TO BRING A NOTICE OF MOTION Rule 12(1)

Step 1

COMPLETE the NOTICE OF MOTION. You may use a typewriter or print clearly and firmly. You may wish to submit written evidence in support of your notice of motion. To do so, complete an AFFIDAVIT. Obtain a date and time for your hearing from the registry.



FILE the NOTICE OF MOTION by taking or mailing it and any supporting affidavit(s) to the registry where your file is. If you are asking the court to change or cancel an order made in your absence, be sure to attach a copy of the order.

The staff will apply the registry stamp. Then they will return the copies you need for your records and for serving on the other party.

To serve a person other than a party, you may either:

- mail a copy of the notice of motion by registered mail to the person's postal address; or
- leave a copy of the notice of motion directly with the person (this is called personal service).



The purpose of service is to be sure the person(s) affected know what you are asking for and the court date.

However, in special or urgent circumstances, a judge may make an order without notice having been given to the other party. If you are going to ask a judge to do this, tell the registry staff when you file your notice of motion. You must be prepared to give the judge evidence that the circumstances require it.





SERVE the other party, and any one else who must be served, with a copy of the notice of motion and any supporting affidavit(s). Normally only the other party must be served, but if you are asking a person who is not a party to produce information or documents, you must serve that person as well.

This must be done at least 7 days before the date of the court hearing.

To serve a party with a notice of motion, you may deliver it:

- by mail to the party's most recent address for service filed with the registry;
- by fax, if the fax number is included in the address for service provided by that party. You must use the special fax cover page, which the registry can give you;
- by leaving the notice of motion with the other party's lawyer; or
- by having another person, at least 19 years of age, leave the notice of motion with the party. These last 2 methods are called personal service.

At the hearing, if the other party or anyone else who must be served does not appear, be ready to prove that you served him or her, or that you were unable to do so. To prove service:

If you or another person personally served the notice of motion, COMPLETE the AFFIDAVIT OF PERSONAL SERVICE on the back of the 'proof of service' copy of the notice of motion.

If you served the notice of motion by mail or fax, COMPLETE the AFFIDAVIT OF SERVICE on the back of the 'proof of service' copy of the notice of motion.

If you mailed the notice of motion by registered mail, attach to the affidavit of service either:

- original copy of signature obtained at time of delivery; or
- unopened envelope containing the notice of motion, returned by Canada Post Corporation with a reason for non-delivery (e.g. "address unknown", "unclaimed", "refused").

Court File Number:

Copy the court file number, FMEP number (if any) and the court location from the original application.

Case Name:

Copy the names of the parties exactly as they appear on the application.

Filed by:

You must be sure that the address you give is correct because this is where the registry will send any further notices or information to you. If your address changes at any time, you must file a NOTICE OF CHANGE OF ADDRESS form with the registry, and serve a copy of it on the other party.

Notice to:

Provide the name, address and telephone number of the other party, and of any other person who must be served with this notice. Normally this is only the other party. Examples of other persons are:

- If you are asking for a document to be produced by a person who is not the other party, that person must be served.
- If the creditor is enrolled with the Family Maintenance Enforcement Program, the Director of Maintenance Enforcement must be served (by mail at the Director's post office box).

Where and When?

Ask the registry for a date and time when the court will hear the notice of motion.

What are You Asking for?

Check the appropriate box(es). Where the line you have checked indicates that details of the order are "as set out below" provide the details following "Details of order(s) requested". Examples of order details are:

- an order that (your name) be given interim custody of the child(ren), (name of child), born (date), (further names and birthdates as required).
- an order that (respondent's name) pay to (your name) interim maintenance for the child(ren), (name of child), born (date), (further names and birthdates as required).
- an order for service on (name of party) by publication in (number) issues of the (name of publication).
- an order for production of (*name of the document*) by (*name of person who has the document*).

How to Complete this Form

Note:

Use of affidavit is optional.

Sign your name, and state today's date. State name of lawyer, if any.



