apply to court for directions or for an order terminating or limiting the examination where right to examine is abused or obstructed by improper questions, interruptions or objections, is being conducted in bad faith, is excessive in length, answers are evasive, unresponsive or unduly prolix, there has been neglect or improper refusal to produce relevant documents (33.11). - Court may order person to personally & forthwith pay costs of motion, costs unnecessarily

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	<p>or formed in preparation for contemplated or pending litigation & expert will not be called as witness (32.06).</p> <p>-</p>	<p>- Court may grant leave to examine person who there is reason to believe has information relevant to a material issue (32.10).</p> <p>-</p>		<p>evidence, by warrant, have the person apprehended & brought to court, order person to be detained in custody & ordered to pay costs), or make such other order as may be just (33.12).</p>	<p>incurred & costs of continuation of the examination, or may make such other order as may be just (33.11).</p> <p>- See Sanctions (33.12).</p>
Nfld. & Labrador (Rules of Civil Procedure)	<p>- Oral (30.01) or written discovery (31.01). No restriction on using both.</p> <p>- Unless otherwise ordered, duty to answer any question within knowledge or means of knowledge regarding any non-privileged matter relevant to subject matter of proceeding, even if not within scope of pleadings (30.08, 31.02).</p>	<p>- Party may orally examine any person. Costs of examining more than 1 person, other than a party, to be borne by examining party, unless court orders otherwise (30.01).</p> <p>- Court may limit number of persons examined (30.01).</p> <p>- Party may serve interrogatories on an adverse party & any non-party (31.01).</p> <p>- No limit on number of interrogatories, unless court orders otherwise (31.02).</p>	<p>- Oral examination to take place prior to commencement of proceeding by court order, before close of pleadings by court order, or at any time after pleadings have closed without an order (30.02).</p> <p>- Interrogatories may be served after pleadings have closed, unless court orders otherwise (31.02).</p> <p>- Examination is before registrar or person appointed by registrar (30.03).</p> <p>- Examiner's ruling or direction may be appealed to court (30.11).</p>	<p>- Where person refuses or neglects to attend examination, refuses to be sworn, answer any question properly put to him or her, or produce a document as required, court may hold the person guilty of contempt, dismiss proceeding or strike the defence, or grant such other order as is just (30.14).</p>	<p>- Where examination is conducted in bad faith or in unreasonable manner, examiner may stop examination, limit its scope, or prescribe manner of taking the examination (30.15).</p> <p>- See Sanctions (30.14).</p>
N.W.T. (Supreme Court Rules)	<p>- Oral or written discovery, but not both except with leave (236).</p> <p>- Duty to answer to the best of knowledge, information & belief, any proper question relating to any matter in issue (251).</p> <p>- Party may obtain disclosure of names & addresses of persons who might reasonably be expected to have knowledge of transactions or occurrences in issue, unless court orders otherwise (251); and of expert's name, address & findings, opinions & conclusions, except where expert will not be called as a witness (252).</p> <p>- Party who was subject of surveillance may obtain disclosure of details of the surveillance (254).</p>	<p>- Party may examine any other party adverse in interest (235), & non-party with leave (270).</p> <p>- Party may be examined for discovery only once, except with leave (237).</p> <p>- Party may examine 1 officer, director or employee on behalf of a corporate party, unless leave is obtained or parties agree (238).</p> <p>- Where party is a partnership or sole proprietorship, sole proprietor or each person who was a partner at the material time may be examined (240).</p> <p>- Party noted in default may be examined (245).</p>	<p>- After delivery of statement of defence, & unless parties agree otherwise, delivery of statement as to documents (247).</p> <p>- Examination is before examiner, who may give directions regarding conduct of examination (249).</p> <p>- Duty to answer undertakings in timely manner (261).</p>	<p>- A person is in contempt who fails, without adequate excuse, to attend examination for discovery as required, refuses to be sworn or to answer proper questions (704).</p>	<p>- See Sanctions (704).</p>

