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SUPREME COURT FAMILY RULES (B.C. Reg. 169/2009) – Early Consolidation

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**SUPREME COURT FAMILY RULES (B.C. Reg. 169/2009) – Early
Consolidation**
B.C. Reg. 169/2009

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Rule 22.1-1 – Method of Attendance Pilot Project

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Rule 23-1 – Transition

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7. Appearance deemed to be a response to petition
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APPENDIX B – Costs

APPENDIX C – Fees

Note: *This regulation replaces B.C. Reg. 221/90.*

[Provisions of the *Court Rules Act*, RSBC 1996, c. 80, relevant to the enactment of this regulation: section 1]

PART 1 – Interpretation

Rule 1-1 – Interpretation

Definitions

(AM)
Mar
18/13

(1) In these Supreme Court Family Rules, unless the context otherwise requires:

"accessible address" means an address that describes a unique and identifiable location in British Columbia that is accessible to the public during normal business hours for the delivery of documents;

"application" means an application made before trial to obtain a court order or an application, whenever made, to change a final order;

(ADD)
Jul
01/14

"arbitration award" means an award, within the meaning of the *Arbitration Act*, made in respect of a family law dispute;

(ADD)
Sep
01/23

"business day" means a day on which the court registries are open for business;

"Chief Justice" means the Chief Justice of the Supreme Court of British Columbia;

"claimant" means a person who has filed a notice of family claim under Rule 4-1;

"court" means the Supreme Court of British Columbia and, if a master has jurisdiction, includes a master of the Supreme Court;

"Divorce Act" means the *Divorce Act* (Canada);

"document" has an extended meaning and includes a photograph, film, recording of sound, any record of a permanent or semi-permanent character and any information recorded or stored by means of any device;

(SUB)
Mar
18/13

"family justice counsellor" means a person appointed as a family court counsellor under section 3 of the *Family Relations Act* or a person appointed as a family justice counsellor under section 10 of the *Family Law Act*;

(AM)
May
26/14

"family law case" means a proceeding in which one or more of the following orders is sought:

- (a) an order under the *Divorce Act*;
- (b) an order under the *Family Law Act*;
- (b.1) a FHRMIRA order;

(ADD)
Dec
22/14

- (c) an order for annulment of marriage;
- (d) an order,
 - (i) based on unjust enrichment or other trust claims, for an interest in property, or
 - (ii) based on unjust enrichment, for compensationif the claim for the interest or compensation arises out of a marriage-like relationship;

(e) an order for adoption,
and includes

- (f) a proceeding that, under Rule 3-1 (4.1), was started by the filing of a requisition and agreement under Rule 2-1 (1),

(g) a proceeding that, under Rule 3-1 (4.4), was started by the filing of a requisition under Rule 20-6 (3), and

(ADD)
Jul
01/14

(h) a proceeding that, under Rule 3-1 (4.5), was started by the filing of a requisition and arbitration award under Rule 2-1.2 (2);

[Orders available under a family law case include orders concerning guardianship, parenting arrangements or contact with a child, orders for support for a child or spouse, protection orders, orders dealing with property and divorce orders.]

(ADD)
Dec
22/14

"FHRMIRA order" means an order made under the *Family Homes on Reserves and Matrimonial Interests or Rights Act* (Canada) or under a First Nation's law made under that Act;

"file" means file in the registry;

"final order" means an order finally resolving a claim in a family law case even though the order may be subject to change;

"FMEP Director" means the Director of Maintenance Enforcement under the *Family Maintenance Enforcement Act*;

"former Supreme Court Rules" means the Supreme Court Rules, B.C. Reg. 221/90;

"joint family law case" means a family law case referred to in Rule 2-2 (1);

"notice of application" means the document described in Rule 10-6 (3);

"party" means

(a) a claimant,

(b) a respondent,

(c) a respondent by way of counterclaim,

(d) a petitioner,

(e) a petition respondent, and

(f) if a support order is filed with him or her, the FMEP Director in relation to the following:

(i) any matter arising under section 9, 14 (1) or (2), 16 (3) or (4), 18 (2), 19, 20, 21, 22 (1), 23 (1), 26 (10), 29, 30, 30.1, 31, 39 (1) or 46 (1) of the *Family Maintenance Enforcement Act*;

(AM)
Mar
18/13

(ii) an application to change, suspend or terminate a support order that is in arrears, other than a support order under the *Divorce Act*;

(AM)
Mar
18/13

(iii) an application to change, suspend or terminate a support order made under the *Divorce Act* if the order has been assigned to a minister designated by the Lieutenant Governor in Council under the *Divorce Act*;

"petition proceeding" means a family law case started by a petition;

"petition respondent" means a person who has filed a response to petition under Rule 17-1 (4);

"petitioner" means a person who has filed a petition under Rule 17-1;

"pleading" means a notice of family claim, a response to family claim, a counterclaim and a response to counterclaim;

(AM)
May
18/18

"regional manager" in relation to a registry, means the regional manager of the Family Justice Services Division (Justice Services Branch), Ministry of Attorney General, who is responsible for the region in which the registry is located;

"registrar" includes a district registrar and a deputy district registrar;

"registry" , in relation to a family law case, means the office of the court in which the family law case is being conducted;

"relief" includes remedy;

"respondent" means a person who has filed a response to family claim under Rule 4-3;

"respondent by way of counterclaim" means a person who has filed a response to counterclaim under Rule 4-4 (5);

"support" includes maintenance;

"undefended family law case" means a family law case in which one of the following is true:

- (a) the family law case is a joint family law case and no party has filed a notice of withdrawal;
- (b) no response to family claim has been filed;
- (c) a response to family claim was filed but has been withdrawn or struck out;
- (d) a response to family claim and a counterclaim have been filed but the notice of family claim and any response to counterclaim have been
 - (i) withdrawn, or
 - (ii) struck out, discontinued or dismissed;
- (e) all claims other than a claim for divorce, if any, have been settled, the parties have filed a statement to that effect signed by the parties or their lawyers and the claim for divorce, if any, is not contested.

[am. B.C. Regs. 119/2010, Sch. B; 27/2013, Sch. 2; 133/2012; 90/2014, Sch. 2; 121/2014; 249/2014; 99/2018, Sch. 2; 176/2023, Sch. 2.]

Interpretation Act and Supreme Court Act

- (2) Unless a contrary intention appears, the *Interpretation Act* and the interpretation section of the *Supreme Court Act* apply to these Supreme Court Family Rules.

Titles and headings

- (3) The titles and headings of these Supreme Court Family Rules are for convenience only and are not intended as a guide to interpretation.

Reference aids

- (4) Italicized words in square brackets are not part of these Supreme Court Family Rules, are included editorially for convenience of reference only and are not to be used in interpreting the rules or any provision to which the words refer.

Rule 1-2 – Citation and Application

Citation

- (1) These Supreme Court Family Rules may be cited as the "Supreme Court Family Rules" and are included within any citation to the "Rules of Court" or the "Supreme Court Rules".

Rules apply to all family law cases

- (2) These Supreme Court Family Rules apply to all family law cases.

Waiver of rule by agreement

- (3) On application, and if all parties to a family law case agree, the court may order that any provision of these Supreme Court Family Rules does not apply to the family law case.

Rule 1-3 – Object of Rules

Object

- (1) The object of these Supreme Court Family Rules is to
 - (a) help parties resolve the legal issues in a family law case fairly and in a way that will
 - (i) take into account the impact that the conduct of the family law case may have on a child, and
 - (ii) minimize conflict and promote cooperation between the parties, and
 - (b) secure the just, speedy and inexpensive determination of every family law case on its merits.

Proportionality

- (2) Securing the just, speedy and inexpensive determination of a family law case on its merits includes, so far as is practicable, conducting the family law case in ways that are proportionate to
 - (a) the interests of any child affected,
 - (b) the importance of the issues in dispute, and
 - (c) the complexity of the family law case.

PART 2 – Resolving Cases by Agreement

Rule 2-1 – Agreements

(SUB)Written agreements

Mar
18/13

- (1) A copy of a written agreement referred to in section 15, 44 (3), 58 (3), 148 (2) or 163 (3) of the *Family Law Act* may be filed.

[en. B.C. Reg. 133/2012; am. B.C. Reg. 67/2013.]

(ADD)Filing agreements under the *Family Law Act*

Mar
18/13

- (2) To file an agreement under subrule (1), a copy of the agreement must be attached to a requisition in Form F17.1 and the requisition must be filed.

[en. B.C. Reg. 133/2012.]

(ADD)Enforcing agreements

Mar
18/13

- (3) Without limiting any other power the court may have to enforce an agreement filed under this rule, the court may make an order for that purpose on an application and, for that purpose, Part 10 of these Supreme Court Family Rules applies.

[en. B.C. Reg. 133/2012.]

Rule 2-1.1 – Determinations of Parenting Coordinators

(ADD)Determination may be filed

Mar
18/13

- (1) Subject to subrule (2), a determination of a parenting coordinator referred to in section 18 of the *Family Law Act* may be filed in a family law case.

[en. B.C. Reg. 133/2012.]

(ADD)Agreement must be filed

Mar
18/13

- (2) If the parenting coordinator who makes a determination was engaged under an agreement referred to in section 15 (1) of the *Family Law Act*, the determination must not be filed until that agreement has been filed under Rule 2-1.

[en. B.C. Reg. 133/2012.]

(ADD)Filing determinations under the *Family Law Act*

Mar
18/13

- (3) To file a determination under subrule (1), a copy of the determination must be attached to a requisition in Form F17.2 and the requisition must be filed.

[en. B.C. Reg. 133/2012.]

Rule 2-1.2 – Arbitration Awards

(ADD) **Arbitration awards may be filed**

Jul
01/14

- (1) An arbitration award may be filed in a registry.
[en. B.C. Reg. 121/2014]

(ADD) **Filing arbitration awards**

Jul
01/14

- (2) To file an arbitration award under subrule (1), a certified copy of the arbitration award must be attached to a requisition in Form F17.3 and the requisition must be filed.
[en. B.C. Reg. 121/2014.]

Rule 2-2 – Joint Family Law Case

Joint family law case

- (1) A family law case may be started jointly by the persons involved if all relief, except any claim for divorce, is by consent.

[See Rule 10-10 for the process to be followed for obtaining judgment in a joint family law case.]

Notice of family claim in joint family law case

- (2) In a joint family law case, the notice of family claim
 - (a) must be in Form F1, and
 - (b) need not be served.

Withdrawal from joint family law case

- (3) A person may withdraw from a joint family law case by
 - (a) filing a notice of withdrawal in Form F2, and
 - (b) serving a copy of the filed notice of withdrawal by personal service in accordance with Rule 6-3 (2).

Claiming additional relief

- (4) If a person who withdraws from a joint family law case wishes to oppose a claim made in the joint notice of family claim or wishes to claim other relief, that person must, at the time of filing the notice of withdrawal, file a response to family claim or counterclaim or both.

Application of rules

- (5) If a notice of withdrawal is filed under subrule (3), these Supreme Court Family Rules apply to the family law case as if it were not a joint family law case.

Rule 2-2.1 – *Civil Marriage Act* (Canada)

(ADD)Application under Part 2 of the *Civil Marriage Act* (Canada)

Jul
01/16

- (1) In this Rule,
"court order" , in respect of a marriage to which Part 2 of the *Civil Marriage Act* (Canada) applies, means a certified copy of an order from a court in the jurisdiction where one of the spouses resides declaring that the other spouse
- (a) is incapable of making decisions about his or her civil status because of a mental disability,
 - (b) is unreasonably withholding consent, or
 - (c) cannot be found;
- "supporting affidavit"** means an affidavit respecting the grounds for divorce as set out in section 7 (1) of the *Civil Marriage Act* (Canada).

[en. B.C. Reg. 4/2016.]

(ADD)What to File

Jul
01/16

- (2) A divorce under Part 2 of the *Civil Marriage Act* (Canada) may be sought by filing all of the following:
- (a) an application in Form F1.1;
 - (b) the marriage certificate;
 - (c) the applicable of the following:
 - (i) a supporting affidavit sworn by both spouses;
 - (ii) supporting affidavits sworn by each spouse;
 - (iii) a supporting affidavit sworn by the applicant spouse and a court order respecting the other spouse.

[en. B.C. Reg. 4/2016.]

(ADD)Certificate

Jul
01/16

- (3) A certificate of divorce referred to in section 9 of the *Civil Marriage Act* (Canada) must be in Form F1.2 and may be signed and issued by the registrar.

[en. B.C. Reg. 4/2016.]

PART 3 – How to Start and Defend a Family Law Case

Rule 3-1 – Choosing the Correct Form of Proceeding

Commencing family law cases by notice of family claim

- (AM)
Jul
01/14
- (1) Except for those special situations referred to in subrules (2.1) to (2.4), (4.1), (4.4) and (4.5) of this rule, every family law case must be started by filing a notice of family claim under Rule 4-1.

[am. B.C. Regs. 133/2012; 121/2014.]

(REP) Repealed

Mar
18/13

- (2) *Repealed.* [B.C. Reg. 133/2012]

(ADD) Joint family law case

Mar
18/13

- (2.1) A joint family law case must be started in accordance with Rule 2-2.

[en. B.C. Reg. 133/2012.]

(ADD) When petition must be used

Mar
18/13

- (2.2) The following orders must be sought in a family law case started in accordance with subrule (3) of this rule:

- (a) an order for adoption;
(b) an order for return of a child under the Convention on the Civil Aspects of International Child Abduction signed at The Hague on October 25, 1980;
(c) an order granting a person, other than a spouse,

(SUB)
Mar
01/21

- (i) leave under section 16.1 (3) of the *Divorce Act* to make an application for a parenting order or interim parenting order in respect of a child, or
(ii) leave under section 16.5 (3) of the *Divorce Act* to make an application for a contact order or interim contact order that provides for contact between the person and a child;

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- (d) an order granting a person, other than a former spouse, to whom a parenting order does not relate leave under section 17 (2) of the *Divorce Act* to make an application for an order varying, rescinding or suspending the parenting order.

[en. B.C. Reg. 133/2012; am. B.C. Reg. 208/2020.]

(ADD) Order for declaration of parentage

Mar
18/13

- (2.3) An order for a declaration of parentage must be sought in a family law case

- (a) started by filing a notice of family claim under Rule 4-1, or
(b) in accordance with subrule (4) of this rule.

[en. B.C. Reg. 133/2012.]

(ADD) **When petitions or applications must be used**

Mar
18/13

- (2.4) The following orders must be sought in accordance with subrule (4) of this rule:
- (a) an order under section 35 or 36 of the *Family Law Act* to recognize a Canadian extraprovincial declaratory order or a non-Canadian extraprovincial declaratory order respectively;
 - (b) directions sought by a guardian of a child under section 49 of the *Family Law Act*;
 - (c) an order under section 75 of the *Family Law Act* to recognize an extraprovincial order;
 - (d) an order under section 231 (4) of the *Family Law Act* to apprehend a child;
 - (e) an order under the *Divorce Act* to vary, rescind or suspend a support order, parenting order or contact order of another court;
 - (f) an order under section 183 of the *Family Law Act*;
 - (g) an order under section 28 of the *Child, Family and Community Service Act*.

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[en. B.C. Reg. 133/2012; am. B.C. Regs. 121/2014; 208/2020.]

Petitions

(AM)
Mar
18/13

- (3) To obtain any of the orders referred to in subrule (2.2), a person must start a family law case by petition under Rule 17-1 and seek the order within that family law case.

[am. B.C. Reg. 133/2012.]

Applications and petitions

(AM)
Mar
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(AM)
Mar
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- (4) To obtain any of the orders referred to in subrule (2.3) (b) or (2.4) of this rule, a person must apply for the order as follows:
- (a) if there is an existing family law case within which, under these Supreme Court Family Rules, it is appropriate to seek that order, the application for that order must be made in that family law case;
 - (b) if there is no existing family law case within which it is appropriate to seek that order, a person wishing to obtain that order must start a family law case by petition under Rule 17-1 and seek the order within that family law case.

[am. B.C. Reg. 133/2012.]

(ADD) **Filing agreements under the *Family Law Act***

Mar
18/13

- (4.1) If a person files under Rule 2-1 (2) a requisition to which an agreement is attached and there is no existing family law case within which it is appropriate to file the requisition, the filing of the requisition under that rule starts a family law case.

[en. B.C. Reg. 133/2012.]

(ADD) **Style of proceedings if filing of agreement starts family law case**

Mar
18/13

- (4.2) If the filing of a requisition starts a family law case under subrule (4.1) of this rule, the style of proceeding in the family law case must name the person filing the requisition as "Claimant" and the other parties to the agreement as "Respondents".

[en. B.C. Reg. 133/2012.]

(ADD) Filing determinations of parenting coordinators

Mar
18/13

- (4.3) Without limiting Rule 2-1.1 (2), if a person wishes to file a determination of a parenting coordinator under Rule 2-1.1 and there is no existing family law case within which it is appropriate to file the determination, the person must first start a family law case under subrule (4.1) of this rule and file the determination within that family law case.

[en. B.C. Reg. 133/2012.]

(ADD) Filing a requisition to appoint a litigation representative

May
26/14

- (4.4) If a person files a requisition under Rule 20-6 (3) and there is no existing family law case within which it is appropriate to file the requisition, the filing of that requisition under that rule starts a family law case, the style of proceeding of which must be "In the Matter of the Estate of" followed by the name of the deceased.

[en. B.C. Reg. 90/2014, Sch. 2.]

(ADD) Filing arbitration awards under the *Family Law Act*

Jul
01/14

- (4.5) If a person files under Rule 2-1.2 (1) a requisition to which an arbitration award is attached and there is no existing family law case within which it is appropriate to file the requisition, the filing of the requisition under that rule starts a family law case.

[en. B.C. Reg. 121/2014.]

(ADD) Style of proceedings if filing of arbitration award starts family law case

Jul
01/14

- (4.6) If the filing of a requisition starts a family law case under subrule (4.5) of this rule, the style of proceeding in the family law case must name the person filing the requisition as "Claimant" and the other parties to the arbitration as "Respondents".

[en. B.C. Reg. 121/2014.]

Joining claims and parties

- (5) A claim that, on its own, would not be the subject matter of a family law case may be brought in a family law case, and a person by or against whom any such claim is made may be added as a party in that family law case, if

- (a) relief referred to in paragraph (a), (b), (c), (d) or (e) of the definition of "family law case" in Rule 1-1 is being sought in the family law case, and
- (b) the claim is related to or connected with any of that relief.

[am. B.C. Reg. 133/2012.]

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PART 4 – Family Law Cases Started by Filing a Notice of Family Claim

Rule 4-1 – Notice of Family Claim

Notice of family claim

(AM)
Mar
18/13

- (1) To start a family law case other than a family law case referred to in Rule 3-1 (2.1), (2.2), (2.3) (b), (2.4) or (4.1), a person must file a notice of family claim in Form F3.

[A joint family law case is to be brought under Rule 2-2.]

[An application to change, suspend or terminate an existing order is to be brought under Part 10.]

[am. B.C. Regs. 133/2012; 67/2013.]

Service

- (2) After filing a notice of family claim, the claimant must serve a copy of the filed notice of family claim on each of the persons named as a respondent in the notice of family claim
- (a) by personal service in accordance with Rule 6-3 (2), or
 - (b) if the court makes an order under Rule 6-4 (1) allowing service by an alternative method, by that alternative method.

[Rule 4-2 limits the time for service.]

[Part 6 provides instructions about service.]

Rule 4-2 – Serving and Renewing the Notice of Family Claim

Renewal of original notice of family claim

- (1) An original notice of family claim does not remain in force for more than 12 months, but if a respondent named in a notice of family claim has not been served, the court, on the application of the claimant made before or after the expiration of the 12 months, may order that the original notice of family claim be renewed for a period of not more than 12 months.

Further renewal of notice of family claim

- (2) If a renewed notice of family claim has not been served on a respondent named in the notice of family claim, the court, on the application of the claimant made during the currency of the renewed notice of family claim, may order the renewal of the notice of family claim for a further period of not more than 12 months.

When renewal period begins

- (3) Unless the court otherwise orders, a renewal period ordered under subrule (1) or (2) begins on the date of the order.

After renewal of notice of family claim

- (4) Unless the court otherwise orders, a copy of each order granting renewal of a notice of family claim must be served with the renewed notice of family claim, and the renewed notice of family claim remains in force and is available to prevent the operation of any statutory limitation and for all other purposes.

Rule 4-3 – Responding to a Notice of Family Claim

Filing a response to family claim

- (1) To respond to a notice of family claim, a person must, within 30 days after being served,
- (a) file a response to family claim in Form F4, and
 - (b) serve a copy of the filed response to family claim on the claimant and on the other persons named in the notice of family claim as respondents.

No notice of hearing if no response to family claim

- (2) A person served with a notice of family claim under Rule 4-1 (2) who does not file a response to family claim in accordance with subrule (1) of this rule is not entitled to receive notice of any part of the family law case including, without limitation, any court appearance, hearing, conference or trial.

Rule 4-4 – Counterclaim

Counterclaim

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- (1) In addition to filing a response to family claim under Rule 4-3, a respondent may bring one or more of the following against the claimant:
- (a) a claim under the *Divorce Act*;
 - (b) a claim under the *Family Law Act*;
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- (b.1) a claim for a FHRMIRA order;
 - (c) *Repealed.* [B.C. Reg. 133/2012]
 - (d) a claim for annulment of marriage;
 - (e) a claim,
 - (i) based on unjust enrichment or other trust claims, for an interest in property, or
 - (ii) based on unjust enrichment, for compensation if the claim for the interest or compensation arises out of a marriage-like relationship;

- (f) a claim that, on its own, would not be the subject matter of a family law case if the claim is related to or connected with any of the relief sought in the family law case.

[Orders that may be sought under subrule (1) include orders concerning guardianship, parenting arrangements or contact with a child, orders for support for a child or spouse, protection orders, orders dealing with property and divorce orders.]

[am. B.C. Regs. 133/2012; 249/2014.]

Form of counterclaim

- (2) To seek an order referred to in subrule (1) of this rule, a party named as a respondent must file a counterclaim in Form F5 within 30 days after being served with the notice of family claim.

Counterclaim may include claims against persons other than the claimant

- (3) If one or more of the claims made in a counterclaim brought by a respondent against the claimant also relate to another person, the respondent may name that other person as a respondent to the counterclaim.

Service required

- (4) A respondent who files a counterclaim must,
- (a) within 30 days after being served with the notice of family claim, serve a copy of the filed counterclaim by ordinary service on all parties, and
 - (b) within 60 days after being served with the notice of family claim, serve a copy of the filed counterclaim and a copy of the filed notice of family claim by personal service in accordance with Rule 6-3 (2) on any person who is not yet a party to the family law case but against whom a claim is made in the counterclaim.

Parties against whom relief is sought must respond

- (5) To respond to a counterclaim, the claimant and any other person named as a respondent to the counterclaim must, within 30 days after being served,
- (a) file a response to counterclaim in Form F6, and
 - (b) serve a copy of the filed response to counterclaim on all parties.

No notice of hearing if no response to counterclaim

- (6) A person referred to in subrule (4) (b) who does not file a response to counterclaim in accordance with subrule (5) is not entitled to receive notice of any part of the family law case including, without limitation, any court appearance, hearing, conference or trial.

If family law case stayed or discontinued

- (7) A respondent's counterclaim in a family law case may proceed even though the claimant's claim in the family law case has been stayed, discontinued or dismissed.

Separate trial of counterclaim

- (7.1) If, on the application of a party against whom a counterclaim is made, it appears that the subject matter of the counterclaim ought to be dealt with separately, the court may order that the counterclaim be struck out or tried separately or may make any other order the court considers will further the object of these Supreme Court Family Rules.

[en. B.C. Reg. 119/2010, Sch. B.]

Judgment

- (8) If a set-off or counterclaim establishes a defence to the claimant's claim, the court may grant judgment in favour of the respondent for any balance in the respondent's favour or for other relief as the court considers appropriate.

Rule 4-5 – Other Rules about Notice of Family Claim Cases

Person allegedly involved in adultery

- (1) If it is alleged in a notice of family claim or counterclaim that a spouse has committed adultery with another person,
- (a) that other person must not be identified in the notice of family claim or counterclaim unless that other person is named as a party to the family law case,
 - (b) that other person must not be named as a party to the family law case unless relief, other than or in addition to costs, is claimed against the person, and
 - (c) the identity of that other person may be demanded by the party alleging adultery, but any information provided in response to that demand must not be filed before the trial or application for final order.

Marriage certificate to be filed

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- (2) The first person to file in a family law case a document in which a claim for divorce or nullity is made must file with that document a certificate of the marriage or of registration of the marriage unless

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- (a) the filed document
 - (i) sets out the reasons why the certificate is not being filed with the document and states that the certificate will be filed before the family law case is set down for trial or before an application is made for an order of divorce or nullity, or
 - (ii) sets out the reasons why it is impossible to file a certificate, and
- (b) the registrar is satisfied with the reasons given for the failure or inability to file such a certificate.

[am. B.C. Reg. 321/2021, Sch. 2.]

Withdrawal

- (3) In a family law case in which a divorce is claimed, a party who has filed a pleading may withdraw that document or any part of it by filing and serving a notice of withdrawal in Form F7.

Rule 4-6 – Pleadings Generally

Content of Pleadings

Inconsistent allegations

- (1) A party must not, in a pleading, make an allegation of fact or raise a new ground or claim inconsistent with the party's previous pleading.

Alternative allegations

- (2) Subrule (1) does not affect the right of a party to make allegations in the alternative or to amend or apply for leave to amend a pleading.

Particulars

Order for particulars

- (3) The court may order a party to serve further and better particulars of a matter stated in a pleading.

Demand for particulars

- (4) Before applying to the court for particulars, a party must demand them in writing from the other party.

Demand for particulars not a stay of proceedings

- (5) A demand for particulars does not operate as a stay of proceedings or give an extension of time, but a party may apply for an extension of time for serving a response to family claim or a response to counterclaim on the ground that the party cannot answer the notice of family claim or counterclaim respectively until particulars are provided.

PART 5 – Financial Disclosure

Rule 5-1 – Financial Disclosure

Interpretation

Interpretation

(AM)
Apr
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(1) In this rule:

"applicable income documents" means, in respect of a person,

- (a) a copy of every personal income tax return filed by the person for each of the 3 most recent taxation years,
- (b) a copy of every notice of income tax assessment or reassessment issued to the person for each of the 3 most recent taxation years,
- (c) if the person is receiving employment insurance benefits, a copy of the 3 most recent employment insurance benefit statements,
- (d) if the person is receiving workers' compensation benefits, a copy of the 3 most recent workers' compensation benefit statements,
- (e) if the person is receiving income assistance, current documentary evidence of the income assistance that is being received by that person,
- (f) if the person is an employee,
 - (i) the most recent statement of earnings indicating the total earnings paid to the person in the year to date, including overtime, or
 - (ii) if that statement is not provided by the employer, a letter from the person's employer setting out the information referred to in subparagraph (i) and including the person's rate of annual salary or remuneration,
- (g) if the person is self employed, the following information for the 3 most recent taxation years:
 - (i) the financial statements of the person's business or professional practice, other than a partnership;
 - (ii) a statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to, or on behalf of, persons or corporations with whom the person does not deal at arm's length,
- (h) if the person is a partner in a partnership, confirmation of the person's income and draw from, and capital in, the partnership for each of its 3 most recent taxation years,
- (i) if the person controls a corporation, the following information for the corporation's 3 most recent taxation years:
 - (i) the financial statements of the corporation and its subsidiaries;
 - (ii) a statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to, or on behalf of, persons or corporations with whom the corporation and every related corporation does not deal at arm's length,
- (j) if the person is a beneficiary under a trust, a copy of the trust settlement agreement and copies of the trust's 3 most recent financial statements, and

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- (k) if the person owns or has an interest in real property, a copy of the most recent assessment notice issued from an assessment authority for each property;

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"child support guidelines" means,

- (a) in reference to a claim under the *Family Law Act*, the child support guidelines established under the *Family Law Act*, or
- (b) in reference to a claim under the *Divorce Act*, the child support guidelines established under the *Divorce Act*;

(ADD)
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"income assistance" includes

- (a) income assistance within the meaning of the *Employment and Assistance Act*, and
- (b) disability assistance within the meaning of the *Employment and Assistance for Persons with Disabilities Act*;

"party" means a person named as a party to a family law case who is claiming, or against whom is claimed,

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- (a) an order for child support or an order changing, suspending or terminating an order for child support,
- (b) an order for spousal support or an order changing, suspending or terminating an order for spousal support,
- (c) *Repealed.* [B.C. Regs. 133/2012; 67/2013]
- (d) relief under Part 5 of the *Family Law Act*, or
- (e) a FHRMIRA order;

"stepparent" means, in relation to a child,

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- (a) a stepparent of the child within the meaning of section 146 of the *Family Law Act*, or
- (b) a person who stands in the place of a parent for the child within the meaning of the *Divorce Act*.

[am. B.C. Regs. 133/2012; 67/2013; 249/2014; 321/2021, Sch. 2.]

Application of this rule

(2) This rule applies to a family law case as follows:

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- (a) if, in the family law case, a person is seeking to obtain or to change, suspend or terminate an order for child support, subrules (1), (3) to (8) and (11) to (32) apply;
- (b) if, in the family law case, a person is seeking to obtain, review or change, suspend or terminate an order for spousal support, subrules (1), (3), (9) and (11) to (32) apply;
- (c) if, in the family law case, a person is seeking to obtain or to change, suspend or terminate an order for relief under Part 5 of the *Family Law Act*, subrules (1), (3) and (10) to (32) apply;
- (c.1) if, in the family law case, a person is seeking to obtain, vary or revoke a FHRMIRA order, subrules (1), (3) and (10) to (32) apply;

- (ADD)
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- (d) if, in the family law case, a person is seeking to set aside or replace the whole or any part of that portion of an agreement that deals with child support, subrules (1), (3) to (8) and (11) to (32) apply;
- (ADD)
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- (e) if, in the family law case, a person is seeking to review, set aside or replace the whole or any part of that portion of an agreement that deals with spousal support, subrules (1), (3), (9) and (11) to (32) apply.
[am. B.C. Regs. 133/2012; 249/2014.]

Numbering applicable income documents

- (3) Each page of the applicable income documents that are to be used in court must be numbered sequentially.

Claims for Child Support

Who must provide Part 1 of a Form F8 financial statement

- (4) Each party who is required under the child support guidelines to provide income information must file the following documents and must serve them under subrule (11):
- (a) Part 1 of a Form F8 financial statement;
 - (b) the party's applicable income documents;
 - (c) any other documents that the party is required to file and serve under subrules (5) to (7).

Who must provide Parts 2 and 3 of a Form F8 financial statement

- (5) In addition to any other documents a party is obliged to file and serve under this rule, the party must file Parts 2 and 3 of a Form F8 financial statement and must serve those documents under subrule (11), if one of the following is true:
- (a) the child support guidelines require the court to consider any or all of the following:
 - (i) the financial ability of the parties;
 - (ii) the means of the parties;
 - (iii) the condition, means, needs and other circumstances of the parties or the child;
 - (b) the party who is to pay the child support is a stepparent of the child.

If special or extraordinary expenses are claimed

- (6) A party who makes a claim for special or extraordinary expenses must
- (a) file Part 4 of a Form F8 financial statement, in addition to any other documents the party is obliged to file under this rule, and
 - (b) serve that Part 4 under subrule (11).

["Special or extraordinary expenses" is defined in section 7 of the child support guidelines.]

If undue hardship is claimed

- (7) In addition to any other documents that a party is obliged to file and serve under this rule, if a claim for undue hardship is made,
- (a) the party making the claim for undue hardship must file and serve, under subrule (11), Parts 1, 2, 3, 5 and 6 of a Form F8 financial statement along with that party's applicable income documents, and
 - (b) unless the court otherwise orders, a party other than the party making the claim for undue hardship must file and serve, under subrule (11), Parts 1, 2, 3 and 6 of a Form F8 financial statement along with that party's applicable income documents.

["Undue hardship" is defined in section 10 of the child support guidelines.]

Agreement avoids need for documents

- (8) Parties are deemed to have complied with the requirements of the child support guidelines respecting the provision of documents, and with the requirements of this rule, as it applies to child support, respecting the filing and service of documents, if
- (a) the parties have agreed on the annual income of the party who is to pay the child support,
 - (b) the parties have signed an agreement in Form F9, and
 - (c) the agreement in Form F9 has been filed together with the documents referred to in that agreement.

Applications for Spousal Support

Who must provide income documents

- (9) In addition to any other documents a party is obliged to file and serve under this rule, a party must file Parts 1, 2 and 3 of a Form F8 financial statement along with the party's applicable income documents, and must serve those Parts and applicable income documents under subrule (11), if one of the following is true:
- (a) the party is seeking to obtain a spousal support order;
 - (b) the party is seeking to change, suspend or terminate a spousal support order;
 - (c) a spousal support order is being sought against the party;
 - (d) a spousal support order has been obtained against the party and another party is seeking to change, suspend or terminate that order.

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[am. B.C. Reg. 133/2012.]

Applications for Division of Assets

Who must provide Part 3 of a Form F8 financial statement

(AM)
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- (10) Each party who is making a claim under Part 5 of the *Family Law Act* or applying for a FHRMIRA order, or against whom such a claim or an application is being made, must
- (a) file Part 3 of a Form F8 financial statement, in addition to any other documents that the party is obliged to file under this rule, and
 - (b) serve that Part 3 under subrule (11).
- [am. B.C. Regs. 133/2012; 249/2014.]

Service

When party must file and serve documents

- (11) A party who is obliged to file documents under subrule (4), (5), (6), (7), (9) or (10) (in this subrule called the "disclosing party") must file all of those documents that have not already been filed, and serve on each of the other parties all of those documents that have not already been served on that party, as follows:
- (a) if the disclosing party's obligation arises because of a claim he or she made, he or she must file and serve those documents within 30 days, or such other period as the court may order, after service of the document in which the claim is made;
 - (b) if the disclosing party's obligation arises because of a claim made by another party and the disclosing party resides in Canada or the United States of America, the disclosing party must file and serve those documents within 30 days, or such other period as the court may order, after service of the document in which the claim is made;
 - (c) if the disclosing party's obligation arises because of a claim made by another party and the disclosing party resides in a country other than Canada or the United States of America, the disclosing party must file and serve those documents within 60 days, or such other period as the court may order, after service of the document in which the claim is made.

Assessment Notice

Assessment notice to be included

- (12) If Part 3 of a Form F8 financial statement is to be served on a party under this rule, the party serving the Part 3 must, if that party owns or has an interest in real property, serve, with the Part 3, the most recent assessment notice prepared for that real property by an assessment authority unless that assessment notice has already been served.

Particulars of Form F8 Financial Statements

Particulars may be demanded

- (13) If a Form F8 financial statement lacks sufficient information, the other party may demand particulars.

Court may order particulars

- (14) If the party from whom particulars are demanded under subrule (13) fails to provide those particulars within 7 days after receipt of the demand, the court may, on terms it considers appropriate, make any order it considers will further the object of these Supreme Court Family Rules, including
- (a) an order that particulars be served within a specified time, or
 - (b) an order that a new Form F8 financial statement be served within a specified time.

Changes in Financial Circumstances

Information must be kept current

- (15) If information contained in a document filed and served under this rule is rendered inaccurate or incomplete by a material change in circumstances, the party who filed and served that document must, promptly after that material change, serve on all parties
- (a) a written statement setting out the accurate and complete information, or
 - (b) a revised Form F8 financial statement containing the accurate and complete information.

Additional documents

- (16) If the material change in circumstances referred to in subrule (15) is such that the party becomes obliged to file and serve documents under this rule that are additional to the documents previously filed and served under this rule by that party, the party must
- (a) serve copies of those additional documents within 28 days after the material change, and
 - (b) comply with subrule (15) in relation to the previously served documents.

If written statement or particulars provided

- (17) If a party provides particulars under subrule (13) or (14) (a) or serves a written statement under subrule (15) (a),
- (a) the particulars or statement may be treated at a trial or hearing as forming part of the original Form F8 financial statement of the party, and
 - (b) the other party may, with leave of the court, require that the particulars or statement be
 - (i) verified by an affidavit of the party providing the particulars or serving the statement, or
 - (ii) the subject of further cross-examination.

Updated statements

- (18) A party who has served a Form F8 financial statement more than 91 days before the start of the trial or hearing of an application to which a Form F8 is relevant must serve on all parties an updated Form F8 financial statement at least 28 days before but not more than 63 days before the start of the trial or hearing.

Disclosure of Business Interests

Production of documents

- (19) If a party discloses business or corporate interests in a Form F8 financial statement served under this rule, the party receiving the Form F8 financial statement may, in writing, request the disclosing party to produce for inspection and copying specified documents or classes of documents in the disclosing party's possession or control that might reasonably be required to verify the valuation of the disclosing party's interest or to determine the disclosing party's income.

Responding to demand

- (20) A party who receives a request under subrule (19) must, within 21 days after receipt, serve on the requesting party a notice stating
- (a) a time and place, during normal business hours, at which the documents may be inspected, and
 - (b) the cost of copying the documents.

Request to corporation, partnership or proprietorship

- (21) If a party who makes a request under subrule (19) is not satisfied with the reply to the request, the requesting party may serve on the corporation, partnership or proprietorship in which the disclosing party has disclosed an interest a written request to produce for inspection all documents that are relevant to the valuation of the interest or the determination of the disclosing party's income.

Production required

- (22) A corporation, partnership or proprietorship that receives a request under subrule (21) must, within 21 days after receipt, provide a written statement to the requesting party
- (a) detailing the documents in its possession or control that it is obliged to produce in response to the request,
 - (b) identifying those documents, if any, in respect of which the corporation, partnership or proprietorship intends to seek an exemption under subrule (24),
 - (c) specifying a time and place at which the documents for which an exemption is not being sought may be inspected, and
 - (d) specifying the cost of copying the documents for which an exemption is not being sought.

Application to court for directions

- (23) A corporation, partnership or proprietorship or either of the parties may apply to the court at any time for directions respecting any request for production of documents under subrule (19) or (21), including directions respecting payment of the costs of copying the documents, and the court may give those directions accordingly.

Application to court for exemption

- (24) A corporation, partnership or proprietorship may, within 21 days after the date a request is served on it under subrule (21), apply to the court for an order exempting it from the requirement to produce any document.

Application by person authorized

- (25) An application under subrule (23) or (24) may be made on behalf of a corporation or partnership by a person who has been authorized by the corporation or partnership for that purpose.

Court may order exemption

- (26) On an exemption application under subrule (24), the court may make an order exempting the applicant from the requirement to produce all or any of the requested documents if the court considers that
- (a) the documents and information already received by the party who made the request under subrule (21) are sufficient for the purposes of the main application,
 - (b) the production of the documents is not necessary for the purposes of the main application,
 - (c) in the case of a corporation, the prejudice that is likely to be suffered by the corporation, or to its directors or shareholders, if the exemption is not granted outweighs the prejudice that is likely to be suffered by the person requesting the documents if the exemption is granted, or
 - (d) in the case of a partnership, the prejudice that is likely to be suffered by the partnership, or to its partners or associates, if the exemption is not granted outweighs the prejudice that is likely to be suffered by the person requesting the documents if the exemption is granted.

Costs

- (27) The court may order that the costs of producing documents under subrule (20) or (22) and the costs of an application under subrule (23) or (24) be paid in favour of or against
- (a) either of the parties to the family law case, or
 - (b) the corporation, the partnership or the owner of the proprietorship, as the case may be.

Enforcement of This Rule

Relief

(AM)
Mar
18/13

- (28) Without limiting Rule 21-5 and any other powers the court may have under the *Family Law Act*, if a party fails to comply with a requirement under this rule to file or serve a Form F8 financial statement or any applicable income document or fails to comply with an order under this rule to provide particulars, the court may do any or all of the following:
- (a) order that the Form F8 financial statement, applicable income document or particulars, as the case may be, be filed or served or both on terms the court considers appropriate;
 - (b) dismiss all or part of that party's claim or application;
 - (c) strike out all or part of that party's response to family claim or response to counterclaim;
 - (d) proceed under Rule 21-7 to punish the party for contempt of court;

(AM)
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- (e) impose a fine under section 213 (2) (d) (iii) of the *Family Law Act*;
- (f) draw an adverse inference against the party;
- (g) attribute income to that party in an amount the court considers appropriate;
- (h) make an order as to costs.

[Rule 21-5 sets out what the court may do if parties fail to comply with these rules.]
[am. B.C. Reg. 133/2012.]

Confidentiality of Information

Confidentiality

- (29) Any person who has access to documents obtained under this rule must keep the documents and any information contained in them in confidence and must not disclose the documents or information to anyone other than
 - (a) for the purposes of a valuation of an asset,
 - (b) for a determination of the disclosing party's income, or
 - (c) in the course of permitting the documents to be introduced into evidence during the family law case.

Sealing of financial information

- (30) If the court considers that public disclosure of any information filed under this rule would be a hardship on the person in respect of whom the information is filed,
 - (a) the court may order that the whole or any part of the document in which the information is contained, and the whole or any part of the transcript of the cross-examination on the document, must promptly be sealed in an envelope, and
 - (b) if an order is made under paragraph (a), no person may search the sealed documents without an order of the court.

Conflict with Guidelines

Child support guidelines prevail

- (31) If and to the extent that there is a conflict between any provision of this rule and a provision of the child support guidelines, the provision of the child support guidelines prevails.

No conflict

- (32) For the purposes of subrule (31), it is not a conflict between the child support guidelines and this rule merely because this rule
 - (a) requires a person to provide information that is different from or additional to the information, if any, that that person would be obliged to provide under the child support guidelines,

- (b) requires that certain information required by this rule but not by the child support guidelines be presented in a manner or form that is different from the manner or form in which information required under the child support guidelines is to be presented, or
- (c) requires the provision, in one manner or form, of information some or all of which is required under the child support guidelines to be provided in a different manner or form.

PART 6 – Service

Rule 6-1 – Address for Service

(SUB) Required addresses for service of party represented by lawyer

Sep
01/23

(1) A party to a family law case who is represented by a lawyer must have, as the party's addresses for service, both

- (a) an e-mail address, if available, and
- (b) an accessible address that is an office address of that lawyer.

[en. B.C. Reg. 176/2023, Sch. 2.]

(ADD) Required addresses for service of unrepresented party

Sep
01/23

(1.1) A party to a family law case who is not represented by a lawyer must

- (a) have, as the party's addresses for service, both
 - (i) an e-mail address, if available, and
 - (ii) an accessible address within 30 kilometres of the registry, or
- (b) if the party does not have an accessible address within 30 kilometres of the registry, have, as the party's addresses for service, both
 - (i) an e-mail address, if available, and
 - (ii) either
 - (A) a postal address in British Columbia, or
 - (B) a fax number.

[en. B.C. Reg. 176/2023, Sch. 2.]

Additional addresses for service

(AM)
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01/23

(2) A party may have, in addition to the address or addresses for service the party is required to have under subrule (1) or (1.1), one or more of the following as addresses for service:

- (a) a postal address;
- (b) a fax number;
- (c) an additional e-mail address.

(SUB)
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[am. B.C. Reg. 176/2023, Sch. 2.]

Change of address for service

(AM)
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(3) A party may change the party's address or addresses for service by filing and serving on the other parties a notice of address for service in Form F10 that shows, for the party,

(AM)
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- (a) the address or addresses for service required under subrule (1) or (1.1), and
- (b) any additional addresses for service referred to in subrule (2) that the party wishes to include.

[am. B.C. Reg. 176/2023, Sch. 2.]

Rule 6-2 – Ordinary Service

Note

[See Rule 6-5 for rules on how service is effected outside British Columbia.]

Documents normally to be served by ordinary service

- (1) Subject to Rule 6-3 (1) and unless the court otherwise orders, documents to be served by a party under these Supreme Court Family Rules may be served by ordinary service.

How to serve documents by ordinary service

- (2) Unless the court otherwise orders, ordinary service of a document is to be effected
 - (a) on a person, other than the FMEP Director, in any of the following ways:
 - (i) by leaving the document at the person's address for service;
 - (ii) by mailing the document by ordinary mail to the person's address for service;
 - (iii) subject to subrule (5) of this rule, if a fax number is provided as one of the person's addresses for service, by faxing the document to that fax number together with a fax cover sheet;
 - (iv) if an e-mail address is provided as one of the person's addresses for service, by e-mailing the document to that e-mail address, or
 - (b) on the FMEP Director by
 - (i) mailing it to the post office box number provided by the FMEP Director, or
 - (ii) faxing it to the fax number provided by the FMEP Director.

When service by delivery is deemed to be completed

- (3) A document served by leaving it at a person's address for service is deemed to be served on the person as follows:
 - (a) if the document is left at the address for service at or before 4 p.m. on a day that is not a Saturday or holiday, the document is deemed to be served on the day of service;
 - (b) if the document is left at the address for service on a Saturday or holiday or after 4 p.m. on any other day, the document is deemed to be served on the next day that is not a Saturday or holiday.

When service by mail is deemed to be completed

- (4) A document sent for service by ordinary mail under this rule is deemed to be served one week later on the same day of the week as the day of mailing or, if that deemed day of service is a Saturday or holiday, on the next day that is not a Saturday or holiday.

When documents may be served by fax

- (5) A document may be served by fax as follows:
 - (a) if the document, including the fax cover sheet, is less than 30 pages, the document may be served by fax at any time;

- (b) if the document, including the fax cover sheet, is 30 pages or more, the document may be served by fax if it is transmitted
 - (i) between 5 p.m. and the following 8 a.m., or
 - (ii) at another time if the person receiving the document agreed to that time before service.

When service by fax or e-mail is deemed to be completed

- (6) A document transmitted for service by fax or e-mail under this rule is deemed to be served as follows:
 - (a) if the document is transmitted before 4 p.m. on a day that is not a Saturday or holiday, the document is deemed to be served on the day of transmission;
 - (b) if the document is transmitted on a Saturday or holiday or after 4 p.m. on any other day, the document is deemed to be served on the next day that is not a Saturday or holiday.

[Sunday is a holiday for the purposes of this Rule.]

If no address for service given

- (7) If, despite these Supreme Court Family Rules, a party on whom a document is to be served has no address for service, and if these Supreme Court Family Rules do not specify that the document must be served by personal service on the party,
 - (a) the document may be served by mailing a copy of the document by ordinary mail to
 - (i) the lawyer acting for the party in the family law case, or
 - (ii) if the party has no lawyer in the family law case, to the party's last known address, and
 - (b) subrule (4) applies.

(ADD)Request for copy of document served by e-mail

Sep
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- (8) If a document is transmitted for service by e-mail and the person receiving the document requests, within 3 days of receiving that document, that a copy be sent to another address for service for that person, the party who served the document by e-mail must provide the copy at the requested address for service within 7 days of receiving that request or as agreed upon by the parties.

[en. B.C. Reg. 176/2023, Sch. 2.]

Rule 6-3 – Personal Service

Note

[See Rule 6-5 for rules on how service is effected outside British Columbia.]

When documents must be served by personal service

- (1) Unless the court otherwise orders, the following documents must be served by personal service in accordance with subrule (2):

(SUB)
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- (a) a notice of family claim;
- (b) a petition;
- (c) a counterclaim if that counterclaim is being served on a person who has not yet filed a pleading in the family law case;
- (d) a notice of withdrawal under Rule 2-2 (3) or 4-5 (3);
- (e) a notice of application to

(ADD)
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- (i) change, suspend or terminate an existing final order,
- (ii) set aside or replace the whole or any part of an agreement filed under Rule 2-1 (2),
- (iii) change or set aside the determination of a parenting coordinator filed under Rule 2-1.1 (1), or
- (iv) change, suspend or terminate an arbitration award filed under Rule 2-1.2 (1),

(REP)
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- (f) and the accompanying documents referred to in Rule 10-6 (6);
a summons to appear at a default hearing or show cause hearing under Rule 15-5 (1);
- (g) a summons to appear at a committal hearing under Rule 15-5 (2);
- (h) a notice of application under Rule 21-7 for an order for contempt;
- (i) a subpoena to a witness who is not a party;
- (j) a subpoena to a debtor;
- (k) *Repealed.* [B.C. Reg. 133/2012]
- (l) any document not mentioned in paragraphs (a) to (k) of this subrule that is to be served on a person who is not a party to the family law case or who has not provided an address for service in the family law case under Rule 10-6 (10).

[am. B.C. Regs. 133/2012; 121/2014.]

How to serve documents by personal service

- (2) Unless the court otherwise orders, personal service of a document is to be effected,
 - (a) if the document is to be served on an individual, by having a person who is not a party and who is at least 19 years of age leave the document with the individual to be served,
 - (b) if the document is to be served on the FMEP Director, by
 - (i) mailing it to the post office box number provided by the FMEP Director, or
 - (ii) faxing it to the fax number provided by the FMEP Director,
 - (c) if the document is to be served on a corporation,
 - (i) by leaving a copy of the document with the president, chair, mayor or other chief officer of the corporation,
 - (ii) by leaving a copy of the document with the city clerk or municipal clerk,
 - (iii) by leaving a copy of the document with the manager, cashier, superintendent, treasurer, secretary, clerk or agent of the corporation or of any branch or agency of the corporation in British Columbia, or
 - (iv) in the manner provided by the *Business Corporations Act* or any enactment relating to the service of court documents,

and, for the purpose of this paragraph, if the chief place of business of the corporation is outside British Columbia, every person who, within British Columbia, transacts or carries on any of the business of, or any business for, that corporation is deemed to be an agent of the corporation,

- (d) if the document is to be served on an unincorporated association, other than a trade union, by leaving a copy of the document with any officer of the association,
 - (e) if the document is to be served on a trade union, by leaving a copy of the document with any officer of the trade union or with a business agent,
 - (f) if the document is to be served on an infant, in the manner provided by the *Infants Act*,
 - (g) if the document is to be served on a mentally incompetent person, by leaving a copy of the document
 - (i) with the person's committee or, if there is no committee, with the person with whom the mentally incompetent person resides or in whose care he or she is or with the person appointed by the court to be served in the mentally incompetent person's place, and
 - (ii) with the Public Guardian and Trustee,
- and in no case is it necessary to show the original document,
- (h) if the document is to be served on a principal referred to in subrule (3), in accordance with subrules (3) to (5), or
 - (i) if the document is to be served on the Attorney General, in accordance with subrule (6).

Service on Attorney General

(AM)
May
18/18

- (3) A document to be served on the Attorney General must be served at the Ministry of Attorney General in the City of Victoria, and is sufficiently served if it is left during office hours with any lawyer on the staff of the Attorney General at Victoria or mailed by registered mail to the Deputy Attorney General at Victoria.

[am. B.C. Regs. 27/2013, Sch. 2; 99/2018, Sch. 2.]

When personal service is deemed to be completed

- (4) A document served by personal service is deemed to be served as follows:
 - (a) if the document is served before 4 p.m. on a day that is not a Saturday or holiday, the document is deemed to be served on the day of service;
 - (b) if the document is served on a Saturday or holiday or after 4 p.m. on any other day, the document is deemed to be served on the next day that is not a Saturday or holiday.

[Sunday is a holiday for the purposes of this subrule.]

Date of deemed service

- (5) If a notice of family claim, counterclaim or petition has not been served on a person, but the person files a response to family claim, response to counterclaim or response to petition or attends at the trial or hearing, the notice of family claim, counterclaim or petition is deemed to have been served on that person on the date the person files or attends.

Rule 6-4 – Alternative Methods of Service

Alternative service methods

- (1) If it is impracticable to serve a document by personal service or if the person to be served by personal service
 - (a) cannot be found after a diligent search, or
 - (b) is evading service of the documents,the court may, on application without notice, make an order for substituted service granting permission to use an alternative method of service.
[am. B.C. Reg. 119/2010, Sch. B.]

If an alternative service method is permitted

- (2) If a document is to be served by an alternative method permitted under subrule (1), a copy of the entered substituted service order that granted permission to use that alternative method must be served with the document unless
 - (a) the court otherwise orders, or
 - (b) the alternative method of service permitted under subrule (1) is service by advertisement.[am. B.C. Reg. 119/2010, Sch. B.]

Service by advertisement

- (3) If, under subrule (1), the court permits a document to be served by advertisement, the advertisement must be in Form F11.

Rule 6-5 – Service outside British Columbia

Service outside British Columbia without leave

(AM)
Mar
18/13

- (1) A notice of family claim, counterclaim, petition or other document in a family law case may be served on a person outside British Columbia without leave if the court has jurisdiction in relation to the family law case under section 10 of the *Court Jurisdiction and Proceedings Transfer Act*, section 74 of the *Family Law Act* or section 3 or 4 of the *Divorce Act*.

[am. B.C. Reg. 133/2012.]

Application for leave to serve outside the jurisdiction

- (2) In any case not provided for in subrule (1), leave of the court must be obtained before a notice of family claim, counterclaim, petition or other document may be served outside British Columbia, and the court may grant such leave on an application referred to in subrule (3).

Applications may be made without notice

- (3) An application for leave to serve a person outside British Columbia
 - (a) may be made without notice in accordance with Rule 10-5 (1) (c), and
 - (b) must be supported by an affidavit or other evidence showing

- (i) in what place or country that person is or probably may be found, and
- (ii) the grounds on which the application is made.

Service of order and related documents

- (4) If an order is made granting leave to serve a notice of family claim, counterclaim, petition or other document outside British Columbia, the following documents must be served with that notice of family claim, counterclaim, petition or other document:
 - (a) a copy of the filed notice of application, or requisition, for leave to serve;
 - (b) a copy of all filed affidavits in support of the application;
 - (c) a copy of the entered order granting leave to serve.

If service without leave valid

- (5) This rule does not invalidate service of a document outside British Columbia without leave of the court if the document could have been validly served apart from this rule.

Contract containing terms for service

- (6) Despite this rule, the parties to a contract may agree
 - (a) that the court will have jurisdiction to hear a family law case in respect of the contract, and
 - (b) that a document in the family law case may be served
 - (i) at any place, within or outside British Columbia,
 - (ii) on any party,
 - (iii) on any person on behalf of any party, or
 - (iv) in any mannerspecified in the contract.

Contract does not invalidate effective service

- (7) Service of a document in accordance with a contract referred to in subrule (6) is effective service, but no contractual stipulation as to service of a document invalidates service that would otherwise be effective under these Supreme Court Family Rules.

Definition

- (8) In subrules (9) to (12), "**Convention**" means the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, signed at the Hague on November 15, 1965.

Manner of service abroad

- (9) A document may be served outside British Columbia

- (a) in a manner provided by these Supreme Court Family Rules for service in British Columbia,
- (b) in a manner provided by the law of the place where service is made if, by that manner of service, the document could reasonably be expected to come to the notice of the person to be served, or
- (c) in a state that is a contracting state under the Convention, in a manner provided by or permitted under the Convention.

Proof of service abroad

- (10) Service of a document outside British Columbia may be proved
 - (a) in a manner provided by these Supreme Court Family Rules for proof of service in British Columbia,
 - (b) in the manner provided for proof of service by the law of the place where service was made regardless of the manner under subrule (9) by which service was effected, or
 - (c) in accordance with the Convention, if service was effected under subrule (9) (c).

Forms

- (11) If service is to be made in accordance with Article 5 of the Convention, Forms F12 and F13 must be used.

Certificate

- (12) If an authority has, in accordance with Article 6 of the Convention, completed a certificate in Form F14, the certificate is evidence of the facts stated in it.

Rule 6-6 – Proving Service

Proof of service

- (1) Service of a document is proved as follows:
 - (a) service of a notice of family claim on a person is proved
 - (i) by filing an affidavit of personal service in Form F15, or
 - (ii) by the person filing a response to family claim;
 - (b) service of a counterclaim on a person who has not filed a pleading is proved
 - (i) by filing an affidavit of personal service in Form F15, or
 - (ii) by the person filing a response to counterclaim;
 - (c) service of a petition on a person is proved
 - (i) by filing an affidavit of personal service in Form F15, or
 - (ii) by the person filing a response to petition;
 - (d) service of any other document served by personal service is proved by filing an affidavit of personal service in Form F15;

- (e) service of any document that is served by ordinary service is proved
 - (i) by filing an affidavit of ordinary service in Form F16, or
 - (ii) by filing a requisition in Form F17 to which is attached a written acknowledgment of receipt signed by the party or lawyer on whom the document was served.

Proof of service by sheriff

- (2) Service of a document by a sheriff may be proved by a certificate in Form F18 endorsed on a copy of the document.

Service on member of Canadian Armed Forces

- (3) If a member of the Canadian Armed Forces has been served with a document by an officer of the Canadian Armed Forces, proof of the service in the form of a certificate annexed to a copy of the document served, signed by the officer and stating his or her rank and when, where and how service was effected, may be filed as proof of service.

Admissibility of other evidence of service

- (4) Nothing in subrule (1) or (2) restricts the court from considering any other evidence of service that the court considers appropriate in the circumstances.

Rule 6-7 – Relief

If service is alleged to be ineffective

- (1) If a document has been served in accordance with this Part but a person can show that the document
 - (a) did not come to his or her notice,
 - (b) came to his or her notice later than when it was served, or
 - (c) was incomplete or illegible,the court may set aside an order, extend time, order an adjournment or make such other order as it considers will further the object of these Supreme Court Family Rules.

PART 7 – Conferences

Rule 7-1 – Judicial Case Conference

Requirement for Judicial Case Conference

Requesting a judicial case conference

- (1) A party may request a judicial case conference at any time, whether or not one or more judicial case conferences have already been held in the family law case.

Requirement to hold judicial case conference

- (2) Subject to subrules (3) and (4), unless a judicial case conference has been conducted in a family law case, a party to the family law case must not serve on another party a notice of application or an affidavit in support.

Exceptions

Applications that may be brought before a judicial case conference

- (3) A party to a family law case may file and serve a notice of application and supporting affidavits in respect of any of the following applications even though a judicial case conference has not been conducted in the family law case:
 - (a) *Repealed.* [B.C. Reg. 133/2012]
 - (b) an application for an order under section 91 of the *Family Law Act* restraining the disposition of any property at issue;
 - (b.1) an application for an order under section 32 or 39 of the *Family Homes on Reserves and Matrimonial Interests or Rights Act* (Canada) or a First Nation's law made under that Act with respect to an equivalent matter;
 - (c) an application for a consent order;
 - (d) an application without notice;
 - (e) an application to change, suspend or terminate a final order;
 - (f) an application to set aside or replace the whole or any part of an agreement;
 - (g) an application to change or set aside the determination of a parenting coordinator.

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[am. B.C. Regs. 133/2012; 249/2014.]

Court may relieve party from requirement of subrule (2)

- (4) On application by a party, the court may relieve a party from the requirement of subrule (2) if
 - (a) it is premature to require the parties to attend a judicial case conference,
 - (b) it is impracticable or unfair to require the party to comply with the requirements of subrule (2),
 - (c) the application referred to in subrule (2) is urgent,
 - (d) delaying the application referred to in subrule (2) or requiring the party to attend a judicial case conference is or might be dangerous to the health or safety of any person, or
 - (e) the court considers it appropriate that the party be relieved from that requirement.

(SUB)How to apply for relief

Sep
01/23

- (5) To bring an application for relief under subrule (4), a party must file a requisition in Form F18.1.

[en. B.C. Reg. 176/2023, Sch. 2.]

Powers of the court

- (6) On an application for relief under subrule (4), the court may do one or more of the following:
 - (a) require that further material be provided;
 - (b) require that the party or lawyer appear in person to speak to the application;
 - (c) make the order without requiring the party or lawyer to appear to speak to the application;
 - (d) refuse to make the order;
 - (e) make any order the court considers will further the object of these Supreme Court Family Rules.

Arranging the Judicial Case Conference

How to request a judicial case conference

- (7) To request a judicial case conference, a party must file a notice of judicial case conference in Form F19.

What must be served if judicial case conference is requested

- (8) The party requesting a judicial case conference must serve on all parties, at least 30 days before the date set for the judicial case conference,
 - (a) a copy of the filed notice of judicial case conference, and
 - (b) a copy of the Form F8 financial statement, if any, required under Rule 5-1, along with the applicable income documents referred to in section B of Part 1 of the Form F8 financial statement.

Court may require a judicial case conference

- (9) At any stage of a family law case, the court may direct that a judicial case conference take place and may order a party to
 - (a) file a notice of judicial case conference, and
 - (b) serve a copy of the filed notice of judicial case conference along with any financial documents required under subrule (8) (b) in accordance with subrule (8).

Form F8 financial statement must be filed before judicial case conference

- (10) A party serving a notice of judicial case conference in accordance with subrule (8) or (9) must, at least 7 days before the date set for the judicial case conference, file the original of the Form F8 financial statement, if any, required under Rule 5-1 along with the applicable income documents referred to in section B of Part 1 of the Form F8 financial statement.

Other parties must file and serve Form F8 financial statement

- (11) At least 7 days before the date set for a judicial case conference, a party who has been served with a notice of judicial case conference in accordance with subrule (8) or (9) must
 - (a) serve on the party who served the notice of judicial case conference and on every other party a copy of the Form F8 financial statement, if any, required under Rule 5-1 along with the applicable income documents referred to in section B of Part 1 of the Form F8 financial statement, and
 - (b) file the original Form F8 financial statement along with the applicable income documents referred to in section B of Part 1 of the Form F8 financial statement.

Conduct of Judicial Case Conference

Judicial case conference must be conducted by judge or master

- (12) A judicial case conference must be conducted by a judge or master.

Who must attend the judicial case conference

- (AM) Sep 01/23 (13) Unless the court otherwise orders, if a judicial case conference is held, each of the parties and the party's lawyer must attend that judicial case conference.

[am. B.C. Reg. 176/2023, Sch. 2.]

(ADD) Application must be made by requisition

Sep 01/23

- (13.1) An application under subrule (13) for an order exempting a person from attending a judicial case conference must be made by requisition in Form F19.1.

[en. B.C. Reg. 176/2023, Sch. 2.]

Absent parties must be available and accessible by telephone or other means

- (14) If the court orders that a party need not attend a judicial case conference, the party must be readily available and immediately accessible for consultation during the judicial case conference, either in person or by telephone.

What happens at the judicial case conference

- (15) The court may do one or more of the following at a judicial case conference:
- (a) identify the issues that are in dispute and those that are not in dispute and explore ways in which the issues in dispute may be resolved without recourse to trial;
 - (b) make orders to which all the parties consent;
 - (c) mediate any of the issues in dispute;
 - (AM) Mar 18/13 (d) with the consent of the parties, refer the parties to a family dispute resolution professional, within the meaning of the *Family Law Act*, other than a family justice counsellor;
 - (e) refer the parties to a family justice counsellor, or to a person designated by the Attorney General to provide specialized support assistance, if the court has received written advice from the regional manager that the family justice counsellor or designated person is readily available to the parties;
 - (AM) May 18/18 (f) direct a party to attend the Parenting after Separation program operated by the Family Justice Services Division (Justice Services Branch), Ministry of Attorney General;
 - (g) make orders respecting amendment of a pleading, petition or response to petition within a fixed time;
 - (h) make orders requiring that particulars be provided in relation to any matter raised in a pleading;
 - (i) make orders respecting discovery of documents;
 - (j) make orders respecting examinations for discovery;
 - (k) direct that any or all applications must be made within a specified time;
 - (l) reserve a trial date for the family law case or reserve a date for a trial that is restricted to issues defined by the parties;
 - (m) set a date for a trial management conference under Rule 14-3;
 - (n) make any orders that may be made at a trial management conference under Rule 14-3 (9);
 - (o) without hearing witnesses, give a non-binding opinion on the probable outcome of a hearing or trial;
 - (p) without limiting any other orders respecting timing that may be made under this subrule, make orders respecting timing of events;
 - (q) adjourn the judicial case conference;
 - (r) direct the parties to attend a further judicial case conference at a specified date and time;
 - (s) make any procedural order or give any direction that the court considers will further the object of these Supreme Court Family Rules.

[am. B.C. Regs. 27/2013, Sch. 2; 133/2012; 99/2018, Sch. 2.]

Non-attendance at judicial case conference

- (16) Without limiting any other power of the court under these Supreme Court Family Rules, if a party fails to appear at a judicial case conference, the court may
- (a) proceed in the absence of the party who failed to appear,
 - (b) exercise any of the powers of the court under subrule (15) of this rule, and
 - (c) order that the party who failed to appear pay costs to the other party.

Judge or master may be seized of further applications

- (17) At a judicial case conference, or at any other time, a judge or master may order that all applications in the family law case be heard by that judge or master.

Other judges or masters may hear applications

- (18) A judge or master who has made an order under subrule (17) may at any time direct that any or all applications in the family law case may be heard by another judge or master.

(ADD) Proceedings must be recorded

Jul
01/11

- (19) Proceedings at a judicial case conference must be recorded, but no part of that recording may be made available to or used by any person without court order.

[en. B.C. Reg. 95/2011, Sch. B.]

Rule 7-2 – Settlement Conferences

Settlement conference

- (1) If, at any stage of a family law case, the parties jointly request a settlement conference by filing a requisition in Form F17 or a judge or master directs the parties to attend a settlement conference, the parties must attend before a judge or master who must, in private and without hearing witnesses, explore all possibilities of settlement of the issues that are outstanding.

Proceedings must be recorded

- (2) Proceedings at a settlement conference must be recorded, but no part of that recording may be made available to or used by any person without court order.

When judge must not preside

- (3) A judge who has presided at a settlement conference must not preside at the trial, unless all parties consent.

PART 7.1 – Case Planning

Rule 7.1-1 – Case Planning Conferences

(ADD) Case planning conference may be requested

Sep
01/23

- (1) At any time after a judicial case conference has been held in a family law case, a party may request a case planning conference by
 - (a) obtaining a date and time for the case planning conference from the registry, and
 - (b) filing a notice of case planning conference in Form F19.2.

[en. B.C. Reg. 176/2023, Sch. 2.]

(ADD) Case planning conference may be directed

Sep
01/23

- (2) Without limiting subrule (1), at any time after a judicial case conference has been held in a family law case, the court
 - (a) may direct that a case planning conference take place, and
 - (b) in that case, must direct that a party request a case planning conference in accordance with subrule (1).

[en. B.C. Reg. 176/2023, Sch. 2.]

(ADD) Time for service of notice

Sep
01/23

- (3) Unless the court otherwise orders or the parties otherwise agree, a party who is requesting a case planning conference under subrule (1) or who has been directed to request a case planning conference under subrule (2) must serve the filed notice of case planning conference on the other parties,
 - (a) in the case of the first case planning conference to be held in the family law case, at least 35 days, or any shorter period that the court may order, before the date set for the case planning conference, and
 - (b) in the case of any other case planning conference to be held in the family law case, at least 7 days, or any shorter period that the court may order, before the date set for the case planning conference.

[en. B.C. Reg. 176/2023, Sch. 2.]

(ADD) Application must be made by requisition

Sep
01/23

- (4) An application under subrule (3) (a) or (b) to shorten the service period applicable to a notice of case planning conference
 - (a) must be made by requisition in Form F17, and
 - (b) unless the court otherwise orders, may be made without notice.

[en. B.C. Reg. 176/2023, Sch. 2.]

(ADD) Case plan proposal required

Sep
01/23

- (5) Unless the court otherwise orders, if a case planning conference is requested or ordered under this rule, the parties must, before the first case planning conference to be held in the family law case, file case plan proposals as follows:
- (a) the party who is requesting the case planning conference must, within 14 days after serving the notice of case planning conference,
 - (i) file the party's case plan proposal, and
 - (ii) serve a copy of the filed case plan proposal on all other parties;
 - (b) each other party must, within 14 days after receipt of the case plan proposal referred to in paragraph (a),
 - (i) file the party's case plan proposal, and
 - (ii) serve a copy of the filed case plan proposal on all other parties.
- [en. B.C. Reg. 176/2023, Sch. 2.]

(ADD) Contents of case plan proposal

Sep
01/23

- (6) A party's case plan proposal referred to in subrule (5) must be in Form F19.3 and must, in a summary manner, indicate the party's proposal with respect to the following steps:
- (a) discovery of documents;
 - (b) examinations for discovery;
 - (c) obtaining the views of a child, if appropriate;
 - (d) dispute resolution procedures;
 - (e) expert witnesses;
 - (f) witness lists;
 - (g) trial type, estimated trial length and preferred periods for the trial date.
- [en. B.C. Reg. 176/2023, Sch. 2.]

Rule 7.1-2 – Conduct of Case Planning Conference

(ADD) Case planning conference must be conducted by judge or master

Sep
01/23

- (1) A case planning conference held in a family law case must be conducted by a judge or master.
- [en. B.C. Reg. 176/2023, Sch. 2.]

(ADD) Who must attend

Sep
01/23

- (2) Unless the court otherwise orders, the following persons must attend a case planning conference in accordance with subrule (3):
- (a) each lawyer representing a party;
 - (b) a party if
 - (i) the party is not represented by a lawyer in the family law case, or
 - (ii) the party is ordered to attend by the court.
- [en. B.C. Reg. 176/2023, Sch. 2.]

(ADD) Method of attendance

Sep
01/23

- (3) Unless the court otherwise orders, a lawyer or party referred to in subrule (2) must attend a case planning conference held in the family law case
- (a) in person, or
 - (b) by telephone, video conference or other communication medium, if all persons participating in the case planning conference, whether by telephone, video conference or other communication medium or in person, are able to communicate with each other.

[en. B.C. Reg. 176/2023, Sch. 2.]

(ADD)Application must be made by requisition

Sep
01/23

- (4) Each application under subrule (2) for an order exempting a person from attending a case planning conference
- (a) must be made by requisition in Form F19.1, and
 - (b) unless the court otherwise orders, may be made without notice.

[en. B.C. Reg. 176/2023, Sch. 2.]

