



## **PLEASE NOTE**

This document, prepared by the [Legislative Counsel Office](#), is an office consolidation of this regulation, current to February 1, 2004. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the [Royal Gazette](#) should be consulted to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the [Table of Regulations](#).

If you find any errors or omissions in this consolidation, please contact:

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## CHAPTER V-3.2

### VICTIMS OF FAMILY VIOLENCE ACT

#### REGULATIONS

Pursuant to section 19 of the *Victims of Family Violence Act* Stats. P.E.I. 1996, c.47, and under authority of section 6 of the *Interpretation Act* R.S.P.E.I. 1988, Cap. I-8, Council made the following regulations:

1. In these regulations Definitions
  - (a) “Act” means the *Victims of Family Violence Act* Stats. P.E.I. 1996, c.47; Act
  - (b) “designated person” means a member of a category of persons designated in section 3; designated person
  - (c) “peace officer” means peace officer
    - (i) a police officer,
    - (ii) an employee of a police service who is employed in the area of telecommunications;
  - (d) “Registrar” includes Deputy Registrars. (EC558/96) Registrar
2. The procedure for applications under the Act shall be as set out herein and the Rules of Court apply only to the extent that they are restated herein. (EC558/96) Procedure
3. For the purposes of clause 4(6)(b) of the Act the following categories of persons are designated: Designated persons
  - (a) peace officers;
  - (b) Victim Services Workers, and Assistant Victim Services Workers of the Victim Services Program established under section 7 of the *Victims of Crime Act* R.S.P.E.I. 1988, Cap. V-3.1. (EC558/96; 210/99; 622/03)
4. (1) An application for an emergency protection order must be made in person, except for an application made by a designated person. Application for an emergency protection order
  - (2) An application for an emergency protection order by a designated person may be made in person or by telecommunication. Application by designated person
  - (3) An order based on a telecommunication application has the same effect as an order based on an application made in person. (EC558/96; 622/03) Effect of order

Hearing of an application	<b>5.</b> (1) Where the justice of the peace is satisfied that a person making an application for an emergency protection order may make an application pursuant to subsection 4(6) of the Act, the justice of the peace shall hear and consider the allegation of the applicant and may hear and consider the evidence of witnesses.
Emergency protection order	(2) Where the justice of the peace determines that an emergency protection order should be made, the justice of the peace shall make that order in accordance with these regulations and section 4 of the Act. (EC558/96; 622/03)
Conduct of the hearing of an application	<b>6.</b> (1) A hearing of an application for an emergency protection order must be concluded within twenty-four hours of the application being made.
Adjournment, etc.	(2) Subject to subsection (1), the justice of the peace conducting the hearing may <ul style="list-style-type: none"> <li>(a) adjourn the hearing from time to time;</li> <li>(b) where the taking of evidence by telecommunication becomes unsatisfactory, adjourn the hearing to a time and place where the evidence can be heard in person;</li> <li>(c) change the place of the hearing to accommodate any person giving evidence;</li> <li>(d) conduct the hearing in any manner that the justice of the peace considers appropriate and that is not inconsistent with the Act or these regulations. (EC558/96)</li> </ul>
Record to be made of evidence	<b>7.</b> (1) At the hearing of an application for an emergency protection order, a justice of the peace shall <ul style="list-style-type: none"> <li>(a) take the evidence under oath or by affirmation in accordance with sections 13 and 14 of the <i>Evidence Act</i> R.S.P.E.I. 1988, Cap. E-11; and</li> <li>(b) ensure that a record of the evidence of each person is made <ul style="list-style-type: none"> <li>(i) in question and answer format and in legible writing or typewritten in the form of notes of the justice of the peace; or</li> <li>(ii) in legible writing or typewritten in the form of a statement of the person giving the evidence</li> </ul> </li> </ul> and such evidence may include tape recordings of all or any part of the proceedings.
Telecommunicated oath	(2) For the purposes of subsection (1), an oath or affirmation may be administered by telecommunication. (EC558/96; 210/99)
Record of evidence to be signed	<b>8.</b> (1) Where a person gives evidence at a hearing for an emergency protection order, the justice of the peace shall

- (a) have that person read the record containing that person's evidence or have the evidence read back to the person who gave it; and
- (b) sign and date the record containing that person's evidence.

