

**DIVORCE ACT (CANADA)  
JUDICATURE ACT**

R-015-2021

Registered with the Registrar of Regulations  
2021-03-19

**NUNAVUT DIVORCE RULES**

The Chief Justice, with the approval of the judges of the Nunavut Court of Justice, under section 59 of the *Judicature Act*, S.N.W.T. 1998,c.34, and every enabling power, makes the annexed *Nunavut Divorce Rules*.

Interpretation

**1.** (1) In these rules,

"Act" means the *Divorce Act* (Canada); (*Loi*)

"Clerk" means the Clerk or a deputy clerk of the Court appointed under the *Judicature Act*; (*greffier*)

"corollary relief" means a parenting order, a child support order or a spousal support order; (*mesures accessoires*)

"Court" means the Nunavut Court of Justice; (*tribunal*)

"deliver" means file and serve; (*remettre*)

"judge" means a judge of the Court and includes a deputy judge of the Court and an *ex officio* judge of the Court; (*jugé*)

(2) For greater certainty, the definitions in subsection 2(1) of the Act apply to these rules.

*Interpretation Act*

**2.** The *Interpretation Act*, R.S.N.W.T. 1988, c.I-8, as amended, applies to these rules.

Application

**3.** (1) These rules apply to proceedings under the Act.

(2) Subject to the Act and these rules, the Rules of the Nunavut Court of Justice apply to proceedings under the Act with the modifications that the circumstances require.

Forms

**4.** The forms contained in the Schedule must be used with the modifications that the circumstances require.

Joinder of other claims or causes of actions

**5.** (1) Claims or causes of action under the following Acts may be joined, without leave of the Court, with a divorce proceeding under the Act:

- (a) the *Change of Name Act*;
- (b) the *Family Law Act*, other than Part 2;
- (c) the *Married Women's Property Act*.

(2) When a claim or cause of action referred to in subrule (1) is joined, the particulars of the claim or cause and of the relief sought must be set out in the petition for divorce.

(3) No claim or cause of action other than any of those referred to in subrule (1) may be joined with a divorce proceeding without leave of the Court.

(4) A respondent may, without leave of the Court, raise any claim or cause of action or defence founded on the Act or an Act referred to in subrule (1).

(5) If, in a proceeding, a claim or cause of action is joined under subrule (1) or raised under subrule (3), a judge may give any directions that the judge considers necessary for the conduct of the proceeding, including directions as to the form of pleadings and as to the times for filing and service of the pleadings.

Commencement of Proceeding

Parties

**6.** (1) The party commencing a proceeding is called the petitioner and the opposite party is called the respondent.

(2) Unless otherwise ordered, the petitioner's spouse is the sole respondent in a proceeding.

(3) Despite subrules (1) and (2), both spouses are called petitioners if they proceed under rule 14.

Commencement of proceeding

**7.** (1) Subject to subrule 14(1), a proceeding is commenced by filing a petition for divorce in Form 1 with the Clerk.

(2) On the filing of a petition for divorce under subrule (1) or 14(1), the Clerk shall issue the petition by signing and affixing the seal of the Court to the petition.

(3) A petition for divorce filed under subrule (1) must have a notice to respondent in Form 2 endorsed on it at the beginning or attached to the front of it.

Service

**8.** Subject to subrule 14(2), a petition for divorce and notice to respondent must be served within one year after the petition is issued or within any further time that the Court or a judge may allow.

Manner, proof of service

**9.** (1) Service of the petition for divorce and the notice to respondent must be effected by an adult person other than the petitioner on

- (a) the respondent personally; or
- (b) the respondent's legal adviser, if the legal adviser accepts service and undertakes to file an answer or demand of notice or to appear.

(2) Proof of service on the respondent must be given by filing an affidavit of service in Form 3, setting out the following information:

- (a) the deponent's means of knowledge as to the identity of the person served;
- (b) the mailing address of the person served;
- (c) any other contact information provided to the deponent.

Service ex juris

**10.** No order for service of a petition for divorce or another document served under these rules is necessary when service is effected in Canada.

Pleadings in Response

Respondent's pleadings

**11.** (1) If a respondent wishes to oppose a petition for divorce, but does not otherwise seek relief, the respondent shall file with the Clerk an answer in Form 4.

(2) If a respondent seeks relief in opposition to the relief claimed in a petition for divorce, the respondent shall file with the Clerk an answer together with a counter petition in Form 5.

(3) If a respondent seeks relief but does not oppose the relief claimed in a petition for divorce, the respondent shall file with the Clerk an answer stating that together with a counter petition.

(4) An answer and a counter petition may be joined in one document.

(5) If a respondent wishes to receive notice of any hearing, but does not oppose the divorce or any relief sought by the petitioner or seek relief, the respondent may file with the Clerk a demand of notice in Form 6.

(6) Except as otherwise provided by these rules or ordered by the Court, a respondent who fails to file an answer or a demand of notice is not entitled to notice of any subsequent proceedings in the action.

Manner of and time for service

**12.** (1) An answer, a counter petition or a demand of notice must be served on the petitioner or, if there is a legal adviser of record, on the petitioner's legal adviser.

- (2) An answer, a counter petition or a demand of notice must be delivered
- (a) within 25 days after the day the petition for divorce is served, if it is served in Nunavut;
  - (b) within 30 days after the day the petition for divorce is served, if it is served in Canada but outside Nunavut; or
  - (c) within the time that may be fixed by the Court, if the petition for divorce is served outside Canada.

Answer to counter petition, reply

**13.** (1) The petitioner shall deliver an answer to counter petition within 25 days after the day the counter petition is served on the petitioner.

(2) A reply to an answer to counter petition, if any, must be delivered within 10 days after the day the answer to counter petition is served on the respondent.

Joint Petition

Joint petition

**14.** (1) If spouses claim a divorce on the ground that there has been a breakdown of their marriage within the meaning of paragraph 8(2)(a) of the Act and no order, except by consent, for any other relief is claimed, both spouses may jointly commence a divorce proceeding by filing with the Clerk a joint petition for divorce in Form 7.

(2) A joint petition for divorce need not be served.

Interim and Other Steps

Application for interim relief

**15.** In a divorce proceeding, the following applications are commenced by filing with the Clerk a notice of motion and a supporting affidavit:

- (a) an application for interim corollary relief;
- (b) an application for a contact order;
- (c) an application for an order respecting the relocation of a child;
- (d) an application to vary, rescind or suspend an order for interim corollary relief, a contact order, or an order respecting the relocation of a child;
- (e) any other interim application.

Other steps

**16.** In a contested proceeding, the parties may take any steps that are available in other causes, including, but without limiting the generality of the foregoing,

- (a) delivering written interrogatories;
- (b) conducting examinations for discovery;

- (c) compelling production of documents;
- (d) entering the action for trial; and
- (e) applying for summary judgment on any or all issues in the proceeding.

Financial statements, statements of property

**17.** (1) If there are children of the marriage or a petition for divorce or a counter petition includes a claim for support, a financial statement in Form 8 must be delivered to the opposite party

- (a) by the applicant on an application for interim relief, with the documents in support of the application;
- (b) by the respondent on an application for interim relief within the time allowed for filing a response to an application; or
- (c) by either party within 30 days after the close of pleadings, if the party has not delivered a financial statement under paragraph (a) or (b) or in response to a notice to disclose under subrule (5).

(2) If a petition for divorce or a counterpetition includes a claim for division of property, a party shall deliver to the opposite party a statement of property in Form 9

- (a) on an application for interim relief in respect of matrimonial property, with the documents in support of the application, if the party is the applicant, or within the time allowed for filing a response to an application if the party is the respondent; or
- (b) within 30 days after the close of pleadings, if the party has not delivered a statement of property under paragraph (a) or in response to a notice to disclose under subrule (5).

(3) If a joint petition for divorce includes a claim for support, each petitioner shall file a financial statement in Form 8 with the petition.

(4) If a joint petition for divorce includes a request for the division of property, each petitioner shall file a statement of property in Form 9 with the petition.

(5) A party may, at any time, deliver to the opposite party a notice to disclose in Form 10 and, on receiving the notice, the opposite party shall provide

- (a) the information requested in Part A of the notice within five days after service of the notice; and
- (b) the information requested in Part B of the notice within 30 days after service of the notice.

(6) A financial statement or a statement of property must be attested to by the party delivering it.

(7) A party's financial statement must set out with particularity

- (a) the party's current monthly revenue and expenses, including liabilities; and
- (b) any non-monetary benefit that is received by the party from any source.

(8) The failure of a party to deliver a financial statement or a statement of property in accordance with this rule does not prevent the opposite party from setting the action down for trial or moving for judgment.

(9) If a party fails to deliver a financial statement or a statement of property within the time required by this rule, the Court may, on motion without notice, make an order requiring the delivery of the statement within a specified time period.

