

FORM F73 (RULE 17-1 (2))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Petitioner:

Respondent:

PETITION TO THE COURT

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

ON NOTICE TO:

.....*[name and address of each person to be served]*.....

The address of the registry is:

The petitioner(s) estimate(s) that the hearing of the petition will take*[time estimate]*..... .

Official language choice for *Divorce Act* proceedings (see Notice to Petitioner and Petition Respondent below)

[If the petition is seeking orders under the Divorce Act, check whichever one of the following boxes is correct.]

The petitioner(s) intend(s) to file documents, give evidence or make submissions in this proceeding in the

- ☐ English language
- ☐ French language
- ☐ English language and French language (bilingual)

This family law case is brought, for the relief set out in Part 1 below, by

[Check whichever one of the following boxes is correct and complete any required information.]

- ☐ the person(s) named as petitioner(s) in the style of proceedings above
- ☐*[name(s)]*..... (the petitioner(s))

If you intend to respond to this petition, you or your lawyer must

- (a) file a response to petition in Form F74 of the Supreme Court Family Rules in the above-named registry of this court within the time for response to petition described below, and
- (b) serve on the petitioner(s)
 - (i) 2 copies of the filed response to petition, and
 - (ii) 2 copies of each filed affidavit on which you intend to rely at the hearing.

Orders, including orders granting the relief claimed, may be made against you, without any further notice to you, if you fail to file the response to petition within the time for response.

Time for response to petition

A response to petition must be filed and served on the petitioner(s),

- (a) if you were served with the petition anywhere in Canada, within 21 days after that service,
- (b) if you were served with the petition anywhere in the United States of America, within 35 days after that service,
- (c) if you were served with the petition anywhere else, within 49 days after that service, or
- (d) if the time for response has been set by order of the court, within that time.

(1)	The ADDRESS FOR SERVICE of the petitioner(s) is:[Set out the street address of the address for service for each petitioner. One or both of a fax number and an e-mail address may be given as additional addresses for service.]..... Fax number address for service (if any) of the petitioner(s): E-mail address for service (if any) of the petitioner(s):
(2)	The name and office address of the petitioner's(s') lawyer is:

Notice to Petitioner AND Petition Respondent: under **section 23.2 of the *Divorce Act***, you may choose to file pleadings or other documents, including this form, give evidence or make submissions in any ***Divorce Act*** proceeding in either of the two official languages of Canada (English or French).

Rule 1-1(1) of the Supreme Court Family Rules defines "*Divorce Act* proceeding" as follows:

"*Divorce Act* proceeding" means a family law case in which an order is sought under the *Divorce Act*.

Note to Petition Respondent: if you intend to file a response to petition (Form F74) in the official language other than the one used in this petition to the court (Form F73) served on you, you may file a Notice of Extension – Official Languages in Form F86.2 and receive an additional 10 days to file the response to petition in accordance with Rule 20-7 (8) of the Supreme Court Family Rules.

CLAIM OF THE PETITIONER(S)

Part 1: ORDER(S) SOUGHT

[Using numbered paragraphs, set out the order(s) that will be sought at the hearing of the petition and indicate against which respondent(s) the order(s) is(are) sought.]

1

2

Part 2: FACTUAL BASIS

[Using numbered paragraphs, set out the material facts on which this petition is based.]

1

2

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 bases on which the petitioner(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 petition. 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

Date:

.....

Signature of

☐ petitioner ☐ lawyer for petitioner(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 petition

☐ with the following variations and additional terms:

.....
.....
.....

Date:

Signature of ☐ Judge ☐ Associate Judge

The following certificate must be completed by each party to a divorce claim.

PARTY'S CERTIFICATE (*DIVORCE ACT (CANADA)*, s. 7.6)

- [] By checking this box, I,[*name of party*]....., certify that I am aware of my duties under sections 7.1 to 7.5 of the *Divorce Act* (Canada), which say:
- 7.1** A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.
- 7.2** A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.
- 7.3** To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.
- 7.4** A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.
- 7.5** For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.

*The following certificate must be completed for each party to a divorce claim
who is represented by a legal adviser.*

LEGAL ADVISER'S CERTIFICATE (*DIVORCE ACT (CANADA)*, s. 7.7 (3))

- [] By checking this box, I, legal adviser for[*name of party*]....., certify that I have complied with section 7.7 of the *Divorce Act* (Canada), which says:
- 7.7** (1) Unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so, it is the duty of every legal adviser who undertakes to act on a spouse's behalf in a divorce proceeding
- (a) to draw to the attention of the spouse the provisions of this Act that have as their object the reconciliation of spouses; and
 - (b) to discuss with the spouse the possibility of the reconciliation of the spouses and to inform the spouse of the marriage counselling or guidance facilities known to the legal adviser that might be able to assist the spouses to achieve a reconciliation.
- (2) It is also the duty of every legal adviser who undertakes to act on a person's behalf in any proceeding under this Act
- (a) to encourage the person to attempt to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process, unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so;

- (b) to inform the person of the family justice services known to the legal adviser that might assist the person
 - (i) in resolving the matters that may be the subject of an order under this Act, and
 - (ii) in complying with any order or decision made under this Act; and
- (c) to inform the person of the parties' duties under this Act.