In the Provincial Court of British Columbia

Court File Number:
FMEP Number:

Court Location:

NOTICE OF MOTION

Case name as it appears on the		ne case between:						
application.	NAME							
	And	l:						
	NAME							
		d by:						
Your current address for service.		ESS FOR SERVICE				CITY		
	PROVI			POSTAL CODE		PHONE	FAX	(
	Noti	ice to:						
Address for service of other party or of	NAME							
anyone else who	PROVI	ESS FOR SERVICE		POSTAL CODE		CITY	FAX	,
must be served.				FOSTAL CODE		FHONE		<u> </u>
Where and	NAME	E OF PERSON MAKING APPLICATION					will app	ly to this court at
When is this	COUR	T LOCATION						
hearing? Obtain a date and time from	on	DATE	at TIME		for:			
the registry.					_			
		Permission to file						
		An order transferr					()	
What an use		An interim order u A trial preparation		of the Family	Relation	s Act as set o	ut below.	
What are you asking for in this		An order cancellir						
application? Check the appropriate		An order for the p		produce reco	ords, as s	set out below.		
box(es) and fill in any		An order for blood			•		om the persor	n named below.
required information.		Permission to use			set out be	elow.		
		An order for servio An order shortenio				ut bolow		by a peace officer.
		Directions on a pr				ut below.		
		An order for acces				00 of the Far	nily Relations	Act.
		An order settling t					-	
		An order changing		w, or cancell	ing, the a	attached order	r made in my	absence.
		Other order, as se Details of order(s) requested						
For examples of these datails see			-					
instruction sheet.								
Note:								
Use of affidavit is optional.		Any affidavits in s	upport of this no	otice of motion	n are atta	iched.		
Sign your name,		DATE						
and state today's date.	Dated	d				Signature		
State name of						Signature		
lawyer, if any	Name	of lawyer of party bringing this	motion					

PFA 048a 06/2003 Form 16 (OPC 7530854056)

COURT FILE



In the case between:

NAME

In the Provincial Court of British Columbia

Court File Number:
FMEP Number:

Court Location:

NOTICE OF MOTION

Who is bringing this notice of motion to the court? Note this person's address for service.

Where and

When is this hearing? If you wish to respond to this motion you must appear at this date, time and place and tell the judge your position regarding this motion.

What order is being asked for?

Important: If you

do not appear the judge may hear the motion in your absence and may make any order requested in the Notice of Motion if the judge thinks it is fair to do so in your absence.

Filed by:			
ADDRESS FOR SERVICE		CITY	
PROVINCE	POSTAL CODE	PHONE	FAX
Notice to:			
NAME			
ADDRESS FOR SERVICE PROVINCE		PHONE	FAX
	POSTAL CODE	FRUNE	FAA
NAME OF PERSON MAKING APPLICATION			will apply to this court
COURT LOCATION			
ON	at ™	for:	
Permission to file in the co	urt registry at:		
An order transferring this f		at:	
An interim order under Sec	ction 9 of the Family R	elations Act as set o	out below.
A trial preparation conferen	nce.		
An order cancelling a subp			
An order for the person na		de las set out helow	
		i tacte ta ha takan fri	om the nerson named helow
			om the person named below
Permission to use another	service method, as se		om the person named below
 Permission to use another An order for service of NAME 	Service method, as se	et out below.	om the person named below
An order for service of An order shortening or ext	service method, as se E OF DOCUMENT ending a "time limit", a	s set out below.	·
 Permission to use another An order for service of An order shortening or ext Directions on a procedural 	ending a "time limit", a set out bel	et out below. s set out below. ow.	by a peace off
An order for service of An order shortening or ext	ending a "time limit", a set out bel	et out below. s set out below. ow.	by a peace off
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In the case between:

NAME

In the Provincial Court of British Columbia

Court File Number:
FMEP Number:

Court Location:

NOTICE OF MOTION

Who is bringing this notice of motion to the court? Note this person's address for service.