(10) If a financial statement or a statement of property lacks particularity, a party may demand particulars of it and, if the other party fails to supply the particulars within seven days after the demand is served on the party, the Court may, on the terms that it thinks fit, order the particulars to be delivered within a specified time.

- (11) If a party fails to comply with an order made under subrule (9) or (10),
- (a) the Court may dismiss the party's action or strike out the party's pleading; and
  - (b) a judge may declare the party in civil contempt.

(12) A party may cross-examine the opposite party on their financial statement or statement of property.

- (13) A cross-examination on a financial statement or a statement of property may be used
- (a) on an application for interim relief; and
  - (b) at an oral hearing, in the same manner as an examination for discovery.

(14) A cross-examination on a financial statement or a statement of property may not be conducted, except with leave of the Court, after the action has been set down for trial.

(15) If, after delivering a financial statement or a statement of property, a party discovers that any information in the statement or given on cross-examination on it was incorrect or incomplete when made or that there has been a material change in any information contained in the statement, the party shall, as soon as practicable, provide to the opposite party a written statement, attested to by the party, setting out the change or correction.

(16) A party who has delivered a financial statement or a statement of property shall deliver a fresh statement at least seven days before the commencement of the trial of the action and the party may not be cross-examined before trial on the fresh statement except with leave of the Court.

(17) The Clerk shall not disclose a financial statement or a statement of property filed under this rule to any person other than the parties, the parties' legal advisers or a judge.

## Settlement

### Offer of settlement

**18.** (1) At any time before the commencement of a trial or hearing, a party may serve a written offer to settle a claim for support of a spouse, support for the children of the marriage or division of property.

(2) An offer may be accepted at any time before the Court makes an order disposing of the claim in respect of which the offer is made by serving a written notice of acceptance on the party who made the offer.

(3) An offer may be revoked at any time before it is accepted by serving a written revocation on the party to whom the offer was made.

(4) If an offer is accepted, the Court may incorporate any of the terms of the offer into an order.

(5) If an offer is not accepted, no communication respecting the offer may be made to the Court until the Court makes an order disposing of the claim in respect of which the offer has been made.

(6) In exercising its discretion as to costs under rule 33, the Court may take into account the terms of the offer, the date on which the offer was served, the date of acceptance if it was accepted, the success of the parties and the conduct of the parties during the litigation.

## Adjournment of Proceeding

### Adjournment, resumption of proceeding

**19.** (1) If a judge adjourns a divorce proceeding under subsection 10(2) of the Act before hearing any oral evidence, an application for resumption of the divorce proceeding under subsection 10(3) of the Act may be made to any judge.

(2) Subject to subrule (3), if a judge adjourns a divorce proceeding under subsection 10(2) of the Act after hearing any oral evidence, an application for resumption of the divorce proceeding under subsection 10(3) of the Act must be made to the judge who granted the adjournment.

(3) If the judge who granted the adjournment in the circumstances referred to in subrule (2) is not available to hear the application for resumption, the application may be made to another judge.

## Hearing

### Hearing on affidavit evidence

**20.** (1) If no demand of notice or answer has been delivered, the petitioner may

(a) note the respondent in default; and

- (b) apply for a judgment of divorce with any corollary relief that is claimed in the petition for divorce or as is consented to by the respondent or the respondent's legal adviser.

(2) If the respondent has filed a counter petition, the petitioner or respondent may apply for a judgment of divorce with any corollary relief that is consented to by the opposite party or the opposite party's legal adviser.

(3) If the respondent has filed a pleading other than a counter petition, the petitioner may apply for a judgment of divorce with any corollary relief that is consented to by the respondent or the respondent's legal adviser.

(4) An application for a judgment of divorce and corollary relief under subrule (1), (2) or (3) must be made by filing the following with the Clerk:

- (a) a request for divorce in Form 11, requesting that the action be considered on the basis of affidavit evidence;
- (b) an affidavit prepared in accordance with subrule (5);
- (c) five copies of the proposed judgment and order, if any, prepared in the appropriate form;
- (d) a stamped envelope addressed to the opposite party at the mailing address shown in the affidavit filed under subrule 9(2) or at the address latest known to the applicant, whichever is more recent, if the opposite party does not have a legal adviser.

(5) The affidavit referred to in subrule (4)(b) must be in Form 12 and, in the affidavit, the deponent shall

- (a) identify the parties to the divorce proceeding;
- (b) attest to the latest known address of the respondent or the respondent by counter petition, as the case may be;
- (c) attest to the marriage and prove the marriage
  - (i) by attaching a certified copy of the marriage certificate as an exhibit to the affidavit, or
  - (ii) by solemn form if a certified copy of the marriage certificate cannot be obtained;
- (d) attest to the habitual residence in Nunavut of either spouse for at least one year immediately preceding the day the petition for divorce was issued;
- (e) attest to the grounds for divorce;
- (f) deny collusion;
- (g) provide a denial or an explanation for condonation and connivance, if the grounds for the divorce include any of those set out in paragraph 8(2)(b) of the Act;
- (h) detail arrangements for child care and child support;
- (i) verify the financial statement or statement of property last filed by the deponent or, if the statement is no longer accurate, attach a new statement as an exhibit to the affidavit and, in the affidavit, verify the new statement;
- (j) deny the possibility of reconciliation;



- (k) detail the circumstances that justify waiver of the waiting period, if an application is made to waive the waiting period; and
- (l) verify the accuracy of, or correct any inaccuracy in, the allegations in the petition for divorce or the counter petition, as the case may be.

(6) A party who has filed a petition for divorce, answer, counter petition or demand of notice may consent to proceeding under this rule by the endorsement of consent by the party personally or by their legal adviser on the request for divorce.

(7) When the consent of a party to proceed under this rule is given personally, it must be accompanied by an affidavit of execution.

(8) When materials are filed in accordance with this rule, the Clerk shall place them before a judge for consideration and the judge may do one or more of the following:

- (a) render any judgment and make any order to which the parties are entitled;
- (b) direct the parties or the legal advisers for the parties to appear in chambers;
- (c) direct that further evidence be presented;
- (d) direct the parties to enter the case for trial on oral evidence.

(9) If the parties have agreed on or consented to corollary relief but no request for the corollary relief has been made in the petition for divorce or counter petition, the judge may grant that relief.

(10) If the respondent or the respondent by counter petition has filed a demand of notice and has not given consent to proceed under this rule, the petitioner or the counter petitioner, as the case may be, may note the opposite party in default, without notice, and apply in chambers by notice of motion for the matter to be dealt with under this rule without the consent of the respondent or respondent by counter petition, as the case may be.

(11) A judge hearing an application under subrule (10) in chambers may

- (a) direct the petitioner or the counter petitioner, as the case may be, to enter the case for trial on oral evidence; or
- (b) authorize the petitioner or the counter petitioner, as the case may be, to proceed under this rule without the consent of or any further notice to the respondent or respondent by counter petition, as the case may be.

(12) Subrules (1) to (6), (10) and (11) do not apply to a proceeding commenced by a joint petition.

#### Hearing on affidavit evidence – joint petition

**21.** (1) At any time after a joint petition is filed, the parties to the petition may apply for a judgment of divorce with any corollary relief that is claimed in the petition for divorce or as is consented to by both parties by filing the following with the Clerk:

- (a) a request for divorce in Form 11, requesting that the action be considered on the basis of affidavit evidence;

- (b) an affidavit of either party or both parties jointly prepared in accordance with subrule (2);
- (c) five copies of the proposed judgment and order, if any, prepared in the appropriate form;
- (d) a stamped envelope addressed to any party who does not have a legal adviser.

(2) The affidavit referred to in subrule (1)(b) must be in Form 13 and, in the affidavit, the deponent or deponents shall

- (a) identify the parties to the proceeding; and
- (b) verify the accuracy of, or correct any inaccuracy in, the allegations and statements in the joint petition for divorce.

(3) Each petitioner must make an affidavit separately when a financial statement or statement of property is filed.

(4) In the affidavit required by subrule (3), the petitioner shall, in addition to setting out the information required under subrule (2), verify the financial statement of the deponent last filed by the deponent, or if the statement is no longer accurate, attach a new statement as an exhibit to the affidavit and, in the affidavit, verify the new statement.

(5) If only one party makes an affidavit under subrule (1)(b), the other party may consent to proceeding under this rule by indicating that consent personally or by their legal adviser on the request for divorce.

(6) Subrules 20(7) to (9) apply to a proceeding under this rule.

### Judgments and Orders

Form of judgment, order

**22.** (1) A divorce judgment rendered under subrule 20(8)(a) must be in Form 14.

(2) A divorce judgment rendered other than under subrule 20(8)(a) must be in Form 15.

(3) A parenting and child support order must be in Form 16, with the modifications that the circumstances require.

