

Province of Alberta

Public Health Act

Revised Statutes of Alberta 2000

Chapter P-37

Recalcitrant Patients

Application to Court for cancellation

49(1) A person in respect of whom isolation is ordered may apply to a judge of the Court of Queen's Bench at any time for cancellation of the isolation order or orders.

(2) The application shall be served on

- (a) the physician or physicians who issued the isolation order or orders, and
- (b) the chief executive officer of the facility in which the applicant is a patient

not less than 7 days before the application is returnable.

(3) Notwithstanding subsection (2), a judge of the Court, on the ex parte application of the person referred to in subsection (1), may dispense with the service of the application under subsection (2) or authorize the giving of a shorter period of notice.

(4) Where the judge considers it appropriate to do so, the judge may order that the application under subsection (2) be heard in private.

(5) The judge may grant or refuse the order applied for and may make any other order the judge considers appropriate.

RSA 2000 cP-37 s49;2009 c53 s149