This document must be filled out on-screen (and not by hand).

[More detailed instructions on how to fill out this form](https://family.legalaid.bc.ca/sites/default/files/2021-06/noticeofapplication_inx_20210611.pdf)

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

(Mac: Click and wait a few seconds)

Form F31 (Rule 10-6(3))

This top section (**court file no.**, **registry**, **roles**, and **names**) should be the same as what’s on the original Notice of Family Claim (Form F3).

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

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

Claimant:

Respondent:

NOTICE OF APPLICATION

Name(s) of applicant(s):       « your name (the one filling out this form); *also known as* isn't necessary

To:

TAKE NOTICE that an application will be made by the applicant(s) to the presiding judge or master at the courthouse at                                              « court address on             « dd/Mmm/yyyy at         « time for the order(s) set out in Part 1 below.

**Part 1:** ORDER(S) SOUGHT

The orders you want the court to make (in numbered paragraphs):

1.

**Part 2:** FACTUAL BASIS

Brief summary of the facts that support what you’re asking the court to order (in numbered paragraphs):

1.

**Part 3:** LEGAL BASIS

The section of the act or court rule or any other legal arguments (e.g., case law) you’re relying on (in numbered paragraphs):

1.

**Part 4:** MATERIAL TO BE RELIED ON

The affidavits and financial statement you’ll be relying on to persuade the court to make the orders you’re asking for the court to make. Affidavit #**1** [number in the top right-hand corner of the affidavit] of [name], made [dd/Mmm/yyyy]. Financial statement of [name], made [dd/Mmm/yyyy].

1.

The applicant(s) estimate(s) that the application will take           « List hours and minutes.

[ ]  This matter is within the jurisdiction of a master.

[ ]  This matter is not within the jurisdiction of a master.

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,

(a) file an application response in Form F32,

(b) file the original of every affidavit, and of every other document, that

(i) you intend to refer to at the hearing of this application, and

(ii) has not already been filed in the family law case, and

(c) serve the applicant 2 copies of the following, and on every other party one copy of the following:

(i) a copy of the filed application response;

(ii) a copy of each of the filed affidavits and other documents 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 in paragraph (c) above must be served in accordance with that paragraph,

(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 8 business 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) or to change, suspend or terminate an arbitration award filed under Rule 2-1.2 (1), within 14 business days after service of this notice of application.

|  |  |
| --- | --- |
| Date:       « dd/Mmm/yyyy  |  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  [ ] Master |

APPENDIX

THIS APPLICATION INVOLVES THE FOLLOWING:

You can keep this blank if you’re applying to enforce a parenting order or agreement, or to set aside an agreement.

[ ]  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

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 if you’re applying for an order under the Divorce Act
or to change an order 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))

If you’re applying for an order under the Divorce Act or to change an order under the Divorce Act,
*and* you have a legal adviser (e.g., a lawyer), they’ll have to fill this out.

[ ]  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.