

How to Calculate Time for Serving and Filing Documents

When a document is to be served or filed within a defined number of days before or after a specified event, it is important to understand which days are counted. The [Rules of Court](#) will assist you in calculating the time within which to file and serve your document. Specifically [Rule 3.01](#) explains the rules regarding the computation of time and [Rule 3.02](#) governs the Court's discretion to extend or abridge time periods. The definition of a holiday is found in [Rule 1.04](#) and [s.38](#) of the *Interpretation Act*.

Below are some specific rules and examples to assist you in calculating time.

- 1. When counting days, you do not include the day of the event when calculating the deadline, but do include all other days.**

Example 1

If a defendant is served in New Brunswick a Statement of Claim on May 14, 2021, the defendant has twenty days to file and serve his Statement of Defence (Rule 20.01(a)). The deadline to file and serve his Statement of Defence is June 3, 2021.

May	June	July
S M T W T F S	S M T W T F S	S M T W T F S
	1 2 3 4 5	1 2 3
2 3 4 5 6 7 8	6 7 8 9 10 11 12	4 5 6 7 8 9 10
9 10 11 12 13 14 15	13 14 15 16 17 18 19	11 12 13 14 15 16 17
16 17 18 19 20 21 22	20 21 22 23 24 25 26	18 19 20 21 22 23 24
23 24 25 26 27 28 29	27 28 29 30	25 26 27 28 29 30 31
30 31		

Note: May 14th is not counted when the twenty days are counted, but June 3rd is counted.

- 2. When the number of days is 6 days or less, holidays are not counted. Holidays include Saturdays, Sundays and statutory holidays.**

Example 2

You filed a Notice of Motion, which is scheduled to be heard on June 14, 2021 at 9:30a.m. As the moving party, you are required to file with the Court a Motion Record at least 48 hours before the hearing of the motion (Rule 37.05). The Motion Record must be filed no later than June 10, 2021 at 9:30 a.m.

May	June	July
S M T W T F S	S M T W T F S	S M T W T F S
	1 2 3 4 5	1 2 3
2 3 4 5 6 7 8	6 7 8 9 10 11 12	4 5 6 7 8 9 10
9 10 11 12 13 14 15	13 14 15 16 17 18 19	11 12 13 14 15 16 17
16 17 18 19 20 21 22	20 21 22 23 24 25 26	18 19 20 21 22 23 24
23 24 25 26 27 28 29	27 28 29 30	25 26 27 28 29 30 31
30 31		

Note: June 12th and 13th are excluded in this example from the calculation of 48 hours because holidays includes weekends.

- 3. When the deadline to serve or file a document expires on a holiday (which includes Saturdays and Sundays), the document may be filed and served on the next day that is not a holiday.**

Example 3

If a respondent was served a Petition for Divorce on May 4, 2021 in New Brunswick, the respondent has twenty days to file with the Court and serve on the Petitioner, an Answer (Rule 72.08(2)(a)). The 20th day is a holiday, so the deadline to file and serve the Answer is May 25, 2021.

May							June							July							
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	
						1			1	2	3	4	5						1	2	3
2	3	4	5	6	7	8	6	7	8	9	10	11	12	4	5	6	7	8	9	10	
9	10	11	12	13	14	15	13	14	15	16	17	18	19	11	12	13	14	15	16	17	
16	17	18	19	20	21	22	20	21	22	23	24	25	26	18	19	20	21	22	23	24	
23	24	25	26	27	28	29	27	28	29	30				25	26	27	28	29	30	31	
30	31																				

Note: Monday, May 24th is Victoria Day, a holiday in New Brunswick.

- 4. The time you serve a document is important when counting the number of days. If a document, other than an originating process, is served after 4:00p.m. or on a holiday (which includes Saturdays and Sundays), the document is considered to have been served on the next day that is not a holiday.**

Example 4

You have filed a Notice of Motion to change the amount of child support being paid to you by your children’s father. The motion is scheduled to be heard on July 2, 2021 at 1:30 p.m. The Notice of Motion, together with the affidavits, your income information and Financial Statement must be served on the Respondent (your children’s father) no later than 25 days before the date of hearing (Rule 73.17.3(5)). The Respondent must be served on June 7, 2021 by 4:00 pm.

May							June							July							
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	
						1			1	2	3	4	5						1	2	3
2	3	4	5	6	7	8	6	7	8	9	10	11	12	4	5	6	7	8	9	10	
9	10	11	12	13	14	15	13	14	15	16	17	18	19	11	12	13	14	15	16	17	
16	17	18	19	20	21	22	20	21	22	23	24	25	26	18	19	20	21	22	23	24	
23	24	25	26	27	28	29	27	28	29	30				25	26	27	28	29	30	31	
30	31																				

Note: If the Respondent is served at 4:01 p.m., he is considered to have been served on June 8, 2021.