(2) Where the evidence of more than one person is taken in writing, *Idem* the justice of the peace may sign the record at the end of each person's evidence or at the end of all of the evidence. (EC558/96)

**9.** Where a justice of the peace begins to hear an application for an emergency protection order and is unable to continue the hearing for any reason, another justice of the peace may *Inability of the justice of the peace to continue*

- (a) continue hearing the application where the evidence recorded by the previous justice pursuant to section 7 is available for review by the justice of the peace; or
- (b) continue hearing the application as if no evidence had been taken where the evidence recorded pursuant to section 7 is not available for review by the justice of the peace. (EC558/96)

**10.** (1) The form of the emergency protection order is prescribed in Schedule 1. *Form of order*

- (2) The order consists of four parts - *Idem*
- (a) Part 1 is the original completed by the justice of the peace and retained for forwarding to the court pursuant to subsection 6(1) of the Act;
  - (b) Part 2 is the copy to be served on the respondent;
  - (c) Part 3 is the copy to be provided to the victim;
  - (d) Part 4 is the copy to be used by a peace officer for proof of service after Part 2 of the order has been served on the respondent. (EC558/96)

**11.** (1) Where a justice of the peace decides that an emergency protection order should be made, the justice of the peace shall *Completion of order*

- (a) complete Part 1 of the order; and
- (b) either
  - (i) complete Parts 2, 3 and 4 of the order, or
  - (ii) direct a designated person to complete Parts 2, 3 and 4 of the order with the same information and provisions that are contained in Part 1 of the order completed by the justice of the peace.

(2) Except where a designated person completes Parts 2, 3 and 4 of the order pursuant to subclause (1)(b)(ii), a justice of the peace shall provide a peace officer with Parts 2 and 4, and Part 3 if necessary, by forwarding those Parts to a peace officer *Delivery*

- (a) by personal delivery;

- (b) by courier delivery; or
- (c) by telecommunication that produces a written record.

Effect of order where completed by peace officer	(3) An order completed by a designated person pursuant to subclause (1)(b)(ii) has the same effect as the order completed by the justice of the peace. (EC558/96; 748/96)
Service of order	<b>12.</b> (1) The justice of the peace shall direct a peace officer to personally serve Part 2 of the emergency protection order on the respondent as soon as is reasonably possible.
<i>Idem</i>	(2) The justice of the peace shall arrange for Part 3 of the order to be provided to the victim. (EC558/96)
Substituted service of order	<b>13.</b> (1) Where it is impractical for any reason for a peace officer to personally serve a respondent with an emergency protection order, a peace officer may effect substituted service of an emergency protection order.
<i>Idem</i>	(2) Substituted service may be made by serving a person who appears to be an adult who <ul style="list-style-type: none"> <li>(a) resides with the respondent;</li> <li>(b) is a member of the respondent's family; or</li> <li>(c) is able to bring the order to the respondent's attention. (EC558/96)</li> </ul>
Dispensing with service	<b>14.</b> (1) Pursuant to subsection 5(3) of the Act, a peace officer may apply to a justice of the peace for an order dispensing with service of the emergency protection order.
Application	(2) An application for an order dispensing with service is to be supported by evidence setting out the peace officer's attempts at personal service or substituted service.
Form	(3) An order dispensing with service is to be in the form prescribed in Schedule 2.
Transmission to Registrar	(4) The justice of the peace shall forward the order dispensing with service and notes, and tape recordings where available, of the evidence set out in subsection (2) to the Registrar of the court nearest to where the victim resides. (EC558/96)
Service of order that has been varied	<b>15.</b> (1) Where an emergency protection order is varied or terminated pursuant to clause 6(2)(b), subsection 6(7) or subsection 10(1) of the Act, unless the victim or respondent is present in court, the order is to be served <ul style="list-style-type: none"> <li>(a) on the victim personally and on the respondent personally by a peace officer; or</li> </ul>

(b) if it is impractical for any reason to serve either or both of the parties personally, in any other manner ordered by the court, and pursuant to subsection 8(4) of the Act, a copy is to be provided immediately to a peace officer to Victim Services and, where a child is identified on the order, to the Director of Child Welfare.