(ADD)Considerations of the court

Sep
01/23

- (5) If an application is brought under subrule (2) for an order exempting a person from attending a case planning conference, the court may make such an order if the court considers that
- (a) attendance must be excused on health or compassionate grounds, or
 - (b) other extraordinary circumstances exist that justify the order.

[en. B.C. Reg. 176/2023, Sch. 2.]

(ADD)Non-attendance at case planning conference

Sep
01/23

- (6) If a person who, under subrule (2), is required to attend a case planning conference fails to attend at that case planning conference, the case planning conference judge or master may do one or more of the following:
- (a) proceed in the absence of the person who failed to attend;
 - (b) adjourn the case planning conference;
 - (c) order that the person, or the party on whose behalf the person was to attend, pay costs to one or more other parties.

[en. B.C. Reg. 176/2023, Sch. 2.]

(ADD)Proceedings must be recorded

Sep
01/23

- (7) Proceedings at a case planning conference must be recorded, but no part of that recording may be made available to or used by any person without court order.

[en. B.C. Reg. 176/2023, Sch. 2.]

Rule 7.1-3 – Case Planning Conference Orders

(ADD)Orders

Sep
01/23

- (1) At a case planning conference, the case planning conference judge or master may make one or more of the following orders in respect of the family law case, whether or not on the application of a party:
 - (a) setting a timetable for the steps to be taken;
 - (b) amending a previous case plan order;
 - (c) any order referred to in Rule 21-2 (2);
 - (d) requiring amendment of a pleading to provide details of one or more of the following matters set out in that pleading:
 - (i) the facts,
 - (ii) the relief sought, or
 - (iii) the legal basis on which relief is sought or opposed;
 - (e) respecting the length and content of pleadings;
 - (f) respecting discovery, listing, production, preservation, exchange or examination of documents or exhibits, including, without limitation, orders
 - (i) respecting electronically stored information, and
 - (ii) that discovery, listing, production, exchange or examination be limited or otherwise conducted as ordered;
 - (g) respecting discovery of parties or the examination or inspection of persons or property, including, without limitation, that discovery, examination or inspection be limited, expanded or otherwise conducted in the manner ordered;
 - (h) respecting interrogatories;
 - (i) respecting third party claims, including imposing terms on any third party procedure to limit or avoid any prejudice or unnecessary delay that might otherwise be suffered by the claimant as a result of that third party procedure;
 - (j) respecting witness lists;
 - (k) respecting experts, including, without limitation, orders
 - (i) that the expert evidence on any one or more issues be given by one jointly-instructed expert,
 - (ii) respecting the number of experts a party may call,
 - (iii) that the parties' experts must confer before the service of their respective reports,
 - (iv) setting a date by which an expert's report must be served on the other parties, and
 - (v) respecting the issues on which an expert may be called;
 - (l) respecting admissions;
 - (m) respecting offers to settle;
 - (n) respecting the conduct of any application;
 - (o) requiring the parties to attend one or more of a mediation, a settlement conference or any other dispute resolution process, and giving directions for the conduct of the mediation, settlement conference or other dispute resolution process;
 - (p) authorizing or directing the parties to try one or more issues in the action independently of others;
 - (q) fixing the length of trial;
 - (r) respecting the place at which any step in the action is to be conducted;
 - (s) setting the action for trial on a particular date or on a particular trial list;
 - (t) striking out a counterclaim or directing that a counterclaim be tried separately;
 - (u) adjourning the case planning conference;
 - (v) directing the parties to attend a further case planning conference at a specified date and time;

- (w) any orders the judge or master considers will further the object of these Supreme Court Family Rules.

[en. B.C. Reg. 176/2023, Sch. 2.]

(ADD) Prohibited orders

Sep
01/23

- (2) A case planning conference judge or master must not, at a case planning conference,
(a) hear any application supported by affidavit evidence, except under subrule (6), or
(b) make an order for final judgment, except by consent or under subrule (6).

[en. B.C. Reg. 176/2023, Sch. 2.]

(ADD) Case plan order required

Sep
01/23

- (3) Without limiting subrules (1) and (2), the judge or master conducting a case planning conference must, at the conclusion of the case planning conference, make a case plan order.

[en. B.C. Reg. 176/2023, Sch. 2.]

(ADD) Case plan order

Sep
01/23

- (4) A case plan order under subrule (3) must be in Form F19.4 and
(a) must set out any order made under subrule (1), and
(b) may but need not include any other matter referred to in Form F19.4.

[en. B.C. Reg. 176/2023, Sch. 2.]

(ADD) When approval in writing by lawyer not required

Sep
01/23

- (5) Without limiting Rule 15-1 (4), if a case plan order under subrule (3) is approved in writing by the case planning conference judge or master, that order need not be approved in writing by a lawyer or by a party.

[en. B.C. Reg. 176/2023, Sch. 2.]

(ADD) Consequences of non-compliance

Sep
01/23

- (6) If a party fails to comply with this Part or an order made under this rule or if anything is done or omitted improperly or unnecessarily by or on behalf of a party in relation to anything under this Part, the court may, on application, do one or both of the following:
(a) make an order under Rule 21-5;
(b) despite any other provision of these Supreme Court Family Rules to the contrary and without limiting Rule 16-1 (13),
(i) award costs of the application on a lump sum basis, and
(ii) set the period within which those costs must be paid.

[en. B.C. Reg. 176/2023, Sch. 2.]

(ADD) Application may be made at case planning conference

Sep
01/23

- (7) Without limiting Part 10, a party may apply for an order under subrule (6) at a case planning conference.

[en. B.C. Reg. 176/2023, Sch. 2.]

(ADD) **Amendments to case plan orders**

Sep
01/23

- (8) Without limiting the ability of a case planning conference judge or master to amend a case plan order at a case planning conference under Rule 7.1-3 (1) (b), the parties may apply to amend a case plan order by requesting a subsequent case planning conference under Rule 7.1-1.

[en. B.C. Reg. 176/2023, Sch. 2.]

PART 8 – Amendment of Documents and Change of Parties

Rule 8-1 – Amendment of Pleadings

When pleading may be amended

(AM)
Apr
04/22

- (1) Subject to Rules 8-2 (7) and (9) and 9-6 (5), a party may amend the whole or any part of, including any Schedule to, a pleading filed by the party, other than by adding or changing parties or withdrawing an admission,
 - (a) once without leave of the court, at any time before service of the notice of trial, or
 - (b) after a notice of trial is served, only with
 - (i) leave of the court, or
 - (ii) written consent of the parties.

[am. B.C. Regs. 119/2010, Sch. B; 321/2021, Sch. 2.]

How amendments made

- (2) Unless the court otherwise orders, to amend a pleading under subrule (1), a party must
 - (a) amend the pleading in accordance with subrule (3),
 - (b) indicate on the amended pleading the date on which the original version of the pleading was filed, and
 - (c) file the amended pleading.

Identifying amendments

- (3) Unless the court otherwise orders, an amendment to a pleading under this rule must be dated, identified and underlined.

Service of amended pleadings

- (4) Unless the court otherwise orders, if a party amends a pleading under this rule, the party must do both of the following:
 - (a) within 7 days after filing the amended pleading, serve, by ordinary service, a copy of the filed amended pleading on each party;
 - (b) if the amended pleading is a notice of family claim or a counterclaim, promptly after filing the amended pleading and before taking any further step in the family law case, serve, by personal service, a copy of the filed amended pleading on any person who
 - (i) was served with a copy of the filed original version of the pleading, and
 - (ii) has not filed a response to family claim or response to counterclaim, as the case may be, to the original version of the pleading.

Response of a party to amended pleading

- (5) If a pleading (in this subrule and in subrule (6) called the "primary pleading") is amended under this rule and the amended pleading is served on a party under subrule (4) (a), that party

- (a) may amend, under this rule, any pleading he or she had filed in response to the original version of the primary pleading but only with respect to any matter raised by the amendments to the primary pleading, and
- (b) in that event, must, within 14 days after being served with the amended pleading, serve a copy of the filed amended responding pleading on all parties.

Failure to serve amended responding pleading

- (6) If a party on whom an amended pleading is served under subrule (4) (a) does not serve an amended responding pleading as provided in subrule (5), the pleading he or she filed in response to the original version of the primary pleading is deemed to be the pleading he or she filed in response to the amended pleading.

Responding to amended pleading

- (7) If a notice of family claim or a counterclaim is amended under this rule and served under subrule (4) (b) on a person who is not yet a party, the person must, within 30 days after being served with the amended notice of family claim or counterclaim, file a response to family claim or response to counterclaim and Rule 4-3 (2) or 4-4 (6), as the case may be, applies.

Amendment at trial

- (8) Unless the court otherwise orders, if an amendment is granted during a trial or hearing, an order need not be taken out and the amended pleading need not be filed or served.

Rule 8-2 – Change of Parties

Change of Party Status or Interest

Party ceasing to exist

- (1) If a party dies or becomes bankrupt, or a corporate party is wound up or otherwise ceases to exist, but the claim survives, the family law case may continue in spite of the death or bankruptcy or the corporate party having been wound up or ceasing to exist.

Effect of death

- (2) Whether or not the claim survives, a family law case may continue in spite of either party dying between the verdict or finding on the issues of fact and the entry of judgment, but judgment may be entered despite the death.

Assignment or conveyance of interest

- (3) If, by assignment, conveyance or death, an estate, interest or title devolves or is transferred, a family law case relating to that estate, interest or title may be continued by or against the person on whom or to whom that estate, interest or title has devolved or to whom that estate, interest or title has been transferred.

Change or transmission of interest or liability

- (4) If, after the start of a family law case,
 - (a) a change or transmission of interest or liability of a party takes place or a person interested comes into existence, and
 - (b) it becomes necessary or desirable that
 - (i) a person not already a party should be named as a party, or
 - (ii) a person already a party should be named as a party in another capacity,

the court may order that the family law case be continued between the continuing parties and the new party.

Prosecution of family law case if claimant or petitioner dies

- (5) If a claimant or petitioner has died and the family law case may be continued, a respondent may apply to the court for an order that the person entitled to proceed do proceed within the time that the court orders and that, in default, the proceeding be dismissed for want of prosecution.

Costs on dismissal

- (6) If a family law case is dismissed under subrule (5), an order for payment of costs may be made and enforced against the assets of the deceased's estate.

Change of Parties

Adding, removing or substituting parties by order

- (7) At any stage of a family law case, the court, on application by any person, may, subject to subrule (9),
 - (a) order that a person cease to be named as a party if it is not appropriate or necessary for that person to be named as a party,
 - (b) order that a person be named as an additional party or be named as a party in substitution for another named party if
 - (i) that person ought to have been named as a party, or
 - (ii) that person's participation in the family law case is necessary to ensure that all matters in the family law case may be adjudicated on, and
 - (c) order that a person be named as an additional party if there may exist, between the person and any other person who is named as a party to the family law case, a question or issue relating to or connected with
 - (i) any relief claimed in the family law case, or
 - (ii) the subject matter of the family law case

that, in the opinion of the court, it would be just and convenient to determine as between the person and the other person who is named as a party.

Procedure if person added, removed or substituted as named party by order

- (8) Unless the court otherwise orders, if an order is made under subrule (7) adding, removing or substituting a person as a named party,
- (a) the notice of family claim must be amended in accordance with Rule 8-1 (2) and (3), a reference to the order must be endorsed on that amended notice of family claim and Rule 8-1 (4) to (7) applies, and
 - (b) if a person is named as an additional party or is named as a party in substitution for another named party,
 - (i) a copy of the entered order must be served on the person along with a copy of the filed amended document served under Rule 8-1 (4),
 - (ii) the person may apply to the court to change or set aside the order within 21 days after the date on which the order is served on the person under subparagraph (i) of this paragraph, and
 - (iii) unless the court orders, in an application under subparagraph (ii) or otherwise, that the person not be named as a party, these Supreme Court Family Rules apply in relation to that newly named party as if the amended notice of family claim were a new notice of family claim.

[am. B.C. Reg. 133/2012.]

(AM)
Mar
18/13

Consent required

- (9) A person must not be named as a claimant or petitioner without the person's consent.

Effect of order

- (10) Unless the court otherwise orders, if a person is named as a party in substitution for a former party, all things done in the family law case before the person was named as a party have the same effect in relation to that person as they had in relation to the former party, but the person named as a party in substitution for a former party must file a notice of address for service in Form F10.

(ADD)Application without notice

Jul
01/19

- (11) Unless the court otherwise orders, an application under subrule (7) may be made without notice to any person who is not a party.

[en. B.C. Reg. 105/2019.]

PART 9 – Procedures for Obtaining Information and Documents

Rule 9-1 – Discovery and Inspection of Documents

List of documents

- (1) Unless all parties consent or the court otherwise orders, each party to a family law case must
 - (a) prepare a list of documents in Form F20 that lists
 - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
 - (ii) all other documents to which the party intends to refer at trial, and
 - (b) serve the list of documents as follows:
 - (i) a person who files a notice of family claim must serve his or her list of documents on a party within 35 days after being served with that party's response to family claim or response to counterclaim;
 - (ii) a person who files a response to family claim must serve his or her list of documents on a party within 35 days after serving his or her response to family claim on that party;
 - (iii) a person who files a response to counterclaim must serve his or her list of documents on a party within 35 days after serving his or her response to counterclaim on that party unless that list of documents has already been served on that party.

Documents to be enumerated

- (2) Subject to subrules (3) and (4), each party's list of documents must include a brief description of each listed document.

Claim for privilege

- (3) If it is claimed that a document is privileged from production, the claim must be made in the list of documents with a statement of the grounds of the privilege.

Nature of privileged documents to be described

- (4) The nature of any document for which privilege from production is claimed must be described in a manner that, without revealing information that is privileged, will enable other parties to assess the validity of the claim of privilege.

Affidavit verifying list of documents

- (5) The court may order a party to serve an affidavit verifying a list of documents.

Amending the list of documents

- (6) If, after a list of documents has been served under this rule,
- (a) it comes to the attention of the party serving it that the list is inaccurate or incomplete, or
 - (b) there comes into the party's possession or control a document that could be used by any party at trial to prove or disprove a material fact or any other document to which the party intends to refer at trial,
- the party must promptly amend the list of documents and serve the amended list of documents on the other parties.

[am. B.C. Reg. 119/2010, Sch. B.]

Party may demand documents required under this rule

- (7) If a party who has received a list of documents believes that the list omits documents or a class of documents that should have been disclosed under subrule (1) or (6), the party may, by written demand, require the party who prepared the list to
- (a) amend the list of documents,
 - (b) serve on the demanding party the amended list of documents, and
 - (c) make the originals of the newly listed documents available for inspection and copying in accordance with subrules (12) and (13).

[am. B.C. Reg. 119/2010, Sch. B.]

Party may demand additional documents

- (8) If a party who has received a list of documents believes that the list should include documents or classes of documents that
- (a) are within the listing party's possession, power or control,
 - (b) relate to any or all matters in question in the family law case, and
 - (c) are additional to the documents or classes of documents required under subrule (1) or (6),

the party, by written demand that identifies the additional documents or classes of documents with reasonable specificity and that indicates the reason why such additional documents or classes of documents should be disclosed, may require the party who prepared the list to

- (d) amend the list of documents,
- (e) serve on the demanding party the amended list of documents, and
- (f) make the originals of the newly listed documents available for inspection and copying in accordance with subrules (12) and (13).

[en. B.C. Reg. 119/2010, Sch. B.]

Response to demand for documents

- (9) A party who receives a demand under subrule (7) or (8) must, within 35 days after receipt, do one of the following:
- (a) comply with the demand in relation to all of the demanded documents;
 - (b) comply with the demand in relation to those of the demanded documents that the party is prepared to list, and indicate, in relation to the balance of the demanded documents,

- (i) why a supplementary list of documents that includes those documents is not being prepared and served, and
 - (ii) why those documents are not being made available;
- (c) indicate, in relation to the demanded documents,
- (i) why a supplementary list of documents that includes those documents is not being prepared and served, and
 - (ii) why those documents are not being made available.

Application for production of documents

- (10) If a party who receives a demand under subrule (7) or (8) does not, within 35 days after receipt, comply with the demand in relation to all of the demanded documents, the demanding party may apply for an order requiring the listing party to comply with the demand.

Court may alter requirements

- (11) On an application under subrule (10) or otherwise, the court may
- (a) order that a party be excused from compliance with subrule (1), (3), (12) or (13) or with a demand under subrule (7) or (8), either generally or in respect of one or more documents or classes of documents, or
 - (b) order a party to
 - (i) amend the list of documents to list additional documents that are or have been in the party's possession, power or control relating to any or all matters in question in the family law case,
 - (ii) serve the amended list of documents on all parties, and
 - (iii) make the originals of the newly listed documents available for inspection and copying in accordance with subrules (12) and (13).

[am. B.C. Reg. 119/2010, Sch. B.]

Inspection of documents

- (12) A party who has served a list of documents on any other party must allow the other party to inspect and copy, during normal business hours and at the location specified in the list of documents, the listed documents except those documents that the listing party objects to producing.

[am. B.C. Reg. 119/2010, Sch. B.]

Copies of documents

- (13) If a party is entitled to inspect listed documents under subrule (12), the listing party must, on the request of the party entitled to inspection and on receiving payment in advance of the cost of reproduction and service, serve on the requesting party copies of the documents, if reproducible, for which a request has been made.

[am. B.C. Reg. 119/2010, Sch. B.]

Order to produce document

- (14) The court may order the production of a document for inspection and copying by any party or by the court at a time and place and in the manner it considers appropriate.

Documents not in possession of party

- (15) If a document is in the possession or control of a person who is not a party, the court, on an application under Part 10 brought on notice to the person and the parties, may make an order for one or both of the following:
- (a) production, inspection and copying of the document;
 - (b) preparation of a certified copy that may be used instead of the original.

Order by consent

- (16) An order under subrule (15) may be made by consent if that order is endorsed with an acknowledgment by the person in possession or control of the document that the person has no objection to the terms of the proposed order.

Inspection of document by court

- (17) If, on an application for production of a document, production is objected to on the grounds of privilege, the court may inspect the document for the purpose of deciding the validity of the objection.

Party may not use document

- (18) Unless the court otherwise orders, if a party fails to make discovery of or produce for inspection or copying a document as required by this rule, the party may not put the document in evidence in the family law case or use it for the purpose of examination or cross-examination.

Determination of issue before discovery

- (19) If the party from whom discovery, inspection or copying of a document is sought objects to that discovery, inspection or copying, the court may, if satisfied that for any reason it is desirable that an issue or question in dispute should be determined before deciding on the right to discovery, inspection or copying, order that the issue or question be determined first and reserve the question of discovery, inspection or copying.

Rule 9-2 – Examinations for Discovery

Examination of parties

- (1) Subject to subrule (2), each party to a family law case must
- (a) make himself or herself available, or
 - (b) if any of subrules (5) to (9) apply, make a person referred to in that subrule available,
- for examinations for discovery by the parties to the family law case who are adverse in interest to the party subject to examination.

Limitations

- (2) Unless the court otherwise orders, the examinations for discovery, including all examinations under subrules (16), (18) and (20), conducted under this rule of a party, including any such examinations conducted of a person referred to in subrule (1) (b) who is examined in relation to that party, by any other party who is adverse in interest must not, in total, exceed in duration
 - (a) 5 hours, or
 - (b) any greater period to which the person to be examined consents.

Considerations of the court

- (3) In an application under subrule (2) to extend the examination for discovery period, the court must consider the following:
 - (a) the conduct of a person who has been or is to be examined, including
 - (i) the person's unresponsiveness in any examination for discovery held in the family law case,
 - (ii) the person's failure to provide complete answers to questions, or
 - (iii) the person's provision of answers that are evasive, irrelevant, unresponsive or unduly lengthy;
 - (b) any denial or refusal to admit, by a person who has been or is to be examined, anything that should have been admitted;
 - (c) the conduct of the examining party;
 - (d) whether or not it is reasonably practicable to complete the examinations for discovery within the period provided under subrule (2);
 - (e) the number of parties and examinations for discovery and the proximity of the various interests of those parties.

Oral examination on oath

- (4) An examination for discovery is an oral examination on oath.

Examination of party that is not an individual

- (5) Unless the court otherwise orders, if a party to be examined for discovery is not an individual,
 - (a) the examining party may examine one representative of the party to be examined,
 - (b) the party to be examined must nominate as its representative an individual, who is knowledgeable concerning the matters in question in the family law case, to be examined on behalf of that party, and
 - (c) the examining party may examine
 - (i) the representative nominated under paragraph (b), or
 - (ii) any other person the examining party considers appropriate and who is or has been a director, officer, employee, agent or external auditor of the party to be examined.

Examination of person for whose benefit family law case brought

- (6) Subject to subrule (8), a person for whose immediate benefit a family law case is brought or defended may be examined for discovery.

Examination of guardian and infants

- (7) Unless the court otherwise orders, if a party to be examined for discovery is an infant, the infant, his or her guardian and his or her litigation guardian may be examined for discovery.
[am. B.C. Reg. 119/2010, Sch. B.]

Examination of mentally incompetent person

- (8) If a party to be examined for discovery is a mentally incompetent person, his or her litigation guardian and his or her committee may be examined for discovery, but the mentally incompetent person must not be examined without leave of the court.

Examination of bankrupt

- (9) If a party to be examined for discovery is a trustee in bankruptcy, the bankrupt may be examined for discovery.

Place

- (10) Unless the court otherwise orders or the parties to the examination for discovery otherwise agree, an examination for discovery must take place at a location within 30 kilometres of the registry that is nearest to the place where the person to be examined resides.

Examination before reporter

- (11) An examination for discovery must be conducted before an official reporter who is empowered to administer the oath.

Service of notice

- (12) Before conducting an examination for discovery under this rule, the party wishing to conduct that examination for discovery must do the following:
- (a) if the person to be examined is a party to, and has a lawyer in, the family law case, ensure that, at least 7 days before the examination for discovery,
 - (i) an appointment in Form F21 is served on that lawyer, and
 - (ii) witness fees in the amount required under Schedule 3 of Appendix C are tendered to that lawyer;
 - (b) in any other case, ensure that, at least 7 days before the examination for discovery,
 - (i) an appointment in Form F21 is served on the person to be examined, and
 - (ii) witness fees in the amount required under Schedule 3 of Appendix C are tendered to the person to be examined;
 - (c) at least 7 days before the examination for discovery, serve a copy of the appointment on all parties.

[am. B.C. Reg. 112/2012, Sch. B.]

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Person must attend examination

- (13) A person to be examined for discovery must attend and submit to examination for discovery if the party wishing to conduct that examination for discovery has complied with subrule (12) (a) or (b), as the case may be.

Fees must not be attached

- (14) If a lawyer receives witness fees under subrule (12) (a), those fees must not be attached.

Production of documents

- (15) Unless the court otherwise orders, if the person to be examined for discovery is a person referred to in subrule (6), (7), (8) or (9), the person must produce for inspection on the examination for discovery all documents in his or her possession or control, not privileged, relating to the matters in question in the family law case.

Examination and re-examination

- (16) The examination for discovery of a person is in the nature of a cross-examination, and the person examined for discovery may be re-examined on his or her own behalf or on behalf of a party not adverse in interest to him or her in relation to any matter respecting which he or she has been examined.

Scope of examination

- (17) Unless the court otherwise orders, a person being examined for discovery
- (a) must answer any question within his or her knowledge or means of knowledge regarding any matter, not privileged, relating to a matter in question in the family law case, and
 - (b) is compellable to give the names and addresses of all persons who reasonably might be expected to have knowledge relating to any matter in question in the family law case.

Person must inform self

- (18) In order to comply with subrule (17), a person being examined for discovery may be required to inform himself or herself and the examination may be adjourned for that purpose.

Response may be provided by letter

- (19) If a person is required to inform himself or herself under subrule (18) in order to respond to one or more questions posed on the examination for discovery, the examining party may request the person to provide the responses by letter.

If letter provided

- (20) If the examining party receives a letter under subrule (19),
- (a) the questions set out in the letter and the answers given in response to those questions are deemed for all purposes to be questions asked and answers given under oath in the examination for discovery, and
 - (b) the examining party may, subject to subrule (2), continue the examination for discovery.

Objections

- (21) If a person under examination objects to answering a question put to him or her, the question and the objection must be taken down by the official reporter and the court may
- (a) decide the validity of the objection, and
 - (b) order the person to submit to further examination and set a maximum duration for that further examination.

How recorded

- (22) An examination for discovery is to be taken down in the form of question and answer, and copies of the transcript may be obtained on payment of the proper fee by
- (a) any party,
 - (b) the person examined, or
 - (c) any other person as the court for special reason may permit.

Application to persons outside British Columbia

- (23) So far as is practicable, this rule applies to a person residing outside British Columbia, and the court, on application on notice to the person, may order the examination for discovery of the person at a place and in the manner the court considers appropriate.

Service of order and notice

- (24) Unless the court otherwise orders, if an order is made under subrule (23) for the examination for discovery of a person,
- (a) the order and the notice of appointment may be served on, and
 - (b) the witness fees referred to in subrule (12) may be paid to the lawyer for the person.

Rule 9-3 – Discovery by Interrogatories

Party may serve interrogatories by consent or with leave

- (1) A party to a family law case may serve interrogatories in Form F22 on any other party, or on a director, officer, partner, agent, employee or external auditor of a party, if
- (a) the party to be examined consents, or
 - (b) the court grants leave.

If a party is a body of persons

- (2) If a party to a family law case is a body of persons, corporate or unincorporate, that is empowered to sue or to be sued in its own name or in the name of an officer or other person, another party may, with leave of the court granted at an application, serve interrogatories on the officer or member of the body specified in the order.

Powers of court

- (3) In an order granting leave under subrule (1) (b) or (2), the court may set terms and conditions on the interrogatories, including terms and conditions respecting
 - (a) the number or length of the interrogatories,
 - (b) the matters the interrogatories are to cover,
 - (c) the timing of any response to the interrogatories, and
 - (d) the notification, if any, to be given to the other parties respecting the interrogatories.

Timing of answer to interrogatories

- (4) A person to whom interrogatories are directed must, within 21 days or such other period as the court may order under subrule (3), serve an answer on affidavit to the interrogatories.

If more than one person to answer interrogatories

- (5) If interrogatories are required to be answered by more than one officer, director, partner, agent or employee of a party, the interrogatories must state which of the interrogatories each person is required to answer.

Objection to answer interrogatory

- (6) If a person objects to answering an interrogatory on the grounds of privilege or on the grounds that it does not relate to a matter in question in the family law case, the person may make the objection in an affidavit in answer.

Insufficient answer to interrogatory

- (7) If a person to whom interrogatories have been directed answers any of them insufficiently, the court may require the person to make a further answer either by affidavit or on oral examination.

Application to strike out interrogatory

- (8) If a party objects to an interrogatory on the grounds that it will not further the object of these Supreme Court Family Rules,
 - (a) the party may apply to the court to strike out the interrogatory, and
 - (b) the court must take into account any offer by the party to make admissions, to produce documents or to give oral discovery.

Service of interrogatories on lawyer

- (9) A party may, instead of serving interrogatories under subrule (1) or (2), serve the interrogatories on the lawyer of the person to whom the interrogatories are directed.

Lawyer must inform

- (10) If a lawyer receives interrogatories under subrule (9), the lawyer must promptly inform the person to whom the interrogatories are directed.

Continuing obligation to answer

- (11) If a person who has given an answer to an interrogatory later learns that the answer is inaccurate or incomplete, the person must promptly serve on the party who served the interrogatory an affidavit deposing to an accurate or complete answer.

Rule 9-4 – Pre-Trial Examination of Witness

Order for examination

- (1) If a person who is not a party to a family law case may have material evidence relating to a matter in question in the family law case, the court may
 - (a) order that the person be examined on oath on the matters in question in the family law case, and
 - (b) either before or after the examination, order that the examining party pay reasonable lawyer's costs of the person relating to the application and the examination.

Expert

- (2) An expert retained or specially employed by another party in anticipation of litigation or preparation for trial may not be examined under this rule unless the party seeking the examination is unable to obtain facts and opinions on the same subject by other means.

Affidavit in support of application

- (3) An application for an order under subrule (1) must be supported by affidavit setting out
 - (a) the matter in question in the family law case to which the applicant believes that the evidence of the proposed witness may be material,
 - (b) if the proposed witness is an expert retained or specially employed by another party in anticipation of litigation or preparation for trial, that the applicant is unable to obtain facts and opinions on the same subject by other means, and
 - (c) that the proposed witness
 - (i) has refused or neglected on request by the applicant to give a responsive statement, either orally or in writing, relating to the witness' knowledge of the matters in question, or
 - (ii) has given conflicting statements.

Application procedure

- (4) An applicant for an order under subrule (1) must comply with Part 10 and, without limiting this, the applicant must serve the application materials on the proposed witness and Part 10 applies to the witness as if he or she were a party.

Subpoena

- (5) If the court makes an order under subrule (1) entitling a party to examine a person under this rule, the party may, by serving on the person to be examined a subpoena in Form F23, require the person to bring to the examination

- (a) any document in the person's possession or control relating to the matters in question in the family law case, and
- (b) any physical object in the person's possession or control that the party contemplates introducing at the trial as an exhibit.

Identification of documents and objects

- (6) A subpoena referred to in subrule (5)
 - (a) need not identify any document referred to in subrule (5) (a), and
 - (b) must identify any object referred to in subrule (5) (b).

Notice of examination

- (7) The examining party must give notice of an examination under this rule by serving copies of the subpoena referred to in subrule (5) on all parties at least 7 days before the date appointed for the examination.

Mode of examination

- (8) The proposed witness must be cross-examined by the party who obtained the order, then may be cross-examined by any other party, and then may be further cross-examined by the party who obtained the order.

Time for examination

- (9) Unless the court otherwise orders, examinations conducted of a person under this rule by all parties must not, in total, exceed 3 hours in duration.

Application of examination for discovery rules

- (10) Rule 9-2 (11), (15), (17), (18) and (21) to (24) applies to an examination under this rule.

Rule 9-5 – Physical Examination and Inspection

Order for medical examination

- (1) If the physical or mental condition of a person is in issue in a family law case, the court may order that the person submit to examination by a medical practitioner or other qualified person, and if the court makes an order under this subrule, the court may also make
 - (a) an order respecting any expenses connected with the examination, and
 - (b) an order that the result of the examination be put in writing and that copies be made available to interested parties.

Subsequent examinations

- (2) The court may order a further examination under this rule.

Questions by examiner

- (3) A person who is making an examination under this rule may ask any relevant question concerning the medical condition or history of the person being examined.

Order for inspection and preservation of property

- (4) If the court considers it necessary or expedient for the purpose of obtaining full information or evidence, it may
 - (a) order the production, inspection and preservation of any property, and
 - (b) authorize
 - (i) samples to be taken or observations to be made of the property, or
 - (ii) experiments to be conducted on or with the property.

Entry on land or building

- (5) For the purpose of enabling an order under this rule to be carried out, the court may authorize a person to enter on any land or building.

Application to persons outside British Columbia

- (6) Rule 9-2 (23) and (24) applies to examinations and inspections ordered under this rule.

Rule 9-6 – Admissions

Notice to admit

- (1) In a family law case in which a response to family claim has been filed, a party may, by service of a notice to admit in Form F24, request any party to admit, for the purposes of the family law case only, the truth of a fact or the authenticity of a document specified in the notice.

Effect of notice to admit

- (2) Unless the court otherwise orders, the truth of a fact or the authenticity of a document specified in a notice to admit is deemed to be admitted, for the purposes of the family law case only, unless, within 14 days after service of the notice to admit, the party receiving the notice to admit serves on the party serving the notice to admit a written statement that
 - (a) specifically denies the truth of the fact or the authenticity of the document,
 - (b) sets out in detail the reasons why the party cannot make the admission, or
 - (c) states that the refusal to admit the truth of the fact or the authenticity of the document is made on the grounds of privilege or irrelevancy or that the request is otherwise improper, and sets out in detail the reasons for the refusal.

Copy of document to be attached

- (3) Unless the court otherwise orders or the demanding party and the responding party consent, a copy of a document specified in a notice to admit must be attached to the notice to admit when it is served.

Unreasonable refusal to admit

- (4) If a responding party unreasonably denies or refuses to admit the truth of a fact or the authenticity of a document specified in a notice to admit, the court may order the party to pay the costs of proving the truth of the fact or the authenticity of the document and may award as a penalty additional costs, or deprive a party of costs, as the court considers appropriate.

Withdrawal of admission

- (5) A party is not entitled to withdraw
 - (a) an admission made in response to a notice to admit,
 - (b) a deemed admission under subrule (2), or
 - (c) an admission made in a pleading, petition or response to petitionexcept by consent or with leave of the court.

Application for order on admissions

- (6) An application for judgment or any other application may be made to the court using as evidence
 - (a) admissions of the truth of a fact or the authenticity of a document made
 - (i) in an affidavit or pleading filed by a party,
 - (ii) in an examination for discovery of a party or a person examined for discovery on behalf of a party, or
 - (iii) in response to a notice to admit, or
 - (b) admissions of the truth of a fact or the authenticity of a document deemed to be made under subrule (2)and the court, without waiting for the determination of any other question between the parties, may make any order it considers will further the object of these Supreme Court Family Rules.

Rule 9-7 – Depositions

Examination of person

- (1) By consent of the parties or by order of the court, a person may be examined on oath before or during trial in order that the record of the examination may be available to be introduced as evidence at the trial.

Examination of person

- (2) An examination under subrule (1) may be conducted before an official reporter or any other person as the court may direct.

Grounds for order

- (3) In determining whether to exercise its discretion to order an examination under subrule (1), the court must take into account
 - (a) the convenience of the person sought to be examined,
 - (b) the possibility that the person may be unavailable to testify at the trial by reason of death, infirmity, sickness or absence,
 - (c) the possibility that the person will be beyond the jurisdiction of the court at the time of the trial,
 - (d) the possibility and desirability of having the person testify at trial by video conferencing or other electronic means, and
 - (e) the expense of bringing the person to the trial.

Time limits

- (4) In an order under subrule (1), the court may impose limits on the duration of the direct examination or cross-examination of a person under this rule.

Subpoena

- (5) If the court makes an order under subrule (1) entitling a party to examine a person under this rule, the party may, by serving on the person to be examined a subpoena in Form F23, require the person to bring to the examination,
 - (a) if the person to be examined is not a party or a representative of a party, any document in the person's possession or control relating to the matters in question in the family law case, and
 - (b) any physical object in the person's possession or control that the examining party contemplates introducing at the trial as an exhibit.

Identification of documents and objects

- (6) A subpoena referred to in subrule (5)
 - (a) need not identify any document referred to in subrule (5) (a), and
 - (b) must identify any object referred to in subrule (5) (b).

Place of examination

- (7) Unless the court otherwise orders or the parties to the examination consent, an examination under this rule must take place at a location within 30 kilometres of the registry that is nearest to the place where the person to be examined resides.

Application of rule outside British Columbia

- (8) So far as is practicable, this rule applies to the examination of a person residing outside British Columbia, and the court may order the examination of a person in the place and the manner the court considers appropriate.

If person willing to testify

- (9) If the person whose examination is ordered under subrule (8) is willing to testify, the order under subrule (8) must be in Form F25 and the instructions to the examiner appointed in the order must be in Form F26.

If person not willing to testify

- (10) If the person whose examination is ordered under subrule (8) is unwilling to testify, or if for any other reason the assistance of a foreign court is necessary, the order under subrule (8) must be in Form F27 and the letter of request referred to in the order must be in Form F28.

Letter of request

- (11) If an order referred to in subrule (10) is made, the letter of request must be sent by the party obtaining the order to the Under Secretary of State for External Affairs of Canada (or, if the evidence is to be taken in Canada, to the Deputy Attorney General for the Province of British Columbia), and must have attached to it
- (a) any interrogatories to be put to the witness,
 - (b) a list of the names, addresses and telephone numbers of the lawyers or agents of the parties, both in British Columbia and in the other jurisdiction, and
 - (c) a copy of the letter of request and any interrogatories
 - (i) translated into the appropriate official language of the jurisdiction where the examination is to take place, and
 - (ii) bearing the certificate of the translator that it is a true translation and giving the translator's full name and address.

Filing of undertaking

- (12) The lawyer for the party obtaining the order referred to in subrule (10) must file with the Under Secretary of State for External Affairs of Canada (or the Deputy Attorney General for the Province of British Columbia, as the case may be) the lawyer's undertaking to be personally responsible for all the charges and expenses incurred by the Under Secretary (or the Deputy Attorney General, as the case may be) in respect of the letter of request and to pay those charges and expenses on receiving notification of the amount.

Notice of examination

- (13) The examining party must give notice of an examination under this rule by serving copies of the subpoena referred to in subrule (5) on all parties at least 7 days before the date appointed for the examination.

Mode of examination

- (14) The examining party must conduct a direct examination of the witness and the witness is subject to cross-examination and re-examination.

Objection to question

- (15) If an objection is made to a question put to a witness in an examination under this rule,
- (a) the question and the objection must be taken down by the official reporter,

- (b) the validity of the objection may, on application, be decided by the court, and
- (c) the court may, on an application referred to in paragraph (b), order the witness to submit to further examination.

Recording of deposition evidence

- (16) Unless otherwise ordered, an examination under this rule must be recorded by the person authorized under subrule (2) to conduct the examination
 - (a) in the form of questions and answers, or
 - (b) on a video recording.

Preserving testimony

- (17) If a person alleges that
 - (a) circumstances exist that entitle the person to receive an estate or interest in property on the happening of a future event, and
 - (b) the right or claim to that estate or interest cannot be brought to trial or hearing by the person before the happening of the event,the person may apply by petition or by requisition in Form F29 for an order to preserve, by examination under this rule, any testimony that may be material for establishing the right or claim.

PART 10 – Obtaining Orders Other Than at Trial

PART 10: Division 1 – Procedure and Affidavits

Rule 10-1 – Choosing the Appropriate Procedure

(SUB)Application procedure

Mar
18/13

- (1) Subject to subrules (2) and (3), to obtain an order under this Part, a party must apply in accordance with Rule 10-5.

[en. B.C. Reg. 133/2012.]

Applications for final orders in undefended family law cases

- (2) To obtain a final order in an undefended family law case, a party must apply in accordance with Rule 10-10.

Applications for final orders in defended family law cases

- (3) To obtain a final order in a defended family law case, a party must apply in accordance with Rule 10-11.

Rule 10-2 – Place Application Is Heard

Place of hearing of application

- (1) An application may be heard at
 - (a) the place ordered by a registrar under subrule (4),
 - (b) if an order is not made under subrule (4), the place on which all parties have agreed, or
 - (c) if paragraphs (a) and (b) do not apply, a place at which the court normally sits in the judicial district in which the family law case is being conducted.

If more than one place

- (2) If there is more than one place within the judicial district referred to in subrule (1) (c) at which the court normally sits, the applicant may name, as the place for hearing, any of those places.

If place of hearing is a place other than that at which the family law case is being conducted

- (3) If, under subrule (2), the applicant names as the place for hearing a place that is different than the place at which the family law case is being conducted, the court may, if the court considers that it was unreasonable to have that named place as the place of hearing, make a special order as to costs and may

- (a) order that the application be heard at some other place,
- (b) dismiss the application, or
- (c) hear the application.

Place of hearing of application with leave of registrar

- (4) If a registrar is satisfied that, due to urgency or the convenience of the parties, an application should be heard at a place outside the judicial district in which the family law case is being conducted, the registrar may, without notice, grant leave for the applicant to do either or both of the following:
 - (a) file the notice of application in some other judicial district;
 - (b) name as the place of hearing a place in that other judicial district.

Notice of application must be endorsed to reflect grant of leave

- (5) If a registrar grants leave under subrule (4), he or she must endorse the notice of application accordingly.

If place of hearing is a place chosen with leave of registrar

- (6) If, in respect of an application for which leave was granted under subrule (4), the court at the hearing of the application considers that the application should not be heard at that place, the court may make a special order as to costs and may
 - (a) order that the application be heard at some other place,
 - (b) dismiss the application, or
 - (c) hear the application.

7. to 8. Repealed

to 8. *Repealed.* [B.C. Reg. 119/2010, Sch. B]

Rule 10-3 – Chambers Proceedings

Definition

- (1) In this rule, "**chambers proceeding**" includes the following:
 - (a) a petition proceeding;
 - (b) an application, including, without limitation, the following:
 - (i) an application to change or set aside a judgment;
 - (ii) a matter that is ordered to be disposed of other than at trial;

- (c) an appeal from, or an application to confirm, change or set aside, an order, a report, a certificate or a recommendation of a master, registrar, special referee or other officer of the court;
- (d) a family law case that has, or issues in a family law case that have, been ordered to be proceeded with by affidavit or on documents before the court;
- (e) an application for judgment under Rule 9-6 (6) or 11-3.

Failure of party to attend

- (2) If a party to a chambers proceeding fails to attend at the hearing of the chambers proceeding, the court may proceed if, considering the nature of the chambers proceeding, it considers it will further the object of these Supreme Court Family Rules to do so, and may require evidence of service it considers appropriate.

Reconsideration of order

- (3) If the court makes an order in circumstances referred to in subrule (2), the order must not be reconsidered unless the court is satisfied that the person failing to attend was not guilty of wilful delay or default.

Evidence on an application

(AM)
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18/13

- (4) On a chambers proceeding, evidence must be given by affidavit, but the court may
 - (a) order the attendance for cross-examination of the person who swore or affirmed the affidavit, either before the court or before another person as the court directs,
 - (b) order the examination of a party or witness, either before the court or before another person as the court directs,
 - (c) give directions required for the discovery, inspection or production of a document or copy of that document,
 - (d) order an inquiry, assessment or accounting under Rule 18-1, and
 - (e) receive other forms of evidence.

[Subrule (4) (a) applies to all affidavits, including Form F8 financial statements.]

[If an order is sought to appoint a person as the guardian of one or more children, the affidavit referred to in Rule 15-2.1 must be provided to the court with the other application materials.]

[am. B.C. Reg. 41/2013.]

Hearing of application in public

- (5) Except in cases of urgency, a chambers proceeding must be heard in a place open to the public, unless the court, in the case of a particular chambers proceeding, directs that for special reasons the chambers proceeding ought to be dealt with in private.

Adjournment of application if applications not heard on date set

- (6) If a chambers proceeding has been set for hearing on a day on which the court does not hear chambers proceedings, the chambers proceeding stands adjourned without order to the next day on which the court hears chambers proceedings.

Power of the court

- (7) Without limiting subrule (4), on the hearing of a chambers proceeding, the court may
- (a) grant or refuse the relief claimed in whole or in part, or dispose of any question arising on the chambers proceeding,
 - (b) adjourn the chambers proceeding from time to time, either to a particular date or generally, and when the chambers proceeding is adjourned generally a party may set it down on 3 days' notice for further hearing,
 - (c) obtain the assistance of one or more experts, in which case Rule 13-5 applies, and
 - (d) order a trial of the chambers proceeding, either generally or on an issue, and order a pleading to be filed and, in that event, give directions for the conduct of the trial and of pre-trial proceedings and for the disposition of the chambers proceeding.

Powers of court if notice not given

- (8) If it appears to the court that notice of a chambers proceeding ought to have been but was not served on a person, the court may
- (a) dismiss the chambers proceeding or dismiss it only against that person,
 - (b) adjourn the chambers proceeding and direct that service be effected on that person or that notice be given in some alternate manner to that person, or
 - (c) direct that any order made, together with any other documents the court may order, be served on that person.

Urgent chambers proceeding

- (9) Rules 10-8 and 10-9 apply to chambers proceedings.

Adjournment

- (10) The hearing of a chambers proceeding may be adjourned from time to time by a registrar.

Notes of applications

- (11) A registrar must
- (a) attend at and keep notes of the hearings of all chambers proceedings, and
 - (b) include, in the notes kept under paragraph (a) in relation to the hearing of a chambers proceeding, a short statement of the questions or points decided or orders made at the hearing.

Rule 10-4 – Affidavits

Affidavit to be filed

- (1) An affidavit used in a family law case must be filed.

Form and content of affidavit

(AM)
Mar
18/13

(2) An affidavit

- (a) must be expressed in the first person and show the name, address and occupation of the person swearing or affirming the affidavit,
- (b) if the person swearing or affirming the affidavit is a party or the lawyer, agent, director, officer or employee of a party, must state that fact,
- (c) must be divided into paragraphs numbered consecutively, and
- (d) subject to Rule 15-2.1, may be in Form F30.

(AM)
Mar
18/13

[If an order is sought to appoint a person as the guardian of one or more children, the affidavit referred to in Rule 15-2.1 must be provided to the court.]

[am. B.C. Reg. 41/2013.]

Identifying affidavits

- (3) An affidavit, other than an affidavit of service, must set out, in the top right hand corner of the first page,
 - (a) the name of the person swearing or affirming the affidavit,
 - (b) the sequential number of the affidavit made by that person in the same family law case, and
 - (c) the date on which the affidavit was made.

Making affidavit

- (4) An affidavit is made when
 - (a) the affidavit is sworn or affirmed by the person swearing or affirming the affidavit,
 - (b) the person swearing or affirming the affidavit
 - (i) signs the affidavit, or
 - (ii) if the person swearing or affirming the affidavit is unable to sign the affidavit, places his or her mark on it, and
 - (c) the person before whom the affidavit is sworn or affirmed completes and signs a statement in accordance with subrule (5) and identifies each exhibit, if any, to the affidavit in accordance with subrule (8).

Statement to be signed

- (5) The person before whom an affidavit is sworn or affirmed must confirm that the affidavit was sworn or affirmed in the person's presence by completing and signing a statement on the affidavit in the following form:

Sworn (or affirmed) before me at, British Columbia on
[dd/mmm/yyyy]..... .

Statement if person swearing or affirming the affidavit unable to read

- (6) If it appears to the person before whom an affidavit is sworn or affirmed that the person swearing or affirming the affidavit is unable to read it, the person before whom it is sworn or affirmed must certify in the statement signed under subrule (5) that the affidavit was read in his or her presence to the person swearing or affirming the affidavit who seemed to understand it.

Interpretation to person swearing or affirming the affidavit who does not understand English

- (7) If it appears to the person before whom an affidavit is to be sworn or affirmed that the person swearing or affirming the affidavit does not understand the English language, the affidavit must be interpreted to the person swearing or affirming the affidavit by a competent interpreter who must certify on the affidavit, by endorsement in Form F30, that he or she has interpreted the affidavit to the person swearing or affirming the affidavit.

Exhibit to be marked

- (8) The person before whom an affidavit is sworn or affirmed must identify each exhibit referred to in the affidavit by signing a certificate placed on the exhibit in the following form:

This is Exhibit referred to in the affidavit of sworn (or affirmed) before me on[*dd/mmm/yyyy*]..... .

(SUB)Exhibits referred to in affidavits

Apr
04/22

- (9) The following applies to an exhibit referred to in an affidavit:
- (a) if the exhibit is a document that complies with Rule 21-1 (2) and does not exceed 10 pages, a true reproduction of the document must be attached to the affidavit and to all copies of the affidavit that are served;
 - (b) if the exhibit is a document that complies with Rule 21-1 (2) and exceeds 10 pages, the exhibit need not be filed with the affidavit, but must be made available for the use of the court and for the prior inspection of a party to the proceeding;
 - (c) if the exhibit is not a document that complies with Rule 21-1 (2), the exhibit must not be filed with the affidavit, but must be made available for the use of the court and for the prior inspection of a party to the proceeding.

[en. B.C. Reg. 321/2021, Sch. 2.]

Numbering exhibit pages

- (10) Each page of the documentary exhibits referred to in an affidavit, other than an affidavit of service, must be numbered sequentially, beginning with the first page of the first exhibit and ending with the last page of the last exhibit,
- (a) on the original exhibits and on all copies that are served, and
 - (b) even though one or more of those exhibits is not attached to the affidavit.

Alterations to be initialled

- (11) The person before whom an affidavit is sworn or affirmed must initial all alterations in the affidavit and, unless so initialled, the affidavit must not be used in a family law case without leave of the court.

Limitation on contents of affidavit

- (12) Subject to subrule (13), an affidavit must state only what a person swearing or affirming the affidavit would be permitted to state in evidence at a trial.

Exception

(AM)
Mar
18/13

- (13) An affidavit may contain statements as to the information and belief of the person swearing or affirming the affidavit, if
- (a) the source of the information and belief is given, and
 - (b) the affidavit is made
 - (i) in respect of an application that does not seek a final order or a change in, or a suspension or termination of, a final order, or
 - (ii) by leave of the court under Rule 10-3 (4) (e) or 14-7 (71) (a).
[am. B.C. Reg. 133/2012.]

Use of defective affidavit

- (14) With leave of the court, an affidavit may be used in evidence despite an irregularity in its form.

Affidavit made before proceeding started

- (15) An affidavit may be used in a family law case even though it was made before the family law case was started.

Affidavit of patient under the *Patients Property Act*

- (16) If an affidavit is required for use in a family law case and the person who is proposed to swear or affirm the affidavit is a patient as defined in the *Patients Property Act*, the affidavit may be sworn, on information and belief, by the litigation guardian of the patient.

PART 10: Division 2 – Usual Application Procedure

Rule 10-5 – Application Procedure

(SUB)How applications are to be brought

Mar
18/13
(AM)
Jul
01/14

- (1) To apply for an order referred to in subrule (2), a party must do the following, and to apply for an order to enforce an agreement filed under Rule 2-1 (2), to enforce an order, to enforce compliance with a determination of a parenting coordinator filed under Rule 2-1.1 (1) or to enforce an arbitration award filed under Rule 2-1.2 (1), a party may do the following:
- (a) in the case of an application not referred to in paragraph (b), (c), (d) or (e) of this subrule, apply in accordance with Rule 10-6;
 - (b) in the case of an application for an order by consent, apply in accordance with Rule 10-6 or 10-7;

- (c) in the case of an application of which notice need not be given, apply in accordance with Rule 10-6 or 10-8;
- (d) in the case of an urgent application, apply in accordance with Rule 10-9;
- (e) in the case of an application for which a procedure is provided for by these Supreme Court Family Rules, apply in accordance with that procedure.
[en. B.C. Reg. 133/2012; am. B.C. Reg. 121/2014.]

(ADD) **Applications brought under this Part**

Mar
18/13

- (2) Subrule (1) applies to applications for the following orders:
 - (a) an interim order;
 - (b) to change, suspend or terminate a final order;
 - (c) to set aside or replace the whole or any part of an agreement filed under Rule 2-1;
 - (d) to change or set aside a determination of a parenting coordinator filed under Rule 2-1.1;
 - (e) to change, suspend or terminate an arbitration award.

(ADD)
Jul
01/14

[en. B.C. Reg. 133/2012; am. B.C. Reg. 121/2014.]

Rule 10-6 – Usual Application Procedure

(SUB) **Definition**

Sep
01/23

- (1) In this rule, “**application respondent**” means a person who files an application response under subrule (8).

[en. B.C. Reg. 176/2023, Sch. 2.]

Notice of application

(AM)
Mar
18/13

- (2) A party wishing to apply under this rule must file

(AM)
Mar
18/13

- (a) a notice of application, and
- (b) subject to Rule 15-2.1, the original of every affidavit, and of every other document, that
 - (i) is to be referred to by the applicant at the hearing, and
 - (ii) has not already been filed in the family law case.

[If an order is sought to appoint a person as the guardian of one or more children, the affidavit referred to in Rule 15-2.1 must be provided to the court with the other application materials.]

[am. B.C. Reg. 41/2013.]

(SUB) **Contents of notice of application**

Jul
30/10

- (3) A notice of application must be in Form F31 and must
 - (a) set out the orders sought or attach a draft of the order sought,
 - (b) briefly summarize the factual basis for the application,

- (c) set out the rule, enactment or other jurisdictional authority relied on for the orders sought and any other legal arguments on which the orders sought should be granted,
- (d) list the affidavits and other documents on which the applicant intends to rely at the hearing of the application,
- (e) set out the applicant's estimate of the time the application will take for hearing,
- (f) subject to subrules (4) and (5), set out the date and time of the hearing of the application,
- (g) set out the place for the hearing of the application in accordance with Rule 10-2, and
- (h) provide the data collection information required in the appendix to the form, and the notice of application, other than any draft order attached to it under paragraph (a), must not exceed 10 pages in length.

[en. B.C. Reg. 241/2010, Sch. B.]

Date and time of hearing

- (4) Subject to subrule (5), the hearing of an application must be set for 9:45 a.m. on a date on which the court hears applications or at such other time or date as has been fixed by the court or a registrar.

Date and time if hearing time more than 2 hours

- (5) If the applicant's estimate referred to in subrule (3) (e) is more than 2 hours, the date and time of hearing must be fixed by a registrar.

[am. B.C. Reg. 119/2010, Sch. B.]

Service of application materials

(AM)
Jul
01/14

- (6) The applicant must serve the following, in accordance with subrule (7), on each of the parties and on every other person, other than a person named as a party, who may be affected by the orders sought:

- (a) a copy of the filed notice of application;
- (b) a copy of the filed version of each of the affidavits and documents, referred to in the notice of application under subrule (3) (d), that has not already been served on that person;

(AM)
Mar
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- (c) in addition to the documents referred to in paragraphs (a) and (b), if the application is brought under Rule 11-3, any notice that the applicant is required to give under Rule 11-3 (9);

(ADD)
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18/13

- (d) in addition to the documents referred to in paragraphs (a) to (c), if the application is in relation to an agreement filed in, or to start, a family law case, a copy of the filed agreement;

(ADD)
Mar
18/13

- (e) in addition to the documents referred to in paragraphs (a) to (d), if the application is in relation to a determination of a parenting coordinator filed under Rule 2-1.1 (1),

- (i) a copy of the filed determination, and
- (ii) if the parenting coordinator was engaged under an agreement filed under rule 2-1 (2), a copy of the filed agreement;

(ADD)
Jul
01/14

- (f) in addition to the documents referred to in paragraphs (a), (b) and (d), if the application is in relation to an arbitration award filed in, or to start, a family law case, a copy of the filed arbitration award.

[am. B.C. Regs. 119/2010, Sch. B; 133/2012; 121/2014.]

Service requirements

- (7) The documents referred to in subrule (6) of this rule must be served as follows:

(AM)
Jul
30/10

(a) subject to paragraphs (b) and (c) of this subrule, the documents must be served at least 8 business days before the date set for the hearing of the application;

(AM)
Jul
30/10

(b) in the case of an application under Rule 11-3, the documents must be served at least 12 business days before the date set for the hearing of the application;

(AM)
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18/13

(c) in the case of an application to change, suspend or terminate a final order or to set aside or replace the whole or any part of an agreement filed under Rule 2-1 (2),

(i) the documents must be served by personal service in accordance with Rule 6-3 (2), and

(ii) service under subparagraph (i) of this paragraph must occur at least 21 business days before the date set for the hearing of the application;

(AM)
Jul
30/10

(d) in the case of an application to change or set aside a determination of a parenting coordinator filed under Rule 2-1.1 (1) or to change, suspend or terminate an arbitration award filed under Rule 2-1.2 (1), the documents must be served by personal service in accordance with Rule 6-3 (2) and paragraph (a) of this subrule.

(AM)
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01/14

[am. B.C. Regs. 241/2010, Sch. B; 133/2012; 121/2014.]

(SUB)Application response

Jul
30/10

- (8) A person who is served with documents referred to in subrule (6) of this rule and who wishes to respond to the notice of application (in this subrule called the "responding person") must do the following within the applicable period referred to in subrule (8.1):
- (a) file an application response that complies with subrule (9) and, if applicable, subrule (10);
- (b) file the original of every affidavit, and of every other document, that
- (i) is to be referred to by the responding person at the hearing, and
- (ii) has not already been filed in the family law case;
- (c) serve on 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 documents, referred to in the application response under subrule (9) (b) (ii), that has not already been served on that person;
- (iii) if the application is brought under Rule 11-3, any notice that the application respondent is required to give under Rule 11-3 (9).

[en. B.C. Reg. 241/2010, Sch. B.]

(ADD)Time for filing and service

Jul
30/10

- (8.1) The responding person must file the documents referred to in subrule (8) (a) and (b) and serve the documents referred to in subrule (8) (c) within whichever of the following periods applies to the application:
- (a) subject to paragraphs (b) and (c) of this subrule, within 5 business days after service of the documents referred to in subrule (6);
- (b) in the case of an application under Rule 11-3, within 8 business days after service of the documents referred to in subrule (6) of this rule;

(AM)
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01/14

- (c) in the case of an application 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 the documents referred to in subrule (6).

[en. B.C. Regs. 241/2010, Sch. B; am. B.C. Regs. 133/2012; 121/2014.]

Contents of application response

(AM)
Jul
30/10

- (9) An application response must be in Form F32, must not exceed 10 pages in length and must
- (a) indicate, for each order sought on the application, whether the application respondent consents to, opposes or takes no position on the order, and
- (b) if the application respondent wishes to oppose any of the relief sought in the application,
- (i) briefly summarize the factual and legal bases on which the orders sought should not be granted,
- (ii) list the affidavits and other documents to which the application respondent intends to refer at the hearing of the application, and
- (iii) set out the application respondent's estimate of the time the application will take for hearing.

[am. B.C. Reg. 241/2010, Sch. B.]

Address for service

- (10) An application respondent who has not yet provided an address for service in the family law case must include an address for service in any application response filed under subrule (8), and Rule 6-1 applies.

(REP) Repealed

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30/10

- (11) *Repealed.* [B.C. Reg. 241/2010, Sch. B]

Applicant may respond

(AM)
Jul
30/10

- (12) An applicant who wishes to respond to any document served under subrule (8) of this rule must file and serve on each application respondent any responding affidavits no later than 4 p.m. on the business day that is one full business day before the date set for the hearing.

[am. B.C. Regs. 119/2010, Sch. B; 241/2010, Sch. B.]

No additional affidavits

(AM)
Jul
30/10

- (13) Unless all parties consent or the court otherwise orders, a party must not serve any affidavits additional to those served under subrules (6), (8) and (12).

[am. B.C. Reg. 241/2010, Sch. B.]

Application record

(AM)
Sep
01/23

- (14) Subject to subrule (16), the applicant must provide to the registry where the hearing is to take place an application record as follows:
- (a) the application record must be in a ring binder or in some other form of secure binding;
- (b) the application record must contain, in consecutively numbered pages, or separated by tabs, the following documents in the following order:

(ADD)
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(ADD)
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- (i) a title page bearing the style of proceeding and the names of the lawyers, if any, for the applicant and the application respondents;
 - (ii) an index;
 - (iii) a copy of the filed notice of application;
 - (iv) a copy of each filed application response;
 - (v) a copy of every filed affidavit and pleading, and of every other document other than a written argument, that is to be relied on at the hearing;
 - (vi) if the application is brought under Rule 11-3, a copy of each filed pleading;
 - (vii) a copy of each filed order that the applicant seeks to vary or rescind or that is otherwise relevant to the relief sought;
 - (viii) the most current Form F102 statement of information for corollary relief proceedings, if any, filed by each party in accordance with Rule 15-2.2;
- (c) the application record may contain
- (i) a draft of the proposed order,
 - (ii) a written argument,
 - (iii) a list of authorities and
 - (iv) a draft bill of costs;
- (d) the application record must not contain
- (i) affidavits of service,
 - (ii) copies of authorities, including case law, legislation, legal articles or excerpts from textbooks, or
 - (iii) any other documents unless they are included with the consent of all the parties;
- (e) the application record must be provided to the registry
- (i) no earlier than 9 a.m. on the business day that is three full business days before the date set for the hearing and no later than 4 p.m. on the business day that is one full business day before the date set for the hearing, or
 - (ii) if an earlier date is fixed by a registrar, on or before that date.
- [am. B.C. Regs. 119/2010, Sch. B; 241/2010, Sch. B; 121/2014; 176/2023, Sch. 2.]

(ADD)
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01/23

Service of application record index

(AM)
Jul
30/10

- (15) The applicant must serve a copy of the application record index on each application respondent no later than 4 p.m. on the business day that is one full business day before the date set for the hearing.

[am. B.C. Reg. 241/2010, Sch. B.]

If application respondent's application is to be heard at the hearing

- (16) If an application respondent intends to set an application for hearing at the same time as the applicant's application, those parties must, so far as is possible, prepare and provide to the registry where the hearing is to take place a joint application record and agree to a date for the hearing of both applications.

[am. B.C. Reg. 119/2010, Sch. B.]

Application record to be returned

- (17) Unless the court otherwise orders, the applicant must retrieve the application record
- (a) at the conclusion of the hearing, or

- (AM)
Jul
30/10
- (b) if the hearing of the application is adjourned to a date later than the following business day, after the hearing is adjourned.

[am. B.C. Regs. 119/2010, Sch. B; 241/2010, Sch. B.]

Application record to be returned to the registry

- (AM)
Jul
30/10
- (18) If the application record has been retrieved by the applicant under subrule (17) (b), the applicant must return the application record to the registry between 9:00 a.m. and 4 p.m. on the business day that is one full business day before the new date set for the hearing of the application.

[am. B.C. Regs. 119/2010, Sch. B; 241/2010, Sch. B.]

Provision of amended application record

- (19) If any additional affidavits are filed and served under subrule (12) and are not included in the application record, the applicant must provide to the registry an amended application record containing those affidavits.

Resetting adjourned applications

- (AM)
Jul
30/10
- (19.1) To reset an application that has been adjourned without a date being set for it to be heard ("adjourned generally"), the applicant must
- (a) file a requisition in Form F17 setting out the date and time of the hearing, and
- (b) serve a copy of the filed requisition on the application respondents at least 2 business days before the date set for the hearing.

[en. B.C. Reg. 119/2010, Sch. B; am. B.C. Reg. 241/2010, Sch. B.]

Application respondent may apply for directions

- (AM)
Jul
30/10
- (20) If, after an application has been adjourned generally, the applicant does not reset the application for hearing within a reasonable time after an application respondent has requested the applicant to do so, an application respondent may apply, by requisition in Form F17 on 2 business days' notice, for directions.

[am. B.C. Regs. 119/2010, Sch. B; 241/2010, Sch. B.]

Rule 10-7 – Consent Applications

(SUB) How consent applications are to be brought

Mar
18/13

- (AM)
Jul
01/14
- (1) To apply for an order referred to in subrule (1.1), a party must file the following, and to apply for a consent order to enforce an agreement filed under Rule 2-1 (2), to enforce an order, to enforce compliance with a determination of a parenting coordinator filed under Rule 2-1.1 (1) or to enforce an arbitration award filed under Rule 2-1.2 (1), a party may file the following:

- (a) a requisition in Form F29;
- (b) a draft of the proposed order in Form F33;
- (c) evidence, in accordance with Rule 15-1 (11), that the application is consented to;
- (c.1) if guardianship of one or more children is being sought, an affidavit in Form F101;

(ADD)
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- (d) any consent or comments of the Public Guardian and Trustee required under section 40 of the *Infants Act*.

[If an order is sought to appoint a person as the guardian of one or more children, the Form F101 affidavit referred to in Rule 15-2.1 must be provided to the court with the other application materials.]

[en. B.C. Reg. 133/2012; am. B.C. Regs. 41/2013; 121/2014.]

(ADD) **Consent applications under this Part**

Mar
18/13

(1.1) Subrule (1) applies to the following consent applications:

- (a) for an interim order;
- (b) to change, suspend or terminate a final order;
- (c) to set aside or replace the whole or any part of an agreement filed under Rule 2-1;
- (d) to change or set aside a determination of a parenting coordinator filed under Rule 2-1.1;
- (e) to change, suspend or terminate an arbitration award filed under Rule 2-1.2 (1).

(ADD)
Jul
01/14

[en. B.C. Reg. 133/2012; am. B.C. Reg. 121/2014.]

Consent order

- (2) On being satisfied that an application referred to in subrule (1) of this rule is consented to and that the materials appropriate for the application have been filed in accordance with subrule (1), a registrar may
- (a) refer the application to a judge or, if the order sought is within the jurisdiction of a master, to a judge or master, or
 - (b) if the registrar is satisfied that
 - (i) none of the parties applying for or consenting to the order is under a legal disability, or
 - (ii) if a party is under a legal disability, section 40 (7) of the *Infants Act* applies, enter the order or proceed under paragraph (a) of this subrule.

Disposition of referred applications

- (3) If an application is referred by a registrar to a judge or master under subrule (2), the judge or master may
- (a) make the order, or
 - (b) give directions respecting the application.

Rule 10-8 – Applications of Which Notice is Not Required

Application of which notice is not required

(AM)
Mar
18/13

(1) An application of which notice is not required may be made by filing

- (a) a requisition in Form F29,
- (b) a draft of the proposed order in Form F34, and
- (c) subject to Rule 15-2.1, affidavit or other evidence in support of the application.

(AM)
Mar
18/13

[If an order is sought to appoint a person as the guardian of one or more children, the affidavit referred to in Rule 15-2.1 must be provided to the court with the other application materials.]

[am. B.C. Regs. 119/2010, Sch. B; 41/2013.]

2 to 3. Repealed

to 3. *Repealed.* [B.C. Reg. 119/2010, Sch. B]

Rule 10-9 – Urgent Applications

When Applications May Be Heard on Short Notice

Short notice

- (1) Without limiting subrule (6), in case of urgency, a person wishing to bring an application (in this subrule and in subrules (2) to (5) called the "main application") on less notice than would normally be required may make an application (in this subrule and in subrules (2) to (4) called the "short notice application") for an order that the main application may be brought on short notice.

How to make a short notice application

(AM)
Sep
01/23

- (2) A short notice application may be made by requisition in Form F32.01, without notice, and in a summary way.

[am. B.C. Reg. 176/2023, Sch. 2.]

Normal time and notice rules do not apply

- (3) The time limits and notice requirements provided in these Supreme Court Family Rules do not apply to a short notice application.

Powers of court on short notice application

- (4) On a short notice application, the court or a registrar may
 - (a) order that the main application be heard on short notice,
 - (b) fix the date and time for the main application to be heard,
 - (c) fix the date and time before which service of documents applicable to the main application must be made, and
 - (d) give any other directions that the court or registrar considers will further the object of these Supreme Court Family Rules.

Effect of short notice order

- (5) If an order is made under subrule (4) that the main application be heard on short notice, the time limits and notice requirements provided in these Supreme Court Family Rules do not apply to the main application.

When Applications May Be Heard Without Any Notice

Orders without notice

- (6) The court may make an order without notice in the case of urgency.

Service of orders required

- (7) Promptly after an order is made without notice by reason of urgency, the party who obtained the order must serve a copy of the entered order and the documents filed in support on each person who is affected by the order.

Setting aside orders made without notice

- (8) On the application of a person affected by an order made without notice under subrule (6), the court may change or set aside the order.

PART 10: Division 3 – Procedure for Applications for Final Orders

Rule 10-10 – Final Orders in Undefended Family Law Cases

How to bring applications for judgment in undefended family law case

- (1) To apply for judgment in an undefended family law case, a party must apply
- (a) by requisition in accordance with subrule (2),
 - (a.1) by way of summary trial in accordance with Rule 11-3, or
 - (b) at trial.

[am. B.C. Reg. 176/2023, Sch. 2.]

How to bring applications by requisition

- (2) A party wishing to apply for judgment under subrule (1) (a) must file the following:

- (a) a requisition in Form F35;
- (b) a draft of the proposed order;
- (c) proof that the case is an undefended family law case;
- (d) a certificate of the registrar in Form F36 certifying that the pleadings and proceedings in the family law case are in order;
- (e) unless subrule (3) applies, proof of service of the notice of family claim or counterclaim under which judgment is sought;
- (f) if appropriate, a Child Support Affidavit in Form F37;
- (f.1) if guardianship of one or more children is being sought, an affidavit in Form F101;
- (g) if a divorce is sought, an affidavit in Form F38;
- (h) if any of the following orders under the *Divorce Act* are being sought, a statement of information for corollary relief proceedings in Form F102:

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(ADD)
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(ADD)
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- (i) a child support order;
- (ii) a spousal support order;
- (iii) a parenting order.

[For the purposes of paragraph (f), it is "appropriate" to file a child support affidavit if

(a) the family law case includes a claim for divorce and the notice of family claim, response to family claim, counterclaim or response to counterclaim identifies a child of the marriage within the meaning of the Divorce Act, or

(b) the family law case includes a claim for child support.]

[If an order is sought to appoint a person as the guardian of one or more children, the Form F101 affidavit referred to in Rule 15-2.1 must be provided to the court with the other application materials.]

[am. B.C. Regs. 41/2013; 208/2020.]

When proof of service is not required

- (3) A party wishing to apply for judgment under subrule (1) (a) need not file proof of service of the notice of family claim or counterclaim under which judgment is sought if the party against whom judgment is sought had filed a response to family claim or response to counterclaim, as the case may be, even though that response to family claim or response to counterclaim has been withdrawn.

Evidence in undefended family law case if divorce sought

- (4) In an undefended family law case in which a divorce is sought, the evidence, and any information required to enable the court to comply with sections 10 and 11 of the *Divorce Act*, may be presented by affidavit, unless the court otherwise orders.

Powers of court on application

- (5) On being satisfied that an application under subrule (1) (a) is appropriate, the court may give any directions it considers will further the object of these Supreme Court Family Rules and may, without limitation,
 - (a) make an order or grant judgment without the attendance of lawyers or the applicant,
 - (b) direct the attendance of lawyers or the applicant, or
 - (c) direct that further evidence be presented.

Rule 10-11 – Final Orders in Defended Family Law Cases

Final orders in defended family law cases

- (1) To obtain a final order, other than at trial, in a defended family law case begun by the filing of a notice of family claim, a party must apply by way of summary trial in accordance with Rule 11-3.

