

APPENDIX J: COMPARISON OF EXPERT EVIDENCE RULES IN CANADIAN SUPERIOR COURTS¹

Jurisdiction	Time for delivery of expert reports	Number of expert witnesses permitted	Can expert be examined for discovery?	Must report include facts & documents on which opinion is based?	Is there provision for a court appointed expert?	Procedure for responding to court appointed expert
Ontario (Rules of Civil Procedure)	90 days before trial; responding report 60 days before trial; supplementary report 30 days before trial [R. 53.03].	3 experts in total per side [Evidence Act, s. 12].	No [R. 31.10(1)]. Exception if expert unable to testify at trial [R. 36.01].	No.	Yes. Court can appoint 1 or more experts on application or on its own initiative [R. 52.03(1)].	Parties may only cross-examine court appointed expert at trial [R. 52.03(10)].
Alberta (Alberta Rules of Court)	120 days before trial, along with a statement of the substance of report [R. 218.1(1)]; rebuttal report 60 days after service of initial report [R.218.12(1)].	No prescribed limit [s. 218(10)], except in “Very Long Trial Actions” each party is limited to 1 expert unless leave is obtained [s.218.4(1)].	No, unless it is a court appointed expert under R.218(1), which permits cross-examination of an expert before trial.	No.	Yes. Court can appoint 1 or more experts on application or on its own initiative [R. 218(1)].	Yes. Within 14 days of receiving court expert’s report a party may apply to cross-examine expert, before or at trial. [R. 218(6)].
B.C. (Supreme Court Civil Rules)	60 days before trial to be admissible at trial [R. 40A(2)], although Evidence Act requires expert reports to be served no less than 30 days prior to testifying [s. 11(1)] unless court grants leave to do otherwise [s. 11(2)].	No prescribed limit.	No. But expert employed in anticipation of litigation may be examined if party unable to obtain facts & opinions on same subject by other means [R. 28(2)]	Statement of opinion must set out facts & assumptions on which opinion is based [R. 40A(2)(3) & (5)].	Yes. Court can appoint 1 or more experts on application or on its own initiative [R. 32A].	Yes. Party may request expert’s appearance at trial for cross-examination [R. 32A(10)].
Manitoba (Court of Queen’s Bench Rules)	Must be included in pre-trial brief [R. 53.03(1)]. Pre-trial brief to be filed prior to obtaining date for pre-trial conference [R. 50.01(3)].	3 experts, unless leave obtained (Manitoba Evidence Act s. 25).	No, unless expert unavailable to testify at trial [R. 36.01].	No.	Yes. Court can appoint 1 or more experts on application or on its own initiative [52.03(1)].	Parties may only cross-examine court appointed expert at trial [52.03(8)].
New Brunswick (Rules of Court)	As soon as practicable & no later than the Motions Day at which the trial date is fixed [R. 52.01(1)].	3 experts, unless leave obtained (Evidence Act s. 23).	No.	No. But once report served, court, on motion may order documents & records on which report is based to be produced [R. 52.01(4)].	Yes [54.03].	Yes. Parties may cross-examine court appointed expert [54.03(7)] & call 1 expert to respond, or more, with leave [54.03(8)].

¹ This chart attempts to summarize the primary elements of the rules and statutory provisions for comparison purposes only. It should not be relied upon to reflect the full text of the rule.

Nfld & Labrador (Rules of Civil Procedure)	No time period prescribed.	No prescribed limit.	Yes. Rule permits “any person” to be examined on any non-privileged matter [30.01(1)] but no specific reference to experts.	No.	Yes [35.01. (1)].	Yes. Party may apply for leave to cross-examine court appointed expert before or at trial [35.03] & call 1 expert to respond, or more, with leave [35.05].
Nova Scotia (Civil Procedure Rules)	Served when Notice of Trial is filed; 30 days thereafter, responding report is to be served [31.08(1)].	Court may limit number of expert witnesses to be called at a trial [31.06].	Yes. Rule permits “any person” to be examined on any non-privileged matter [18.01(1)] but no specific reference to experts.	Yes. Report must set out facts on which opinion is based, and a summary of grounds for each opinion expressed [31.08(1)].	Yes [23.01(1)].	Yes. Party may apply for leave to cross-examine court appointed expert before or at trial [23.03(1)] & call 1 expert to respond, or more, with leave [23.05].
Sask. (Queen’s Bench Rules)	10 days prior to pre-trial conference [284D(1)]. Note expert can only testify at trial with leave [284D(2)].	5 experts, unless leave obtained (<i>Evidence Act</i> s. 48).	No [222A(1)].	No.	No.	No.
Quebec (Code of Civil Procedure)	Exhibits, defined to include expert reports, must be served within 30 days after a case is set for a hearing [331.4, 331.1].	No prescribed limit.	Provision for the examination of “any other person” with leave [397(4)].	No.	Yes [415].	Party may only request that expert’s report be rejected on the ground of irregularity or nullity [423]. No provision for cross-examination.
P.E.I. (Rules of Civil Procedure)	30 days after filing notice of trial [53.03(1)].	No prescribed limit.	Yes [31.06(3)].	No.	Yes [52.03].	Parties may cross-examine court appointed expert at trial [53.03(10)].