



PRACTICE NOTICE

“HOLIDAYS” FOR THE PURPOSE OF TRIBUNAL PROCEEDINGS

This practice notice is intended to provide guidance on the Tribunal’s current practice and the interpretation of relevant legislation. However, in the event of any inconsistency between this notice and the applicable legislation, the legislation prevails.

This practice notice deals with:

- the days that are to be considered holidays for the purpose of Tribunal proceedings;
- the extensions of time when deadlines fall on holidays; and
- the meaning of “working day” for the purpose of the *Canadian International Trade Tribunal Procurement Inquiry Regulations*.

DAYS THAT ARE TO BE CONSIDERED HOLIDAYS FOR THE PURPOSE OF TRIBUNAL PROCEEDINGS

As a general rule, days on which the Tribunal’s offices are not open for business because of holidays are not to be considered working days.¹ The Tribunal’s offices are closed on the following holidays:

- Saturdays and Sundays
- New Year’s Day (January 1)
- Good Friday
- Easter Monday
- Victoria Day (first Monday immediately preceding May 25)
- Canada Day (July 1)
- Civic Holiday (first Monday in August)
- Labour Day (first Monday in September)
- Thanksgiving Day (second Monday in October)
- Remembrance Day (November 11)
- Christmas Day (December 25)
- Boxing Day (December 26)

Where New Year’s Day, Canada Day or Remembrance Day falls on a Saturday or Sunday, the following Monday is a holiday. Where Boxing Day falls on a Saturday, the following Monday is a holiday. Where Christmas Day falls on a Saturday, Sunday being Boxing Day, the following Monday and Tuesday are holidays.

1. Under section 35 of the *Interpretation Act*, “holiday” is defined as including “. . . any day that is a non-judicial day by virtue of an Act of the legislature of the province . . .” Rule 1.03 of the *Ontario Rules of Civil Procedure*, which defines “non-judicial days” in the Province of Ontario, applies for this purpose. (See *Canada (Canadian Human Rights Commission) v Canada (Canadian Armed Forces)* (re Lagacé), [1996] F.C.J. No. 528 (F.C.A.).

EXTENSIONS OF TIME WHEN DEADLINES FALL ON HOLIDAYS

In accordance with sections 26 and 35 of the *Interpretation Act*, when any time limit for the filing of a document falls on a holiday, the time allowed is extended to the next day that is *not* a holiday. For example, when the time limit to file a document falls on a Saturday, the document may be filed on the following Monday. It is to be noted that, in respect of provincial and territorial holidays, the entitlement to an extension is dependent on the place where the document is delivered, i.e. the Tribunal, and not on the place of residence of the person for whom the document is filed or of their counsel. Entitlement to an extension is based on the days listed as holidays in this notice.

The Ontario Civic Holiday is considered a holiday, since the Tribunal's premises are in the province of Ontario. However, for the purpose of Tribunal proceedings, a day that is a holiday in a province or territory other than Ontario is *not* considered a holiday but a working day.

MEANING OF "WORKING DAY" FOR THE PURPOSE OF THE CANADIAN INTERNATIONAL TRADE TRIBUNAL PROCUREMENT INQUIRY REGULATIONS

Section 2 of the *Canadian International Trade Tribunal Procurement Inquiry Regulations* defines "working day" as ". . . a day that is not a Saturday or a holiday." Pursuant to sections 26 and 35 of the *Interpretation Act*, the days listed as holidays in this notice are not working days for the purpose of the *Canadian International Trade Tribunal Procurement Inquiry Regulations*.

Further information may be obtained from:

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Hélène Nadeau
Secretary

Dated at Ottawa, Ontario
this 18th day of July 2007