PART 11 – Pre-Trial Resolution Procedures

Rule 11-1 – Offers to Settle

Definition

- (1) In this rule, "**offer to settle**" means
 - (a) an offer to settle made and delivered before July 2, 2008 under Rule 37 of the former Supreme Court Rules, as that rule read on the date of the offer to settle, and in relation to which no order was made under that rule,
 - (b) an offer of settlement made and delivered before July 2, 2008 under Rule 37A of the former Supreme Court Rules, as that rule read on the date of the offer of settlement, and in relation to which no order was made under that rule, or
 - (c) an offer to settle made after July 1, 2008 under Rule 37B of the former Supreme Court Rules, as that rule read on the date of the offer to settle, or made under this rule, that
 - (i) is made in writing by a party to a family law case,
 - (ii) has been served on all parties, and
 - (iii) contains the following sentence:
"The[*party(ies)*].....,[*name(s) of party(ies)*]....., reserve(s) the right to bring this offer to the attention of the court for consideration in relation to costs after the court has pronounced judgment on all other issues in this proceeding."

Offer not to be disclosed

- (2) The fact that an offer to settle has been made must not be disclosed to the court or jury, or set out in any document used in the family law case, until all issues in the family law case, other than costs, have been determined.

Offer not an admission

- (3) An offer to settle is not an admission.

Offer may be considered in relation to costs

- (4) The court may consider an offer to settle when exercising the court's discretion in relation to costs.

Cost options

- (5) In a family law case in which an offer to settle has been made, the court may do one or more of the following:
 - (a) deprive a party of any or all of the costs, including any or all of the disbursements, to which the party would otherwise be entitled in respect of all or some of the steps taken in the family law case after the date of delivery or service of the offer to settle;
 - (b) award double costs of all or some of the steps taken in the family law case after the date of delivery or service of the offer to settle;

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- (c) award to a party, in respect of all or some of the steps taken in the family law case after the date of delivery or service of the offer to settle, costs to which the party would have been entitled had the offer not been made;
 - (d) if the party who made the offer obtained a judgment as favourable as, or more favourable than, the terms of the offer, award to the party the party's costs in respect of all or some of the steps taken in the family law case after the date of delivery or service of the offer to settle.
[am. B.C. Regs. 119/2010, Sch. B; 121/2014.]

Considerations of court

- (6) In making an order under subrule (5), the court may consider the following:
 - (a) whether the offer to settle was one that ought reasonably to have been accepted, either on the date that the offer to settle was delivered or served or on any later date;
 - (b) the relationship between the terms of settlement offered and the final judgment of the court;
 - (c) the relative financial circumstances of the parties;
 - (d) any other factor the court considers appropriate.

Counter offer

- (7) An offer to settle does not expire by reason that a counter offer is made.

Rule 11-2 – Striking Documents

Scandalous, frivolous or vexatious matters

- (1) At any stage of a family law case, the court may order to be struck out or amended the whole or any part of a pleading, petition or other document on the ground that
 - (a) it discloses no reasonable claim or defence, as the case may be,
 - (b) it is unnecessary, scandalous, frivolous or vexatious,
 - (c) it may prejudice, embarrass or delay the fair trial or hearing of the family law case, or
 - (d) it is otherwise an abuse of the process of the court,and the court may pronounce judgment or order the family law case to be stayed or dismissed and may order the costs of the application to be paid as special costs.
[am. B.C. Reg. 119/2010, Sch. B.]

Admissibility of evidence

- (2) No evidence is admissible on an application under subrule (1) (a).

Powers of registrar

- (3) If, on the filing of a document, a registrar considers that the whole or any part of the document could be the subject of an order under subrule (1),

- (a) the registrar may, despite any other provision of these Supreme Court Family Rules,
 - (i) retain the document and all filed copies of it, and
 - (ii) refer the document to the court, and
- (b) the court may, after a summary hearing, make an order under subrule (1).

Reconsideration of order

- (4) If the court makes an order referred to in subrule (3) (b),
 - (a) the registrar must give notification of the order, in the manner directed by the court, to the person who filed the document,
 - (b) the person who filed the document may, within 7 days after being notified, apply to the court, and
 - (c) the court may confirm, vary or rescind the order.

Rule 11-3 – Summary Trial

Definition

- (1) In this rule, "**summary trial application**" means an application referred to in subrule (2).

Application

- (2) A party may apply to the court for judgment under this rule, either on an issue or generally, in any of the following:
 - (a) a family law case in which a response to family claim has been filed;
 - (b) a family law case that has been transferred to the trial list under Rule 10-3 (7) (d);
 - (c) a family law case by way of counterclaim in which a response to counterclaim has been filed;
 - (d) an undefended family law case.

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[am. B.C. Reg. 176/2023, Sch. 2.]

When application must be heard

- (3) A summary trial application must be heard at least 42 days before the scheduled trial date.

Setting application for hearing

- (4) Unless the court otherwise orders, a summary trial application must be set for hearing in accordance with Part 10.

Evidence on application

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- (5) Unless the court otherwise orders, on a summary trial application, the applicant and each other party may, subject to Rule 15-2.1, introduce evidence by any or all of the following:
 - (a) an affidavit;

- (b) an answer, or part of an answer, to interrogatories;
- (c) any part of the evidence taken on an examination for discovery;
- (d) an admission under Rule 9-6;
- (e) a report setting out the opinion of an expert, if
 - (i) the report conforms with Rule 13-6 (1), or
 - (ii) the court orders that the report is admissible even though it does not conform with Rule 13-6 (1).

[If an order is sought on a summary trial application to appoint a person as the guardian of one or more children, the affidavit referred to in Rule 15-2.1 must be provided to the court with the other application materials.]

[am. B.C. Reg. 41/2013.]

Application of Rule 14-7

- (6) Rule 14-7 (46), (49), (50), (51) and (56) to (58) applies to subrule (5) of this rule.

Application of Rules 13-6 and 13-7

- (7) Rule 13-6 (2) applies to a summary trial application.

[am. B.C. Reg. 119/2010, Sch. B.]

Filings with application

- (8) A party who applies for judgment under subrule (2)
 - (a) must serve, with the notice of application and the other documents referred to in Rule 10-6 (6), every expert report, not already filed, on which the party will rely in support of the application, and
 - (b) must not serve any further affidavits, expert reports or notices except
 - (i) to introduce evidence that would, at a trial, be admitted as rebuttal evidence,
 - (ii) to respond to a notice of application filed and served by another party, or
 - (iii) with leave of the court.

Notice of evidence to be used on application

- (9) If a party intends, on a summary trial application, to rely on
 - (a) evidence taken on an examination for discovery,
 - (b) answers to interrogatories, or
 - (c) admissions,the party must give notice of that fact in accordance with subrule (10).

Giving notice

- (10) Notice under subrule (9) must be served
 - (a) by an applicant, in accordance with Rule 10-6 (6) and (7), and

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(b) by a party who is not an applicant, in accordance with Rule 10-6 (8).

[am. B.C. Reg. 241/2010, Sch. B.]

Adjournment or dismissal

- (11) On an application heard before or at the same time as the hearing of a summary trial application, the court may
- (a) adjourn the summary trial application, or
 - (b) dismiss the summary trial application on the ground that
 - (i) the issues raised by the summary trial application are not suitable for disposition under this rule, or
 - (ii) the summary trial application will not assist the efficient resolution of the family law case.

Preliminary orders

- (12) On or before the hearing of a summary trial application, the court may order that
- (a) a party file and serve, within a fixed time, any of the following on which the party intends to rely in support of the application:
 - (i) an affidavit;
 - (ii) a notice referred to in subrule (9),
 - (b) the person who swore or affirmed an affidavit, or an expert whose report is relied on, attend for cross-examination, either before the court or before another person as the court directs,
 - (c) cross-examinations on affidavits be completed within a fixed time,
 - (d) no further evidence be introduced on the application after a fixed time, or
 - (e) a party file and serve a brief, with such contents as the court may order, within a fixed time.

Ancillary or preliminary orders may be made at or before application

- (13) An order under subrule (11) or (12) may be made by a judge or by a master, and may be made before or at the same time as a summary trial application.

Judge not seized of application

- (14) A judge who makes an order under subrule (11) or (12) in relation to a summary trial application is not seized of the summary trial application unless the judge otherwise orders.

Judgment

- (15) On the hearing of a summary trial application, the court may
- (a) grant judgment in favour of any party, either on an issue or generally, unless
 - (i) the court is unable, on the whole of the evidence before the court on the application, to find the facts necessary to decide the issues of fact or law, or

- (ii) the court is of the opinion that it would be unjust to decide the issues on the application,
- (b) impose terms respecting enforcement of the judgment, including a stay of execution, and
- (c) award costs.

No further application without leave

- (16) If the court does not grant judgment under subrule (15), the applicant may not apply again under subrule (2) without leave of the court.

Orders

- (17) If the court is unable to grant judgment under subrule (15) and considers that the family law case ought to be expedited, the court may order the trial of a family law case generally or on an issue and may
 - (a) order that the parties attend a judicial case conference,
 - (b) make any order that may be made under Rule 7-1 (15), or
 - (c) make any other order the court considers will further the object of these Supreme Court Family Rules.

Right to vary or set aside order

- (18) A court may, before or at trial, vary or set aside an order made under subrule (12) or (17) of this rule.

Rule 11-4 – Discontinuance and Withdrawal

Discontinuance before family law case set for trial

- (1) At any time before a notice of trial is filed in a family law case, a claimant may discontinue it in whole or in part against a respondent by filing a notice of discontinuance in Form F39 and serving a filed copy of the notice of discontinuance on all parties.

Discontinuance after family law case set for trial

- (2) After a notice of trial is filed in a family law case, a claimant may discontinue the family law case in whole or in part against a respondent with the consent of all parties or by leave of the court.

Withdrawal by respondent

- (3) A respondent may withdraw his or her response to family claim or any part of it with respect to any claimant at any time by filing a notice of withdrawal in Form F40 and serving a filed copy of the notice of withdrawal on all parties.

Costs and default procedure on discontinuance or withdrawal

- (4) Subject to subrule (2), a person wholly discontinuing a family law case against a party or wholly withdrawing his or her response to family claim filed in response to a notice of family claim of a party must pay the costs of that party to the date of service of the notice of discontinuance or the notice of withdrawal, as the case may be, and if a claimant who is liable for costs under this subrule subsequently brings a proceeding for the same or substantially the same claim before paying those costs, the court may order the proceeding to be stayed until the costs are paid.

Some costs remain recoverable

- (5) A claimant's right to recover costs from a respondent under subrule (4) does not preclude the claimant recovering other costs properly incurred.

Proceeding after response is withdrawn

- (6) If a respondent wholly withdraws his or her response under this rule, the claimant may proceed as if the respondent had served no response and Rule 4-3 (2) applies.

Discontinuance not a defence

- (7) Unless the court otherwise orders, the discontinuance of a family law case in whole or in part is not a defence to a subsequent family law case for the same or substantially the same claim or claims.

Application to counterclaim and petition

- (8) This rule applies to a counterclaim and a petition.

PART 12 – Property and Injunctions

Rule 12-1 – Detention, Preservation and Recovery of Property

Property that is the subject matter of a family law case

- (1) The court may make an order for the detention, custody or preservation of any property that is the subject matter of a family law case or as to which a question may arise and, for the purpose of enabling an order under this rule to be carried out, the court may authorize a person to enter on any land or building.

Fund that is the subject matter of a family law case

- (2) If the right of a party to a specific fund is in dispute in a family law case, the court may order the fund to be paid into court or otherwise secured.

Allowance of income from property

- (3) If property is the subject matter of a family law case and the court is satisfied that the property will be more than sufficient to answer all claims on it, the court at any time
 - (a) may allow the whole or part of the income of the property to be paid, during such period as the court may direct, to a party who has an interest in it, or
 - (b) in the case of personal property, may order that part of the personal property be delivered or transferred to a party.

Recovery of specific property

- (4) If a party claims the recovery of specific property other than land, the court may order that the property claimed be given up to the party, pending the outcome of the family law case, either unconditionally or on terms and conditions, if any, relating to giving security, time, mode of trial or otherwise.

Compensation for wrongful recovery

- (5) Unless the court otherwise orders, if an order is made under subrule (4) in favour of a party, the order must contain the party's undertaking to abide by any order that the court may make as to damages arising out of delivery of the property to the party or compliance with any other order.

Rule 12-2 – Receivers

Appointment of receiver

- (1) The court may appoint a receiver in any proceeding either unconditionally or on terms, whether or not the appointment of a receiver was included in the relief claimed by the applicant.

Form of security

- (2) Unless the court otherwise orders, a receiver must give security as the court may direct in either Form F41 or Form F42 and, until that security is given, the order appointing the receiver must not be presented for entry.

Remuneration of receiver

- (3) The court must fix any remuneration to be paid to a receiver.

Accounts of receiver

- (4) Unless the court otherwise orders, a receiver must file and deliver his or her accounts annually.

Rule 12-3 – Interpleader

Entitlement to relief by way of interpleader

- (1) If
 - (a) a person (in this rule called the "applicant")
 - (i) is sued or expects to be sued in respect of property in the person's possession or under the person's control or in respect of the proceeds from a disposition of the property, or
 - (ii) receives a claim in respect of
 - (A) the property, or
 - (B) the proceedsby or from 2 or more persons (in this rule called the "property claimants") making adverse claims, and
 - (b) the applicant claims no beneficial interest in the property,the applicant may apply to the court for interpleader relief.

Claim to real or personal property taken by sheriff

- (2) A person who makes a claim to or in respect of property taken or intended to be taken by a sheriff in the execution of any writ of execution, or to the proceeds from a disposition of the property, must deliver to the sheriff written notice of the person's claim and the person's address.

Sheriff to deliver notice

- (3) On receipt of a notice of claim under subrule (2), a sheriff must promptly deliver a copy of the notice to the person who caused the writ of execution to issue, and that person must, within 7 days after receiving the copy, deliver to the sheriff a written notice stating whether that person admits or disputes the claim.

If claim admitted

- (4) Promptly after receiving under subrule (3) a notice admitting a claim,
 - (a) a sheriff must release any property the claim to which is admitted, and
 - (b) the court may restrain the bringing of a proceeding against the sheriff for or in respect of having taken possession of the property, andunless the court otherwise orders, the person who admitted the claim is only liable to the sheriff for any costs, fees and expenses incurred by the sheriff before receipt of the notice admitting the claim.

Sheriff may apply for interpleader relief

- (5) A sheriff who receives a notice of claim under subrule (2) may apply for interpleader relief if
 - (a) the sheriff receives a notice under subrule (3) disputing the claim, or
 - (b) the person who caused the writ of execution to issue fails to give the sheriff the notice required under subrule (3) within the time required by that subrule.

Mode of application

- (6) An application for interpleader relief must be made by petition, unless it is made in a proceeding that has already been started, in which case it may be made by notice of application.

Affidavit

- (7) An application for interpleader relief must be supported by an affidavit stating the names and addresses of the property claimants of whom the applicant has knowledge and that the applicant
 - (a) claims no beneficial interest in the property in dispute, other than for costs, fees or expenses,
 - (b) does not collude with any property claimant, and
 - (c) is willing to deliver the property to the court or to dispose of it as the court may direct.

Application for interpleader relief

- (8) An application for interpleader relief may be made without notice, and the court may deal with the application summarily or may give directions for service.

Powers of court on hearing application

- (9) On the hearing of an application for interpleader relief, the court may
 - (a) order a property claimant to be named as a party to a proceeding that has already been started in substitution for or in addition to the applicant,
 - (b) order an issue between the property claimants to be stated and tried in an action and direct which property claimant is to be the plaintiff in the action and which property claimant is to be the defendant,
 - (c) on the request of the applicant or a property claimant, determine the rights of the property claimants summarily,

- (d) if a property claimant fails to attend, or attends and fails or refuses to comply with an order made in the proceeding, make an order declaring that the property claimant and all persons claiming under the property claimant be forever barred from prosecuting the claim against the applicant, without affecting the rights of the property claimants as between themselves,
- (e) stay any further step in a proceeding,
- (f) if there are interpleader applications pending in several proceedings, make an order that is binding on all the parties to the various proceedings,
- (g) order the costs of the applicant to be paid out of the property or proceeds,
- (h) declare that the liability of the applicant with respect to the property or the proceeds is extinguished, and
- (i) make any other order the court considers will further the object of these Supreme Court Family Rules.

Rule 12-4 – Injunctions

Applications for pre-trial injunctions

- (1) An application for a pre-trial injunction may be made by a party whether or not a claim for an injunction is included in the relief claimed.

Applications for pre-trial injunctions before family law case started

- (2) An application for a pre-trial injunction may be made before the start of a family law case and the injunction may be granted on terms providing for the start of the family law case.

Applications for interim injunctions without notice

- (3) If an application for a pre-trial injunction is made without notice, the court may grant an interim injunction.

Injunction by court order

- (4) An injunction must be imposed by order of the court.

Undertaking as to damages

- (5) Unless the court otherwise orders, an order for a pre-trial or interim injunction must contain the applicant's undertaking to abide by any order that the court may make as to damages.

Application for injunction after judgment

- (6) In a family law case in which an injunction has been or might have been claimed, a party may apply by petition after judgment to restrain another party from the repetition or continuance of the wrongful act or breach of contract established by the judgment or from the commission of any act or breach of a like kind.

PART 13 – Court Ordered Reports and Expert Witnesses

Rule 13-1 – Court Ordered Reports under Section 211 of the *Family Law Act*

(SUB) **Report must include address for service**

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- (1) If, under section 211 of the *Family Law Act*, the court appoints a person to conduct an assessment, that person must
 - (a) include in the report required under section 211 (4) of that Act an address for service at which a notice under subrule (2) may be served, and
 - (b) unless the court otherwise orders, file a copy of the report and serve a filed copy of the report on all parties at least 42 days before the scheduled trial date.
[en. B.C. Reg. 133/2012.]

(SUB) **Permission required to call person who prepares court-ordered report**

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- (2) A party who wishes to cross-examine at trial the person who prepared a report referred to in subrule (1) must, at least 28 days before the scheduled trial date, serve on the person and all parties, by ordinary service, a notice in Form F43.
[en. B.C. Reg. 133/2012.]

Rule 13-2 – Duty of Expert Witnesses

Duty of expert witness

- (1) In giving an opinion to the court, an expert appointed under this Part by one or more parties or by the court has a duty to assist the court and is not to be an advocate for any party.

Advice and certification

- (2) If an expert is appointed under this Part by one or more parties or by the court, the expert must, in any report he or she prepares under this Part, certify that he or she
 - (a) is aware of the duty referred to in subrule (1),
 - (b) has made the report in conformity with that duty, and
 - (c) will, if called on to give oral or written testimony, give that testimony in conformity with that duty.

Rule 13-3 – Appointing Joint Expert Witnesses

Definition

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- (1) In this rule, "**financial issue**" means
 - (a) an issue arising out of a claim under Part 5 or 6 of the *Family Law Act* or out of an application for a FHRMIRA order,

- (b) a claim for an interest in property based on unjust enrichment or other trust claims,
or
- (c) a claim for compensation based on unjust enrichment.
[am. B.C. Regs. 133/2012; 249/2014.]

Joint appointment on financial issues

- (2) If any party wishes to present to the court expert opinion evidence on a financial issue,
 - (a) that evidence must be presented to the court by means of a jointly appointed expert unless the court otherwise orders or the parties otherwise agree, and
 - (b) Rule 13-4 applies.

Other appointments on non-financial issues

- (3) If a party wishes to present to the court expert opinion evidence on an issue other than a financial issue,
 - (a) the parties may present that evidence by means of a jointly appointed expert under Rule 13-4, or
 - (b) any one or more of the parties may appoint his or her own expert.

Rule 13-4 – Jointly Appointed Experts

Matters to be settled prior to appointment

- (1) When an expert is to be jointly appointed by 2 or more parties under Rule 13-3 (2) or (3) (a), the following must be settled before the expert is appointed:
 - (a) the identity of the expert;
 - (b) the issue in the family law case the expert opinion evidence may help to resolve;
 - (c) any facts or assumptions of fact agreed to by the parties;
 - (d) for each party, any assumptions of fact not included under paragraph (c) of this subrule that the party wishes the expert to consider;
 - (e) the questions to be considered by the expert;
 - (f) when the report must be prepared by the expert and given to the parties;
 - (g) responsibility for fees and expenses payable to the expert.

Appointment agreement

- (2) If the parties agree on the matters referred to in subrule (1), they must enter into a written agreement that reflects those agreed upon matters and
 - (a) the agreement must be signed by each party to the agreement or their lawyers,
 - (b) the agreement must be signed by the expert to signify that he or she
 - (i) has been made aware of the content of this Part, and

- (ii) consents to the appointment reflected in the agreement, and
- (c) a copy of the agreement must be served, promptly after signing, on every party to the family law case who is not a party to the agreement.

Application to court

- (3) If the parties do not agree that a joint expert is required or do not agree on any matter relating to the appointment of a joint expert, any party may apply to the court in accordance with Rule 10-5 for an order
 - (a) appointing a joint expert, and
 - (b) settling any matter relating to the appointment of the joint expert.

Order

- (4) If the court makes an order on an application under subrule (3), the applicant for the order must promptly serve the expert with a copy of the entered order.

Role of expert appointed under this rule

- (5) Unless the court otherwise orders on an application referred to in subrule (6), a joint expert appointed in relation to an issue, by agreement under subrule (2) or by a court order made on an application under subrule (3), is the only expert who may give expert opinion evidence in the family law case on the issue.

Notice of application

- (6) A party wishing to apply under subrule (5) for leave to introduce the evidence of an additional expert at trial must, within 21 days after receipt of the joint expert's report, serve on all parties the documents that under Rule 10-6 (6) are required for the application.

Additional experts

- (7) The court may, on an application referred to in subrule (6) of this rule, grant leave for the evidence of an additional expert to be introduced at trial if the court is satisfied that the evidence of that additional expert is necessary to ensure a fair trial.

Considerations

- (8) In assessing whether to grant leave for the evidence of an additional expert to be introduced at trial, the court may consider
 - (a) whether the parties have fully cooperated with the joint expert and have made full and timely disclosure of all relevant information and documents to the joint expert,
 - (b) whether the dispute about the opinions of the joint expert may be resolved by requesting clarification or further opinions from that expert, and
 - (c) any other factor the court considers relevant.

Cooperation required

- (9) All parties must cooperate fully with a joint expert and make full and timely disclosure of all relevant information and documents to the joint expert.

Cross-examination

- (10) Each party has the right to cross-examine a joint expert at trial.

Rule 13-5 – Appointment of Court's Own Expert

Appointment of experts by court

- (1) Subject to this rule, the court may, on its own initiative at any stage of a family law case, appoint an expert if it considers that expert opinion evidence may help the court in resolving an issue in the family law case.

Materials required by court

- (2) In deciding whether to appoint an expert under this rule in relation to an issue in a family law case, the court may
- (a) ask each party to name one or more persons who
 - (i) are qualified to give expert opinion evidence on the issue, and
 - (ii) have been made aware of the content of this Part and consent to being appointed,
 - (b) require each party to state any connection between an expert named under paragraph (a) and a party to the family law case, and
 - (c) receive other material and make other inquiries to help decide which expert to appoint.

Court may name different expert

- (3) The court may appoint an expert under this rule whether or not that expert was named by a party under subrule (2).

Expert must consent

- (4) The court may appoint an expert under this rule if the expert consents to the appointment after he or she has been made aware of the content of this Part.

What court may consider

- (5) In deciding whether to appoint an expert under this rule in relation to an issue in a family law case, the court may consider
- (a) the complexity of the issue,
 - (b) the expense of appointing the expert,
 - (c) whether the appointment will expedite or delay the trial of the family law case,
 - (d) the interests of justice, and
 - (e) any other consideration the court considers relevant.

Previous report not a bar

- (6) The court may appoint an expert under this rule in relation to an issue even if that expert has already given a report to a party on the issue or on another issue in the family law case.

Consequences of court appointment

- (7) Unless the court otherwise orders, if an expert is appointed under this rule to give expert opinion evidence on an issue, each party has the right to cross-examine the expert.

Directions to expert

- (8) The court, after consultation with the parties, must
 - (a) settle the questions to be submitted to any expert appointed by the court under this rule,
 - (b) give the expert any directions the court considers appropriate, and
 - (c) give the parties any directions the court considers appropriate to facilitate the expert's ability to provide the required opinion.

Contents of order appointing expert

- (9) The order appointing an expert under this rule must contain the directions referred to in subrule (8) and the court may make additional orders to enable the expert to carry out the directions applicable to him or her, including, on application by a party, an order under Rule 9-5 for
 - (a) an examination with respect to the physical or mental condition of a party, or
 - (b) inspection of property.

Remuneration of expert

- (10) The remuneration of an expert appointed under this rule
 - (a) must be fixed by the court and consented to by the expert, and
 - (b) may include
 - (i) a fee for the report, and any supplementary reports, required under Rule 13-6, and
 - (ii) an appropriate sum for each day that the expert's attendance in court is required.

Security for remuneration

- (11) The court may make one or both of the following orders, without prejudice to any party's right to costs:
 - (a) an order directing that the expert's remuneration be paid by the persons and at the time ordered by the court;
 - (b) an order for security for the expert's remuneration.

Report

- (12) An expert appointed under this rule must

- (a) prepare a report that complies with Rule 13-6 and send it to the registry, with a copy to each party, within such time as the court directs, and
- (b) if the expert's opinion changes in a material way after an expert's report is sent to the registry under paragraph (a), prepare a supplementary report that complies with Rule 13-6 and send it to the registry, with a copy to each party, within such time as the court directs.

Report must be introduced as evidence

- (13) Each report and supplementary report of an expert appointed by the court under this rule must be introduced as evidence at the trial of the family law case, unless the trial judge otherwise orders.

Rule 13-6 – Expert Reports

Requirements for report

- (1) An expert's report that is to be introduced as evidence at the trial must be signed by the expert, must include the certification required under Rule 13-2 (2) and must set out the following:
 - (a) the expert's name, address and area of expertise;
 - (b) the expert's qualifications and employment and educational experience in his or her area of expertise;
 - (c) the instructions provided to the expert in relation to the family law case;
 - (d) the nature of the opinion being sought and the issues in the family law case to which the opinion relates;
 - (e) the expert's opinion respecting those issues;
 - (f) the expert's reasons for his or her opinion, including
 - (i) a description of the factual assumptions on which the opinion is based,
 - (ii) a description of any research conducted by the expert that led him or her to form the opinion, and
 - (iii) a list of every document, if any, relied on by the expert in forming the opinion.

[am. B.C. Reg. 119/2010, Sch. B.]

Proof of qualifications

- (2) The assertion of qualifications of an expert is evidence of them.

Service of report

- (3) Unless the court otherwise orders, at least 84 days before the scheduled trial date, an expert's report, other than the report of an expert appointed by the court under Rule 13-5, must be served on every party, along with written notice that the report is being served under this rule,
 - (a) by the party who intends, with leave of the court under Rule 13-4 (7) or otherwise, to introduce the expert's report at trial, or
 - (b) if 2 or more parties jointly appointed the expert, by each party who intends to tender the expert's report at trial.

Service of responding report

- (4) Unless the court otherwise orders, if a party intends to introduce an expert's report at trial to respond to an expert witness whose report is served under subrule (3), the party must serve on every party, at least 42 days before the scheduled trial date,
 - (a) the responding report, and
 - (b) written notice that the responding report is being served under this rule.

Supplementary report of joint or court-appointed expert

- (5) If, after an expert's report is served under subrule (3) (b), the expert's opinion changes in a material way,
 - (a) the expert must, as soon as practicable, prepare a supplementary report and ensure that that supplementary report is provided to the party who served the report under subrule (3), and
 - (b) the party to whom the supplementary report is provided under paragraph (a) of this subrule must promptly serve that supplementary report on every other party.

Supplementary report of own expert

- (6) If, after an expert's report is served under subrule (3) (a) or (4), the expert's opinion changes in a material way and the party who served the report intends to introduce that expert's report at trial despite the change,
 - (a) the expert must, as soon as practicable, prepare a supplementary report and ensure that that supplementary report is provided to the party, and
 - (b) the party must promptly serve that supplementary report on every other party.

Requirements for supplementary report

- (7) A supplementary report under Rule 13-5 (12) or under subrule (5) (a) or (6) (a) of this rule must
 - (a) be identified as a supplementary report,
 - (b) be signed by the expert,
 - (c) include the certification required under Rule 13-2 (2), and
 - (d) set out the change in the expert's opinion and the reason for it.

Production of documents

- (8) Unless the court otherwise orders, if a report of a party's own expert appointed under Rule 13-3 (3) (b) or 13-4 (7) is served under this rule, the party who served the report must,
 - (a) promptly after being asked to do so by a party, serve on the requesting party whichever one or more of the following has been requested:
 - (i) any written statement or statements of facts on which the expert's opinion is based;
 - (ii) a record of any independent observations made by the expert in relation to the report;

- (iii) any data compiled by the expert in relation to the report;
- (iv) the results of any test conducted by or for the expert, or of any inspection conducted by the expert, if the expert has relied on that test or inspection in forming his or her opinion, and
- (b) if asked to do so by a party, make available to the requesting party for review and copying the contents of the expert's file relating to the preparation of the opinion set out in the expert's report,
 - (i) if the request is made within 14 days before the scheduled trial date, promptly after receipt of that request, or
 - (ii) in any other case, at least 14 days before the scheduled trial date.

Notice of trial date to expert

- (9) The person who is required to serve the report or supplementary report of an expert under this rule must, promptly after the appointment of the expert or promptly after a trial date has been obtained, whichever is later, inform the expert of the scheduled trial date and that the expert may be required to attend at trial for cross-examination.

Notice of objection to expert opinion evidence

- (10) A party who receives an expert report or supplementary report under this rule must, on the earlier of the date of the trial management conference and the date that is 21 days before the scheduled trial date, serve on every party a notice of any objection to the admissibility of the expert's evidence that the party receiving the report or supplementary report intends to raise at trial.

When objection not permitted

- (11) Unless the court otherwise orders, if reasonable notice of an objection could have been given under subrule (10), the objection must not be permitted at trial if that notice was not given.

Rule 13-7 – Expert Opinion Evidence at Trial

Admissibility

- (1) Unless the court otherwise orders, opinion evidence of an expert, other than an expert appointed by the court under Rule 13-5, must not be introduced at trial unless
 - (a) that evidence is included in a report of that expert that has been prepared and served in accordance with Rule 13-6, and
 - (b) any supplementary reports required under Rule 13-5 (12) or 13-6 (5) or (6) have been prepared and served in accordance with Rule 13-6 (5) to (7).

When report stands as evidence

- (2) Unless the court otherwise orders, the following apply to a report or supplementary report of an expert:

- (a) if, within 21 days after service of the report or within such other period as the court may order, a demand is made under subrule (3) of this rule that the expert who made the report attend at trial for cross-examination, the report must not be introduced or accepted as evidence at the trial unless the appointing party calls the expert at trial to be cross-examined in compliance with the demand;
- (b) if no such demand is made under subrule (3) within the demand period referred to in paragraph (a) of this subrule,
 - (i) the expert whose report has been served under this Part need not attend at trial to give oral testimony, and
 - (ii) the report, if admissible, may be introduced and accepted as evidence at the trial.

Cross-examination of expert

- (3) A party may demand that an expert whose report has been served on the parties under Rule 13-6 attend at the trial for cross-examination as follows:
 - (a) if the expert was jointly appointed under Rule 13-3 (2) or (3) (a) or was appointed by the court under Rule 13-5, any party may, within the demand period referred to in subrule (2) (a) of this rule, demand the attendance of the expert for cross-examination by that party or by any of the other parties;
 - (b) if the expert was appointed by a party under Rule 13-3 (3) (b) or 13-4 (7), any party who is adverse in interest to the party who appointed that expert may, within the demand period referred to in subrule (2) (a) of this rule, demand the attendance of the expert for cross-examination.

Costs of cross-examination

- (4) If an expert has been required to attend at trial for cross-examination by a demand under subrule (3) and the court is of the opinion that the cross-examination was not of assistance, the court may order the party who demanded the attendance of the expert to pay to the other party or to the expert costs in an amount the court considers appropriate.

Restrictions on calling expert as witness at trial

- (5) Unless the court otherwise orders, if a party appoints his or her own expert under Rule 13-3 (3) (b) or 13-4 (7)
 - (a) the party must not call the expert to give oral evidence at trial unless
 - (i) the expert's attendance has been demanded under subrule (3) of this rule, or
 - (ii) the expert's report has been served in accordance with Rule 13-6, the party believes direct examination of the expert is necessary to clarify terminology in the report or to otherwise make the report more understandable and any direct examination of that expert is limited to those matters, and
 - (b) the party must not cross-examine the expert at trial.

When court may dispense with requirement of this Part

- (6) At trial, the court may allow an expert to provide evidence, on terms and conditions, if any, even though one or more of the requirements of this Part have not been complied with, if

- (a) facts have come to the knowledge of one or more of the parties and those facts could not, with due diligence, have been learned in time to be included in a report or supplementary report and served within the time required by this Part,
- (b) the non-compliance is unlikely to cause prejudice
 - (i) by reason of an inability to prepare for cross-examination, or
 - (ii) by depriving the party against whom the evidence is introduced of a reasonable opportunity to introduce evidence in response, or
- (c) the interests of justice require it.

PART 14 – Trial Rules

PART 14: Division 1 – Application

Rule 14-1 – Application

Application

- (1) This Part applies to
 - (a) a family law case started by a notice of family claim, and
 - (b) a family law case that is transferred to the trial list under Rule 10-3 (7) (d).

PART 14: Division 2 – Setting a Family Law Case for Trial

Rule 14-2 – How to Set Trial for Hearing

Notice of trial

- (1) To set a family law case for trial, a party must file a notice of trial in Form F44.

Content of notice of trial

- (2) A notice of trial filed under subrule (1) must include the date reserved at a judicial case conference for the trial or, if no trial date was reserved at a judicial case conference, the trial date obtained from the registry.
[en. B.C. Reg. 119/2010, Sch. B.]

Registry

- (3) The notice of trial must be filed in
 - (a) the registry where the document that started the family law case was filed unless paragraph (b) applies, or
 - (b) the registry to which the family law case has been transferred if the family law case has been transferred for all purposes to another registry.

Place of trial

- (4) The place of trial must be the place named in the notice of family claim, if any, but the court may order that the place of trial be changed or that the trial be heard partly in one place and partly in another.

When notice of trial must be served

- (5) Promptly after a notice of trial has been filed, the claimant, or such other party as may be ordered by the court, must serve a copy of the filed notice of trial on all parties.

If trial date unacceptable

- (6) If a party on whom a notice of trial is served under subrule (5) objects to the trial date set out in that notice of trial, the party must, within 21 days after service of the notice of trial, apply to the court to have the trial rescheduled.

Time of trial

- (7) The trial is to be heard on the day appointed by the notice of trial or so soon after that day as may be convenient to the court.

Court may make orders respecting trial dates

- (8) The court may
- (a) order the adjournment of a trial,
 - (b) fix the date of trial of a family law case,
 - (c) fix the date of trial of an issue in a family law case, or
 - (d) order that a trial take precedence over another trial.

Duty to inform registry

- (9) Each party to a family law case that has been set for trial must advise the registry without delay
- (a) if the family law case settles, and
 - (b) of any circumstances affecting the estimated length of the trial.

Rule 14-2.1 – Trial Brief

(ADD) Claimant must file trial brief

Sep
01/23

- (1) Unless the court otherwise orders, the claimant must, at least 56 days before the scheduled trial date,
- (a) file a trial brief in Form F45, and
 - (b) serve a copy of the filed trial brief on each of the other parties.
- [en. B.C. Reg. 176/2023, Sch. 2.]

(ADD) Other parties must file trial brief

Sep
01/23

- (2) Unless the court otherwise orders, each party, other than the claimant, must, at least 49 days before the scheduled trial date,
- (a) file a trial brief in Form F45, and
 - (b) serve a copy of the filed trial brief on each of the other parties.
- [en. B.C. Reg. 176/2023, Sch. 2.]

(ADD) Claimant may file amended trial brief

Sep
01/23

- (3) Unless the court otherwise orders, the claimant may, at least 42 days before the scheduled trial date,
- (a) file an amended trial brief in Form F45, and
 - (b) serve a copy of the filed amended trial brief on each of the other parties.
- [en. B.C. Reg. 176/2023, Sch. 2.]

(ADD) Failure to file or serve trial brief

Sep
01/23

- (4) If a party has failed to comply with subrule (1) (a) or (b) or (2) (a) or (b), the judge or master at a trial management conference may order costs against that party.
- [en. B.C. Reg. 176/2023, Sch. 2.]

(ADD) Trial removed from trial list

Sep
01/23

- (5) Unless the court otherwise orders, a trial must be removed from the trial list if neither the claimant nor any other party has filed a trial brief as required by subrule (1) or (2).
- [en. B.C. Reg. 176/2023, Sch. 2.]

(ADD) Witness list must be amended

Sep
01/23

- (6) If a party who has provided a witness list in a trial brief later learns that the witness list is inaccurate or incomplete, the party must promptly
- (a) file an amended witness list, and
 - (b) serve a copy of the filed amended witness list on each of the other parties.
- [en. B.C. Reg. 176/2023, Sch. 2.]

(ADD) Person named in witness list need not testify

Sep
01/23

- (7) Nothing in this rule requires a party to, at trial, lead evidence from a person listed in the witness list set out in the party's trial brief.
- [en. B.C. Reg. 176/2023, Sch. 2.]

(ADD) New trial briefs required if trial adjourned

Sep
01/23

- (8) If the date for the hearing of a trial is rescheduled, a party who has already filed a trial brief as required under subrule (1) or (2) must file a new trial brief under those subrules, as applicable, in relation to the new scheduled trial date unless
- (a) the new scheduled trial date is less than 6 months from the date on which the previous trial brief was filed, or
 - (b) the court otherwise orders.
- [en. B.C. Reg. 176/2023, Sch. 2.]

Rule 14-3 – Trial Management Conference

(SUB) When trial management conference is required

Sep
01/23

- (1) A trial management conference must take place if
 - (a) required by order of the court, or
 - (b) unless the court otherwise orders,
 - (i) more than 15 days have been reserved for the trial,
 - (ii) any party is not represented by a lawyer, or may not be represented by a lawyer at the trial, or
 - (iii) a party requests a trial management conference by filing a requisition not less than 42 days before the scheduled trial date.

[en. B.C. Reg. 176/2023, Sch. 2.]

(ADD) Date and place of trial management conference

Sep
01/23

- (1.1) Unless the court otherwise orders, the trial management conference must take place at least 28 days before the scheduled trial date, at a time and place to be fixed by a registrar.

[en. B.C. Reg. 176/2023, Sch. 2.]

Trial management conference must be conducted by judge

(AM)
Sep
01/23

- (2) A trial management conference must be conducted by a judge or master.

[am. B.C. Regs. 58/2012, Sch. B; 176/2023, Sch. 2.]

(REP) Repealed

Sep
01/23

Repealed. [B.C. Reg. 176/2023, Sch. 2]

Who must attend the trial management conference

- (4) Unless the court otherwise orders, the following persons must attend a trial management conference in person:
 - (a) each lawyer representing a party or a child;
 - (b) subject to the exception set out in subrule (6), the parties.

Non-attendance at trial management conference

(AM)
Apr
25/12

- (5) If a person who, under subrule (4), is required to attend a trial management conference fails to appear at that trial management conference, the trial management conference judge or master may do one or more of the following:
 - (a) proceed in the absence of the person who failed to appear;
 - (b) adjourn the trial management conference;
 - (c) order that the person, or the party on whose behalf the person was to attend, pay costs to one or more other parties.

[am. B.C. Reg. 58/2012, Sch. B.]

Absent parties must be available and accessible by telephone or other means

(AM)
Sep
01/23

- (6) A party need not attend the trial management conference in person if the party is represented by a lawyer and one of the following is readily available for consultation during the trial management conference, either in person or by telephone, video conference or other communication medium:
- (a) the party;
 - (b) an individual who
 - (i) has full authority to make decisions for that party concerning the family law case, or
 - (ii) has ready access to a person who has, or to a group of persons who collectively have, full authority to make decisions for that party concerning the family law case.

[am. B.C. Reg. 176/2023, Sch. 2.]

Application must be made by requisition

- (7) An application under subrule (4) for an order respecting the manner in which a person is to attend a trial management conference or exempting a person from attending a trial management conference

(AM)
Sep
01/23
(REP)
Sep
01/23

- (a) must be made by requisition in Form F19.1,
- (b) *Repealed.* [B.C. Reg. 176/2023, Sch. 2]
- (c) unless the court otherwise orders, may be made without notice.

[am. B.C. Reg. 176/2023, Sch. 2.]

Proceedings must be recorded

- (8) Proceedings at a trial management conference must be recorded, but no part of that recording may be made available to or used by any person without court order.

Orders at a trial management conference

(AM)
Apr
25/12

- (9) The judge or master presiding at a trial management conference may consider the following and, without limiting the ability of the trial judge or master to make other orders at trial, may, whether or not on the application of a party, make orders respecting one or more of the following:
- (a) directing the parties to attend a settlement conference;
 - (b) amendment of a pleading within a fixed time;
 - (c) a plan for how the trial should be conducted;
 - (d) admissions of fact at trial;
 - (e) admission of documents at trial, including
 - (i) agreements as to the purposes for which documents may be admitted, and
 - (ii) the preparation of common books of documents and document agreements;
 - (f) imposing time limits for the direct examination or cross-examination of witnesses, opening statements and final submissions;
 - (g) directing that a party provide a summary of the evidence that the party expects one or more of the party's witnesses will give at trial;
 - (h) directing that evidence of witnesses be presented at trial by way of affidavit;
 - (i) respecting experts, including, without limitation, orders that the parties' experts must, before the service of their respective reports, confer to determine and report on those matters on which they agree and those matters on which they do not agree;

- (j) directing that the parties present opening statements and final submissions in writing;
- (k) adjournment of the trial;
- (l) directing that the number of days reserved for the trial be changed;
- (m) adjourning the trial management conference;
- (n) directing the parties to attend a further trial management conference at a specified date and time;
- (o) any other matter that may assist in making the trial more efficient;
- (p) any other matter that may aid in the resolution of the family law case;
- (q) any orders the judge or master considers will further the object of these Supreme Court Family Rules.

(AM)
Apr
25/12

[am. B.C. Reg. 58/2012, Sch. B.]

When approval in writing by lawyer not required

- (10) Without limiting Rule 15-1 (4), if an order under subrule (9) of this rule is signed or initialled by the trial management conference judge or master, that order need not be approved in writing by a lawyer or by a party.

(AM)
Apr
25/12

[am. B.C. Reg. 58/2012, Sch. B.]

Prohibited orders

- (11) A trial management conference judge or master must not, at a trial management conference,
 - (a) hear any application for which affidavit evidence is required, or
 - (b) make an order for final judgment, except by consent.

(AM)
Apr
25/12

[am. B.C. Reg. 58/2012, Sch. B.]

Rule 14-4 – Trial Record

Trial record for the court

- (1) The party who files a notice of trial must file a trial record for the court, which trial record must contain
 - (a) the notice of family claim and each response to family claim, counterclaim and response to counterclaim,
 - (b) particulars served under a demand, together with the demand made,
 - (c) the most current Form F8 financial statement, if any, filed by each party,
 - (c.1) the most current Form F102 statement of information for corollary relief proceedings, if any, filed by each party in accordance with Rule 15-2.2,
 - (d) any order relating to the conduct of the trial,
 - (d.1) the trial brief filed by each party, and
 - (e) any document required by a registrar under subrule (2).

(ADD)
Sep
01/23

(ADD)
Sep
01/23

[am. B.C. Regs. 119/2010, Sch. B; 176/2023, Sch. 2.]

Powers of registrar respecting trial records

- (2) A registrar may direct inclusion in the trial record of any document the registrar thinks necessary or may reject a trial record that, in the registrar's opinion,
 - (a) does not contain all the documents required under subrule (1),

- (b) contains a document that is not a document required under subrule (1), or
- (c) is illegible.

Filing and service of trial record

- (3) The party referred to in subrule (1) must
 - (a) file the trial record at least 14 days before but not more than 28 days before the scheduled trial date, and
 - (b) promptly after filing, serve a copy of the filed trial record on all parties.

Amended trial record

- (4) If the whole or any part of, including any Schedule to, a pleading is amended after service of the trial record, the party who filed the notice of trial must
 - (a) amend the trial record by substituting the amended pleading for the version of the pleading that had previously been included, and
 - (b) at least one day before the trial,
 - (i) file the amended trial record, and
 - (ii) serve a copy on all parties.

When certificate required

(AM)
Apr
04/22

- (5) A party to a family law case in which a claim for divorce or nullity is made must not file
 - (a) a trial record,
 - (b) a notice of application under Rule 11-3, or
 - (c) a requisition in an application for judgment under Rule 10-10 (1) (a)unless a party has filed a certificate in Form F36, signed by the registrar, certifying that the pleadings and proceedings in the family law case are in order.

[am. B.C. Reg. 321/2021, Sch. 2.]

Direction as to trial record

- (6) If the court directs that a family law case be set down for trial, it may also direct one of the parties to prepare, file and serve a trial record.

Rule 14-5 – Trial Certificate

Trial certificate

(AM)
Sep
01/23

- (1) Each party must file a trial certificate in Form F46 in the registry where the action was commenced.

[am. B.C. Reg. 176/2023, Sch. 2.]

When trial certificate must be filed

- (2) A trial certificate must be filed at least 14 days before but not more than 28 days before the scheduled trial date.

What trial certificate must contain

- (3) A trial certificate must contain the following:
- (a) a statement that the party filing the trial certificate will be ready to proceed on the scheduled trial date;
 - (b) a statement certifying that the party filing the trial certificate has completed all examinations for discovery that the party intends to conduct;
 - (c) the party's current estimate of the length of the trial;
 - (d) a statement that a trial management conference has been conducted or was not required in the family law case.

(AM)
Sep
01/23

[am. B.C. Regs. 119/2010, Sch. B; 176/2023, Sch. 2.]

Service

- (4) Promptly after filing a trial certificate, the filing party must serve a copy of the filed trial certificate on all parties.

(AM) **Failure to file**
Jul
01/11

- (5) Unless the court otherwise orders, if no party files a trial certificate, the trial must be removed from the trial list.

[am. B.C. Reg. 95/2011, Sch. B.]

Applications prohibited

- (6) A party who fails to file a trial certificate under subrule (1) is not, without leave of the court, entitled to make further applications.

PART 14: Division 3 – Conduct of Trial

Rule 14-6 – Mode of Trial

Trial without jury

- (1) A trial must be heard by the court without a jury.

Trial of one question before others

- (2) The court may order that one or more questions of fact or law be tried and determined before the others.

Rule 14-7 – Evidence and Procedure at Trial

Application

- (1) This rule does not apply to summary trials under Rule 11-3, except as provided in that rule.

Proof of Facts and Documents

Court may vary order

- (2) An order made under this rule concerning the mode of proving a fact or document or of introducing evidence may be revoked or varied by a subsequent order made at or before the trial.

Failure to prove a material fact

- (3) If a party omits or fails to prove some fact material to the party's case, the court may proceed with the trial, subject to that fact being afterwards proved as the court directs, and, unless the court otherwise orders, judgment must be entered according to whether or not that fact is or is not afterwards proved as directed.

No Evidence and Insufficient Evidence Applications

No evidence application

- (4) At the close of the claimant's case, the respondent may apply to have the family law case dismissed on the ground that there is no evidence to support the claimant's case.

Respondent need not elect whether to call evidence

- (5) A respondent is entitled to apply under subrule (4) without being called on to elect whether or not to call evidence.

Insufficient evidence application

- (6) At the close of the claimant's case, the respondent may apply to have the family law case dismissed on the ground that the evidence is insufficient to make out the claimant's case.

Respondent must elect not to call evidence

- (7) Unless the court otherwise orders, an application under subrule (6) may be made only after the respondent has elected not to call evidence.

Documentary and Other Exhibits

Notice to produce

- (8) By serving a notice in Form F47 at least 2 days before a trial, a party may require any other party to bring to the trial
 - (a) any document listed by the other party in a list of documents prepared under Rule 9-1, and

- (b) any physical object in the other party's possession or control that the party serving the notice contemplates introducing at the trial as an exhibit, but the notice must identify the object.

Numbering exhibit pages

- (9) If a copy of a document is introduced as an exhibit,
 - (a) each page of the exhibit must be numbered sequentially, beginning with the first page of the exhibit and ending with the last page of the exhibit, or
 - (b) if the exhibit is divided by tabs,
 - (i) each page of the exhibit that is not behind a tab must be numbered sequentially, beginning with the first of those pages and ending with the last of those pages, and
 - (ii) each page of the exhibit that is behind a tab must be numbered sequentially, beginning with the first page behind the tab and ending with the last page behind the tab.

Opportunity to inspect exhibit

- (10) Unless the court otherwise orders or the parties otherwise agree, no plan, photograph or object may be received in evidence at the trial of a family law case unless, at least 7 days before the start of the trial, the parties have been given an opportunity to inspect it.

Registrar to take charge of exhibits

- (11) A registrar must
 - (a) take charge of each document or object put in as an exhibit,
 - (b) mark or label each exhibit with a number, and
 - (c) make a list of the exhibits, giving a short description of each and stating by whom it was introduced.

Return of exhibits

- (12) Subject to subrule (13), after the time for appeal from judgment has expired or after the disposition of an appeal, new trial or further appeal, whichever is latest, a registrar may return an exhibit to the party who introduced it.

Other returns

- (13) The parties may agree or the court may order that an exhibit be returned at an earlier time or to a person other than the party who introduced it.

Disposal of exhibits after final disposition

- (14) A registrar may, with the approval of the Deputy Attorney General, destroy or otherwise dispose of an exhibit introduced in evidence in a family law case if the return of the exhibit has not been applied for within one year after the later of
 - (a) the date of the judgment at trial in, or any other final disposition of, the family law case, and

- (b) the date of the judgment on, or any other final disposition of, any appeal, new trial or further appeal.

Notice respecting disposal of exhibits before final disposition

- (15) If an exhibit is introduced in evidence in a family law case and nothing is filed in that family law case for a period of 2 years, a registrar may notify the parties that the registrar intends to destroy or otherwise dispose of the exhibit unless, within 30 days after the date of the notice,
 - (a) an application is made for the return of the exhibit, or
 - (b) a notice of intention to proceed in Form F48 is served on all parties and a copy of the notice and proof of its service is filed in the family law case.

Disposal of exhibits before final disposition

- (16) After giving notice of the intended destruction or disposition of an exhibit under subrule (15) a registrar may,
 - (a) if, within 30 days after the date of the notice, a person applies to the registrar for a return of the exhibit, return the exhibit to the party who introduced it or to such other person as the parties may agree or the court may order, or
 - (b) if no such application is made and if none of the parties comply with subrule (15) (b) within 30 days after the date of the notice, destroy or otherwise dispose of the exhibit with the approval of the Deputy Attorney General.

If exhibit disposed of

- (17) If an exhibit is disposed of under subrule (14) or (16) (b),
 - (a) any money received as a result of the disposition must be paid to the Minister of Finance, and
 - (b) the exhibit list must be endorsed to indicate the date and method of disposition and the amount of any money recovered.

If exhibit destroyed

- (18) If an exhibit is destroyed under subrule (14) or (16) (b), the exhibit list must be endorsed to indicate the date and method of destruction.

Adverse Witnesses

"Adverse party" defined

- (19) For the purpose of subrules (19) to (22), "**adverse party**" means a party who is adverse in interest.

Adverse witness

- (20) Subrules (21) to (24) apply if a party wishes to call as a witness at the trial
 - (a) an adverse party, or

- (b) a person who, at the time the notice referred to in subrule (21) is served, is a director, officer, partner, employee or agent of an adverse party.

Notice to call adverse witness

- (21) If a party wishes to call as a witness a person referred to in subrule (20) (a) or (b), the party must serve on the adverse party a notice in Form F49 together with proper witness fees at least 7 days before the date on which the attendance of the intended witness is required.

Exceptions

- (22) Despite subrule (21), a party may
 - (a) call as a witness, without payment of witness fees or previous notice, a person referred to in subrule (20) (a) or (b) if the person called is in attendance at the trial, or
 - (b) subpoena a person referred to in subrule (20) (a) or (b).

Application to set notice aside

- (23) The court may set aside a notice served under subrule (21) on the grounds that
 - (a) the adverse party is unable to procure the attendance of the person named in the notice,
 - (b) the evidence of the person is unnecessary,
 - (c) it would work a hardship on the person or the adverse party to require the person to attend the trial, or
 - (d) the person named in the notice is not a person referred to in subrule (20) (a) or (b).

Court may make order

- (24) On an application under subrule (23), the court may make any order it considers will further the object of these Supreme Court Family Rules, including, without limitation, an order adjourning the trial.

Refusal to comply with notice

- (25) If a person called as a witness in accordance with subrule (21) or (22) refuses or neglects to attend at the trial, to be sworn or to affirm, to answer a proper question put to the person or to produce a document that the person is required to produce, the court may do one or more of the following:
 - (a) grant judgment in favour of the party who called the witness;
 - (b) adjourn the trial;
 - (c) make an order as to costs;
 - (d) make any other order it considers will further the object of these Supreme Court Family Rules.

Adverse party as witness may be cross-examined

- (26) If, in accordance with subrule (21) or (22), a party calls as a witness a person referred to in subrule (20) (a) or (b), the following apply:

- (a) the party calling the witness is entitled to cross-examine the witness generally on one or more issues;
- (b) the adverse party must not cross-examine the witness except to obtain an explanation of matters brought out in the examination-in-chief;
- (c) other parties may cross-examine the witness generally on one or more issues, as the court may direct;
- (d) the party calling the witness must not re-examine the witness except in relation to new matters brought out in cross-examination.

Rules Applicable to All Witnesses

Witness to testify orally

- (27) Subject to any enactment and these Supreme Court Family Rules,
 - (a) a witness at a trial of a family law case must testify in open court, and
 - (b) unless the parties otherwise agree, the witness must testify orally.

Witness must be listed in witness list

(AM)
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03/22

- (28) Unless the court otherwise orders, a party must not, at trial, lead evidence from a witness unless that witness is listed in the witness list set out in a party's trial brief.

[am. B.C. Reg. 149/2022, Sch. 2.]

Examination of witnesses

- (29) The court may permit a party
 - (a) to examine a witness, either generally or with respect to one or more issues,
 - (i) by the use of leading questions,
 - (ii) by referring the witness to a prior statement made by the witness, whether or not made under oath,
 - (iii) respecting the interest of the witness, if any, in the outcome of the family law case, or
 - (iv) respecting any relationship or connection between the witness and a party, or
 - (b) to cross-examine a witness, either generally or with respect to one or more issues.

Any party may contradict testimony

- (30) A party may contradict or impeach the testimony of any witness.

Party may prepare and serve subpoena

- (31) A party may prepare a subpoena and serve it on any person.

Form of subpoena

- (32) A subpoena must be in Form F23 and may contain any number of names.

Subpoena not to be filed or sealed

- (33) A subpoena need not be filed in or bear the seal of the court.

Service of subpoena

- (34) A subpoena must be served and, if an affidavit is filed for the purpose of proving the service, the affidavit must state when, where, how and by whom service was effected.

Fees to accompany subpoena

- (35) A person served with a subpoena is entitled to tender of the proper fees at the time of service.

Production of documents and physical objects

- (36) A party, by subpoena in Form F23, may require any person other than a party or a representative of a party to bring to the trial
- (a) any document in the person's possession or control relating to the matters in question in the family law case, without the necessity of identifying the document, and
 - (b) any physical object in the person's possession or control that the party contemplates introducing at the trial as an exhibit, but the subpoena must identify the object to be brought.

Order for attendance of witness in custody

- (37) The court may order the attendance of a witness who is in the lawful custody of another person, including the custodian of a penal institution.

Failure of witness to attend or remain in attendance

- (38) On proof
- (a) of the service of a subpoena on a witness who fails to attend or to remain in attendance in accordance with the requirements of the subpoena,
 - (b) that proper witness fees have been paid or tendered to that witness, and
 - (c) that the presence of that witness is material to the ends of justice,
- the court, by its warrant in Form F50 directed to a sheriff or other officer of the court or to a peace officer, may cause that witness to be apprehended and promptly brought before the court and to be detained in custody or released on terms the court may order, and the court may order that witness to pay the costs arising from his or her failure to attend or to remain in attendance.

Order setting aside subpoena

- (39) A person who has been served with a subpoena may apply to the court for an order setting aside the subpoena on the grounds that compliance with it is unnecessary or that it would work a hardship on the person, and the court may make any order, as to postponement of the trial or otherwise, it considers will further the object of these Supreme Court Family Rules.

Deposition Evidence

Use of deposition evidence

- (40) A transcript or video recording of a deposition under Rule 9-7 may be given in evidence at the trial by any party and, even though the deposition of a witness has or may be given in evidence, the witness may be called to testify orally at the trial.

Use of videotape or film

- (41) If a video recording of a deposition is given in evidence under subrule (40) of this rule, a transcript of the deposition may also be given.

Certified transcript

- (42) If a transcript of a deposition is certified as an accurate transcription by the person taking the deposition, the transcript may be introduced in evidence without proof of the signature of that person.

Video recording of deposition evidence

- (43) A video recording of a deposition may be introduced in evidence without proof of its accuracy or completeness, but the court may order an investigation to verify the accuracy or completeness of the video recording.

Video recording of evidence becomes exhibit

- (44) A video recording of a deposition introduced in evidence becomes an exhibit at the trial.

Deposition to be given in full

- (45) If a transcript or video recording of a deposition is given in evidence,
- (a) subrule (56) applies, and
 - (b) the deposition must be presented in full, unless otherwise agreed by the parties or ordered by the court.

Evidence from Examinations for Discovery

Persons against whom discovery evidence is admissible

- (46) If otherwise admissible, the evidence given on an examination for discovery by a party or by a person examined under Rule 9-2 (5) to (9) may be introduced in evidence at trial by any party adverse in interest, unless the court otherwise orders, but the evidence is admissible against the following persons only:
- (a) the adverse party who was examined;
 - (b) the adverse party whose status as a party entitled the examining party to conduct the examination under Rule 9-2 (5) to (9).

Notice required of evidence

- (47) If a person examined for discovery was, at the time of the examination, a former director, officer, employee, agent or external auditor of a party, any part of his or her evidence may be introduced at trial if notice has been served on all parties at least 14 days before trial specifying the part of the evidence intended to be given at trial.

Attendance at trial may be required

- (48) Any party may require the attendance at trial of a person whose evidence taken on examination for discovery is intended to be introduced under subrule (47), and, if the evidence is introduced, all parties may cross-examine that person.

Court may consider whole examination

- (49) If part of an examination for discovery is introduced in evidence, the court may review the whole of that examination and if, following the review, the court considers that another part of the examination is closely connected with the part introduced in evidence, it may direct that the other part be introduced as evidence.

Discovery evidence of person under disability

- (50) If, at the time of an examination for discovery, the person examined was an infant or a mentally incompetent person, the examination must not be introduced in evidence unless the trial judge, at the time the evidence is introduced, determines that the person, at the time of the examination, was competent to give evidence.

Transcripts of discovery evidence

- (51) If a transcript of an examination for discovery is certified as an accurate transcription by the official reporter, the transcript may be introduced in evidence without proof of the reporter's signature.

Pre-trial Examinations

Use of pre-trial examination of a witness

- (52) A party may introduce in evidence at the trial all or part of the examination of a person taken under Rule 9-4
- (a) to contradict or impeach the testimony of the person at trial, or
 - (b) if it is necessary in the interests of justice and
 - (i) the person is dead,
 - (ii) the person is unable to attend and testify because of age, infirmity, sickness or imprisonment,
 - (iii) the person is out of the jurisdiction, or
 - (iv) the person's attendance cannot be secured by subpoena.

Court may consider whole pre-trial examination

- (53) If part of an examination of a person taken under Rule 9-4 is introduced in evidence, the court may review the whole of that examination and if, following the review, the court considers that another part of the examination is so closely connected with the part introduced in evidence that the last mentioned part ought not to be used without the other part, it may direct that the other part be introduced as evidence.

Transcripts and Interrogatories

Use of transcript of other proceedings

- (54) If a witness is dead, or is unable to attend and testify because of age, infirmity, sickness or imprisonment or is out of the jurisdiction or his or her attendance cannot be secured by subpoena, the court may permit a transcript of any evidence of that witness taken in any proceeding, hearing or inquiry at which the evidence was taken under oath, whether or not involving the same parties, to be put in as evidence, but reasonable notice must be given of the intention to give that evidence.

Transcript for the court

- (55) In a family law case in which evidence or argument is taken down by an official reporter or is recorded digitally or on audio tape, it is the duty of the claimant, if required by the court, to furnish the court with a certified transcript of the evidence or argument or any portion of it, the costs of which form part of the costs of the family law case, but if payment of the costs of providing a transcript would be a hardship on a party, the court may order that the transcript be prepared at the expense of the government.

Objection to transcript evidence at trial

- (56) At a trial, a party may object to the admissibility of any question and answer in a transcript or video recording introduced in evidence, although no objection was taken at the examination.

Custody of transcripts

- (57) If a transcript is made of a deposition examination, examination for discovery or pre-trial examination of a witness, the party at whose instance the examination was held must keep the original transcript unmarked and must have it available at the trial.

Use of interrogatories at trial

- (58) At the trial of a family law case, a party may give in evidence an answer, or part of an answer, to interrogatories, but the court may look at the whole of the answers and, if it is of the opinion that any other answer or part of an answer is so connected with an answer or part of it given in evidence that the one ought not to be used without the other, it may direct that the other answer or part of it be put in as evidence.

Evidence Given by Affidavit

Affidavit evidence

- (59) On the application of a party at or before trial, a judge or master may order that the evidence in chief of a witness may be given by affidavit.

Copy of affidavit must be furnished

- (60) A party seeking to introduce evidence by affidavit must serve a copy of the affidavit on all parties at least 28 days, or such lesser period as may be ordered by the court, before the application referred to in subrule (59).

Cross-examination

- (61) If a copy of an affidavit of a witness is served under subrule (60), any party may, unless the court otherwise orders, require the witness to be called for cross-examination at trial, provided that that party gives to the party seeking to introduce the evidence by affidavit notice of the requirement within 14 days after receiving the affidavit.

Court may extend or abridge time to require witness attendance

- (62) If a copy of an affidavit is served under subrule (60) less than 28 days before the application referred to in subrule (59), the court may extend or abridge the time referred to in subrule (61) within which parties may require the attendance of the witness at trial for cross-examination.

Contents

- (63) The person swearing or affirming an affidavit referred to in subrule (59) may state only what he or she would be permitted to state were the evidence to be given orally.

Cross-examination not limited

- (64) Cross-examination under subrule (61) or (62) is not confined to matters contained in the affidavit.

Costs where attendance unnecessary

- (65) If a witness has been required to give evidence under subrule (61) or (62), and the court is of the opinion that the evidence obtained does not materially add to the information in the affidavit furnished under subrule (60), the court may order the party that required the attendance of the witness to pay, as costs, an amount the court considers appropriate.

Trial Procedures

Trial with assessor

- (66) The court may at any time order a trial to be heard wholly or partially by the court sitting with an assessor, and the court may fix the remuneration for the assessor and the remuneration forms part of the costs of the family law case.

Trial of one question before others

- (67) The court may order that one or more questions of fact or law arising in a family law case be tried and determined before the others.

Trial by different modes of trial

- (68) The court may order that different questions of fact arising in a family law case be tried by different modes of trial.

Calculation of amount by officer of the court

- (69) In a family law case in which it appears that the amount to be recovered is substantially a matter of calculation, the court may direct an inquiry, assessment or accounting under Rule 18-1.

Use of recording device

- (70) If authorized by the court to do so, a party may use a recording device to record evidence.

Evidence of particular facts

- (71) At or before a trial, the court may order that evidence of a fact or document may be presented at the trial in any manner, including
- (a) by statement on oath of information and belief,
 - (b) by documents or entries in books,
 - (c) by copies of documents or entries in books, or
 - (d) by a specified publication that contains a statement of that fact.

Order of speeches

- (72) Addresses to the court must be as follows:
- (a) the party on whom the onus of proof lies may open his or her case before giving evidence;
 - (b) at the close of the case of the party who began, the opposite party, if that party announces his or her intention to give evidence, may open his or her case;
 - (c) at the close of all of the evidence, the party who began may address the court, and the opposite party may then address the court and the party who began may then reply and the court may allow the opposite party to be heard in response to a point raised in the reply;
 - (d) if a respondent claims relief against another respondent, that respondent may address the court after that other respondent;
 - (e) if a party is represented by a lawyer, the rights conferred by this rule must be exercised by the party's lawyer.

Court may make order respecting submissions

- (73) At or before a trial, the court may make one or both of the following orders in respect of a party's submissions to the court at the trial:

- (a) an order that all or any part of the submissions be in writing;
- (b) an order that all or any part of the submissions be of limited length.

Clerk to note time of trial

- (74) On each day of a trial, the clerk must record the following:
 - (a) the time the trial begins and ends;
 - (b) the name of each witness;
 - (c) the time the witness' evidence begins and ends.

Failure to Attend

Failure of all parties to appear at trial

- (75) Without limiting any other power of the court under these Supreme Court Family Rules, if no party is in attendance when the trial of a family law case is called, the family law case must be struck off the trial list unless the court otherwise orders.

Failure of one party to appear at trial

- (76) If a party is not in attendance when the trial of a family law case is called, the court may proceed with the trial, including hearing a counterclaim, in the absence of that party.

Court may set aside judgment

- (77) The court may set aside a verdict or judgment obtained if a party does not attend the trial.

PART 15 – Court Orders and Their Enforcement

Rule 15-1 – Orders

Form of order

- (1) Unless these Supreme Court Family Rules otherwise provide, an order must be in the following form:
- (a) if the order is a final order,
 - (i) in Form F33 if the order changes, suspends or terminates a final order and is made by consent,
 - (ii) in Form F51 if the order changes, suspends or terminates a final order and is not made by consent,
 - (iii) in Form F34 if the order is made under Rule 10-8 without notice and without a hearing, or
 - (iv) in Form F52 in any other case;
 - (b) if the order is not a final order and is made without a hearing and by consent, in Form F33;
 - (c) if the order is not a final order and is made under Rule 10-8 without notice and without a hearing, in Form F34;
 - (d) *Repealed.* [B.C. Reg. 133/2012]
 - (d.1) if the order is a protection order under section 183 of the *Family Law Act*, in form F54;
 - (d.2) if the order terminates a protection order under section 187 of the *Family Law Act*, in Form F54.1;
 - (d.3) if the order is a restraining order under section 46 of the *Family Maintenance Enforcement Act*, in Form F54.2;
 - (d.4) if the order is made under Rule 7-1 (15) at a judicial case conference, in Form F51.1;
 - (d.5) if the order is made under Rule 14-3 (9) at a trial management conference, in Form F51.2;
 - (e) for any order not referred to in paragraph (a), (b), (c), (d.1), (d.2), (d.3), (d.4) or (d.5) in Form F51.

[en. B.C. Reg. 119/2010, Sch. B; am. B.C. Regs. 133/2012; 104/2015; 149/2022, Sch. 2; 176/2023, Sch. 2.]

(SUB)Protection orders and restraining orders

Mar
18/13

- (2) A protection order under section 183 or 187 of the *Family Law Act*, or a restraining order under section 46 of the *Family Maintenance Enforcement Act*, must not include any provisions respecting matters that are not directly related to the matters set out in those sections.

[en. B.C. Reg. 133/2012.]

(ADD)What happens if protection order is made

Oct
03/22

- (2.1) If the court makes a protection order under section 183 of the Family Law Act, the registrar must, as soon as possible,
- (a) provide a copy to the protection order registry,
 - (b) arrange service on, or provide a copy to, the party against whom the protection order is made, as follows:
 - (i) if that party is present when the order is made, provide the party with the protection order;
 - (ii) if that party is not present when the order is made, arrange for the personal service of the protection order on that party within British Columbia;
 - (iii) if the registry is unable to arrange service under subparagraph (ii) or that party is evading service, notify the person who applied for the order of that fact and that the person is now responsible for service, and
 - (c) provide a copy to the person who applied for the order.
- [en. B.C. Reg. 149/2022, Sch. 2.]

(ADD)Information for service

Oct
03/22

- (2.2) If a party against whom a protection order is made is not present when the order is made, the party who applied for the order must provide the registry with information about the location of the party against whom the order is made for the purposes of the registry arranging service under subrule (2.1) (b) (ii).
- [en. B.C. Reg. 149/2022, Sch. 2.]

(ADD)Court to make new protection order

Oct
03/22

- (2.3) If the court changes a term or condition of an existing protection order, including by extending the term of the protection order, the court must terminate the existing protection order and make a new protection order.
- [en. B.C. Reg. 149/2022, Sch. 2.]

(ADD)What happens if protection order is terminated

Oct
03/22

- (2.4) If the court terminates a protection order, the registrar must, as soon as possible, provide a copy of the termination order to the protection order registry and to all parties.
- [en. B.C. Reg. 149/2022, Sch. 2.]

Drawing and approving orders

- (3) An order of the court
- (a) subject to subrules (16) and (16.1), may be drawn up by any party,
 - (b) subject to subrules (3.3) and (4) and paragraph (c) of this subrule, must, unless the court otherwise orders or the order is one referred to in subrule (1) (d.1), (d.2) or (d.3), be approved in writing by all parties or their lawyers,
 - (c) need not be approved by a party who has not consented to it and who did not attend or was not represented at the trial or hearing following which the order was made, and

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- (d) after approval under this rule, must be left with a registrar to have the seal of the court affixed.

[am. B.C. Regs. 121/2014; 104/2015; 149/2022, Sch. 2.]

(ADD) Service of order drawn up by party and signing instructions

Oct
03/22

- (3.1) If an order of the court must be approved in writing by a party or the party's lawyer, the party who draws up the order must serve the order on that party along with signing instructions in Form F32.1.

[en. B.C. Reg. 149/2022, Sch. 2.]

