Form 7B

Courts of Justice Act

Request for Identification of litigation guardian

*(General heading)*

Request for Identification of litigation guardian

THE *(choose one:* PLAINTIFF; APPLICANT; DEFENDANT; RESPONDENT*)* BELIEVES THAT YOU, *(Name of party),* ARE UNDER A LEGAL DISABILITY, AS DEFINED IN RULE 1.03 OF THE RULES OF CIVIL PROCEDURE:

“disability”, where used in respect of a person, means that the person is,

(a) a minor,

(b) mentally incapable within the meaning of section 6 or 45 of the *Substitute Decisions Act, 1992* in respect of an issue in the proceeding, whether the person has a guardian or not, or

(c) an absentee within the meaning of the *Absentees Act*; (“incapable”, “incapacité”)

If you are a party under disability, you must have a litigation guardian to act on your behalf in this proceeding.

**NOTE:**

* If you are a **PLAINTIFF OR APPLICANT**, rule 7.02 sets out the circumstances in which a person is authorized to act as litigation guardian for a plaintiff or applicant under disability without obtaining a court order.
* If you are a **DEFENDANT OR RESPONDENT**, rule 7.03 sets out the circumstances in which a person is authorized to act as litigation guardian for a defendant or respondent under disability without obtaining a court order.
* A person who is authorized to act as litigation guardian without a court order **MUST** file an affidavit with the court that includes the information listed in rule 7.02 (6) or 7.03 (3) as the case may be.
* If there is no person who is authorized by rule 7.02 or rule 7.03 to act as a litigation guardian for a party under disability without a court order, then the court must appoint a litigation guardian in accordance with rule 7.03.1.

If you are a party under disability as defined above, A PROPER PERSON WILLING TO ACT AS YOUR LITIGATION GUARDIAN IS REQUIRED to promptly:

* file an affidavit under rule 7.02 or 7.03 to act as your litigation guardian, if they are authorized to act without a court order, or
* make a motion to this court under rule 7.03.1, to be appointed as your litigation guardian.

IF NEITHER STEP IS TAKEN WITHIN TEN DAYS after service of this request, the *(choose one:* plaintiff; applicant; defendant; respondent*)* may make a motion to have the court appoint a litigation guardian to act on your behalf.

**NOTE:** If you are over the age of 18 years and there is no proper person willing and able to act as your litigation guardian, the Public Guardian and Trustee can be appointed to represent you.

*(Date)* *(Name, address and telephone number of lawyer or party)*

TO: *(Name and address of party under disability or their lawyer)*

AND: *(Name and address of every other party or their lawyer)*

RCP-E 7B (May 1, 2025)