

Part 58
Rules as to Practice and Procedure
in Controverted Elections under the
Local Authorities Election Act

Court of Queen’s Bench practice

813 The practice upon proceedings under the *Local Authorities Election Act*, where not provided for by the Act shall be governed by the practice for similar proceedings in the Court of Queen’s Bench.

AR 390/68 s813;338/83;155/84

Costs

814 The costs to be allowed for the proceedings shall be those allowed under Part 47.

AR 390/68 s814;338/83;101/99

Forms

815 The following form or forms to the like effect shall be used:

FORMS

I. Title

All proceedings shall be intituled as follows:

“In the Court of Queen’s Bench of Alberta
Judicial District of

“In the matter of a controverted election pursuant to the Local Authorities
Election Act.

A.B., Applicant

VS.

“C.D. (the person whose election is contested).
Respondent.”

II. Recognizance

(Formal part as above)

We, A.B. (the Applicant) and E.F. and G.H. (the sureties) acknowledge that we owe our Sovereign Lady the Queen, her heirs and successors,

Whereas the said A.B. has made application for leave to serve a notice of motion in the nature of a quo warranto upon C.D., a member of the elected authority of to determine the right of the said C.D. to his seat as such member; If, therefore, the said A.B. do prosecute the said motion with effect and do pay to the said C.D. any costs which may be adjudged to him against the said A.B. then this recognizance to be void, otherwise to stand in full force and virtue.

Taken and acknowledged before me thisday of, 19.....

(Judge or Commissioner, as the case may be.)

I, E.F., one of the sureties named in the foregoing (or annexed, or as the case may be) recognizance, make oath and say:

That I am possessed of property situate in the Province of Alberta which is not exempt from seizure under the Civil Enforcement Act of the value of at least dollars over and above what will pay all my just debts and all other sums for which I am surety.

Sworn before me at the of in the Province of Alberta this day of, 19.....

.....
A Commissioner &c.

AR 390/68 s815;338/83;155/84;277/95

Note

PART 59 Repealed by 152/2000 s14.

PART 60 Rules 825 - 838 - see **“Court of Queen’s Bench Criminal Rules”** tab

PART 61 Repealed by AR 341/77 s.6 and reenacted by Rules of the Appellate Division of the Supreme Court of Alberta as to Criminal Appeals. Rules 839 - 860E - see **“Court of Appeal Criminal Rules”** tab

see also **“Court of Appeal Criminal Practice Notes”** tab

PART 61.1 Repealed by AR 243/96 s. 42(2) and replaced by Court of Queen’s Bench. Replacement issued August 21, 1996. Rules 860.1 - 860.9 - see **“Court of Queen’s Bench Criminal Appeal Rules”** tab