(ADD) Time limit for approving or objecting to order drawn up by party

Oct
03/22

- (3.2) A party who is served with an order under subrule (3.1) or the party's lawyer must, within 14 days after being served,
- (a) if the party or lawyer approves the terms of the order, sign the order and return it to the party who drew up the order, or
- (b) if the party or lawyer disagrees with the accuracy of the terms of the order, deliver to the party who drew up the order a written objection that sets out in detail the reasons why the terms of the order are not accurate.

[en. B.C. Reg. 149/2022, Sch. 2.]

(ADD) Approval not required after non-compliance

Oct
03/22

- (3.3) If a party who is served with an order under subrule (3.1) or the party's lawyer does not return the approved order or deliver a written objection within the time limit set out in subrule (3.2), the order need not be approved by that party or that party's lawyer.

[en. B.C. Reg. 149/2022, Sch. 2.]

(ADD) Entry of order after non-compliance

Oct
03/22

- (3.4) The registrar may enter an order that has not been approved by a party or the party's lawyer if the party who drew up the order files
- (a) proof of service on the party of the order and the signing instructions referred to in subrule (3.1),
- (b) proof that the party who was served with the order or that party's lawyer did not return the approved order, or deliver a written objection, within the time limit set out in subrule (3.2), and
- (c) a requisition in Form F17 requesting entry of the order.

[en. B.C. Reg. 149/2022, Sch. 2.]

When approval in writing not required

- (4) If an order is signed or initialled by the presiding judge or master, that order need not be approved in writing by a lawyer or by a party.

**Endorsement of order on application
sufficient in certain cases**

- (5) If an order has been made substantially in the same terms as requested, and if the court endorses the notice of application, petition or other document to show that the order has been made or made with any variations or additional terms shown in the endorsement, it is not necessary to draw up the order, but the endorsed document must be filed.

Order granted conditionally on document to be filed

- (6) If an order may be entered on the filing of a document, the party seeking entry of the order must file the document when leaving the draft order with a registrar, and the registrar must examine the document and, if satisfied that it is sufficient, must enter the order accordingly.

Waiver of order obtained on condition

- (7) If a person who has obtained an order on condition does not comply with the condition, the person is deemed to have abandoned the order so far as it is beneficial to the person and, unless the court otherwise orders, any other person interested in the family law case may take either the steps the order may warrant or the steps that might have been taken if the order had not been made.

Order of judge or master

- (8) An order of a single judge or master is an order of the court.

Date of order

- (9) An order
- (a) must be dated as of the date on which it was pronounced or, if made by a registrar, as of the date on which it is signed by the registrar, and
 - (b) unless the court otherwise orders, takes effect on the day of its date.

Approval of order

- (10) An order may be approved by any judge.

Requirement of consent order

- (11) A consent order must not be entered unless the consent of each party affected by the order is signified as follows:
- (a) if the party is represented by a lawyer, by the signature of the lawyer;
 - (b) if the party is not represented by a lawyer,
 - (i) by the oral consent of the party who attends before the court or a registrar, or
 - (ii) by the written consent of the party.

Settlement of orders

- (12) An order must be settled, when necessary, by a registrar, who may refer the draft to the judge or master who made the order.

(SUB)**Appointment to settle**

Oct
03/22

- (13) A party may file an appointment in Form F55 to settle an order and must, at least one day before the time fixed by the appointment, serve on all parties whose approval of the order is required under subrule (3) the following documents:
- (a) a copy of the filed appointment;
 - (b) the draft order;
 - (c) any written objections to the draft order that have been delivered to the party.

[en. B.C. Reg. 149/2022, Sch. 2.]

Party failing to attend on appointment to settle

- (14) If a party fails to attend at the time appointed for the settlement of an order, a registrar may settle the order in the party's absence.

Review of settlement

- (15) The court may review and vary the order as settled.

Registrar may draw order

- (16) The court may direct a registrar to draw up and enter an order.

(ADD)**Order must be drawn up by registrar**

Jul
01/15

- (16.1) Unless the court otherwise orders, an order referred to in subrule (1) (d.1) or (d.2) must be drawn up and entered by a registrar.

[en. B.C. Reg. 104/2015.]

Special directions for entry or service

- (17) The court may give special directions respecting the entry or service of an order.

Correction of orders

- (18) The court may at any time correct a clerical mistake in an order or an error arising in an order from an accidental slip or omission, or may amend an order to provide for any matter that should have been but was not adjudicated on.

Opinions, advice and directions of the court

- (19) The opinion, advice or direction of the court must be entered in the same manner as an order of the court and is to be termed a "judicial opinion", "judicial advice" or "judicial direction", as the case may require.

Orders on terms and conditions

- (20) When making an order under these Supreme Court Family Rules, the court may impose terms and conditions and give directions it considers will further the object of these Supreme Court Family Rules.

Rule 15-2 – Divorce Orders

(AM) *Civil Marriage Act (Canada)*

Jul
01/16

- (0.1) This rule does not apply to a divorce under Part 2 of the *Civil Marriage Act (Canada)*.
[en. B.C. Reg. 4/2016.]

Ongoing prior proceedings

- (1) A divorce order must not be granted unless the court is satisfied that no earlier divorce proceeding is ongoing anywhere in Canada.

Claim for divorce joined with other claims

- (2) If a claim is made for divorce together with one or more other claims, the court may do one or more of the following:
- (a) grant a divorce and direct that an order for divorce alone be entered;
 - (b) adjourn the hearing of the claim for divorce;
 - (c) grant judgment on the other claims and direct that a separate order dealing with them be entered;
 - (d) adjourn the hearing of the other claims.

[Rule 15-1 (1) (a) (iv) provides that the form of a divorce order must be in Form F52.]

Form of certificate of divorce

- (3) The certificate of divorce referred to in section 12 (7) of the *Divorce Act* must be in Form F56 and may be signed and issued by the registrar.

Service of divorce order

- (4) Unless the court otherwise orders, a party who has submitted for entry an order for divorce must, promptly after the order is entered,
- (a) serve a copy of the entered order on each of the parties who has an address for service, and
 - (b) if any of the parties does not have an address for service, mail a copy of the entered order to that party's last known address.

Rule 15-2.1 – Guardianship Orders

Guardianship affidavit required

(ADD)
Mar
18/13

- (1) When an order is sought appointing a person as the guardian of one or more children, the applicant must
- (a) file with the court an affidavit in Form F101 that complies with subrule (4) and serve a copy of that filed affidavit on the other parties and on any other person who may be affected by the orders sought, and
 - (b) provide to the court any other evidence the court considers necessary.

[A person who is a guardian within the meaning of section 39 of the Family Law Act does not need to apply for guardianship and does not need to file the Form F101 affidavit referred to above.]

[en. B.C. Reg. 41/2013.]

Interim order may be made

(ADD)
Mar
18/13

- (2) The court may make an interim order for guardianship without an affidavit in Form F101 having been filed if the court is satisfied that it is in the best interests of the child that an interim guardianship order be made before that affidavit is filed.

[en. B.C. Reg. 41/2013.]

(ADD)Duration of interim order

Mar
18/13

- (3) An interim order under subrule (2) must expire within 90 days after the date of pronouncement unless renewed by the court.

[en. B.C. Reg. 41/2013.]

(ADD)Currency of information

Mar
18/13

- (4) Unless the court otherwise orders,
- (a) an affidavit referred to in subrule (1) must be sworn or affirmed
 - (i) not more than 28 days before the date set for the hearing at which the order referred to in that subrule is sought, or
 - (ii) if the order is sought without a hearing, not more than 7 days before the date on which the materials in support of the application are filed, and
 - (b) any records check, criminal records check or protection order records check attached as an exhibit to the affidavit must be dated
 - (i) not more than 60 days before the date set for the hearing at which the order referred to in subrule (1) is sought, or
 - (ii) if the order is sought without a hearing, not more than 60 days before the date on which the materials in support of the application are filed.

[en. B.C. Reg. 41/2013.]

(ADD)Materials required if hearing adjourned

Mar
18/13

- (5) Unless the court otherwise orders, if the swearing or affirmation of, and the date of the record checks exhibited to, a Form F101 affidavit referred to in subrule (1) are in compliance with the requirements of subrule (4) (a) (i) and (b) (i), as those requirements relate to the date originally set for the hearing at which the order referred to in subrule (1) is sought, the following apply if that hearing is adjourned:
- (a) if the hearing is adjourned to a date that is not more than 14 days after the date originally set for the hearing, the following apply:

- (i) if there has been no material change in any of the information contained in the Form F101 affidavit, the applicant may rely on that affidavit whether or not it complies with the requirements of subrule (4) (a) (i) and (b) (i) in relation to the new date set for the hearing;
 - (ii) if there has been a material change in any of the information contained in the Form F101 affidavit, the applicant must promptly file a new affidavit setting out the material change and serve a copy of that filed new affidavit on each of the parties and on every other person who may be affected by the orders sought;
- (b) if the hearing is adjourned to a date that is more than 14 days after but not more than 6 months after the date originally set for the hearing, the applicant must, at least 7 days before the new date set for the hearing,
- (i) if there has been no material change in any of the information contained in the Form F101 affidavit, file a new affidavit confirming that fact and serve a copy of that filed new affidavit on each of the parties and on every other person who may be affected by the orders sought, or
 - (ii) if there has been a material change in any of the information contained in the Form F101 affidavit, file a new affidavit setting out the material change and serve a copy of that filed new affidavit on each of the parties and on every other person who may be affected by the orders sought;
- (c) if the hearing is adjourned to a date that is more than 6 months after the date originally set for the hearing, the applicant must, at least 14 days before the new date set for the hearing, file a new affidavit in Form F101 that complies with the requirements of subrule (4) (a) (i) and (b) (i) in relation to the new date set for the hearing and serve a copy of that filed new affidavit on each of the parties and on every other person who may be affected by the orders sought.

[en. B.C. Reg. 41/2013.]

Rule 15-2.2 – Orders for Corollary Relief in Divorce Proceedings

(ADD) Definition

Mar
01/21

- (1) In this rule, "**corollary relief proceeding**" means a proceeding in which either or both former spouses are seeking any of the following orders under the *Divorce Act*:
- (a) a child support order;
 - (b) a spousal support order;
 - (c) a parenting order.

[en. B.C. Reg. 208/2020.]

(ADD) Party to corollary relief proceeding must provide information

Mar
01/21

- (2) Each party to a corollary relief proceeding must file a statement of information for corollary relief proceedings in Form F102 before a child support order, spousal support order or parenting order is made.

[en. B.C. Reg. 208/2020.]

(ADD) Duty to maintain accurate information

Mar
01/21

- (3) If a party to a corollary relief proceeding has filed Form F102 and the information contained in the form is no longer accurate, the party must file a new Form F102 that contains accurate information before a child support order, spousal support order or parenting order is made.

[en. B.C. Reg. 208/2020.]

(ADD) **Court not restricted if form not filed**

Mar
01/21

- (4) Nothing in subrule (2) or (3) restricts the court from making an order in a corollary relief proceeding if a Form F102 has not been filed.

[en. B.C. Reg. 208/2020.]

Rule 15-3 – Extra-Provincial Orders

(REP) **(1) to (3) Repealed**

Mar
01/21

- (1) to (3) *Repealed.* [B.C. Reg. 208/2020]

Registration of orders

- (4) If an order that has legal effect throughout Canada under section 20 (2) of the *Divorce Act* is made by a court other than the Supreme Court, the order may be registered without fee by filing a certified copy of the order in the Victoria Registry of the Supreme Court.

[Section 20 of the Divorce Act refers to any order for support or custody made under that Act.]

Exchange of orders between provinces

(AM)
Mar
01/21

- (5) The registrar of the court must, on request or if the court is required to do so by section 17 (11) of the *Divorce Act*, and without a fee, send a certified copy of a support order, parenting order, contact order or change order made by the court
- (a) to the registrar of a court in another province or to any person holding an equivalent position to that of registrar in relation to that court,
 - (b) to a public welfare organization in another province, or
 - (c) to any person designated by the Attorney General of another province.

[am. B.C. Reg. 208/2020.]

Enforcement in Provincial Court

(AM)
Mar
18/13

- (6) A support order made by the court or registered under subrule (4) may be filed in and enforced by the Provincial Court as if it were contained in an order of that court made under the *Family Law Act*.

[am. B.C. Reg. 133/2012.]

Rule 15-4 – Enforcement of Orders

Order to pay money to a person

- (1) An order for the payment of money to a person may be enforced by writ of seizure and sale in Form F57.

Order to pay money into court

- (2) An order for the payment of money into court may be enforced by writ of sequestration in Form F58.

Order for recovery or delivery of land

- (3) An order for the recovery or the delivery of the possession of land may be enforced by writ of possession in Form F59.

Order for recovery or delivery of property other than land

- (4) An order for the recovery or the delivery of the possession of any property other than land or money may be enforced by writ of delivery in Form F60 or F61 or by writ of sequestration in Form F58.

Appointment of receiver

- (5) An order may be enforced by the appointment of a receiver under Rule 12-2.

Execution by or against person not a party

- (6) A person not a party to a family law case, who obtains an order or in whose favour an order is made, may enforce the order in the same manner as if the person were a party to the family law case, and an order that may be enforced against a person not a party to a family law case may be enforced against that person as if he or she were a party to the family law case.

Remedy on non-compliance with mandatory order

- (7) If a mandatory order or an order for the specific performance of a contract is not obeyed, the court, in addition to or instead of proceeding against the disobedient person for contempt, may direct that the act required to be done may be done so far as is practicable by the person who obtained the order, or by some other person appointed by the court, at the expense of the disobedient person, and on the act being done, the expenses incurred may be ascertained in such manner as the court may direct, and execution may issue for the amount so ascertained and costs.

Issue of execution on conditional order

- (8) If an order is to the effect that a person is entitled to relief subject to or on compliance with a condition or the happening of a contingency, the person so entitled, after compliance with the condition or the happening of the contingency, and after demand is made on the person against whom he or she is entitled to relief, may apply to the court for leave to issue execution.

Order when right to relief has arisen

- (9) The court, if satisfied that the right to relief referred to in subrule (8) has arisen, may
- (a) order that execution issue, or
 - (b) direct that any issue or question necessary for the determination of the rights of the persons be tried.

Issue of execution on change of parties

- (10) If a change has taken place, by death or otherwise, in the persons entitled or liable to execution, the person claiming to be entitled to execution may apply to the court for leave to issue execution, and the court may order
- (a) that execution may issue, or
 - (b) that any issue or question necessary to determine the rights of the person be tried.

Production of order before execution

- (11) A writ of execution must not issue without the production to the registry of a copy of the order on which the writ is to issue.

Endorsement of writ

- (12) A writ of execution must be endorsed with the name and address of the lawyer or person causing it to be issued.

Issue of writ of sequestration, possession or delivery

- (13) A writ of sequestration, a writ of possession or a writ of delivery must not be issued unless there has been filed proof satisfactory to a registrar that,
- (a) in the case of an order, the order sought to be enforced
 - (i) has been served on the person against whom the order is sought to be enforced, and
 - (ii) has not been complied with, or
 - (b) in the case of a document, issued under an enactment, that on being filed in the court may be enforced as if it were an order of the court, the document
 - (i) has been filed in the court,
 - (ii) has, before or after being filed in the court, been served in accordance with the enactment or these Supreme Court Family Rules on the person against whom the order is sought to be enforced, and
 - (iii) has not been complied with.

Issue of writ of execution if order to pay money within a period

- (14) If the order sought to be enforced is for the payment of money within a specified period, a writ of execution must not be issued until the expiration of the period.

Issue of writ of execution

- (15) Subject to these Supreme Court Family Rules or an order of the court, a writ of execution may be issued by a registrar at any time during the lifetime of the order sought to be enforced.

When writ of execution is issued

- (16) A writ of execution must be prepared by the person seeking to enforce the order or by the person's lawyer, must be sealed by a registrar and is, after that, deemed to be issued.

Copy of writ of execution must be left with registry

- (17) The person seeking to enforce the order or the person's lawyer, on presenting a writ of execution for sealing, must provide a copy of the writ of execution to the registry.

Term of writ of execution

- (18) A writ of execution, if unexecuted, remains in force for one year only, unless renewed.

Renewal of writ of execution

- (19) At any time before the expiration of a writ of execution, or a renewed writ of execution, the writ of execution may, on the application of the party issuing the writ of execution, be renewed for a one year period beginning on the date of the renewal.

Hearing of writ of execution

- (20) An application to renew a writ of execution may be heard by
- (a) the court, or
 - (b) a registrar designated by the Chief Justice.

Writ of execution to be endorsed

- (21) A renewed writ of execution must be endorsed, by the court or a registrar, with the date of the order granting renewal and the date of the renewal.

Enforcement costs

- (22) Unless the court otherwise orders, a party who is entitled to enforce an order is entitled to the costs, fees and expenses of enforcement including proceedings under the *Court Order Enforcement Act*, this rule and Rules 15-6 and 15-7.

Registrar may fix amount

- (23) Subject to subrule (24) of this rule, if these Supreme Court Family Rules provide or some other enactment provides that enforcement costs may be included in the amount endorsed on any writ of execution, a registrar may fix the amount to be endorsed on the writ of execution.

Assessments and accounting

- (24) If a judgment debtor alleges that he or she has satisfied an order for the payment of money or otherwise, whether or not the costs of enforcement and interest on those costs have been paid,
- (a) either the judgment creditor or the judgment debtor may apply to have the costs of enforcement assessed before a registrar, and Rule 16-1 applies, or
 - (b) the judgment debtor may apply to the registrar for an accounting.

Registrar may certify on accounting

- (25) On an accounting referred to in subrule (24) (b) of this rule, Rule 18-1 applies and a registrar may certify one or more of the following:
- (a) the amount, if any, then due to the judgment creditor;
 - (b) the amount, if any, then due to the judgment debtor as a result of an overpayment;
 - (c) that the judgment has been paid.

Certificate of same effect as order

- (26) A certificate under subrule (25) (c) of this rule has the same effect as if it were an order under subrule (30).

Separate writs for costs

- (27) On an order granting relief and costs, there may be, at the election of the person entitled, either one writ of execution or separate writs of execution for the relief granted and for the recovery of the costs.

Judgment for recovery of property other than land

- (28) If an order for the recovery of property other than land or money is to be enforced by writ of delivery, the court may, on the application of the judgment holder,
- (a) order that execution issue for the delivery of the property without giving the other party the option of retaining the property on paying the assessed value, and
 - (b) if the property cannot be found, and unless the court otherwise orders, order that the sheriff take possession of all the other party's lands, goods and chattels
 - (i) until the other party delivers the property, or
 - (ii) at the option of the judgment holder, until the sheriff realizes from the other party's goods and chattels the assessed value of the property.

Acknowledgment of payment

- (29) A debtor may require, as a condition of paying a money judgment, that the judgment creditor promptly execute, file and serve an acknowledgment of payment in Form F62.

Order that judgment has been paid

- (30) If a judgment debtor claims to have paid the judgment but has not obtained an acknowledgment of payment from the judgment creditor, the debtor may apply to the court for an order certifying that the judgment has been paid.

Stay of execution

- (31) The court may, at or after the time of making an order,
- (a) stay the execution of the order until such time as it thinks fit, or
 - (b) provide that an order for the payment of money be payable by instalments.

Balance becomes payable if instalment not paid when due

- (32) Unless the court in an order under subrule (31) (b) otherwise provides, if an instalment is not paid by the time fixed for payment, the balance of the money remaining unpaid under the order is, at that time, due and payable without notice being given to the judgment debtor.

Application for relief

- (33) Without limiting subrule (31), a party against whom an order has been made may apply to the court for a stay of execution or other relief on grounds with respect to which the supporting facts arose too late for them to be pleaded, and the court may give relief it considers will further the object of these Supreme Court Family Rules.

Application for directions

- (34) A sheriff, judgment creditor or judgment debtor may apply to the court for directions under Rule 15-8 concerning the sale of any property taken in execution.

Enforcement of certificate

(AM)
Mar
18/13

- (35) If a certificate under Rule 16-1 (25), 16-2 (7) or 18-1 (2) has been filed, it may be enforced as if it were an order of the court.

[en. B.C. Reg. 119/2010, Sch. B; am. B.C. Regs. 133/2012; 67/2013.]

Rule 15-5 – Compelling a Debtor under the *Family Maintenance Enforcement Act* to Appear in Court

Summons under the *Family Maintenance Enforcement Act*

- (1) A summons under section 19 or 22 of the *Family Maintenance Enforcement Act* requiring a debtor to appear at a default hearing or a show cause hearing must be in Form F63.

Committal summons under the *Family Maintenance Enforcement Act*

- (2) A summons under section 23 of the *Family Maintenance Enforcement Act* requiring a debtor to appear at a committal hearing must be in Form F64.

Arrest warrants

- (3) An arrest warrant under the *Family Maintenance Enforcement Act* must be in Form F65.

Rule 15-6 – Subpoena to Debtor

Subpoena to debtor

- (1) A creditor who has obtained an order of the court for the recovery or payment of money or costs or both may issue out of the registry a subpoena in Form F66 on filing an affidavit showing that the order is not satisfied and that no writ of execution issued by the creditor is outstanding against the debtor.

To whom subpoena must be directed

- (2) A subpoena issued under subrule (1) must be directed,
 - (a) if the debtor is an individual, to the debtor,
 - (b) if the debtor is a corporation, to an officer or director of the debtor, or
 - (c) if the debtor is a partnership or firm, to a person liable to execution on an order against the debtor.

Service of subpoena

- (3) A subpoena issued under subrule (1) must be served at least 7 days before the date of the examination under subrule (4), and with the subpoena must be tendered any expenses the person served would be entitled to were he or she required to attend the court as a witness.

Examination of debtor

- (4) The examination referred to in a subpoena issued under subrule (1) must take place before an examiner and must be on oath as to the following matters:
 - (a) the income and property of the debtor;
 - (b) the debts owed to and by the debtor;
 - (c) the disposal the debtor has made of any property;
 - (d) the means the debtor has, or has had, or in future may have, of satisfying the order.

Examiner

- (5) The examiner must be
 - (a) the court,
 - (b) a master, or
 - (c) a registrar designated as an examiner by the Chief Justice.

Examination

- (6) At an examination under this rule, the creditor and the person subpoenaed may, with leave of the examiner, call witnesses who may be cross-examined.

Adjournment

- (7) The examiner may adjourn an examination under this rule from time to time.

Debtor refusing to attend or respond

- (8) If the person subpoenaed under subrule (1)
 - (a) does not attend as required at the examination under subrule (4) or an adjournment of it,
 - (b) refuses to be sworn or to affirm, or to answer one or more of the questions put to the person,

- (c) after an order to that effect, refuses or neglects to produce or permit to be inspected any document or property, or
- (d) does not give answers that are to the satisfaction of the examiner,

then

- (e) if the examiner is a master or registrar,
 - (i) in the case of default under paragraph (a), the examiner must make a report in Form F67 and fix a time and place at which the creditor may attend before the court, and at that time and place the court may, at the request of the creditor and without notice to the person subpoenaed, order
 - (A) committal, or
 - (B) apprehension under Rule 21-7 (5), and
 - (ii) in the case of default under paragraph (b), (c) or (d) of this subrule, the examiner must make a report in Form F67 and fix a time and place for the person subpoenaed to attend before the court, and at that time and place the court may, at the request of the creditor and without further notice to the person subpoenaed, order
 - (A) committal, or
 - (B) apprehension under Rule 21-7 (5), or
- (f) if the examiner is the court, the examiner may order committal.

Creditor failing to attend, etc.

- (9) If the creditor who issued a subpoena fails to attend at the examination under subrule (4), or if the examiner is of the opinion that the proceedings are unnecessary or vexatious, the examiner may order the creditor to pay to the person subpoenaed a sum of money by way of compensation and may order that sum to be paid promptly or to be set off against the debt.

Debtor unreasonably refusing to pay

- (10) If it appears to the examiner that
 - (a) the debtor has, with intent to defraud the creditor, made or caused to be made any gift, delivery or transfer of property, or has removed or concealed property,
 - (b) the debtor has unreasonably neglected or refused to pay the debt in whole or in part or to pay any instalment ordered to be paid, or
 - (c) the debtor is a corporation and the person subpoenaed has done, authorized, permitted or acquiesced in an act or omission described in paragraph (a) or (b),

then

- (d) if the examiner is a master or registrar, he or she may make a report of his or her findings and fix a time and place for the person subpoenaed to attend before the court, and at that time and place the creditor may apply without notice for committal, or
- (e) if the examiner is the court, the examiner may order committal.

Order for payment

(11) At an examination under this rule, the examiner may make one or more of the following orders:

- (a) for the payment of the debt by instalments;
- (b) for the payment of the debt on or before a fixed date;
- (c) varying or rescinding any previous order;
- (d) for payment to be made to a registrar, to the creditor or to the creditor's lawyer;
- (e) fixing the costs payable by the debtor without assessment,

and if the examiner is a master or registrar, the order has the effect of an order made by the court and must be entered accordingly.

Notice of application for committal

(12) If a debtor fails to pay in accordance with an order made under subrule (11) by an examiner, the creditor may file a notice of application for committal in Form F68 on filing an affidavit showing that the default has occurred, and subrules (2) and (3) apply.

Order for committal

(13) The court may order committal of a debtor if satisfied that

- (a) the order to pay has not been obeyed,
- (b) the person knew of the order, and
- (c) the person has not shown good cause why an order of committal should not be made against him or her.

Costs payable by debtor

(14) The court may fix the costs payable by the debtor without assessment.

Form of order

(15) An order of committal must be in Form F69 and must commit the person named in it to prison for a term not exceeding 40 days.

Term of order

(16) An order of committal must not be enforced after the expiration of one year after the date the order was made.

Payment to sheriff

(17) A creditor seeking to enforce an order of committal must pay to the sheriff for the maintenance of the person committed the sum of \$10 per day for each day of imprisonment by weekly payments of \$70 in advance.

Maintenance money recoverable

- (18) The maintenance money paid by a creditor under subrule (17) is a disbursement recoverable by the creditor from the debtor as costs of execution, without order.

Debtor to be brought before court

- (19) Subject to subrule (21), a sheriff or peace officer executing an order of committal must promptly bring the person arrested before the court, and the person arrested may be examined by the court, and if the court considers that imprisonment is not appropriate, the court may stay execution of the order of committal and, in that event, must
- (a) fix a time and place for a hearing to determine whether or not the order of committal should be set aside or varied, and
 - (b) give directions for notice of that hearing to be given to the creditor.

Application to set aside or vary order

- (20) A person who is the subject of an order of committal may apply to the court to set aside or vary the order, and the court may order a stay of execution of the order pending the hearing of the application and give directions for service of notice of the hearing.

Payment of debt

- (21) A person who is the subject of an order of committal may pay the amount payable endorsed on the order either to a registrar or to the sheriff, peace officer or warden in whose custody he or she is.

Receipt for payment

- (22) On payment under subrule (21) to a registrar of the amount payable, the registrar must issue a receipt to that effect.

Release from custody

- (23) On payment under subrule (21) to any of them of the amount payable or on being shown a registrar's receipt to that effect, a sheriff, peace officer or warden must release the person committed from custody and must endorse the order accordingly and return it to the registry.

Payment to creditor

- (24) All money received under this rule must be paid promptly to the creditor.

Requisition for discharge

- (25) A creditor who has obtained an order of committal may file in the registry a requisition in Form F17 requesting discharge of the person committed, and a registrar must endorse the requisition and a copy with the words "This is your authority to discharge
[name]..... from custody" above the registrar's signature, and, on being shown the copy of the requisition, a sheriff, peace officer or warden must release the person committed from custody and must endorse the order accordingly and return it to the registry.

Failure to pay sheriff

- (26) A sheriff who has not received maintenance money as provided in subrule (17) must,
- (a) if the person committed is in the sheriff's custody, release the person committed, or
 - (b) if the person committed is in the warden's custody, notify the warden, who must release the person committed,
- and each must endorse the order accordingly and return it to the registry.

Liability imposed by order

- (27) Imprisonment under these Supreme Court Family Rules does not extinguish the liability imposed by an order.

Repealed

- (28) *Repealed.* [B.C. Reg. 119/2010, Sch. B]

Rule 15-7 – Examinations in Aid of Execution

Definitions

- (1) In this rule:

"judgment creditor" means a person entitled to enforce an order of the court, whether for payment of money or otherwise;

"judgment debtor" means a person against whom the order may be enforced.

Examination of judgment debtor

- (2) If a judgment creditor is entitled to issue execution on or otherwise enforce an order of the court, the judgment creditor may examine the judgment debtor for discovery as to
- (a) any matter pertinent to the enforcement of the order,
 - (b) the reason for nonpayment or nonperformance of the order,
 - (c) the income and property of the judgment debtor,
 - (d) the debts owed to and by the judgment debtor,
 - (e) the disposal the judgment debtor has made of any property either before or after the making of the order,
 - (f) the means the judgment debtor has, or has had, or in future may have, of satisfying the order, and
 - (g) whether the judgment debtor intends to obey the order or has any reason for not doing so.

Examination of corporate, partnership or firm judgment debtor

- (3) An officer or director of a corporate judgment debtor, or a person liable to execution on the order in the case of a partnership or firm judgment debtor, may, without an order, be examined for discovery on the matters set out in subrule (2).

Limitation

- (4) Unless the court otherwise orders, a person examined under subrule (2) or (3) must not be further examined in the same family law case for a year.

Examination of person other than judgment debtor

- (5) On being satisfied that any other person may have knowledge of the matters set out in subrule (2), the court may order that other person to be examined for discovery concerning the person's knowledge.

[am. B.C. Reg. 119/2010, Sch. B.]

Order in certain cases

- (6) If a difficulty arises in or about the execution or enforcement of an order, the court may make any order for the attendance and examination of a party or person it considers will further the object of these Supreme Court Family Rules.

Application of examination for discovery rules

- (7) Rule 9-2 (4), (5), (10), (11), (12) (a) and (b), (13) and (15) to (24) applies to an examination under this rule.

Use of examination

- (8) Any part of an examination for discovery under this rule may be given in evidence in the same or any subsequent proceeding between the parties to the proceeding or between the judgment creditor and the person examined for discovery.

Costs

- (9) Unless the court otherwise orders, the party conducting an examination under this rule is entitled to recover the costs of the examination from the judgment debtor.

Rule 15-8 – Sales by the Court

Court may order sale

- (1) If in a family law case it appears necessary or expedient that property be sold, the court may order the sale and may order a person in possession of the property or in receipt of the rents, profits or income from it to join in the sale and transfer of the property and deliver up the possession or receipt to the purchaser or person designated by the court.

Conduct of sale

- (2) If an order is made directing property to be sold, the court may permit any person having the conduct of the sale to sell the property in the manner the person considers appropriate or as the court directs.

Directions for sale

- (3) The court may give directions for the purpose of effecting a sale, including directions
- (a) appointing the person who is to have conduct of the sale,
 - (b) fixing the manner of sale, whether by contract conditional on the approval of the court, private negotiation, public auction, sheriff's sale, tender or some other manner,
 - (c) fixing a reserve or minimum price,
 - (d) defining the rights of a person to bid, make offers or meet bids,
 - (e) requiring payment of the purchase price into court or to trustees or to other persons,
 - (f) settling the particulars or conditions of sale,
 - (g) obtaining evidence of the value of the property,
 - (h) fixing the remuneration to be paid to the person having conduct of the sale and any commission, costs or expenses resulting from the sale,
 - (i) that any conveyance or other document necessary to complete the sale be executed on behalf of any person by a person designated by the court, and
 - (j) authorizing a person to enter on any land or building.

Application for directions

- (4) A person having conduct of a sale may apply to the court for further directions.

Certificate of sale

- (5) The result of a sale by order of the court must be certified in Form F70 by the person having conduct of the sale and that certificate must be filed promptly after completion of the sale.

Vesting order

- (6) The person having conduct of the sale may apply to the court for a vesting order in favour of a purchaser.

PART 16 – Costs

Rule 16-1 – Costs

Tariff of costs

(AM)
Mar
18/13

- (1) If costs are payable to a party under these Supreme Court Family Rules or by order, those costs must be assessed in accordance with Appendix B unless any of the following circumstances exist:
 - (a) the parties consent to the amount of costs and file a certificate of costs or expenses setting out that amount;
 - (b) the court orders that
 - (i) the costs of the family law case be assessed as special costs, or
 - (ii) the costs of an application, a step or any other matter in the family law case be assessed as special costs in which event costs in relation to all other applications, steps and matters in the family law case must be determined and assessed under this rule in accordance with this subrule;
 - (c) the court awards lump sum costs for the family law case and fixes those costs under subrule (14) in an amount the court considers appropriate;
 - (d) the court awards lump sum costs in relation to an application, a step or any other matter in the family law case and fixes those costs under subrule (14), in which event costs in relation to all other applications, steps and matters in the family law case must be determined and assessed under this rule in accordance with this subrule.

[am. B.C. Reg. 133/2012.]

Assessment of special costs

- (2) On an assessment of special costs, a registrar must
 - (a) allow those fees that were proper or reasonably necessary to conduct the family law case, and
 - (b) consider all of the circumstances, including the following:
 - (i) the complexity of the family law case and the difficulty or the novelty of the issues involved;
 - (ii) the skill, specialized knowledge and responsibility required of the lawyer;
 - (iii) the amount involved in the family law case;
 - (iv) the time reasonably spent in conducting the family law case;
 - (v) the conduct of any party that tended to shorten, or to unnecessarily lengthen, the duration of the family law case;
 - (vi) the importance of the family law case to the party whose bill is being assessed, and the result obtained;
 - (vii) the benefit to the party whose bill is being assessed of the services rendered by the lawyer;
 - (viii) Rule 1-3.

Assessment officer

- (3) The officer before whom costs are assessed is a registrar.

Disbursements

- (4) When assessing costs under subrule (1) or (2) of this rule, a registrar must
 - (a) determine which disbursements have been necessarily or properly incurred in the conduct of the family law case, and
 - (b) allow a reasonable amount for those disbursements.

Directions

- (5) If the court has made an order for costs,
 - (a) any party may, at any time before a registrar issues a certificate under subrule (25), apply for directions to the judge or master who made the order for costs,
 - (b) the judge or master may direct that any item of costs, including any item of disbursements, be allowed or disallowed, and
 - (c) the registrar is bound by any direction given by the judge or master.

Tax in respect of legal services and disbursements

- (6) If tax is payable by a party in respect of legal services or disbursements, a registrar must, on an assessment under subrule (1) or (2), allow an additional amount to compensate for that tax as follows:
 - (a) if the tax is payable in respect of legal services, the additional amount to compensate for the tax must be determined by multiplying the percentage rate of the tax by the amount of costs allowed;
 - (b) if the tax is payable in respect of disbursements, the additional amount to compensate for the tax must be determined by multiplying the percentage rate of the tax by the monetary value of the disbursements as assessed.

Costs to follow event

- (7) Subject to subrule (9), costs of a family law case must be awarded to the successful party unless the court otherwise orders.

Costs where party represented by an employee

- (8) A party is not disentitled to costs merely because the party's lawyer is an employee of the party.

Costs of applications

- (9) Unless the court hearing an application otherwise orders,
 - (a) if the application is granted, the party who brought the application is entitled to costs of the application if that party is awarded costs at trial or at the hearing of the petition, but the party opposing the application, if any, is not entitled to costs even though that party is awarded costs at trial or at the hearing of the petition, and

- (b) if the application is refused, the party who brought the application is not entitled to costs of the application even though that party is awarded costs at trial or at the hearing of the petition, but the party opposing the application, if any, is entitled to costs if that party is awarded costs at trial or at the hearing of the petition.

When costs payable

- (10) If an entitlement to costs arises during a family law case, whether as a result of an order or otherwise, those costs are payable on the conclusion of the family law case unless the court otherwise orders.

Costs of hearing fees

- (11) If the court orders that the parties bear their own costs, the hearing fees are to be shared equally between the parties unless the court otherwise orders or the parties otherwise agree.

Obligation to pay unaffected

- (12) Nothing in subrule (11) removes from the party who filed the notice of trial the obligation to pay the hearing fees to the registry.

Costs arising from improper act or omission

- (13) If anything is done or omitted improperly or unnecessarily, by or on behalf of a party, the court or a registrar may order
 - (a) that any costs arising from or associated with any matter related to the act or omission not be allowed to the party, or
 - (b) that the party pay the costs incurred by any other party by reason of the act or omission.

Costs of whole or part of family law case

- (14) The court may award costs
 - (a) of a family law case,
 - (b) that relate to some particular application, step or matter in or related to the family law case, or
 - (c) except so far as they relate to some particular application, step or matter in or related to the family law caseand in awarding those costs the court may fix the amount of costs, including the amount of disbursements.

Costs payable from estate or property

- (15) If it is ordered that any costs are to be paid out of an estate or property, the court may direct out of what portion of the estate or property the costs are to be paid.

Set-off of costs

- (16) If a party entitled to receive costs is liable to pay costs to another party, a registrar may assess the costs the party is liable to pay and may adjust them by way of deduction or set-off or may delay the allowance of the costs the party is entitled to receive until the party has paid or tendered the costs the party is liable to pay.

Costs of one respondent payable by another

- (17) If the costs of one respondent against a claimant ought to be paid by another respondent, the court may order payment to be made by one respondent to the other directly, or may order the claimant to pay the costs of the successful respondent and allow the claimant to include those costs as a disbursement in the costs payable to the claimant by the unsuccessful respondent.

Unnecessary expense after judgment

(AM)
Mar
18/13

- (18) If after pronouncement of judgment a party puts another party to unnecessary proceedings or expense, a registrar, in assessing the costs of the family law case, may award costs as the registrar considers appropriate against the offending party except in relation to anything for which expenses have been ordered.

[am. B.C. Reg. 133/2012.]

Form of bill of costs

- (19) A bill of costs must be in Form F71.

Appointment to assess costs

- (20) A person who seeks to have costs assessed must
- (a) obtain a date for an appointment before a registrar,
 - (b) file an appointment in Form F55 to which is attached the bill of costs to be assessed, and
 - (c) at least 5 days before the date of the appointment, serve a copy of the filed Form F55 appointment and any affidavit in support in accordance with subrule (24).

Place for assessment

- (21) An appointment for assessment of costs must be taken out at the registry at which the proceeding is being conducted or at any other registry to which the parties to the appointment may agree.

Further particulars

- (22) A registrar may order further particulars or details of a bill of costs being assessed.

Assessment of sheriff's fees

- (23) If a sheriff who has charged fees for services set out in Schedule 2 of Appendix C or a person affected by those fees wishes to have those fees assessed, the person seeking the assessment must
- (a) obtain an appointment from a registrar in Form F55 and attach to that appointment a copy of the bill to be assessed, if available, and

- (b) at least 5 days before the assessment, serve a copy of the appointment and any affidavit in support on all persons affected by the fees.

Service of appointment

- (24) A person seeking an assessment of costs must serve an appointment in Form F55 to which is attached the bill of costs, and any affidavit in support, on
 - (a) the person against whom costs are to be assessed, and
 - (b) every other person whose interest, whether in a fund or estate or otherwise, may be affected.

Certificate of costs or expenses

(AM)
Mar
18/13

- (25) On the conclusion of an assessment of costs, or if the party charged has consented to the amount, a registrar must, either by endorsing the original bill or by issuing a certificate of costs or expenses in Form F72, certify the amount of costs awarded, and the party assessing costs must file the certificate.

[en. B.C. Reg. 133/2012.]

Review of an assessment

- (26) A party who is dissatisfied with a decision of a registrar on an assessment of costs may, within 14 days after the registrar has certified the costs, apply to the court for a review of the assessment.

Form of bill in certain cases

- (27) A bill for special costs may be rendered on a lump sum basis.

Description of services

- (28) A lump sum bill must contain a description of the nature of the services and of the matter involved as would, in the opinion of a registrar, afford any lawyer sufficient information to advise a client on the reasonableness of the charge made.

Evidence of lawyer

- (29) A party to an assessment of costs may put in evidence the opinion of a lawyer as to the nature and importance of the services rendered and of the matter involved and the reasonableness of the charges made, but a party must not put in evidence the opinions of more than 2 lawyers, and a lawyer giving an opinion may be required to attend for examination and cross-examination.

Disallowance of fees and costs

- (30) If the court considers that a party's lawyer has caused costs to be incurred without reasonable cause, or has caused costs to be wasted through delay, neglect or some other fault, the court may do any one or more of the following:
 - (a) disallow any fees and disbursements between the lawyer and the lawyer's client or, if those fees or disbursements have been paid, order that the lawyer repay some or all of them to the client;

- (b) order that the lawyer indemnify his or her client for all or part of any costs that the client has been ordered to pay to another party;
- (c) order that the lawyer be personally liable for all or part of any costs that his or her client has been ordered to pay to another party;
- (d) make any other order that the court considers will further the object of these Supreme Court Family Rules.

Costs may be ordered without assessment

- (31) If the court makes an order under subrule (30), the court may
 - (a) direct a registrar to conduct an inquiry and file a report with recommendations as to the amount of costs, or
 - (b) subject to subrule (34), fix the costs with or without reference to the tariff in Appendix B.

Notice

- (32) An order against a lawyer under subrule (30) or (31) must not be made unless the lawyer is present or has been given notice.

Order to be served

- (33) A lawyer against whom an order under subrule (30) or (31) has been made must promptly serve a copy of the entered order on his or her client.

Limitation

- (34) An order by the court under subrule (31) (b) in respect of the costs of an application must not exceed \$1 000.

Refusal or neglect to procure assessment

- (35) If a party entitled to costs fails to assess costs and prejudices another party by failing to do so, a registrar may certify the costs of the other party and certify the failure and disallow all costs of the party in default.

Referrals

- (36) Unless the court otherwise orders, fees to lawyers, accountants, engineers, actuaries, valuers, merchants and other scientific persons to whom any matter or question is referred by the court must be determined by a registrar, subject to an appeal to the court.

Rule 16-2 – Assessment of Expenses

(ADD) Expenses to be assessed

Mar
18/13

- (1) If, under section 212 (2), 213 (2) (d) (i), 214 (4), 221 (2) (c) (i), 228 (1) (c) (i) or 230 (2) (b) (i) of the *Family Law Act*, the court orders that expenses be paid to a person,

- (a) the parties may consent to the amount of expenses and file a certificate of costs or expenses in Form F72 setting out that amount,
- (b) the court may award lump sum expenses and fix that lump sum in an amount the court considers appropriate, or
- (c) if paragraphs (a) and (b) do not apply, those expenses must be assessed in accordance with this rule.

[en. B.C. Reg. 133/2012.]

(ADD)Assessment officer

Mar
18/13

- (2) The officer before whom expenses are assessed is a registrar.

[en. B.C. Reg. 133/2012.]

(ADD)Directions

Mar
18/13

- (3) If the court makes an order for expenses,
 - (a) any party may, at any time before a registrar issues a certificate under subrule (7), apply for directions to the judge or master who made the order for expenses,
 - (b) the judge or master may direct that any item be allowed or disallowed as an expense, and
 - (c) the registrar is bound by any direction given by the judge or master.

[en. B.C. Reg. 133/2012.]

(ADD)Appointment to assess expenses

Mar
18/13

- (4) A person who seeks to have expenses assessed must
 - (a) obtain a date for an appointment before a registrar,
 - (b) file an appointment in Form F55 to which is attached the list of expenses in Form F71.1, and
 - (c) at least 5 days before the date of the appointment, serve a copy of the filed Form F55 appointment, to which is attached the list of expenses, and any affidavit in support on
 - (i) the person against whom expenses are to be assessed, and
 - (ii) every other person whose interest, whether in a fund or estate or otherwise, may be affected.

[en. B.C. Reg. 133/2012.]

(ADD)Place for assessment

Mar
18/13

- (5) An appointment for assessment of expenses must be taken out at the registry at which the proceeding is being conducted or at any other registry to which the parties to the appointment may agree.

[en. B.C. Reg. 133/2012.]

(ADD)Further particulars

Mar
18/13

- (6) A registrar may order further particulars or details of a list of expenses being assessed.

[en. B.C. Reg. 133/2012.]

(ADD)Certificate of costs or expenses

Mar
18/13

- (7) On the conclusion of an assessment of expenses, or if the party charged has consented to the amount, a registrar must, by issuing a certificate of costs or expenses in Form F72, certify the amount of expenses awarded, and the party assessing expenses must file the certificate.

[en. B.C. Reg. 133/2012.]

(ADD)Review of an assessment

Mar
18/13

- (8) A party who is dissatisfied with a decision of a registrar on an assessment of expenses may, within 14 days after the registrar has certified the expenses, apply to the court for a review of the assessment.

[en. B.C. Reg. 133/2012.]

(ADD)When expenses payable

Mar
18/13

- (9) Unless the court otherwise orders, if the court makes an order for expenses, those expenses are payable promptly after the later of
- (a) the date on which a certificate for those expenses is filed under this rule, and
 - (b) if a review is requested under subrule (8), the date on which the amount of the expenses to be paid is confirmed by that review.

[en. B.C. Reg. 133/2012.]

(ADD)No costs if expenses ordered

Mar
18/13

- (10) If expenses are ordered in relation to a step or matter in the family law case, costs are not to be assessed in relation to that same step or matter.

[en. B.C. Reg. 133/2012.]

PART 17 – Petition Proceedings

Rule 17-1 – Petitions

Definitions

- (1) In this rule, "**petition respondent**" means a person who files a response to petition under subrule (4).

Petitions

- (2) A person wishing to bring a family law case referred to in Rule 3-1 (3) or (4) (b) by filing a petition must file a petition in Form F73 and each affidavit in support.

Usual Procedure

Service

- (3) Unless these Supreme Court Family Rules otherwise provide or the court otherwise orders, a copy of the filed petition and of each filed affidavit in support must be served by personal service on all persons whose interests may be affected by the order sought.

Response to petition

- (4) A person who has been served with a copy of a filed petition under subrule (3) of this rule must, if the person wishes to receive notice of the time and date of the hearing of the petition, do the following:
 - (a) file a response to petition in accordance with subrule (5);
 - (b) file, with the response to petition, all affidavits that have not already been filed and on which the person intends to rely at the hearing of the petition;
 - (c) unless the court otherwise orders, serve on the petitioner 2 copies, and on every other party one copy, of each document filed under paragraph (a) or (b) as follows:
 - (i) if the petition respondent was served with the petition anywhere in Canada, within 21 days after that service;
 - (ii) if the petition respondent was served with the petition anywhere in the United States of America, within 35 days after that service;
 - (iii) if the petition respondent was served with the petition anywhere else, within 49 days after that service.

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[am. B.C. Reg. 95/2011, Sch. B.]

Contents of response to petition

- (5) A response to petition must be in Form F74 and must
 - (a) indicate, for each order sought, whether the petition respondent consents to, opposes or takes no position on the order, and
 - (b) if the petition respondent wishes to oppose any of the relief sought in the petition,

- (i) briefly summarize the factual and legal bases on which the orders sought should not be granted,
- (ii) list the affidavits and other documents on which the petition respondent intends to rely at the hearing of the petition, and
- (iii) set out the petition respondent's estimate of the time the petition will take for hearing.

Petitioner may respond

- (6) A petitioner may file affidavits in response to any document served on the petitioner under subrule (4) (c), and, in that event, must serve copies of those filed responding affidavits on each petition respondent no later than the date on which the notice of hearing is served on that petition respondent under subrule (8) (b).

(ADD)Expert opinion evidence

Oct
03/22

- (6.1) Unless the court otherwise orders, a party may tender a report setting out the opinion of an expert if
 - (a) the report conforms with Rule 13-6 (1), or
 - (b) the court orders that the report is admissible even though it does not conform with Rule 13-6 (1).

[en. B.C. Reg. 149/2022, Sch. 2.]

(ADD)Service of expert reports

Oct
03/22

- (6.2) Unless the court otherwise orders, expert reports must be served as follows:
 - (a) a petitioner must, at the same time that a copy of the filed petition is served on a person under subrule (3), serve on the person a copy of each expert report in support along with written notice that the expert report is being served under this rule;
 - (b) a petition respondent must, within 42 days after being served with a copy of the filed petition under subrule (3), serve on the petitioner and every other party a copy of each expert report of the petition respondent along with written notice that the expert report is being served under this rule;
 - (c) a party must, within 49 days after being served with an expert report under paragraph (b), serve on every other party a copy of the serving party's responding expert reports, if any, along with written notice that the expert reports are being served under this rule.

[en. B.C. Reg. 149/2022, Sch. 2.]

(ADD)Application of Rule 13-6

Oct
03/22

- (6.3) Rule 13-6 (2) applies to a petition proceeding.

[en. B.C. Reg. 149/2022, Sch. 2.]

No additional affidavits

(AM)
Oct
03/22

- (7) Unless all parties consent or the court otherwise orders, a party must not serve any affidavits additional to those served under subrules (3), (4) and (6).

[am. B.C. Reg. 149/2022, Sch. 2.]

Setting application for hearing

- (8) A petitioner wishing to set a petition down for hearing must,
- (a) in the case of a petition to which no response to petition has been served under subrule (4) (c), file a notice of hearing in Form F75 at any time before the hearing of the petition, or
 - (b) in the case of a petition to which a response to petition has been filed and served under subrule (4) (c), file a notice of hearing in Form F75, and serve a copy of the filed notice of hearing on each petition respondent, at least 7 days before the date set for the hearing of the petition.

Date and time of hearing

- (9) The hearing of a petition must be set for 9:45 a.m. on a date on which the court hears petitions or at such other time or date as has been fixed by the court or a registrar.

Date and time if hearing time more than 2 hours

- (10) If the estimate, set out in the petition, of the time that the hearing of the petition will take is more than 2 hours, the date and time of hearing must be fixed by a registrar.

[am. B.C. Reg. 119/2010, Sch. B.]

Petition record

(AM)
Sep
01/23

- (11) Subject to subrule (13), the petitioner must provide to the registry where the hearing is to take place a petition record as follows:
- (a) the petition record must be in a ring binder or in some other form of secure binding;
 - (b) the petition record must contain, in consecutively numbered pages, or separated by tabs, the following documents in the following order:
 - (i) a title page bearing the style of proceeding and the names of the lawyers, if any, for the petitioner and the petition respondents;
 - (ii) an index;
 - (iii) a copy of the filed petition;
 - (iv) a copy of each filed response to petition;
 - (v) a copy of each filed affidavit that is to be referred to at the hearing;
 - (vi) the most current Form F102 statement of information for corollary relief proceedings, if any, filed by each party in accordance with Rule 15-2.2;
 - (c) the petition record may contain
 - (i) a draft of the proposed order,
 - (ii) a written argument,
 - (iii) a list of authorities, and
 - (iv) a draft bill of costs;
 - (d) the petition record must not contain
 - (i) affidavits of service,
 - (ii) copies of authorities, including case law, legislation, legal articles or excerpts from text books, or
 - (iii) any other documents unless they are included with the consent of all the parties;

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(e) the petition record must be provided to the registry

- (i) no earlier than 9 a.m. on the business day that is three full business days before the date set for the hearing and no later than 4 p.m. on the business day that is one full business day before the date set for the hearing, or
- (ii) if an earlier date is fixed by a registrar, on or before that date.
[am. B.C. Regs. 119/2010, Sch. B; 176/2023, Sch. 2.]

Service of petition record

(AM)
Sep
01/23

(12) The petitioner must serve a copy of the petition record index on each petition respondent no later than 4 p.m. on the business day that is one full business day before the date set for the hearing.

[am. B.C. Regs. 119/2010, Sch. B; 176/2023, Sch. 2.]

If petition respondent's application is to be heard at the hearing

(13) If a petition respondent intends to set an application for hearing at the same time as the hearing of the petition, the parties must, so far as is possible, prepare and file a joint petition record and agree to a date for the hearing of both applications.

Petition record to be returned

(14) Unless the court otherwise orders, the applicant must retrieve the petition record

- (a) at the conclusion of the hearing, or
- (b) if the hearing of the petition is adjourned to a date later than the following court day, after the hearing is adjourned.

[am. B.C. Reg. 119/2010, Sch. B.]

Petition record to be returned to registry

(AM)
Sep
01/23

(15) If the petition record has been retrieved by the petitioner under subrule (14) (b), the petitioner must return the petition record to the registry between 9:00 a.m. on the second court day before, and 4 p.m. on the business day that is one full business day before, the new date set for the hearing of the petition.

[am. B.C. Regs. 119/2010, Sch. B; 176/2023, Sch. 2.]

Provision of amended petition record

(16) If any additional affidavits are filed and served under subrule (7), the petitioner must provide to the registry an amended petition record containing those affidavits.

Resetting adjourned hearings

(16.1) To reset the hearing of a petition that has been adjourned without a date being set for it to be heard ("adjourned generally"), the petitioner must

- (a) file a requisition in Form F17 setting out the date and time of the hearing, and
- (b) serve a copy of the filed requisition on the petition respondents at least 2 days before the date set for the hearing.

[en. B.C. Reg. 119/2010, Sch. B.]

(SUB)Petition respondent may apply for directions

Jul
01/11

- (17) If the petitioner does not
- (a) set the petition for hearing within a reasonable time after being requested to do so by a petition respondent, or
 - (b) after the hearing of the petition has been adjourned generally, reset the petition for hearing within a reasonable time after being requested to do so by a petition respondent,
- a petition respondent may apply, by requisition in Form F17 on 2 days' notice, for directions.

[en. B.C. Reg. 95/2011, Sch. B.]

Powers of court

- (18) Without limiting the court's right under Rule 10-3 (7) (d) to transfer the family law case referred to in this rule to the trial list, the court may, whether or not on the application of a party, apply any other of these Supreme Court Family Rules to a family law case referred to in this rule.

Amendment of petition

- (19) A party may amend a petition or response to petition filed by the party
- (a) at any time with leave of the court, and
 - (b) subject to Rules 8-2 (7) and (9) and 9-6 (5),
 - (i) once without leave of the court, at any time before service of the notice of hearing, and
 - (ii) at any time with the written consent of all the parties,

and for that purpose Rule 8-1 (2) to (7) applies.

[am. B.C. Reg. 119/2010, Sch. B.]

Renewal of original petition

- (20) An original petition does not remain in force for more than 12 months, but if a respondent named in a petition has not been served, the court, on the application of the petitioner made before or after the expiration of the 12 months, may order that the original petition be renewed for a period of not more than 12 months.

Further renewal of petition

- (21) If a renewed petition has not been served on a respondent named in the petition, the court, on the application of the petitioner made during the currency of the renewed petition, may order the renewal of the petition for a further period of not more than 12 months.

When renewal period begins

- (22) Unless the court otherwise orders, a renewal period ordered under subrule (20) or (21) begins on the date of the order.

After renewal of petition

- (23) Unless the court otherwise orders, a copy of each entered order granting renewal of a petition must be served with the renewed petition, and the renewed petition remains in force and is available to prevent the operation of any statutory limitation and for all other purposes.

Procedure Applicable to Adoptions

Uncontested adoptions

- (24) If, in a family law case in which an order for adoption is sought, notice of an application for the order for adoption is not required, the petitioner may make that application by filing
- (a) a requisition in Form F29, and
 - (b) a draft of the proposed order in Form F34.

Referral by registrar

- (25) On being satisfied that the materials appropriate for an application referred to in subrule (24) have been filed in accordance with subrule (24), a registrar may refer the application to a judge or master.

Disposition of referred applications

- (26) If an application is referred by a registrar to a judge or master under subrule (25), the judge or master may
- (a) make the order, or
 - (b) give directions respecting the application.

PART 18 – Other Procedures

Rule 18-1 – Inquiries, Assessments and Accounts

Direction for inquiries, assessments or accounts

- (1) At any stage of a family law case, the court may direct that an inquiry, assessment or accounting be held by a master, registrar or special referee.

Certificate as to result

- (2) The court may direct that the result of an inquiry, assessment or accounting be certified by the master, registrar or special referee and, in that event, the certificate, if filed under subrule (9), is binding on the parties to the family law case.

Report and recommendation

- (3) If the court does not direct that the result of an inquiry, assessment or accounting be certified, the result of the inquiry, assessment or accounting must be stated in the form of a report and recommendation to the court.

Application to vary or confirm recommendation

- (4) On application by a party, the court may
 - (a) vary or confirm the recommendation contained in the report and recommendation referred to in subrule (3),
 - (b) remit the inquiry, assessment or accounting with directions, or
 - (c) order that the subject matter of the inquiry, assessment or accounting be determined as directed by the court.

Time and place of hearing

- (5) A master, registrar or special referee may hold a hearing in relation to an inquiry, assessment or accounting and, in that event, may
 - (a) hold the hearing at a convenient time and place,
 - (b) adjourn the hearing from time to time, and
 - (c) administer oaths, take evidence, direct production of documents and give general directions for the conduct of the hearing.

Appointment

- (6) If a party wishes to proceed with an inquiry, assessment or accounting directed by the court under subrule (1), the party must
 - (a) take out an appointment in Form F55, and
 - (b) serve notice of the appointment on all parties or as directed by the court.

Witnesses

- (7) A party to a family law case in which an inquiry, assessment or accounting is held may subpoena any person, including a party, to give evidence at the hearing of the inquiry, assessment or accounting and to produce documents.

Certificate or recommendation to be filed and served

- (8) A master, registrar or special referee must state the result of an inquiry, assessment or accounting in the form of a certificate or a report and recommendation as directed under subrule (2) or (3) respectively, with or without reasons, and must
- (a) provide the certificate to the party requesting the certificate, or
 - (b) file the report and recommendation and provide a copy to all persons who appeared at the hearing.

Party may file certificate

- (9) A party to whom a certificate is provided under subrule (8) (a) may file that certificate.

Opinion of the court

- (10) Before the master, registrar or special referee has concluded a hearing of an inquiry, assessment or accounting, he or she may, in a summary or other manner, ask the opinion of the court on any matter arising in the hearing.

Accounts of executor, trustee, etc.

- (11) A person may apply by petition for the furnishing of accounts by the executor or administrator of an estate, a trustee, a receiver, a liquidator, a guardian or a partner.

Special directions

- (12) The court may give special directions as to the manner in which an inquiry, assessment or accounting is to be taken or made, and the directions may include
- (a) the manner in which the inquiry, assessment or accounting is to be prosecuted,
 - (b) the evidence to be introduced in support,
 - (c) the parties required to attend all or any part of the proceedings,
 - (d) the time within which each proceeding is to be taken, and
 - (e) a direction that persons whose interest can be classified constitute a class and are to be represented by the same lawyer,
- and the court may fix a time for the further attendance of the parties.

Court may appoint lawyer

- (13) If the court makes a direction under subrule (12) (e) and the persons cannot agree on the lawyer to represent them, the court may appoint the lawyer to represent them.

Varying directions

- (14) The court may vary or rescind a direction given under subrule (12).

Account to be verified by affidavit

- (15) If an accounting is directed to be held, unless the court otherwise orders, the party required to account must make out that party's account and verify it by an affidavit to which the account must be exhibited.

Form of account

- (16) If an account is made out under subrule (15), the items on each side of the account must be numbered consecutively, and the party required to account must file the affidavit and the account referred to in that subrule and serve copies of those filed documents on all parties.

Particulars of errors in account

- (17) A party who alleges that there are errors or omissions in an account must file and serve on all parties a notice of those errors with brief particulars.

Notice of order

- (18) If the court makes an order directing that an inquiry, assessment or accounting be held in a proceeding relating to the sale of any property, the court may direct that notice of the order in Form F76 be served on any person interested in the property.

Person bound as if party

- (19) Any person served with notice of an order in accordance with subrule (18) is, subject to subrule (21), bound by the order to the same extent as the person would have been if the person had originally been made a party to the family law case.

Dispensing with service

- (20) In any case in which it appears that it is impracticable for any reason to serve a person with a notice of order under subrule (18),
- (a) the court may dispense with service on the person,
 - (b) the court may order that that person be bound by any order made to the same extent as if the person had been served with notice of the order, and
 - (c) the person referred to in an order under paragraph (b) is bound by the order to the same extent as if the person had been served with notice of the order unless the order was obtained by fraud or non-disclosure of material facts.

Person may apply to vary or rescind

- (21) Within 28 days after service of a notice of order under subrule (18) on a person, the person may, without becoming a party to the family law case, apply to the court to vary or rescind the order.

Person may file a notice of interest

- (22) A person served with a notice of order under subrule (18) may, after filing a notice of interest in Form F77, take part in the family law case.

Rule 18-2 – Jurisdictional Disputes

Disputed jurisdiction

- (1) A party who has been served with a notice of family claim, counterclaim or petition in a family law case, whether that service was effected in or outside British Columbia, may, after filing a jurisdictional response in Form F78,
- (a) apply to strike out the notice of family claim, counterclaim or petition or to dismiss or stay the family law case on the ground that the notice of family claim, counterclaim or petition does not allege facts that, if true, would establish that the court has jurisdiction over that party in respect of the claim made against that party in the family law case,
 - (b) apply to dismiss or stay the family law case on the ground that the court does not have jurisdiction over that party in respect of the claim made against that party in the family law case, or
 - (c) allege in a pleading or in a response to petition that the court does not have jurisdiction over that party in respect of the claim made against that party in the family law case.

Order declining jurisdiction may be sought

- (2) Whether or not a party referred to in subrule (1) applies or makes an allegation under that subrule, the party may apply to court for a stay of the family law case on the ground that the court ought to decline to exercise jurisdiction over that party in respect of the claim made against that party in the family law case.

Disputed pleading or service

- (3) If a party who has been served with an notice of family claim, counterclaim or petition in a family law case, whether served in or outside British Columbia, alleges that the notice of family claim, counterclaim or petition is invalid or has expired or that the purported service of the notice of family claim, counterclaim or petition was invalid, the party may, after filing a jurisdictional response in Form F78, apply for one or both of the following:
- (a) an order setting aside the notice of family claim, counterclaim or petition;
 - (b) an order setting aside service of the notice of family claim, counterclaim or petition.

Powers of court pending resolution

- (4) If an application is brought under subrule (1) (a) or (b) or (3) or an issue is raised by an allegation in a pleading or a response to petition referred to in subrule (1) (c), the court may, on the application of a party, before deciding the first-mentioned application or issue,
- (a) stay the family law case,
 - (b) give directions for the conduct of the first-mentioned application,
 - (c) give directions for the conduct of the family law case, and
 - (d) discharge any order previously made in the family law case.

Party does not submit to jurisdiction

- (5) If, within 30 days after filing a jurisdictional response in a family law case, the filing party serves a notice of application under subrule (1) (a) or (b) or (3) on the parties or files a pleading or a response to petition referred to in subrule (1) (c),
 - (a) the party does not submit to the jurisdiction of the court in relation to the family law case merely by filing or serving any or all of the following:
 - (i) the jurisdictional response;
 - (ii) a pleading or response to petition under subrule (1) (c);
 - (iii) a notice of application and supporting affidavits under subrule (1) (a) or (b), and
 - (b) until the court has decided the application or the issue raised by the pleading, petition or response to petition, the party may, without submitting to the jurisdiction of the court,
 - (i) apply for, enforce or obey an order of the court, and
 - (ii) defend the family law case on its merits.

Rule 18-3 – Appeals

Application

- (1) If an appeal or an application in the nature of an appeal from a decision, direction or order of any person or body, including the Provincial Court, is authorized by an enactment to be made to the court or to a judge, the appeal is governed by this rule to the extent that this rule is not inconsistent with any procedure provided for in the enactment.

Form

- (2) An appeal is to be started by filing in a registry a notice of appeal in Form F79 or Form F80.

Directions

- (3) A notice of appeal must include
 - (a) the standard set of directions, in the form directed by the Chief Justice, governing the conduct of the appeal, or
 - (b) an application for directions as to the conduct of the appeal.

Conduct of appeal

- (4) If the notice of appeal includes a standard set of directions under subrule (3) (a), the appeal must be conducted in accordance with those directions unless the court otherwise orders.

Application for directions

- (5) Unless the court otherwise directs, an application for directions under subrule (3) (b) must be set for hearing on a date that is at least 7 days after the date on which the notice of appeal is served in accordance with subrule (6).

Service of notice of appeal

- (6) Unless the court otherwise orders, a notice of appeal must be served on
 - (a) the person or body that gave the decision or direction, or made the order, being appealed, and
 - (b) all other persons who may be affected by the order sought.

Powers of court

- (7) The court may give directions for the proper hearing and determination of an appeal and, without limiting this, may make an order
 - (a) that documents, transcripts or minutes be produced,
 - (b) that evidence be introduced by way of affidavit, or that it be given orally,
 - (c) that the appeal be determined by way of stated case or argument on a point of law,
 - (d) prescribing time limits for taking steps in and for the hearing of the appeal, or
 - (e) that the appeal be disposed of summarily,and may exercise any of the powers of the court exercisable in a petition proceeding.

Filing notice of interest

(SUB)
Jul
01/11

- (8) A person who intends to oppose an appeal must
 - (a) file a notice of interest in Form F77 within the following period:
 - (i) if the person was served with the notice of appeal anywhere in Canada, within 7 days after that service;
 - (ii) if the person was served with the notice of appeal anywhere in the United States of America, within 14 days after that service;
 - (iii) if the person was served with the notice of appeal anywhere else, within 28 days after that service, and
 - (b) promptly after filing the notice of interest, serve a copy of the filed notice of interest on the appellant.

[am. B.C. Reg. 95/2011, Sch. B.]

Notice of hearing of appeal

- (9) After obtaining from a registrar a date for the hearing of the appeal, if the appellant wishes to proceed with the appeal, the appellant must set the appeal for hearing on that date by
 - (a) filing a notice of hearing of appeal in Form F81, and
 - (b) serving a copy of the filed notice of hearing of appeal on all parties.

Notice of abandonment of appeal

- (10) An appellant may abandon an appeal by
 - (a) filing a notice of abandonment of appeal in Form F82, and

- (b) serving a copy of the filed notice of abandonment of appeal on all parties.

PART 19 – Judgments from Other Courts

Rule 19-1 – Canadian Judgments

Definition

- (1) In this rule, "**Canadian judgment**" has the same meaning as in the *Enforcement of Canadian Judgments and Decrees Act*.

Registration requirements for Canadian judgments

- (2) A person wishing to register a Canadian judgment under the *Enforcement of Canadian Judgments and Decrees Act* must, for the purposes of section 3 (1) (b) of that Act, file a certified English translation of the Canadian judgment if the judgment was made in a language other than English.

Rule 19-2 – Foreign Judgments

Definitions

- (1) In this rule:

"convention" means the Convention for the Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters, the English language version of which is set out in Schedule 4 of the *Court Order Enforcement Act*;

"reciprocally enforceable judgment" means a judgment that may be registered under Part 2 or 4 of the *Court Order Enforcement Act*.

Application under *Court Order Enforcement Act*

- (2) A family law case to register a reciprocally enforceable judgment must be started by petition.

Affidavit in support

- (3) The application for registration of a reciprocally enforceable judgment must be supported by an affidavit
 - (a) exhibiting
 - (i) a certified copy of the judgment under the seal of the original court,
 - (ii) if section 29 (2) of the *Court Order Enforcement Act* applies to the application, the certificate referred to in section 29 (3) of that Act, and
 - (iii) a certified translation of the judgment or certificate if made in a language other than English, and
 - (b) stating, to the best of the information and belief of the person swearing or affirming the affidavit,
 - (i) that the judgment creditor is entitled to enforce the judgment,

- (ii) the amount presently owing on the judgment,
- (iii) the full name, occupation and usual or last known residence or place of business of the judgment creditor and judgment debtor respectively,
- (iv) whether the judgment debtor
 - (A) was personally served with the process of the original court,
 - (B) was served with the process of the original court other than by personal service, or
 - (C) participated in the proceeding or otherwise submitted to the jurisdiction of the original court, and
- (v) that the judgment is not one that is disqualified from registration either under section 29 (6) of the *Court Order Enforcement Act* or under Article II, paragraph 2, or Article IV, paragraph 1, of the convention, whichever is applicable.

Applications for reciprocal enforcement of judgment

- (4) Notice of an application to register a reciprocally enforceable judgment need not be given to the judgment debtor if
 - (a) the application is made under Part 4 of the *Court Order Enforcement Act*, or
 - (b) the application is made under Part 2 of the *Court Order Enforcement Act* and section 29 (2) of that Act applies to the application.

Form of order to register

- (5) The order to register the judgment must be in Form F83.

Notice of registration

- (6) If a reciprocally enforceable judgment is registered, and the judgment debtor had no notice of the application for registration, notice of the registration must be given to the judgment debtor within one month after the registration.

Setting aside registration of judgment under convention

- (7) The court may order that the registration of a judgment under Part 4 of the *Court Order Enforcement Act* be set aside if the judgment debtor was not duly served with the process of the original court, unless the judgment debtor participated in the proceeding or otherwise submitted to the jurisdiction of the original court.

Stay of enforcement

- (8) The court may make an order staying or limiting the enforcement of a judgment registered under Part 4 of the *Court Order Enforcement Act*, subject to any terms and for any period the court considers appropriate, if
 - (a) the judgment is not final,
 - (b) an appeal is pending, or
 - (c) the time for appeal has not expired.

Stay of proceeding in family law case on foreign judgment

- (9) A respondent in a family law case on a foreign judgment, whether or not it is a reciprocally enforceable judgment, on proof that an appeal or other proceeding in the nature of an appeal is pending or the time for appeal has not expired, may apply for an order staying the family law case until the determination of the appeal or other proceeding on terms that the court may impose.

PART 20 – Special Rules for Certain Parties

Rule 20-1 – Partnerships

Partners may sue or be sued in firm name

- (1) Two or more persons claiming to be entitled, or alleged to be liable, as partners may sue or be sued in the name of the firm in which they were partners at the time when the alleged right or liability arose.

Service on firm

- (2) Service is effected on a firm by leaving a copy of the document to be served with
 - (a) a person who was a partner at the time the alleged right or liability arose, or
 - (b) a person at a place of business of the firm who appears to manage or control the partnership business there.

