

FORM 75.9

Courts of Justice Act

ORDER GIVING DIRECTIONS WHERE TRIAL OF ISSUES DIRECTED

(Headings in accordance with Form 59A)

IN THE ESTATE OF *(insert name)*, deceased.

B E T W E E N :

*(Name)*

Applicant  
(Moving Party)

- and -

*(Name)*

Respondent  
(Responding Party)

- and -

*(Name)*

Persons Submitting  
Rights to the Court

ORDER GIVING DIRECTIONS

THIS APPLICATION (*or* MOTION) made by (*identify applicant or moving party*) for directions, was heard on (*date*), at (*place*) (*or* by telephone conference *or* by video conference), with the lawyer(s) for (*insert name*), and (*insert name*) in attendance, and no one in attendance for (*insert name*), although properly served as appears from the affidavit of service, filed.

ON READING the notice of application (*or* notice of motion) and on hearing the submissions made,

1. THIS COURT ORDERS that the parties to the proceeding and the issues to be tried be as follows:

(a) (*insert name*) affirms and (*insert name*) denies that (*state nature of allegation*);

(b) (*list each issue in a separate paragraph, specifying which parties affirm and which deny*).

2. THIS COURT ORDERS that (*insert names*) are submitting their rights to the court.

2.1 THIS COURT ORDERS that (*insert directions relating to mandatory mediation under Rule 75.1*).

3. THIS COURT ORDERS that the applicant and respondent shall serve and file affidavits of documents and attend and submit to examinations for discovery in accordance with the Rules of Civil Procedure.
4. THIS COURT ORDERS that on filing the appropriate documents with the court, *(insert name)* shall be appointed as estate trustee during litigation.
5. THIS COURT ORDERS that this order giving directions shall be served by an alternative to personal service pursuant to rule 16.03 of the Rules of Civil Procedure, on the following persons: *(insert names)*
6. THIS COURT ORDERS that the issues be tried by a judge with *(or without)* a jury at *(place)* on a date to be fixed by the registrar.
7. THIS COURT ORDERS that the costs of this application *(or motion)* shall be *(insert amount)*

RCP-E 75.9 (September 1, 2020)