(2) The form of orders made pursuant to subsection (1) is prescribed in Schedule 13. (EC558/96; 210/99) Form of order

**16.** (1) Where a justice of the peace makes an emergency protection order, the justice of the peace shall forward the records set out in subsection 6(1) of the Act to the Registrar of the court nearest to where the victim resides Forwarding of records

- (a) by personal delivery;
- (b) by courier delivery; or
- (c) by telecommunication that produces a written record.

(2) Where a justice of the peace decides not to make an emergency protection order, the justice of the peace shall forward the records together with reasons for declining to make an order to the Registrar by any of the methods specified in subsection (1). Idem

(3) A peace officer who serves an emergency protection order on a respondent shall Peace officer, functions

- (a) retain Part 4 of the order with the completed affidavit of service; and
  - (b) forward a copy of Part 4 of the order with the completed affidavit of service to the Registrar of the court nearest to where the victim resides as soon as practicable after service
    - (i) by personal delivery,
    - (ii) by courier delivery, or
    - (iii) by telecommunication that produces a written record.
- (EC558/96)

**17.** (1) A summons issued pursuant to subsection 6(4) of the Act for a rehearing is to be in the form prescribed in Schedule 3 and Summons

- (a) is to be directed to the respondent;
- (b) shall require the respondent to attend court at a time and place stated in the summons; and
- (c) is to be served on the respondent personally by a peace officer.

(2) Where Idem

- (a) the original order that the rehearing is based on was served by substituted service made pursuant to section 13;
- (b) a peace officer is unable to personally serve the respondent before the return date of the summons; or

(c) service of the emergency protection order was dispensed with, the judge may make any order regarding service of a summons that the judge considers appropriate. (EC558/96)

Notice of rehearing **18.** Notice of rehearing pursuant to subsection 6(4) of the Act is to be given

- (a) to the victim in the form prescribed in Schedule 4; and
- (b) to the peace officer, to Victim Services and, where a child is identified on the order, to the Director of Child Welfare by means of a copy of the summons to the accused or the notice to the victim. (EC558/96; 210/99)

Application for  
victim assistance  
order

**19.** (1) An application for a victim assistance order shall consist of

- (a) the application in the form prescribed in Schedule 5;
- (b) the Notice of Application in the form prescribed in Schedule 6, to be issued by the Registrar;
- (c) the applicant's record; and
- (d) the applicant's factum.

Applicant's record

(2) The applicant's record shall contain, in consecutively numbered pages arranged in the following order:

- (a) a table of contents describing each document, including each exhibit, by its nature and date and, in the case of an exhibit, number;
- (b) a copy of all affidavits in the form prescribed in Schedule 7, and any other material to be used by the applicant on the application;
- (c) a list of the dates of all, if any, previous hearings between the parties resulting in orders under the Act;
- (d) a copy of any other material that is necessary for the hearing of the application; and
- (e) a memorandum of authorities listing any relevant case law, statute and regulation that the applicant intends to rely on or refer to, if applicable.

Applicant's factum

(3) The applicant's factum shall consist of a concise statement, without argument, of the facts and law relied on by the applicant. (EC558/96)

Filing

**20.** (1) The applicant shall file three copies of the completed application form, applicant's record, and applicant's factum with the Registrar.

Commencement,  
notice of  
application  
Issue

(2) The Registrar shall commence the originating process by issuing the Notice of Application.

(3) The Notice of Application shall be issued by the Registrar's act of dating, signing, and sealing it with the seal of the court and assigning to it a court file number.