Responding pleading

- (3) A response to family claim, response to counterclaim or response to petition by a partnership must be in the name of the firm, but a partner or a person served as a partner may file a response to family claim, response to counterclaim or response to petition and defend in the person's own name, whether or not named in the notice of family claim, counterclaim or petition.

Affidavit naming partners

- (4) If a firm is a party to a family law case, any other party may serve a notice requiring one of the partners to serve, within 10 days, an affidavit setting out the names and addresses of all persons who were partners when the alleged right or liability arose.

Court may order service

- (5) If the affidavit requested under subrule (4) is not served, the court may order service.

Execution against partnership property

- (6) If an order is made against a firm, execution to enforce the order may issue against any property of the firm.

Execution against partners

- (7) Without limiting subrule (8), if an order is made against a firm, execution to enforce the order may issue against any person who
 - (a) filed a response to family claim, response to counterclaim or response to petition in the family law case in the person's own name as a partner,

- (b) having been served with the notice of family claim, counterclaim or petition as a partner, failed to file a response to family claim, response to counterclaim or response to petition in the family law case,
- (c) admitted in a pleading or affidavit that the person is a partner, or
- (d) was adjudged to be a partner.

Execution against other persons

- (8) If a party who has obtained an order against a firm claims that a person who is not a person described in subrule (7) is liable to satisfy the order as being a member of the firm, the party may apply to the court for leave to issue execution against that person.

Liability may be determined

- (9) If the person against whom an application under subrule (8) is made disputes liability, the court may order that the liability of the person be determined in any manner in which an issue or question in a family law case may be determined.

Family law case against person carrying on business in a name other than the person's own

- (10) A person carrying on business in a name or style other than the person's own name may be sued in that name or style as if it were the name of a firm, and this rule applies as if the person were a partner and the name in which the person carries on business were the name of that firm.

Rule 20-2 – Minors

(SUB)Party who is a minor

Mar
18/13

- (1) A minor may act without a litigation guardian in a family law case in the following circumstances:
 - (a) in a family law case brought under the *Family Law Act*, if section 201 of that Act applies;
 - (b) in any other family law case, if the minor has attained the age of 16 years.

[en. B.C. Reg. 133/2012.]

(ADD)Rule 20-3 does not apply in certain circumstances

Mar
18/13

- (1.1) Rule 20-3 does not apply to a minor who may, under subrule (1) of this rule, act without a litigation guardian in a family law case.

[en. B.C. Reg. 133/2012.]

Appointment of litigation guardian

(AM)
Mar
18/13

- (2) Without limiting section 201 of the *Family Law Act* and despite subrule (1), if the court considers that it is in the interest of a minor referred to in subrule (1) or of any child of the minor, it may, whether or not on the application of a party, appoint a litigation guardian for the minor or for the child of the minor.

[am. B.C. Reg. 133/2012.]

Rule 20-3 – Persons under Disability

Interpretation

- (1) In this rule, "**committee**" means the committee, appointed under the *Patients Property Act*, of the estate of a patient.

Start of family law case by person under disability

- (2) A family law case brought by or against a person under legal disability must be started or defended by his or her litigation guardian.

Role of litigation guardian

- (3) Unless a rule otherwise provides, anything that is required or authorized by these Supreme Court Family Rules to be done by or invoked against a party under disability must
 - (a) be done on the party's behalf by his or her litigation guardian, or
 - (b) be invoked against the party by invoking the same against the party's litigation guardian.

Lawyer must be involved

- (4) A litigation guardian must act by a lawyer unless the litigation guardian is the Public Guardian and Trustee.

Litigation guardian

- (5) Unless the court otherwise orders or an enactment otherwise provides, a person ordinarily resident in British Columbia may be a litigation guardian of a person under disability without being appointed by the court.

Committee as litigation guardian

- (6) If a person is appointed committee, that person must be the litigation guardian of the patient in any family law case unless the court otherwise orders.

Consent of litigation guardian

- (7) Before the name of a person is used in a family law case as a litigation guardian, that person's consent, signed by the person or his or her lawyer, must be filed, unless the person
 - (a) has been appointed by the court, or
 - (b) is the litigation guardian under section 35 (1) of the *Representation Agreement Act* of a party to that family law case.

Certificate of fitness

- (8) Unless a committee has been appointed, the lawyer for a person under disability, before acting in a family law case, must, unless subrule (9) applies, file a certificate that he or she knows or believes that

- (a) the person to whom the certificate relates is an infant or mentally incompetent person, giving the grounds of that knowledge or belief, and if the person to whom the certificate relates is a mentally incompetent person, that a committee has not been appointed for the person, and
- (b) the proposed litigation guardian of the person under disability has no interest in the family law case adverse to that person.

Certificate for a litigation guardian

- (9) The lawyer for a person who, under section 35 (1) of the *Representation Agreement Act*, has a litigation guardian must, before acting in a family law case to which the person is a party, file a certificate certifying that the lawyer knows or believes that
 - (a) the person has entered into a representation agreement,
 - (b) the litigation guardian is a representative under that representation agreement and is authorized under section 7 (1) (d) of the *Representation Agreement Act* in relation to the family law case, and
 - (c) the litigation guardian has no interest in the family law case adverse to the person.

Party becoming incompetent

- (10) If a party to a family law case becomes a mentally incompetent person, the court must appoint a litigation guardian for him or her unless
 - (a) a committee has been appointed for the party, or
 - (b) the party has a litigation guardian under section 35 (1) of the *Representation Agreement Act*.

Removal of litigation guardian

- (11) If it is in the interest of a party who is under disability, the court may remove, appoint or substitute a litigation guardian.

Party attaining age of majority

- (12) A party to a family law case who attains the age of majority may, if the party is then under no legal disability,
 - (a) file an affidavit, in Form F84, confirming the attainment of the age of majority, and
 - (b) serve a copy of the filed affidavit on all parties.

Effect of filing affidavit

- (13) After an affidavit is filed under subrule (12) (a),
 - (a) the party on whose behalf the affidavit was filed assumes conduct of that party's claim or defence in the family law case, and
 - (b) the style of proceeding must no longer refer to a litigation guardian for that party.

Step in default

- (14) A party must not take a step in default against a person under disability without leave of the court.

Service

- (15) Unless the court otherwise orders, notice of an application for leave under subrule (14) must be served on the person under disability at least 10 days before the hearing of the application, in the manner provided by Part 6.

Litigation guardian must be appointed

- (16) If no response to family claim, response to counterclaim or response to petition has been filed to a notice of family claim, counterclaim or petition on behalf of a person under disability, the person who started the family law case, before continuing the family law case against the person under disability, must obtain an order from the court appointing a litigation guardian for the person under disability.

Compromise by person under disability

- (17) Unless an enactment otherwise provides, if a claim is made by or on behalf of a person under disability, no settlement, compromise, payment or acceptance of money paid into court, whenever entered into or made, so far as it relates to that person's claim, is binding without the approval of the court.

Approval of compromise

- (18) If, before a family law case is started, an agreement is reached for the settlement or compromise of a claim of a person under disability, whether alone or with others, and it is desired to obtain the court's approval, application may be made by petition and the court may make any order it considers will further the object of these Supreme Court Family Rules.

Rule 20-4 – Declaratory Relief

Declaratory order

- (1) A proceeding is not open to objection on the ground that only a declaratory order is sought, and the court may make binding declarations of right whether or not consequential relief is or could be claimed.

Rule 20-5 – Persons Who Are Not Required to Pay Fees

(SUB) Court may order that no fees are payable

Jul
01/15

- (1) If the court, on application made in accordance with subrule (3) before or after the start of a family law case, finds that a person
- (a) receives benefits under the *Employment and Assistance Act* or the *Employment and Assistance for Persons with Disabilities Act*, or

- (b) cannot, without undue hardship, afford to pay the fees under Schedule 1 of Appendix C in relation to the family law case,

the court may order that no fees are payable by the person to the government under Schedule 1 of Appendix C in relation to the family law case unless the court considers that the claim or defence

- (c) discloses no reasonable claim or defence, as the case may be,
- (d) is scandalous, frivolous or vexatious, or
- (e) is otherwise an abuse of the process of the court.

[en. B.C. Reg. 104/2015.]

Application of order

- (2) An order under subrule (1) may apply to one or more of the following:
 - (a) a family law case generally;
 - (b) any part of a family law case;
 - (c) a specific period of time;
 - (d) one or more particular steps in a family law case.

How to apply

- (3) An application under subrule (1) may be made by filing
 - (a) a requisition in Form F17,
 - (b) a draft of the proposed order in Form F85, and
 - (c) an affidavit in Form F86.

(SUB)
Jul
01/11

[am. B.C. Reg. 95/2011, Sch. B.]

Review, variation or rescission of order

- (4) On application or on the court's own motion, the court may review, vary or rescind any order made under subrule (1) or (2).

No fee payable

- (5) Despite anything in this rule, if the court makes an order in relation to a person under this rule, no fee is payable by the person to the government under Schedule 1 of Appendix C in relation to
 - (a) the family law case,
 - (b) the part of the family law case,
 - (c) the period of time, or
 - (d) the stepsto which the order applies.

[am. B.C. Reg. 119/2010, Sch. B.]

Rule 20-6 – Litigation Representatives

(ADD)**Definition**

May
26/14

- (1) In this rule, "**litigation representative**", in relation to the estate of a deceased, means a person referred to in subrule (3) who is starting, conducting or defending a family law case referred to in subrule (2) on behalf of the deceased's estate.

[en. B.C. Reg. 90/2014, Sch. 2.]

(ADD)**Application of rule**

May
26/14

- (2) This rule applies if
- (a) a person who has or may have a cause of action dies before starting a family law case in relation to that cause of action,
 - (b) a person against whom a cause of action may be asserted dies before a family law case is started in relation to that cause of action,
 - (c) a person who has started a family law case dies before judgment is pronounced in that family law case, or
 - (d) a person against whom a family law case has been started dies before judgment is pronounced in that family law case,
- and the cause of action, in relation to which the family law case may be or has been started, survives.

[en. B.C. Reg. 90/2014, Sch. 2.]

(ADD)**Starting, conducting or defending a family law case on behalf of deceased's estate**

May
26/14

- (3) If there is no personal representative for a deceased's estate, the court may, on application brought in accordance with subrule (5), appoint a person as a litigation representative to start, conduct or defend a family law case referred to in subrule (2) on behalf of the deceased's estate.

[en. B.C. Reg. 90/2014, Sch. 2.]

(ADD)**Notice of application required**

May
26/14

- (4) Before making an order under subrule (3), the court may require notice of the application to be given to a person having an interest in the deceased's estate.

[en. B.C. Reg. 90/2014, Sch. 2.]

(ADD)**Procedure for application**

May
26/14

- (5) An application under subrule (3) may be brought without notice under Rule 10-8.

[en. B.C. Reg. 90/2014, Sch. 2.]

(ADD)**No authorization to distribute proceeds**

May
26/14

- (6) Nothing in this rule authorizes a person who is not the personal representative of the deceased to distribute proceeds of a proceeding that belong to the deceased's estate to anyone other than the personal representative.

[en. B.C. Reg. 90/2014, Sch. 2.]

(ADD) Substitution required

May
26/14

- (7) A litigation representative conducting or defending a family law case referred to in subrule (2) (c) or (d) must, under Rule 8-2, be substituted for the deceased as a party in the family law case.

[en. B.C. Reg. 90/2014, Sch. 2.]

(ADD) When personal representative is appointed

May
26/14

- (8) If
- (a) a person becomes a personal representative for a deceased's estate after a litigation representative is appointed, and
 - (b) a family law case referred to in subrule (2) has been started in relation to the deceased,
- the personal representative must, on application under Rule 8-2,
- (c) be substituted for the deceased as a party in the family law case, or
 - (d) if a litigation representative is conducting or defending the family law case, be substituted for the litigation representative as a party in the family law case, unless an order is made in respect of the proceeding under section 151 of the *Wills, Estates and Succession Act*.

[en. B.C. Reg. 90/2014, Sch. 2.]

PART 21 – General

Rule 21-1 – Forms and Documents

Forms

- (1) The forms in Appendix A must be used if applicable, with variations as the circumstances of the family law case require, and each of those forms must be completed by including the information required by that form in accordance with any instructions included on the form.

Documents

- (2) Unless the nature of the document renders it impracticable, every document prepared for use in the court must be in the English language, legibly printed, typewritten, written or reproduced on 8 1/2 inch x 11 inch durable white paper or durable off-white recycled paper.

Transcripts

- (3) Transcripts of oral evidence must conform to subrule (2).

Space for stamp

- (4) The first page of each document prepared for use in a family law case must contain a blank area extending at least 5 centimetres from the top of the page and at least 5 centimetres from the left edge of the page.

Style of proceeding

- (5) A document prepared for use in a family law case must be headed with the style of proceeding set out on the most recent notice of family claim, counterclaim or petition to be filed in that family law case, but in a document, other than an order or a document that starts a family law case, if there is more than one party to the family law case identified as a claimant or as any other classification of party, the style of proceeding may be abbreviated to show the name of the first party listed in that classification, followed by the words "and others".

Rule 21-2 – Time

Computation of time

- (1) Unless a contrary intention otherwise appears, if a period of less than 7 days is set out by these Supreme Court Family Rules or in an order of the court, holidays are not counted.

Extending or shortening time

- (2) The court may extend or shorten any period of time provided for in these Supreme Court Family Rules or in an order of the court, even though the application for the extension or the order granting the extension is made after the period of time has expired.

Extending or shortening time respecting documents

- (3) The period fixed by these Supreme Court Family Rules or an order for serving, filing or amending a pleading or other document may be extended by consent.

Notice of intention to proceed after delay of one year

- (4) In a family law case in which judgment has not been pronounced and no step has been taken for one year, a party must not proceed until
 - (a) the expiration of 28 days after service of notice of that party's intention to proceed in Form F48 on all parties, and
 - (b) a copy of the notice of intention to proceed and proof of its service has been filed.

Want of prosecution

- (5) Despite this rule, a respondent may apply to have a family law case dismissed for want of prosecution without serving a notice of intention to proceed in Form F48.

Attendance

- (6) Attendance on an appointment before an official reporter within 1/2 hour following the time fixed for the appointment is a sufficient attendance.

Rule 21-3 – Multiple Claims and Parties

Multiple claims

- (1) Without limiting Rule 3-1 (5) but subject to subrule (6) of this rule, a person, whether claiming in the same or different capacities, may join several claims in the same family law case.

Multiple parties

- (2) Subject to subrule (6), a family law case may be started by or against 2 or more persons in any of the following circumstances:
 - (a) if separate family law cases were brought by or against each of those persons, a common question of law or fact would arise in all the family law cases;
 - (b) a right to relief claimed in the family law cases, whether it is joint, several or alternative, is in respect of or arises out of the same transaction or series of transactions;
 - (c) the court grants leave to do so.

Joining persons jointly entitled to relief

- (3) Subject to any enactment or these Supreme Court Family Rules or unless the court otherwise orders, a claimant or petitioner who claims relief to which any other person is jointly entitled must name as parties to the family law case all persons so entitled, and any of them who do not consent to be named as a claimant or petitioner must be made a respondent.

If persons are jointly liable

- (4) If relief is claimed against a person who is jointly liable with some other person, the other person need not be named as a party to the family law case, but if persons may be jointly, but not severally, liable and relief is claimed against some but not all of those persons in a family law case, the court may stay the family law case until the other persons who may be liable are named as parties.

Party need not be interested in all relief

- (5) It is not necessary that every person named as a party be interested in all the relief sought in a family law case, but the court may order that a party be compensated for being required to attend, or be relieved from attending, a part of a trial or hearing in which that party has no interest.

Separation

- (6) If a joinder of several claims or parties in a family law case may unduly complicate or delay the trial or hearing of the family law case or is otherwise inconvenient, the court may order separate trials or hearings or make any other order it considers will further the object of these Supreme Court Family Rules.

Separating counterclaim

- (7) If a counterclaim ought to be disposed of by a separate family law case, the court may so order.

Consolidation

- (8) Family law cases may be consolidated at any time by order of the court or may be ordered to be tried at the same time or on the same day.

(ADD) Consolidation of proceedings with Provincial Court proceedings

Mar
18/13

- (8.1) If, under section 194 (3) (c) of the *Family Law Act*, one or more Provincial Court proceedings are to be consolidated with one or more Supreme Court proceedings, the court may, in the order for consolidation, make any orders it considers will further one or both of the object of these Supreme Court Family Rules and the object of the *Family Law Act*, including, without limitation, orders respecting the following:
- (a) the amendment, filing and service of pleadings;
 - (b) any matter in relation to which the court may make an order at a judicial case conference under Rule 7-1 or at a trial management conference under Rule 14-3.
- [en. B.C. Reg. 133/2012.]

Misjoinder or nonjoinder of parties

- (9) A family law case must not be defeated by reason of the misjoinder or nonjoinder of a party and the court may deal with the matter in controversy so far as it affects the rights and interests of the parties before it.

Rule 21-4 – Change of Lawyer

Change of lawyer

- (1) A party to a family law case
 - (a) may change lawyers,
 - (b) having acted on his or her own behalf, may engage a lawyer to act, or
 - (c) having been represented by a lawyer, may discharge the lawyer and act on his or her own behalf,but until copies of notice of the change in Form F87 or F88 have been filed and served on the other parties, the other parties are entitled to proceed on the basis that there has been no change of representation or address for service.

Order that lawyer has ceased to act

- (2) If
 - (a) a lawyer for a party has died, cannot be found or for any reason is unable to practise, and
 - (b) the party has not given notice of change of lawyer or of intention to act in person in accordance with subrule (1),the court, on the application of any other party, may order that the lawyer has ceased to be the lawyer of the first mentioned party.

Order on application of lawyer

- (3) If a lawyer who has acted for a party to a family law case has ceased to act and the party has not given a notice of change in accordance with subrule (1), the court, on the application of the lawyer, may declare that the lawyer has ceased to be the lawyer acting for the party and, if applicable,
 - (a) may declare that the lawyer's office is not the address for service of the party and give directions as to a new address for service, and
 - (b) may declare that the lawyer's fax number or e-mail address may no longer be used for service and give directions for a new fax number or e-mail address for service.

Notice of intention to withdraw

- (4) As an alternative to proceeding under subrule (3), a lawyer who has ceased to act for a party who has not given a notice of change under subrule (1) may serve a notice of intention to withdraw in Form F89 on that party and on the other parties.

Filing of objection

- (5) If a party on whom a notice of intention to withdraw is served under subrule (4) wishes to object to the withdrawal, the party must, within 7 days after service,
 - (a) file in the registry an objection in Form F90, and
 - (b) serve on the lawyer a copy of the filed objection.

Procedure if no objection filed

- (6) A lawyer who serves a notice of intention to withdraw under subrule (4) on all parties to a family law case may file a notice of withdrawal of lawyer in Form F91 if no objection, notice of change of lawyer or notice of intention to act in person is filed within 7 days after service of the notice of intention to withdraw.

Service of notice of withdrawal

- (7) If a lawyer files a notice of withdrawal of lawyer under subrule (6), the lawyer ceases to be the party's lawyer when the notice has been served on all parties.

Service of documents after withdrawal

- (8) After a lawyer ceases under subrule (7) to be a party's lawyer, the party's address for service is, until that address is changed under Rule 6-1 (3), the address set out in the notice of withdrawal of lawyer filed under subrule (6) of this rule.

Procedure if objection filed

- (9) If, within the 7 day period referred to in subrule (6), an objection is filed in the registry, the lawyer may apply, on notice to each party who has filed an objection, for an order under subrule (3).

Substituted service

- (10) If personal service of a notice of intention to withdraw cannot be made in accordance with Rule 6-3 (2) on a party for whom the lawyer acts, the lawyer may apply for an order under Rule 6-4 allowing service by an alternative method.

Service of copy of order

- (11) An applicant who obtains an order under subrule (2) or (3) must serve a copy of the entered order on all parties and, until it is served, a party is entitled to proceed on the basis that there has been no change of lawyer or address for service.

Rule 21-5 – If Parties Fail to Comply with These Rules

If party does not comply with the rules

- (1) If a party does not comply with these Supreme Court Family Rules, the court may do one or more of the following:
- (a) if the party who has not complied is a claimant or a respondent who has brought a counterclaim,
 - (i) strike out the notice of family claim, counterclaim or petition, and
 - (ii) grant judgment dismissing the claims made in the notice of family claim, counterclaim or petition;
 - (b) if the party who has not complied is a respondent or a respondent to counterclaim, strike out the response to family claim, response to counterclaim or response to petition;
 - (c) set aside a step taken;

- (d) make an order for costs against the party;
- (e) make any other order it considers will further the object of these Supreme Court Family Rules.

Non-compliance with rules

- (2) Unless the court otherwise orders, a failure to comply with these Supreme Court Family Rules must be treated as an irregularity and does not nullify
 - (a) a family law case,
 - (b) a step taken in the family law case, or
 - (c) any document or order made in the family law case.

[en. B.C. Reg. 119/2010, Sch. B.]

Rule 21-6 – If Parties Fail to Attend

Failure of party to attend

- (1) Without limiting Rule 21-5, if a party fails to attend at a trial or hearing at the time appointed for that trial or hearing, the court may, after receipt of any evidence of service it considers appropriate, do one or more of the following:
 - (a) proceed with the trial or hearing;
 - (b) draw any inference from the failure to attend that the court considers appropriate, including attributing an amount of income to the party;
 - (c) grant some or all of the relief sought.

Failure of all parties to appear at trial

- (2) Unless the court otherwise orders, if no party is in attendance when the trial of a family law case is called, the family law case must be struck off the trial list.

Court may set aside judgment

- (3) A party may apply to set aside a judgment obtained at trial in that party's absence.

Rule 21-7 – Contempt of Court

Power of court to punish

- (1) The power of the court to punish contempt of court must be exercised by an order of committal or by imposition of a fine or both.

Corporation in contempt

- (2) If a corporation wilfully disobeys an order against the corporation, the order may be enforced by one or more of the following:

- (a) imposition of a fine on the corporation;
- (b) committal of one or more directors or officers of the corporation;
- (c) imposition of a fine on one or more directors or officers of the corporation.

Security

- (3) Instead of or in addition to making an order of committal or imposing a fine, the court may order a person to give security for the person's good behaviour.

Certain acts as contempt

- (4) A person who is guilty of an act or omission described in Rule 14-7 (25), in addition to being subject to any consequences prescribed by those rules, is guilty of contempt of court and subject to the court's power to punish contempt of court.

If person may be guilty of contempt

- (5) If the court is of the opinion that a person may be guilty of contempt of court, it may order, by warrant in Form F92 directed to a sheriff or other officer of the court or to a peace officer, that the person be apprehended and brought before the court.

Power of court after apprehension

- (6) If a person referred to in subrule (5) is apprehended and brought before the court, the court in a summary manner may adjudge the innocence or guilt of the person and punish the person for the contempt, if any, or may give the directions it thinks fit for the determination of the person's innocence or guilt and punishment.

If corporation may be guilty of contempt

- (7) If the court is of the opinion that a corporation may be guilty of contempt of court, it may order, by its warrant in Form F92 directed to a sheriff or other officer of the court or to a peace officer, that any director, officer or employee of the corporation be apprehended and brought before the court.

Power of court after apprehension

(AM)
Jul
01/12

- (8) If a director, officer or employee referred to in subrule (7) is apprehended and brought before the court, the court in a summary manner may adjudge the innocence or guilt of the corporation and punish the corporation for the contempt, if any, or may give the directions it thinks fit for the determination of its innocence or guilt and the punishment to be imposed.

[am. B.C. Reg. 112/2012, Sch. B.]

Release of apprehended person

- (9) The court may order the release of a person apprehended under subrule (5) or (7) on receiving an undertaking in Form F93 from that person.

Order for release

- (10) A release order under subrule (9) must be in Form F94.

Proceeding for contempt

- (11) A party applying for an order for contempt must serve the alleged contemnor with a copy of the filed notice of application and all filed affidavits in support of it at least 7 days before the hearing of the application.

Affidavit

- (12) An application under subrule (11) must be supported by affidavit setting out the conduct alleged to be contempt of court.

Hearing

- (13) The court may give directions as to the mode of hearing the application, including an order that the matter be transferred to the trial list under Rule 10-3 (7) (d).

Service of order not necessary

- (14) If the court is satisfied that a person has actual notice of the terms of an order of the court, it may find the person guilty of contempt for disobedience of the order, even though the order has not been served on the person.

Suspension of punishment

- (15) The court at any time may direct that the punishment for contempt be suspended for the period or on the terms or conditions the court may specify.

Discharge of person

- (16) The court, on application by or on behalf of a person committed to prison for contempt may discharge that person, even though the period of the committal may not have elapsed.

Weekly review of person in custody

- (17) If the court orders a person committed without specifying in days, weeks or months the period of the committal, the sheriff must bring that person before the court at intervals of not more than 7 days, in order that the court may review the committal and determine whether relief as set out in subrule (15) or (16) should be granted.

PART 22 – Court and Registry Matters

Rule 22-1 – Powers of Court

Court may adjourn trial, hearing or conference

- (1) Whether or not the parties consent, the court may adjourn a trial, hearing or conference to a specific date or without setting a date.

Waiver or modification

- (2) The court may, at any time,
 - (a) waive or modify a time limit set by these Supreme Court Family Rules or by an order of the court, even after the time limit has expired, and
 - (b) waive or modify any service or notice requirement under these Supreme Court Family Rules.

Attendance by telephone or other means

- (3) A person entitled or required to attend court may attend by telephone, video conference or other communications medium if
 - (a) the court authorizes attendance in that manner, and
 - (b) all persons participating, whether by telephone, by video conference, by other communications medium or in person, are able to communicate with each other.

Court may direct how attendance by telephone or other means is to be conducted

- (4) If the court considers it appropriate for a person to attend court by telephone, video conference or other communications medium, the court may direct the manner in which the attendance is to be conducted.

Court may refer calculation of child support

- (5) If the regional manager has advised the court in writing that a person designated by the Attorney General to provide assistance in the calculation of child support is readily available to the court, the court may, at any time,
 - (a) refer calculation of child support to that person, and
 - (b) require that the results of that calculation be reported back to the court.

Security for costs

- (6) The court may make an order for security for the costs of a party.

No stay on appeal

(AM)
Mar
01/21

- (7) If a parenting order, a contact order, a guardianship order, an order respecting parenting arrangements or contact with a child or a support order is appealed, the order remains in force until the determination of the appeal, unless the court that made the order otherwise directs.

[am. B.C. Regs. 133/2012; 208/2020.]

Same judge or master

- (8) Whenever practicable and appropriate, the same judge or master is to manage and hear all of the following in a family law case:
- (a) applications;
 - (b) judicial case conferences;
 - (c) the trial.

Rule 22-2 – Registry Operations

Copy of document filed in registry

- (1) Unless otherwise provided by an enactment, a person may, on payment of the proper fees, obtain from the registry a copy of a document on file in a family law case.

When registry open

- (2) Except on Saturdays, holidays and those days that are prescribed by the Lieutenant Governor in Council as holidays for the Public Service of British Columbia, the registry is to be kept open to the public for the transaction of business from 9 a.m. until 4 p.m.

Hours of registrar

- (3) The hours of attendance by a registrar and the registry staff are from 8:30 a.m. until 4:30 p.m.

Lunch hours

- (4) If a registry has insufficient staff to allow continuous staff attendance at the lunch hour, the Chief Justice may, in writing, authorize that registry to close.

Use of seal

- (5) In each registry, the seal of the court must be stamped on every
- (a) notice of family claim, and
 - (b) other document requiring a seal
- issued from or filed in that registry.

Name of registry

- (6) The name of the registry must be written or stamped on the face of every document issued from or filed or recorded in that registry.

Signature of registrar

- (7) If the signature or endorsement of a registrar is required on a document, the document is deemed to have been signed or endorsed by the registrar if the document is signed or endorsed by a person appointed for that purpose by the registrar.

Business not to be conducted out of office hours

- (8) In case of urgency, the court may order that a registry be opened for the purpose of commencing a proceeding or for some other good reason.

Request to registrar by requisition

- (9) Unless these Supreme Court Family Rules provide otherwise, if a person wishes a registrar to perform some act under these Supreme Court Family Rules,
- (a) the person must make the request by requisition in Form F17 unless these Supreme Court Family Rules otherwise provide, and
 - (b) the registrar may discard the requisition after the required act has been done.

Incapacity of judge

- (10) If an application ought to be made to, or any jurisdiction ought to be exercised by, the judge by whom a family law case has been tried or partly tried, or heard or partly heard, then, if that judge dies or ceases to be a judge of the court during or after the trial or hearing, or if for any other reason it is impossible or inconvenient for that judge to act in the family law case, the Chief Justice or next senior judge of the court may, either by a special order or by a general order, nominate some other judge to whom the application may be made or by whom the jurisdiction may be exercised.

Powers of substituted judge

- (11) Without limiting subrule (10), the other judge nominated under that subrule may
- (a) order that the family law case be restored to the proper registry for retrial or rehearing,
 - (b) if, on the original trial or hearing, evidence was given orally, direct that the retrial or rehearing be on
 - (i) an official transcript of that evidence,
 - (ii) transcript, evidence given orally and evidence given by affidavit,
 - (iii) new evidence, or
 - (iv) any other basis,as in the judge's opinion the circumstances of the family law case require, and
 - (c) dispose of the costs of the original trial or hearing and of the costs of furnishing any copies of the transcript of the evidence, or refer the question of costs to the judge presiding at the retrial or rehearing.

[am. B.C. Reg. 176/2023, Sch. 2.]

(AM)
Sep
01/23

Powers of presiding judge

(AM)
Sep
01/23

- (12) Directions for a retrial or rehearing that include a direction for the use of the transcript of the evidence do not limit or restrict the power of the judge presiding at the retrial or rehearing to permit in the judge's discretion the recalling of any witness called at the original trial or hearing, or to receive other or additional evidence.

[am. B.C. Reg. 176/2023, Sch. 2.]

Transfers

- (13) At any time after a family law case is started, the court may on application order the family law case to be transferred from the registry in which it is being conducted to any other registry of the court for any or all purposes.

Rule 22-3 – Fax Filing

Application

(AM)
Apr
04/22

- (1) This rule applies only to those family law cases that are filed at the Chilliwack, Cranbrook, Dawson Creek, Kamloops, Kelowna, Nelson, Penticton, Prince George, Prince Rupert, Rossland, Salmon Arm, Smithers, Terrace, Vernon or Williams Lake registry of the court.

[am. B.C. Reg. 321/2021, Sch. 2.]

Document may be submitted for filing by fax

- (2) Subject to this rule, a person wishing to file a document may transmit that document by fax to the applicable court registry.

Means of transmission

- (3) A document may be transmitted by fax to a registry for filing if
- (a) the document is transmitted to the appropriate registry at the fax number designated for that registry by a practice direction of the Chief Justice,
 - (b) the document is
 - (i) sent under cover of a fax cover sheet in Form F95, and
 - (ii) accompanied by payment of the applicable filing fees, and
 - (c) the document is not one referred to in subrule (4).

Application of this rule

- (4) The following documents may not be transmitted by fax to a registry for filing:
- (a) any document pertaining to the following:
 - (i) adoption;
 - (ii) reciprocal enforcement of orders under the *Court Order Enforcement Act*;
 - (b) any of the following documents:
 - (i) a certified copy of any document being filed for enforcement purposes;

- (ii) an application record or a petition record;
- (iii) a trial record;
- (iv) a proof of marriage from a foreign jurisdiction;
- (v) a certificate of judgment;
- (vi) a certificate of pending litigation;
- (vii) an affidavit of service submitted for filing in support of a default order;
- (c) any of the following documents, unless their submission by fax is authorized by the Manager, Supreme Court Scheduling of the receiving registry:
 - (i) a trial certificate;
 - (ii) a notice of trial;
 - (iii) and (iv) *Repealed*. [B.C. Reg. 119/2010, Sch. B.]
 - (v) a requisition to reset a hearing or trial;
 - (vi) a requisition requesting a judicial case conference;
- (d) a document that, with the fax cover sheet, exceeds 30 pages in length, unless its submission by fax is authorized by a registrar.
[am. B.C. Reg. 119/2010, Sch. B.]

When a document is filed

- (5) A document that is transmitted by fax to a registry for filing in accordance with subrule (3) and that is approved for filing by the registrar is filed as follows:
 - (a) the document is filed on the day it is received by the registry if any of the document, other than the fax cover sheet, is received at the fax machine of the registry at or before 4 p.m. on a day on which the registry is open for business;
 - (b) the document is filed on the next day on which the registry is open for business in any other case.

Confirmation of filing

- (6) After a document is received at the fax machine of the registry, a registrar must do the following in accordance with subrule (7):
 - (a) if the document was transmitted for filing in accordance with subrule (3) and was approved for filing by the registrar, provide to the person identified as the submitting party on the fax cover sheet
 - (i) confirmation of the fees paid, and
 - (ii) the first page of the filed document, bearing the registry stamp and file number;
 - (b) if the document was not transmitted for filing in accordance with subrule (3), or was not approved for filing by the registrar, provide to the person identified as the submitting party on the fax cover sheet
 - (i) a notice that the document has not been filed and the reasons for non-acceptance, and
 - (ii) the first page of the document.

Confirmation of filing

- (7) For the purposes of subrule (6), a registrar may provide the documents referred to in that subrule to the person identified as the submitting party on the fax cover sheet
- (a) by transmitting those documents by fax to the fax number shown on the fax cover sheet as the fax number for the submitting party, or
 - (b) in any other manner the registrar considers appropriate.

Original of document may be required by court

- (8) The court may require that the original of a document that has been filed under this rule be produced.

Rule 22-4 – Electronic Filing

Definitions

- (1) In this rule:
- "**electronic document**" means a document that has been transmitted for filing electronically;
- "**electronic services agreement**" means an agreement referred to in subrule (3);
- "**registered user**" means a person who has entered into an electronic services agreement.

This rule prevails in event of conflict

- (2) In the event of a conflict between this rule and another rule, this rule applies.

Electronic services agreement

- (AM)
May
17/18
- (3) A person wishing to file documents in a registry under this rule must
- (a) enter into an agreement with the Court Services Branch of the Ministry of Attorney General respecting the terms and conditions under which those filings may be made, and
 - (b) submit documents for filing in accordance with that agreement.
- [am. B.C. Regs. 27/2013, Sch. 2; 98/2018, Sch. 2.]

Means of transmission

- (4) A registered user may electronically transmit a document to a registry for filing if
- (a) the document is accompanied by payment of the applicable filing fees, and
 - (b) the document is not one referred to in subrule (5).

Application of this rule

- (5) The following documents may not be transmitted for filing electronically:
- (a) any document pertaining to the reciprocal enforcement of orders under the *Court Order Enforcement Act*;

(AM)
Jul
01/14

- (b) any of the following documents:
 - (i) a certified copy of any document being filed for enforcement purposes;
 - (ii) an application record, a petition record or a hearing record;
 - (iii) a trial record;
 - (iv) a proof of marriage from a foreign jurisdiction, unless such proof is issued electronically;
 - (v) a certificate of judgment;
 - (vi) a certificate of pending litigation;
 - (vii) an affidavit, filed under Rule 14-7 (59), that constitutes the evidence in chief of a witness.

[am. B.C. Reg. 121/2014.]

Affidavits and other signed documents

- (6) An affidavit or other signed document that is being filed for evidentiary purposes, if submitted for filing electronically, must clearly identify the signatory and must be accompanied by a statement, in Form F96, of the lawyer acting for the person on whose behalf the document is submitted for filing or, if that person is unrepresented, by a statement of that person, in Form F96, indicating that
 - (a) the original paper version of the document appears to bear an original signature of the person identified as the signatory and the person making the Form F96 statement has no reason to believe that the signature placed on the document is not the signature of the identified signatory, and
 - (b) the version of the document that is being submitted for filing electronically appears to be a true copy of the original paper version of the document and the person making the Form F96 statement has no reason to believe that it is not a true copy of the original paper version.

Retention of documents

- (7) A person who, under subrule (6), submits a document for filing in a family law case must
 - (a) keep the original paper version of the document until the earliest of
 - (i) the date on which the family law case, including any appeals, is finally disposed of,
 - (ii) the date on which the appeal period for that family law case has expired if no notice of appeal respecting the family law case has been filed within that period, and
 - (iii) the date on which a registrar requests that the original paper version be filed, and
 - (b) if a request is made under paragraph (a) (iii), file the original paper version promptly after that request is made.

Conversion of documents

- (8) If a document in paper form is filed with a registrar, the registrar may convert the document into electronic form and, in that event, the registrar must
 - (a) store the conversion in a computer or in another electronic system that the registrar considers appropriate, and
 - (b) retain the paper form of the document.

Inspection of original documents

- (9) A person who submits a document referred to in subrule (6) for filing electronically must, on request, make the original paper version of that document available for inspection by other parties or their lawyer and by the court.

Requisition

- (10) A person who is entitled to inspect a document under subrule (9) may, if that inspection is denied, file a requisition in Form F17 to request that the original paper version of the document be filed, and, promptly after receipt of that requisition, the registrar must make a request under subrule (7) (a) (iii).

Application of Rule 10-4

- (11) Rule 10-4 continues to apply to affidavits filed under this rule, but, in the event of a conflict between this rule and Rule 10-4 in respect of those affidavits, this rule prevails.

Electronic authentication deemed a signature

- (12) For the purposes of these Supreme Court Family Rules other than subrule (6) of this rule, a document is deemed to have been originally signed if it has been electronically authenticated in the manner contemplated by the applicable electronic services agreement.

Filing of documents

- (13) If a document that has been transmitted for filing electronically is accepted for filing by a registrar, the document is deemed to have been filed as follows:
- (a) if the document is received by the registry at or before 4 p.m. on a day that is not a Saturday or a holiday, the document is deemed to be filed on the day of receipt;
 - (b) if the document is received by the registry on a Saturday or holiday or after 4 p.m. on any other day, the document is deemed to be filed on the next day that is not a Saturday or a holiday.

Electronic acceptance

- (14) After a document that has been transmitted for filing electronically is accepted for filing by a registrar, the registrar must affix an electronic version of the registry stamp to the document and, after that, must provide a copy of the stamped electronic document, in the manner contemplated by the electronic services agreement, to the person who transmitted the document for filing.

Sealing of notice of family claim

- (15) After a registrar provides an electronic acceptance of a notice of family claim under subrule (14), the notice of family claim is deemed to have been sealed by the registrar.

Public access to documents filed electronically

- (16) After a document has been filed under this rule, a person who is otherwise entitled to view and obtain a copy of the document may, on payment of the proper fee,

- (a) obtain from the registry a paper copy of the document,
- (b) if a public access computer terminal is available in the registry, view the document on that terminal or, if the document is not available for viewing on that terminal, view on that terminal the information about the document or its contents, if any, that is available on that terminal, or
- (c) if the person is a registered user, access the document in accordance with the terms of the electronic services agreement entered into by that person.

Service of documents

- (17) A document that may or must be served on a person may, if it is an electronic document, be served on the person as follows:
 - (a) if the person has provided an e-mail address for service, by e-mailing it to that person's e-mail address for service;
 - (b) if the lawyer for the person has provided an e-mail address for service, by e-mailing it to that lawyer's e-mail address for service;
 - (c) if paragraph (a) or (b) applies and, under these Supreme Court Family Rules, multiple copies of the document are to be served, the serving party need serve only a single electronic copy of the document.

If document does not reach a person

- (18) Even though a document has been served in accordance with subrule (17), a person may show, on an application to set aside the consequences of default, on an application for an extension of time or on an application in support of a request for an adjournment, that the document
 - (a) did not come to the person's notice,
 - (b) did come to the person's notice later than when it was served or effectively served, or
 - (c) was incomplete or illegible.

Rule 22-5 – Money in Court

Interpretation

- (1) In this rule, unless the context otherwise requires:
 - "financial institution"** means a bank, credit union or trust company designated by the minister;
 - "funds"** means any money that has been paid into or deposited in court, except money paid
 - (a) under the *Court Order Enforcement Act*,
 - (b) for security for costs,
 - (c) in satisfaction of a claim, or
 - (d) for bail;
 - "minister"** means the Minister of Finance;
 - "securities"** means any bonds, stocks, shares, debentures or other securities.

Deposit of funds

- (2) All funds must be deposited promptly in a financial institution by a registrar and must, after that, be paid by the registrar to the minister, accompanied by
 - (a) a certified copy of the order directing payment in, or
 - (b) if the funds have been paid into court without an order, a statement showing the particulars of the payment in.

Deposit of securities

- (3) All securities deposited in court must be accompanied
 - (a) by a certified copy of the order directing deposit in court and listing the securities, or
 - (b) if the securities are deposited without an order listing the securities, by a statement listing the securities.

Transmission of securities

- (4) Promptly after securities are deposited in court, a registrar must transmit those securities to the minister
 - (a) by registered mail, insured to the extent of the securities' par value, or
 - (b) through a financial institution,together with a certified copy of the order or the statement.

Payment out of court

- (5) Funds and securities must be paid out or delivered, on authority of an order of the court, on production of a certified copy of the order or authorization by a registrar for payment out, and must be paid or delivered to the person named in the order or authorization.

Interest

- (6) All funds held in court draw interest, payable by the minister, for each 6 month period after December 31, 1992, at 2% below the prime lending rate of the banker to the government on January 1 and July 1 respectively in each year, with interest to be compounded on January 1 and July 1 in each year.

No other interest payable

- (7) The interest paid under this rule is instead of any interest earned on an investment made by the minister under subrule (10).

Calculation of interest

- (8) Interest under subrule (6) is payable on all funds up to \$100 000 from the first day of the month following payment into court until the last day of the month before payment out of court, and on all funds in excess of \$100 000 from the date of payment into court until the date of payment out.

Account

- (9) For the purpose of segregating the funds from other money held by the minister, the minister must create an account in the treasury designated "Investments, *Supreme Court Act*", and the funds held in this account
 - (a) constitute a trust, and
 - (b) must, at all times, be substantially equal to the funds held by the minister under this rule.

Investments

- (10) The minister may
 - (a) invest as he or she sees fit all or any part of the funds, and
 - (b) convert securities into money.

Direction for payment out

- (11) If, by an order of the court, funds are directed to be dealt with, delivered or paid out, the order is a direction to the minister to that effect.

Deposit of other money paid into court

- (12) Money paid into court, other than funds, must be deposited by a registrar in a financial institution and be paid out in accordance with the existing practice of the court, but the registrar must pay to the minister all moneys that have been on deposit for more than 2 years.

No interest on other funds

- (13) Money paid to the minister under this rule must be held by the minister in the same manner as funds deposited under subrule (2), except as to payment of interest.

Money for person under disability

- (14) In a family law case in which a sum of money or a security is awarded to a person under a disability, the court may, at or after the trial, order that the whole or any part of the sum or the security be paid,
 - (a) if the person is an infant, to the Public Guardian and Trustee in trust for the infant, or
 - (b) in any other case, into court to the credit of the person.

Payment out of money or security

- (15) If a sum of money or a security is paid into court under subrule (14) (b), the sum or the security may be paid out of court as the court may direct.

Payment in for infant

- (16) When money is paid into court to the credit of an infant, a copy of the birth certificate of the infant, or other proof to the satisfaction of a registrar of the name and date of birth of the infant, must be filed, unless the registrar dispenses with the filing.

Payment out of money held for infant

- (17) In support of an application for payment out of money paid in under subrule (16), the applicant must file a declaration in Form F97.

Rule 22-6 – Sittings and Hearings

Under direction of Chief Justice

- (1) The court must dispose of the business before it at the times and in the places the Chief Justice directs.

Urgency

- (2) In case of urgency, an application may be made personally to a judge, to a master or to a registrar.

(SUB)Hearing by communication medium

Jul
01/13

- (3) In case of urgency, or if the court or a registrar considers it appropriate to do so, the court or the registrar, as the case may be, may conduct a hearing and make an order or decision by telephone, video conference or other communication medium.

[en. B.C. Reg. 65/2013, Sch. B.]

Video conferencing

(AM)
Sep
01/23

- (4) On application by a party or on its own initiative, the court may direct
- (a) that an application be heard in person or by way of telephone, video conference or other communication medium, and
- (b) the manner in which the application is to be conducted.

[am. B.C. Reg. 176/2023, Sch. 2.]

(ADD)Application to registrar by communication medium

Jul
01/13

- (4.1) On application by a party or on a registrar's own initiative, a registrar may direct
- (a) that a hearing before a registrar be heard in person or by way of telephone, video conference or other communication medium, and
- (b) the manner in which the hearing is to be conducted.

[en. B.C. Reg. 65/2013, Sch. B; am. B.C. Reg. 176/2023, Sch. 2.]

Application must be made by requisition

(AM)
Jul
01/13

- (5) An application under subrule (4) or (4.1) for a direction that an application or a hearing before a registrar be heard by way of telephone, video conference or other communication medium
- (a) must be made by requisition in Form F17, and
- (b) must be supported by a letter, signed by the person or the person's lawyer, setting out the reasons why the order is sought.

[am. B.C. Reg. 65/2013, Sch. B.]

Rule 22-7 – Masters, Registrars and Special Referees

Powers of a master

- (1) Without limiting any other powers of a master under these Supreme Court Family Rules, a master hearing an application has the powers of the court set out in Rules 10-3 (2) to (8) and 10-9 (6) to (8).

Master as registrar

- (2) A master has the powers and jurisdiction of a registrar under these Supreme Court Family Rules.

Powers of a master in estates

- (3) A master has the powers of the court to dispose of all non-contentious business in the administration of estates.

(ADD)Hearing record

Jul
01/13

- (3.1) Before attending a registrar's hearing started by the filing of an appointment, the person taking out the appointment (in this subrule called the "applicant") must provide to the registry where the hearing is to take place, no later than 4 p.m. on the business day that is one full business day before the date set for the hearing, a hearing record as follows:
 - (a) the hearing record must be in a ring binder or in some other form of secure binding;
 - (b) the hearing record must contain, in consecutively numbered pages, or separated by tabs, the following documents in the following order:
 - (i) a title page bearing the style of proceeding and the names of the lawyers, if any, for the applicant and the persons served with the appointment (in this subrule called the "respondents");
 - (ii) an index;
 - (iii) a copy of the filed appointment and of every document that, under these rules, is required to be filed with that appointment;
 - (iv) a copy of the affidavit of service of the appointment, which copy must not include the exhibits to the affidavit;
 - (v) if the appointment is to settle an order under Rule 15-1, a copy of the reasons for judgment on which the order is based, a transcript of the order made or a copy of the clerk's notes from the hearing;
 - (vi) if the appointment is to assess costs under Rule 16-1, a copy of the entered order for costs;
 - (vii) if the appointment has been filed under Rule 18-1, a copy of the entered order referring the matter to the registrar;
 - (viii) a copy of every filed affidavit and pleading, and of every other document, that is to be relied on at the hearing;
 - (c) the hearing record may contain
 - (i) a draft of the proposed report or certificate, and
 - (ii) a list of authorities;
 - (d) the hearing record must not contain

- (i) written argument,
- (ii) copies of authorities, including case law, legislation, legal articles or excerpts from text books, or
- (iii) any other documents unless they are included with the consent of the applicant and the respondents.
[en. B.C. Reg. 65/2013, Sch. B.]

(ADD) **Dealings with hearing record**

Jul
01/13

- (3.2) Rule 10-6 (15), (17) and (18) applies to a hearing record and, for that purpose, a reference in Rule 10-6 (15), (17) or (18) to "application record" is a reference to a hearing record and a reference to an "applicant" and an "application respondent" is a reference to the applicant and respondent to the registrar's hearing respectively and a reference to the "hearing of the application" is a reference to the hearing of the registrar's hearing.

[en. B.C. Reg. 65/2013, Sch. B.]

Registrar's powers at registrar's hearing

- (4) A registrar may, in respect of any registrar's hearing, whether before that registrar or any other registrar,
- (a) extend, shorten or limit the time for any step in the registrar's hearing,
 - (b) exercise the powers that, under Rule 10-3 (2) and (3) or 22-6 (4), may be exercised by the court,
 - (c) exercise the powers set out in Rule 18-1 (5), and
 - (d) direct the parties to attend a pre-hearing conference.

(AM)
Jul
01/12

[am. B.C. Reg. 112/2012, Sch. B.]

Registrar's directions at pre-hearing conference

- (5) Without limiting Rule 18-1 (5), a registrar conducting a pre-hearing conference may give directions for the conduct of any registrar's hearing, whether or not that registrar's hearing is before the registrar conducting the pre-hearing conference, including, without limitation, directions respecting the following:
- (a) the production of documents;
 - (b) oral examinations for discovery;
 - (c) service of notices to admit;
 - (d) service of experts' reports;
 - (e) any other matter that may assist in the just and efficient determination of the issues.

Reference by master to judge

- (6) If a matter appears to a master to be proper for the decision of a judge, the master may refer it to a judge, and the judge may either dispose of the matter or refer it back to the master with directions.

Reference by registrar to judge or master

- (7) If a matter appears to a registrar to be proper for the decision of a judge or master, the registrar may refer it to a judge or master, and the judge or master may either dispose of the matter or refer it back to the registrar with directions.

(REP) **Repealed**

Jul
01/19

- (8) *Repealed.* [B.C. Reg. 105/2019]

(ADD) **Notice of appeal**

Jul
01/19

- (8.1) An appeal from an order or a decision of a master, registrar or special referee must be brought by filing a notice of appeal in Form F98 within 14 days after the order or decision is made.

[en. B.C. Reg. 105/2019.]

(ADD) **Service of notice of appeal and
appellant's statement of argument**

Jul
01/19

- (8.2) A copy of the filed notice of appeal and of the appellant's statement of argument in Form F98.1 must be served on the respondent(s) within 7 days after the notice of appeal being filed.

[en. B.C. Reg. 105/2019.]

(ADD) **Notice of interest**

Jul
01/19

- (8.3) A respondent who wishes to oppose the appeal must file a notice of interest in Form F77.

[en. B.C. Reg. 105/2019.]

(ADD) **Service of notice of interest and
respondent's statement of argument**

Jul
01/19

- (8.4) A copy of the notice of interest and of the respondent's statement of argument in the form set out in Form F98.2 must be delivered to the appellant within 14 days of after the notice of appeal and appellant's statement of argument being served.

[en. B.C. Reg. 105/2019.]

(ADD) **Transcript of reasons for judgment or decision**

Jul
01/19

- (8.5) If the order or decision from which the appeal is taken was pronounced orally rather than issued in writing, the appellant must order a transcript of the presider's reasons for judgment or decision within 14 days after the order or decision is issued.

[en. B.C. Reg. 105/2019.]

(ADD) **Transcript of oral evidence**

Jul
01/19

- (8.6) If the appeal is taken from an order or decision following a hearing in which oral evidence is taken, in addition to a transcript of the reasons for judgment or decision, the appellant must order a transcript of the oral evidence within 14 days after the order or decision is issued.

[en. B.C. Reg. 105/2019.]

(ADD) Date and time of hearing of appeal

Jul
01/19

- (8.7) If the hearing of an appeal will require more than 2 hours, the date and time of the hearing must be fixed by Supreme Court Scheduling, and if the hearing of the appeal will require 2 hours or less, it may be set on the chambers list on a date not before the expiry of the time for delivery of the respondent's notice of interest and statement of argument.

[en. B.C. Reg. 105/2019.]

(ADD) Appeal record

Jul
01/19

- (8.8) The appellant must provide to the registry where the hearing of the appeal is to take place, no earlier than 9 a.m. and no later than 4 p.m. on the business day that is one full business day before the date set for the hearing, an appeal record as follows:

- (a) the appeal record must be in a ring binder or in some other form of secure binding;
- (b) the appeal record must contain
 - (i) a title page,
 - (ii) an index,
 - (iii) a copy of the notice of appeal,
 - (iv) a copy of the order of the master or decision of the registrar or special referee that is the subject of the appeal,
 - (v) a copy of the written reasons for judgment of the master, or reasons for decision of the registrar or special referee, or, if the reasons were given orally, a transcript of the reasons,
 - (vi) a copy of the notice of application and application response, and for registrars' appeals, a copy of the appointment,
 - (vii) copies of any affidavits that were before the master, registrar or special referee that will be relied on for the appeal,
 - (viii) a transcript of any oral evidence heard by the master, registrar or special referee to be relied on for the appeal,
 - (ix) the appellant's statement of argument, not to exceed 10 pages, and
 - (x) the respondent's statement of argument, not to exceed 10 pages.

[en. B.C. Reg. 105/2019.]

(ADD) Appeal record to be returned

Jul
01/19

- (8.9) Unless the court otherwise orders, the appellant must retrieve the appeal record at the conclusion of the hearing or, if the appeal is adjourned to a date later than the following business day, after the hearing is adjourned.

[en. B.C. Reg. 105/2019.]

(ADD) Abridgement or modification of timelines

Jul
01/19 **and documents required on appeal**

- (8.10) If the circumstances of an appeal require, the timelines and document filing requirements may be abridged, extended or modified by order under Rule 21-2 (2).

[en. B.C. Reg. 105/2019.]

(REP) 9. and 10. Repealed

Jul
01/19

- (9) and (10) *Repealed.* [B.C Reg. 105/2019]

Appeal not to act as stay

- (11) An appeal from the decision of a master or registrar is not a stay of proceeding unless so ordered by the court or the master.

Rule 22-8 – Searches

Search of files

- (1) Unless the court otherwise orders,
 - (a) no person, other than the following, may search a registry file in respect of a family law case:
 - (i) a lawyer, whether or not a lawyer of a party;
 - (ii) a party;
 - (iii) a person authorized in writing by a party;
 - (iv) a person authorized in writing by a party's lawyer, and
 - (b) no person, other than the following, may search a registry file in respect of a proceeding under the *Child, Family and Community Service Act*:
 - (i) a party's lawyer;
 - (ii) a party;
 - (iii) a person authorized in writing by a party;
 - (iv) a person authorized in writing by a party's lawyer.

Electronic court docket information available

- (2) Despite any other power the registrar may have to compile and retain information, the registrar may compile and retain an index, in electronic format or otherwise, that contains the following information respecting proceedings referred to in subrule (1):
 - (a) the parties as identified in the style of proceeding;
 - (b) the case file number as set out in the style of proceeding;
 - (c) the category or type of the proceeding;
 - (d) the date the proceeding was started.

Access to information

- (3) Unless the court otherwise orders, any person may, in respect of a proceeding referred to in subrule (1), have access to the information retained in the registry under subrule (2) about that proceeding.

Limitation

- (4) Nothing in this rule requires the registrar to provide access to information in any form or format other than the form and format in which that information is available in the registry at the time that the request for access is made.

Search of exhibits

- (5) The exhibits produced at the trial or hearing of a proceeding referred to in subrule (1) must be sealed by the registrar in a secure manner and, unless the court otherwise orders, no person other than a party's lawyer, a party or a person authorized by a party or by a party's lawyer may search the exhibits.

Search of agreements

- (6) Unless the court otherwise orders, no person other than a party, a party's lawyer, a person authorized in writing by a party or a person authorized in writing by a party's lawyer may search a separation agreement filed under section 122 of the *Family Relations Act*.

PART 22.1 – Method of Attendance and Application Record Pilot Projects

Rule 22.1-1 – Method of Attendance Pilot Project

(ADD)Method of attendance

Nov
25/22

- (1) Without limiting Rule 22-6 (2), (3), (4) or (4.1), the Chief Justice may direct that a class of applications, conferences or hearings may or must be attended by way of telephone, video conference or other communication medium.

[en. B.C. Reg. 236/2022, Sch. 2.]

(ADD)Directions may be different

Nov
25/22

- (2) A direction made under subrule (1) may be different for different registries, types of applications, conferences or hearings, classes of persons or circumstances.

[en. B.C. Reg. 236/2022, Sch. 2.]

(ADD)Application to change method of attendance

Nov
25/22

- (3) Despite a direction made under subrule (1), on application by a party or on its own initiative, the court may order that an application, conference or hearing be attended in person.

[en. B.C. Reg. 236/2022, Sch. 2.]

(ADD)Application must be made by requisition

Nov
25/22
(AM)
Sep
01/23

- (4) An application under subrule (3) for an order that an application, conference or hearing be attended in person must be made by requisition in Form F19.1.

[en. B.C. Reg. 236/2022, Sch. 2; am. B.C. Reg. 176/2023, Sch. 2.]

(ADD)Directions apply

Nov
25/22

- (5) A direction made under subrule (1) applies despite any provision of these Supreme Court Family Rules that requires in-person attendance.

[en. B.C. Reg. 236/2022, Sch. 2.]

Rule 22.1-2 – Electronic Transmission of Application Record Pilot Project

(ADD)Electronic transmission of application record

Nov
25/22

- (1) Despite Rule 22-4 (4) (b) and (5) (b) (ii), the Chief Justice may direct that the application record for an application in a class of applications may or must be transmitted electronically to a registry.

[en. B.C. Reg. 136/2022, Sch. 2.]

(ADD) **Directions may be different**

Nov
25/22

- (2) A direction made under subrule (1) may be different for different registries, types of applications, classes of persons or circumstances.

[en. B.C. Reg. 136/2022, Sch. 2.]

(ADD) **Application of other rules**

Nov
25/22

- (3) Rule 10-6 (14) (a) and (d), (17) and (18) does not apply to an application record that is transmitted electronically.

[en. B.C. Reg. 136/2022, Sch. 2.]

PART 23 – Transition

Rule 23-1 – Transition

Definitions

(1) In this rule:

"appearance", "counterclaim", "requisition", "statement of claim", "statement of defence", "statement of defence to counterclaim", "statement of defence to third party notice", "third party notice" and "writ of summons" have the same meanings as they had in the former Supreme Court Rules;

"transitional family law case" means a family law case that was started before July 1, 2010.

These rules apply to transitional family law cases

(2) A transitional family law case is deemed to be a family law case started under these Supreme Court Family Rules.

Pleadings deemed to be a notice of family claim

- (3) If the person who started a transitional family law case did so by filing a writ of summons or a writ of summons and statement of claim,
- (a) the person is deemed to be the claimant in the family law case, and
 - (b) the writ of summons is, or the writ of summons and statement of claim collectively are, deemed to be the notice of family claim in the family law case.

Requisition deemed to be a notice of family claim

- (4) If the person who started a transitional family law case did so by filing a requisition,
- (a) the person is deemed to be the claimant in the family law case, and
 - (b) the requisition is deemed to be the notice of family claim in the family law case.

Petition

- (5) If the person who started a transitional family law case did so by filing a petition,
- (a) the person is deemed to be the petitioner in the family law case, and
 - (b) the petition is deemed to be a petition in the family law case.

Appearance and statement of defence deemed to be a response to family claim

- (6) If a person filed, in a transitional family law case referred to in subrule (3) or (4), an appearance, with or without a statement of defence,
- (a) the person is deemed to be a respondent in the family law case, and

- (b) the appearance is, or the appearance and statement of defence collectively are, deemed to be a response to family claim in the family law case.

Appearance deemed to be a response to petition

- (7) If a person filed, in a transitional family law case referred to in subrule (5), an appearance,
 - (a) the person is deemed to be a petition respondent, within the meaning of Rule 17-1, in the family law case, and
 - (b) the appearance is deemed to be a response to petition in the family law case.

Counterclaim and third party notice deemed to be counterclaim

- (8) If a person filed, in a transitional family law case referred to in subrule (3) or (4), a counterclaim or a third party notice,
 - (a) the person is deemed to be a respondent in the family law case, and
 - (b) the counterclaim or third party notice is deemed to be a counterclaim in the family law case.

Response to counterclaim

- (9) If, in response to a counterclaim or a third party notice, a person filed in a transitional family law case referred to in subrule (3) or (4) an appearance, with or without a statement of defence to counterclaim or a statement of defence to third party notice,
 - (a) the person is deemed to be a respondent in the transitional family law case, and
 - (b) the appearance is, the appearance and statement of defence to counterclaim collectively are, or the appearance and statement of defence to third party notice collectively are, deemed to be a response to counterclaim in the transitional family law case.

Unserved writ of summons

- (10) Unless the court otherwise orders, if, before July 1, 2010, a person filed a writ of summons, with or without a statement of claim, and that document has not, or those documents have not, been served on a person named as a respondent in the transitional family law case started by that filing, Rule 4-2 applies to the filed document or documents.

Demand for amendment

- (11) Subject to subrule (14) of this rule, a party to a family law case referred to in this rule may, by demand in Form F99, demand that a document that is deemed under this rule to be a notice of family claim, response to family claim, counterclaim, response to counterclaim, petition or response to petition be amended by the party who filed it to make it accord with these Supreme Court Family Rules.

Party must amend

- (12) If a demand is served under subrule (11), the party on whom the demand is served must, within 21 days after service, amend the deemed notice of family claim, response to family claim, counterclaim, response to counterclaim, petition or response to petition to make it accord with these Supreme Court Family Rules and that amendment does not constitute an amendment for the purposes of Rule 8-1 (1) (a).

Failure to amend

- (13) If a demand is served under subrule (11) of this rule and the party on whom the demand is served does not make the amendments required under subrule (12) within the period referred to in that subrule, the demanding party may apply to the court for an order to strike the deemed notice of family claim, response to family claim, counterclaim, response to counterclaim, petition or response to petition of the party on whom the demand is served.

No demand if final relief has been given

- (14) A demand must not be served under subrule (11) if final orders have been made in respect of all of the claims in the family law case.

Address for service

- (15) For the purposes of Rule 6-1 of these Supreme Court Family Rules, until a new address for service is provided for a party to a family law case referred to in this rule, the party is deemed to have, as an address for service in the family law case, that party's address for delivery under the former Supreme Court Rules.

Step in ongoing proceeding

- (16) If a step in a family law case is taken before July 1, 2010, the former Supreme Court Rules apply to any right or obligation arising out of or relating to that step if and to the extent that that right or obligation is to have effect before September 1, 2010.

Trial management conference

- (17) If the trial of a transitional family law case is scheduled to begin before October 1, 2010,
- (a) a trial management conference may be held in the transitional family law case at any time, or
 - (b) if a trial management conference was not required to be held in relation to the transitional family law case under the former Supreme Court Rules, the trial may proceed without a trial management conference.

Court may decide

- (18) If there is any dispute in relation to the procedure to be applied to or followed in a family law case referred to in this rule, any party may seek directions.

Rule 23-2 – *Family Law Act* Transitional Provisions

(ADD) **Transitional references**

Mar
18/13

- (1) In these Supreme Court Family Rules, as they relate to a family law case started before March 18, 2013,
 - (a) a reference to relief referred to in paragraph (a), (b), (c), (d) or (e) of the definition of "family law case" in Rule 1-1 includes reference to relief referred to in paragraph (a), (b), (c), (d), (e), (f) or (g) of the definition of "family law case" in Rule 1-1 as it read before March 18, 2013,
 - (b) a reference to a claim under the *Family Law Act* includes reference to a claim under the *Family Relations Act*,
 - (c) a reference to a claim or relief under Part 5 of the *Family Law Act* includes reference to a claim or relief under Part 5 of the *Family Relations Act*, and
 - (d) a reference to a claim or relief under Part 6 of the *Family Law Act* includes reference to a claim or relief under Part 6 of the *Family Relations Act*.

[en. B.C. Reg. 133/2012.]

(ADD) **Documents filed before March 18, 2013**

Mar
18/13

- (2) If a document filed before March 18, 2013 contains one or more claims for relief under the *Family Relations Act*, the court may, subject to sections 252 and 253 of the *Family Law Act*, treat the document, as it relates to those claims, as one seeking relief under the *Family Law Act* and make one or more orders accordingly.

[en. B.C. Reg. 133/2012.]

(ADD) **Reports prepared before March 18, 2013**

Mar
18/13

- (3) Rule 13-1 as it read before March 18, 2013 applies to any report under section 15 of the *Family Relations Act* that was completed before March 18, 2013.

[en. B.C. Reg. 133/2012.]

(ADD) **References to non-final orders in documents filed before March 18, 2013**

Mar
18/13

- (4) A reference in a filed pleading or other filed document to a non-final order is deemed to be a reference to an interim order.

[en. B.C. Reg. 133/2012.]

(ADD) **Court may decide**

Mar
18/13

- (5) If there is any dispute in relation to the procedure to be applied to or followed in a family law case started before March 18, 2013, any party may seek directions.

[en. B.C. Reg. 133/2012.]

(ADD) **Parental support**

Mar
18/13

- (6) If a proceeding started before November 24, 2011 includes a claim for parental support, the provisions of these Supreme Court Family Rules that apply to spousal support claims apply to the claim for parental support.

[en. B.C. Reg. 133/2012.]

Appendix A — Forms

Form F1 (Rule 2-2 (2))

[en. B.C. Reg. 133/2012; am. B.C. Regs. 67/2013; 208/2020; 321/2021, Sch. 2.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant 1:

Claimant 2:

NOTICE OF JOINT FAMILY CLAIM

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

1 Relationship history *[Check the correct box(es) and complete the required information.]*

<p>Claimant 1 and Claimant 2:</p> <p><input type="checkbox"/> began to live together in a marriage-like relationship on [dd/mmm/yyyy]</p> <p><input type="checkbox"/> were married on [dd/mmm/yyyy] at[city or town; province or state; country]</p> <p><input type="checkbox"/> separated on [dd/mmm/yyyy]</p> <p><input type="checkbox"/> were divorced from each other by order made on [dd/mmm/yyyy]</p> <p><input type="checkbox"/> were never married</p>

2 Divorce *[Complete if you are asking for a divorce order.]*

<input type="checkbox"/> Claimant 1 and Claimant 2 are asking for a divorce order.		
A Personal information:		
	Claimant 1	Claimant 2
Birthdate: [dd/mmm/yyyy]		

Habitually resident in British Columbia since: [dd/mmm/yyyy]		
Surname at birth:		
Surname immediately before marriage:		
Marital status immediately before marriage:	<input type="checkbox"/> never married <input type="checkbox"/> divorced <input type="checkbox"/> widowed	<input type="checkbox"/> never married <input type="checkbox"/> divorced <input type="checkbox"/> widowed
Place of marriage: [city or town; province or state; country]		

B Grounds for claim for divorce:

[If divorce is claimed as a result of having lived separate and apart, complete paragraph (i).]

(i) Claimant 1 and Claimant 2 have lived separate and apart since
 [dd/mmm/yyyy]

AND

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

- Claimant 1 and Claimant 2 have not lived together since then
- Claimant 1 and Claimant 2 have lived together again during the following period(s), in an unsuccessful attempt to reconcile: *[give dates of period(s)]*

[OR]

[If divorce is claimed on grounds other than having lived separate and apart, complete paragraph (ii) by checking both of the following boxes and completing the required information.]

- (ii) Other grounds, under section 8 (2) (b) of the *Divorce Act* (Canada):
- Adultery (the respondent has committed adultery)
- Cruelty (the respondent has treated the applicant with physical or mental cruelty of such a kind as to make continued cohabitation intolerable)

AND

There has been no condonation of any act relied on under section 8 (2) (b) of the *Divorce Act* (Canada) as a ground for divorce.

C Claimant 1 and Claimant 2 confirm 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.

D Proof of marriage: [*Check whichever one of the following boxes is correct and complete any required information.*]

A certificate of marriage or registration of marriage has been filed.

A certificate of marriage or registration of marriage is not being filed with this notice of joint family claim because [*state the reasons*] 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 registration of marriage because: [*state the reasons*]

3 Information concerning children [*Check whichever one of the following boxes is correct and complete any required information.*]

Children:

There are no children of the marriage, as defined by the *Divorce Act* (Canada), or children of whom Claimant 1 and Claimant 2 are parents within the meaning of the *Family Law Act*.

[OR]

There are children of the marriage, as defined by the *Divorce Act* (Canada), or children of whom Claimant 1 and Claimant 2 are parents within the meaning of the *Family Law Act*, and those children are:

Full name:	Birth date: [dd/mmm/yyyy]	Resides with:
------------	---------------------------	---------------

4 Orders asked for in relation to children [*Complete section 4 for those children in relation to whom you are asking for an order.*]

- A Claimant 1 and Claimant 2 are asking for the following order respecting arrangements for parenting or contact: [set out terms of proposed order]
- B Claimant 1 and Claimant 2 are asking for an order for child support as follows: [set out terms of proposed order]
- C Claimant 1 and Claimant 2 are asking for the orders under paragraphs A and B of this section under the following statute(s): [Check one or both of the following boxes, as applicable.]
 the *Divorce Act* (Canada) the *Family Law Act*

5 Spousal support [Complete section 5 if you are asking for an order for spousal support.]

- Claimant 1 and Claimant 2 are asking for an order for spousal support as follows: [set out terms of proposed order]
- Claimant 1 and Claimant 2 are asking for an order for spousal support under [Check one or both of the following boxes, as applicable.]
 the *Divorce Act* (Canada) the *Family Law Act*

6 Property and debt [Complete section 6 if you are asking for an order in relation to property or debt.]

A Property claims under the *Family Law Act*

- Claimant 1 and Claimant 2 are asking for an order for:
[Check whichever one of the following boxes is correct and complete any required information in relation to family property and family debt, as those terms are defined in the *Family Law Act*.]
 an equal division of family property and family debt
 an unequal division of family property and family debt as follows: [set out details of proposed division]

B Other property claims

- Claimant 1 and Claimant 2 ask for an order respecting an interest in property or for compensation instead of an interest in that property, as follows:
.....

7 Other [Complete section 7 if you are asking for any other order.]

- Claimant 1 and Claimant 2 are asking for an order in the following terms: [set out terms of proposed order]

8 Claimants' addresses for service [Set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service.]

Claimant 1: Fax (optional) E-mail (optional)	Claimant 2: Fax (optional) E-mail (optional)
---	---

Date:..... [dd/mmm/yyyy].....
 Signature of
 Claimant 1 lawyer for Claimant 1
 [type or print name].....

