FORM F31 (RULE 10-6 (3))

Court File No.: .....

Court Registry: .....

In the Supreme Court of British Columbia

Claimant:

Respondent:

NOTICE OF APPLICATION

[Rule 21-1 of the Supreme Court Family Rules applies to all forms.]

[*The notice of application must be served in accordance with Rule 10-6. A hearing date is not fixed until a Notice of Hearing of Application is filed.*]

Name(s) of applicant(s): .....

To: .....[*name(s) of party(ies) or person(s) affected*].....

TAKE NOTICE that an application will be made by the applicant(s) to the presiding judge or associate judge at the courthouse at .....[*address of registry in which the family law case is being conducted*]..... on a date to be set by Notice of Hearing of Application for the order(s) set out in Part 1 below.

The applicant(s) estimate(s) that the application will take .....[*time estimate*]..... .

The applicant(s) propose(s) that the matter will be heard on .....[*insert date, date range, or assize*]..... .

[*Check whichever one of the following boxes is correct.*]

[ ] This matter is within the jurisdiction of an associate judge.

[ ] This matter is not within the jurisdiction of an associate judge.

Part 1: ORDER(S) SOUGHT

[*Using numbered paragraphs, set out the order(s) that will be sought at the application and indicate against which party(ies) the order(s) is(are) sought.*]

1

2

Part 2: FACTUAL BASIS

[*Using numbered paragraphs, set out a brief summary of the facts supporting the application.*]

1

2

[*If any party sues or is sued in a representative capacity, identify the party and describe the representative capacity*.]

Part 3: LEGAL BASIS

[*Using paragraphs numbered sequentially from Part 2 above, specify any rule or other enactment relied on and provide a brief summary of any other legal arguments on which the applicant(s) intend(s) to rely in support of the orders sought.*]

3

4

Part 4: MATERIAL TO BE RELIED ON

[*Using numbered paragraphs, list the affidavits served with the notice of application and other affidavits and other documents already in the court file relevant to the application on which the applicant(s) will rely. Each affidavit included on the list must be identified as follows: "*Affidavit #.....[*sequential number, if any, recorded in the top right hand corner of the affidavit*]..... of .....[*name*]....., made .....[*date*]....."*.]

1

2

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this notice of application, you must, within the time for response to application described below, serve the following on the applicant and every other party:

(i) a copy of your unfiled application response;

(ii) a copy of the affidavits or other evidence that you intend to refer to at the hearing of this application and that has not already been served on that person;

(iii) if this application is brought under Rule 11-3, any notice that you are required to give under Rule 11-3 (9).

Time for response to application

The documents referred to above must be served within whichever of the following periods applies to the application:

(a) unless one of the following paragraphs applies, within 5 business days after service of this notice of application,

(b) if this application is brought under Rule 11-3, within 21 days after service of this notice of application, and

(c) if this application is brought to change, suspend or terminate a final order, to set aside or replace the whole or any part of an agreement filed under Rule 2-1 (2), to change or set aside a determination of a parenting coordinator filed under Rule 2-1.1 (1), or to change, suspend or terminate an arbitration award filed under Rule 2-1.2 (1), within 14 days after service of this notice of application.

Date: ....
Signature of [ ] applicant [ ] lawyer for applicant(s)

.....[*type or print name*].....

To be completed by the court only:

Order made

[ ] in the terms requested in paragraphs ..... of Part 1 of this notice of application

[ ] with the following variations and additional terms:
.....
.....
.....
.....

Date: ....
Signature of [ ] Judge [ ] Associate Judge

APPENDIX

[*The following information is provided for data collection purposes only and is of no legal effect.*]

THIS APPLICATION INVOLVES THE FOLLOWING:

[*Check the box(es) below for the application type(s) included in this application.*]

[ ] discovery: comply with demand for documents

[ ] discovery: production of additional documents

[ ] other matters concerning document discovery

[ ] extend oral discovery

[ ] other matter concerning oral discovery

[ ] amend pleadings

[ ] add/change parties

[ ] summary judgment

[ ] summary trial

[ ] service

[ ] interim order

[ ] change order

[ ] adjournments

[ ] proceedings at trial

[ ] appointment of additional expert(s): financial matters

[ ] other matters concerning experts

[ ] none of the above