(4) The Registrar shall file one copy of the application, including the Notice of Application when issued, in the court file and shall return one copy to the applicant. Court file

(5) The Registrar shall obtain a copy of *Idem*  
 (a) all relevant information from the hearings listed in the application record; and  
 (b) transcripts of any hearings listed in the application record where the transcript has already been prepared and place them in the court file.

(6) Where a written transcript of a previous hearing has not already been prepared and it is impractical to obtain it in a timely manner, the Registrar may place the tape of the hearing in the court file and a transcript, if necessary, may be ordered by the judge. Taped evidence

(7) The Registrar shall make the court file available for the court's use. Use  
 (EC558/96)

**21.** (1) Pursuant to subsection 13(2) of the Act, the Registrar shall cause the application to be served on the respondent at least five working days before the date of the hearing of the application. Service of application

(2) The person who serves the application shall file an affidavit of service in the form prescribed in Schedule 8 with the Registrar at least three days before the hearing date. Affidavit

(3) Where the respondent has a lawyer, the Registrar may cause service to be made on the respondent's lawyer and that shall be deemed personal service. (EC558/96) Service on lawyer

**22.** Where, for any reason, personal service of an application on a respondent is impractical, substituted service may be effected by any of the methods specified in subsection 13(2). (EC558/96) Substituted service of application

**23.** (1) A respondent who wishes to oppose an application shall file with the Registrar three copies of Documents to be filed by respondent  
 (a) a notice of appearance in the form prescribed in Schedule 9;  
 (b) any affidavits to be used by the respondent in the form prescribed in Schedule 7; and  
 (c) a respondent's factum consisting of a concise statement, without argument, of the facts and law relied on by the respondent.

(2) Where the respondent is of the opinion that the applicant's record is not complete, the respondent may file three copies of a respondent's record containing, in consecutively numbered pages arranged in the following order, *Idem*



- (a) a table of contents describing each document, including each exhibit, by its nature and date and, in the case of an exhibit, by exhibit number; and
- (b) a copy of any material to be used by the respondent which has not been included in the applicant's record.

Time for filing	(3) The documents listed above shall be filed with the Registrar no later than noon one working day before the hearing.
Where appearance notice not filed	<p>(4) A respondent who has not filed a notice of appearance is not entitled to</p> <ul style="list-style-type: none"> <li>(a) receive notice of any step in the application;</li> <li>(b) receive any further document in the application, unless             <ul style="list-style-type: none"> <li>(i) the court orders otherwise, or</li> <li>(ii) the document is an amended notice of application that changes the relief sought;</li> </ul> </li> <li>(c) file material, examine a witness or cross-examine on an affidavit on the application; or</li> <li>(d) be heard at the hearing of the application, except with leave of the presiding judge.</li> </ul>
Action by Registrar	(5) The Registrar shall file one copy of the respondent's notice of appearance, affidavits, factum, and, if applicable, record in the court file and shall return one copy to the respondent. (EC558/96)
Service of notice of appearance, etc.	<b>24.</b> Pursuant to subsection 13(2) of the Act, the Registrar shall cause the respondent's notice of appearance, affidavits, factum, and, if applicable, record to be served on the applicant prior to the hearing. (EC558/96)
Abandoned applications	<b>25.</b> (1) The applicant may abandon an application by delivering a notice of abandonment in the form prescribed in Schedule 10.
Failure to appear	(2) An applicant who fails to appear at a hearing shall be deemed to have abandoned the application unless the court orders otherwise.
Costs	(3) Where an application is abandoned or is deemed to have been abandoned, a respondent on whom the notice of application was served is not entitled to the costs of the application, unless the court orders otherwise. (EC558/96)
Notice of victim assistance order	<p><b>26.</b> Notice of a victim assistance order or order made pursuant to subsection 10(1) of the Act may be given to the respondent and to the victim</p> <ul style="list-style-type: none"> <li>(a) by oral notice by the judge to any party present in court; or</li> <li>(b) in any manner ordered by the judge to a party not present in court</li> </ul>

and pursuant to subsection 8(4) of the Act, a copy is to be provided immediately to a peace officer, to Victim Services and, where a child is identified on the order, to the Director of Child Welfare. (EC558/96; 210/99; 622/03)

**27.** (1) Service of a document may be proved

Proof of service

- (a) by the oral testimony or affidavit of the person who served it;
- (b) in the case of the service of an emergency protection order, by filing a copy of Part 4 of the order with the affidavit of service completed by the peace officer serving the order, or where service has been dispensed with, by filing a copy of the order dispensing with service; or
- (c) in the case of a victim assistance order, by filing a copy of an affidavit of service in the form prescribed in Schedule 8.

