

Application for Case Management Order Without Notice or Appearance

Provincial Court (Family) Rules

Early Resolution and Case Management Registry

Registry location:	
Court File Number:	

1. My name is *[full name of party]*. My contact information, and address for delivery of court documents, is:

Full Name:	Date of Birth:	
Contact Information and Address for Delivery		
Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

2. ☐ I am making my application without notice to any other party and I understand that I will be required to give a copy of any order I receive to each party.

ABOUT THE ORDER

3. I am applying for the following case management order(s):

Select all that apply and complete the required schedule(s)

- ☐ shortening or extending a time limit set under these rules or a time limit set by an order of the court *[Complete and attach Schedule 1]*
- ☐ allowing a person to attend a hearing or conference using electronic communication *[Complete and attach Schedule 2]*
- ☐ allowing, waiving or modifying any service, delivery or notice requirement, including allowing an alternate method for the service of a document, including substitutional service *[Complete and attach Schedule 3]*
- ☐ requiring access to information in accordance with section 242 *[orders respecting searchable information]* of the *Family Law Act* *[Complete and attach Schedule 4]*
- ☐ recognizing an extraprovincial order other than a support order *[Complete and attach Schedule 5]*
- ☐ permitting a party to be exempt from a requirement under these rules *[Complete and attach Schedule 6]*
- ☐ permitting any means of proof of compliance with early resolution requirements *[Complete and attach Schedule 7]*
- ☐ waiving or varying any early resolution requirements *[Complete and attach Schedule 8]*

Schedule 1 – Shortening or extending a time limit under these rules or order of the court

This is Schedule 1 to the Application for Case Management Order Without Notice or Appearance

This schedule must be completed if you are applying to shorten or extend a time limit under these rules or by an order of the court.

1. I am seeking permission of the court to

Select only one of the options below

☐ shorten

☐ extend

the following time limit set by ☐ these rules or ☐ an order of the court made on [date order made]

Check all options that apply

☐ amount of notice for an application for [type of order you are seeking]

☐ time to file a reply

☐ time to provide/exchange document(s)

☐ other (specify):

2. The details of the order I am asking for are as follows:

Tell the court the specifics of the order you are asking for. Include what you want the time limit changed to.

3. The facts on which this application is based are as follows:

Give the facts you want the court to consider. Include why you want the time limit waived or modified, why you think the court should grant you permission, and how you plan to make sure the case can proceed with the waived or modified time limit.

Schedule 2 – Attendance using Electronic Communication

This is Schedule 2 to the Application for Case Management Order Without Notice or Appearance

This schedule must be completed only if you are applying for an order allowing a person to attend a hearing or conference using electronic communication.

1. I am seeking permission for:

Select all options that apply

- ☐ me
☐ my lawyer, *[full name of lawyer]*

to attend at the:

Select only one of the options below

- ☐ Family Management Conference
☐ Family Settlement Conference
☐ Trial Preparation Conference
☐ Application Hearing
☐ Trial
☐ Other (*specify*):

Scheduled for *[date]* at *[time]*

By electronic communication as follows:

- ☐ telephone at *[requested telephone number]*

Is this a direct phone line? ☐ Yes ☐ No

If no, the person answering the phone must know the call will be coming and put it through immediately.

- ☐ other electronic communication method (*specify*):

2. I understand the following requirements and I will comply with them ☐ Yes ☐ No

- A speaker phone cannot be used
- I must remain near the phone at all times prior to the call from the Clerk of the Court
- The call must be taken from a quiet and private location
- No other person may be in the room during the appearance
- I may speak only when the Judge indicates I may speak
- Recording of the call is strictly prohibited

3. I (and/or my lawyer) am unable to attend in person because:

Schedule 3 – Allowing, waiving, or modifying any service, delivery or notice requirement

This is Schedule 3 to the Application for Case Management Order Without Notice or Appearance

This schedule must be completed only if you are applying for an order allowing, waiving, or modifying any service, delivery or notice requirement, including allowing an alternate method for the service of a document, including substitutional service.

1. I am seeking permission of the court to:

Select all applicable options and complete the required part(s)

- ☐ waive or modify a service, delivery or notice requirement (*Complete Part 1 of this schedule*)
☐ allow service of a document using an alternate method, including substitutional service (*Complete Part 2 of this schedule*)

SCHEDULE 3 PART 1 – WAIVE OR MODIFY SERVICE, DELIVERY OR NOTICE REQUIREMENT

Complete this part only if you are applying for an order waiving or modifying a service, delivery or notice requirement. Judges normally hear from all parties before making decisions. Where there is urgency or danger for example, the court could hear from only one party.

