Use the **Tab** key to go from grey field to field.

[More detailed instructions on how to fill out this form](https://family.legalaid.bc.ca/sites/default/files/2021-06/counterclaim_inx_20210611.pdf)

(PC: You may have to Ctrl-click the link)

(Mac: Click and wait a few seconds)

Form F5 (Rule 4-4(2))

»Court File No.:

Fill in the city/town of your registry » Court Registry:

In the Supreme Court of British Columbia

Your full legal names, including *also known as*:

Claimant:

Respondent:

COUNTERCLAIM

**Filed by:**                           (the “respondent”) « Insert your name again (or *names* if more than one respondent); *also known as* isn’t necessary.

This counterclaim has been made by the above-named respondent(s) for the relief set out in section 1 below.

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

(a) file a response to counterclaim in Form F6 in the above-named registry of this court within 30 days after the date on which a copy of the filed counterclaim was served on you, and

(b) serve a copy of the filed response to counterclaim on all parties.

Orders, including orders granting the relief claimed, may be made against you if you fail to file the response to counterclaim within the 30 day period referred to above.

1. Spousal relationship history

The claimant,                          « « name (without aka), and
the respondent, ,

[ ]  began to live together in a marriage-like relationship on

dd/Mmm/yyyy (01/Jan/2000) or hit the **Tab** key after typing for automatic formatting

[ ]  were married on
at       « city, province/state, country

[ ]  separated on

[ ]  were divorced from each other by order made on

2. Counterclaim

The respondent is asking for the following:

[ ]  An order for divorce « attach Schedule 1

[ ]  An order respecting child(ren) « attach Schedule 2

[ ]  An order for spousal support « attach Schedule 3

[ ]  An order relating to family property and family debt « attach Schedule 4

[ ]  Another order « attach Schedule 5

[ ]  An order for costs « attach Schedule 5

[ ]  An order to [ ]  confirm or [ ]  set aside a written agreement dated       « dd/Mmm/yyyy
in respect of

[ ]  spousal support

[ ]  child support

[ ]  division of property and/or debt

[ ]  other

for the following reasons: Say why you’d like to confirm or set aside the agreement:

3. The respondent’s address for service is

|  |  |
| --- | --- |
| Address for Service: |       « your street address |

Fax (optional):

E-mail (optional):

|  |  |
| --- | --- |
| Date:       « dd/Mmm/yyyy  |  Signature of[ ]  filing party [ ]  lawyer for filing party(ies)      [*Type or print name*] |

|  |
| --- |
| **Note to Claimant AND Respondent**The [introduction](https://family.legalaid.bc.ca/bc-legal-system/legal-forms-documents/filling-out-court-forms/complete-supreme-court-financial) of Complete a Supreme Court Financial Statement (Form F8)has a version of this box that’s easier to understand.You must file **financial information** (Form F8) if any of the following apply:* there is a claim against you for spousal support or you are claiming spousal support;
* there is a claim by either party for the division of property and/or debts under Part 5 or 6 of the *Family Law Act*;
* there is a claim against you for the support of a child, OR
* you are claiming child support **unless all** of the following conditions apply:

(a) you are making no claim for any other kind of support;(b) the child support is for children who are not stepchildren;(c) none of the children for whom child support is claimed is 19 years of age or older;(d) the income of the person being asked to pay child support is under $150 000 per year;(e) you are not applying for special expenses under section 7 of the child support guidelines;(f) you are not applying for an order under section 8 of the child support guidelines;(g) you are not applying for an order under section 9 of the child support guidelines;(h) you are not making a claim based on undue hardship under section 10 of the child support guidelines.If you do not file the financial information that is required, the court may attribute an amount of income to you, and make a support award against you, based on that amount. |

[Instructions on how to fill out this form](https://family.legalaid.bc.ca/sites/default/files/2021-06/counterclaim_inx_20210611.pdf)

Form F5 (Rule 4-4(2))

SCHEDULE 1—DIVORCE

1. Personal Information Dates: dd/Mmm/yyyy (01/Jan/2021), or hit Tab after typing for automatic formatting.

|  |  |  |
| --- | --- | --- |
|  | Claimant | Respondent |
| Birthdate: |       |       |
| Habitually resident in British Columbia since: |       |       |
| Surname at birth:  |       |       |
| Surname immediately before marriage:  |       |       |
| Marital status immediately before marriage: |  |  |
| Place of marriage: |       « city, province/state, country |
| Date of marriage: |       |

2. Grounds for the respondent’s claim for divorce

[ ]  The respondent asks for an order for divorce on these grounds: Check off the first OR second box:

**[ ]** Divorce is claimed as a result of having lived separate and apart. Fill out (i) below

**[ ]** Divorce is claimed on grounds other than having lived separate and apart. Fill out (ii) below

(i) [ ]  The respondent and his or her spouse have lived separate and apart since

AND

[ ]  the respondent and his or her spouse have not lived together since then

[ ]  the respondent and his or her spouse have lived together again during the following period(s), in an unsuccessful attempt to reconcile:

      « Example of a date range: *From 01/Jan/2020 to 01/Mar/2020.*

(ii) [ ]  **Other grounds**, under section 8(2)(b) of the *Divorce Act* (Canada):

[ ]  Adultery (the claimant has committed adultery).