(2) Substituted service of any document effected pursuant to these regulations shall be deemed to be personal service. (EC558/96) *Idem*

**28.** No fees for filing or service of documents shall be charged to an applicant. (EC558/96) Fees

**SCHEDULE 1**

(Section 4 of the *Victims of Family Violence Act*)

PART 1 -

**EMERGENCY PROTECTION ORDER**

**SUPREME COURT OF PRINCE EDWARD ISLAND  
(TRIAL DIVISION)**

(Court file no.) .....

BETWEEN.....Victim  
(name)  
and .....Respondent  
(name) (date of birth)  
.....  
(address)

**TO THE RESPONDENT:**

You are subject to this EMERGENCY PROTECTION ORDER made by a designated justice of the peace pursuant to the *Victims of Family Violence Act*. A judge of the Supreme Court shall review this ORDER within five working days. IF THE JUDGE VARIES THE ORDER, YOU WILL BE NOTIFIED, IN ACCORDANCE WITH THE ACT AND REGULATIONS. OTHERWISE, TAKE NOTICE THAT THIS ORDER SHALL BECOME AN EX PARTE ORDER OF THE SUPREME COURT OF PRINCE EDWARD ISLAND AND SHALL REMAIN IN EFFECT FOR THE DURATION OF THE ORDER OR UNTIL A REHEARING IS HELD.

YOU MUST OBEY THE PROVISIONS OF THIS ORDER. Failure to obey this ORDER may be an offence. Upon receipt of this ORDER, you have the right to apply to the Supreme Court at..... to either set aside or vary this ORDER. You have the right to be heard and to call evidence on this matter. You MAY WISH TO CONTACT A LAWYER for advice respecting this ORDER.

**PROVISIONS:**

Having heard the evidence, I find that the victim is in need of immediate protection pursuant to section 4 of the *Victims of Family Violence Act*.

**I DO ORDER THAT:**

- 1. .... is granted exclusive occupation of the following residence:  
..... from (date) ..... until (date).....
  - 2. A peace officer shall remove the respondent from the following residence  
.....immediately ..... OR ..... on or before .....
  - 3. A peace officer shall accompany ..... to the residence to supervise  
the removal of personal belongings on or before .....
  - 4. The respondent shall refrain from any contact, direct or indirect, in person, by telephone,  
by mail or otherwise with .....  
The respondent may have contact with .....on the following  
terms:  
.....
  - 5. The respondent shall not attend at any of the following places: .....
  - 6. ....Temporary care and custody..... or day-to-day care of the following child(ren):  
..... is awarded to .....
  - 7. Temporary possession of the following personal property ..... is awarded  
to .....
  - 8. The respondent shall not take, convert, damage, or otherwise deal with property or  
utilities as defined in the *Victims of Family Violence Act* and in particular the following  
property: .....
  - 9. The respondent shall make the rent or mortgage payments arising in respect of the  
residence.
  - 10. The respondent shall not commit any further acts of family violence against the victim.
  - 11. Publication of the name and address of the victim is prohibited.
  - 12. Other: .....
- This ORDER is effective immediately and remains in force until (month).....  
(day) ..... (year).....

Dated at ....., Prince Edward Island on  
(month) ..... (day).....(year) .....(time)..... a.m./p.m.

Justice of the Peace or designated person Justice of the Peace Number

..... Confirmed ..... Varied or .....Rehearing ordered by ..... ,  
Supreme Court Judge  
(date) .....