(4) A divorce judgment and corollary relief order may be combined in one document.

(5) If the parties consent to the issuance of a divorce judgment or a corollary relief order, the consent of the parties, personally or by their legal advisers, must be endorsed on the judgment or order.

(6) If the consent of a party under subrule (5) is given personally, it must be accompanied by an affidavit of execution.

(7) No document may be incorporated by reference in any divorce judgment or corollary relief order.

(8) If a proceeding includes a claim for corollary relief, but the parties agree to defer the claim for future determination, the divorce judgment must set out the following statement:

"Either party may apply to the Nunavut Court of Justice for any corollary relief that is available under the *Divorce Act* (Canada) for which grounds have been set out in the pleadings filed in the divorce action."

#### Agreement as to date of effect of judgment

**23.** An agreement and undertaking referred to in paragraph 12(2)(b) of the Act must be in writing, signed by the parties and accompanied by affidavits of execution.

#### Mailing of judgment

**24.** On the entry of a divorce judgment, the Clerk shall, as soon as practicable, mail a copy of the divorce judgment to each person in respect of whom an envelope is filed under subrule 20(4)(d) or 21(1)(d).

#### Request for certificate

**25.** (1) After a divorce judgment takes effect, either party may file a request for a certificate of divorce in Form 17.

(2) If a request for a certificate of divorce is filed and the Clerk is satisfied that no appeal from the divorce judgment is pending, the Clerk shall issue a certificate of divorce in Form 18 by signing and affixing the seal of the Court to the certificate.

### Variation Orders

#### Application to vary order

**26.** (1) If the Court has rendered a divorce judgment, any of the following applications may be commenced by filing a notion of motion and a supporting affidavit with the Clerk:

- (a) an application for corollary relief;
- (b) an application for a contact order,
- (c) an application for an order respecting the relocation of a child;
- (d) an application to vary, rescind or suspend an order for corollary relief, a contact order, or an order respecting the relocation of a child.

(2) The notice of motion and supporting affidavit referred to in subrule (1) must be served on the respondent personally at least seven days before the day set for the hearing of the application.

#### Application to vary order made by other court

**27.** (1) Subject to rule 29, an application to vary, rescind or suspend an order for corollary relief, a contact order or an order respecting the relocation of a child made by another court may be commenced by filing with the Clerk

- (a) an originating notice;
- (b) a supporting affidavit; and
- (c) copies of the original divorce pleadings and all corollary relief orders, contact order and orders respecting relocation of the child that have been made in respect of the divorce proceeding.

(2) In an affidavit in support of an application referred to in subrule (1)(b), the deponent shall set out the following:

- (a) the current marital status of the parties;
- (b) the residential addresses of the parties;
- (c) the age, sex and residential address of
  - (i) any children of the marriage, and
  - (ii) any other individual that is subject to the order;
- (d) particulars of existing arrangements with respect to parenting time, contact and decision-making responsibility, and of any proposed changes to be made in respect of those arrangements;
- (e) particulars of current support arrangements and of any proposed changes in respect of those arrangements;
- (f) the amount of arrears under any previous support order;
- (g) particulars of the change in the condition, means, needs or other circumstances.

(3) The originating notice and supporting affidavit referred to in subrule (1) must be served on the respondent personally at least 15 days before the day set for the hearing of the application.

#### When variation order made

**28.** When the Court makes a variation order in respect of a support order or parenting order made by another court, the Clerk shall send a certified copy of the variation order to any other court that has varied the original order.

#### Interjurisdictional support orders

**29.** (1) Service on the respondent under subsection 18.1(7) or 19(6) of the Act must be effected personally.

(2) When the Court makes a variation order under subsection 18.1(15) or 19(13) of the Act and the order is filed with the Clerk, the Clerk shall, on behalf of the Court, send a copy of the order to the court that made the original order and any other court that has varied it.

(3) When, on an application for a variation order under subsection 18.1(1) of the Act, the Court requires further evidence under subsection 18.1(13) or 19(1) of the Act, the Clerk shall give notice to the designated authority of the need to submit further evidence.

#### Confirmation of interjurisdictional support order

**30.** (1) When the Court receives a variation order made by another court, the Clerk shall cause a copy of that order to be served on the applicant.

(2) Unless otherwise ordered, service under subrule (1) must be effected by ordinary mail.

### Registration of Orders

Registration of order made by other court

**31.** An order referred to in subsection 20(2) of the Act that has been made by another court may be registered under paragraph 20(3)(a) of the Act by filing with the Clerk an exemplification or certified copy of the order and, on filing, the order must be entered as an order of the Court.

### Transfer of Proceeding

Transfer of proceeding

**32.** If a proceeding is transferred under section 6 of the Act to the Court from another court, the transfer must be effected by filing with the Clerk certified copies of all pleadings and orders made in the proceeding and the proceeding shall then be carried forward as if it had been commenced under these rules.

### General

Costs

**33.** The Court may make any orders that it considers fit for payment of or security for the costs of either party.

Substitutional service

**34.** If personal service of any document is required by these rules and cannot be effected, a judge, on application, may grant leave to substitute another form of service.

### Transitional

**35.** A proceeding commenced under the *Nunavut Divorce Rules, N.W.T.Reg R-094-94*, before the day on which these rules into force and not finally disposed of before that day shall be dealt with and disposed of in accordance with these rules as they read as of that day.

### Coordinating amendment

**36.** On the coming into force of section 151 of the *Legislation Act*, rule 2 of these rules is repealed and replaced by:

*Legislation Act*

2. Part 1 of the *Legislation Act*, S.Nu. 2020,c.15, as amended, applies to these rules.

**Repeal**

- 37. The *Nunavut Divorce Rules*, N.W.T.Reg. R-094-94, are repealed.**

**SCHEDULE**

**FORM 1**

(Subrule 7(1))

**IN THE NUNAVUT COURT OF JUSTICE**

BETWEEN:

\_\_\_\_\_  
Petitioner

**- and -**

\_\_\_\_\_  
Respondent

**PETITION FOR DIVORCE**

**TO THIS HONOURABLE COURT:**

1. The Petitioner applies for a Divorce Judgment and the following relief:

- (a) a parenting order for the child(ren) of the marriage:  
\_\_\_\_\_;
- (b) support for the child(ren) of the marriage in the amount of \$ \_\_\_\_\_ per month;
- (c) support for myself in the amount of \$ \_\_\_\_\_ per month or a lump sum of \$ \_\_\_\_\_
- (d) costs.

*(Delete reference to any relief not being sought and fill in amounts where maintenance is requested.)*

*(If a cause of action is joined under rule 5, specify relief claimed and add an item after item 10 of this form providing particulars of the claim.)*

2. The Petitioner's grounds for seeking a divorce are that there has been a breakdown of the marriage by \_\_\_\_\_  
*(Provide those grounds set out in subsection 8(2) of the Divorce Act (Canada) as are applicable.)*

3. (1) There is no possibility of reconciliation.

(2) The following efforts to reconcile have been made:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. There has been no collusion in relation to this Petition for Divorce, that is, there has been no agreement or conspiracy between the Petitioner and the Respondent, directly or indirectly, for

the purpose of subverting the administration of justice, and no agreement, understanding or arrangement to fabricate or suppress evidence or to deceive the Court (*if the Petition is based on the grounds set out in paragraph 8(2)(b) of the Divorce Act (Canada) add: and there has been no condonation or connivance on the part of the Petitioner in the bringing of this Petition*).

(If otherwise in respect of item 4, give particulars and the facts that justify the granting of the Divorce Judgment in any event.)

5. The particulars of the Petitioner's marriage are as follows:

- (a) the date of the marriage was \_\_\_\_\_, \_\_\_\_\_.  
(month and day) (year)
- (b) the place of the marriage was \_\_\_\_\_;
- (c) the Petitioner's surname before this marriage was \_\_\_\_\_;
- (d) the Respondent's surname before this marriage was \_\_\_\_\_;
- (e) the Petitioner's marital status at the time of the marriage was \_\_\_\_\_;
- (f) the Respondent's marital status at the time of the marriage was \_\_\_\_\_;
- (g) the Petitioner was born at \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_.  
(place) (month and day) (year)
- (h) the Respondent was born at \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_.  
(place) (month and day) (year)
- (i) the Petitioner ceased cohabiting with the Respondent on \_\_\_\_\_, \_\_\_\_\_.  
(month and day) (year)

6. (1) The Petitioner's address is

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(2) The Respondent's address is

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(3) The Petitioner (or Respondent) has been habitually resident in Nunavut for at least one year immediately preceding the date of this Petition.



