

Instructions

Notice of Application (Form F31)

Use this form if you've filed a Notice of Family Claim (Form F3) and are applying for an interim order or to change an order. You can also use this to enforce a parenting order or agreement or to set aside an agreement. It sets out what type of order you want, what evidence you'll use, what the legal basis is for the order, and how long you think the hearing will take.

If you're filling this out on-screen, use the **Tab** key to go from grey field to grey field. This will ensure dates are formatted correctly.

Form F31 (Rule 10-6(3))

Court File No.: []
Court Registry: []

In the Supreme Court of British Columbia

Claimant: []
Respondent: []

NOTICE OF APPLICATION

Name(s) of applicant(s): []
To: []

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

Part 1: ORDER(S) SOUGHT

1. []

You're the **applicant**; it doesn't matter whether you're the claimant or the respondent on the Notice of Family Claim (Form F3) or Requisition (Form 17.1). You're the one filing this notice of application. Fill in your full legal name as stated above, but don't include "also known as" here. Hit **tab** after filling in your name so it shows up elsewhere in the form.

Fill in the full legal name of the person you're bringing the application against. If you're using one of our self-help guides, this would usually be the other party of the Notice of Family Claim or Requisition (your spouse or ex-spouse).

In numbered paragraphs, clearly set out the orders you want the court to make. Keep them simple and brief. Make sure the orders you ask for here relate to what you asked for in the Notice of Family Claim. For example, if you didn't ask for child support in your Notice of Family Claim, you can't ask for an interim order for child support here.

This top section (court file no., court registry, and names) should be the same as what's on the form that started your family law case (e.g., Notice of Family Claim (Form F3), Requisition (Form 17.1)).

(To add another party, such as a litigation guardian acting on a party's behalf: Hit **enter/return** in the grey box to start a new line, type the role (e.g., "Respondent"), and then **Ctrl-Tab** (Mac: **control-tab** or **option-tab**) before the name to centre the cursor.)

[Addresses of Supreme Court registries](#)

You'll have to ask the court registry for a hearing date. Insert the date and time they give you.

See the Continuing Legal Education Society of BC's book *Supreme Court Chambers Orders* to find examples of court orders. You can find this book in the courthouse library.

To insert a tab space after typing "2.": hit **Ctrl-Tab** (Mac: **control-tab** or **option-tab**).

In numbered paragraphs, write a brief summary of the facts that support what you're asking the court to order. Be as concise as possible, and only include facts that are directly relevant. All the information you put here must also be included in your sworn affidavits if you want the court to consider them as part of the evidence supporting your case. Your affidavit can contain more details.

Part 2: FACTUAL BASIS

1. [REDACTED]

In numbered paragraphs, set out the section of the act or court rule you're relying on. You could also provide a brief summary of any other legal arguments that you're relying on (e.g., case law).

Here is a list of sections of the Family Law Act that support the most common types of orders.

Part 3: LEGAL BASIS

1. [REDACTED]

Interim parenting order—Family Law Act, s. 45 (Parenting) and s. 216 (Interim Order)

Interim child support order—Family Law Act, s. 149 and s. 216 (Interim Order)

Interim spousal support order—Family Law Act, s. 165 and s. 216 (Interim Order)

Interim contact order—Family Law Act, s. 59 and s. 216 (Interim Order)

Order for disclosure—Family Law Act, s. 212

Order restraining someone from removing the children from an area—Family Law Act, s. 64

A financial restraining order (e.g., an order preventing one party from disposing)—Family Law Act, s. 91

Order to change a final parenting order—Family Law Act, s. 47

Order to enforce a parenting order—Family Law Act, s. 61

Order to change a final contact order—Family Law Act, s. 60

Order about relocation—Family Law Act, s. 69

Order to change a final child support order—Family Law Act, s. 152

Order to change a final spousal support order—Family Law Act, s. 167

Order to set aside an agreement—re child support, Family Law Act s. 148, re spousal support Family Law Act s. 163, re parenting Family Law Act s. 44

In numbered paragraphs, list the affidavits and/or financial statement you'll be relying on to persuade the court to make the orders you're asking for. Any evidence you want the judge to consider must be included in sworn affidavits. Some affidavits may have already been filed before this application, but some you'd file with this one. List all of them.

Part 4: MATERIAL TO BE RELIED ON

1. [REDACTED]

List affidavits as follows:
"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]."

See [What to include in an affidavit or bring to court](#) and [Complete a Supreme Court Financial Statement \(Form F8\)](#).

“Application” refers to the hearing at the courthouse. Make your best estimate. If you think it will be longer than two hours, you must tell the registry when you ask for a hearing date.

Masters can make most interim family orders. Only a *judge*, however, can make an order to change a final order.

Orders a master can make:

- Interim orders under the Family Law Act, including those concerning guardianship, parenting arrangements, contact, and child and spousal support. Also interim protection orders, restraining orders, and orders for exclusive occupation of a family residence.
- Interim orders under the Divorce Act for decision-making responsibility, parenting time, contact, and support.
- An order to change any of the interim orders described above.
- Final orders by consent, and under Supreme Court Family Rule 21-5 dealing with failure to comply with the court rules.

The applicant(s) estimate(s) that the application will take length of time.

- 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.

Instructions to the party receiving your notice of application. The Family Law website has more information about [legal forms and documents](#).

Date of signature: Use the date format **dd/Mmm/yyyy (01/Jan/2021)**, or hit **Tab** after filling it in to autoformat.

The judge or master will fill this out if they approve the orders that you want.

Date: _____
Signature of
 applicant lawyer for applicant(s)

[Type or print name]

If you have a lawyer, they'll sign the document. Otherwise, check off "applicant." The signature can't be separate from the rest of the form, so lines from the preceding paragraph will automatically move to this page.

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:

Select what type of application this is—this information is just for the court's data collection purposes.

Select "change order" if you want to change an order. 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*)

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)*)

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

Fill this out if you're applying for an order under the Divorce Act, or applying to change or enforce an order under the Divorce Act.

If you're applying for an order under the Divorce Act, or applying to change or enforce an order under the Divorce Act, and you have a legal adviser (e.g., a lawyer), they'll have to fill this out. It says that they've talked to you about different ways to resolve your dispute (e.g., mediation). If you don't have a legal adviser, leave this blank.

(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.