

Notice of Discontinuance

Form 50

Provincial Court Family Rules
Rule 191

COURT STAMP

Registry location:

Court file number:

Document number:

For registry use only

This Notice of Discontinuance sets out the details of an application about a family law matter, reply or counter application that a party is discontinuing. An application, reply or counter application that is discontinued has been abandoned. The parties cannot take any further action on the application, reply or counter application.

Please read before completing the form:

- This form can be filed at any time, but sometimes you need the consent of the other parties or permission of the court first [Rule 191]. See Part 4 of this form for details.
- Subject to the limitation periods set out in sections 147 (4)(b) [*duty to provide support for child*] and 198 (2) [*time limits*] of the Family Law Act, if you discontinue an application, you are not prevented from filing a new application about the same family law matter at a later date, unless the judge orders otherwise [Rule 191 (6)].

Part 1 | Party information

1. My full name is:
Full name of party
2. The other party's full name is:
Full name of party/parties



Copy the party information from a filed document in your case. It should match.

Part 2 | Notice to other party

3. ☐ I understand I must give notice of this notice of discontinuance to each other party. To give notice, they must be served with a copy of the notice of discontinuance before the earlier of the following dates:
- (i) 14 days after you filed the notice of discontinuance
 - (ii) the date of the next scheduled court appearance

Part 3 | Details of discontinuance

4. I am discontinuing

Select the correct option(s) and complete any required information

- ☐ the whole of my:
- ☐ Application About a Family Law Matter on
Date (dd/mmm/yyyy)
 - ☐ Reply to an Application About a Family Law Matter on
Date (dd/mmm/yyyy)
 - ☐ Counter Application filed on
Date (dd/mmm/yyyy)
- ☐ the following schedule(s)/part(s) of my:
- ☐ Application About a Family Law Matter on
Date (dd/mmm/yyyy)
 - ☐ Reply to an Application About a Family Law Matter on
Date (dd/mmm/yyyy)
 - ☐ Counter Application filed on
Date (dd/mmm/yyyy)

List the schedule(s) or part(s) you are discontinuing



You can only discontinue your own Application About a Family Law Matter, Reply to an Application About a Family Law Matter or Counter Application [Rule 191 (4)]. The discontinuance of your application or reply does not affect any application or reply made by another party [Rule 191 (5)].

Part 4 | Information about steps taken in the case

5. Please select the correct option and complete any required information

- ☐ The application has no date scheduled for a court appearance
- ☐ The application is scheduled for a court appearance on _____
- ☐ I am discontinuing only a reply

Date (dd/mmm/yyyy)

6. Has a trial preparation conference already happened?

- ☐ Yes → **Complete Part 5 Consent** ☐ No

7. Is a trial date scheduled within 30 days of the date this notice is being filed?

- ☐ Yes → **Complete Part 5 Consent** ☐ No

Part 5 | Consent of the parties – Complete this part only if consent is required based on your responses in Part 4.

The parties' consent to _____ Full name of party discontinuing their application, reply or counter application as described in Part 3 of this form.

Signature of [type or print name],

☐ party ☐ lawyer for [name of party/parties]

Signature of [type or print name],

☐ party ☐ lawyer for [name of party/parties]



When you file this notice, the appearance for your document, if applicable, will be cancelled. Remember you must serve the other party with a copy of this filed notice before the scheduled date.



If yes, each other party is required to provide their consent to discontinue your application, reply or counter application or you require the permission of the court to discontinue it [Rule 191 (2)(b) & (3)(b)].



If you cannot obtain the consent of each party, you can apply to the court for permission using the Application for Case Management Order Form 10.