*(If there are no children of the marriage and if spousal support is not requested, indicate in item 7(a) that there are no children of the marriage and omit the remainder of item 7 and items 8, 9 and 10.)*

7. The particulars regarding the child(ren) of the marriage are as follows:

(a) the names and dates of birth of all the children are:

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(b) the Petitioner proposes the following arrangements for parenting time:

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(c) the Petitioner proposes the following arrangements for decision-making responsibility:

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(d) the following financial arrangements for the support of the child(ren) have been made:

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*OR*

the Petitioner proposes the following financial arrangements for the support of the child(ren) having regard to the relief claimed:

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8. The particulars of all written or oral agreements between the Petitioner and the Respondent regarding the support of the Petitioner, the Respondent and the child(ren) of the marriage, and regarding parenting time and decision-making responsibility are as follows:

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9. The particulars of all court proceedings regarding the marriage, support of the parties or child(ren) and regarding parenting time and decision-making responsibility are as follows:

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10. To the best of my knowledge, I have provided below all relevant information respecting any of the following which are pending or in effect with respect to the parties or the child(ren) of the marriage:

- (a) an emergency protection order, a community intervention order, an assistance order or other civil protection order, or a proceeding in relation to such an order;
- (b) a child protection order, proceeding, agreement or measure;
- (c) an order, proceeding, undertaking or recognizance in relation to any matter of a criminal nature.

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*(Where a claim or cause of action is joined under rule 5, set out the particulars of the claim or cause here)*

\_\_\_\_\_  
Petitioner or legal adviser for the Petitioner

The Petitioner's address is:

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The Petitioner's address for service is:

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### STATEMENT OF PETITIONER

I, \_\_\_\_\_, the Petitioner, certify to this Court that I am aware of my duties as follows:

- (a) if I am allocated parenting time or decision-making responsibility in respect of a child of marriage, I must exercise that time or responsibility in a manner consistent with the best interests of the child;
- (b) I must, to the best of my ability, protect any child of the marriage from conflict arising from these proceedings;
- (c) to the extent that it is appropriate to do so, I must try to resolve the matters that may be subject to an order under the *Divorce Act* (Canada) through a family dispute resolution process;

- (d) I must provide complete, accurate and up-to-date information if required to do so under the *Divorce Act* (Canada);
- (e) if I am subject to an order made under the *Divorce Act* (Canada), I must comply with the order until it is no longer in effect.

DATED at \_\_\_\_\_, in \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_;  
(community) (territory or province) (month and day) (year)

\_\_\_\_\_  
(Signature of Petitioner)

**STATEMENT OF LEGAL ADVISER**

I, \_\_\_\_\_, the legal adviser for \_\_\_\_\_, the Petitioner, certify to this Court that I have complied with section 7.7 of the *Divorce Act* (Canada).

DATED at \_\_\_\_\_, in \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_;  
(community) (territory or province) (month and day) (year)

\_\_\_\_\_  
(Signature of legal adviser)

ISSUED out of the office of the Clerk of the Nunavut Court of Justice  
on \_\_\_\_\_, \_\_\_\_\_;  
(month and day) (year)

\_\_\_\_\_  
Clerk of the Nunavut Court of Justice

**FORM 2**

*(Subrule 7(3))*

**IN THE NUNAVUT COURT OF JUSTICE**

**NOTICE TO RESPONDENT**

TO: \_\_\_\_\_  
*(full name of Respondent)*

AN APPLICATION HAS BEEN MADE FOR A DIVORCE JUDGMENT. The details are set out in the attached Petition for Divorce.

1. IF YOU DISPUTE ANY OF THE CLAIMS or IF YOU WISH TO MAKE ANY CLAIM YOURSELF, YOU MUST FILE AN ANSWER at the court office shown on the Petition for Divorce and SERVE THE ANSWER on the Petitioner

- (a) within 25 days after the day on which the Petition for Divorce was served on you, if you were served in Nunavut;
- (b) within 30 days after the day on which the Petition for Divorce was served on you, if you were served in Canada but outside Nunavut; or
- (c) within the time indicated on the Order of Service, if you were served outside Canada.

2. You are not entitled to notice of any further proceedings and an order may be made in your absence and enforced against you IF YOU DO NOT

- (a) FILE AN ANSWER or A DEMAND OF NOTICE requiring that notice of any application made in this action be given to you, and
- (b) serve a copy of that Answer or Demand of Notice on the Petitioner at the address for service given in the Petition for Divorce,

DATED at \_\_\_\_\_, in \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_;  
*(community) (territory or province) (month and day) (year)*

\_\_\_\_\_  
Clerk of the Nunavut Court of Justice

**FORM 3**

(Subrule 9(2))

**IN THE NUNAVUT COURT OF JUSTICE**

BETWEEN:

\_\_\_\_\_  
Petitioner

- and -

\_\_\_\_\_  
Respondent

**AFFIDAVIT OF SERVICE**

I, \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, in \_\_\_\_\_, MAKE OATH (OR SOLEMNLY AFFIRM) AND SAY AS FOLLOWS:

1. I did on \_\_\_\_\_, \_\_\_\_\_, personally serve the above-named Respondent with  
(month and day) (year)  
the attached Petition for Divorce together with Notice to Respondent attached to the Petition, marked respectively as exhibits "A" and "B" to this affidavit, by delivering true copies of the Petition for Divorce and Notice to Respondent to the Respondent on that day at \_\_\_\_\_.

2. At the time of service, I asked the Respondent what their mailing address is and the Respondent informed me and I believe it to be true that their mailing address is

\_\_\_\_\_  
\_\_\_\_\_

3. My means of knowledge as to the identity of the person served were as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SWORN before me at the \_\_\_\_\_ )  
of \_\_\_\_\_ in \_\_\_\_\_ )  
on \_\_\_\_\_, \_\_\_\_\_ )  
(month and day) (year)

\_\_\_\_\_

\_\_\_\_\_  
(Signature of deponent)

Note: This affidavit must be sworn before a person authorized to take affidavits by the Evidence Act.

**FORM 4**

*(Subrule 11(1))*

**IN THE NUNAVUT COURT OF JUSTICE**

BETWEEN:

\_\_\_\_\_  
Petitioner

**- and -**

\_\_\_\_\_  
Respondent

**ANSWER**

1. The Respondent agrees to the following relief sought by the Petitioner:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. The Respondent contests the following part or parts of the Petition for Divorce:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The Respondent's grounds for contesting the Petition for Divorce are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATED at \_\_\_\_\_, in \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_;  
*(community) (territory or province) (month and day) (year)*

\_\_\_\_\_  
Petitioner or legal adviser for the Petitioner

The Petitioner's address is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Petitioner's address for service is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FORM 5**

*(Subrule 11(2))*

**IN THE NUNAVUT COURT OF JUSTICE**

**COUNTER PETITION**

**TO THIS HONOURABLE COURT:**

1. The respondent applies for a Divorce Judgment and the following relief: *(or if only relief is sought: The respondent applies for the following relief:)*

- (a) a parenting order for the child(ren) of the marriage: \_\_\_\_\_;
- (b) support for the child(ren) of the marriage in the amount of \$ \_\_\_\_\_ per month;
- (c) support for myself in the amount of \$ \_\_\_\_\_ per month or a lump sum of \$ \_\_\_\_\_
- (d) costs.

*(Delete reference to any relief not being sought and fill in amounts where maintenance is requested.)*

*(If a cause of action is joined pursuant to rule 5, specify relief claimed and add an item after item 9 of this form providing particulars of the claim.)*

*(Include in the Counter Petition items 2, 3 and 4 where the Respondent seeks a divorce.)*

2. Petitioner's grounds for seeking a divorce are that there has been a breakdown of the marriage by \_\_\_\_\_  
*(Provide those grounds set out in subsection 8(2) of the Divorce Act (Canada) as are applicable.)*

3. (1) There is no possibility of reconciliation.

(2) The following efforts to reconcile have been made:

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4. There has been no collusion in relation to this counter Petition for Divorce, that is, there has been no agreement or conspiracy between the Petitioner and the Respondent, directly or indirectly, for the purpose of subverting the administration of justice, and no agreement, understanding or arrangement to fabricate or suppress evidence or to deceive the Court *(if the Counter Petition is based on the grounds set out in paragraph 8(2)(b) of the Divorce Act (Canada) add:* and there has been no condonation or connivance on the part of the Petitioner in the bringing of this Counter Petition).

