# TO PRESENT AFFIDAVIT EVIDENCE

### Rule 13(1)

#### Step 1

**COMPLETE** the AFFIDAVIT. You may use a type-writer or print clearly and firmly. If you accessed this form from the Ministry of Attorney General website, you may also complete it at the computer, and then print it. An affidavit may be the evidence of a party in support of his or her own case, or it may be the evidence of another person. Either one may complete the affidavit. The person whose evidence it is must make sure the contents are true.



### Step 2

**TAKE** the affidavit to a commissioner for taking affidavits. All lawyers, notaries public and also certain staff at the registry are commissioners. No fee is charged at the registry for this service. The person whose evidence is in the affidavit will be asked to swear or affirm that the contents are true. Bring identification with you, as you may be asked to produce it.

Please note that neither the commissioner nor any other registry staff member will assist with completing the content of the affidavit.



**FILE** the affidavit by taking or mailing it to the registry where the file is. Filing and serving the affidavit is the responsibility of the party presenting the affidavit as evidence.



**SERVE** the other party(s) and anyone else who must be notified. They must be served at least 7 days before the date of the court hearing. If this is not possible, you may ask the judge to allow you to use an affidavit without the 7 days' notice, or to adjourn the hearing.

The purpose of service is to be sure the person affected knows in advance the evidence that will be given by affidavit. (Normally the only one who must be served is the other party, but if a person who is not a party is being asked to produce information or documentation, that person must be served as well.) **TO SERVE A PARTY** with the affidavit, you may deliver it:

- by mail to the party's most recent address for service as shown on the last document that they filed and served on you;
- 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 affidavit with the other party's lawyer; or
- by having another person, at least 19 years of age, leave the affidavit with the party.

These last 2 methods are called 'personal service'.

# **TO SERVE A PERSON OTHER THAN A PARTY**, you may either:

- leave the affidavit directly with the person; or
- deliver it by registered mail to that person's postal address.



At the hearing you may be asked to prove that the affidavit was served. To **PROVE SERVICE**, use one of the forms printed on the back of the 'proof of service' copy of the affidavit.

If you served the affidavit by mail or by fax, complete an AFFIDAVIT OF SERVICE. If you mailed the affidavit by registered mail, bring to the hearing the original copy of the signature obtained at the time the affidavit was delivered, unless you have already filed an affidavit of service.

If you or someone else personally served the affidavit, an AFFIDAVIT OF PERSONAL SERVICE must be completed.

Either file the proof of service ahead of time or bring it with you to the hearing. It is necessary to swear or affirm an affidavit of service or affidavit of personal service before a commissioner for taking affidavits.

#### **Court File Number:**

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

#### Case Name:

Copy the parties' names from the application.

#### Name and Current Address for Service:

This is to be filled out by the party presenting the affidavit. 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.

#### What is the Affidavit for?

You are asked to briefly describe the order applied for (eg. custody, maintenance, production of documents).

#### What are the Facts?

You then list the facts that you wish to present to the court in written, rather than spoken, form.

If you refer to documents, attach them to the affidavit and have them marked as exhibits.

#### Sworn or Affirmed:

Leave this section blank until you attend a commissioner for taking of affidavits, as your signature must be witnessed by the commissioner when you swear or affirm that the facts in the affidavit are true.

If you use an extra sheet, be sure the oath appears after the last paragraph on the extra sheet.



### **AFFIDAVIT**

In the Provincial Court of British Columbia

Court File Number:

FMEP Case Number:

Court Location:

### What is

#### What are facts?

<b>Case name</b> as it appears on the application.	In the case between:
	And: NAME
l	
Name, occupation	I, NAME
and current address for service of the	OCCUPATION
person filing this	of ADDRESS CITY
affidavit.	PROVINCE POSTAL CODE
	swear or affirm that:
What is the affidavit for? Name the applicant, and briefly describe the order applied for.	I know or believe the following facts to be true. If these facts are based on information from others, I believe that information to be true. I make this affidavit in relation to an application* by
What is your role with this application?	I am making the application* OR I am responding to the application*
What are the facts? List the facts relevant to the application. If certain facts are not within your personal knowledge, identify the source of your information. If you need more space, use an extra sheet(s).	
Sign <b>ONLY</b> in the presence of a commissioner	Sworn or affirmed before me atBritish Columbia
	on Signature
	A Commissioner for Taking Affidavits for British Columbia
PFA 065a 03/2005 Form 17 (OPC# 7530854053)	* "Application" also includes a notice of motion. COURT FILE

**COURT FILE** 



Case name

# AFFIDAVIT

In the case between:

NAME

And:

In the Provincial Court of British Columbia

Court File Number:

FMEP Case Number:

Court Location:

Name, occupation and address for service of person filing this affidavit.

What is this affidavit for?

Name of applicant and description of order applied for.

Role of the person filing this affidavit.

What are the facts which this person is giving as evidence in this affidavit?

This affidavit will be presented as evidence at the hearing of the application.