PART I - Original (Court Copy)

PART 2 -

**EMERGENCY PROTECTION ORDER**

**SUPREME COURT OF PRINCE EDWARD ISLAND  
(TRIAL DIVISION)**

(Court file no.) .....

BETWEEN.....Victim  
(name)  
and .....Respondent  
(name) (date of birth)  
.....  
(address)

**TO THE RESPONDENT:**

You are subject to this EMERGENCY PROTECTION ORDER made by a designated justice of the peace pursuant to the *Victims of Family Violence Act*. A judge of the Supreme Court shall review this ORDER within five working days. IF THE JUDGE VARIES THE ORDER, YOU WILL BE NOTIFIED, IN ACCORDANCE WITH THE ACT AND REGULATIONS. OTHERWISE, TAKE NOTICE THAT THIS ORDER SHALL BECOME AN EX PARTE ORDER OF THE SUPREME COURT OF PRINCE EDWARD ISLAND AND SHALL REMAIN IN EFFECT FOR THE DURATION OF THE ORDER OR UNTIL A REHEARING IS HELD.

YOU MUST OBEY THE PROVISIONS OF THIS ORDER. Failure to obey this ORDER may be an offence. Upon receipt of this ORDER, you have the right to apply to the Supreme Court at ..... to either set aside or vary this ORDER. You have the right to be heard and to call evidence on this matter. You MAY WISH TO CONTACT A LAWYER for advice respecting this ORDER.

**PROVISIONS:**

Having heard the evidence, I find that the victim is in need of immediate protection pursuant to section 4 of the *Victims of Family Violence Act*.

**I DO ORDER THAT:**

- 1. .... is granted exclusive occupation of the following residence:  
..... from (date) ..... until (date).....
  - 2. A peace officer shall remove the respondent from the following residence  
.....immediately .... OR ..... on or before .....
  - 3. A peace officer shall accompany ..... to the residence to supervise  
the removal of personal belongings on or before .....
  - 4. The respondent shall refrain from any contact, direct or indirect, in person, by telephone,  
by mail or otherwise with .....  
The respondent may have contact with .....on the following  
terms:  
.....
  - 5. The respondent shall not attend at any of the following places: .....
  - 6. ....Temporary care and custody..... or day-to-day care of the following child(ren):  
..... is awarded to .....
  - 7. Temporary possession of the following personal property ..... is awarded  
to .....
  - 8. The respondent shall not take, convert, damage, or otherwise deal with property or  
utilities as defined in the *Victims of Family Violence Act* and in particular the following  
property: .....
  - 9. The respondent shall make the rent or mortgage payments arising in respect of the  
residence.
  - 10. The respondent shall not commit any further acts of family violence against the victim.
  - 11. Publication of the name and address of the victim is prohibited.
  - 12. Other: .....
- This ORDER is effective immediately and remains in force until (month).....  
(day) ..... (year).....

Dated at ....., Prince Edward Island on  
(month) ..... (day).....(year) .....(time).....a.m./p.m.

.....  
Justice of the Peace or designated person                      Justice of the Peace Number

..... Confirmed ..... Varied or .....Rehearing ordered by .....,  
Supreme Court Judge  
(date) .....

PART 2 (Respondent's Copy)

PART 3 -

**EMERGENCY PROTECTION ORDER**

**SUPREME COURT OF PRINCE EDWARD ISLAND  
(TRIAL DIVISION)**

(Court file no.).....

BETWEEN.....Victim

(name)

and .....Respondent

(name)

(date of birth)

.....

(address)

**TO THE RESPONDENT:**

You are subject to this EMERGENCY PROTECTION ORDER made by a designated justice of the peace pursuant to the *Victims of Family Violence Act*. A judge of the Supreme Court shall review this ORDER within five working days. IF THE JUDGE VARIES THE ORDER, YOU WILL BE NOTIFIED, IN ACCORDANCE WITH THE ACT AND REGULATIONS. OTHERWISE, TAKE NOTICE THAT THIS ORDER SHALL BECOME AN EX PARTE ORDER OF THE SUPREME COURT OF PRINCE EDWARD ISLAND AND SHALL REMAIN IN EFFECT FOR THE DURATION OF THE ORDER OR UNTIL A REHEARING IS HELD.