[ ]  Cruelty (the claimant has treated the applicant with physical or mental cruelty of such a kind as to make continued cohabitation intolerable)

AND

[ ]  The respondent has not condoned any act relied on under section 8(2)(b) of the *Divorce Act* (Canada) as a ground for divorce

3. The respondent confirms that: Check both of the following boxes:

[ ]  There is no possibility of reconciliation.

[ ]  I do not know about and I am not involved in any arrangement to make up or to hide evidence or to deceive the court to obtain a divorce.

4. Proof of marriage

First box = you plan to file your marriage certificate with this form. Select *and translation* if it’s been translated into English.

[ ]  A certificate of marriage or of registration of marriage
has been filed

[ ]  A certificate of marriage or of registration of marriage is not being filed with this counterclaim because                                                                   , and the certificate will be filed before this claim is set down for trial or an application is made for an order of divorce

[ ]  It is impossible to obtain a certificate of marriage or of registration of marriage because

5. Children

[ ]  There are no children of the marriage, as defined by the *Divorce* *Act* (Canada)

[ ]  The children of the marriage are:

For >5 children, place cursor in last right-hand box and hit **Tab** to make a new row.

|  |  |  |
| --- | --- | --- |
| Full name | Birth date | Resides with |
|       |       |       |
|       |       |       |
|       |       |       |
|       |       |       |

|  |  |  |
| --- | --- | --- |
|       |       |       |

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

PARTY’S CERTIFICATE

(*DIVORCE ACT* (CANADA), S. 7.6)

Fill this out since you’re applying for a divorce under the Divorce Act.

[ ]  By checking this box, I, , 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)).

For your legal adviser (e.g., a lawyer) to fill out, if you have one.

[ ]  By checking this box, I,                          , legal adviser for
 , 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.

[Instructions on how to fill out this form](https://family.legalaid.bc.ca/sites/default/files/2021-06/counterclaim_inx_20210611.pdf)

Form F5 (Rule 4-4(2))

SCHEDULE 2—CHILDREN

1. Identification of child(ren)

The respondent is asking for an order in respect of the following child or children:

Dates: dd/Mmm/yyyy (01/Jan/2000), or hit **Tab** after typing for automatic formatting.
For >5 children, place cursor in last right-hand box and hit Tab to make a new row.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Child’s full legal name | Child’s birth date | Child’s relationship to the claimant | Child’s relationship to the respondent | Child habitually resident in BC since | Child now living with |
|       |       |       |       |       |       |
|       |       |       |       |       |       |
|       |       |       |       |       |       |
|       |       |       |       |       |       |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|       |       |       |       |       |       |

2. Orders sought

The respondent is asking for the following order(s):

[ ]  an order respecting arrangements for parenting « Complete questions 3 and 4.

[ ]  an order for child support « Complete questions 5 to 7.

3. Current arrangements for parenting

Current arrangements for parenting are:

e.g.: The claimant and the respondent share parenting time of the children, [*name(s)*], equally. The children spend one week with the claimant and then one week with the respondent. We each make day-to-day decisions about the children when they’re with us. We share all major decision-making.

4. Proposed arrangements for parenting

The respondent proposes the following arrangements for parenting:

The respondent is asking for this order under

[ ]  the *Divorce Act* (Canada)  [ ]  the *Family Law Act*

If you didn’t marry, you should use the Family Law Act. If you married, you have a choice.
See [Which laws can you use for your family law issue?](https://family.legalaid.bc.ca/separation-divorce/going-through-separation/which-laws-apply-to-your-case)

5. Current child support arrangements

Current child support arrangements are:

6. Income of person being asked to pay child support

Select the second box even if it’s just an estimate.

[ ]  The respondent does not know the income of the person being asked to pay child support

[ ]  The respondent believes that the income of the person being asked to pay child support is $     , based on these facts:

e.g.: The claimant earned $500 a week when we lived together and is still working at the same job.