Date:..... [dd/mmm/yyyy].....
 Signature of
 Claimant 2 lawyer for Claimant 2
 [type or print name]

If in this family law case a claim is made under the Family Law Act and one or both of the parties is represented by a lawyer, each of the lawyers must complete a certificate in the following form.

LAWYER'S CERTIFICATE (FAMILY LAW ACT, s. 8 (2))

I,, lawyer for [name of party] certify that, in accordance with section 8 (2) of the *Family Law Act*, I have

(a) discussed with the party the advisability of using various types of family dispute resolution to resolve the matter, and

(b) informed the party of the facilities and other resources, known to me, that may be available to assist in resolving the dispute.

Date: [dd/mmm/yyyy].....
 Signature of lawyer
 [type or print name]

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.

Form F1.1 (Rule 2-2.1 (1))

[en. B.C. Reg. 4/2016.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Spouse 1:

Spouse 2:

APPLICATION FOR DIVORCE UNDER THE CIVIL MARRIAGE ACT(CANADA)
[Rule 21-1 of the Supreme Court Family Rules applies to all forms.]

1 Marriage information [Complete the required information.]

Spouse 1 and Spouse 2 were married on[dd/mmm/yyyy].....

The place of marriage was[city or town]....., British Columbia.

2 Residence [Complete the required information.]

Spouse 1 currently resides in[city or town; province or state; country]..... and has done so since[dd/mmm/yyyy].....

Spouse 2 currently resides in[city or town; province or state; country]..... and has done so since[dd/mmm/yyyy].....

3 Basis of application [Complete the required information.]

Spouse 1 and Spouse 2 live separate and apart and have done so since
[dd/mmm/yyyy].....

This application is made: [Check whichever one of the following boxes is correct and follow the applicable instructions.]

- by Spouse 1 and Spouse 2 jointly [*attach joint affidavit, or affidavit of each spouse, respecting the grounds for divorce under section 7 (1) of the Civil Marriage Act (Canada)*]
- by Spouse 1 with the consent of Spouse 2 [*attach affidavit of Spouse 1 respecting the grounds for divorce under section 7 (1) of the Civil Marriage Act (Canada) and an affidavit of Spouse 2 providing evidence of consent to the proceedings*]
- by Spouse 1 with an order referred to in section 7 (2) of the Civil Marriage Act (Canada) [*attach affidavit of Spouse 1 respecting the grounds for divorce under section 7 (1) of the Civil Marriage Act (Canada) and a copy of that order*]

Date:..... [dd/mmm/yyyy].....

.....
Signature of
 Spouse 1 lawyer for Spouse 1
..... [type or print name]

Date:..... [dd/mmm/yyyy].....

.....
Signature of
 Spouse 2 lawyer for Spouse 2
..... [type or print name]

Signature of Spouse 2 or lawyer for Spouse 2 required only on a joint application.

Form F1.2 (Rule 2-2.1 (2))

[en. B.C. Reg. 4/2016.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Spouse 1:

Spouse 2:

CERTIFICATE OF DIVORCE UNDER THE *CIVIL MARRIAGE ACT* (CANADA)

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

This is to certify that[*name*]..... and[*name*]....., who were married at[*place*]..... on
[*dd/mmm/yyyy*]....., were divorced under the *Civil Marriage Act* (Canada) by an order of this court which took effect and
dissolved the marriage on[*dd/mmm/yyyy*]..... .

GIVEN under my hand and the seal of this court

Date:[*dd/mmm/yyyy*].....

.....
Registrar

Form F2 (Rule 2-2 (3))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant 1:

Claimant 2:

NOTICE OF WITHDRAWAL FROM JOINT FAMILY LAW CASE
[Rule 21-1 of the Supreme Court Family Rules applies to all forms.]

TAKE NOTICE that [party] withdraws from this joint family law case.

Date:..... [dd/mmm/yyyy].....

.....

Signature of
[] filing party [] lawyer for filing party

..... [type or print name]

Form F3 (Rule 4-1 (1))

[en. B.C. Reg. 4/2016, am. B.C. Regs. 5/2021, Sch. 1; 208/2020; 321/2021, Sch. 2.]

Court File No:.....

Court Registry:.....

In the Supreme Court of British Columbia

Claimant:

Respondent:

NOTICE OF FAMILY CLAIM

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

This family law case has been started by the claimant(s) for the relief set out in section 4 below.

If you intend to respond to this family law case, you or your lawyer must

- (a) file a response to family claim in Form F4 in the above-named registry of this court within 30 days after the date on which this copy of the filed notice of family claim was served on you, and
- (b) serve a copy of the filed response to family claim on the claimant.

If you intend to make a counterclaim, you or your lawyer must

- (a) file a response to family claim in Form F4 and a counterclaim in Form F5 in the above-named registry of this court within 30 days after the date on which this copy of the filed notice of family claim was served on you, and
- (b) serve a copy of the filed response to family claim and counterclaim on the claimant and on any new parties named in the counterclaim.

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

1 Information about the parties

[Complete the following for each claimant.]

The claimant, [name], is [briefly indicate this person's relationship to other parties to this family law case]

[Complete the following for each respondent.]

The respondent, [name], is [briefly indicate this person's relationship to other parties to this family law case]

2 Spousal relationship history [Complete this section if a claimant and a respondent are or have been married or are or have been in a marriage-like relationship.]

[Check the correct box(es) and complete the required information.]

The claimant [name of claimant] and the respondent [name of respondent]

began to live together in a marriage-like relationship on [dd/mmm/yyyy]

were married on [dd/mmm/yyyy] at [city or town; province or state; country]

separated on [dd/mmm/yyyy]

were divorced from each other by order made on [dd/mmm/yyyy]

3 Prior court proceedings and agreements [Check the correct box(es) and complete any required information.]

There is no prior agreement, court order or court proceeding relating to any of the claims made in this notice of family claim.

One or more of the following relates to claims made in this notice of family claim:

a written agreement dated [dd/mmm/yyyy]

a court order dated [dd/mmm/yyyy]

a prior court proceeding: [file number and court registry]

4 The claimant's claims [Check the correct box(es) and complete and attach the required Schedules.]

The claimant is asking for the following:

- An order for divorce — [complete and attach Schedule 1]
- An order respecting child(ren) — [complete and attach Schedule 2]
- An order for spousal support — [complete and attach Schedule 3]
- An order relating to family property and family debt — [complete and attach Schedule 4]
- Another order — [complete and attach Schedule 5]
- An order for costs
- An order to confirm or set aside [check whichever one of the following boxes is correct and complete the required information] a written agreement dated
[dd/mm/yyyy] in respect of
 - spousal support
 - child support
 - division of property and/or debt
 - other

for the following reasons:

.....

5 Place of trial will be: [name of registry]

6 The address of the registry is: [address of registry]

7 The claimant's address for service is [Set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service.]

Address for Service:

Fax (optional)

E-mail (optional)

Date:..... [dd/mmm/yyyy].....

.....

Signature of
[] claimant [] lawyer for claimant(s)

..... [type or print name]

Note to Claimant AND Respondent: 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.

If in this family law case a claim is made under the Family Law Act and the claimant is represented by a lawyer, the lawyer must complete the following certificate.

LAWYER'S CERTIFICATE (FAMILY LAW ACT, s. 8 (2))

I,, lawyer for [name of party] certify that, in accordance with section 8 (2) of the *Family Law Act*, I have

(a) discussed with the party the advisability of using various types of family dispute resolution to resolve the matter, and

(b) informed the party of the facilities and other resources, known to me, that may be available to assist in resolving the dispute.

Date:..... [dd/mmm/yyyy].....

.....

Signature of lawyer

..... [type or print name]

Form F3 (Rule 4-1 (1))

SCHEDULE 1 — DIVORCE

1 Personal Information

	Claimant	Respondent
Birthdate: [dd/mmm/yyyy]		
Habitually resident in British Columbia since: [dd/mmm/yyyy]		
Surname at birth:		
Surname immediately before marriage:		
Marital status immediately before marriage:	<input type="checkbox"/> never married <input type="checkbox"/> divorced <input type="checkbox"/> widowed	<input type="checkbox"/> never married <input type="checkbox"/> divorced <input type="checkbox"/> widowed
Place of marriage: [city or town; province or state; country]		

2 Grounds for the claimant's claim for divorce

The claimant asks for an order for divorce on these grounds:

[If divorce is claimed as a result of having lived separate and apart, complete paragraph (i).]

(i) The claimant and his or her spouse have lived separate and apart since
 [dd/mmm/yyyy]

AND

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

the claimant and his or her spouse have not lived together since then

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

[If divorce is claimed on grounds other than having lived separate and apart, complete paragraph (ii) by checking both of the following boxes and completing the required information.]

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

Adultery (the respondent has committed adultery)

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

AND

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

3 The claimant confirms that: [The claimant seeking an order for divorce must 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 [Check whichever one of the following boxes is correct and complete any required information.]

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 notice of family claim because [state the reasons], 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: [state the reasons]

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

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

The children of the marriage are:

Full name:

Birth date: [dd/mmm/yyyy]

Resides with:

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.

Form F3 (Rule 4-1 (1))

SCHEDULE 2 — CHILDREN

1 Identification of child(ren)

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

Child's full legal name	Child's birthdate [dd/mmm/yyyy]	Child's relationship to the claimant	Child's relationship to the respondent	Child habitually resident in BC since [dd/mmm/yyyy]	Child now living with

2 Orders sought

The claimant is asking for the following order(s): [*Check the correct box(es) and complete the required information.*]

[] an order respecting arrangements for parenting a child or children [*Complete sections 3 and 4 below.*]

[] an order for child support [*Complete sections 5 to 7 below.*]

3 Current arrangements for parenting

Current arrangements for parenting are:

4 Proposed arrangements for parenting

The claimant proposes the following arrangements for parenting:
..... [set out terms of proposed order sought in relation to arrangements for parenting, including custody, guardianship, parenting arrangements or contact with a child]

The claimant is asking for this order under [Check one or both of the following boxes, as applicable.]

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

5 Current child support arrangements

Current child support arrangements are:

6 Income of person being asked to pay child support [Check whichever one of the following boxes is correct and complete any required information.]

The claimant does not know the income of the person being asked to pay child support

The claimant believes that the income of the person being asked to pay child support is \$....., based on these facts:

.....
.....

7 Proposed child support arrangements [Check the correct box(es) and complete the required information.]

[Empty box for proposed child support arrangements]

The claimant is asking for:

support in the amount set out in the child support guidelines table, commencing on [*date*], for the following child(ren): [*name(s) and date(s) of birth of child(ren)*]

special or extraordinary expenses in accordance with section 7 of the child support guidelines, commencing on [*date*], for the following child(ren): [*name(s) and date(s) of birth of child(ren)*]

an order for support in an amount different than the amount set out in the child support guidelines table, commencing on [*date*], for the following child(ren): [*name(s) and date(s) of birth of child(ren)*]

The claimant is asking for an order for child support under [*Check one or both of the following boxes, as applicable.*]

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

Form F3 (Rule 4-1 (1))

SCHEDULE 3 — SPOUSAL SUPPORT

1 Current arrangements for spousal support

Current spousal support arrangements are:

2 Proposed spousal support arrangements [Check the correct box(es) and complete the required information.]

The claimant is asking for an order for spousal support as follows: [set out terms of proposed order sought in relation to spousal support]

The claimant is asking for an order for spousal support under [Check one or both of the following boxes, as applicable.]

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

3 Income of claimant and respondent

The claimant's gross annual income is \$.....,

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

The claimant does not know what the respondent's income is

The claimant believes that the respondent'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.

Form F3 (Rule 4-1 (1))

SCHEDULE 4 — PROPERTY

1 The claimant's claims

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

[Check whichever one of the following boxes is correct and complete any required information in relation to family property and family debt, as those terms are defined in the *Family Law Act*.]

The claimant 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:

..... [set out details of proposed unequal division and the grounds on which it is made]

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 claimant claims an interest as a family property is:

.....

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

.....

B. Other property claims

[Check the correct box(es) and complete the required information.]

The claimant claims:

occupancy rent / occupational rent

an interest in the following property: [specify every interest claimed in property and if an interest is claimed in real property, provide the address and legal description of that real property]

an order for compensation instead of an interest in the property described as [identify every property for which compensation is claimed and if compensation is claimed for real property, provide the address and legal description of that real property]

on the following grounds: [set out the grounds on which any claim under this paragraph for interest or compensation is based]

2 Certificate of Pending Litigation

The claimant is applying for a Certificate of Pending Litigation to be registered against the following real property (land or building): [provide the legal description of every real property against which a Certificate of Pending Litigation is to be registered]

Form F3 (Rule 4-1 (1))

SCHEDULE 5 — OTHER ORDERS

The claimant is asking for the following orders:

[Check the correct box(es) and complete the required information.]

an order under the *Name Act* that the claimant's name be changed from [current full legal name] to [full new name]

the following additional orders under the *Family Law Act* [Using numbered paragraphs, set out any orders sought under the *Family Law Act* that are not referred to in Schedules 1 to 4 and the sections of that Act under which those orders are sought.]

1

2

other orders [Using numbered paragraphs, set out terms of other proposed orders and the authority under which those orders are sought.]

1

2

Form F4 (Rule 4-3 (1))

[en. B.C. Reg. 4/2016, am. B.C. Regs. 5/2021, Sch. 1; 208/2020.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

RESPONSE TO FAMILY CLAIM

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

Filed by:..... [party(ies)]

1 Response to information in notice of family claim:

My position regarding the information set out in the notice of family claim is as follows: [*Check the correct box(es) and complete the required information.*]

The information set out in sections 1, 2 and 3 of the notice of family claim is correct.

The information set out in sections 1, 2 and 3 of the notice of family claim is not correct in the following respects:.....[*identify the information you say is not correct and set out the information you say is correct*].....

Schedule 1:

The information set out in sections 1, 2, 3, 4 and 5 of Schedule 1 to the notice of family claim is correct.

The information set out in sections 1, 2, 3, 4 and 5 of Schedule 1 to the notice of family claim is not correct in the following respects:..... [*identify the information you say is not correct and set out the information you say is correct*]

Schedule 2:

The information set out in sections 1, 3, 5 and 6 of Schedule 2 to the notice of family claim is correct.

The information set out in sections 1, 3, 5 and 6 of Schedule 2 to the notice of family claim is not correct in the following respects: [*identify the information you say is not correct and set out the information you say is correct*]

Schedule 3:

The information set out in sections 1 and 3 of Schedule 3 to the notice of family claim is correct.

The information set out in sections 1 and 3 of Schedule 3 to the notice of family claim is not correct in the following respects: [*identify the information you say is not correct and set out the information you say is correct*]

2 Response to claims in notice of family claim:

This is my response to claims made against me in the Schedules to the notice of family claim:

[*For each of the claims identified below that are made in the notice of family claim, indicate whether you agree or disagree with that claim by checking the correct box opposite that claim.*]

Claim for divorce (Schedule 1, section 2) <i>If you disagree, briefly explain why:</i>	<input type="checkbox"/> Agree <input type="checkbox"/> Disagree
Parenting arrangements (Schedule 2, section 4) <i>If you disagree, briefly explain why:</i>	<input type="checkbox"/> Agree <input type="checkbox"/> Disagree
Child support (Schedule 2, section 7) <i>If you disagree, briefly explain why:</i>	<input type="checkbox"/> Agree <input type="checkbox"/> Disagree
Spousal support (Schedule 3, section 2) <i>If you disagree, briefly explain why:</i>	<input type="checkbox"/> Agree <input type="checkbox"/> Disagree
Division of family property and family debt (Schedule 4, section 1) <i>If you disagree, briefly explain why:</i>	<input type="checkbox"/> Agree <input type="checkbox"/> Disagree
Other property claim(s) (Schedule 4, section 1) <i>If you disagree, briefly explain why:</i>	<input type="checkbox"/> Agree <input type="checkbox"/> Disagree
Other orders (Schedule 5) [<i>identify each claim made in Schedule 5 of the notice of family claim and indicate whether you agree or disagree with that claim by checking the correct box opposite that claim</i>]	
[<i>claim</i>] <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <i>If you disagree, briefly explain why:</i>	
[<i>claim</i>] <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <i>If you disagree, briefly explain why:</i>	

3 My address for service is [*Set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service.*]

Address for Service:	
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: 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.

If in this family law case a claim is made under the Family Law Act and the respondent is represented by a lawyer, the lawyer must complete the following certificate.

LAWYER'S CERTIFICATE (FAMILY LAW ACT, s. 8 (2))

I,, lawyer for [name of party] certify that, in accordance with section 8 (2) of the *Family Law Act*, I have

- (a) discussed with the party the advisability of using various types of family dispute resolution to resolve the matter, and
- (b) informed the party of the facilities and other resources, known to me, that may be available to assist in resolving the dispute.

Date:..... [dd/mmm/yyyy].....

.....
Signature of lawyer

..... [type or print name]

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.

Form F5 (Rule 4-4 (2))

[en. B.C. Reg. 4/2016, am. B.C. Regs. 5/2021, Sch. 1; 208/2020.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

COUNTERCLAIM

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

Filed by: [party(ies)](the "respondent")

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 [Check the correct box(es).]

The claimant,[name]..... and the respondent[name].....:

Began to live together in a marriage-like relationship on[dd/mmm/yyyy].....

Were married on[dd/mmm/yyyy]..... at[city or town; province or state; country].....

Separated on[dd/mmm/yyyy].....

Were divorced from each other by order made on[dd/mmm/yyyy].....

2 Counterclaim [Check the correct box(es) and complete and attach the required Schedule(s).]

The respondent is asking for the following:

An order for divorce — [*complete and attach Schedule 1*]

An order respecting child(ren) — [*complete and attach Schedule 2*]

An order for spousal support — [*complete and attach Schedule 3*]

An order relating to family property and family debt — [*complete and attach Schedule 4*]

Another order — [*complete and attach Schedule 5*]

An order for costs

An order to confirm or set aside [*check whichever one of the following boxes is correct and complete the required information*] 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:

.....

3 The respondent's address for service is [*Set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service.*]

Address for Service:

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: 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.

Form F5 (Rule 4-4 (2))

SCHEDULE 1 – DIVORCE

1 Personal Information

	Claimant	Respondent
Birthdate: [dd/mmm/yyyy]		
Habitually resident in British Columbia since: [dd/mmm/yyyy]		
Surname at birth:		
Surname immediately before marriage:		
Marital status immediately before marriage:	<input type="checkbox"/> never married <input type="checkbox"/> divorced <input type="checkbox"/> widowed	<input type="checkbox"/> never married <input type="checkbox"/> divorced <input type="checkbox"/> widowed
Place of marriage: [city or town; province or state; country]		

2 Grounds for the respondent's claim for divorce

The respondent asks for an order for divorce on these grounds:

[If divorce is claimed as a result of having lived separate and apart, complete paragraph (i).]

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

AND

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

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: [give dates of period(s)]
.....

[If divorce is claimed on grounds other than having lived separate and apart, complete paragraph (ii) by checking both of the following boxes and completing the required information.]

(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: *[The respondent seeking an order for divorce must 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 *[Check whichever one of the following boxes is correct and complete any required information.]*

- 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 [state the reasons], 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 [state the reasons]

5 Children [Check whichever one of the following box(es) is correct and complete any required information.]

<input type="checkbox"/> There are no children of the marriage as defined by the <i>Divorce Act</i> (Canada)		
<input type="checkbox"/> The children of the marriage are:		
Full name:	Birth date: [dd/mmm/yyyy]	Resides with:

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.

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:

Child's full legal name	Child's birthdate [dd/mmm/yyyy]	Child's relationship to the claimant	Child's relationship to the respondent	Child habitually resident in BC since [dd/mmm/yyyy]	Child now living with

2 Orders sought

The respondent is asking for the following order(s):
 [Check the correct box(es) and complete the required information.]

an order respecting arrangements for parenting [Complete sections 3 and 4 below.]

an order for child support [Complete sections 5 to 7 below.]

3 Current arrangements for parenting

Current arrangements for parenting are:

4 Proposed arrangements for parenting

The respondent proposes the following arrangements for parenting:
..... [set out terms of proposed order sought in relation to arrangements for parenting, including custody, guardianship, parenting arrangements or contact with a child]

The respondent is asking for this order under [Check one or both of the following boxes, as applicable.]

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

5 Current child support arrangements

Current child support arrangements are:

6 Income of person being asked to pay child support [Check whichever one of the following boxes is correct and complete any required information.]

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:

.....
.....

7 Proposed child support arrangements [Check the correct box(es) and complete the required information.]

The respondent is asking for:

support in the amount set out in the child support guidelines table, commencing on [date], for the following child(ren): [name(s) and date(s) of birth of child(ren)]

special or extraordinary expenses in accordance with section 7 of the child support guidelines, commencing on [date], for the following child(ren): [name(s) and date(s) of birth of child(ren)]

an order for support in an amount different than the amount set out in the child support guidelines table, commencing on [date], for the following child(ren): [name(s) and date(s) of birth of child(ren)]

The respondent is asking for an order for child support under [Check one or both of the following boxes, as applicable.]

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

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 [Check the correct box(es) and complete the required information.]

The respondent is asking for an order for spousal support as follows: [set out terms of proposed order sought in relation to spousal support]

The respondent is asking for an order for spousal support under [Check one or both of the following boxes, as applicable.]

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

3 Income of claimant and respondent

The respondent's gross annual income is \$.....,

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

The respondent does not know what the claimant's income is

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 income.

Form F5 (Rule 4-4 (2))

SCHEDULE 4 — PROPERTY

1 The respondent's claims

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

[Check whichever one of the following boxes is correct and complete any required information in relation to family property and family debt, as those terms are defined in 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:
[set out details of proposed unequal division and the grounds on which it is made]

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:

.....

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):

.....

B. Other property claims

[Check the correct box(es) and complete the required information.]

The respondents claims:

occupancy rent / occupational rent

an interest in the following property: [specify every interest claimed in property and if an interest is claimed in real property, provide the address and legal description of that real property]

.....

an order for compensation instead of an interest in the property described as [identify every property for which compensation is claimed and if compensation is claimed for real property, provide the address and legal description of that real property]

on the following grounds: [set out the grounds on which any claim under this paragraph for interest or compensation is based]

2 Certificate of Pending Litigation

.....

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

Form F5 (Rule 4-4 (2))

SCHEDULE 5 — OTHER ORDERS

The respondent is asking for the following orders:

[Check the correct box(es) and complete the required information.]

[] an order under the Name Act that the respondent's name be changed from [current full legal name] to [full new name]

[] the following additional orders under the Family Law Act [Using numbered paragraphs, set out any orders sought under the Family Law Act that are not referred to in Schedules 1 to 4 and the sections of that Act under which those orders are sought.]

1

2

[] other orders [Using numbered paragraphs, set out terms of other proposed orders and the authority under which those orders are sought.]

1

2

Form F6 (Rule 4-4 (5))

[am. B.C. Regs. 119/2010, Sch. B; 133/2012; 360/2012; 208/2020.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

RESPONSE TO COUNTERCLAIM

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

Filed by: [party(ies)]

1 Response to information in counterclaim

My position regarding the information set out in the counterclaim is as follows: [Check the correct box(es) and complete the required information.]

[] Schedule 1:

[] The information set out in sections 1, 2, 3, 4 and 5 of Schedule 1 to the counterclaim is correct.

[] The information set out in sections 1, 2, 3, 4 and 5 of Schedule 1 to the counterclaim is not correct in the following respects: [identify the information you say is not correct and set out the information you say is correct]

[] Schedule 2:

[] The information set out in sections 1, 3, 5 and 6 of Schedule 2 to the counterclaim is correct.

[] The information set out in sections 1, 3, 5 and 6 of Schedule 2 to the counterclaim is not correct in the following respects: [identify the information you say is not correct and set out the information you say is correct]

[] Schedule 3:

[] The information set out in sections 1 and 3 of Schedule 3 to the counterclaim is correct.

[] The information set out in sections 1 and 3 of Schedule 3 to the counterclaim is not correct in the following respects: [identify the information you say is not correct and set out the information you say is correct]

2 Response to claims in counterclaim:

This is my response to claims made against me in the Schedules to the counterclaim:

[For each of the claims identified below that are made in the counterclaim, indicate whether you agree or disagree with that claim by checking the correct box opposite that claim.]

Claim for divorce (Schedule 1, section 2)	[] Agree [] Disagree
Parenting arrangements (Schedule 2, section 4)	[] Agree [] Disagree
Child support (Schedule 2, section 7)	[] Agree [] Disagree
Spousal support (Schedule 3, section 2)	[] Agree [] Disagree

Division of family property and family debt (Schedule 4, section 1)	<input type="checkbox"/> Agree <input type="checkbox"/> Disagree
Other property claim(s) (Schedule 4, section 1)	<input type="checkbox"/> Agree <input type="checkbox"/> Disagree
Other orders (Schedule 5) [<i>identify each claim made in Schedule 5 of the counterclaim and indicate whether you agree or disagree with that claim by checking the correct box opposite that claim</i>]	
[<i>claim</i>]	<input type="checkbox"/> Agree <input type="checkbox"/> Disagree
[<i>claim</i>]	<input type="checkbox"/> Agree <input type="checkbox"/> Disagree

3 My address for service is [*Set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service.*]

Address for Service:
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:

You may be required to file **financial information** (Form F8) if there is a claim by you or against you for support of a child or spouse. See the note at the end of Schedules 1 and 2 of the counterclaim for details.

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.

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.

Form F7 (Rule 4-5 (3))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

NOTICE OF WITHDRAWAL IN FAMILY LAW CASE
IN WHICH A DIVORCE IS CLAIMED

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

TAKE NOTICE that [party(ies)] withdraw(s)

[Check the correct box(es) and complete any required information.]

the whole of my/their

notice of family claim

response to family claim

counterclaim

response to counterclaim

[OR]

the following part(s) of my/their

notice of family claim

response to family claim

counterclaim

response to counterclaim

..... [describe the part(s) withdrawn]

Date: [dd/mmm/yyyy]

.....
Signature of

withdrawing party

lawyer for withdrawing party(ies)

..... [type or print name]

Form F8 (Rule 5-1 and 7-1 (8), (10) and (11))

[am. B.C. Regs. 133/2012, 5/2021, Sch. 1; 321/2021, Sch. 2.]

This is the [*1st/2nd/3rd/etc.*] affidavit
of [*name*] in this case
and was made on [*dd/mmm/yyyy*]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

FINANCIAL STATEMENT

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

INSTRUCTIONS FOR COMPLETION

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 party 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.

I, [name], of [address for service], SWEAR (OR AFFIRM) THAT:

1 The information set out in this financial statement is true and complete to the best of my knowledge.

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

2 [] I do not anticipate any significant changes in the information set out in this financial statement.

[] I anticipate the following significant changes in the information set out in this financial statement:

.....

SWORN (OR AFFIRMED) BEFORE)
 ME at, British Columbia)
 on [dd/mmm/yyyy])
)
)

A commissioner for taking)
affidavits for British Columbia)
.... [print name or affix stamp of commissioner]

PART 1 — INCOME

You **do not** need to complete Part 1 if **ALL** of the following apply:

- (a) the other party does not claim child support from you;
- (b) there are no claims for special expenses under section 7 of the child support guidelines;
- (c) the current parenting arrangement does not involve split or shared custody under section 8 or section 9 of the child support guidelines;
- (d) there are no claims for split or shared custody;
- (e) there are no claims for child support relating to stepchildren;
- (f) there are no children 19 years or older for whom support is sought;
- (g) the payor's child support guidelines income is less than \$150 000 per year;
- (h) there are no claims for undue hardship under section 10 of the child support guidelines;
- (i) there are no claims for retroactive child support;
- (j) there are no claims for spousal support.

A Employer information:

- I am employed by [name and address of employer]
- I am self employed as [trade or occupation]
- I operate an unincorporated business, the name and address of which is [name and address of business]
- I am unemployed

B Documentation supplied:

I have attached to this statement or serve with it a copy of each of the following applicable income documents [Check the first 2 boxes and check each other box that applies to you and provide the documents referred to beside each checked box.]:

- every personal income tax return, including all attachments, that I have filed for each of the 3 most recent taxation years;
- every income tax notice of assessment or reassessment I have received for each of the 3 most recent taxation years;
- [if you are an employee] my most recent statement of earnings indicating the total earnings paid in the year to

date, including overtime, or, if such a statement is not provided by my employer, a letter from my employer setting out that information, including my rate of annual salary or remuneration;

[if you are receiving Employment Insurance benefits] my 3 most recent EI benefit statements;

[if you are receiving Workers' Compensation benefits] my 3 most recent WCB benefit statements;

[if you are receiving income assistance] a statement confirming the amount of income assistance that I receive;

[if you are self-employed] for the 3 most recent taxation years

(i) the financial statements of my business or professional practice, other than a partnership, and

(ii) a statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to, or on behalf of, persons or corporations with whom I do not deal at arm's length;

[if you are in a partnership] confirmation of my income and draw from, and capital in, the partnership for its 3 most recent taxation years;

[if you control a corporation] for the corporation's 3 most recent taxation years

(i) the financial statements of the corporation and its subsidiaries, and

(ii) a statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to, or on behalf of, persons or corporations with whom the corporation and every related corporation does not deal at arm's length;

[if you are a beneficiary under a trust] the trust settlement agreement and the trust's 3 most recent financial statements;

[if you own or have an interest in real property] the most recent assessment notice issued from an assessment authority for the property.

NOTE: If the applicable income documents are not attached to or served with this financial statement, they must nonetheless be provided to the other party if and as required by Rule 5-1 of the Supreme Court Family Rules.

C Annual Income

If line 150 (total income) of your most recent federal income tax return sets out what you expect your income will be for this year and you are not obliged under Note 1 below to complete Schedule A of this Form, ignore lines 1 to 7 below and record the number from line 150 of your most recent federal income tax return at line 8 below. Otherwise, record what you expect your income for this year to be from each of the following sources of income that applies to you. Record gross annual amounts.

LINE	GUIDELINE INCOME FOR BASIC CHILD SUPPORT CLAIM		
	Sources and amounts of annual income		
1	Employment income (\$.....) paid: <input type="checkbox"/> monthly / <input type="checkbox"/> twice each month / <input type="checkbox"/> every 2 weeks)	+	
2	Employment insurance benefits	+	
3	Workers' compensation benefits	+	

4	Interest and investment income	+	
5	Pension income	+	
6	Income assistance relating to self	+	
7	Other income (attach Schedule A) — see Note 1	+	
8	Child support guidelines income before adjustments <i>[If you are required to complete lines 1 through 7 above, total the amounts of those lines here. Otherwise, record the number from line 150 of your most recent federal income tax return]</i>	=	
	Adjustments to income		
9	Subtract union and professional dues	–	()
10	Adjustments in accordance with Schedule III of the child support guidelines per line 8 of Schedule B (attached) — see Note 2	+ –	 ()
11	Child support guidelines income for basic child support (line 8 as adjusted by lines 9 and 10)	=	
	CHILD SUPPORT GUIDELINE INCOME TO DETERMINE SPECIAL EXPENSES		
	Child support guidelines income (from line 11 of this table)		
12	Add spousal support received from the other party to this family law case	+	
13	Subtract spousal support paid to the other party to this family law case	–	()
14	Add Canada Child Tax Benefit relating to children for whom special or extraordinary expenses are sought	+	
15	Child support guidelines income to determine special expenses (line 11 as adjusted by lines 12, 13 and 14)	=	
	INCOME TO BE INCLUDED FOR SPOUSAL SUPPORT CLAIM		
	Child support guidelines income (from line 11 of this table)		
16	Total child support received	+	
17	Income assistance received for other members of household	+	
18	Canada Child Tax Benefit and BC Family Bonus	+	
19	Total income to be used for a spousal support claim (line 11 plus lines 16, 17 and 18)	=	

Note:

1 You must complete Schedule A of this Form and include, at line 7 above, the total income recorded at line 11

of Schedule A, if you expect to receive income this year from any of the following sources:

- (a) taxable dividends from Canadian corporations;
- (b) net partnership income (limited or non-active partners only);
- (c) rental income;
- (d) taxable capital gains;
- (e) registered retirement savings income;
- (f) self-employment income;
- (g) any other taxable income that is not included in paragraphs (a) to (f) or in lines 1 to 5 of Schedule A.

2 If there are any adjustments as set out in Schedule III of the child support guidelines that apply to you, you must

- (a) complete Schedule B of this Form, and
- (b) include at line 10 above, the amount recorded at line 8 of that completed Schedule B.

SCHEDULE A — OTHER INCOME

LINE	OTHER SOURCES OF INCOME		
1	Self employment income: Gross = \$.....;		
	Net = \$.....	→	+
	Note: Provide financial statements of the business, including any statement of business activities filed as part of your income tax return		
2	Other employment income	+	
3	Net partnership income: limited or non-active partners only	+	
4	Rental income: Gross = \$.....;		
	Net = \$.....	→	+
5	Total amount of dividends from Taxable Canadian Corporations	+	
6	Total capital gains (\$.....)		
	minus total capital losses (\$.....) =	→	+
7	Spousal support from another relationship or marriage	+	
8	Registered retirement savings plan income	+	
9	Net federal supplements	+	
10	Any other income	+	
11	Total of lines 1 through 10	+	

SCHEDULE B — ADJUSTMENTS TO INCOME

LINE	DEDUCTIONS		
1	Employment expenses, other than union or professional dues claimed under Schedule III of the child support guidelines [<i>list</i>]	-	
	• \$.....		
	• \$.....		
	Total \$.....	→	
2	Actual business investment losses during the year	-	
3	Carrying charges and interest expenses paid and deductible under the <i>Income Tax Act</i> (Canada): [<i>list</i>]	-	
	• \$.....		
	• \$.....		
	Total \$.....	→	
4	Prior period earnings (\$.....) minus reserves (\$.....) =	→	-
5	Portion of partnership and sole proprietorship income required to be re-invested	-	
	ADDITIONS		
6	Capital cost allowance for real property	+	
7	Employee stock options in Canadian-controlled private corporations exercised: value of shares when options exercised (\$.....) minus amount paid for shares (\$.....) minus amount paid to acquire option (\$.....) =	→	+
8	Total adjustments		

PART 2 — MONTHLY EXPENSES

You **must** complete Part 2 if

(a) there is a claim, either by you or against you, for spousal support

OR

(b) there is a claim, either by you or against you, for child support and one or more of the following conditions applies:

- one or more of the children is a stepchild;
- one or more of the children for whom child support is claimed is 19 years of age or older;
- the current parenting arrangement involves split or shared custody under section 8 or 9 of the child support guidelines or there is an application for an order under section 9 of the child support guidelines;
- the income of the party being asked to pay child support is more than \$150 000 per year

OR

(c) there is a claim against you for child support and you intend to make a hardship claim under the child support guidelines

OR

(d) there is a claim by you for child support and the opposite party has made a hardship claim under the child support guidelines

OR

(e) there is a claim, either by you or against you, for child support and there is a claim for special expenses under section 7 of the child support guidelines.

	Monthly	
Compulsory deductions		
CPP contributions		
EI premiums		
Income taxes		
Employee pension contributions		
Other [<i>specify</i>]		
Compulsory Deductions Sub-total		
Housing		
Rent or mortgage		
Property taxes		
Property insurance		
Water, sewer, garbage		
Strata fees		
House repairs and maintenance		
Other [<i>specify</i>]		
Housing Sub-total		
Utilities		
Heat and electricity		
Telephone		

Cellular telephone		
Cable TV		
Internet service		
Other [<i>specify</i>]		
Utilities Sub-total		
Household expenses		
Food		
Household supplies		
Meals outside the home		
Furnishings and equipment		
Other [<i>specify</i>]		
Household expenses Sub-total		
Transportation		
Public transit, taxis		
Gas and oil		
Car insurance and licence		
Parking		
Repairs and maintenance		
Lease payments		
Other [<i>specify</i>]		
Transportation Sub-total		
Other		
Charitable donations		
Vacation		
Pet care		
Newspapers, publications		
Other [<i>specify</i>]		
Other Sub-total		
Health		
Extended health premiums		
Dental plan premiums		
Health care (net of coverage)		
Drugs (net of coverage)		

Dental care (net of coverage)		
Other [<i>specify</i>]		
Health Sub-total		
Personal		
Clothing		
Hair care		
Toiletries, cosmetics		
Education [<i>specify</i>]		
Life insurance		
Dry cleaning/laundry		
Entertainment/recreation		
Gifts		
Other [<i>specify</i>]		
Personal Sub-total		
Children		
Child care		
Clothing		
Hair care		
School fees and supplies		
Entertainment/recreation		
Activities and lessons		
Gifts		
Insurance		
Other [<i>specify</i>]		
Children Sub-total		
Savings		
RRSP		
RESP		
Other [<i>specify</i>]		
Savings Sub-total		
Support payments to others		
[<i>specify</i>]		
Support payments to others Sub-total		

Debt payments		
[specify minimum monthly payments]		
	Debt payments Sub-total	
	TOTAL MONTHLY EXPENSES	
	TOTAL ANNUAL EXPENSES	
	[multiply TOTAL MONTHLY EXPENSES by 12]	

PART 3 — PROPERTY

You **must** complete Part 3 if

(a) there is a claim, either by you or against you, for spousal support

OR

(b) there is a claim, either by you or against you, for child support and one or more of the following conditions applies:

- one or more of the children is a stepchild;
- one or more of the children for whom child support is claimed is 19 years of age or older;
- there is an application for an order under section 9 of the child support guidelines;
- the income of the party being asked to pay child support is more than \$150 000 per year

OR

(c) there is a claim against you for child support and you intend to make a hardship claim under the child support guidelines

OR

(d) there is a claim by you for child support and the opposite party has made a hardship claim under the child support guidelines

OR

(e) there is a claim, either by you or against you, for child support and there is a claim for special expenses under section 7 of the child support guidelines

OR

(f) there is a property claim, either by you or against you, under Part 5 or 6 of the *Family Law Act*.

ASSETS

List all assets that you own, regardless of whether or not the other party has made a claim.

Assets	Details	Date Acquired [dd/mmm/yyyy]	Value	
<p>1 Real estate</p> <ul style="list-style-type: none"> • Attach a copy of the most recent assessment notice for any property that you own or in which you have an interest. • Provide details, including address or legal description and nature of interest, of any interest you have in land, including leasehold interests and mortgages, whether or not you are registered as owner. • Record the estimated market value of your interest without deducting encumbrances or costs of disposition. <p>[Record encumbrances under DEBTS below.]</p>				
Real estate Sub-total				
<p>2 Vehicles</p> <ul style="list-style-type: none"> • List cars, trucks, motorcycles, trailers, motor homes, boats, etc. 				
Vehicles Sub-total				
<p>3 Financial assets</p> <ul style="list-style-type: none"> • List savings and chequing accounts, term deposits, GIC's, stocks, bonds, Canada Savings Bonds, mutual funds, insurance policies [<i>indicate beneficiaries</i>], accounts receivable, etc. • Record account number and name of institution where accounts are held. 				
Financial assets Sub-total				
<p>4 Pensions and RRSP's</p> <ul style="list-style-type: none"> • Record name of institution where accounts are held, name and address of pension plan and pension details. 				
Pensions and RRSP's Sub-total				

5 Business interests				
<ul style="list-style-type: none"> List any interest you hold, directly or indirectly, in any unincorporated business, including partnerships, trusts and joint ventures. List any interests you hold in incorporated businesses. Record the name and address of the company. 				
Business interests Sub-total				
6 Other				
<ul style="list-style-type: none"> Include precious metals, collections, works of art and any jewellery or household items of extraordinary value. Include location of safety deposit boxes. 				
Other Sub-total				
TOTAL				

DEBTS

Show your debts and other liabilities, whether arising from personal or business dealings, by category, such as mortgages, charges, liens, notes, credit cards, accounts payable and tax arrears. Include contingent liabilities such as guarantees and indicate that they are contingent.

Debt	Details	Date Incurred [dd/mmm/yyyy]	Amount	
Secured debts				
<ul style="list-style-type: none"> Mortgages Other (specify) 				
Secured debts Sub-total				
Unsecured debts				
<ul style="list-style-type: none"> Bank loans Personal loans Credit cards [list] Other [specify] 				
Unsecured debts Sub-total				
TOTAL				

EXCLUDED PROPERTY

Of the assets listed above, list which ones are excluded property or form part of the excluded property claim.

Description	Date of Acquisition	Value at Acquisition or Commencement	Current Value

DISPOSAL OF PROPERTY

List all real and personal property disposed of during the 2 years preceding this statement or, if the parties married within that 2 year period, since the date of marriage.

Description [describe the property disposed of]	Date of Disposal [dd/mmm/yyyy]	Value

PART 4 — SPECIAL OR EXTRAORDINARY EXPENSES

You **must** complete Part 4 if there is a claim, either by you or against you, for child support and there is a claim for special expenses under section 7 of the child support guidelines.

Note:

- 1 Provide a separate statement under this Part 4 for each child for whom a claim is made.
- 2 To calculate a net amount, subtract, from the gross amount, subsidies, benefits, income tax deductions or credits relating to the expense.

Name of child:	Annual Gross	Annual Net	Monthly Gross	Monthly Net
Child care expenses				
Medical/dental insurance premiums attributable to child				
Health related expenses that exceed insurance reimbursement by at least \$100				
Extraordinary expenses for primary or secondary school				
Post-secondary education expenses				
Extraordinary extracurricular expenses [list]				
Subtract contributions from child	()	()	()	()

TOTAL				
-------	--	--	--	--

PART 5 — UNDUE HARDSHIP

You **must** complete Part 5 if there is a claim against you for child support and you intend to make an undue hardship claim under the child support guidelines.

1 Responsibility for unusually high debts reasonably incurred to support the family prior to separation or in order to earn a living		
Owed to:	Terms of debt:	Monthly Amount
• <i>[list]</i>	• <i>[provide details]</i>	\$.....
	Total	\$.....
2 Unusually high expenses for exercising parenting time or contact with, or access to, a child		
Details of expense		Amount
• <i>[list]</i>		\$.....
Total		\$.....
3 Legal duty under a court order or separation agreement to support another person		
Name of person	Relationship	Nature of duty
4 Legal duty to support a child, other than a child for whom support is claimed, who is (a) under age 19, or (b) 19 or older but unable to support himself or herself because of illness, disability or other cause		
Name of person	Relationship	Nature of duty
5 Legal duty to support a person who is unable to support himself or herself because of illness or disability		
Name of person	Relationship	Nature of duty
6 Other undue hardship circumstances <i>[provide details]</i>		

PART 6 — INCOME OF OTHER PERSONS IN HOUSEHOLD

You **must** complete Part 6 if

- (a) there is a claim against you for child support and you intend to make an undue hardship claim under the child

support guidelines

OR

(b) there is a claim by you for child support and the other party has made an undue hardship claim under the child support guidelines.

Name of person	Annual income
Total	

Form F9 (Rule 5-1 (8))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

AGREEMENT AS TO ANNUAL INCOME

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

The parties agree that the income of the payor, *[name of party who will pay child support]*, for the purposes of the child support guidelines is \$..... per year.

Date: *[dd/mmm/yyyy]* Date: *[dd/mmm/yyyy]*

.....
Signature of payor Signature of recipient

Note:

There must be filed in the registry, with this Form F9, a copy of the most recent personal income tax return filed by the payor and a copy of the most recent income tax assessment he or she received, but if one or both of those documents is unavailable, there must be filed with this Form F9 whichever of those documents is available, if any, along with an affidavit

- (a) explaining why the unfiled documents are not available, and
- (b) providing evidence to satisfy the court that the amount of income and child support agreed to by the parties is reasonable.

Form F10 (Rule 6-1 (3) and 8-2 (10))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

NOTICE OF ADDRESS FOR SERVICE

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

The address for service of *[party(ies)]* is:

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

I am represented by a lawyer in the family law case.

Name and office address of party's lawyer: <i>[this must be an accessible address]</i>	
Additional addresses for service (optional)	
Lawyer's fax number:	
Lawyer's e-mail address:	

[OR]

I am not represented by a lawyer in the family law case.

Residential address or business address: <i>[this must be an accessible address]</i>	
<i>[If the residential address or business address noted above is more than 30 kilometres from the registry, the party must provide at least one of the following in addition to the address noted above. In any case, the party may provide one or more of the following as additional addresses for service.]</i>	
Postal address in British Columbia:	
Fax number:	
E-mail address:	

--

Date: [*dd/mmm/yyyy*]

.....

Signature of

[] filing party [] lawyer for filing party(ies)

..... [*type or print name*]

Rule 1-1 (1) of the Supreme Court Family Rules defines "accessible address" as follows:

"accessible address" means an address that describes a unique and identifiable location in British Columbia that is accessible to the public during normal business hours for the delivery of documents;

Form F11 (Rule 6-4 (3))

[am. B.C. Reg. 133/2012.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

NOTICE FOR PUBLICATION

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

To: [party(ies)]

TAKE NOTICE THAT on [dd/mmm/yyyy] an order was made for service on you of a [notice of family claim/counterclaim/petition] issued from the [location] Registry of the Supreme Court of British Columbia in family law case number [registry number] by way of this advertisement.

In the family law case, the [claimant/respondent/petitioner] claims the following relief against you: [describe the relief claimed; e.g. divorce, orders for guardianship, parenting arrangements or contact with a child, child support, spousal support, division of family property and family debt or other property relief]

You must file a [response to family claim/response to counterclaim/response to petition] within 30 days after the date of the publication of this notice [OR, if the court orders a different period, withinnumber of days set out in order] after the date of the publication of this notice] failing which further proceedings may be taken against you without notice to you.

You may obtain a copy of the [notice of family claim/counterclaim/petition] and the order for service by advertisement from the [location] Registry, at [address]

.....
Name of party

.....
Address for service

Form F12 (Rule 6-5 (11))

REQUEST

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

FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS

Convention on the Service Abroad of Judicial and Extrajudicial Documents
in Civil or Commercial Matters,
signed at The Hague, November 15, 1965.

Identity and address of the applicant

Address of receiving authority

The undersigned applicant has the honour to transmit — in duplicate — the documents listed below and, in conformity with Article 5 of the Convention, requests prompt service of one copy thereof on the addressee, i.e.,
..... [identity and address]

- (a) in accordance with the provisions of subparagraph (a) of the first paragraph of Article 5 of the Convention*.
- (b) in accordance with the following particular method (subparagraph (b) of the first paragraph of Article 5*)
.....
- (c) by delivery to the addressee, if he or she accepts it voluntarily (second paragraph of Article 5*).

The authority is requested to return or to have returned to the applicant a copy of the documents — and of the annexes* — with a certificate as provided in Form F14.

List of documents:

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

Done at
..... [dd/mmm/yyyy]

Signature and/or stamp.

*Delete if inappropriate.

Form F13 (Rule 6-5 (11))

NOTICE AND SUMMARY OF DOCUMENT

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

Identity and address of the addressee

IMPORTANT

The enclosed document is of a legal nature and may affect your rights and obligations. The "summary of the document to be served" will give you some information about its nature and purpose. You should, however, read the document itself carefully. It may be necessary to seek legal advice.

If your financial resources are insufficient, you should seek information on the possibility of obtaining legal aid or advice either in the country where you live or in the country where the document was issued.

Inquiries about the availability of legal aid or advice in the country where the document was issued may be directed to:

Legal Services Society
Suite 400 – 510 Burrard Street
Vancouver, BC V6C 3A8

(Phone) (604) 601-6000

Summary of document to be served

Name and address of the requesting authority

.....

*Particulars of the parties

.....

**Judicial document

Nature and purpose of the document

Nature and purpose of the proceedings and if appropriate the amount in dispute

.....

.....

**Date and place for entering appearance.....

.....

.....

****Court which has given judgment**

****Date of judgment**

****Time limits stated in the document**

.....

****Extrajudicial document**

Nature and purpose of the document

.....

****Time limits stated in the document**

.....

***If appropriate, identity and address of the person interested in the transmission of the document.**

****Delete if inappropriate.**

Form F14 (Rule 6-5 (12))

CERTIFICATE

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

The undersigned authority has the honour to certify, in conformity with Article 6 of the Convention.

1 That the document has been served*

— the [dd/mmm/yyyy]

— at [place, street, number]

— in one of the following methods authorized by Article 5 —

(a) in accordance with the provisions of subparagraph (a) of the first paragraph of Article 5 of the Convention*

(b) in accordance with the following particular method*:

(c) by delivery to the addressee, who accepted it voluntarily*.

The documents referred to in the request have been delivered to:

— [relationship of person to addressee (family, business or other)]*

2 That the document has not been served, by reason of the following facts*:

.....

In conformity with the second paragraph of article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement*.

Annexes

Documents returned:

.....

.....

Done at

.....

the..... [dd/mmm/yyyy]

In appropriate cases, documents

establishing the service:

.....

*Delete if inappropriate.

Signature and/or stamp

Form F15 (Rule 6-6 (1))

[am. B.C. Regs. 95/2011, Sch. B; 321/2021, Sch. 2.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

AFFIDAVIT OF PERSONAL SERVICE

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

I, [name], of [address], [occupation], SWEAR (OR AFFIRM) THAT:

1 On [dd/mmm/yyyy], at [time of day], I served [name of person served] with the [type of document, e.g. notice of family claim, petition, etc.] in this family law case, a copy of which is attached to this affidavit and marked as Exhibit A, by handing it to and leaving it with that person at[city and country]..... .

[In the case of service of a notice of family claim or counterclaim in which a divorce is claimed, check whichever one of the following boxes is correct and complete the required information.]

[] 2 I know the person served because [set out the means of knowledge]

[OR]

[] 2 I know the person served because [set out the means of knowledge] and attached to this affidavit and marked as Exhibit B is a photograph that is a true likeness of the person I served.

[OR]

[] 2 I do not know the person served and [State the means by which the person who was served was identified by checking one or both of the following boxes and providing the required information.]

[] the person I served produced the following identification containing a photograph that was a true likeness of the person I served: [specify form of identification produced — e.g. "B.C. Drivers License No. XXX"], bearing the name of

[] attached to this affidavit and marked as Exhibit B is a photograph that is a true likeness of the person I served. [If this box is checked, there must be filed an affidavit that exhibits the same photograph and confirms that the person shown in the photograph is the person identified in section 1 of this affidavit as the person served.]

SWORN (OR AFFIRMED) BEFORE)
ME at, British Columbia)
on [dd/mmm/yyyy])
.....)
.....)
A commissioner for taking)
affidavits for British Columbia)
.... [*print name or affix stamp of commissioner*]

Form F16 (Rule 6-6 (1))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

AFFIDAVIT OF ORDINARY SERVICE

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

I, [name], of [address], [occupation], SWEAR (OR AFFIRM) THAT:

On [dd/mmm/yyyy], at [time of day], I served [name of person served] with the [type of document, e.g. notice of family claim, petition, etc.] in this family law case, a copy of which is attached to this affidavit and marked as Exhibit A, by [state means of service]

SWORN (OR AFFIRMED) BEFORE)
ME at, British Columbia)
on [dd/mmm/yyyy])
)
)
)
A commissioner for taking)
affidavits for British Columbia)
.... [print name or affix stamp of commissioner]

Form F17 (Rules 6-6 (1), 7-1 (13.1), 7.1-1 (4), 7-2 (1), 10-6 (19.1) and (20), 10-9 (2), 15-6 (25), 17-1 (16.1) and (17), 20-5 (3), 22-2 (9) and 22-4 (10))

[am. B.C. Regs. 119/2010, Sch. B; 136/2022, Sch. 2; 176/2023, Sch. 2.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

REQUISITION – GENERAL

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

Filed by: [party(ies)]

Required:

This requisition is supported by the following:

[Include a description of supporting document(s). 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: [date]

.....
Signature of
[] filing party [] lawyer for filing party(ies)
..... [type or print name]

Form F17.1 (Rule 2-1 (2))

[en. B.C. Reg. 133/2012; am. B.C. Regs. 67/2013; 176/2023, Sch. 2.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

REQUISITION – FILING OF AGREEMENT

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

Filed by: [party(ies)]

Required: The filing of the attached agreement under the *Family Law Act*.

[Attach the applicable agreement to this requisition and check the following box.]

The attached agreement is the most recent agreement between the parties in relation to the subject matter dealt with by this agreement.

[Check the following box if applicable.]

There is no court proceeding involving the parties to the agreement in which any of the following orders has been made or is being sought:

- (a) an order under the *Divorce Act* (Canada);
- (b) an order under the *Family Law Act*;
- (c) an order for annulment of marriage;
- (d) an order,
 - (i) based on unjust enrichment or other trust claims, for an interest in property, or
 - (ii) based on unjust enrichment, for compensationif the claim for the interest or compensation arises out of a marriage-like relationship;
- (e) an order for adoption.

Date: [*date*]

.....

Signature of
[] filing party [] lawyer for filing party(ies)

..... [*type or print name*]

Form F17.2 (Rule 2-1.1 (3))

[en. B.C. Reg. 133/2012; am. B.C. Reg. 176/2023, Sch. 2.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

REQUISITION – PARENTING COORDINATOR DETERMINATION

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

Filed by: [party(ies)]

Required: The filing of the attached parenting coordinator determination, which determination was made under

[] an agreement dated [date] between [parties to agreement] [NOTE: If the determination was made under an agreement, the agreement must be filed before the determination can be filed.]

[] an order dated[date]

Date: [date]

.....

Signature of

[] filing party [] lawyer for filing party(ies)

..... [type or print name]

Form F17.3 (Rule 2-1.2 (2))

[en. B.C. Reg. 121/2014; am. B.C. Reg. 176/2023, Sch. 2.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

REQUISITION – ARBITRATION AWARD

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

Filed by: [party(ies)]

Required: The filing of the attached arbitration award made under the *Arbitration Act*.

My address for service is *[Set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service.]*

Address for Service:	
Fax (optional)	E-mail (optional)

Date: [date]

.....
Signature of
[] filing party [] lawyer for filing party(ies)
..... [type or print name]

Form F18 (Rule 6-6 (2))

CERTIFICATE OF SERVICE BY SHERIFF

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

I,, certify that on [*dd/mmm/yyyy*], at [*time of day*], I left a copy of this document at [*specify place of service*] with

Date: [*dd/mmm/yyyy*]

.....
Signature of sheriff or deputy sheriff

Form F18.1 (Rule 7-1 (5))

[en. B.C. Reg. 176/2023, Sch. 2.]

[Style of Proceeding]

REQUISITION – GENERAL (APPLICATION)

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

Filed by: [party(ies)]

Required:

[Set out order or relief sought]

This order/relief is sought because:

[Set out the reasons why the order or relief is sought]

This requisition is supported by the following documents:

[Include a description of supporting document(s), if any. An application pursuant to Rule 7-1(5) should be supported, at minimum, by a copy of the proposed notice of application. If the requisition is supported by an affidavit, 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

Position of the other party(ies):

[State whether other parties have a position with respect to this application]

Date: [date]

.....

Signature of

[] filing party [] lawyer for filing party(ies)

..... [type or print name]

ORDER BY ENDORSEMENT (to be completed by a judge, master or registrar)

Order granted [] / refused []

Conditions or directions:

.....
.....

Endorsed:

Judge/Master/Registrar

Date *[date]*.....

Form F19 (Rule 7-1 (7))

[am. B.C. Regs. 119/2010, Sch. B; 133/2012.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

NOTICE OF JUDICIAL CASE CONFERENCE

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

Filed by: [party(ies)]

TAKE NOTICE THAT a judicial case conference will be held at the following place, date and time:

Address of courthouse:	
Date: [dd/mmm/yyyy]	
Time:	

The parties and their lawyers are required to attend.

The purpose of the judicial case conference is to consider matters, set out in Rule 7-1 (15) of the Supreme Court Family Rules, that may aid in the settlement or other disposition of the family law case.

At the judicial case conference, the judge or master may give directions concerning the conduct of the family law case generally in accordance with Rule 7-1 (15) of the Supreme Court Family Rules.

TAKE NOTICE that no notice of application or affidavit in support of an application may be served on another party unless a judicial case conference has been conducted (except applications under section 91 of the Family Law Act, applications by consent, applications without notice and applications to change, suspend or terminate final orders).

Date: [dd/mmm/yyyy]

.....
Signature of
[] filing party [] lawyer for filing party(ies)
..... [type or print name]

Form 19.1 (Rules 7-1 (13.1), 7.1-2 (4), 14-3 (7), 22-6 (5) and 22.1-1 (4))

[en. B.C. Reg. 176/2023, Sch. 2.]

[Style of Proceeding]

REQUISITION – METHOD OF ATTENDANCE

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

Filed by: [party(ies)]

Required:

- Order to exempt [name of party] from attending:
 - judicial case conference on [date]..... [Rule 7-1 (13.1)]
 - case planning conference on [date] [Rule 7.1-2 (4)]
 - trial management conference on [date] [Rule 14-3 (7)]
- Order to permit attendance by in person video conference telephone by [name of lawyer or party] at the:
 - judicial case conference on [date].....
 - case planning conference on [date].....
 - trial management conference on [date] [Rule 14-3 (7)]
- Order that the following application be heard in person or by way of video conference telephone or other communication medium (please specify below):
..... [identify application (including filing date)] [Rule 22-6 (5)]
- Order that the following hearing before a registrar be heard in person or by way of video conference telephone or other communication medium (please specify below):
..... [identify hearing] [Rule 22-6 (5)]
- Order that the following application, conference or hearing be heard in person:
..... [identify application (including filing date), conference or hearing] [Rule 22.1-1 (4)]

This order/relief is sought because:

[Set out the reasons why the order or relief is sought]

Position of the other party(ies):

[State whether other parties have a position with respect to this application]

Contact information for any person whose participation is to be by video conference or telephone:

[provide e-mail address (for video conference) or telephone number (for telephone)]

Date: [*date*]

Signature of
[] filing party [] lawyer for filing party(ies)

..... [*type or print name*]

ORDER BY ENDORSEMENT (to be completed by a judge, master or registrar)

Order granted [] / refused []

Conditions or directions:

.....
.....

Endorsed:

Judge/Master/Registrar

Date[*date*].....

Form 19.2 (Rule 7.1-1 (1))

[en. B.C. Reg. 176/2023, Sch. 2.]

[Style of Proceeding]

NOTICE OF CASE PLANNING CONFERENCE

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

A case planning conference has been set for this family law case:

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

at the request of*[party(ies)]*.....

at the direction of the court

The case planning conference will be held at *[address of the registry in which the proceeding is being conducted]*
at*[time of day]*..... on *[date]*..... .

The parties will attend the case planning conference:

..... *[Name of claimant's lawyer or claimant]* in person video conference telephone other communication
medium (please specify below):

..... *[Name of respondent's lawyer or respondent]* in person video conference telephone other communication
medium (please specify below):

This case planning conference has been set to consider:

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

[in the case of a first case planning conference] the matters set out in the parties' respective case plan proposals

[in the case of a subsequent case planning conference]*[Using numbered paragraphs, set out a brief summary of the matters to be considered.]*.....

1

2

Contact information for any person whose participation is to be by video conference or telephone:

[provide email address (for video conference) or telephone number (for telephone)]

Date: [*date*]

Signature of
[] filing party [] lawyer for filing party(ies)

..... [*type or print name*]

Form 19.3 (Rule 7.1-1 (6))

[en. B.C. Reg. 176/2023, Sch. 2.]

[Style of Proceeding]

CASE PLAN PROPOSAL

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

Party submitting this case plan proposal:

Indicate the party’s proposal with respect to the following steps:

Item	Step	If parties agree, step agreed to and its timing <i>[set out details or refer to attachment]</i>	If parties disagree, party’s proposal respecting step and its timing <i>[set out details or refer to attachment]</i>
1	Discovery of documents <i>[when list is to be produced, where documents are to be made available for inspection, electronic document protocol, etc.]</i>		
2	Examinations for discovery <i>[person to be discovered, date of discovery, duration of discovery, etc.]</i>		
3	Obtaining the views of a child <i>[views of the child reports]</i>		
4	Dispute resolution procedures under Part 11 of the Supreme Court Family Rules <i>[what procedures to be used and when, etc.]</i>		
5	Expert witnesses <i>[area of expertise of expert, date report to be served, etc.]</i>		
6	Witness Lists <i>[date list to be served]</i>		
7	Trial Type		
8	Estimated trial length		
9	Preferred period(s) for trial date		
10	Other <i>[specify]</i>		

Date: [*date*]

Signature of
[] filing party [] lawyer for filing party(ies)
..... [*type or print name*]

Form 19.4 (Rule 7.1-3 (4))

[en. B.C. Reg. 176/2023, Sch. 2.]

[Style of Proceeding]

BEFORE } A JUDGE OF THE COURT }
 } or }[date]....
 } A MASTER OF THE COURT }

CASE PLAN ORDER

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

AT A CASE PLANNING CONFERENCE conducted on [date]..... by [judge/master]..... in the presence of
.....[names of attending counsel and parties].....;

THIS COURT ORDERS that the parties comply with the attached case plan.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER

[A signature line in the following form must be completed and signed by or for each approving party.]

.....
Signature of [] party
[] lawyer for[name of party(ies)]....

.....[type or print name].....

.....
Signature of [] party
[] lawyer for[name of party(ies)]....

.....[type or print name].....

By the Court.

.....
Registrar

Case Plan

1 Dispute Resolutions Procedures

The parties have discussed resolution options including those under Part 11 of the Supreme Court Family Rules and have agreed to the following:

[Check the box to the left of each step to be taken and fill in the agreed date.]

	Step	Date by which step to be completed
<input type="checkbox"/>	Offer to settle	
<input type="checkbox"/>	Mediation	
<input type="checkbox"/>	Special Case	
<input type="checkbox"/>	Proceeding on point of law	
<input type="checkbox"/>	Summary trial	
<input type="checkbox"/>	Summary judgment application	
<input type="checkbox"/>	Other <i>[identify]</i>	

A party may undertake any of the steps provided for in Part 11 of the Supreme Court Family Rules whether or not the step is noted above.

2 Document Production (Rule 9-1 of the Supreme Court Family Rules)

The following steps will be completed by the date set out next to each step:

Step	Date by which step to be completed <i>[if dates differ by party, indicate a date for each party]</i>
Delivery of the lists of documents required under Rule 9-1	
Completion of an electronic document protocol	

Other <i>[identify]</i>	
-------------------------	--

3 Examinations for Discovery (Rule 9-2 of the Supreme Court Family Rules)

The following examinations for discovery will be conducted, not exceed the time limits indicated and be completed by the date indicated:

Examination by (party name)	Examination of (party and person name)	Time Limit	Date by which step to be completed

4 Applications

The following applications are anticipated:

[Identify each anticipated application and fill in the proposed date.]

Application	Date by which application anticipated to be brought

A party may bring any other application whether or not that application is noted above.

5 Expert Witnesses (Part 13 of the Supreme Court Family Rules)

[For the following, complete the following Parts 1 and 2 for any expert evidence that the parties anticipate introducing at trial, and if the parties are unable to provide the information required under Part 1 or 2, complete the following Part 3.]

Part 1

Each party may tender the report of, or call to give oral opinion evidence, an expert with the following expertise:

Name of party who intends to call the expert <i>[if expert is being called jointly, specify “Joint”]</i>	Area of Expertise

Part 2

The following steps will be taken by the date set out next to each step:

Step	Date by which step to be completed <i>[if dates differ by party, indicate a date for each party]</i>
Joint expert’s report served	
Expert reports served	
Responding expert reports served	
Notices of objection to expert evidence served (Rule 13-6 (10))	
Experts confer and serve report summarizing points of difference	
Other <i>[identify]</i>	
Other <i>[identify]</i>	

Part 3

If the information set out in the foregoing Part 1 or 2 is incomplete, the parties will apply to amend this order to complete that information by*[date]*..... .

6 Witnesses (Rule 9-4 of the Supreme Court Family Rules)

The following steps will be completed by the date set out next to each step:

Step	Date by which step to be completed <i>[if dates differ by party, indicate a date for each party]</i>
Serve lists of witnesses to be called at trial	
Other <i>[identify]</i>	
Other <i>[identify]</i>	

7 Trial (Part 14 of the Supreme Court Family Rules)

(a) Estimated length of the trial:*[days]*.....;

(b)[party(ies)]....., will file a Notice of Trial in Form F44 to secure the trial date by
.....[date]..... .

8 Other

Form F20 (Rule 9-1 (1))

[en. B.C. Reg. 119/2010, Sch. B; am. B.C. Reg. 4/2016.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

LIST OF DOCUMENTS

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

Prepared by: [*party*] (the "listing party")

Part 1: DOCUMENTS THAT ARE OR HAVE BEEN IN THE LISTING PARTY'S POSSESSION OR CONTROL AND THAT COULD BE USED BY ANY PARTY AT TRIAL TO PROVE OR DISPROVE A MATERIAL FACT

[Do not include documents listed under Part 2, 3 or 4.]

No.	Date of document [dd/mmm/yyyy]	Description of document	Indicate by a check mark if the document is no longer in the listing party's possession or control	Indicate, for each document listed in this Part by way of an amendment to this List of Documents under Rule 9-1 (6), (9) or (11), the date on which the document was listed
1.1			[]	
1.2			[]	

Part 2: OTHER DOCUMENTS TO WHICH THE LISTING PARTY INTENDS TO REFER AT TRIAL

[Do not include documents listed under Part 1, 3 or 4.]

No.	Date of document [dd/mmm/yyyy]	Description of document	Indicate by a check mark if the document is no longer in the listing party's possession or control	Indicate, for each document listed in this Part by way of an amendment to this List of Documents under Rule 9-1 (6), (9) or (11), the date on which the document was listed
2.1			[]	
2.2			[]	

Part 3: DOCUMENTS THAT RELATE TO A MATTER IN QUESTION IN THE ACTION

[List here all documents that are listed in response to a demand under Rule 9-1 (8) of the Supreme Court Family Rules, and all documents that are listed in response to a court order under Rule 9-1 (11) of the Supreme Court Family Rules, that have not been listed under Part 1 or 2. Do not include documents listed under Part 1, 2 or 4.]

No.	Date of document [dd/mmm/yyyy]	Description of document	Indicate by a check mark if the document is no longer in the listing party's possession or control	Indicate, for each document listed in this Part by way of an amendment to this List of Documents under Rule 9-1 (6), (9) or (11), the date on which the document was listed
3.1			[]	
3.2			[]	

Part 4: DOCUMENTS FOR WHICH PRIVILEGE FROM PRODUCTION IS CLAIMED

No.	Date of document [dd/mmm/yyyy]	Description of document	Grounds on which privilege is claimed	Indicate, for each document listed in this Part by way of an amendment to this List of Documents under Rule 9-1 (6), (9) or (11), the date on which the document was listed
4.1				
4.2				

TAKE NOTICE that the documents listed in Part 1, 2 or 3 of this List of Documents that are not shown as no longer being in the listing party's possession or control may be inspected and copied, during normal business hours, at [specify location]

Date: [dd/mmm/yyyy]

Implied undertaking to the court

Documents produced are not to be used by the other party(ies) except for the purposes of this litigation unless and until the scope of the undertaking is varied by a court order or other judicial order, consent or statutory override or a situation of immediate and serious danger emerges. This implied undertaking continues despite settlement or completion of the litigation.

.....

Signature of

listing party lawyer for listing party

..... [type or print name]

Form F21 (Rule 9-2 (12))

[am. B.C. Reg. 4/2016.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

APPOINTMENT TO EXAMINE FOR DISCOVERY

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

To: [*name of person to be examined*]

TAKE NOTICE that you are required to attend for your examination for discovery at the place, date and time set out below. If you are not a named party, or a representative of a named party, to this family law case, you must, unless the court otherwise orders, bring with you all documents in your possession or control, not privileged, relating to the matters in question in this family law case.

Place:

Date: [*dd/mmm/yyyy*]

Time:

Date: [*dd/mmm/yyyy*]

Implied undertaking to the court

Documents produced are not to be used by the other party(ies) except for the purposes of this litigation unless and until the scope of the undertaking is varied by a court order or other judicial order, consent or statutory override or a situation of immediate and serious danger emerges. This implied undertaking continues despite settlement or completion of the litigation.

.....
Signature of
[] party wishing to conduct examination
[] lawyer for party(ies) wishing to
conduct examination
..... [type or print name]

Form F22 (Rule 9-3 (1))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

INTERROGATORIES

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

Interrogatories on behalf of [party(ies)] for the examination of [person(s) required to answer]
.....:

[Set out numbered questions to be answered specifying the person to answer, if the questions are directed to more than one person.]

1

2

Date: [dd/mmm/yyyy]

.....
Signature of
[] party serving interrogatories
[] lawyer for party(ies) serving interrogatories
..... [type or print name]

Form F23 (Rules 9-4 (5), 9-7 (5) and 14-7 (32) and (36))

[am. B.C. Reg. 133/2012.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

SUBPOENA TO WITNESS

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

To: [*name and address*]

TAKE NOTICE that you are required to attend to testify as a witness at the place, date and time set out below. You are also required to bring with you all documents in your possession or control relating to the matters in question in this family law case [*and, if applicable, the following physical objects*]:

Place:

Date: [*dd/mmm/yyyy*]

Time:

Date: [*dd/mmm/yyyy*]

.....

Signature of

[] party serving subpoena

[] lawyer for filing party(ies) serving subpoena

..... [*type or print name*]

Rule 14-7 (38) of the Supreme Court Family Rules states:

(38)On proof

- (a)of the service of a subpoena on a witness who fails to attend or to remain in attendance in accordance with the requirements of the subpoena,
- (b)that proper witness fees have been paid or tendered to that witness, and
- (c)that the presence of that witness is material to the ends of justice,

the court, by its warrant in Form F50 directed to a sheriff or other officer of the court or to a peace officer, may cause that witness to be apprehended and promptly brought before the court and to be detained in custody or released on terms the court may order, and the court may order that witness to pay the costs arising from his or her failure to attend or to remain in attendance.

Form F24 (Rule 9-6 (1))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

NOTICE TO ADMIT

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

To: [party(ies)]

TAKE NOTICE that the [party(ies)], [name(s) of party(ies)], requests the [party(ies)], [name(s) of party(ies)], to admit, for the purpose of this family law case only, the facts set out below and the authenticity of the documents referred to below, copies of which are attached.