Where and

When is this hearing? If you wish to respond to this motion you must appear at this date, time and place and tell the judge your position regarding this motion.

What order is being asked for?

Important: If you

do not appear the judge may hear the motion in your absence and may make any order requested in the Notice of Motion if the judge thinks it is fair to do so in your absence.

Filed by:						
NAME						
ADDRESS FOR SERVICE			CITY			
PROVINCE		POSTAL CODE	PHONE		FAX	
Notice to:						
ADDRESS FOR SERVICE			CITY			
PROVINCE		POSTAL CODE	PHONE		FAX	
NAME OF PERSON MAKING APPLICATI	DN				will apply to this	court
COURT LOCATION						
DATE ON	at TIME		for:			
			-			
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An order for the An order for blo	on conference. lling a subpoena. e person named to od or tissue samp	produce recolles for paternit	rds, as set out belo y tests to be taker		e person named	belov
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In the Provincial Court of British Columbia

Court File Number:
FMEP Number:

Court Location:

NOTICE OF MOTION

Case name as it appears on the application.	In the cas NAME And: NAME	se between:							_
Your current address for service.	Filed by: NAME ADDRESS FOR S PROVINCE		P	POSTAL CODE		CITY PHONE	FA		
Address for service of other party or of anyone else who must be served.	NAME ADDRESS FOR S PROVINCE		P	POSTAL CODE		CITY PHONE	FA	1X	_
Where and When is this hearing? Obtain a date and time from the registry.			at _ ^{TIME}		for:		will app	ply to this court at	_
What are you asking for in this application? Check the appropriate box(es) and fill in any required information.	An ord An int A trial An ord An ord Permi An ord An ord Direct	ssion to use and der for service of der shortening ou ions on a proced	his file to the co r Section 9 of the ference. subpoena. n named to proc issue samples for ther service me NAME OF DOCUMENT r extending a "tin dural matter, as	duce recor or paternit thod, as so me limit", a	ds, as s y tests t et out be as set ou	et out below. o be taken fre elow. ut below.	om the perso	on named below. _ by a peace office	 r.
For examples of these datails see instruction sheet.	An ore An ore Other	der for access to der settling the te der changing as order, as set our of order(s) requested	erms of an order set out below, o	r.			-		
Note: Use of affidavit is optional.	Any a	ffidavits in suppo	ort of this notice	of motion	are atta	ched.			
Sign your name, and state today's date.	Dated		_			Signature			
State name of lawyer, if any	Name of lawyer	of party bringing this motior	1						

L

Complete this affidavit if personal service was successful.	AFFIDAVIT OF PERSONAL SERVICE (FORM 5) In the Provincial Court of British Columbia
	I swear or affirm that I NAME OCCUPATION
If you served the notice of motion on the back of this page together with another	of personally served
document(s), you need to complete only one affidavit of personal	on at
service, listing all documents served on the person named.	with a copy of the following documents:
Check box(es) for each document served, and name the	EXHIBIT ""
document. Make sure you mark each attached document with the correct Exhibit	EXHIBIT "" EXHIBIT ""
letter. If you must make a correction, or cross anything out, please	The party was identified to me in this manner: I know the person He/she admitted to being this person. Other (specify)
initial.	Sworn or affirmed before me
This section must be sworn or affirmed before a Commissioner for Taking Affidavits.	at British Columbia
	A Commissioner for Taking Affidavite for British Columbia
	A Commissioner for Taking Affidavits for British Columbia
Complete this notice of motion if you served the notice of motion by mail, by fax or by substituted service	AFFIDAVIT OF SERVICE (FORM 13) In the Provincial Court of British Columbia
of motion if you served the notice of motion by mail, by fax or by substituted service. If you served the notice of motion on the	In the Provincial Court of British Columbia
of motion if you served the notice of motion by mail, by fax or by substituted service. If you served the notice of motion on the back of this page together with another document(s), you need	In the Provincial Court of British Columbia
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