*(If otherwise in respect of item 4, give particulars and the facts that justify the granting of the Divorce Judgment in any event.)*

5. (1) The particulars of the Respondent's marriage are as set out in item 5 of the Petition (or are as follows:

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(2) The addresses of the parties are as set out in item 6 of the Petition (or are as follows:

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*(If there are no children of the marriage and if spousal support is not an issue, delete items 6, 7, 8 and 9.)*

6. (1) The particulars regarding children are as set out in item 7(a) of the Petition (or are as follows:

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(2) the Respondent proposes the following arrangements for parenting time:

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(3) the Respondent proposes the following arrangements for decision-making responsibility:

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(4) the following financial arrangements for the support of the child(ren) have been made:

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*OR*

the Respondent proposes the following financial arrangements for the support of the child(ren) having regard to the relief claimed:

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7. The particulars of all written or oral agreements between the Petitioner and the Respondent regarding the support of the Petitioner, the Respondent and the child(ren) of the



marriage, and regarding parenting time and decision-making responsibility are as set out in item 8 of the Petition (or as follows:

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8. The particulars of all court proceedings regarding the marriage, support of the parties or child(ren) and regarding parenting time and decision-making responsibility are as set out in item 9 of the Petition (or are as follows:

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9. To the best of my knowledge, I have provided below all relevant information respecting any of the following which are pending or in effect with respect to the parties or the child(ren) of the marriage:

- (a) an emergency protection order, a community intervention order, an assistance order or other civil protection order, or a proceeding in relation to such an order;
- (b) a child protection order, proceeding, agreement or measure;
- (c) an order, proceeding, undertaking or recognizance in relation to any matter of a criminal nature.

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*(Where a claim or cause of action is joined under rule 5, set out the particulars of the claim or cause here.)*

\_\_\_\_\_  
Respondent or legal adviser for the Respondent

The Respondent's address is:

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The Respondent's address for service is:

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**STATEMENT OF RESPONDENT**

I, \_\_\_\_\_, the Respondent, certify to this Court that I am aware of my duties as follows:

- (a) if I am allocated parenting time or decision-making responsibility in respect of a child of marriage, I must exercise that time or responsibility in a manner consistent with the best interests of the child;
- (b) I must, to the best of my ability, protect any child of the marriage from conflict arising from these proceedings;
- (c) to the extent that it is appropriate to do so, I must try to resolve the matters that may be subject to an order under the *Divorce Act* (Canada) through a family dispute resolution process;
- (d) I must provide complete, accurate and up-to-date information if required to do so under the *Divorce Act* (Canada);
- (e) if I am subject to an order made under the *Divorce Act* (Canada), I must comply with the order until it is no longer in effect.

DATED at \_\_\_\_\_, in \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_;  
(community) (territory or province) (month and day) (year)

\_\_\_\_\_  
(Signature of Respondent)

*If the Respondent seeks a divorce and is represented by a legal adviser the following must be added:*

**STATEMENT OF LEGAL ADVISER**

I, \_\_\_\_\_, the legal adviser for \_\_\_\_\_, the Respondent, certify to this Court that I have complied with section 7.7 of the *Divorce Act* (Canada).

DATED at \_\_\_\_\_, in \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_;  
(community) (territory or province) (month and day) (year)

\_\_\_\_\_  
(Signature of legal adviser)

\_\_\_\_\_  
Clerk of the Nunavut Court of Justice

**FORM 6**

*(Subrule 11(5))*

**IN THE NUNAVUT COURT OF JUSTICE**

BETWEEN:

\_\_\_\_\_  
Petitioner

**- and -**

\_\_\_\_\_  
Respondent

**DEMAND OF NOTICE**

Take notice that the Respondent demands that notice of any proceeding to be taken in this action be given to the Respondent at the Respondent's address for service.

DATED at \_\_\_\_\_, in \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_;  
*(community) (territory or province) (month and day) (year)*

\_\_\_\_\_  
Respondent or legal adviser for the Respondent

The Respondent's address is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Respondent's address for service is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FORM 7**

*(Subrule 14(1))*

**IN THE NUNAVUT COURT OF JUSTICE**

**JOINT PETITION FOR DIVORCE**

THIS IS THE JOINT PETITION FOR DIVORCE OF:

*(Insert names and addresses of both spouses)*

TO THIS HONOURABLE COURT:

1. (1) The Petitioners claim a divorce from each other *(add if support, a parenting order, costs or other relief is claimed: and, by consent, an order for:*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_)

(2) The Petitioners state that there has been a breakdown of the marriage under paragraph 8(2)(a) of the *Divorce Act* (Canada), the particulars of which are that the Petitioners are living separate and apart at the time of commencement of this proceeding and have lived separate and apart since \_\_\_\_\_, \_\_\_\_\_.  
*(month and day) (year)*

2. (1) There is no possibility of reconciliation.

(2) The following efforts to reconcile have been made:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. There has been no collusion in relation to this Petition for Divorce, that is, there has been no agreement or conspiracy between the parties, directly or indirectly, for the purpose of subverting the administration of justice, and no agreement, understanding or arrangement to fabricate or suppress evidence or to deceive the Court.

4. (1) The particulars of the parties' marriage are as follows:

(a) the date of the marriage was \_\_\_\_\_, \_\_\_\_\_.  
*(month and day) (year)*

(b) the place of the marriage was \_\_\_\_\_;

(c) the parties' surnames before marriage were as follow:

_____	_____
(Current name)	(Surname before marriage)
_____	_____
(Current name)	(Surname before marriage)

(d) the parties' marital statuses at the time of marriage were as follows:

_____	_____
(Current name)	(Marital status at time of marriage)
_____	_____
(Current name)	(Marital status at time of marriage)

(e) the parties' birthdays are as follows:

_____	_____, _____
(Current name)	(month and day) (year)
_____	_____, _____
(Current name)	(month and day) (year)

(f) the parties ceased cohabiting with each other on \_\_\_\_\_, \_\_\_\_\_;  
(month and day) (year)

(2) A certificate of the marriage or a certified copy of the registration of the marriage is attached to this petition, which accurately sets out the particulars of the marriage (or cannot be obtained for the following reason:

*State reason, e.g. all records destroyed by fire in marriage registry in country where marriage took place. If a marriage certificate cannot be obtained, the circumstances of the marriage must be set out: the place and date, the licence, the person who performed the marriage, the witnesses, and the fact that the parties then considered themselves married. A certificate from a religious ceremony may, in addition, be appended to the Petition. It is expected that a marriage certificate from a marriage in Canada will be obtained.)*

5. (1) The addresses of the parties are as follows:

_____	_____
(Current name)	_____
_____	_____
(Current name)	_____

(2) The parties have (*or* party \_\_\_\_\_ has) been habitually resident in Nunavut for at least one year immediately preceding the date of this Petition.

*(If there are no children of the marriage and if spousal support is not requested, indicate in item 6(a) that there are no children of the marriage and omit the remainder of item 6 and items 7, 8 and 9.)*

6. (1) The particulars regarding the child(ren) of the marriage are as follows:

(a) the names and dates of birth of all the children are:

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(b) the parties consent a parenting order respecting parenting time as follows:

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(c) the parties consent a parenting order respecting decision-making responsibility as follows:

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(d) the following financial arrangements for the support of the child(ren) have been made:

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(2) The facts in support of the proposed terms as to parenting time, decision-making responsibility and support are as follows:

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7. The particulars of all written or oral agreements between the parties regarding the support of each other, the support of the child(ren) of the marriage and parenting time and decision-making responsibility are as follows:

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8. The particulars of all court proceedings regarding the marriage, support of the parties or child(ren) and parenting time and decision-making responsibility are as follows:

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9. To the best of our knowledge, we have provided below all relevant information respecting any of the following which are pending or in effect with respect to the parties or the child(ren) of the marriage:

- (a) an emergency protection order, a community intervention order, an assistance order or other civil protection order, or a proceeding in relation to such an order;
- (b) a child protection order, proceeding, agreement or measure;
- (c) an order, proceeding, undertaking or recognizance in relation to any matter of a criminal nature.

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10. The Petitioners state that they are presenting this Joint Petition for Divorce with full knowledge that

- (a) each of them is entitled to obtain legal advice independently of the other;
- (b) each of them is entitled to be separately represented by a lawyer of their own choice; and
- (c) neither of them can legally be forced or required by the other to seek a divorce or to sign this Petition for Divorce.

*(Add the following if signed by a Petitioner or both Petitioners personally.)*

Signed by the Petitioners at \_\_\_\_\_ in Nunavut, on \_\_\_\_\_, \_\_\_\_\_,  
(month and day) (year)  
the petitioners certifying that the statements in this Petition for Divorce are true.

\_\_\_\_\_  
*(Signature of Petitioner  
or legal adviser for the Petitioner)*

\_\_\_\_\_  
*(Signature of Petitioner  
or legal adviser for the Petitioner)*

*(Where the Petitioners act in person, strike out "Statement of Legal Adviser" following, and add:*

Name of Petitioner: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_

Name of Petitioner: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_)

### STATEMENT OF PETITIONERS

We, \_\_\_\_\_ and \_\_\_\_\_, the Petitioners, each certify to this Court that we are aware of our duties as follows:

- (a) if we are allocated parenting time or decision-making responsibility in respect of a child of marriage, we must exercise that time or responsibility in a manner consistent with the best interests of the child;
- (b) we must, to the best of our ability, protect any child of the marriage from conflict arising from these proceedings;
- (c) to the extent that it is appropriate to do so, we must try to resolve the matters that may be subject to an order under the *Divorce Act* (Canada) through a family dispute resolution process;
- (d) we must provide complete, accurate and up-to-date information if required to do so under the *Divorce Act* (Canada);
- (e) if we are subject to an order made under the *Divorce Act* (Canada), we must comply with the order until it is no longer in effect.