AND TAKE NOTICE that, unless the court otherwise orders, if the party to whom this notice is directed does not serve a written statement, as provided in Rule 9-6 (2) of the Supreme Court Family Rules, within 14 days after service of a copy of this notice on him or her, then the truth of the facts and the authenticity of the documents will be deemed to be admitted.

Date: [dd/mmm/yyyy]

.....

Signature of

[] party serving notice to admit

[] lawyer for party(ies) serving notice to admit

..... [type or print name]

The facts, the admission of which is requested, are: [Set out facts, using a separate numbered paragraph for each fact requested to be admitted.]

1

2

The documents, the authenticity of which admission is requested, are: [List documents and attach copies of the documents to this notice to admit.]

1

2

Form F25 (Rule 9-7 (9))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

ORDER FOR EXAMINATION OF PERSONS OUTSIDE THE JURISDICTION

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

BEFORE } THE HONOURABLE JUSTICE }[dd/mmm/yyyy]
or
MASTER }

THE APPLICATION of [party(ies)], coming on before me on [dd/mmm/yyyy], and on hearing [name of party/lawyer] and [name of party/lawyer]

THIS COURT ORDERS that:

1 [name] of [address] is appointed an examiner for the purpose of taking the examination, cross-examination and re-examination orally, on oath or affirmation, of [name of person to be examined] of [address] and [name of person to be examined] of [address] and of any other persons as the lawyers or agents of the parties mutually request the examiner in writing to examine, at in [name of the province, state, or county]

2 the lawyer for the applicant give to the lawyer for each of the other parties days' notice in writing of the date on which the lawyer proposes to send this order to the examiner for execution, and that days after service of the notice the lawyers for the parties respectively exchange the names of their lawyers or agents at to whom notice relating to the examination of the persons may be sent;

3 days' notice (exclusive of Saturday and Sunday) before the examination of any person must be given by the examiner to the lawyer for or agent of each of the parties and to each person to be examined unless the notice is waived;

4 the examination be conducted in accordance with the enclosed instructions, with such modifications as may be necessary;

5 the depositions, together with any document referred to in them, or certified copy of or extract from the document, be sent promptly by the examiner to the Registrar of the Supreme Court of British Columbia at the courthouse at [address], who must deliver the depositions and documents to the applicants and provide copies to any party on request.

By the Court.

.....
Registrar

Form F26 (Rule 9-7 (9))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

INSTRUCTIONS TO EXAMINER

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

To: [*name and address*]

You have been appointed Examiner to take the evidence of A copy of the order appointing you is attached. The law of British Columbia will apply to the taking of this evidence.

The party wishing to examine [*name of person to be examined*] before you is required to serve [*him/her*] with a subpoena and tender the proper fees not fewer than days before the date you fix for the examination.

The witness and any interpreter will be sworn or affirmed in accordance with the form set out below.

After the examination has been held and the evidence transcribed and the transcript certified by you as correct, you are to send the deposition and other documents by registered mail to the registrar, courthouse [*address*]

Oath (or Affirmation) of Witness

Do you swear that the evidence that you will give in these proceedings will be the truth, the whole truth, and nothing but the truth, so help you God?

OR

Do you affirm that the evidence that you will give in these proceedings will be the truth, the whole truth, and nothing but the truth?

Interpreter's Oath

Will you truly, faithfully and without partiality to any party in this proceeding, and to the best of your ability, interpret and translate any oath or affirmation that will be administered and all questions that may be asked of any witness and his or her answers, so help you God?

Date: [dd/mmm/yyyy]

.....
Signature of
[] party [] lawyer for party(ies)

..... [type or print name]

Form F27 (Rule 9-7 (10))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

**ORDER FOR ISSUE OF A LETTER OF REQUEST TO
JUDICIAL AUTHORITY OF ANOTHER JURISDICTION**

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

BEFORE THE HONOURABLE JUSTICE [*dd/mmm/yyyy*]

ON THE APPLICATION of [*party(ies)*], coming on before me on
[*dd/mmm/yyyy*], and on hearing [*name of party/lawyer*] and [*name of
party/lawyer*]

THIS COURT ORDERS that:

1 the attached letter of request be issued;

2 the registrar, on receipt of the deposition taken under the letter of request, must deliver them to the applicant and provide copies to any party on request.

By the Court.

.....
Registrar

Form F28 (Rule 9-7 (10))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

**LETTER OF REQUEST FOR EXAMINATION
OF WITNESS OUT OF JURISDICTION**

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

To the judicial authority of in the of

Whereas this proceeding is now pending in the Supreme Court of British Columbia in which the claimant claims

And whereas it appears to me that it is necessary for the purposes of justice and for the due determination of the matters in question between the parties that the following persons should be examined on oath or affirmation relating to those matters, namely of, and of, and such other persons as the lawyers or agents of the parties mutually request you in writing to examine, and it appears that persons are residents within your jurisdiction:

Now I,, a Judge of the Supreme Court of British Columbia, hereby request that, for the assistance of the court, you will be pleased to summon the lawyers or agents of the parties and the witnesses to be examined, to attend at such time and place as you appoint, either before you or such other person as according to your procedure is competent to take the deposition examination of witnesses, and that you will cause the witnesses to be examined orally or by interrogatories relating to the matters in question, in the presence of the lawyers or agents of the parties or such of them as, on due notice given, attend the examination:

And I further request that you permit the lawyer or agent of any party present to examine any witness called by the lawyer or agent and the lawyer or agent of any opposing party to cross-examine the witness and the lawyer or agent of the party calling the witness to re-examine the witness:

And I further request that you will be pleased to cause the evidence of each witness to be recorded verbatim, and any document produced on the examination to be marked for identification, and that you will be further pleased to authenticate the depositions taken on the examination and any document, or certified copy of the same or any extract therefrom by the seal of your tribunal or in such other way as is in accordance with your procedure, and to return the same, together with any interrogatories and a note of the charges and expenses payable in respect of the execution of this request to the Under Secretary of State for External Affairs of Canada at Ottawa, Canada [*or, if the judicial authority to whom the letter is addressed is in Canada, to the Deputy Attorney General for the Province of British Columbia, Parliament Buildings, Victoria, British Columbia*], for transmission to the Registrar of the Supreme Court of British Columbia at the courthouse at

Dated:

.....

A Judge of the Supreme Court
of British Columbia

Form F29 (Rule 9-7 (17), 10-7 (1) and 10-8 (1))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

REQUISITION FOR CONSENT ORDER OR FOR ORDER WITHOUT NOTICE

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

Filed by: [party(ies)]

Required :

An order by consent

[OR]

An order without notice

1 The rule or other enactment relied on is [set out the rule or enactment relied on]

2 Attached to this requisition is a draft of the order required.

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

3 Each party affected has consented to the order.

The evidence in support of the application is contained in the following documents that are filed with this requisition:

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

4 No party is under a legal disability.

..... [name of party] is under a legal disability, namely [set out legal disability]

Date: [dd/mmm/yyyy]

.....
Signature of

[] filing party [] lawyer for filing party(ies)

..... [type or print name]

Form F30 (Rule 10-4 (2) and (7))

This is the [1st/2nd/3rd/etc.] affidavit of [name] in this case and was made on [dd/mmm/yyyy]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

AFFIDAVIT

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

I, [name], of [address], [occupation], SWEAR (OR AFFIRM) THAT:

- 1
2
3

SWORN (OR AFFIRMED) BEFORE)
ME at, British Columbia)
on [dd/mmm/yyyy])
.....)
A commissioner for taking)
affidavits for British Columbia)
.... [print name or affix stamp of commissioner]

[The following endorsement must be completed if required under Rule 10-4 (7) of the Supreme Court Family Rules.]

Endorsement of Interpreter

[if applicable]

I, [name], of [address], [occupation] certify that:

1 I have a knowledge of the English and languages and I am competent to interpret from one to the other.

2 I am advised by the person swearing or affirming the affidavit and believe that the person swearing or affirming the affidavit understands the language.

3 Before the affidavit on which this endorsement appears was made by the person swearing or affirming the affidavit I correctly interpreted it for the person swearing or affirming the affidavit from the English language into the language and the person swearing or affirming the affidavit appeared to fully understand the contents.

Date: [dd/mmm/yyyy]

.....

Signature of interpreter

..... [type or print name]

Form F31 (Rule 10-6 (3))

[am. B.C. Regs. 119/2010, Sch. B; 241/2010, Sch. B; 133/2012; 121/2014; 208/2020; 321/2021, Sch. 2.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

NOTICE OF APPLICATION

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

Name(s) of applicant(s):.....

To: *[name(s) of party(ies) or person(s) affected]*

TAKE NOTICE that an application will be made by the applicant(s) to the presiding judge or master at the courthouse at *[address of registry in which the family law case is being conducted]* on *[dd/mmm/yyyy]* at *[time of day]* for the order(s) set out in Part 1 below.

Part 1: ORDER(S) SOUGHT

[Using numbered paragraphs, set out the order(s) that will be sought at the application and indicate against which party(ies) the order(s) is(are) sought.]

1

2

Part 2: FACTUAL BASIS

[Using numbered paragraphs, set out a brief summary of the facts supporting the application.]

1

2

[If any party sues or is sued in a representative capacity, identify the party and describe the representative capacity.]

Part 3: LEGAL BASIS

[Using numbered paragraphs, specify any rule or other enactment relied on and provide a brief summary of any other legal arguments on which the applicant(s) intend(s) to rely in support of the orders sought.]

1

2

Part 4: MATERIAL TO BE RELIED ON

[Using numbered paragraphs, list the affidavits served with the notice of application and any other affidavits and other documents already in the court file on which the applicant(s) will rely. 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 [dd/mmm/yyyy] ".]

1

2

The applicant(s) estimate(s) that the application will take [time estimate]

[Check the correct box.]

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 frame 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 on 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]

<i>To be completed by the court only:</i>	
Order made	
<input type="checkbox"/> in the terms requested in paragraphs of Part 1 of this notice of application	
<input type="checkbox"/> with the following variations and additional terms:	
.....	
.....	
Date: [dd/mmm/yyyy] Signature of <input type="checkbox"/> Judge <input type="checkbox"/> Master

APPENDIX

[The following information is provided for data collection purposes only and is of no legal effect.]

THIS APPLICATION INVOLVES THE FOLLOWING:

[Check the box(es) below for the application type(s) included in this application.]

- 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
- none of the above

Form F32 (Rule 10-6 (9))
[am. B.C. Regs. 208/2020; 321/2021, Sch. 2.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

APPLICATION RESPONSE

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

Application response of:..... [party(ies)], (the "application respondent(s)")

THIS IS A RESPONSE TO the notice of application of [party(ies)], filed[dd/mmm/yyyy]
..... .

Part 1: ORDERS CONSENTED TO

The application respondent(s) consent(s) to the granting of the orders set out in the following paragraphs of Part 1 of the notice of application on the following terms: [set out paragraph numbers and any proposed terms]

Part 2: ORDERS OPPOSED

The application respondent(s) oppose(s) the granting of the orders set out in paragraphs [list paragraph numbers] of Part 1 of the notice of application.

Part 3: ORDERS ON WHICH NO POSITION IS TAKEN

The application respondent(s) take(s) no position on the granting of the orders set out in paragraphs [list paragraph numbers] of Part 1 of the notice of application.

Part 4: FACTUAL BASIS

[Using numbered paragraphs, set out a brief summary of the material facts on which the orders sought in the application should not be granted.]

1

2

Part 5: LEGAL BASIS

[Using numbered paragraphs, specify any rule or other enactment relied on and provide a brief

summary of any other legal arguments on which the application respondent(s) intend(s) to rely in opposing the orders sought in the application.]

1

2

Part 6: MATERIAL TO BE RELIED ON

[Using numbered paragraphs, list the affidavits served with this application response and any other affidavits and other documents already in the court file on which the application respondent(s) will rely. 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 [dd/mmm/yyyy]".]

1

2

The application respondent(s) estimate(s) that the application will take [time estimate]

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

[] The application respondent has filed in this family law case a document that contains the application respondent's address for service.

[] The application respondent has not filed in this family law case a document that contains an address for service. The application respondent's ADDRESS FOR SERVICE is: [Set out an address for service that complies with Rule 6-1 (1) of the Supreme Court Family Rules and any additional address(es) under Rule 6-1 (2) that the application respondent wishes to include.]

Date: [dd/mmm/yyyy]

.....

Signature of

[] application respondent

[] lawyer for application respondent(s)

..... [type or print name]

[Style of Proceeding]

REQUISITION – SHORT NOTICE

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

Filed by: [party(ies)]

Required: An order pursuant to Supreme Court Family Rule 10-9 (1) that the main application be brought on short notice.

This requisition is supported by the following:

[Include a description of supporting document(s). Each affidavit included on the list must be identified as follows: Affidavit # [sequential number, if any, recorded in the top right corner of the affidavit] of.....[name]....., made[date].....”.]

- 1
2

Date: [date]
Signature of
[] filing party [] lawyer for filing party(ies)
..... [type or print name]

ORDER BY ENDORSEMENT (to be completed by a judge, master or registrar)

[] Date set for hearing of main application:

Conditions or directions:

Service by application of Notice of Application and applicant’s affidavits with this order on the respondent(s)

[] beforea.m./p.m. on

Service of respondent(s)’ Application Response and affidavits on applicant:

[] beforea.m./p.m. on

Other Conditions:

[] applicant must file application record on or by

.....

[]

Endorsed:

Judge/Master/Registrar

Date[*date*].....

Form F32.1 (Rule 115-1 (3.1))

[en. B.C. Reg. 149/2022, Sch. 2.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

ORDER SIGNING INSTRUCTIONS

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

Notice to:

You are requested to sign the attached draft order made by

Judge/Master on

I have drafted the order consistent with the terms prescribed by the judge/master as stated on the court record.

[Check whichever one of the immediately following 2 boxes is correct and provide any required information.]

- I have attached the clerk’s notes relating to the order of the judge/master
- I have not attached the clerk’s notes relating to the order of the judge/master for the following reason(s):
[briefly state the reasons].....

You are requested to return the signed order within 14 days of receipt. Signing the order does not preclude your right to appeal.

If you disagree with the accuracy of the terms in the order you are required to deliver your written objections to me within 14 days of receiving the order.

I will consider your objections and if we are unable to agree on terms to be included in the order an appointment to settle the order may be filed in accordance with Rule 15-1 (13).

If the signed order is not returned to me, or written objection(s) to any of the terms are not delivered to me, within 14 days of receipt, the order may be submitted for entry in accordance with Rule 15-1 (3.4).

Date Sent:[dd/mmm/yyyy].....

Form F33 (Rules 10-7 (1) and 15-1 (1))

[am. B.C. Regs. 119/2010, Sch. B; 65/2013, Sch. B; 208/2020.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

CONSENT ORDER

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

BEFORE } [] A JUDGE OF THE COURT
 } or
 } [] A MASTER OF THE COURT } [dd/mmm/yyyy]
 } or
 } [] A REGISTRAR

ON THE APPLICATION of [party(ies)], without a hearing and by consent;

THIS COURT ORDERS that:

[For each order, if any, made for parenting time, decision-making responsibility, contact, parenting arrangements, child support or spousal support, indicate whether the order is made under the Divorce Act or the Family Law Act.]

- 1
- 2
- 3

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS NOTED ABOVE

[A signature line in the following form must be completed and signed by or for each consenting party.]

.....
Signature of
[] party [] lawyer for [name of party(ies)]
..... [type or print name]

.....
Signature of
[] party [] lawyer for [name of party(ies)]
..... [type or print name]

By the Court.

.....
Registrar

Form F34 (Rule 10-8 (1))

[am. B.C. Regs. 65/2013, Sch. B; 208/2020; 321/2021, Sch. 2.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

ORDER MADE WITHOUT NOTICE

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

BEFORE } [] A JUDGE OF THE COURT }
 } or } [dd/mmm/yyyy]
 } [] A MASTER OF THE COURT }

ON THE APPLICATION of [party(ies)]

AND ON THE COURT DETERMINING THAT a hearing is not required and notice is not required;

THIS COURT ORDERS that:

[For each order, if any, made for parenting time, decision-making responsibility, contact, parenting arrangements, child support or spousal support, indicate whether the order is made under the Divorce Act or the Family Law Act.]

1

2

3

THE FOLLOWING PARTY[IES] APPROVE THE FORM OF THIS ORDER:

..... Signature of [] party [] lawyer for[name of party(ies)].....
.....[type or print name].....

By the Court.

.....
Registrar

Form F35 (Rule 10-10 (2))

[am. B.C. Regs. 119/2010, Sch. B; 321/2021, Sch. 2; 176/2023, Sch. 2.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

REQUISITION – UNDEFENDED FAMILY LAW CASE

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

Filed by: [party(ies)]

Required: final order, without a hearing, in the form attached

FILED WITH THIS REQUISITION ARE:

[Check all of the following boxes and file the following with this requisition.]

- draft of the order sought;
- proof that the case is an undefended family law case;
- certificate of the registrar in Form F36;
- filing fee.

[Check the following box and file the following with this requisition unless a response to family claim or response to counterclaim has been filed or unless this case is a joint family law case within the meaning of Rule 2-2 of the Supreme Court Family Rules.]

- proof of service of the notice of family claim or counterclaim, as the case may be.

[Check the following box and file the following document with this requisition if

(a) the family law case includes a claim for divorce and the notice of family claim, response to family claim, counterclaim or response to counterclaim identifies a child of the marriage within the meaning of the Divorce Act (Canada), or

(b) the family law case includes a claim for child support.]

Child Support Affidavit in Form F37.

[Check the following box and file the following document with this requisition if a divorce is sought.]

affidavit in Form F38.

[Check the following box and file the following document with this requisition if corollary relief under the Divorce Act (Canada) is sought.]

the most current Form F102 statement of information for corollary relief proceedings, if any, filed by each party in accordance with Rule 10-10 (2) (h).

[If proof that this is an undefended family law case is being provided, check whichever one of the 3 following applies, file the document with this requisition and remove the boxes that have not been checked so that they do not appear in the form when the form is filed.]

signed consent order

notice of withdrawal

other [please provide details].....

Date: [dd/mmm/yyyy]

.....
Signature of

filing party lawyer for filing party(ies)

..... [type or print name]

Form F36 (Rules 10-10 (2) and 14-4 (5))

[am. B.C. Reg. 95/2011, Sch. B.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

CERTIFICATE OF PLEADINGS

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

I CERTIFY the pleadings and proceedings in this family law case are in order *[add the following if applicable: except that*

Date: *[dd/mmm/yyyy]*

.....
Registrar

Form F37 (Rule 10-10 (2))

[en. B.C. Reg. 58/2012, Sch. B; am. B.C. Regs. 133/2012; 67/2013; 149/2022, Sch. 2.]

This is the [1st/2nd/3rd/etc.] affidavit of [name] in this case and was made on [dd/mmm/yyyy]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

CHILD SUPPORT AFFIDAVIT

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

[Complete the form in accordance with the instructions found in the bracketed italicized wording and then remove all bracketed italicized wording so that it does not appear in the form when the form is filed.]

I, [name], of [address], [occupation]....., SWEAR (OR AFFIRM) THAT:

1 I am the [claimant/respondent]

2 The following is true to the best of my information and belief:

(a) Parties:

Claimant's name	Province of residence
Respondent's name	Province of residence

(b) Children: [Where options are provided in the table to this paragraph, select whichever one of the options is correct and remove the option that has not been selected so that it does not appear in the form when the form is filed.]

Child's name	Birthdate [dd/mmm/yyyy]	Age	Child now living with	Relationship to claimant	Relationship to respondent
			claimant respondent	natural child step-child	natural child step-child
			claimant respondent	natural child step-child	natural child step-child
			claimant respondent	natural child step-child	natural child step-child
			claimant respondent	natural child step-child	natural child step-child

[Select whichever one of the 3 following provisions is correct, complete the selected provision and remove the provisions that have not been selected so that they do not appear in the form when the form is filed.]

- 3 The [notice of family claim/counterclaim] includes a claim for a child support order.
- 3 The [notice of family claim/counterclaim] included a claim for a child support order but that claim has been withdrawn.
- 3 The [notice of family claim/counterclaim] never included a claim for a child support order.

[Provide the information required under the child support guidelines (the "Guidelines") by selecting and completing one or more of sections 4a, 4b and 4c that relate to that information and removing any sections that do not relate to information required under the Guidelines so that that/those section(s) do not appear in the form when the form is filed.]

- 4a Claimant's annual income as determined under sections 15 to 20 of the Guidelines: \$..... .
- 4b Respondent's annual income as determined under sections 15 to 20 of the Guidelines: \$..... .
- 4c The claimant and the respondent have entered into an agreement as to income pursuant to section 15 (2) of the Guidelines, a copy of which agreement is attached. *[Attach a copy of the agreement to this affidavit and provide explanation if the agreed amount is not in line with the Guidelines.]*

[Select whichever one of the following 2 provisions is correct, complete the selected provision and remove the provision that has not been selected so that it does not appear in the form when the form is filed.]

- 5 The monthly amount in Schedule 1 of the Guidelines is \$....., payable by the
[claimant/respondent]
- 5 I have completed and attached to this affidavit *[Set out one or more of the following as applicable: Supplementary Child Support Fact Sheet B / Supplementary Child Support Fact Sheet C / Supplementary Child Support Fact Sheet D / Supplementary Child Support Fact Sheet E / Supplementary Child Support Fact Sheet F]*

[Note: Attach Supplementary Child Support Fact Sheet B if the circumstances described in section 9 of the child support guidelines exist, attach Supplementary Child Support Fact Sheet C if the circumstances described in section 8 of the child support guidelines exist, attach Supplementary Child Support Fact Sheet D if one or more children is over the age of majority, attach Supplementary Child Support Fact Sheet E if undue hardship is alleged and attach Supplementary Child Support Fact Sheet F if at least one of the party's income exceeds \$150,000. Do not attach any Supplementary Child Support Fact Sheet unless it is one required by this note to be attached.]

[Select whichever one of the 5 following provisions is correct, complete the selected provision and remove the provisions that have not been selected so that they do not appear in the form when the form is filed.]

6 The proposed order sets out that \$..... is the amount of child support payable by the
[claimant/respondent], which amount accords with the child support guidelines.

6 The proposed order by consent, pursuant to section 15.1 (7) of the *Divorce Act* (Canada) or section 150 (2) of the *Family Law Act*, sets out that \$..... is the amount of child support payable by the
[claimant/respondent], which amount is different than the amount required by the Guidelines.

6 The proposed order sets out that \$..... is the amount of child support payable by the
[claimant/respondent], which amount is different than the amount required by the Guidelines, but the following special provisions, within the meaning of section 15.1 (5) of the *Divorce Act* (Canada), have been made:

6 The proposed order sets out that \$..... is the amount of child support payable by the
[claimant/respondent], in accordance with the agreement referred to in section 4 (c) of this affidavit.

6 The proposed order does not include child support but the following arrangements have been made for the support of the child:

[Select whichever one of the 2 following provisions is correct, provide any required information and remove the provision that has not been selected so that it does not appear in the form when the form is filed.]

7 The expenses under section 7 of the Guidelines are not included in the proposed order.

7 I have completed and attached to this affidavit Supplementary Child Support Fact Sheet A, and the amount set out in the proposed order for the expenses under section 7 of the Guidelines ("section 7 expenses") is \$.....

[Select whichever one or more of the 3 following provisions is/are correct and remove the provision(s) that has/have not been selected so that it/they do(es) not appear in the form when the form is filed.]

8a Medical coverage is available for the children under the claimant's medical insurance plan.

8b Medical coverage is available for the children under the respondent's medical insurance plan.

8c Medical coverage is not available for the children under either of the party's medical insurance plans.

[Select whichever one of the 2 following provisions is correct, provide any required information and remove the provision that has not been selected so that it does not appear in the form when the form is filed.]

9 There is no order of any court in force dealing with support of the children.

9 Attached as Exhibit(s)[A, B, C, D, as the case may be] ... [is/are] the order(s) in force that deal(s) with the support of the children.

[Select whichever one of the 2 following provisions is correct, provide any required information and remove the provision that has not been selected so that it does not appear in the form when the form is filed.]

10 There is no agreement dealing with support of the children.

10 Attached as Exhibit(s) [A, B, C, D, as the case may be] ... [is/are] the written agreement(s) that deal(s) with the support of the children.

11 The amount of arrears of child support, as at [dd/mmm/yyyy], under any existing order or written agreement is:[nil/\$....].

SWORN (OR AFFIRMED) BEFORE)
 ME at, British Columbia)
 on [dd/mmm/yyyy])
)
)
)
 A commissioner for taking)
 affidavits for British Columbia)
 [print name or affix stamp of commissioner]

**SUPPLEMENTARY CHILD SUPPORT FACT SHEET A —
 SPECIAL OR EXTRAORDINARY EXPENSES**

Section 7 expenses (net of tax credits and contributions from child(ren), etc.)

		Annual	Monthly
(a)	Child care expenses		
(b)	Portion of medical and dental premiums attributable to the child(ren)		
(c)	Health related expenses that exceed insurance reimbursement by at least \$100		
(d)	Extraordinary primary, secondary or other educational expenses		
(e)	Post-secondary school expenses		
(f)	Extraordinary extracurricular activities expenses		
(g)	Total Section 7 expenses		

Parties' respective proportionate shares of the total net monthly Section 7 expenses referred to at line (g) above:

	%	Amount
Claimant's proportionate share		
Respondent's proportionate share		

Total monthly child support payable by the [claimant/respondent] after taking into account the monthly Guidelines table amount under Schedule 1 of the Guidelines and the Section 7 expenses is \$..... .

SUPPLEMENTARY CHILD SUPPORT FACT SHEET B — IF THE CIRCUMSTANCES DESCRIBED IN SECTION 9 OF THE CHILD SUPPORT GUIDELINES EXIST

	Claimant	Respondent
Number of children =		
Approximate percentage of time children spend with each parent	%	%
Annual Guidelines income [<i>determine amount under sections 15 to 20 of the Guidelines</i>]	\$	\$
Guidelines table amount [<i>use applicable amount from Schedule 1 of the Guidelines</i>]	\$	\$
Difference between the Guidelines table amount of the claimant and the Guidelines table amount of the respondent	\$.....	
Section 7 expenses paid directly by each party	\$	\$

Any other relevant information regarding the conditions, means, needs and other circumstances of each spouse or of any child for whom support is sought:

It is proposed that child support in the amount of \$..... per month be paid by the
[*claimant/respondent*]

SUPPLEMENTARY CHILD SUPPORT FACT SHEET C — IF THE CIRCUMSTANCES DESCRIBED IN SECTION 8 OF THE CHILD SUPPORT GUIDELINES EXIST

(a) Number of children principally resident with claimant for whom support is claimed	
(b) Respondent's annual Guidelines income [<i>determine amount under sections 15 to 20 of the Guidelines</i>]	\$
(c) Guidelines table amount payable by respondent for [<i>insert number from paragraph (a)</i>] children	\$
(d) Number of children principally resident with respondent for whom the claimant is obliged to pay support	
(e) Claimant's annual Guidelines income [<i>determine amount under sections 15 to 20 of the Guidelines</i>]	\$
(f) Guidelines table amount payable by claimant for [<i>insert number from paragraph (d)</i>] children	\$

Difference between Guidelines table amounts: [*difference between paragraphs (c) and (f)*]

SUPPLEMENTARY CHILD SUPPORT FACT SHEET D — CHILD 19 YEARS OR OLDER

(a) Number of child(ren) 19 years of age or older for whom support is claimed:

(b) Child support is to be paid by the [*claimant/respondent*] (the "payor")

(c) Monthly Guidelines table amount of the payor under Schedule 1 of the Guidelines: \$.....

[Select whichever one of the 2 following provisions is correct, provide any required information and remove the provision that has not been selected so that it does not appear in the form when the form is filed.]

The person swearing this affidavit says that the Guidelines table amount is appropriate.

The person swearing this affidavit says that the Guidelines table amount is inappropriate and that the appropriate amount would be \$..... for the following reasons: [*Give reasons to justify the proposed amount, having regard to the condition, means, needs and other circumstances of the child and the financial ability of each parent and the child to contribute to the support of the child.*]

SUPPLEMENTARY CHILD SUPPORT FACT SHEET E — UNDUE HARDSHIP

[Complete this form only if it applies to you under section 10 (3) and (4) of the Guidelines.]

1 Responsibility for unusually high debts reasonably incurred to support the family before separation or in order to earn a living		
Owed to	Terms of debt	Monthly Amount
• [<i>list</i>]	• [<i>provide details</i>]	\$..... \$.....
2 Unusually high expenses for exercising parenting time or contact with, or access to, a child		
Details of expense		
• [<i>list</i>]		\$..... \$.....
3 Legal duty under a court order or separation agreement to support another person		
Name of person	Relationship	Nature of duty
4 Legal duty to support a child, other than a child for whom support is claimed, who is		
(a) under age 19, or		
(b) 19 or older but unable to be self-supporting because of illness, disability or other cause		
Name of person	Relationship	Nature of duty
5 Legal duty to support a person who is unable to be self-supporting because of illness or disability		
Name of person	Relationship	Nature of duty

6 Other undue hardship circumstances [<i>provide details</i>]		

INCOME OF OTHER PERSONS IN HOUSEHOLD

Name of person	Annual income
Total	

SUPPLEMENTARY CHILD SUPPORT FACT SHEET F — INCOME OVER \$150,000

1	Total number of children for whom support is claimed =	
2	Guidelines table amount for \$150,000 =	\$.....
3	Plus% of income over \$150,000 [<i>determine applicable percentage from the Guidelines table</i>] =	\$.....
4	Guidelines table amount [<i>Total amount of lines 2 and 3</i>]	\$.....

[*Select whichever one of the 4 following provisions is correct, provide any required information and remove the provisions that have not been selected so that they do not appear in the form when the form is filed.*]

We have agreed on the Guidelines table amount set out in line 4 above as the amount of child support.

We have agreed on an amount of child support that differs from the Guidelines table amount and the amount of child support agreed on

(a) is \$.....

(b) differs from the Guidelines table amount because..... [*provide details, having regard to the condition, means, needs and other circumstances of the child and the financial ability of each parent and the child to contribute to the support of the child*]

We have not agreed on an amount of child support and the amount of child support the claimant is claiming is the Guidelines table amount set out in line 4 above.

We have not agreed on an amount of child support and the amount of child support the claimant is claiming is

(a) is \$....., and

(b) differs from the Guidelines table amount because[*provide details, having regard to the condition, means, needs and other circumstances of the child and the financial ability of each parent and the child to contribute to the support of the child*]..... .

Form F38 (Rule 10-10 (2))

[en. B.C. Reg. 58/2012, Sch. B; am. B.C. Regs. 133/2012; 65/2013, Sch. B.]

This is the [1st/2nd/3rd/etc.] affidavit
of [name] in this case
and was made on [dd/mmm/yyyy]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Claimant 1 [joint family law case]:

Respondent:

Claimant 2 [joint family law case]:

AFFIDAVIT — DESK ORDER DIVORCE

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

[Complete the form in accordance with the instructions found in the bracketed italicized wording and then remove all bracketed italicized wording so that it does not appear in the form when the form is filed.]

I, [name], of [address],[occupation]....., SWEAR (OR AFFIRM) THAT:

1 I am[the claimant/the respondent/Claimant 1/Claimant 2]..... .

2 There is no possibility of reconciliation between my spouse and me.

[Select whichever one of the 2 following provisions is correct and remove the provision that has not been selected so that it does not appear in the form when the form is filed.]

3 I believe that the facts set out in the notice of family claim are true.

3 I believe that the facts set out in the response to family claim and counterclaim are true.

[Select whichever one of the 2 following provisions is correct, provide any required information and remove the provision that has not been selected so that it does not appear in the form when the form is filed.]

4 The certificate of marriage or certified copy of the registration of marriage filed in this family law case fully and correctly describes the true particulars of the marriage.

4 It is impossible to obtain a certificate of marriage or a certified copy of the registration of marriage and instead, in accordance with section 52 (1) (a) of the *Evidence Act*, I refer to the affidavit of [name], a person who was present at the marriage ceremony, which affidavit is filed in this family law case.

[Select whichever one of the 4 following provisions is correct, complete the selected provision and remove the provisions that have not been selected so that they do not appear in the form when the form is filed.]

5 *[Select this provision if the grounds for divorce are separation for more than one year.]* I was living separate and apart from my spouse at the start of this family law case and I have lived separate and apart from my spouse since [dd/mmm/yyyy], except: *[provide dates of any periods of attempted reconciliation]*

5 *[Select this provision If the grounds for divorce are adultery of a spouse and there has been an admission of adultery.]* My spouse has admitted to me that [he/she] committed the acts of adultery alleged in Schedule 1 of the *[notice of family claim/counterclaim]* and

(a) as corroboration I refer to:*[Set out whichever one of the following is applicable: the affidavit(s) of [name(s)], / the transcript of the examination for discovery of [name] marked as Exhibit "A" to this affidavit].*.....,

(b) I have not condoned the conduct of my spouse that is alleged as the grounds for divorce in that I have not forgiven my spouse for that conduct, nor have I encouraged or acquiesced in that conduct.

5 *[Select this provision if the grounds for divorce are adultery of a spouse and there has been no admission of adultery.]* I have no personal knowledge of the acts of adultery alleged in Schedule 1 of the *[notice of family claim/counterclaim]*..... and

(a) in proof of the adultery committed by my spouse I refer to.....*[Set out whichever one of the following is applicable: the affidavit(s) of [name(s)]/ the transcript of the examination for discovery of [name] marked as Exhibit "A" to this affidavit].*.....,

(b) I have not condoned the conduct of my spouse that is alleged as the grounds for divorce in that I have not forgiven my spouse for that conduct, nor have I encouraged or acquiesced in that conduct.

5 *[Select this provision if the grounds for divorce are physical or mental cruelty of a spouse.]* My spouse has treated me with physical or mental cruelty since the date of the marriage as follows:*[provide details]*.....

6 I am neither directly nor indirectly a party to an agreement or conspiracy for the purpose of subverting the administration of justice, or to any agreement, understanding or arrangement to fabricate or suppress evidence or to deceive the court.

[Select whichever one of the 2 following provisions is correct, provide any required information and remove the provision that has not been selected so that it does not appear in the form when the form is filed.]

7 There are no children of the marriage as defined by the *Divorce Act* (Canada).

7 There are children of the marriage as defined by the *Divorce Act* (Canada) and

(a) those children are.....[provide the full name, age and birth date of each child of the marriage].....,

(b) I have sworn a child support affidavit in Form F37, and

(c) the following arrangements for parenting have been made:[provide details]..... .

[Select and complete the following provision if you are seeking a change of name for yourself. If you are not seeking a change of name for yourself, remove this provision so that it does not appear in the form when the form is filed.]

8 Pursuant to section 5 of the *Name Act*, I am seeking to change my name from to This application for a name change relates only to myself.

[Select and complete the following provision if you are seeking a change of name for one or more minor children. If you are not seeking a change of name for one or more minor children, remove this provision so that it does not appear in the form when the form is filed. Renumber this provision as section 8 if you are seeking a change of name for one or more minor children and have not included a section 8 immediately before this provision.]

9 Pursuant to section 5 of the *Name Act*, I am seeking to change the name(s) of the minor child(ren) of the marriage as follows, and a copy of the consent(s) to the change(s) of name referred to in this section of[name]..... who is/are[relationship to child(ren)]..... is/are attached to this affidavit and marked as Exhibit(s)[A, B, C, D, as the case may be].... . [Complete the following for each minor child of the marriage for whom a name change is sought.]
from to:

SWORN (OR AFFIRMED) BEFORE)
ME at, British Columbia)
on [dd/mmm/yyyy])
.....)
.....)
A commissioner for taking)
affidavits for British Columbia)
.... [print name or affix stamp of commissioner]

Form F39 (Rule 11-4 (1))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

NOTICE OF DISCONTINUANCE

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

Filed by: [party(ies)]

TAKE NOTICE that [party(ies)]

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

discontinue(s) this family law case against [party(ies)]

discontinue(s) the following claim(s) in this family law case against [party(ies)]
.....:

(a)

(b)

(c)

[Check the correct box(es).]

Notice of trial has not been filed

Notice of trial has been filed and this discontinuance is

with the consent of all parties

by leave of the court

Date: [dd/mmm/yyyy]
.....

.....
Signature of
[] filing party [] lawyer for filing party(ies)
..... [type or print name]
.....

Form F40 (Rule 11-4 (3))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

NOTICE OF WITHDRAWAL

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

Filed by: [party(ies)]

TAKE NOTICE that the respondent(s), [name(s)],

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

withdraw(s) [his/her/their] response to family claim in this family law case

withdraw(s) [his/her/their] response to family claim in respect of the following claim(s) in this family law case:

(a)

(b)

(c)

Date: [dd/mmm/yyyy]

.....

.....

Signature of

filing party lawyer for filing party(ies)

..... [type or print name]

.....

Form F41 (Rule 12-2 (2))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

SECURITY FOR RECEIVER

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

Date of this guarantee: [dd/mmm/yyyy]

Name and address of receiver:

Name and registered office of surety:

Liability of surety under this guarantee: \$.....

Annual premium: \$.....

This guarantee is made between the RECEIVER, THE SURETY AND HER MAJESTY THE QUEEN in right of British Columbia.

1 The receiver and the surety hereby jointly and severally covenant with Her Majesty the Queen in right of British Columbia that the receiver will, from time to time, duly account for what the receiver has already received since the date of the order appointing the receiver and will hereafter receive or for what since the date of the order the receiver has or will hereafter become liable to pay or account for as receiver [*and manager*] and will pay every sum of money and deliver every property that the court may direct.

2 If the receiver does not, for every successive 12 months computed from the date of the receiver's appointment, pay at the office of the surety the annual premium noted above, then the surety may apply to be relieved from all further liability under this guarantee, except in respect of any damage or loss occasioned by any act or default of the receiver in relation to the receiver's duties as receiver [*and manager*] prior to the hearing and determination of the application.

3 A statement under the hand of the registrar of the amount that the receiver is liable to pay and has not paid under paragraph 1 and that the loss or damage has been incurred through the act or default of the receiver is conclusive evidence in any action by Her Majesty against the receiver and surety, or either of them, or by the surety against the receiver, of the truth of the contents of the statement and constitutes a binding charge not only against the receiver and the receiver's personal representatives, but also against the surety and its funds and property without it being necessary for Her Majesty to take any proceedings against the surety and the surety's funds and property and without it being necessary for Her Majesty to take any proceedings against the receiver for the recovery thereof and without any further or other proof being given in that behalf in any action to enforce this guarantee.

4 The liability of the surety under this guarantee is limited to the sum noted above, provided that the registrar may give his or her approval in writing to the reduction of the liability of the surety, in which event the surety's maximum liability with respect to any acts or omissions of the receiver subsequent to the date of the approval is reduced accordingly and provided further that an endorsement executed by the surety increasing the liability of the surety will be binding on the surety with respect to any acts or omissions of the receiver subsequent to the date of that endorsement.

5 The receiver will, on being discharged from office or on ceasing to act as receiver [and manager], promptly give written notice of that discharge to the surety, and also within 7 days after the notice give the surety a copy of any order discharging the receiver.

6 The receiver and the receiver's personal representatives will at all times hereafter indemnify the surety against all loss, damage, costs, and expenses that the surety sustains by reason of the surety having executed this guarantee.

In witness whereof, the receiver has hereunder set his or her hand and seal and the surety has caused its common seal to be affixed [dd/mmm/yyyy]

SURETY [SEAL]

RECEIVER [SEAL]

Date: [dd/mmm/yyyy]
.....

Approved:.....
Registrar

Endorsement to Guarantee No.

The liability of the surety under this guarantee has been increased from \$..... to \$....., effective [dd/mmm/yyyy] with respect to any acts or omissions of the receiver subsequent to that date.

SURETY [SEAL]

Form F42 (Rule 12-2 (2))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

SECURITY OF RECEIVER BY UNDERTAKING

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

I,, of, in the of, the receiver [and manager] appointed by order made on [dd/mmm/yyyy] by in this family law case, hereby undertake to the court duly to account for all money and property received by me as receiver [and manager] or for which I may be held liable, and to pay the balance from time to time found due from me and to deliver any property received by me as receiver [and manager] at such times and in such manner as the court directs.

Date: [dd/mmm/yyyy] Receiver [Manager]

And we [names and addresses of sureties] hereby jointly and severally undertake to the court to be answerable for any default by [name of receiver] as receiver [and manager] and on such default to pay as the court directs any amounts not exceeding in the whole \$..... that may from time to time be certified by the registrar to be due from the receiver, and we submit to the jurisdiction of the court to determine any claim made under this undertaking.

Date: [dd/mmm/yyyy] Surety
..... [dd/mmm/yyyy] Surety
..... [dd/mmm/yyyy] Approved:..... Registrar

Endorsement to Security

The liability of the surety under this guarantee has been increased from \$..... to \$....., effective [dd/mmm/yyyy] with respect to any acts or omissions of the receiver subsequent to that date.

Date: [dd/mmm/yyyy] Surety

Form F43 (Rule 13-1 (2))

[am. B.C. Reg. 133/2012.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

NOTICE TO CROSS-EXAMINE

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

To: [party]

And to: [name of person who prepared report under section 15 of the Family Relations Act or section 211 of the Family Law Act]

TAKE NOTICE THAT:

I, [name of party giving notice], require [name of person who prepared section 15 report or section 211 report] to attend at the trial of this family law case at the place, date and time set out below to be cross-examined on the report dated [dd/mmm/yyyy]

Place of trial: [address]

Date attendance is required: [dd/mmm/yyyy]

Time attendance is required: [time of day]

Date: [dd/mmm/yyyy]

.....

Signature of

[] party giving notice

[] lawyer for party(ies) giving notice

..... [type or print name]

Form F44 (Rule 14-2 (1))

[am. B.C. Regs. 119/2010, Sch. B; 95/2011, Sch. B; 104/2015.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

NOTICE OF TRIAL

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

Filed by: [party]

TAKE NOTICE that the trial of this family law case has been set down at the following place, date and time:

City	
Address of Courthouse	
Date [dd/mmm/yyyy]	
Time	

.....
Registrar

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

The place of trial set out above is the place of trial set out in

- the notice of family claim.
- the order dated [dd/mmm/yyyy]

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

- All parties agree that not more than is a reasonable time for the hearing of all evidence and argument in this family law case.

There is a disagreement as to the estimate of a reasonable time for the hearing of all evidence and argument in this family law case. The estimates of the parties are as follows:

Name of party	Time Estimate

Date: [dd/mmm/yyyy]

.....

Signature of

filing party lawyer for filing party(ies)

..... [type or print name]

Contact information for the parties and their lawyers is as follows:

[Set out the full names, addresses and telephone numbers of all lawyers having conduct of this family law case and of all parties who are not represented by a lawyer and, in addition, any email addresses or fax numbers that may be used for contact purposes.]

Form F45 (Rule 14-2.1)

[en. B.C. Reg. 176/2023, Sch. 2.]

[Style of Proceeding]

TRIAL BRIEF

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

Filed by: [party](the “filing party”)

[The pages of this trial brief must be consecutively numbered.]

[Check the following box, if applicable] [] This is an amended trial brief of the filing party.

The trial of this family law case is scheduled for [number of days scheduled for trial]..... days and is scheduled to begin on[insert date]..... . The total time needed respecting items 3, 4, 6, 9 and 11(B), as applicable, is [total, in hours, of all times indicated in items 3, 4, 6, 9 and 11(B) below].....

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

[] The filing party expects the trial to complete within the scheduled time.

[] The filing party expects the trial to require[number]..... days, and the filing party and counsel are available to continue for[number]..... consecutive days following the currently scheduled completion date.

The total time needed for orders or directions sought at the trial management conference is _____, if proceeding [total time of all applications in item 1C].

1 Trial Management Conference

- (a) The filing party is represented by legal counsel and anticipates being represented by counsel at the trial: [] yes [] no
(b) The trial is set for hearing for more than 15 days: [] yes [] no

[See Rule 14-3 (1) for when trial management conference is required.]

(c) The following orders or directions will be applied for at the trial management conference:

Table with 2 columns: Nature of order or direction, Time in hours needed for application. It contains three empty rows for data entry.

If a trial management conference is not held, the parties are encouraged to engage in pretrial communication that will result in the efficient conduct of the trial, including provisions for a joint book of authorities, agreed statement of facts, and common book of documents.

2 Summary of Issues and Positions

The following is a list, in numbered paragraphs, of the issues in dispute and the filing party's position on each:

Issue in dispute	Filing party's position
1	1
2	2

3 Witnesses to be Called

The following are the names and addresses of the lay and expert witnesses the filing party intends to call at trial, the issue(s) each will address, an estimate of the time each will need for giving direct evidence, and the filing party's opinion on whether, if the court so orders or the parties all consent, the witness's direct evidence could conveniently be given by affidavit:

Name	Address	Issue(s)	Evidence expected at trial: (a) attached as a schedule or (b) to be provided 14 days before trial	Time in hours needed	Direct evidence by affidavit (Y/N)	Video Attendance Proposed by Filing Party (Y/N)

4 Witnesses to be Cross-Examined

The following are the names of the witnesses the filing party anticipates cross-examining at trial, and an estimate of the time the filing party will need for each:

Name	Time in hours needed

5 Expert Reports

The following are the expert reports the filing party intends to offer as evidence at trial:

Name of expert	Area of expertise	Date of report

6 Objection to Admissibility

The filing party intends to object to the admissibility of all or a part of the following expert reports:

Name of expert	Area of expertise	Date of report	Basis of objection	Time in hours needed

7 Documents, Exhibits and Authorities

- (a) The parties have agreed on have not agreed on have not yet discussed a common book of documents.
- (b) The filing party is in favour or is not in favour of having a common book of documents. If not, provide reasons:
- (c) The parties have reached have not reached have not yet discussed an agreement governing the use and admissibility of documents.
- (d) The filing party is in favour or is not in favour of proceeding with an agreement governing the use and admissibility of documents.

If yes, attach proposed form of document agreement.

If not, provide reasons:

- (e) The filing party expects does not expect that there will be a joint book of authorities.

8 Admissions

The filing party will admit the following facts at trial (attach schedule if more space required):

9 Time Required for Submissions

The filing party estimates that[*time estimate, in hours*]..... will be needed for the filing party's opening statement and[*time estimate, in hours*]..... will be needed for that party's final submissions.

10 Orders That May Affect the Conduct of the Trial

The following orders may affect the conduct of the trial:

Date of order	Nature of order

11 Applications Anticipated

(a) The following applications are anticipated to be made prior to trial:

Nature of application	Time estimate

(b) The following applications are anticipated to be made during the trial:

Nature of application	Time estimate

12 Trial Logistics

(a) Does this trial involve/require:

(i) out of town witnesses? yes no

If so, indicate where witnesses are traveling from: _____

(ii) interpreters? yes no

If so, indicate language[s] required for which witnesses: _____

(iii) security concerns? yes no

If so, indicate whether sheriff required in the courtroom: _____

(iv) special equipment/courtroom arrangements? yes no

Videoconferencing: yes no

Teleconferencing: yes no

Evidence Presentation System: yes no

Large courtroom: yes no

Other requirements: _____

(b) How many people do you anticipate to be in attendance in person at the trial?

[_____] number of party attendees

[_____] number of non-party attendees

13 Readiness

Are further amendments to the pleadings, applications, examinations for discovery, interrogatories, admissions or expert reports required before the trial?

yes no

Date: [*date*]

Signature of filing party lawyer for filing party

..... [*type or print name*]

Form F46 (Rule 14-5 (1))

[am. B.C. Reg. 119/2010, Sch. B.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

TRIAL CERTIFICATE

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

Filed by: [party]

I, [name], [the claimant/lawyer for the claimant/respondent/lawyer for the respondent],

CERTIFY THAT:

1 I will be ready to proceed on the scheduled trial date, [date trial is scheduled to begin — dd/mmm/yyyy] at [place of trial]

2 My current estimate is that the trial will last days.

3 I have completed all examinations for discovery.

4 A trial management conference has been conducted in this family law case.

5 If the family law case is settled before trial, I will give the registrar prompt notice of the settlement.

6 I will give the registrar prompt notice of any proposed adjournment of the trial.

Date: [dd/mmm/yyyy]

.....

Signature of

[] filing party [] lawyer for filing party(ies)

..... [type or print name]

Form F47 (Rule 14-7 (8))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

NOTICE TO PRODUCE

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

To: [party(ies)]

TAKE NOTICE that [party(ies)] require(s) you to produce at [the trial of this family law case/the deposition examination of [name]] all documents in your possession or control relating to the matters in question [and, if applicable, the following physical objects:] .

Date: [dd/mmm/yyyy]

.....
Signature of

[] party requiring production

[] lawyer for party(ies) requiring production

..... [type or print name]

Form F48 (Rules 14-7 (15) and 21-2 (4) and (5))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

NOTICE OF INTENTION TO PROCEED

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

Filed by: [party(ies)]

To: [party(ies)]

TAKE NOTICE that [party(ies)] intend(s) to proceed with this family law case.

Date: [dd/mmm/yyyy]

.....

Signature of

[] filing party [] lawyer for filing party(ies)

..... [type or print name]

Form F49 (Rule 14-7 (21))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

NOTICE OF INTENTION TO CALL ADVERSE PARTY AS A WITNESS

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

To: [name and address]

TAKE NOTICE that [party(ies)] require(s) you to appear at the trial of this family law case at [time of day] on [dd/mmm/yyyy] at [place of trial] for the purpose of being called as a witness under Rule 14-7 (20), (21) or (22) of the Supreme Court Family Rules.

Date: [dd/mmm/yyyy]

.....
Signature of

[] party requiring appearance

[] lawyer for party requiring appearance

..... [type or print name]

Rule 14-7 (25) states:

(25) If a person called as a witness in accordance with subrule (21) or (22) refuses or neglects to attend at the trial, to be sworn or to affirm, to answer a proper question put to the person or to produce a document that the person is required to produce, the court may do one or more of the following:

- (a) grant judgment in favour of the party who called the witness;
- (b) adjourn the trial;
- (c) make an order as to costs;
- (d) make any other order it considers will further the object of these Supreme Court Family Rules.

Form F50 (Rule 14-7 (38))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

WARRANT AFTER SUBPOENA

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

To any Peace Officer

WHEREAS [*name and address of person*] was subpoenaed to give evidence at the trial of this family law case and failed to attend [*or failed to remain in attendance*];

THIS COURT ORDERS you to apprehend and bring him or her promptly before the court at and, after that, to deal with him or her as directed.

Date: [*dd/mmm/yyyy*]

.....
A Judge of the Supreme Court of
British Columbia

..... [*type or print name*]

Form F51 (Rule 15-1 (1))

[en. B.C. Reg. 58/2012, Sch. B; am. B.C. Regs. 133/2012; 65/2013, Sch. B; 208/2020.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

ORDER MADE AFTER APPLICATION

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

[Complete the form in accordance with the instructions found in the bracketed italicized wording and then remove all bracketed italicized wording so that it does not appear in the form when the form is filed.]

BEFORE } THE HONOURABLE JUSTICE
or A JUDGE OF THE COURT }
or } [dd/mmm/yyyy]
MASTER }
or A MASTER OF THE COURT }

[Select whichever one of the 2 following provisions is correct, complete the selected provision and remove the provision that has not been selected so that it does not appear in the form when the form is filed.]

ON THE APPLICATION OF [party(ies)] coming on for hearing at on
[dd/mmm/yyyy] and on hearing [name of party/lawyer] and [name of party/lawyer]

ON THE APPLICATION OF [party(ies)] without notice coming on for hearing at
..... on [dd/mmm/yyyy] and on hearing [name of party/lawyer]

THIS COURT ORDERS that:

[If any of the following orders are by consent, indicate that fact by adding the words "By consent," to the beginning of the description of the order.] [If this order is to change, suspend or terminate a final order, identify the judge by whom and the date on which that order was made.] [For each order, if any, made for parenting time, decision-making responsibility, contact, parenting arrangements, child support or spousal support, indicate whether the order is made under the Divorce Act or the Family Law Act.]

1
2
3

THE PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

[A signature line in the following form must be completed and signed by or for each approving party.]

.....
Signature of
[] party [] lawyer for [name of party(ies)]
..... [type or print name]

.....
Signature of
[] party [] lawyer for [name of party(ies)]
..... [type or print name]

By the Court.

.....
Registrar

Form F51.1 (Rule 7-1 (15))

[en. B.C. Reg. 104/2015.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

ORDER MADE AT JUDICIAL CASE CONFERENCE

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

[Complete the form in accordance with the instructions found in the bracketed italicized wording and then remove all bracketed italicized wording so that it does not appear in the form when the form is filed.]

BEFORE } THE HONOURABLE JUSTICE }
or } [dd/mmm/yyyy]
MASTER }

AT A JUDICIAL CASE CONFERENCE in this family law case at, on [dd/mmm/yyyy], and on hearing [name of party/lawyer] and [name of party/lawyer]

THIS COURT ORDERS that:

[If any of the following orders are by consent, indicate that fact by adding the words "By consent," to the beginning of the description of the order.]

- 1
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- 3

THE PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

[A signature line in the following form must be completed and signed by or for each approving party.]

.....
Signature of
[] party [] lawyer for [*name of party(ies)*]
..... [*type or print name*]

.....
Signature of
[] party [] lawyer for [*name of party(ies)*]
..... [*type or print name*]

By the Court.

.....
Registrar

Form F51.2 (Rule 14-3 (7))

[en. B.C. Reg. 176/2023, Sch. 2.]

[Style of Proceeding]

ORDER MADE AT TRIAL MANAGEMENT CONFERENCE

BEFORE } THE HONOURABLE JUSTICE }
 } or } *[insert date of hearing]*
 } MASTER }

THIS MATTER coming on for a Trial Management Conference at *[insert location of registry]* Law Courts on *[insert date of hearing]* and on hearing *[insert name of person appearing]*, *[insert description of person appearing, i.e., counsel for the claimant(s), appearing on their own behalf]*, and *[insert name of person appearing]*, *[insert description of person appearing, i.e., counsel for the respondent(s)/appearing on their own behalf]*;

THIS COURT ORDERS that:

1 *[set out details]*

2

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER:

[insert name of person appearing]
[insert description of person appearing]

[insert name of person appearing]
[insert description of person appearing]

By the Court

.....
Registrar

Form F52 (Rule 15-1 (1))

[en. B.C. Reg. 58/2012, Sch. B; am. B.C. Regs. 65/2013, Sch. B; 121/2014; 208/2020.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

FINAL ORDER

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

[Complete the form in accordance with the instructions found in the bracketed italicized wording and then remove all bracketed italicized wording so that it does not appear in the form when the form is filed.]

BEFORE } THE HONOURABLE JUSTICE
or A JUDGE OF THE COURT }
or } [dd/mmm/yyyy]
MASTER }
or A MASTER OF THE COURT }

[Select whichever one of the 4 following provisions is correct, provide any required information and remove the provisions that have not been selected so that they do not appear in the form when the form is filed.]

This family law case coming on for trial at, on [dd/mmm/yyyy], and on hearing, [add the following if applicable: the lawyer for] the claimant and, [add the following if applicable: the lawyer for] the respondent, and on considering the evidence put forward [add the following if applicable: AND JUDGMENT being reserved to this date];

This family law case coming on for hearing at on [dd/mmm/yyyy] and on hearing [name of party/lawyer] and [name of party/lawyer]....., and on considering the evidence put forward;

This family law case coming on for summary trial under Rule 11-3 of the Supreme Court Family Rules at on [dd/mmm/yyyy], and on hearing [name of party/lawyer] and

.....[*name of party/lawyer*]....., and on considering the evidence put forward;

This family law case coming on as an undefended family law case without an oral hearing under Rule 10-10 of the Supreme Court Family Rules, and on considering the evidence put forward;

THIS COURT ORDERS that

[If a divorce is granted, select whichever one of the 2 following provisions is correct, complete the selected provision and remove the provision that has not been selected so that it does not appear in the form when the form is filed. If a divorce is not granted, remove both of the following provisions so that they do not appear in the form when the form is filed.]

Subject to section 12 of the *Divorce Act* (Canada), the claimant, [*name*], and the respondent, [*name*], who were married at [*place*] on [*dd/mmm/yyyy*], are divorced from each other, the divorce to take effect on the 31st day after the date of this order.

Subject to section 12 of the *Divorce Act* (Canada), the claimant, [*name*], and the respondent, [*name*], who were married at [*place*] on [*dd/mmm/yyyy*], are divorced from each other, the divorce to take effect on [*dd/mmm/yyyy*]

THIS COURT ORDERS that

[If orders other than or in addition to divorce orders are made, set out, in numbered paragraphs, the terms of all orders other than divorce orders.] [if any of the following orders are by consent, indicate that fact by adding the words "By consent," to the beginning of the description of the order.] [For each order, if any, made for parenting time, decision-making responsibility, contact, parenting arrangements, child support or spousal support, indicate whether the order is made under the Divorce Act or the Family Law Act.] [If no orders other than divorce orders are made, remove this provision so that it does not appear in the form when the form is filed.]

- 1
- 2
- 3

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

[A signature line in the following form must be completed and signed by or for each approving party.]

.....
Signature of
[] party [] lawyer for [*name of party(ies)*]
..... [*type or print name*]

.....
Signature of
[] party [] lawyer for [*name of party(ies)*]
..... [*type or print name*]

By the Court.

.....
Registrar

Form F53

Repealed. [B.C. Reg. 119/2010, Sch. B]

Form F54 (Rule 15-1 (1))

[en. B.C. Reg. 133/2012; am. B.C. Reg. 149/2022, Sch. 2.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

PROTECTION ORDER

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

[Complete the form in accordance with the instructions found in the bracketed italicized wording and then remove all bracketed italicized wording so that it does not appear in the form when the form is filed.]

BEFORE } THE HONOURABLE JUSTICE }
 } or }
 } MASTER } [dd/mmm/yyyy]

Name of applicant:

Persons appearing:

Lawyer:

.....

Lawyer:

[Select one or more of the 10 following provisions, as applicable, complete the selected provision(s) and remove the provision(s) that is/are not selected so that it/they doe(es) not appear in the draft order when submitted for filing.]

THIS COURT ORDERS, under section 183 of the *Family Law Act*, that [full name and date of birth of person restrained] is restrained from directly or indirectly communicating with or contacting [set out full name of protected person(s)]

THIS COURT ORDERS, under section 183 of the *Family Law Act*, that [full name and date of birth of person restrained] is restrained from attending at, nearing or entering [set out place(s) where person is

not to attend]

THIS COURT ORDERS, under section 183 of the *Family Law Act*, that [full name and date of birth of person restrained] is restrained from following [set out full name of protected person(s)]

THIS COURT ORDERS, under section 183 of the *Family Law Act* that, [full name and date of birth of person restrained] is restrained from possessing a weapon or firearm.

THIS COURT ORDERS, under section 183 of the *Family Law Act*, that [full name and date of birth of person restrained] must not communicate with [set out full name of protected person(s)] other than as follows: [specify]

THIS COURT ORDERS, under section 183 of the *Family Law Act*, that [full name and date of birth of person restrained] must report to the court [or to [specify person(s)]] as follows: [specify]

THIS COURT ORDERS that any police officer, including any R.C.M.P. officer having jurisdiction in the province of British Columbia, who is provided with a copy of this order is directed to remove [full name and date of birth of person restrained] from [location] immediately [or within a specified period of time].

THIS COURT ORDERS that any police officer, including any R.C.M.P. officer having jurisdiction in the province of British Columbia, who is provided with a copy of this order is directed to accompany [full name and date of birth of person] to [location] as soon as practicable [or within a specified period of time] to supervise the removal of his/her personal belongings.

THIS COURT ORDERS that any police officer, including any R.C.M.P. officer having jurisdiction in the province of British Columbia, who is provided with a copy of this order is directed to seize from [full name and date of birth of person from whom seizure is made] any weapons or firearms and related documents.

THIS COURT ORDERS that this order expires on [dd/mmm/yyyy]

[Add any further terms of protection order.]

By the Court.

.....
Registrar

**DISOBEYING THIS ORDER IS A CRIMINAL OFFENCE UNDER SECTION 127 OF THE CRIMINAL CODE
PUNISHABLE BY FINE OR IMPRISONMENT**

TAKE NOTICE THAT any police officer, including any R.C.M.P. officer having jurisdiction in the province of British Columbia, having reasonable and probable grounds to believe that the person against whom this order is made has contravened a term of this order may take action to enforce the order, whether or not there is proof that the order has been served on the person and, if necessary for the purpose of enforcing the order, may use reasonable force. Enforcement action may include arresting the person against whom this order is made without warrant in accordance with section 495 of the Criminal Code.

AND TAKE NOTICE THAT unless the court otherwise orders in relation to this order, this order expires one year after the

date it is made.

Form F54.1 (Rule 15-1 (1))

[en. B.C. Reg. 149/2022, Sch. 2.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

ORDER TERMINATING A PROTECTION ORDER

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

BEFORE } THE HONOURABLE JUSTICE }
 } or }
 } MASTER } [dd/mmm/yyyy]

Name of applicant:

Persons appearing:

.....

Lawyer:

Lawyer:

THIS COURT ORDERS, under section 187 of the *Family Law Act*, that the order dated[dd/mmm/yyyy]..... made by [name of justice or master who made the order being terminated] is terminated on[dd/mmm/yyyy].....

By the Court.

.....
Registrar

Note: This order will be sent to the Protection Order Registry to advise them to remove the terminated order from their registry.

Form F54.2 (Rule 15-1 (1))

[en. B.C. Reg. 133/2012; am. B.C. Reg. 67/2013]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

RESTRAINING ORDER

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

BEFORE } THE HONOURABLE JUSTICE } [dd/mmm/yyyy]
 } or }
 } MASTER }

Name of applicant:

Persons appearing:

Lawyer:

.....

Lawyer:

THIS COURT ORDERS, under section 46 (1) (a) of the *Family Maintenance Enforcement Act*, that[full name and date of birth of person restrained] is restrained from molesting, annoying, harassing or communicating with, or attempting to molest, annoy, harass or communicate with [set out name of creditor, debtor, director or other person]

[Add any further terms of restraining order.]

By the Court.

.....
Registrar

TAKE NOTICE THAT any police officer, including any R.C.M.P. officer having jurisdiction in the province of British Columbia, who finds the party [*name(s) of party(ies)*] breaching any of the terms of this restraining order may immediately arrest that party without warrant in accordance with section 495 of the Criminal Code.

Form F55 (Rules 15-1 (13), 16-1 (20), (23) and (24) and 18-1 (6))

[am. B.C. Reg. 133/2012.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

APPOINTMENT

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

I appoint:

Time:

Date: [dd/mmm/yyyy]

Place:

as the time and place for the: *[Check the correct box(es) and complete any required information.]*

assessment of the bill of costs of [party(ies)]

assessment of the expenses of [party(ies)]

settlement of the terms of the order of [Mr. Justice, Madam Justice or Master] made
[dd/mmm/yyyy]

passing of accounts of [executor, administrator, receiver or other]

reference under the *Court Order Enforcement Act*

reference ordered by..... [Mr. Justice, Madam Justice or Master]

assessment of sheriff's fee

other

Attached to this Appointment [is/are] the bill(s) of costs sheriff's bill(s) order(s) that [is/are] the subject of this Appointment.

Date: [dd/mmm/yyyy]
Master, Registrar or Special Referee

To: [name]

TAKE NOTICE of the above appointment.

The person seeking appointment believes the matter for which this appointment was sought:

[Check all of the following boxes that are correct and complete the required information.]

is is not of a time consuming or contentious nature

will require approximately [time estimate] to complete

Date: [dd/mmm/yyyy]
Signature of
 person seeking appointment
 lawyer for person seeking appointment
..... [type or print name]

Address and telephone number of person seeking appointment or lawyer for person seeking appointment:

Name:

Address:

.....

Telephone:

Form F56 (Rule 15-2 (3))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

CERTIFICATE OF DIVORCE

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

This is to certify that [name] and [name], who were married at [place] on [dd/mmm/yyyy], were divorced under the *Divorce Act* (Canada) by an order of this court which took effect and dissolved the marriage on [dd/mmm/yyyy]

GIVEN under my hand and the seal of this court

Date: [dd/mmm/yyyy]

.....
Registrar

Form F57 (Rule 15-4 (1))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

WRIT OF SEIZURE AND SALE

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

Name and address of lawyer or person causing this writ to be issued:

To the Sheriff

You are commanded promptly to seize and sell at public auction or by tender for the best available price sufficient of the goods and chattels of the undermentioned person to realize the sums set out on the back of this writ, that are payable by virtue of the attached order of this Honourable Court, together with your costs, fees and expenses for executing this writ.

After carrying out the above instructions, you must pay to the person specified on the back of this writ from the amount realized the sum or sums that are payable to him or her and account therefor by return to the court.

Date: [dd/mmm/yyyy]

Registrar

[Back]

Name and address of person whose goods and chattels are to be seized:

Amount remaining due and payable on judgment: \$.....

Amount of costs remaining due and payable: \$.....

Amount of interest on judgment and costs remaining due and payable: \$.....

Costs of party entitled to execution: \$.....

Sheriff's costs [to be filled in by Sheriff]: \$.....

Total [to be filled in by Sheriff]: \$.....

Identity of person entitled to payment of judgment:

Form F58 (Rule 15-4 (2) and (4))

[am. B.C. Reg. 95/2011, Sch. B.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

WRIT OF SEQUESTRATION

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

Name and address of lawyer or person causing this writ to be issued:

To the Sheriff

You are authorized and commanded to enter on and take possession of all the real and personal estate of [name] and to collect and receive the rents and profits of his or her real and personal estate and keep the same under sequestration in your hands until you are satisfied that that person has complied with the attached order and has paid the costs, fees and expenses of execution of the person entitled to execution and the costs, fees and expenses for executing this writ.

Date: [dd/mmm/yyyy]

.....
Registrar

Form F59 (Rule 15-4 (3))

[am. B.C. Reg. 95/2011, Sch. B.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

WRIT OF POSSESSION

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

Name and address of lawyer or person causing this writ to be issued:

To the Sheriff

WHEREAS it was ordered, on [dd/mmm/yyyy], that

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

the respondent,, deliver to the claimant,,

the claimant,, recover from the respondent,, possession of *[set out address and, if available, legal description of land]* (the "land");

YOU ARE COMMANDED promptly to enter the land and cause [name] to have possession of it;

AND YOU ARE ALSO COMMANDED promptly to seize and sell at public auction or tender for the best price available sufficient of the goods and chattels of [name] to realize the claimant's costs, fees and expenses of execution and the costs, fees and expenses for executing this writ.

Date: [dd/mmm/yyyy]

Registrar

Form F60 (Rule 15-4 (4))

[am. B.C. Reg. 95/2011, Sch. B.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

WRIT OF DELIVERY

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

Name and address of lawyer or person causing this writ to be issued:

To the Sheriff

WHEREAS it was, on [dd/mmm/yyyy], ordered that the respondent,, deliver to the claimant,, the following goods: [describe the goods]

YOU ARE COMMANDED promptly to cause the goods to be delivered to

AND YOU ARE ALSO COMMANDED promptly to seize and sell at public auction or tender for the best price available sufficient of the goods and chattels of to realize the claimant's costs, fees and expenses of execution and the costs, fees and expenses for executing this writ.

Date: [dd/mmm/yyyy]

.....
Registrar

Form F61 (Rule 15-4 (4))

[am. B.C. Reg. 95/2011, Sch. B.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

WRIT OF DELIVERY OR ASSESSED VALUE

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

Name and address of lawyer or person causing this writ to be issued:

To the Sheriff

WHEREAS it was, on [dd/mmm/yyyy], ordered that the respondent,, deliver to the claimant,, the following goods: [describe the goods]

YOU ARE COMMANDED promptly to cause the goods to be delivered to

AND YOU ARE ALSO COMMANDED promptly to seize and sell at public auction or tender for the best price available sufficient of the goods and chattels of to realize the claimant's costs, fees and expenses of execution and the costs, fees and expenses for executing this writ;

If the goods that you are to have delivered to cannot be found within British Columbia, then you are commanded to realize, in addition to any other sums referred to in this writ, from the goods and chattels of, the sum of \$....., together with your costs, fees and expenses of so doing and pay the sum to the claimant together with the claimant's costs, fees and expenses of execution.

Date: [dd/mmm/yyyy]

.....
Registrar

Form F62 (Rule 15-4 (29))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

ACKNOWLEDGMENT OF PAYMENT

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

I ACKNOWLEDGE PAYMENT of \$..... in [] full [] partial satisfaction of the judgment dated
[dd/mmm/yyyy]

Date: [dd/mmm/yyyy]

.....

Signature of party receiving payment

..... [type or print name]

Signed [dd/mmm/yyyy] in the presence of

..... [name]

..... [address]

..... [occupation]

Form F63 (Rule 15-5 (1))

[am. B.C. Reg. 133/2012.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant/Creditor/Petitioner/Other:

Respondent/Debtor/Petition Respondent/Other:

**SUMMONS TO A DEFAULT HEARING
UNDER THE *FAMILY MAINTENANCE ENFORCEMENT ACT***

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

To: [*name and address*]

It appears you have defaulted in a payment required under a support order.*

..... [*An affidavit/A statement of arrears*] is attached.

YOU ARE REQUIRED to appear before the Supreme Court of British Columbia, at [*address*], under the *Family Maintenance Enforcement Act*, on [*dd/mmm/yyyy*] at [*time of day*] or so soon after that as this matter may be heard, to show cause why the order should not be enforced.

Date: [*dd/mmm/yyyy*]

.....
Registrar

TAKE NOTICE:

If you do not appear at the default hearing, the court may issue a warrant for your arrest or make an order in your absence.

