

TO BRING A NOTICE OF MOTION IN MAINTENANCE ENFORCEMENT PROCEEDINGS

Rule 17(3)

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.



Step 2

FILE the NOTICE OF MOTION by taking or mailing it and any attached documents to the registry where the file is located, as shown on court documents received by you.

The staff will apply the registry stamp and they will return the copies you need for your records and for serving on the other party and anyone else who must be notified.



Step 3

MAKE ARRANGEMENTS TO SERVE the party or parties, and any one else who must be served, with a copy of the notice of motion and any attached document(s). This must be done at least 7 days before the date of the court hearing.

You may either:

- mail a copy of the notice of motion to the last address for service which the party or parties has given to the court;
 - fax a copy of the notice of motion, if the other party's address for service included a fax number;
- or
- have another person who is at least 19 years of age 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. Normally only any parties must be served, but if you are asking for an order which would affect a person who is not a party, you must serve that person as well.



If the 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 mailed or faxed the notice of motion, **COMPLETE** an **AFFIDAVIT OF SERVICE** on the back of the 'proof of service' copy of the notice of motion.

If you had someone personally serve the notice of motion, **COMPLETE** the **AFFIDAVIT OF PERSONAL SERVICE** on the back of the 'proof of service' copy of the notice of motion.

Court File Number:

Copy the court file number, FMEP number (if any) and court location from the maintenance order.



Case Name:

Copy the names of the parties as they appear on the maintenance order.



Filed by:

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

IMPORTANT NOTE: If you do not want the other party to know your residential address, advise the court registry in writing and provide another address at which you can receive information and notices. Failure to accept service at address provided could result in a final order being made in your absence.



Notice to:

Provide the name, address and telephone number of the party or parties to be served and of any other person who must be served with this notice. Examples 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.
- if you are the debtor's employer, and you are applying to terminate a notice of attachment, both parties and the Director of Maintenance Enforcement must be served.

You may also include the fax number, if you know it.



Date and Time:

Contact the registry to obtain a date and time for the court hearing which is acceptable to both parties and the court.

What are you asking for?

Check the appropriate box(es) and fill in any required information.



Information for the person served.

Sign your name and state today's date.

State name of lawyer, if any.





NOTICE OF MOTION IN MAINTENANCE ENFORCEMENT PROCEEDINGS

In the Provincial Court of British Columbia

Court File Number:
FMEP Number:
Court Location:

Case name
as it appears on the order you want enforced.

In the case between:
NAME _____
And:
NAME _____

Your current address for service.

Filed by:
NAME _____ **APPLICANT**
ADDRESS FOR SERVICE _____ CITY _____
PROVINCE _____ POSTAL CODE _____ PHONE _____ FAX _____

Address for service of other party and anyone else who must be served.

Notice to:
NAME _____ **RESPONDENT**
ADDRESS FOR SERVICE _____ CITY _____
PROVINCE _____ POSTAL CODE _____ PHONE _____ FAX _____

Where and when is the hearing? Obtain a date and time from the registry.

I will apply to this Court at COURT LOCATION _____
on DATE _____ **at** TIME _____ **for:**

What are you asking for? Check the appropriate box(es) and fill in any required information.

- an order for access to information, as follows: _____
- an order extending the time for filing a statement of finances.
- an order requiring the debtor to file a statement of finances or prescribed documents.
- an order requiring the debtor to pay an amount on failing to file a statement of finances or prescribed documents.
- an order for payment by an attachee.
- an order determining liability under a notice of attachment or determining a related issue.
- an order changing the attached order dated DATE _____
- an order changing the amount exempt from attachment.
- an order setting aside an attachment order or notice of attachment.
- an order discharging or postponing the registration of a maintenance order registered against land.
- an order requiring NAME _____ to attend a default hearing or a committal hearing before the Court and to file with the Court, by a date specified by the Court, financial information, financial statements or other prescribed documents under s. 39 of the *Family Maintenance Enforcement Act*.
- a restraining order, under s. 46 of the *Family Maintenance Enforcement Act*.
- an order that a corporation is jointly and separately liable with the debtor for payments required under the maintenance order under s.14.2(2) of the *Family Maintenance Enforcement Act*.
- an order that the Director of Maintenance Enforcement direct the Insurance Corporation of British Columbia to disregard a notice not to issue or renew the driver's licence of a debtor under s.29.2(2) of the *Family Maintenance Enforcement Act*.
- another order, as follows: _____

Information for the person served.

Notice to Respondent: If you do not appear, the Court may make an order in your absence.

Sign your name and state today's date.

Any affidavits in support of this motion are attached.

State name of lawyer, if any.

Dated _____
Party's lawyer _____ Signature _____

NOTICE OF MOTION IN MAINTENANCE ENFORCEMENT PROCEEDINGS



NOTICE OF MOTION IN MAINTENANCE ENFORCEMENT PROCEEDINGS

In the Provincial Court of British Columbia

Court File Number:
FMEP Number:
Court Location:

Case name

In the case between:
NAME _____

And:
NAME _____

Filed by:
NAME _____ **APPLICANT**
ADDRESS FOR SERVICE _____ CITY _____
PROVINCE _____ POSTAL CODE _____ PHONE _____ FAX _____

Notice to:
NAME _____ **RESPONDENT**
ADDRESS FOR SERVICE _____ CITY _____
PROVINCE _____ POSTAL CODE _____ PHONE _____ FAX _____

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

Where and when is the 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?