DATED at \_\_\_\_\_, in \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_;  
(community) (territory or province) (month and day) (year)

\_\_\_\_\_  
(Signature of Petitioner)

\_\_\_\_\_  
(Signature of Petitioner)

### STATEMENT OF LEGAL ADVISER

I, \_\_\_\_\_, the legal adviser for \_\_\_\_\_, one of the Petitioners in this divorce proceeding, certify to this Court that I have complied with section 7.7 of the *Divorce Act* (Canada).

DATED at \_\_\_\_\_, in \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_;  
(community) (territory or province) (month and day) (year)

\_\_\_\_\_  
(Signature of legal adviser)

\_\_\_\_\_  
Clerk of the Nunavut Court of Justice



**FORM 8**

*(Rule 17)*

**IN THE NUNAVUT COURT OF JUSTICE**

*(Style of cause)*

**FINANCIAL STATEMENT**

I, \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, in \_\_\_\_\_, MAKE OATH (*OR* SOLEMNLY AFFIRM) AND SAY AS FOLLOWS:

1. The particulars of my income and expenses are accurately set out below:

**MONTHLY INCOME**

**INCOME**

Total gross income from all sources	_____
Northern Allowance	_____
Child tax benefit	_____
Pension (specify)	_____
Workers' Compensation	_____
Income assistance	_____
Investments	_____
Other (specify)	_____
Total income	_____

**DEDUCTIONS**

Income tax	_____
Payroll tax	_____
Union dues	_____
Employment insurance	_____
Pension plans and superannuation	_____
Canada Pension Plan	_____
Payroll savings	_____
Dental plan, insurance and charities (specify)	_____
Other (specify)	_____
Total deductions	_____

<b>Total monthly net income</b>	_____
<i>(Total income less total deductions)</i>	

**ACTUAL MONTHLY EXPENSES**

**HOUSING**

Rent or mortgage \_\_\_\_\_  
Property taxes \_\_\_\_\_  
Home insurance \_\_\_\_\_  
Utilities (water and power) \_\_\_\_\_  
Heating \_\_\_\_\_  
Repairs and maintenance \_\_\_\_\_  
Telephone (including cellphone) \_\_\_\_\_  
Internet (including online subscription services) \_\_\_\_\_  
Cable or satellite television \_\_\_\_\_

**TRANSPORTATION**

Gas and oil \_\_\_\_\_  
Insurance and registration \_\_\_\_\_  
Maintenance \_\_\_\_\_  
Public transportation (including taxis) \_\_\_\_\_  
Other (specify) \_\_\_\_\_

**PERSONAL CARE**

Health and medical insurance \_\_\_\_\_  
Life insurance \_\_\_\_\_  
Retirement savings plan \_\_\_\_\_  
Prescriptions \_\_\_\_\_  
Dental Care \_\_\_\_\_  
Hairdresser/barber \_\_\_\_\_  
Toiletries \_\_\_\_\_

**MISCELLANEOUS**

Food, groceries and household supplies \_\_\_\_\_  
Meals outside the home \_\_\_\_\_  
Clothing \_\_\_\_\_  
Laundry and dry cleaning \_\_\_\_\_  
Alcohol, cannabis, tobacco, e-cigarettes (specify) \_\_\_\_\_  
Entertainment \_\_\_\_\_  
Vacation savings \_\_\_\_\_  
Education (school fees) \_\_\_\_\_  
Books \_\_\_\_\_  
Music lessons \_\_\_\_\_  
Recreation \_\_\_\_\_  
Newspaper publications \_\_\_\_\_  
Stationery \_\_\_\_\_  
Babysitting and daycare \_\_\_\_\_  
Children's allowance/gifts \_\_\_\_\_  
Support payments to other relatives \_\_\_\_\_  
Savings for future \_\_\_\_\_  
Other (specify) \_\_\_\_\_

**Total actual monthly expenses** \_\_\_\_\_

**DEBTS**

**BANK LOANS (include the following information for every loan)**

Name and address of loan holder: \_\_\_\_\_  
Amount outstanding \_\_\_\_\_  
Monthly payments \_\_\_\_\_  
Arrears (if any) \_\_\_\_\_

**MORTGAGES (include the following information for every mortgage)**

Name and address of mortgagee: \_\_\_\_\_  
Amount outstanding \_\_\_\_\_  
Monthly payments \_\_\_\_\_  
Arrears (if any) \_\_\_\_\_

**CREDIT CARDS (include the following information in respect of every creditor)**

Name and address of creditor: \_\_\_\_\_  
Amount outstanding \_\_\_\_\_  
Monthly payments \_\_\_\_\_  
Arrears (if any) \_\_\_\_\_

**OTHER DEBTS (include the following information for every debt and specify what the debt is for)**

Name and address of creditor: \_\_\_\_\_  
Amount outstanding \_\_\_\_\_  
Monthly payments \_\_\_\_\_  
Arrears (if any) \_\_\_\_\_

**Total debts** (Bank loans + mortgages + credit cards + other debts) \_\_\_\_\_  
**Total amount of debt payable each month** \_\_\_\_\_

**NON-MONETARY BENEFITS**

Non-monetary benefits received from any source (specify): \_\_\_\_\_

**SUMMARY**

Total net income \_\_\_\_\_  
Less: total actual monthly expenses \_\_\_\_\_  
Less: total amount of debt payable each month \_\_\_\_\_  
Balance (or deficit) \_\_\_\_\_

2. The particulars regarding my employment are as follows:

(a) the name and address of my employer is

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(b) I am paid every \_\_\_\_\_;

(c) the total income declared on my last income tax return in \_\_\_\_ (year) was  
\$ \_\_\_\_\_ and my net taxable income was \$ \_\_\_\_\_.

SWORN before me at the \_\_\_\_\_ )  
of \_\_\_\_\_ in \_\_\_\_\_ )  
on \_\_\_\_\_, \_\_\_\_\_ )  
(month and day) (year)

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(Signature of deponent)

*Note: This affidavit must be sworn before a person authorized to take affidavits by the Evidence Act.*

**FORM 9**

(Rule 17)

**IN THE NUNAVUT COURT OF JUSTICE**

(Style of cause)

**STATEMENT OF PROPERTY**

I, \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, in \_\_\_\_\_, MAKE OATH (OR SOLEMNLY AFFIRM) AND SAY AS FOLLOWS:

1. The particulars of all my property are accurately set out below:

**LAND**

*(Include any interest in land owned on the date of separation or acquired and not disposed of since that date, including leasehold interests and mortgages, whether or not you are registered as owner. Include claims to an interest in land, but do not include claims that you are making against your spouse in this or a related proceeding. Show estimated market value of your interest without deducting encumbrances or costs of disposition, and show encumbrances and costs of disposition under Debts and Other Liabilities.)*

NATURE OF OWNERSHIP <i>State percentage interest where relevant</i>	NATURE AND ADDRESS OF PROPERTY	ESTIMATED MARKET VALUE OF YOUR INTEREST AS OF: <i>See instructions above.</i>		
		Date of marriage	Date of separation	Date of statement
	TOTAL \$			

### GENERAL HOUSEHOLD ITEMS AND VEHICLES

(Show estimated value, not cost of replacement, for these items owned on the date of separation or acquired and not disposed of since that date. Do not deduct encumbrances here, but show encumbrances under Debts and Other Liabilities.)

ITEM	PARTICULARS	ESTIMATED MARKET VALUE OF YOUR INTEREST AS OF: <i>See instructions above.</i>		
		Date of marriage	Date of separation	Date of statement
General household contents at <ul style="list-style-type: none"> <li>• matrimonial home or</li> <li>• elsewhere</li> </ul> Jewellery Works of art Vehicles and boats  Other items (list)				
TOTAL \$				

### SAVINGS AND SAVINGS PLANS

(Show items owned on the date of separation or acquired and not disposed of since that date by category. Include cash, accounts in financial institutions, registered retirement or other savings plans, deposit receipts, pensions and any other savings.)