I.	NAME		
,	OCCUPATION		
of	ADDRESS	CITY	
	PROVINCE	POSTAL CODE	
	vear or affirm that: I know or believe the following facts to be I believe that information to be true.	e true. If these facts are based on information from of	hers
	I make this affidavit in relation to an appli for		
	I am making the application* OR OR I am	I am responding to the application*	
-	worn or affirmed before me		
at		British Columbia	
05	DATE		
on	I	Signature	

PFA 065a 03/2005 Form 17 (OPC# 7530854053)

**OTHER PARTY'S COPY** 



Case name

# AFFIDAVIT

In the case between:

NAME

And:

In the Provincial Court of British Columbia

Court File Number:

FMEP Case Number:

Court Location:

Name, occupation
and address for service of person
filing this affidavit.
ning the andavit.

What is this affidavit for?

Name of applicant and description of order applied for.

Role of the person filing this affidavit.

What are the facts which this person is giving as evidence in this affidavit?

This affidavit will be presented as evidence at the hearing of the application.

Ι.	NAME		
,	OCCUPATION		
of	ADDRESS	CITY	
	PROVINCE	POSTAL CODE	
	<b>vear or affirm that:</b> I know or believe the following facts to be I believe that information to be true.		mation from others
	I make this affidavit in relation to an appli for		
	I am making the application* OR OR I am	I am responding to the application	*
~			
	vorn or affirmed before me		
at		British Columbia	
	DATE		
on			

PFA 065a 03/2005 Form 17 (OPC# 7530854053) \* "Application" also includes a notice of motion.

PROOF OF SERVICE COPY



Case name

### **AFFIDAVIT**

In the case between:

In the Provincial Court of British Columbia

Court File Number:

FMEP Case Number:

Court Location:

### What is t

#### What are facts?

(OPC# 7530854053)

as it appears on the application.	NAME
approation	
	And:
Name accuration	NAME
Name, occupation and current address	
for service of the person filing this	of ADDRESS CITY
affidavit.	PROVINCE POSTAL CODE
	swear or affirm that:
What is the	I know or believe the following facts to be true. If these facts are based on information from others,
affidavit for?	I believe that information to be true.
Name the applicant, and briefly describe	
the order applied	I make this affidavit in relation to an application* by
for.	for
What is your	I am making the application* OR I am responding to the application*
role with this application?	OR I am
application	
What are the	
facts? List the facts relevant	
to the application. If	
certain facts are not	
within your personal knowledge, identify	
the source of your information. If you	
need more space,	
use an extra sheet(s).	
l	
0. <b>0.</b>	Sworn or affirmed before me
Sign <b>ONLY</b> in the presence of a	at British Columbia
commissioner	DATE
	ON Signature
	A Commissioner for Taking Affidavits for British Columbia
PFA 065a 03/2005 Form 17	* "Application" also includes a notice of motion.

**FILING PARTY'S COPY** 

Complete this affidavit if personal service was successful.

# AFFIDAVIT OF PERSONAL SERVICE (FORM 5) In the Provincial Court of British Columbia

cubbbblain	Lowcor or offirm that L NAME OCCUPATION	
If you served the affidavit on the back of	I swear or affirm that I	-
this page together with	of ADDRESS personally served NAME OF PERSON SERVED	
another document(s), you need to complete		_
only one affidavit of personal service,	on <u>at</u> <u>address</u>	_
listing all documents	The same of the falls. See the	_
served on the person named.	with a copy of the following documents:	
Check box(es) for	the affidavit on the back of this page EXHIBIT ""	
each document		-
served, and name the document. Make	EXHIBIT "	-
sure you mark each attached document	EXHIBIT ""	-
with the correct Exhibit letter.		_
	The party was identified to me in this manner:	
If you must make a correction, or cross	He/she admitted to being this person.	
anything out, please initial.	Other (specify)	
initial.		
	Sworn or affirmed before me atBritish Columbia	
This section must be sworn or affirmed		-
before a Commissioner for Taking Affidavits.	r DATE ON	
for Faking Andavits.	Signature	-
	A Commissioner for Taking Affidavits for British Columbia	
Complete this		
affidavit if you	AFFIDAVIT OF SERVICE (FORM 13)	
served the affidavit by mail, by fax or by	In the Provincial Court of British Columbia	
substituted service.	I swear or affirm that I	_
If you served the	of ADDRESS Served NAME OF PERSON SERVED	
affidavit on the back of this page together with		-
another document(s),	on at address	
you need to complete only one affidavit of		_
service, listing all documents served on	with a copy of the following documents:	
the person named.	Name of document the affidavit on the back of this page	
	EXHIBIT ""	
Check appropriate	EXHIBIT ""	-
box(es) for each document served and	EXHIBIT "	-
name the document. Make sure you	EXHIBIT ""	_
mark each attached document with the	The party was conved in this manner:	
correct Exhibit letter.	The party was served in this manner: Fax (attach a copy of Form 10)	
If you must make a		
correction, or cross	By substituted service as ordered by the court.	
anything out, please initial.	Sworn or affirmed before me	
This section must	at British Columbia	1
be sworn or affirmed		¬
be sworn or affirmed before a Commissioner	DATE	
	DATE	
before a Commissioner	n DATE Signature	
before a Commissioner		
before a Commissioner	n DATE Signature	