7. Proposed child support arrangements

The respondent is asking for:

[ ]  support in the amount set out in the child support guidelines table, commencing on
          ,« dd/Mmm/yyyy for the following child(ren):

     « names and birth dates

[ ]  special or extraordinary expenses in accordance with section 7 of the child support guidelines commencing on           « dd/Mmm/yyyy for the following child(ren):

     « names and birth dates

[ ]  an order for support in an amount different than the amount set out in the child support guidelines table, commencing on           ,« dd/Mmm/yyyy for the following child(ren):

     « names and birth dates

The respondent is asking for an order for child support under

[ ]  the *Divorce Act* (Canada)  [ ]  the *Family Law Act*

If you didn’t marry, you should use the Family Law Act. If you married, you have a choice.
See [Which laws can you use for your family law issue?](https://family.legalaid.bc.ca/separation-divorce/going-through-separation/which-laws-apply-to-your-case)

[Instructions on how to fill out this form](https://family.legalaid.bc.ca/sites/default/files/2021-06/counterclaim_inx_20210611.pdf)

Form F5 (Rule 4-4(2))

SCHEDULE 3—SPOUSAL SUPPORT

1. Current arrangements for spousal support

The current arrangements for spousal support are:

2. Proposed spousal support arrangements

[ ]  The respondent is asking for an order for spousal support as follows:

[ ]  The respondent is asking for an order for spousal support under

[ ]  the *Divorce Act* (Canada)  [ ]  the *Family Law Act*

If you didn’t marry, you should use the *Family Law Act*. If you’re married, you have a choice.
See [Which laws can you use for your family law issue?](https://family.legalaid.bc.ca/separation-divorce/going-through-separation/which-laws-apply-to-your-case)

3. Income of claimant and respondent

The respondent’s gross annual income is $     .

[ ]  The respondent does not know what the claimant’s income is.

Select the second box even if it’s just an estimate.

[ ]  The respondent believes that the claimant’s gross annual income is $     , based on these facts:

|  |
| --- |
| **Note to Claimant AND Respondent**You must file **financial information** (Form F8) if there is a claim by you or against you for spousal support.If you do not file the financial information that is required, the court may attribute an amount of income to you and make a support award against you, based on that amount. |

[Instructions on how to fill out this form](https://family.legalaid.bc.ca/sites/default/files/2021-06/counterclaim_inx_20210611.pdf)

Form F5 (Rule 4-4(2))

SCHEDULE 4—PROPERTY

1. The respondent’s claims

A. Property and debt claims under the *Family Law Act*

The respondent is asking for an order for:

[ ]  equal division of family property and family debt

[ ]  unequal division of family property and family debt, as follows and on the following grounds: The court will only order an *unequal* division when an *equal* division is significantly unfair.

Identify any relevant debt to the extent that it is known at this time:

The address and legal description of any real property (land and buildings) in which the respondent claims an interest as a family property is:

Get the **legal description** from your tax assessment or your state of title certificate.

The respondent pleads the following property as excluded from family property under section 85 of the *Family Law Act* (explain the basis for the exclusion):

List the **excluded property** you own — e.g., property you already owned when you moved in together, and gifts or inheritances you received during the relationship.

B. Other property claims

The respondent claims:

[ ]  occupancy rent / occupational rent

This is rare, but it’s the rent your spouse pays you if they continue to live in the property you both own after you move out or are forced to move out.

[ ]  an interest in the following property:

This section is about **excluded property** you want a share of. This includes property that your spouse already owned when you moved in together, and gifts or inheritances they received during the relationship. For land/buildings, give the property address and legal description (from your tax assessment or your state of title certificate).

[ ]  an order for compensation instead of an interest in the property described as

Fill out this section if you want cash instead of a share in property ownership. For land/buildings, give the property address and legal description (from your tax assessment or your state of title certificate).

on the following grounds:

2. Certificate of Pending Litigation

Fill out this section if you think your spouse might sell or borrow against property that you think you should have a share of.

[ ]  The respondent is applying for a Certificate of Pending Litigation to be registered against the following real property (land or building):

Include the legal description (from your tax assessment or your state of title certificate) of the property.

[Instructions on how to fill out this form](https://family.legalaid.bc.ca/sites/default/files/2021-06/counterclaim_inx_20210611.pdf)

Form F5 (Rule 4-4(2))

SCHEDULE 5—OTHER ORDERS

The respondent is asking for the following orders:

[ ]  an order under the *Name Act* that the respondent’s name be changed from                           to

[ ]  the following additional orders under the *Family Law Act*

Any Family Law Act orders you’re requesting that weren’t in Schedules 1 to 4. Include the section from the act.

1.

[ ]  other orders

Any other order you’re requesting, and the name of the law that applies (e.g., Divorce Act). If you want costs, write *An order that I have my costs in this proceeding.*

1.