CATEGORY	INSTITUTION	ACCOUNT	AMOUNT AS OF:		
			Date of marriage	Date of separation	Date of statement
TOTAL \$					

**SECURITIES**

*(Show items owned on the date of separation or acquired and not disposed of since that date by category. Include shares, bonds, warrants, options, debentures, notes and any other securities. Give your best estimate of market value if the items were to be sold on an open market.)*

CATEGORY	NUMBER	DESCRIPTION	ESTIMATED MARKET VALUE AS OF:		
			Date of marriage	Date of separation	Date of statement
		TOTAL \$			

**LIFE AND DISABILITY INSURANCE**

*(List all policies owned on the date of separation or acquired and not disposed of since that date.)*

COMPANY AND POLICY NO.	KIND OF POLICY	OWNER	BENEFICIARY	FACE AMOUNT	CASH SURRENDER VALUE AS OF:		
					Date of marriage	Date of separation	Date of statement
				TOTAL \$			

**ACCOUNTS RECEIVABLE**

*(Give particulars of all debts owing to you on the date of separation or incurred since that date and owing to you as of the date of this statement, whether arising from business or from personal dealings.)*

PARTICULARS	AMOUNT AS OF:		
	Date of marriage	Date of separation	Date of statement
TOTAL \$			

**BUSINESS INTERESTS**

*(Show any interest in an unincorporated business owned on the date of separation or acquired since that date. A controlling interest in an incorporated business may be shown here or under Securities. Give your best estimate of market value if the business were to be sold on an open market.)*

NAME OF FIRM OR COMPANY	INTEREST	ESTIMATED MARKET VALUE AS OF:		
		Date of marriage	Date of separation	Date of statement
	TOTAL \$			



**OTHER PROPERTY**

*(Show other property owned on the date of separation by categories. Include property of any kind not shown above. Give your best estimate of market value.)*

CATEGORY	PARTICULARS	ESTIMATED MARKET VALUE AS OF:		
		Date of marriage	Date of separation	Date of statement
	TOTAL \$			

**DEBTS AND OTHER LIABILITIES**

*(Show your debts and other liabilities on the date of separation and those outstanding as of the date of this statement, whether arising from personal or business dealings, by category such as mortgages, charges, liens, notes, credit cards and accounts payable. Include contingent liabilities such as guarantees and indicate that they are contingent.)*

CATEGORY	PARTICULARS	AMOUNT AS OF:		
		Date of marriage	Date of separation	Date of statement
	TOTAL \$			

**PROPERTY, DEBTS AND OTHER LIABILITIES ON DATE OF MARRIAGE**

*(Show by category the value of your property and your debts and other liabilities calculated as of the date of your marriage that were not otherwise included above.)*

CATEGORY	PARTICULARS	VALUE AS OF DATE OF MARRIAGE	
		Assets	Liabilities
	TOTAL \$	\$	\$

**DISPOSAL OF PROPERTY**

*(Show the value by category of all property that you disposed of since the date of separation.)*

CATEGORY	PARTICULARS	VALUE
		\$

SWORN before me at the \_\_\_\_\_ )  
of \_\_\_\_\_ in \_\_\_\_\_ )  
on \_\_\_\_\_, \_\_\_\_\_ )  
                    (month and day)                      (year)

\_\_\_\_\_

\_\_\_\_\_  
*(Signature of deponent)*

*Note: This affidavit must be sworn before a person authorized to take affidavits by the Evidence Act.*

**FORM 10**

*(Subrule 17(5))*

**IN THE NUNAVUT COURT OF JUSTICE**

*(Style of cause)*

**NOTICE TO DISCLOSE**

**PART A**

You are hereby required to provide to the Applicant, within five days after service of this Notice, the following:

- (a) a copy of the income tax returns for each of the last three years made by you and a copy of the assessment notices received by you in the last three years or a Canada Revenue Agency printout of your income tax returns for the last three years;
- (b) a copy of your three most recent pay remittance stubs or a statement from your employer setting out your gross pay for the year to date and any deductions made to date;
- (c) a copy of every cheque issued or other payment made to you during the last six weeks from any business or corporation in which you have an interest or to which you have rendered a service;
- (d) a financial statement in Form 8 of the *Nunavut Divorce Rules*.

**PART B**

You are hereby required to provide to the Applicant, within 30 days after service of this Notice, the following:

- (a) a statement of property in Form 9 of the *Nunavut Divorce Rules*;
- (b) a copy of the financial statements of any privately held corporation, partnership, firm or business in which you have more than a 1% interest for each of the last three years;
- (c) a copy of \_\_\_\_\_ *(specify documents or information requested)*.

DATED at \_\_\_\_\_, in \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_;  
*(community) (territory or province) (month and day) (year)*

\_\_\_\_\_  
Legal adviser for the applicant

The requested documents are to be delivered to:

*(Insert name of lawyer and address)*

*(Counsel may request one or more of the above depending on the nature of the action, i.e. matrimonial property, corollary relief or variation in a divorce action).*

**FORM 11**

*(Subrules 20(4)(a) and 21(1)(a))*

**IN THE NUNAVUT COURT OF JUSTICE**

*(Style of cause)*

**REQUEST FOR DIVORCE  
(WITHOUT ORAL HEARING)**

TO THE CLERK OF THE COURT:

1. I request that this action be set for hearing as an undefended divorce to be considered on the basis of affidavit evidence.
2. Service of the Petition for Divorce on my spouse was effected by \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_ as indicated in the Affidavit of Service filed in this proceeding.  
*(month and day) (year)*
3. The affidavit of evidence to be considered with my Petition for Divorce has been filed and is attached to this Request.
4. The Respondent has not filed an Answer or a Demand of Notice (*or* has filed a Demand of Notice but has consented to this request by consent endorsed on this Request).
5. The Respondent's address is \_\_\_\_\_.
6. The address of the Respondent's legal adviser is \_\_\_\_\_.
7. The Petitioner's address is \_\_\_\_\_.
8. The address of the Petitioner's legal adviser is \_\_\_\_\_.

DATED at \_\_\_\_\_, in \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_;  
*(community) (territory or province) (month and day) (year)*

\_\_\_\_\_  
*(Signature of Petitioner or legal adviser for the Petitioner)*

*(Notes: 1. Where this form is signed by the legal adviser then appropriate grammatical changes should be made to items 1, 2 and 3.*

*2. Where a Joint Petition for Divorce has been issued, items 2 and 4 must be deleted and the appropriate changes must be made to items 1, 3 and 5 to 8).*

**FORM 12**

(Subrule 20(5))

**IN THE NUNAVUT COURT OF JUSTICE**

BETWEEN:

\_\_\_\_\_  
Petitioner

**- and -**

\_\_\_\_\_  
Respondent

**AFFIDAVIT OF THE APPLICANT**

I, \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, in \_\_\_\_\_,  
MAKE OATH (OR SOLEMNLY AFFIRM) AND SAY AS FOLLOWS:

**PARTIES:**

1. I am the spouse of the Respondent (or Petitioner) whose last known address is  
\_\_\_\_\_ in the \_\_\_\_\_, in \_\_\_\_\_.  
(mailing address) (name of community) (province or territory)

**MARRIAGE:**

2. I was married to the Respondent (or Petitioner), \_\_\_\_\_, on  
\_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_, in \_\_\_\_\_, and attached to and  
(month and day) (year) (name of community) (province or territory)  
marked Exhibit "A" to this affidavit is a certified copy of a marriage certificate issued by the  
\_\_\_\_\_, which accurately sets the particulars of my marriage.  
(name of issuer and province or territory in which it was issued)

*(If a marriage certificate cannot be obtained, the marriage must be proved by setting out the circumstances of the marriage: the place and date, the licence, the person who performed the marriage, the witnesses, and the fact that the parties then considered themselves married. A certificate from a religious ceremony may, in addition, be appended as an exhibit. It is expected that a marriage certificate from a marriage in Canada will be obtained.)*

**RESIDENCE:**

3. I (or the Respondent or Petitioner) have been habitually resident in Nunavut for a period of at least one year immediately preceding the day the Petition for Divorce was issued in this divorce proceeding.

**GROUND:**

4. There has been a marriage breakdown, which is evidenced by the following:

I separated from the Respondent on \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_, in \_\_\_\_\_, and have lived  
(month and day) (year) (name of community) (province or territory)  
separate and apart from the Respondent since that date, which is a period in excess of one year.

OR

There has been a marriage breakdown, which is evidenced by the following:

- (a) The Respondent has committed adultery as evidenced by his (or her) affidavit filed in this divorce proceeding;
- (b) I separated from the Respondent on \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_, in \_\_\_\_\_, and  
(month and day) (year) (name of community) (province or territory)  
have lived separate and apart from the Respondent since that date.

OR

There has been a marriage breakdown, which is evidenced by the following:

- (a) The Respondent has treated me with mental or physical cruelty, particulars of which are as follows:

*(Here put in the details of the conduct that the applicant alleges establishes the existence of the mental or physical cruelty.)*

- (b) I separated from the Respondent on \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_, in \_\_\_\_\_, and  
(month and day) (year) (name of community) (province or territory)  
have lived separate and apart from the Respondent since that date.