1. I am seeking permission of the court to:

Select one of the following

- ☐ waive
☐ modify

the following requirement related to service, delivery, or notice to a person under these rules

Check all options that apply

- ☐ service or notice of an Application about a Protection Order
☐ service or notice of an Application about Extraordinary Parenting Matter
☐ service or notice of a Family Law Matter Claim
☐ service or notice of a Supoena
☐ other (*specify*):

2. The details of the order I am asking for are as follows:

Tell the court the specifics of the order you are asking for.

3. The facts on which this application is based are as follows:

Give the facts you want the court to consider including

- *why notice should not be given to the other party or why they should be given less notice*
- *why the application is urgent and must be heard without notice or with less notice*
- *if applicable, what you believe will happen if the other party is given notice of your application before you go to court*

[illegible]

SCHEDULE 3 PART 2 – ALLOW SERVICE OF A DOCUMENT USING AN ALTERNATE METHOD

Complete this part only if you are applying for an order to allow service of a document using an alternate method, including substitutional service. Service of a document must be done according to the rules unless the court provides an order allowing another method to be used.

1. I need to serve *[name of person who must be served]* with the following document(s):

2. I am seeking permission to serve the documents in the following manner:

Tell the court the specifics of the how you believe the documents should be served so that they come to the attention of the person indicated above. Include the name of the other person, mailing address, email or other information that would be required to serve the documents.

3. The facts on which this application is based are as follows:

Give the facts you want the court to consider. Include the following:

- *Efforts to try to serve the other party*
- *Efforts to locate the other party*
- *Why you believe the method of service you outlined above will succeed in the documents coming to the attention of the party to be served*

Schedule 4 – Access to Information section 242

This is Schedule 4 to the Application for Case Management Order Without Notice or Appearance

This schedule must be completed only if you are applying for access to information in accordance with section 242 [orders respecting searchable information] of the Family Law Act.

1. The details of the order I am asking for are as follows:
Tell the court the specifics of the order you are asking for.

2. The facts on which this application is based are as follows:
Give the facts you want the court to consider.

Schedule 5 – Recognizing an extraprovincial order other than a support order

This is Schedule 5 to the Application for Case Management Order Without Notice or Appearance

This schedule must be completed only if you are applying for recognition of an extraprovincial order other than a support order.

1. I am asking for recognition of an extraprovincial order made on *[date]* at *[court location]**[city]**[province]* about parenting arrangements, contact with a child, guardianship, or an order that is similar in nature.
2. A certified copy of the order is attached.
3. The contact information, as I know it, for the other party is:

Full Name:	Date of Birth:
Contact Information	
Lawyer (if applicable):	
Address:	
City:	Postal Code:
Email:	Telephone:

Schedule 6 – Permitting a party to be exempt from a requirement under these rules

This is Schedule 6 to the Application for Case Management Order Without Notice or Appearance

This schedule must be completed only if you are applying to be exempt from a requirement under these rules.

1. I am seeking permission of the court to be exempt from the following requirement under these rules:

Select all options that apply

- ☐ filing a completed financial statement before filing my claim or reply
- ☐ filing a completed guardianship affidavit before filing my claim or reply
- ☐ filing an application at a court registry other than the court registry required by Rule 5.01(4)
- ☐ other (*specify*):

2. The facts on which this application is based are as follows:

Give the facts you want the court to consider, including:

- *why you are making the application*
- *if you are able to complete the requirement at a later date*
- *when you expect to be able to complete the requirement and why*

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This is Schedule 7 to the Application for Case Management Order Without Notice or Appearance

1. I am asking for an order to permit the following:
Indicate the means of proof you want the court to permit

Select all options that apply

- ☐ attending a needs assessment
- ☐ completing a parenting education program
- ☐ participating in consensual dispute resolution

Give the facts you want the court to consider, including:

- *why you are making the application*
- *if you are able to complete the requirement at a later date*
- *when you expect to be able to complete the requirement and why*

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Schedule 8 – Waiving or varying any early resolution requirements

This is Schedule 8 to the Application for Case Management Order Without Notice or Appearance

This schedule must be completed only if you are applying to waive or vary any early resolution requirements.

1. I am seeking permission of the court to waive or vary the following early resolution requirement:

Select all options that apply

- ☐ attending a needs assessment
- ☐ completing a parenting education program
- ☐ participating in consensual dispute resolution

2. The facts on which this application is based are as follows:

Give the facts you want the court to consider, including:

- *why you are making the application*
- *if you are able to complete the requirement at a later date*
- *when you expect to be able to complete the requirement and why*

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