Jurisdiction	Scope & limits on examination	Who may be examined	When exam may occur & method	Sanctions	Improper conduct
		- Court may limit multiple examinations (246).			
Nova Scotia (Civil Procedure Rules)	<ul style="list-style-type: none"> - Oral (18.01) or written discovery (19.01). No restriction on using both. - Unless otherwise ordered, duty to answer any question within knowledge or means of knowledge regarding any non-privileged matter relevant to the subject matter of the proceeding, even if not within scope of the pleadings (18.09, 19.02). 	<ul style="list-style-type: none"> - Party may orally examine any person. Costs of examining more than 1 person, other than a party, to be borne by examining party, unless court orders otherwise (18.01). - Court may limit number of persons to be examined (18.01). - Party may serve interrogatories on an adverse party & any person who is not a party (19.01). - No limit on number of interrogatories, unless court orders otherwise (19.02). 	<ul style="list-style-type: none"> - Oral examination to take place any time after close of pleadings, or where proceeding has not commenced, when court orders (18.02). - Interrogatories may be served after pleadings closed (19.02). - Examination is before prothonotary or designate, or before local judge or person or designate (18.04). Where examination is taken by official court reporter, not necessary for examiner to be present, reporter deemed to be examiner (18.07). - Examiner's ruling/direction may be appealed to court (18.12). 	<ul style="list-style-type: none"> - Where person fails to attend examination, refuses to be sworn, answer question or produce document as required, court may hold person guilty of contempt, dismiss the proceedings or strike the defence, or grant such other order as is just (18.15). 	<ul style="list-style-type: none"> - Where examination is conducted in bad faith, examiner may stop examination, limit its scope or manner & order party to pay costs (18.16). - Examiner may, & if need be shall, make special report to court on conduct or absence of any person & court may make such order as is just, including contempt order (18.13). - See Sanctions (18.15).
Nunavut	- NWT Rules apply. <i>Nunavut Judicial System Implementation Act</i> , S.N.W.T. 1998, c.34, Sched. A., s. 59(2).	- NWT Rules apply.	- NWT Rules apply.	- NWT Rules apply.	- NWT Rules apply.
P.E.I. (Civil Procedure Rules)	<ul style="list-style-type: none"> - Oral or written discovery, but not both, except with leave (31.02). - Duty to answer to best of knowledge, information & belief, any proper question relating to any matter in issue (31.06). - Party may obtain disclosure of names & addresses of persons who might reasonably be expected to have knowledge of transactions or occurrences in issue (31.06); & expert's name, address & findings, opinions & conclusions except where made or formed in preparation for contemplated or pending litigation & expert will not be called as witness (31.06). 	<ul style="list-style-type: none"> - Party adverse in interest may be examined once, except with leave (31.03). - May examine 1 officer, director or employee on behalf of corporate party (31.03). - If party is a partnership or sole proprietorship, each person who was a partner or sole proprietor at a material time may be examined (31.03). - Court may limit multiple examinations (31.03). - Prothonotary or court may grant leave to examine non-party (31.10). 	<ul style="list-style-type: none"> - After statement of defence delivered or defendant noted in default, & unless parties agree otherwise, after service of affidavit of documents (31.04). - Party who first serves notice of examination or written questions may examine first, unless court orders otherwise (31.04). - Oral examination is before prothonotary or person agreed on by parties (34.02). 	<ul style="list-style-type: none"> - Party who refuses or fails to furnish information requested may not introduce it at trial, except with trial judge's leave (31.07). - Where person fails to attend examination, refuses to take oath or make affirmation, answer any proper question or produce a document as required, court may order re-examination at person's expense, dismiss action or strike defence, strike person's evidence, or make such other order as is just (34.15). 	<ul style="list-style-type: none"> - Examination may be adjourned to move for directions or order terminating or limiting examination where right to examine is abused or interfered with by improper questions, interruptions or objections, examination is being conducted in bad faith, answers are evasive, unresponsive or unduly lengthy, there has been neglect or improper refusal to produce relevant documents (34.14). - Court may order person to personally & forthwith pay costs of motion, costs thrown away & costs of continuation of examination, & may make such other order as is just (34.14). - See Sanctions (34.15).

Jurisdiction	Scope & limits on examination	Who may be examined	When exam may occur & method	Sanctions	Improper conduct
Quebec (Code of Civil Procedure)	<ul style="list-style-type: none"> - Examination on discovery not permitted where amount or value of property claimed is less than \$25,000 (396.1). - Examinations on discovery, & in particular, number & length, may only be held in accordance with parties' agreement or as determined by court (396.2). - Oral discovery, or by order of the clerk (obtained on request), may have written discovery (406). - May examine orally upon all facts relating to issues between parties (397, 398). - May examine by interrogatories upon all articulated facts (405). 	<ul style="list-style-type: none"> - May examine party or his representative, agent, or employee, victim, any person involved in commission of the act that caused the injury, & any other person with court's permission (397, 398). - Defendant may not examine person twice without court's permission (398). - Parties may be examined by interrogatories (405, 406). 	<ul style="list-style-type: none"> - Defendant may summon to be examined before defence is filed (397). Any party may summon to be examined after defence is filed (398). - May examine by interrogatories after filing defence or filing inscription in case of default to appear or plead (405). - Before examination, parties may consent to submit foreseeable objections to a judge for determination (396.3) - Examined before court, judge or clerk (397, 398, 406). 	<ul style="list-style-type: none"> - Where parties fail to comply with timetable they have set, sanctions include striking the allegations & dismissing the action or application (151.3). - On application, court may terminate examination it considers to be excessive, vexatious or useless and may determine costs (396.4). 	<ul style="list-style-type: none"> - See Sanctions (151.3, 396.4).
Sask. (Rules of Court)	<ul style="list-style-type: none"> - No provision for written discovery. - Party may be orally examined on matters in issue in the action (222). 	<ul style="list-style-type: none"> - Party may be examined by any party adverse in interest (222). - If party is corporation, may examine 1 officer or servant (223). - Court may grant leave to examine non-parties (222A). 	<ul style="list-style-type: none"> - Examination may take place after statement of defence delivered, time expired or default of appearance noted (226). - Examination is before local registrar, or by consent before other local registrar, process issuer, official court reporter or special court reporter (227, 237). - If person objects to question, question & objection must be recorded by examiner & transmitted to local registrar. Validity of & costs occasioned by objection are in court's discretion (232). - Party may appeal to court from order of examiner (235). 	<ul style="list-style-type: none"> - If person refuses or neglects to attend examination, refuses to be sworn or answer a lawful question, or fails to answer question undertaken within a reasonable time shall be deemed guilty of contempt of court, proceedings may be taken forthwith to commit for contempt (231). - May also have action dismissed, or defence struck (231). 	<ul style="list-style-type: none"> - Examiner may, & if need be shall, make special report to court on conduct of examination (238). - See Sanctions (231).
Yukon (Judicature Act, s. 38)	<ul style="list-style-type: none"> - BC Rules apply. 	<ul style="list-style-type: none"> - BC Rules apply. 	<ul style="list-style-type: none"> - BC Rules apply. 	<ul style="list-style-type: none"> - BC Rules apply. 	<ul style="list-style-type: none"> - BC Rules apply