*"Order" includes an agreement filed in the court under section 148 (2) or 163 (3) of the *Family Law Act*.

Form F64 (Rule 15-5 (2))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant/Creditor/Petitioner/Other:

Respondent/Debtor/Petition Respondent/Other:

**SUMMONS TO A COMMITTAL HEARING
UNDER THE *FAMILY MAINTENANCE ENFORCEMENT ACT***

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

To: *[name and address]*

It appears you have defaulted in a payment you were required to make under section 21 (1) (e) of the *Family Maintenance Enforcement Act*. *[An affidavit/A statement of arrears]* is attached.

YOU ARE REQUIRED to appear before the Supreme Court of British Columbia at *[address]*, under the *Family Maintenance Enforcement Act*, on *[dd/mmm/yyyy]* at *[time of day]* or so soon after that as this matter may be heard, to show cause why an order should not be made for your imprisonment.

Date: *[dd/mmm/yyyy]*
Registrar

TAKE NOTICE:

If you do not appear at the committal hearing, the court may issue a warrant for your arrest or make an order in your absence.

Form F65 (Rule 15-5 (3))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant/Creditor/Petitioner/Other:

Respondent/Debtor/Petition Respondent/Other:

ARREST WARRANT

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

To any Peace Officer

WHEREAS this court is of the opinion that

..... *[name and address of person]*

did not comply with a summons issued under the *Family Maintenance Enforcement Act*

did not comply with an order issued under the *Family Maintenance Enforcement Act*

there are reasonable grounds to believe that *[name of person]* is about to leave British Columbia in order to evade or hinder the enforcement of a support order.

YOU are hereby ordered to apprehend *[name of person]* and promptly bring him or her before a judge of the Supreme Court, and, after that, to deal with him or her as directed.

Date: *[dd/mmm/yyyy]*

.....

A Judge of the Supreme Court of
British Columbia

..... *[type or print name]*

Form F66 (Rules 15-6 (1))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

SUBPOENA TO DEBTOR

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

To: [name]

TAKE NOTICE that the amount set out in the endorsement below is now owing by the debtor [name] on the order dated [dd/mmm/yyyy], a copy of which is attached.

YOU ARE REQUIRED TO APPEAR PERSONALLY at the courthouse at [address] at [time of day] on [dd/mmm/yyyy] to be examined on oath as to:

- (a) the income and property of the debtor,
- (b) the debts owed to and by the debtor,
- (c) the disposal the debtor has made of any property, and
- (d) the means the debtor has, or has had, or in future may have, of satisfying the order.

WARNING: Failure to attend at the hearing of this subpoena can result in your arrest and committal to prison WITHOUT DELIVERY TO YOU OF ANY FURTHER NOTICE OR DOCUMENT.

Date: [dd/mmm/yyyy]

.....
Signature of

[] creditor [] lawyer for creditor(s)

..... [type or print name]

Address for service of creditor(s):

Endorsement of Amount Payable

[Set out, in the form of an account, the amount of the debt or instalment owing, the costs incurred on the order and of proceedings subsequent to the order, the amounts paid and dates of payment, the interest owing and how computed.]

Subtotal	\$.....
<i>Add Expenses of service by sheriff [to be endorsed by officer serving at the time of service]</i>	\$.....
Total amount payable	\$.....

If the total amount payable is paid to the creditor or into court for the account of the creditor before the date of the hearing, you are excused from attending.

Form F67 (Rule 15-6 (8))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

EXAMINER'S REPORT

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

I,, a registrar designated as an examiner by the Chief Justice of the Supreme Court of British Columbia under Rule 15-6 (5) (c) of the Supreme Court Family Rules, report:

1 that a subpoena was issued under Rule 15-6 (1) directed to A copy of the subpoena is attached;

2 that the subpoena was served in accordance with the provisions of Rule 15-6 (3) and proof of service filed;

3 that the person subpoenaed:

[Check the correct box(es).]

did not attend as required at the hearing;

refused to be sworn or to affirm or to answer any question put to the person at the hearing;

after an order to that effect, refused or neglected to produce or permit to be inspected any document or property;

did not give answers that were to the satisfaction of the examiner;

4 that the lawyer for the creditor appeared at the time and place and on the date fixed for the hearing;

5 that under Rule 15-6 (8) I have fixed *[dd/mmm/yyyy]* at *[time of day]* at the courthouse at *[address]* as the time and place for appearance before the court.

Date: *[dd/mmm/yyyy]*

.....
Examiner

Form F68 (Rule 15-6 (12))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

NOTICE OF APPLICATION FOR COMMITTAL

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

To: [name of person]

WHEREAS on [dd/mmm/yyyy] the creditor, [name], obtained against you an order to pay [set out terms of order], and the creditor alleges that you have failed or neglected to make payment in accordance with the order and that you knew of the order;

TAKE NOTICE that an application will be made by the creditor at the courthouse at [address] at [time of day] on [dd/mmm/yyyy] for an order committing you to prison;

AND TAKE NOTICE that the creditor will rely on the following affidavit(s) in support of the application:

[Using numbered paragraphs, list the affidavits on which the creditor will rely. 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 [dd/mmm/yyyy] "]

1

2

WARNING: Failure to attend at the hearing of this application can result in your arrest and committal to prison WITHOUT SERVICE ON YOU OF ANY FURTHER NOTICE OR DOCUMENT.

Date: [dd/mmm/yyyy]

.....

Signature of
[] creditor [] lawyer for creditor(s)

..... [type or print name]

Address for service of creditor(s):

Endorsement of Amount Payable

[Set out, in the form of an account, the amount of the debt or instalment owing, the costs incurred on the order and on proceedings subsequent to the order, the amounts paid and the dates of payment and the interest owing and how it was computed.]

Subtotal	\$.....
Add Expenses of service	<u>\$.....</u>
Total amount payable	<u>\$.....</u>

If the total amount payable is paid to the creditor or into court for the account of the creditor before the date of the hearing, you are excused from attending.

Form F69 (Rule 15-6 (15))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

ORDER OF COMMITTAL

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

BEFORE THE HONOURABLE JUSTICE [dd/mmm/yyyy]

THIS COURT ORDERS that:

1 by reason of [grounds of committal], [person to be committed] be committed to prison for days;

2 the sheriff and all peace officers arrest [person to be committed] and bring him or her promptly before this court at [address] and, unless otherwise ordered, deliver him or her to the warden of [name of prison]

3 the warden receive [person to be committed] and keep him or her for days from his or her arrest under this order or until he or she is sooner discharged by due process of law.

By the Court.

.....
Registrar

This order is in force for one year only from the date of the order.

Endorsement of Amount Payable

[Set out, in the form of an account, the amount of the debt or instalment owing, the costs incurred on the order and on the proceedings subsequent to the order, the amounts paid and the dates of payment and the interest owing and how it was computed.]

Subtotal \$.....

Add

1 Expenses of service	\$.....
2 Maintenance money [<i>to be endorsed by warden at the time payment is tendered</i>]	<u>\$.....</u>
Total amount payable	<u>\$.....</u>

If the total amount payable is paid to the registrar, or to the sheriff or peace officer or warden who has you in his or her custody, then this order will be discharged.

Form F70 (Rule 15-8 (5))

This is the [1st/2nd/3rd/etc.] affidavit
of [name] in this case
and was made on [dd/mmm/yyyy]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

CERTIFICATE OF RESULT OF SALE

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

Property Sold	Name of Purchaser	Price	Amount Received	Date of Sale
	Totals			

I, [name], of [address], [occupation], SWEAR (OR AFFIRM) THAT:

1 I did, in accordance with the provisions of the order of this court dated [dd/mmm/yyyy], sell by [auction or as the case may be] the property described in the certificate on the day shown in the certificate.

2 The result of the sale is truly set forth in the certificate.

SWORN (OR AFFIRMED) BEFORE)
ME at, British Columbia)
on [dd/mmm/yyyy])
) Person conducting sale
.....)
A commissioner for taking)
affidavits for British Columbia)

.... [*print name or affix stamp of commissioner*]

Form F71 (Rule 16-1 (19))

[am. B.C. Regs. 119/2010, Sch. B; 92/2013, Sch. B.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

BILL OF COSTS

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

This is the bill of costs of: [*name(s)*]

PART A — SCALE OF DIFFICULTY

[Check the correct box(es).]

The scale of difficulty of the family law case

was determined by the court to be

less than ordinary difficulty

ordinary difficulty

more than ordinary difficulty

was not determined by the court and is therefore ordinary difficulty.

PART B — TARIFF ITEMS

Item	Description	Basis of calculation	Amount	
1	Correspondence, conferences, instructions, investigations or negotiations and preparation, filing and service of pleadings and petitions and responses to petitions	Scale of difficulty — from Part A of this bill of costs:		

		less than ordinary difficulty [claim \$1 000]		
		ordinary difficulty [claim \$3 000]		
		more than ordinary difficulty [claim \$5 000]		
2	Process for discovery and inspection of documents	Scale of difficulty — from Part A of this bill of costs:		
		less than ordinary difficulty [claim \$750]		
		ordinary difficulty [claim \$2 000]		
		more than ordinary difficulty [claim \$5 000]		
3	Preparation for and attendance at each examination for discovery	Number of days attendance at examinations for discovery:(x \$1 000)		
4	Preparation for and attendance at each contested application	Number of 1/2 days attendance at contested applications:(x \$1 000)		
5	Preparation for and attendance at each judicial case conference or settlement conference	Number of 1/2 days attendance at judicial case conferences and settlement conferences:(x \$1 000)		
6	Preparation for and attendance at each uncontested application or trial management conference	Number of uncontested applications and trial management conferences: (x \$500)		
7	Preparation for and attendance at trial of family law case or of an issue in a family law case	Number of days attendance at trial for each day of trial up to and including the 5th day of trial:(x \$2 000)		
		Number of days attendance at trial for each day of trial after the 5th day of trial:(x \$3 000)		
8	Preparation for and attendance at each examination in aid of execution and subpoena to debtor		\$250	
9	All process relating to execution on or enforcement of an order — other than applications to court		\$250	

TOTAL	
-------	--

PART C — OTHER COSTS AWARDED THE PARTY PRESENTING THE BILL			
Description of costs awarded	Date of order by which award of costs was made	Costs allowed	
TOTAL OTHER COSTS			

PART D — TOTAL COSTS	
TOTAL COSTS ALLOWED:	
TOTAL from Part B + TOTAL OTHER COSTS from Part C =	
Applicable taxes =	
TOTAL COSTS AND TAX	

PART E — DISBURSEMENTS					
Description	Claimed	Allowed	Applicable taxes	Total	
TOTAL DISBURSEMENTS AND TAX					

TOTAL COSTS AND DISBURSEMENTS:	
TOTAL COSTS AND TAX from Part D + TOTAL DISBURSEMENTS AND TAX from Part E =	

Date: [dd/mmm/yyyy]

.....
Signature of assessing officer

Form F71.1 (Rule 16-2 (4))

[en. B.C. Reg. 133/2012.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

LIST OF EXPENSES

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

This is the list of expenses of: [*name(s)*]

Description	Amount Claimed	Amount Allowed

TOTAL EXPENSES	
-----------------------	--

Date: [*dd/mmm/yyyy*]

.....
Signature of assessing officer

Form F72 (Rule 16-1 (25))

[am. B.C. Regs. 133/2012; 67/2013.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

CERTIFICATE OF COSTS OR EXPENSES

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

I CERTIFY

by consent of the parties

following assessment

that on [dd/mmm/yyyy], [the costs/expenses] of [party(ies)] have been allowed against [party(ies)] in the amount of \$..... .

Consented to:

[If this certificate is filed by consent, a signature line in the following form must be completed and signed by or for each consenting party.]

.....

Signature of

party lawyer for party(ies)

..... [type or print name]

.....

Signature of

party lawyer for party(ies)

..... [type or print name]

Date: [dd/mmm/yyyy]

.....
Registrar

[This certificate may be set out in a separate document or may be endorsed on the bill of costs or list of expenses.]

Form F73 (Rule 17-1 (2))

[am. B.C. Regs. 95/2011, Sch. B; 65/2013, Sch. B; 208/2020.]

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]*..... ,

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 of the registry is:
(2)	<p>The ADDRESS FOR SERVICE of the petitioner(s) is: [<i>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.</i>]</p> <p>Fax number address for service (if any) of the petitioner(s):</p> <p>E-mail address for service (if any) of the petitioner(s):</p>
(3)	The name and office address of the petitioner's(s') lawyer is:

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 numbered paragraphs, 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.]

- 1
- 2

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 [dd/mmm/yyyy]".]

1
2

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

Date: [dd/mmm/yyyy]

.....
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: [dd/mmm/yyyy]

.....
Signature of [] Judge [] Master

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.

Form F74 (Rule 17-1 (5))
[am. B.C. Regs. 208/2020; 321/2021, Sch. 2.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Petitioner:

Respondent:

RESPONSE TO PETITION

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

Filed by: [party(ies)] (the "petition respondent(s)")

THIS IS A RESPONSE TO the petition filed [dd/mmm/yyyy]

Part 1: ORDERS CONSENTED TO

The petition respondent(s) consent(s) to the granting of the orders set out in the following paragraphs of Part 1 of the petition:
..... [set out paragraph numbers]

Part 2: ORDERS OPPOSED

The petition respondent(s) oppose(s) the granting of the orders set out in paragraphs [list paragraph numbers] of Part 1 of the petition.

Part 3: ORDERS ON WHICH NO POSITION IS TAKEN

The petition respondent(s) take(s) no position on the granting of the orders set out in paragraphs [list paragraph numbers] of Part 1 of the petition.

Part 4: FACTUAL BASIS

[Using numbered paragraphs, set out a brief summary of the material facts on which the orders sought in the petition should not be granted.]

1

2

Part 5: LEGAL BASIS

[Using numbered paragraphs, specify any rule or other enactment relied on and provide a brief summary of any other legal bases on which the petition respondent(s) intend(s) to rely in opposing the orders sought in the petition. In addition, a written argument may be provided to the court in opposition to the petition.]

1

2

Part 6: MATERIAL TO BE RELIED ON

[Using numbered paragraphs, list the affidavits served with this response to petition and any other affidavits and other documents already in the court file on which the petition respondent(s) will rely. 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 [dd/mmm/yyyy] ".]

1

2

The petition respondent(s) estimate(s) that the application will take [time estimate]

Date: [dd/mmm/yyyy]

.....
Signature of
[] petition respondent
[] lawyer for petition respondent(s)
..... [type or print name]

Petition respondent's(s') address for service: *[Set out the street address of the address for service. 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):

E-mail address for service (if any):

Name of the petition respondent's(s') lawyer, if any:

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.

Form F75 (Rule 17-1 (8))

[am. B.C. Reg. 321/2021, Sch. 2.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Petitioner:

Respondent:

NOTICE OF HEARING

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

To: [name(s) of petition respondent(s), if any]

TAKE NOTICE that the petition of [party(ies)] dated [dd/mmm/yyyy] will be heard at the courthouse at [address] on [dd/mmm/yyyy] at [time of day]

1 Date of hearing

[Check whichever one of the following boxes is correct.]

- The parties have agreed as to the date of the hearing of the petition.
- The parties have been unable to agree as to the date of the hearing but notice of the hearing will be given to the petition respondents in accordance with Rule 17-1 (8) (b) of the Supreme Court Family Rules.
- The petition is unopposed, by consent or without notice.

2 Duration of hearing

[Check the correct box(es) and complete the required information.]

- It has been agreed by the parties that the hearing will take [time estimate]
- The parties have been unable to agree as to how long the hearing will take and
 - (a) the time estimate of the petitioner(s) is minutes, and
 - (b) the time estimate of the petition respondent(s) is minutes.
 - the petition respondent(s) has(have) not given a time estimate.

3 Jurisdiction

[Check whichever one of the following boxes is correct.]

This matter is within the jurisdiction of a master.

This matter is not within the jurisdiction of a master.

Date: [dd/mmm/yyyy]

.....

Signature of

petitioner lawyer for petitioner(s)

..... [type or print name]

Form F76 (Rule 18-1 (18))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

NOTICE OF ORDER

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

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

TAKE NOTICE of the order of dated *[dd/mmm/yyyy]*, a copy of which is attached.

You may apply to court within 28 days after service of this notice on you to discharge, vary or add to the order.

Alternatively, you may file a form entitled "Notice of Interest" in the above registry of this court and serve a copy of the "Notice of Interest" on each of the following parties at their respective addresses for service set out below, following which you are entitled to take part in the proceeding taken under the order.

Date: *[dd/mmm/yyyy]*

.....

Signature of

party serving this notice

lawyer for party(s) serving this notice

..... *[type or print name]*

Name and address for service of each party serving this notice: *[Set out the street address of the address for service. 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):

E-mail address for service (if any):

Form F77 (Rules 18-1 (22) and 18-3 (8))

[am. B.C. Regs. 208/2020; 321/2021, Sch. 2.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

NOTICE OF INTEREST

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

TAKE NOTICE that I have an interest in this family law case.

Name:

Address for service: [*Set out the street address of the address for service. 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):

E-mail address for service (if any):

Date: [dd/mmm/yyyy]

.....

Signature of

[] filing person [] lawyer for filing person(s)

..... [type or print name]

Form F78 (Rule 18-2 (1) and (3))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

JURISDICTIONAL RESPONSE

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

The respondent, [name],

[Check one or both of the following boxes as applicable.]

disputes that this court has jurisdiction over this respondent

submits that this court ought not to exercise its jurisdiction over this respondent

Date: [dd/mmm/yyyy]

.....
Signature of

respondent lawyer for respondent(s)

..... [type or print name]

Respondent's address for service: *[Set out the street address of the address for service. 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):

E-mail address for service (if any):

Form F79 (Rule 18-3 (2))

[am. B.C. Regs. 119/2010, Sch. B; 95/2011, Sch. B.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Appellant:

Respondent:

NOTICE OF APPEAL IF DIRECTIONS REQUIRED

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

To: [name of person or body appealed from]

And to: [name(s) of all other persons who may be affected by the order sought]

WHEREAS on [dd/mmm/yyyy], [name of person or body from whose decision/direction/order appeal is brought] made the following [] decision [] direction [] order [add, if applicable, in [Action Number/File Number]]: [state concisely the decision, direction or order]

AND WHEREAS an appeal lies to [] this court [] a judge of this court under [name and section of enactment allowing appeal]

TAKE NOTICE that [name(s) of appellant(s)] appeal(s) from the [] decision [] direction [] order on the following grounds: [concisely set out grounds of appeal]

AND TAKE NOTICE that on [dd/mmm/yyyy], at the courthouse at [address], an application will be made to the presiding judge at [time of day] for directions as to the conduct of the appeal [or as the case may be] .

The appellant(s) estimate(s) that the hearing of the appeal will take [time estimate]

IF YOU INTEND to oppose the appeal, YOU MUST GIVE NOTICE of your intention by filing in the above registry of this court a form entitled Notice of Interest and YOU MUST ALSO SERVE a copy of the Notice of Interest on the appellant's(s) address for service set out in this Notice of Appeal.

YOU OR YOUR LAWYER may file the Notice of Interest. You may obtain a form of Notice of Interest at the registry.

Time for Notice of Interest

A Notice of Interest must be filed and served on the appellant(s),

- (a) if you were served with the notice of appeal anywhere in Canada, within 7 days after that service,
(b) if you were served with the notice of appeal anywhere in the United States of America, within 14 days after

that service,

(c) if you were served with the notice of appeal anywhere else, within 28 days after that service, or

(d) if the time for Notice of Interest has been set by order of the court, within that time.

The appellant's(s') address for service is: [*Set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service.*]

Fax number for service (if any):

E-mail address for service (if any):

Date: [dd/mmm/yyyy]

.....

Signature of

[] appellant [] lawyer for appellant(s)

..... [*type or print name*]

Form F80 (Rule 18-3 (2))

[am. B.C. Regs. 119/2010, Sch. B; 95/2011, Sch. B.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Appellant:

Respondent:

NOTICE OF APPEAL — STANDARD DIRECTIONS

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

To: [name of person or body appealed from]

And to : [name(s) of all other persons who may be affected by the order sought]

WHEREAS on [dd/mmm/yyyy], [name(s) of person or body from whose decision/direction/order appeal is brought] made the following [] decision [] direction [] order [add, if applicable, in [Action Number/File Number]]: [state concisely the decision, direction, or order]

AND WHEREAS an appeal lies to [] this court [] a judge of this court under [name and section of enactment allowing appeal]

TAKE NOTICE that [name(s) of appellant(s)] appeal(s) from the [] decision [] direction [] order on the following grounds: [concisely set out grounds of appeal]

ATTACHED is the standard set of directions, in the form directed by the Chief Justice of the Supreme Court of British Columbia, governing the conduct of the appeal.

The appellant(s) estimate(s) that the hearing of the appeal will take [time estimate]

IF YOU INTEND to oppose the appeal, YOU MUST GIVE NOTICE of your intention by filing in the above registry of this court a form entitled Notice of Interest and YOU MUST ALSO SERVE a copy of the Notice of Interest on the appellant's(s) address for service set out in this Notice of Appeal.

YOU OR YOUR LAWYER may file the Notice of Interest. You may obtain a form of Notice of Interest at the registry.

Time for Notice of Interest

A Notice of Interest must be filed and served on the appellant(s),

- (a) if you were served with the notice of appeal anywhere in Canada, within 7 days after that service,
- (b) if you were served with the notice of appeal anywhere in the United States of America, within 14 days after that service,

(c) if you were served with the notice of appeal anywhere else, within 28 days after that service, or

(d) if the time for Notice of Interest has been set by order of the court, within that time.

The appellant's(s') address for service is: [*Set out the street address of the address for service. 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):

E-mail address for service (if any):

Date: [dd/mmm/yyyy]

.....

Signature of

[] appellant [] lawyer for appellant(s)

..... [*type or print name*]

Form F81 (Rule 18-3 (9))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Appellant:

Respondent:

NOTICE OF HEARING OF APPEAL

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

TAKE NOTICE that this appeal will be heard at [time of day] on [dd/mmm/yyyy], at
[address]

.....
Registrar

Time estimate:

Date: [dd/mmm/yyyy]

.....

Signature of

[] appellant [] lawyer for appellant(s)

..... [type or print name]

Form F82 (Rule 18-3 (10))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Appellant:

Respondent:

NOTICE OF ABANDONMENT OF APPEAL

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

TAKE NOTICE that the appellant, [name], abandons this appeal.

[Check the correct box and complete any required information.]

This appeal has not yet been set for hearing.

The date scheduled for the hearing of this appeal is [dd/mmm/yyyy]

Date: [dd/mmm/yyyy]

.....
Signature of

appellant lawyer for appellant(s)

..... [type or print name]

Form F83 (Rule 19-2 (5))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

ORDER TO REGISTER FOREIGN JUDGMENT

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

BEFORE } THE HONOURABLE JUSTICE }
or } [dd/mmm/yyyy]
MASTER }

ON THE APPLICATION of [party(ies)] coming on before me on [dd/mmm/yyyy] and on hearing [name of party/lawyer] and [name of party/lawyer]

THIS COURT ORDERS that the judgment dated [dd/mmm/yyyy] of [name of court], by which it was adjudged that [name and address of judgment creditor] recover from [judgment debtor] the sum of \$..... for debt [or as the case may be] and [] costs to be assessed [] \$..... for costs, be registered in this court.

By the Court.

.....
Registrar

Form F84 (Rule 20-3 (12))

This is the [1st/2nd/3rd/etc.] affidavit
of [name] in this case
and was made on [dd/mmm/yyyy]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

AFFIDAVIT OF ATTAINMENT OF MAJORITY

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

I, [name], of [address], [occupation], SWEAR (OR AFFIRM) THAT:

1 I attained the age of majority on [dd/mmm/yyyy]

2 I am under no other legal disability.

3 I intend to act in this family law case without a litigation guardian.

SWORN (OR AFFIRMED) BEFORE)
ME at, British Columbia)
on [dd/mmm/yyyy])
)
)
)
A commissioner for taking)
affidavits for British Columbia)
.... [print name or affix stamp of commissioner]

Form F85 (Rule 20-5 (3))

[en. B.C. Reg. 58/2012, Sch. B; am. B.C. Reg. 112/2012, Sch. B.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

ORDER TO WAIVE FEES

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

[Complete the form in accordance with the instructions found in the bracketed italicized wording and then remove all bracketed italicized wording so that it does not appear in the form when the form is filed.]

BEFORE } THE HONOURABLE JUSTICE }
or } [dd/mmm/yyyy]
MASTER }

ON THE APPLICATION of [name] [add the following if applicable: coming on before me on
[dd/mmm/yyyy] and on hearing [name of party/lawyer] and [name of party/lawyer]
.....];

[Select whichever one of the 4 following provisions is correct, complete the selected provision and remove the provisions that have not been selected so that they do not appear in the form when the form is filed.]

THIS COURT ORDERS that no fee is payable by [name of person] to the government under Schedule 1 of Appendix C of the Supreme Court Family Rules in relation to this family law case [add the following if applicable: subject to the following: [set out any conditions on this order.....].

THIS COURT ORDERS that no fee is payable by [name of person] to the government under Schedule 1 of Appendix C of the Supreme Court Family Rules in relation to the following part(s) of this family law case: [describe part(s)][add the following if applicable: subject to the following:.....[set out any conditions on this order].....].

THIS COURT ORDERS that no fee is payable by [name of person] to the government under Schedule 1 of Appendix C of the Supreme Court Family Rules in relation to this family law case during the following period(s): [describe period(s)][add the following if applicable: subject to the following:.....[set out any conditions on this order].....].

THIS COURT ORDERS that no fee is payable by [name of person] to the government under Schedule 1 of Appendix C of the Supreme Court Family Rules in relation to the following steps in this family law case: [describe step(s)][add the following if applicable: subject to the following: [set out any conditions on this order]].

By the Court.

.....
Registrar

Form F86 (Rule 20-5 (3))

[am. B.C. Regs. 95/2011, Sch. B; 112/2012, Sch. B.]

This is the [1st/2nd/3rd/etc.] affidavit of [name] in this case and was made on [dd/mmm/yyyy]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

AFFIDAVIT IN SUPPORT OF ORDER TO WAIVE FEES

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

I, [name], of [address], [occupation], SWEAR (OR AFFIRM) THAT:

1 I am the [party] in this family law case.

2 I make this affidavit in support of my application for an order that I be declared impoverished with respect to the payment of fees set out in Schedule 1 of Appendix C of the Supreme Court Family Rules.

3 I am years old.

4 I have the following dependants: [List all the dependants in the household.]

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

5 The following persons contribute to my household expenses: [List all in the household who contribute to expenses.]

.....

6 I am [] employed [] unemployed.

7 Attached as Exhibit A is [Check whichever one of the following boxes is correct and attach the required

exhibit.]

[] a financial statement that accurately sets out the monthly income, expenses and assets of my household.

[] proof that I receive benefits under the *Employment and Assistance Act* or the *Employment and Assistance for Persons with Disabilities Act*.

8 Attached as Exhibit B is an accurate description of my educational and employment history.

9 Attached as Exhibit C is an accurate description of my workplace skills.

10 Attached as Exhibit D is a copy of the document I wish to file or with which I wish to proceed.

SWORN (OR AFFIRMED) BEFORE)
 ME at, British Columbia)
 on [dd/mmm/yyyy])
)
)
 A commissioner for taking)
 affidavits for British Columbia)
 [print name or affix stamp of commissioner]

This is Exhibit A referred to in the affidavit of, sworn (or affirmed) before me on [dd/mmm/yyyy]

.....
A commissioner for taking affidavits for British Columbia

FINANCIAL STATEMENT

ESTIMATED NET MONTHLY INCOME

[Attach proof— i.e. most recent pay stubs or payment advice, etc., if available.]

Estimated net monthly income from all sources:

Employment	\$.....
Pension	\$.....
Dividends	\$.....

Interest	\$.....
Other	<u>\$.....</u>
TOTAL (Estimated net monthly income)	
	<u>\$.....</u>

ESTIMATED MONTHLY EXPENSES

[Attach receipts for the following, if available.]

Estimated monthly expenses related to housing	\$.....
Estimated monthly expenses related to transportation	\$.....
Estimated monthly expenses related to household expenses	\$.....
Estimated monthly expenses related to medical and dental expenses	\$.....
Estimated monthly expenses, not included in above, related to dependent children	\$.....
Estimated monthly debt payments [specify].....	\$.....
Estimate of other monthly expenses [specify].....	<u>\$.....</u>
TOTAL (Estimated monthly expenses)	
	<u>\$.....</u>

ASSETS

[Specify assets and set out their estimated value.]

.....	\$.....
.....	\$.....
.....	\$.....
.....	\$.....
.....	<u>\$.....</u>
TOTAL (Estimated asset values)	
	<u>\$.....</u>

This is Exhibit B referred to in the affidavit of , sworn (or affirmed) before me on [dd/mmm/yyyy]

.....
A commissioner for taking affidavits for
British Columbia

EDUCATIONAL AND EMPLOYMENT HISTORY

[Set out details of education and employment history.]

1 Highest level of education attained and date completed:

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

2 Employment history:

Employer	Dates	Position
.....
.....
.....

This is Exhibit C referred to in the affidavit of
....., sworn (or affirmed)
before me on [dd/mmm/yyyy]

A commissioner for taking affidavits for
British Columbia

WORKPLACE SKILLS

[specify]

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

Form F87 (Rule 21-4 (1))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

NOTICE OF APPOINTMENT OR CHANGE OF LAWYER

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

TAKE NOTICE that *[name of new lawyer]* has been appointed to act as the lawyer for
[party(ies)] in place of *[name of former lawyer, or, if the party was previously acting personally, omit
reference to previous lawyer]*

Date: *[dd/mmm/yyyy]*

.....
Signature of new lawyer

Party's address for service: *[Set out the street address of the address for service. 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):

E-mail address for service (if any):

Form F88 (Rule 21-4 (1))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

NOTICE OF INTENTION TO ACT IN PERSON

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

TAKE NOTICE that I now intend to act personally in this proceeding in place of *[name of lawyer]*

Date: *[dd/mmm/yyyy]*

.....
Signature of party

..... *[type or print name]*

My address for service is: *[Set out the street address of the address for service. 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):

E-mail address for service (if any):

Form F89 (Rule 21-4 (4))

[am. B.C. Reg. 95/2011, Sch. B.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

NOTICE OF INTENTION TO WITHDRAW AS LAWYER

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

TAKE NOTICE that *[name of lawyer]* intends to withdraw as lawyer of record for*[name of party]*.....in this family law case.

Notice to the client and to all parties

If you object to the lawyer withdrawing from this family law case you may, within 7 days after service of this notice, file in the registry and serve on the lawyer an objection in Form F90.

Notice to the client

If you do not object to the lawyer withdrawing from the family law case, then you may file in the registry and serve on the other parties a notice of change of lawyer in Form F87, or a notice of intention to act in person in Form F88.

If you fail either to object or to file a notice in Form F87 or Form F88, service of all further documents on you may be made by other parties to the family law case by mail to your last known address which is *[set out last known address of the client]*

Lawyer's address for service: *[Set out the street address of the address for service. 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):

E-mail address for service (if any):

Date: *[dd/mmm/yyyy]*

.....
Signature of lawyer intending to withdraw

Form F90 (Rule 21-4 (5))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

OBJECTION

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

..... [*party(ies)*] object(s) to [*name of the lawyer*] withdrawing from this family law case.

Date: [*dd/mmm/yyyy*]

.....

Signature of

objecting party

lawyer for objecting party(ies)

..... [*type or print name*]

Form F91 (Rule 21-4 (6))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

NOTICE OF WITHDRAWAL OF LAWYER

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

TAKE NOTICE that *[name of lawyer]* has ceased to be the lawyer acting for *[party(ies)]* and that for purposes of Rule 6-2 (7) of the Supreme Court Family Rules the last known address of *[party(ies)]* is *[set out last known address of each party for whom the lawyer has ceased to act]*

Date: *[dd/mmm/yyyy]*

.....
Signature of lawyer

Form F92 (Rule 21-7 (5) and (7))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

WARRANT — CONTEMPT

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

To any Peace Officer

WHEREAS this court is of the opinion that *[name and address of person or corporation]* may be guilty of contempt of court;

YOU are hereby ordered to apprehend *[name and address of person or director, officer or employee of corporation]* and promptly bring him or her before a judge of the Supreme Court, and, after that, to deal with him or her as directed.

Date: *[dd/mmm/yyyy]*

.....
Signature of a Judge of the Supreme Court
of British Columbia

..... *[type or print name]*

Form F93 (Rule 21-7 (9))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

UNDERTAKING

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

I, [name], of [address], understand that I have been apprehended and placed in custody on an allegation that I have failed to obey the attached order of the Supreme Court, dated[dd/mmm/yyyy]

To be released from custody, I give the following undertaking to the court:

(a) I promise that I will attend before a judge of the Supreme Court on [dd/mmm/yyyy] at [time of day] at [location] and will attend at the other times required by the court to be dealt with according to law,

(b) I promise that I will strictly comply with the terms of the attached order and will otherwise keep the peace, and

(c) I promise that [add conditions here] .

[OR]

(c) I promise that I will obey the attached conditions.

I understand that if I breach any of the promises made in this undertaking I may be arrested and brought before the court to be imprisoned or otherwise dealt with according to the law.

Date: [dd/mmm/yyyy]

.....
Signature of person being released

Form F94 (Rule 21-7 (10))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

RELEASE ORDER

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

BEFORE THE HONOURABLE JUSTICE [dd/mmm/yyyy]

ON THE APPLICATION of [name] who has been apprehended on an allegation that
[he/she] violated an order of the Supreme Court dated [dd/mmm/yyyy]

THIS COURT ORDERS that be released from custody on [his/her] undertaking
made and dated [dd/mmm/yyyy], a copy of which undertaking is attached to this order.

By the Court.

.....
Registrar

Form F95 (Rule 22-3 (3))

[en. B.C. Reg. 112/2012, Sch. B; am. B.C. Regs. 105/2019; 149/2022, Sch. 2; 176/2023, Sch. 2.]

No.

..... Registry

In the Supreme Court of British Columbia

FAX COVER SHEET

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

This form must be used when transmitting documents to the court registry by fax for filing. This form is not to be emailed.

The ability to transmit documents by fax to a court registry for filing is subject to the limitations set out in the Supreme Court Family Rules and Practice Directives. Additional information on this filing service is available on the Court Services Branch website at www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/submit-court-documents-forms/fax-filing/how-to-fax-file.

It is the responsibility of the person transmitting a document by fax to ensure that the document is filed in the court registry within the required filing time. The registry takes no responsibility for difficulty experienced when transmitting a document by fax to the registry. The registry cannot guarantee that any document will be filed on the day it is received by fax in the registry.

Documents transmitted to the court registry by fax will be processed in the order they are received. Confirmation of acceptance or refusal will be forwarded as soon as possible to you at the return fax number set out below or by mail if indicated.

To:
court location
.....
fax number

Fax numbers for transmitting documents to court registries are available through the Court Services Branch website at www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/submit-court-documents-forms/fax-filing/how-to-fax-file or through Enquiry BC at 1-800-663-7867

From:
name – firm or individual
.....
contact name

.....
address
.....
city

.....
print name as it appears on credit card

.....
authorizing signature (credit card)

.....
credit card account number

.....
expiry date on credit card

Please note: The credit card information provided on this form will not be retained. Upon authorization of the payment request, all credit card information will be destroyed.

Form F96 (Rule 22-4 (6))

[am. B.C. Reg. 112/2012, Sch. B.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

ELECTRONIC FILING STATEMENT

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

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

I, [name], am the lawyer acting for the [party(ies)],
[name(s) of party(ies)]

I, [name], am the [party] and I am not represented by a lawyer.

I advise as follows:

1 The [type and identifying description of document] is being submitted for filing electronically [add the following if applicable] on behalf of the [party(ies)],
[name(s) of party(ies)]

2 The original paper version of the document being submitted for filing electronically appears to bear an original signature of the person identified as the signatory and I have no reason to believe that the signature placed on the document is not the signature of the identified signatory.

3 The version of the document that is being submitted for filing electronically appears to be a true copy of the original paper version of the document and I have no reason to believe that it is not a true copy of the original paper version.

Date: [dd/mmm/yyyy]

.....
Signature of
[] party [] lawyer for party(ies)

..... [type or print name]

Form F97 (Rule 22-5 (17))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

DECLARATION

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

Re Application for Payment out of Infant's Funds

I, [current name in full], of [address], DO SOLEMNLY DECLARE:

1 that I am the person for whom funds are held in court and I am the person named in the order of made on [dd/mmm/yyyy]

2 that I attained the full age of 19 years on [dd/mmm/yyyy] and submitted with this declaration is a copy of my birth certificate [or] my birth certificate for examination by the registry

3 that I am entitled to payment of the funds

[If the applicant's name has changed since the date of the order referred to in paragraph 1 of this declaration, check the following and provide the required proof.]

4 [] that my name has been changed from that shown on the original court order. Proof is attached

I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED BEFORE ME at)
....., British Columbia)
on [dd/mmm/yyyy])
.....)
.....)
A commissioner for taking)

affidavits for British Columbia)

.... [print name or affix stamp of commissioner]

If cheque is to be mailed to other than above address, state here:

Authorization for Payment Out

[to be completed by the registry]

Original name [if changed]:

Registry:..... Proceeding No.:

Date paid into court: [dd/mmm/yyyy] Treasury No.:

Amount (including accrued interest): \$.....

Date: [dd/mmm/yyyy]
Registrar

Form F98 (Rule 22-7 (8.1))

[am. B.C. Regs. 119/2010, Sch. B; 105/2019; 208/2020; 321/2022, Sch. 2.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

NOTICE OF APPEAL FROM MASTER, REGISTRAR OR SPECIAL REFEREE

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

WHEREAS on [dd/mmm/yyyy] [name of master, registrar or special referee] made the following
[] decision [] order: [state concisely the decision or order]

TAKE NOTICE that [party(ies)] appeal(s) from that [] decision [] order on the following grounds: [set out
concisely the grounds of appeal]

This appeal will be heard at [time of day] on[dd/mmm/yyyy] at the courthouse at
..... by the presiding judge.

The appellant(s) estimate(s) that the hearing of the appeal will take [time estimate]

Date: [dd/mmm/yyyy]

.....
Signature of

[] appellant [] lawyer for appellant(s)

..... [type or print name]

Form F98.1 (Rule 22-7 (8.2))

[en. B.C. Reg. 105/2019.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Appellant:

Respondent:

APPELLANT'S STATEMENT OF ARGUMENT

[Rule 21-1 of the Supreme Court Family Rules applies to all forms.]
[Not to exceed 10 pages]

Part 1: STATEMENT OF FACTS

The facts of this case are as follows:

[Using numbered paragraphs, set out a concise statement of the material facts giving rise to the appellant's statement of argument.]

- 1
- 2

Part 2: ISSUES ON APPEAL

The appellant agrees with the order appealed from except as follows:

[Using numbered paragraphs, set out a concise statement of the legal bases from the decision or order that give rise to the appellant's appeal.]

- 1
- 2

Part 3: STANDARD OF REVIEW

[This part must set out the standard of review which the appellant says governs the appeal.]

Part 4: ARGUMENT

The decision or order appealed from is opposed because:

[Using numbered paragraphs, set out a concise statement of the appellant's argument in opposition to the decision or order.]

1

2

Part 5: ORDER SOUGHT

[This part must set out the order sought by the appellant.]

Date: [dd/mmm/yyyy]

.....

Signature of

filing party lawyer for filing party(ies)

..... [type or print name]

Form 98.2 (Rule 22-7 (8.4))

[en. B.C. Reg. 105/2019.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Appellant:

Respondent:

RESPONDENT'S STATEMENT OF ARGUMENT

[Rule 21-1 of the Supreme Court Family Rules applies to all forms.]
[Not to exceed 10 pages]

Part 1: STATEMENT OF FACTS

The respondent's position on the appellant's statement of facts is as follows:

[Using numbered paragraphs, set out a concise statement of the opposed relevant material facts in the appellant's statement of argument and a concise statement of any other relevant facts to be considered.]

1

2

Part 2: ISSUES ON APPEAL

The respondent's position on the appellant's statement of issues on appeal is as follows:

[Using numbered paragraphs, set out a concise statement of the opposed legal bases in the decision or order.]

1

2

Part 3: STANDARD OF REVIEW

[This part must set out the standard of review that the respondent says governs the appeal.]

Part 4: ARGUMENT

The appellant's argument is opposed because:

[Using numbered paragraphs, set out a concise statement of the respondent's argument in opposition to the decision or order sought by the appellant.]

1

2

Part 5: ORDER SOUGHT

[This part must set out the order sought by the respondent.]

Date: [dd/mmm/yyyy]

Signature of

filing party lawyer for filing party(ies)

..... [type or print name]

Form F99 (Rule 23-1 (11))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

DEMAND

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

To: [party]

YOU ARE HEREBY REQUIRED to amend the [*specify document to be amended — e.g. notice of family claim, response to family claim, etc.*] in accordance with Rule 23-1 (11) of the Supreme Court Family Rules.

Date: [dd/mmm/yyyy]

.....
Signature of

party making demand

lawyer for party(ies) making demand

..... [type or print name]

Rule 23-1 (11) of the Supreme Court Family Rules states:

Demand for amendment

(11) Subject to subrule (14) of this rule, a party to a family law case referred to in this rule may, by demand in Form F99, demand that a document that is deemed under this rule to be a notice of family claim, response to family claim, counterclaim, response to counterclaim, petition or response to petition be amended by the party who filed it to make it accord with these Supreme Court Family Rules.

Form F100 (Appendix C, Schedule 1, Section 2 (2))

[en. B.C. Reg. 95/2011, Sch. B.]

CERTIFICATE OF MEDIATION

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

I, [name of mediator], certify that I am a qualified mediator within the meaning of Schedule 1 of Appendix C of the Supreme Court Family Rules and that

I conducted a mediation session in which the following persons participated:
[if a participant in the mediation attended in a representative capacity, indicate that and identify the person(s) on whose behalf the representative participated]..... and

the parties to the mediation were unable to resolve all of the issues at the mediation session and I terminated the mediation.

[OR]

the parties to the mediation were able to resolve all of the issues at the mediation session and are now seeking an order from the court.

[OR]

I determined that mediation was not appropriate between and
and therefore did not conduct a mediation session.

Date: [dd/mmm/yyyy]

.....
Signature of mediator

..... [type or print name, address
and phone number of mediator]

Form F101 (Rule 15-2 (1))

[en. B.C. Reg. 41/2013.]

This is the [*1st/2nd/3rd/etc.*] affidavit
of [*name*] in this case
and was made on [*dd/mmm/yyyy*]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

AFFIDAVIT

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

I,[*name*], of [*address*], [*occupation*] , SWEAR (OR AFFIRM) THAT:

1 I am applying under the *Family Law Act* to become a guardian of the following child(ren):

Full name of child	Birth date of child	Name(s) of current guardian(s) of child	Name(s) of parent(s) who is/are not current guardian(s) of child

2 My date of birth is [*dd/mmm/yyyy*]

3 The nature and length of my relationship with the child(ren) referred to in section 1 of affidavit is as follows:

Name of child	Nature of relationship [<i>specify if parent, step-parent, grandparent, aunt, uncle, family friend, etc.</i>]	Length of relationship

4 The current living arrangements applicable to the child(ren) referred to in section 1 of affidavit are as follows:

Name of child	Current living arrangements

5 I plan to care for the child(ren) referred to in section 1 of this affidavit as follows: [set out detailed plans for how the child(ren) is/are to be cared for]

[Select whichever one of the 2 immediately following section 6's is correct, provide any required information and remove the section 6 that has not been selected so that it does not appear in the form when the form is filed.]

6 I am not aware of any incidents of family violence, as that term is defined in section 1 of the *Family Law Act*, that affect the child(ren) referred to in section 1 of this affidavit.

6 I am aware of the following incidents of family violence, as that term is defined in section 1 of the *Family Law Act*, that affect the child(ren) referred to in section 1 of this affidavit: [describe the incidents of family violence of which you are aware]

[Select whichever one of the 2 immediately following section 7's is correct, provide any required information and remove the section 7 that has not been selected so that it does not appear in the form when the form is filed.]

7 I am not a parent, step-parent or guardian of any children except that child/those children referred to in section 1 of this affidavit.

7 I am the parent, step-parent or guardian of the following child(ren) who is/are not referred to in section 1 of this affidavit:

Full Name of child	Birth date of child	Nature of relationship to child [specify whether parent, step-parent or guardian]

[Select whichever one of the 2 immediately following section 8's is correct, provide any required information and remove the section 8 that has not been selected so that it does not appear in the form when the form is filed.]

8 I have not been involved in court proceedings in British Columbia under the *Child, Family and Community Service Act*, the *Family Relations Act*, the *Family Law Act* or the *Divorce Act* (Canada) concerning children under my care, or in any other court proceedings under comparable legislation in any other jurisdiction concerning children under my care.

8 I have been involved in the following court proceedings in British Columbia under the *Child, Family and*

Community Service Act, the Family Relations Act, the Family Law Act or the Divorce Act (Canada) concerning children under my care, and in the following court proceedings under comparable legislation in any other jurisdiction concerning children under my care:

Item	Names of parties to the proceeding	Name and location of court in which the proceeding was conducted	Date of any orders concerning children under my care made in the proceeding
1			
2			

The orders referred to in the table above are attached as Exhibits to this affidavit as follows:

(a) the order dated [*dd/mmm/yyyy*] referred to in [*Item 1, 2, etc.*] above is attached as Exhibit [*A, B, etc.*] to this affidavit.

(b) the order dated [*dd/mmm/yyyy*] referred to in [*Item 1, 2, etc.*] above is attached as Exhibit [*A, B, etc.*] to this affidavit.

9 Attached to this affidavit and marked as Exhibit [*A, B, etc.*] is a copy of a British Columbia Ministry of Children and Family Development records check dated [*dd/mmm/yyyy*]

[*Note that under Rule 15-2.1, this records check must be dated within 60 days of the date of the hearing or if there is to be no hearing, within 60 days of the date on which this affidavit is filed.*]

10 Attached to this affidavit and marked as Exhibit [*A, B etc.*] is a copy of a Protection Order Registry protection order records check dated [*dd/mmm/yyyy*] [*Note that under Rule 15-2.1, this records check must be dated within 60 days of the date of the hearing or, if there is to be no hearing, within 60 days of the date on which this affidavit is filed.*]

11 Attached to this affidavit and marked as Exhibit [*A, B etc.*] is a copy of a criminal records check dated [*dd/mmm/yyyy*] obtained from the [*name and location of police force or department from which the criminal records check was obtained*] [*Note that under Rule 15-2.1, this records check must be dated within 60 days of the date of the hearing or, if there is to be no hearing, within 60 days of the date on which this affidavit is filed.*]

[*Select whichever one of the 2 immediately following section 12's is correct, provide any required information and remove the section 12 that has not been selected so that it does not appear in the form when the form is filed.*]

12 There are no criminal offences, other than those, if any, specified in the criminal records check referred to in section 11 of this affidavit, of which I have been convicted and not pardoned.

12 In addition to the convictions, if any, specified in the criminal records check referred to in section 11 of this affidavit, I have been convicted of, and not pardoned for, the following criminal offences:

..... [*provide details of any criminal convictions, not referred to in the criminal records check, for which you have not received a pardon*]

[*Select whichever one of the 2 immediately following section 13's is correct, provide any required information and remove the section 13 that has not been selected so that it does not appear in the form when the form is filed.*]

13 I am not currently charged with any criminal offences.

13 I am currently charged with criminal offences: The particulars of each charge are set out below:

Name of alleged offence	Date of alleged offence	Name and location of court in which proceedings are outstanding

SWORN (OR AFFIRMED) BEFORE)
 ME at , British Columbia on)
 [dd/mmm/yyyy])
)
)
 A commissioner for taking)
 affidavits for British Columbia)
 [print name or affix stamp of commissioner])

.....

Form F102 (Rule 15-2.2 (1) and (2))

[en. B.C. Reg. 208/2020; am. B.C. Reg. 5/2021.]

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

**STATEMENT OF INFORMATION FOR
COROLLARY RELIEF PROCEEDINGS**

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

Filed by:.....[party(ies)].....

1 Civil Protection Orders or Proceedings

[A civil protection order is any order made against a person for the purposes of protecting another person's safety]

A civil protection order may restrict or restrain a person from doing certain things, such as

- *contacting another person,*
- *being a certain distance from another person or a specific place,*
- *harassing or threatening another person, or*
- *living in the family home*

	YES	NO
Are you aware of any active protection order about you, or any other people involved in this family law case?	[]	[]
Are you or others involved in this family law case also involved in any protection order matter?	[]	[]

If you answered yes, provide more detail:

2 Child Protection Orders or Proceedings

[Child protection services ("child welfare") protect children from harm. Child protection services might use a supervision or custody order to protect children from harm. Child protection services may exist under a different name in another province.]

	YES	NO
Are you or others involved in this family law case also involved with child protection services?	[]	[]

If you answered yes, provide more detail:

3 Criminal Proceedings

[Criminal offences are offences under the Criminal Code and other federal laws, including the Controlled Drugs and Substances Act (Canada). Criminal offences or matters do not include bylaw offences, traffic tickets, or consumer issues.]

	YES	NO
Are you or others involved in this family law case facing a criminal charge?	<input type="checkbox"/>	<input type="checkbox"/>
Are you or others involved in this family law case required to follow a court order because of a criminal matter? (Such as release / bail order, probation order, peace bond/ recognizance, parole order, warrant, or required to follow conditions)	<input type="checkbox"/>	<input type="checkbox"/>
Are you or others involved in this family law case required to follow demands because of a criminal matter? (Such as a promise to appear or a summons)	<input type="checkbox"/>	<input type="checkbox"/>
Are you or others involved in this family law case in prison?	<input type="checkbox"/>	<input type="checkbox"/>

If you answered yes, provide more detail:

Date:[dd/mmm/yyyy].....

.....

Signature

filing party lawyer for filing party

.....[type or print name].....

Appendix B — Costs

Scale of costs

1 (1) If a court has made an order for costs, it may determine if the family law case involves less than ordinary difficulty, ordinary difficulty or more than ordinary difficulty.

(2) If the difficulty involved in a family law case has not been determined under subsection (1), costs must be assessed under subsection (4) as if the family law case involved ordinary difficulty.

(3) Unless the court otherwise orders or the parties otherwise agree, if an offer to settle is made under Rule 11-1, any costs payable on acceptance of that offer must be assessed as if the family law case involved ordinary difficulty.

(4) After the difficulty involved in a family law case has been determined, a registrar must assess the costs in accordance with the Schedule.

Apportionment if proceedings tried together

2 If 2 or more family law cases have, by order, been tried at the same time or tried one after the other and no order has been made as to apportionment of costs, the registrar may

- (a) assess 2 or more bills as one bill,
- (b) allow an item once or more than once, or
- (c) apportion the costs of an item or of the whole bill between the family law cases.

Transitional — orders, settlements and costs before 2007

3 Appendix B of the Supreme Court Rules, B.C. Reg. 221/90, as it read on December 31, 2006, applies to

- (a) orders for costs made in a family law case before January 1, 2007,
- (b) settlements reached in a family law case before January 1, 2007 under which payment of assessed costs is agreed to,
- (c) costs payable on acceptance of an offer to settle made in a family law case under Rule 37, if that offer to settle was made before January 1, 2007, and
- (d) all assessments related to those orders, settlements and costs.

Transitional — orders, settlements and costs before 2010

4 Without limiting section 3, Appendix B of the Supreme Court Rules, B.C. Reg. 221/90, as it read on June 30, 2010, applies to

- (a) orders for costs made in a family law case after December 31, 2006 and before July 1, 2010,
- (b) settlements reached in a family law case after December 31, 2006 and before July 1, 2010 under which payment of assessed costs is agreed to,
- (c) costs payable on acceptance of an offer to settle made in a family law case under Rule 37 or 37B, if that offer to settle was made after December 31, 2006 and before July 1, 2010, and

(d) all assessments related to those orders, settlements and costs.

Schedule

Item	Description	Costs (\$)
1	Correspondence, conferences, instructions, investigations or negotiations and preparation, filing and service of notice of family claim, response to family claim, counterclaim or response to counterclaim	If the family law case involves less 1 000 than ordinary difficulty ordinary 3 000 difficulty more 5 000 than ordinary difficulty
2	Process for discovery and inspection of documents	If the family law case involves less 750 than ordinary difficulty ordinary 2 000 difficulty more 5 000 than ordinary difficulty
3	Preparation for and attendance at each examination for discovery	1 000 for each day or part of a day of examination for discovery
4	Preparation for and attendance at each contested application	1 000 for each half day of attendance
5	Preparation for and attendance at each judicial case conference or settlement conference	1 000 for each half day of attendance
6	Preparation for and attendance at each uncontested application or trial management conference	500

7	Preparation for and attendance at trial of family law case or of an issue in a family law case	2 000 per day for each day or part of a day of trial up to 5 days, and 3 000 for each additional day or part of a day of trial
8	Preparation for and attendance at each examination in aid of execution and subpoena to debtor	250
9	All process not otherwise provided for relating to execution on or enforcement of an order	250

Appendix C — Fees

Schedule 1

Fees Payable to the Crown

(Unless otherwise provided by statute)

[am. B.C. Regs. 119/2010, Sch. B; 95/2011, Sch. B; 27/2013, Sch. 2; 68/2013; 65/2013, Sch. B; 90/2014, Sch. 2; 121/2014; 98/2018, Sch. 2; 176/2023, Sch. 2.]

Definitions

1 In this Schedule:

"**Item**" means an Item in the table to this Schedule;

"**qualified mediator**" means a mediator who is qualified as a family dispute resolution professional within the meaning of section 4 (2) of the Family Law Act Regulation, B.C. Reg. 347/2012.

Amount payable

2 (1) Subject to subsection (2), for any Item, there must be paid to the government

(a) the fee shown in the table to this Schedule as being applicable to that Item, or

(b) if Part 1 of the table to this Schedule is amended under section 2 (4) of Schedule 4 of this Appendix C, the fee shown as being applicable to that Item in the table most recently published under section 2 (3) (b) of Schedule 4.

(2) A person filing a notice of family claim or a response to family claim need not pay the fee applicable to that filing if, at the time of filing, the person provides to the registry a certificate of mediation in Form F100 indicating that the mediator is a qualified mediator and,

(a) if the filing party is a named claimant, that that party or that party's representative engaged in mediation with one or more of the named respondents or a representative for one or more of the named respondents,

(b) if the filing party is a named respondent, that that party or that party's representative engaged in mediation with one or more of the named claimants or a representative for one or more of the named claimants, or

(c) that the mediator determined that it was not appropriate for the parties to engage in mediation and so advised those parties.

Electronic filing fee

3 (1) In addition to any other fees payable under this Schedule, a further fee of \$7.00 must be paid for transmitting a document package to a registry through the electronic filing service of Court Services Online.

(2) For the purposes of this provision, a "**document package**" is any document or, if a group of documents is transmitted at one time in relation to the same court file, that group of documents.

Fees Applicable to the Supreme Court		
Item		Fee (\$)
<i>Commencing proceedings</i>		
1	Subject to section 2 (2) of this Schedule, for commencing a family law case in the Supreme Court that is not an appeal under Rule 22-7 (8) or an application under Rule 20-6 (3)	200
2	For filing a counterclaim	200
<i>Responding to proceedings</i>		
3	Subject to section 2 (2) of this Schedule, for filing a response to family claim or a response to counterclaim	25
<i>Application filings</i>		
4	For filing any one of the following:	80
	(a) a notice of application;	
	(b) an appointment for a hearing before a registrar or a special referee but not including a hearing, inquiry or reference under the <i>Court Order Enforcement Act</i> ;	
	(c) a requisition for a desk order, including a requisition filed under Rule 20-6 (3)	
5	For setting a matter for hearing for which a fee is not payable under this Schedule No fee is payable under this item to set a matter for hearing by notice of hearing of petition, notice of hearing of appeal or notice of hearing of stated case, or to schedule a trial management conference or settlement conference	80
<i>Other filings</i>		
6	For filing a notice of judicial case conference	80
7	For filing a notice of trial	200
7.1	For filing a written agreement under Rule 2-1, whether or not that filing starts a family law case	30
7.2	For filing a determination of a parenting coordinator under Rule 2-1.1	30
7.3	For filing an arbitration award under Rule 2-1.2, whether or not that filing starts a family law case	30
<i>Hearings</i>		
8	For resetting a trial or hearing	200

9	For each day spent in whole or in part at a hearing, unless the attendance on that day is for reasons for decision only, payable by the party who files the notice of application, appointment or other document by which the hearing was set, unless the court orders payment by another party	For the first 3 days: 0 For each of the 4th to 10th days: 500 For each day over 10: 800
10	For each day spent in whole or in part at trial, unless the attendance on that day is for judgment only, payable by the party who files the notice of trial, unless the court orders payment by another party	For the first 3 days: 0 For each of the 4th to 10th days: 500 For each day over 10: 800
<i>Room Rentals</i>		
11	For rental of examination for discovery room	100 per day
<i>Execution</i>		
12	For filing a caveat, a citation, a garnishing order, a writ of execution or a subpoena to debtor	80
<i>Documents</i>		
13	For taking or swearing an affidavit for use in the court unless	40

	(a)	the person swearing the affidavit does so in the course of the person's duties as a peace officer or as an agent or officer of the government, or	
	(b)	provision is made elsewhere for a fee for that service	
14	For a search of a record, other than		8
	(a)	an electronic search conducted from outside the registry, or	
	(b)	a search of a record of a proceeding by	
	(i)	a party to that proceeding,	
	(ii)	a party's lawyer, or	
	(iii)	an official reporter who, or a representative of a transcription firm that, is retained by a party to produce a transcript of the proceeding	
15	For returning by mail, fax or electronic mail the results of a serach of a record, the aggregate of the following:		
	(a)	fee for returning the results	10
	(b)	cost per page faxed	1
16	For accessing, without purchase, from outside the registry, including, without limitation, viewing, printing or downloading, any document that is found by or created in response to an electronic search or request, including, without limitation, an index of cases produced in response to a search query		6
17	For accessing any document referred to in Item 16 and purchasing that document		10
18	For copies, per page		1
19	For		
	(a)	a certified copy of a document	
	(i)	for 10 pages or less	40
	(ii)	for each additional page over 10 pages, per page	6
	(b)	issuing a certificate of judgment	40
	(c)	issuing a certificate of pending litigation or other certificate not otherwise provided for other than a certificate in Form F36	40
	(d)	a copy, produced by the registry, of a transcript filed within 5 years of the request, per page	4
20	For returning by mail or by fax a confirmation of filing or rejection of a document submitted by fax to a registry		10

Despite anything in this Schedule, if, after consultation with the Chief Justice, the Crown enters into an agreement with a person under which the person is authorized to access one or both of registry records and specified registry services and is exempted from payment of any or all of the fees provided under Items 14, 15, 16, 17 and 18 for such access, the person may, on payment of any fee required under the agreement and on compliance with any other terms and conditions imposed by the agreement, access, during the term of the agreement, the registry records and registry services to which the agreement applies without payment of the fees from which the person is exempted under the agreement.

Schedule 2

Fees Payable to the Sheriff

Item		\$	
1	For service		
	(a)	receiving, filing, serving on one person and returning any process together with an affidavit of service or attempted service	100
	(b)	each additional party served at the same address	20
	(c)	each additional party served not at the same address	30
2	For arrest or execution on goods and chattels		
	(a)	for every arrest, execution or similar writ or order	120
	(b)	for attending, investigating, inventorying, cataloguing, taking possession, preparing for sale, per hour for each sheriff involved	75
	(c)	as commission on the sum realized, or on the sum settled for, as the case may be, net of disbursements properly incurred	
	(i)	if that net sum is \$10 000 or less	10%
	(ii)	if that net sum is more than \$10 000 but is less than \$100 000	\$1 000 plus 2 1/2% on the amount in excess of \$10 000
	(iii)	if that net sum is \$100 000 or over	\$3 250 plus 1% on the amount in excess of \$100 000
	(d)	the amount of the commission payable under paragraph (c) must be reduced by 50% if an auctioneer, broker or other individual sells the goods and chattels for the sheriff and receives a fee or commission for doing so	
3	For lien and recovery actions		

	(a)	executing a lien other than a repairer's lien or for recovering specific property other than land if the execution or recovery is accomplished in whole or in part	175
	(b)	attending, investigating, inventorying, cataloguing, taking possession, per hour for each sheriff involved	75
4	For sale or possession of land		
	(a)	for executing an order for sale or possession of land, in part or in whole	150
	(b)	for attending, investigating, inventorying, cataloguing, taking possession, preparing for sale, per hour for each sheriff involved	60
	(c)	as commission on the sum realized, or on the sum settled for, as the case may be, net of disbursements properly incurred	
	(i)	if that net sum is \$10 000 or less	10%
	(ii)	if that net sum is more than \$10 000 but is less than \$100 000	\$1 000 plus 2 1/2% on the amount in excess of \$10 000
	(iii)	if that net sum is \$100 000 or over	\$3 250 plus 1% on the amount in excess of \$100 000
5	For arrest of ships		
	(a)	for every warrant or order to arrest a ship, including release	175
	(b)	for attending, investigating, inventorying, cataloguing, taking and maintaining possession, preparing for sale, per hour for each sheriff involved	75
6	For a search made by a sheriff including the certificate of result		10
7	For taking or swearing an affidavit for use in the court unless the person swearing the affidavit does so in the course of the person's duties as a peace officer or as an agent or officer of the government		30
8	In respect of each of the foregoing items except item 1, the sheriff must be paid 50¢ for each kilometre traveled.		
9	For each of the foregoing items, all disbursements properly incurred.		

Schedule 3

Fees Payable to Witnesses

In all cases in which a witness is required to attend an examination, hearing or trial, the following daily witness fees and fees for travel, meals and preparation are payable, and must, unless otherwise ordered, be tendered in advance by the party requiring the attendance of the witness:

Daily witness fee

- 1 (1) For any witness, other than a party or a present officer, director or partner of a party to a proceeding, for each day or part of a day, a daily witness fee of \$20.
- (2) A witness who is a party or a present officer, director or partner of a party to the proceeding is not entitled to a daily witness fee.

Travel

- 2 (1) For any witness, if the examination, hearing or trial is held at a place
 - (a) within 200 km by road (including any ferry route within the Provincial road system) of where the witness resides, 30¢ per km each way by road between the witness' residence and the place of examination, hearing or trial; but no travel allowance will be made if the distance by road between that residence and the place of examination, hearing or trial is less than 8 km., or
 - (b) more than 200 km from where the witness resides, the minimum return air fare by scheduled airline plus 30¢ per km each way from the witness' residence to the departure airport and from the arrival airport to the place of examination, hearing or trial.
- (2) The allowance described in subsection (1) (a) includes ferry fares and road tolls.

Allowances

- 3 For any witness, a reasonable allowance for meal expenses made necessary by the witness' attendance, and if the witness resides elsewhere than the place of examination, hearing or trial and is required to remain overnight, a reasonable allowance for overnight accommodation.

Preparation

- 4 For any witness other than a party or a present officer, director or partner of a party to a proceeding, a reasonable sum must be allowed for the time employed and expenses incurred by the witness in preparing to give evidence, when that preparation is necessary.

Schedule 4

Fee Calculations

[am. B.C. Regs. 95/2011, Sch. B; 68/2013; 90/2014, Sch. 2; 121/2014; 105/2019.]

Definitions

1 In this Schedule:

"actual fee", in relation to an Item, means the actual fee applicable to that Item determined under section 2;

"base CPI" means the number recorded as the "All-items Index" for British Columbia for April 2010 in the publication prepared for April 2010 under the *Statistics Act* by the director;

"base fee", in relation to an Item, means the fee shown in the table to this Schedule as being applicable to that Item;

"current CPI", in relation to any year in which a calculation of actual fees is to be made under section 2, means the number recorded as the "All-items Index" for British Columbia for April of that year in the publication prepared for that year under the *Statistics Act* by the director;

"director" has the same meaning as in the *Statistics Act*;

"Item" means an Item in the table to this Schedule.

Calculation of actual fee

2 (1) Until Part 1 of the table to Schedule 1 is amended under this section, the actual fee applicable to an Item is the fee shown for that Item in the table to this Schedule.

(2) In 2012, and in every second year after that, the actual fee applicable to an Item must be recalculated as follows:

(a) a preliminary fee must be determined for the Item in accordance with the following formula:

preliminary fee = base fee x (current CPI / base CPI);

(b) the actual fee applicable to the Item is the preliminary fee determined for that Item under paragraph (a) rounded as follows:

(i) if the base fee applicable to the Item is less than or equal to \$10, the actual fee applicable to the Item is the preliminary fee for the Item rounded to the nearest \$1;

(ii) if the base fee applicable to the Item is greater than \$10 but less than \$100, the actual fee applicable to the Item is the preliminary fee for the Item rounded to the nearest \$5;

(iii) if the base fee applicable to the Item is \$100 or more, the actual fee applicable to the Item is the preliminary fee for the Item rounded to the nearest \$10.

(3) If, as a result of the recalculation referred to in subsection (2), there is a change to the actual fee applicable to one or more Items, the minister may notify the Registrar of Regulations of that change and the Registrar of Regulations may

(a) amend Part 1 of the table to Schedule 1 to reflect the change of which notice was given under this subsection, and

(b) publish in Part 2 of the Gazette the amended table.

(4) On the date that is 7 days after the date on which an amended table is published under subsection (3) (b) in Part 2 of the Gazette, Part 1 of the table to Schedule 1 is amended accordingly.

Item		Fee (\$)
<i>Commencing proceedings</i>		
1	Subject to section 2 (2) of Schedule 1, for commencing a family law case in the Supreme Court that is not an appeal under Rule 22-7 (8.1) or an application under Rule 20-6 (3)	200
2	For filing a counterclaim	200
<i>Responding to proceedings</i>		
3	Subject to section 2 (2) of Schedule 1, for filing a response to family claim or a response to counterclaim	25
<i>Application filings</i>		
4	For filing any one of the following:	80
	(a) a notice of application;	
	(b) an appointment for a hearing before a registrar or a special referee but not including a hearing, inquiry or reference under the <i>Court Order Enforcement Act</i> ;	
	(c) a requisition for a desk order, including a requisition filed under Rule 20-6 (3)	
5	For setting a matter for hearing for which a fee is not payable under this Schedule No fee is payable under this item to set a matter for hearing by notice of hearing of petition, notice of hearing of appeal or notice of hearing of stated case	80
<i>Other filings</i>		
6	For filing a notice of judicial case conference	80
7	For filing a notice of trial	200
7.1	For filing a written agreement under Rule 2-1, whether or not that filing starts a family law case	30
7.2	For filing a determination of a parenting coordinator under Rule 2-1.1	30
7.3	For filing an arbitration award under Rule 2-1.2, whether or not that filing starts a family law case	30

<i>Hearings</i>		
8	For resetting a trial or hearing	200
9	For each day spent in whole or in part at a hearing, unless the attendance on that day is for reasons for decision only, payable by the party who files the notice of application, appointment or other document by which the hearing was set, unless the court orders payment by another party	<p>For the first 3 days: 0</p> <p>For each of the 4th to 10th days: 500</p> <p>For each day over 10: 800</p>

10	For each day spent in whole or in part at trial, unless the attendance on that day is for judgment only, payable by the party who files the notice of trial, unless the court orders payment by another party	For the first 3 days: 0 For each of the 4th to 10th days: 500 For each day over 10: 800
<i>Room Rentals</i>		
11	For rental of examination for discovery room	100 per day
<i>Execution</i>		
12	For filing a caveat, a citation, a garnishing order, a writ of execution or a subpoena to debtor	80
<i>Documents</i>		
13	For taking or swearing an affidavit for use in the court unless	40
	(a) the person swearing the affidavit does so in the course of the person's duties as a peace officer or as an agent or officer of the government, or	
	(b) provision is made elsewhere for a fee for that service	
14	For a search of a record, other than	8
	(a) an electronic search conducted from outside the registry, or	

	(b)	a search of a record of a proceeding by	
		(i) a party to that proceeding,	
		(ii) a party's lawyer, or	
		(iii) an official reporter who, or a representative of a transcription firm that, is retained by a party to produce a transcript of the proceeding	
15		For returning by mail, fax or electronic mail the results of a search of a record, the aggregate of the following:	
	(a)	fee for returning the results	10
	(b)	cost per page faxed	1
16		For accessing, without purchase, from outside the registry, including, without limitation, viewing, printing or downloading, any document that is found by or created in response to an electronic search or request, including, without limitation, an index of cases produced in response to a search query	6
17		For accessing any document referred to in Item 16 and purchasing that document	10
18		For copies, per page	1
	(a)	a certified copy of a document	
		(i) for 10 pages or less	40
		(ii) for each additional page over 10 pages, per page	6
	(a)	a certified copy of a document	40
	(b)	issuing a certificate of judgment	40
	(c)	issuing a certificate of pending litigation or other certificate not otherwise provided for other than a certificate in Form F36	40
	(d)	a copy, produced by the registry, of a transcript filed within 5 years of the request, per page	4
20		For returning by mail or by fax a confirmation of filing or rejection of a document submitted by fax to a registry	10

Despite anything in this Schedule, if, after consultation with the Chief Justice, the Crown enters into an agreement with a person under which the person is authorized to access one or both of registry records and specified registry services and is exempted from payment of any or all of the fees provided under Items 14, 15, 16, 17 and 18 for such access, the person may, on payment of any fee required under the agreement and on compliance with any other terms and conditions imposed by the agreement, access, during the term of the agreement, the registry records and registry services to which the agreement applies without payment of the fees from which the person is exempted under the agreement.

Note: *This regulation replaces B.C. Reg. 221/90.*

[Provisions of the *Court Rules Act*, RSBC 1996, c. 80, relevant to the enactment of this regulation: section 1]