If you would like to present evidence from another witness, you may use an affidavit to do that. Get an affidavit from the registry. Have it completed and sworn. File the affidavit and serve a copy on the other party. Even if you are unable to serve the affidavit at least 3 days before the court date, the court may permit you to use it as evidence anyway.

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NOTICE OF MOTION IN MAINTENANCE ENFORCEMENT PROCEEDINGS

Dated _____

Party's lawyer

Signature



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In the Provincial Court of British Columbia

Court File Number:
FMEP Number:
Court Location:

Case name

In the case between:
NAME _____

And:
NAME _____

Filed by:
NAME _____ **APPLICANT**
ADDRESS FOR SERVICE _____ CITY _____
PROVINCE _____ POSTAL CODE _____ PHONE _____ FAX _____

Notice to:
NAME _____ **RESPONDENT**
ADDRESS FOR SERVICE _____ CITY _____
PROVINCE _____ POSTAL CODE _____ PHONE _____ FAX _____

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Any affidavits in support of this motion are attached.

NOTICE OF MOTION IN MAINTENANCE ENFORCEMENT PROCEEDINGS

Dated _____

Party's lawyer

Signature



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In the Provincial Court of British Columbia

Court File Number:
FMEP Number:
Court Location:

Case name
as it appears on the order you want enforced.

In the case between:
NAME _____

And:
NAME _____

Your current address for service.

Filed by:
NAME _____ **APPLICANT**

ADDRESS FOR SERVICE _____ CITY _____

PROVINCE _____ POSTAL CODE _____ PHONE _____ FAX _____

Address for service of other party and anyone else who must be served.

Notice to:
NAME _____ **RESPONDENT**

ADDRESS FOR SERVICE _____ CITY _____

PROVINCE _____ POSTAL CODE _____ PHONE _____ FAX _____

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Information for the person served.

Notice to Respondent: If you do not appear, the Court may make an order in your absence.

Sign your name and state today's date.

Any affidavits in support of this motion are attached.

State name of lawyer, if any.

Dated _____

Party's lawyer

Signature

NOTICE OF MOTION IN MAINTENANCE ENFORCEMENT PROCEEDINGS

Complete this affidavit if personal service was successful.

If you served the notice of motion on the back of this page together with another document(s), you need to complete only one affidavit of personal service, listing all documents served on the person named.

Check box(es) for each document served, and name the document. Make sure you mark each attached document with the correct Exhibit letter.

If you must make a correction, or cross anything out, please initial.

This section must be sworn or affirmed before a Commissioner for Taking Affidavits.

AFFIDAVIT OF PERSONAL SERVICE (FORM 5)

In the Provincial Court of British Columbia

I swear or affirm that I _____ NAME _____ OCCUPATION _____

of _____ ADDRESS _____ personally served _____ NAME OF PERSON SERVED _____

on _____ DATE _____ at _____ ADDRESS _____

with a copy of the following documents:

- the notice of motion in maintenance enforcement proceedings on the back of this page
- EXHIBIT " _ " _____
- EXHIBIT " _ " _____
- EXHIBIT " _ " _____
- EXHIBIT " _ " _____

The party was identified to me in this manner:

- I know the person
- He/she admitted to being this person.
- Other (specify) _____

Sworn or affirmed before me

at _____ British Columbia

on _____ DATE _____

Signature

A Commissioner for Taking Affidavits for British Columbia

Complete this affidavit 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 to complete only one affidavit of service, listing all documents served on the person named.

Check appropriate box(es) for each document served and name the document. Make sure you mark each attached document with the correct Exhibit letter.

If you must make a correction, or cross anything out, please initial.

This section must be sworn or affirmed before a Commissioner for Taking Affidavits.

AFFIDAVIT OF SERVICE (FORM 13)

In the Provincial Court of British Columbia

I swear or affirm that I _____ NAME _____ OCCUPATION _____

of _____ ADDRESS _____ served _____ NAME OF PERSON SERVED _____

on _____ DATE _____ at _____ ADDRESS _____

with a copy of the following documents:

- | <input type="checkbox"/> | Name of document |
|--------------------------|--|
| <input type="checkbox"/> | the notice of motion in maintenance enforcement proceedings on the back of this page |
| <input type="checkbox"/> | EXHIBIT " _ " _____ |
| <input type="checkbox"/> | EXHIBIT " _ " _____ |
| <input type="checkbox"/> | EXHIBIT " _ " _____ |
| <input type="checkbox"/> | EXHIBIT " _ " _____ |

The party was served in this manner:

- Fax (attach a copy of Form 10)
- Mail
- By substituted service as ordered by the court.

Sworn or affirmed before me

at _____ British Columbia

on _____ DATE _____

Signature

A Commissioner for Taking Affidavits for British Columbia