**BARS TO DIVORCE:**

5. (1) I have not entered into any agreement or conspiracy, either directly or indirectly, for the purpose of subverting the administration of justice, nor have I entered into any agreement, understanding or arrangement to fabricate or suppress evidence or to deceive the Court in this action.

*(The following two paragraphs are applicable only if the grounds are adultery or mental or physical cruelty.)*

(2) I have not done anything to encourage the Respondent to commit the acts complained of, nor have I done anything which would have led the Respondent to believe that I would agree or not object to such acts.

(3) I have not forgiven the Respondent for committing the acts described in this affidavit and have not taken him (*or her*) back to live with me as my spouse.

**CHILDREN, CHILD CARE AND FINANCIAL ARRANGEMENTS FOR CHILDREN:**

6. There are no children of the marriage as defined in the *Divorce Act* (Canada).

*OR*

(1) There are \_ children of the marriage, as defined in the *Divorce Act* (Canada), namely:

\_\_\_\_\_, born on \_\_\_\_\_, \_\_\_\_\_,  
(month and day) (year)

\_\_\_\_\_, born on \_\_\_\_\_, \_\_\_\_\_,  
(month and day) (year)

\_\_\_\_\_, born on \_\_\_\_\_, \_\_\_\_\_,  
(month and day) (year)

(2) *(Set out arrangements for parenting time and decision-making responsibility).*

(3) The following arrangements have been made for the support of the child(ren) of the marriage and it is my belief that these are reasonable arrangements as required by paragraph 11(1)(b) of the *Divorce Act* (Canada):

- (a) *(set out amount to be paid each month plus any other benefits to be provided);*
- (b) *(set out Petitioner's income and occupation);*
- (c) *(set out Petitioner's monthly expenses);*
- (d) *(set out Respondent's income and occupation);*
- (e) *(detail other financial information relevant to assets, income and expenses and verify information contained in any financial statements attached to the Petition or other pleading);*
- (f) *(indicate whether any of the children have special needs);*
- (g) *(provide any other information necessary to satisfy the Court that the arrangements are reasonable).*

*(In addition, a copy of any agreement may be attached).*

**SPOUSAL SUPPORT:**

7. The following arrangements have been made for spousal support:

**FINANCIAL STATEMENTS**

8. My financial statement, filed on \_\_\_\_\_, is accurate (*or if the financial statement is no longer accurate: is no longer accurate and attached to and marked Exhibit "B" to this affidavit is my financial statement and it is accurate*).

**RECONCILIATION:**

9. There is no possibility of reconciliation between my spouse and me.

**PETITION FOR DIVORCE:**

10. I have read the Petition for Divorce filed in this divorce proceeding and the information contained in the Petition is correct except where otherwise stated in this affidavit.

**RELIEF REQUESTED:**

11. This affidavit is made in support of an application for the following relief:

*(Set out in list form relief being requested.)*

SWORN before me at the \_\_\_\_\_ )  
of \_\_\_\_\_ in \_\_\_\_\_ )  
on \_\_\_\_\_, \_\_\_\_\_ )  
*(month and day) (year)*

\_\_\_\_\_  
*(Signature of deponent)*

*Note: This affidavit must be sworn before a person authorized to take affidavits by the Evidence Act.*



**FORM 13**

*(Subrule 21(2))*

**IN THE NUNAVUT COURT OF JUSTICE**

IN THE MATTER OF the Joint Petition for  
Divorce of \_\_\_\_\_ and \_\_\_\_\_

**AFFIDAVIT OF THE APPLICANT  
(JOINT PETITION)**

I, \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, in \_\_\_\_\_,  
MAKE OATH (*OR SOLEMNLY AFFIRM*) AND SAY AS FOLLOWS:

1. I am the spouse of the Petitioner \_\_\_\_\_ .
2. I have read the Joint Petition for Divorce filed in this divorce proceeding and the information in the Petition is correct (*or add: except as corrected in this affidavit and set out any corrections*).

*Add, where a financial statement or statement of property is filed:*

3. My financial statement, filed \_\_\_\_\_, is accurate.

SWORN before me at the \_\_\_\_\_ )  
of \_\_\_\_\_ in \_\_\_\_\_ )  
on \_\_\_\_\_, \_\_\_\_\_ )  
(month and day) (year)

\_\_\_\_\_

\_\_\_\_\_  
(Signature of deponent)

*Note:* 1. Where the affidavit is made by the Petitioners jointly, the appropriate changes must be made to items 1 and 2.

2. This affidavit must be sworn before a person authorized to take affidavits by the Evidence Act. 1.

**FORM 14**

*(Subrule 22(1))*

**IN THE NUNAVUT COURT OF JUSTICE**

*(Style of cause)*

BEFORE THE HONOURABLE ) \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_, Nunavut  
IN CHAMBERS

**DIVORCE JUDGMENT**  
**(WITHOUT ORAL EVIDENCE)**

The Petition for Divorce coming on this day, and upon reading the pleadings and the Affidavit of \_\_\_\_\_;

IT IS HEREBY ADJUDGED that the Court renders a Judgment of Divorce between the Petitioner and the Respondent (or the Petitioner \_\_\_\_\_ and the Petitioner \_\_\_\_\_), who were married on \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_, in \_\_\_\_\_,  
*(month and day) (year)*

the divorce to be effective on the 31st day after the day this Judgment is rendered, unless this Judgment is appealed before that 31st day.

ENTERED on \_\_\_\_\_, \_\_\_\_\_  
*(month and day) (year)*

\_\_\_\_\_  
Clerk of the Nunavut Court of Justice

*Note: The following must be added to the Divorce Judgment:*

THE SPOUSES ARE NOT FREE TO REMARRY UNTIL THIS JUDGMENT TAKES EFFECT, AT WHICH TIME EITHER SPOUSE MAY OBTAIN A CERTIFICATE OF DIVORCE FROM THIS COURT. IF AN APPEAL IS TAKEN FROM THIS JUDGMENT, IT MAY DELAY THIS JUDGMENT TAKING EFFECT.

**FORM 15**

*(Subrule 22(2))*

**IN THE NUNAVUT COURT OF JUSTICE**

*(Style of cause)*

BEFORE THE HONOURABLE ) \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_, Nunavut  
IN CHAMBERS

**DIVORCE JUDGMENT**

The Petition for Divorce coming on this day, and upon hearing what was adduced on behalf of the parties;

IT IS HEREBY ADJUDGED that the Court renders a Judgment of Divorce between the Petitioner and the Respondent, who were married on \_\_\_\_\_, \_\_\_\_\_ at  
*(month and day)* *(year)*  
\_\_\_\_\_, in \_\_\_\_\_, the divorce to be effective on the 31st day after the day this Judgment is rendered, unless this Judgment is appealed before that 31st day.

ENTERED on \_\_\_\_\_, \_\_\_\_\_  
*(month and day)* *(year)*

\_\_\_\_\_  
Clerk of the Nunavut Court of Justice

*Note: The following must be added to the Divorce Judgment:*

THE SPOUSES ARE NOT FREE TO REMARRY UNTIL THIS JUDGMENT TAKES EFFECT, AT WHICH TIME EITHER SPOUSE MAY OBTAIN A CERTIFICATE OF DIVORCE FROM THIS COURT. IF AN APPEAL IS TAKEN FROM THIS JUDGMENT, IT MAY DELAY THIS JUDGMENT TAKING EFFECT.



**FORM 17**

*(Subrule 25(1))*

**IN THE NUNAVUT COURT OF JUSTICE**

*(Style of cause)*

**REQUEST FOR A CERTIFICATE OF DIVORCE**

I, \_\_\_\_\_ of \_\_\_\_\_ in \_\_\_\_\_ hereby request  
that a Certificate of Divorce be issued.

DATED at \_\_\_\_\_, in \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_;  
*(community) (territory or province) (month and day) (year)*

\_\_\_\_\_  
*(Signature of the Petitioner or the Respondent  
or the legal adviser of either one)*

**FORM 18**

*(Subrule 25(2))*

**IN THE NUNAVUT COURT OF JUSTICE**

*(Style of cause)*

**CERTIFICATE OF DIVORCE**

This is to certify that the marriage of \_\_\_\_\_ and \_\_\_\_\_ that was solemnized on \_\_\_\_\_, \_\_\_\_\_ was dissolved by a judgment that became effective on \_\_\_\_\_, \_\_\_\_\_.

*(month and day) (year) (month and day) (year)*

DATED at \_\_\_\_\_, in \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_;

*(community) (territory or province) (month and day) (year)*

\_\_\_\_\_  
Clerk of the Nunavut Court of Justice

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PUBLISHED BY  
TERRITORIAL PRINTER FOR NUNAVUT  
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