YOU MUST OBEY THE PROVISIONS OF THIS ORDER. Failure to obey this ORDER may be an offence. Upon receipt of this ORDER, you have the right to apply to the Supreme Court at ..... to either set aside or vary this ORDER. You have the right to be heard and to call evidence on this matter. You MAY WISH TO CONTACT A LAWYER for advice respecting this ORDER.

**PROVISIONS:**

Having heard the evidence, I find that the victim is in need of immediate protection pursuant to section 4 of the *Victims of Family Violence Act*.

**I DO ORDER THAT:**

1. .... is granted exclusive occupation of the following residence:  
..... from (date) ..... until (date).....
2. A peace officer shall remove the respondent from the following residence  
.....immediately .... OR ..... on or before .....
3. A peace officer shall accompany ..... to the residence to supervise  
the removal of personal belongings on or before .....
4. The respondent shall refrain from any contact, direct or indirect, in person, by telephone,  
by mail or otherwise with .....  
The respondent may have contact with .....on the following  
terms:  
.....  
.....
5. The respondent shall not attend at any of the following places: .....
6. ....Temporary care and custody..... or day-to-day care of the following child(ren):  
..... is awarded to .....
7. Temporary possession of the following personal property ..... is awarded  
to .....
8. The respondent shall not take, convert, damage, or otherwise deal with property or  
utilities as defined in the *Victims of Family Violence Act* and in particular the following  
property: .....
9. The respondent shall make the rent or mortgage payments arising in respect of the  
residence.
10. The respondent shall not commit any further acts of family violence against the victim.
11. Publication of the name and address of the victim is prohibited.
12. Other: .....

This ORDER is effective immediately and remains in force until (month).....  
(day) ..... (year).....

Dated at ....., Prince Edward Island on  
(month) ..... (day).....(year) .....(time).....a.m./p.m.

.....  
Justice of the Peace or designated person Justice of the Peace Number

..... Confirmed ..... Varied or .....Rehearing ordered by .....  
Supreme Court Judge  
(date) .....

PART 3 - (Victim's Copy)



PART 4 -

**EMERGENCY PROTECTION ORDER**

**SUPREME COURT OF PRINCE EDWARD ISLAND  
(TRIAL DIVISION)**

(Court file no.).....

BETWEEN.....Victim  
(name)  
and .....Respondent  
(name) (date of birth)  
.....  
(address)

**TO THE RESPONDENT:**

You are subject to this EMERGENCY PROTECTION ORDER made by a designated justice of the peace pursuant to the *Victims of Family Violence Act*. A judge of the Supreme Court shall review this ORDER within five working days. IF THE JUDGE VARIES THE ORDER, YOU WILL BE NOTIFIED, IN ACCORDANCE WITH THE ACT AND REGULATIONS. OTHERWISE, TAKE NOTICE THAT THIS ORDER SHALL BECOME AN EX PARTE ORDER OF THE SUPREME COURT OF PRINCE EDWARD ISLAND AND SHALL REMAIN IN EFFECT FOR THE DURATION OF THE ORDER OR UNTIL A REHEARING IS HELD.

YOU MUST OBEY THE PROVISIONS OF THIS ORDER. Failure to obey this ORDER may be an offence. Upon receipt of this ORDER, you have the right to apply to the Supreme Court at ..... to either set aside or vary this ORDER. You have the right to be heard and to call evidence on this matter. You MAY WISH TO CONTACT A LAWYER for advice respecting this ORDER.

**PROVISIONS:**

Having heard the evidence, I find that the victim is in need of immediate protection pursuant to section 4 of the *Victims of Family Violence Act*.

**I DO ORDER THAT:**

- 1. .... is granted exclusive occupation of the following residence:  
..... from (date) ..... until (date).....
  - 2. A peace officer shall remove the respondent from the following residence  
.....immediately .... OR ..... on or before .....
  - 3. A peace officer shall accompany ..... to the residence to supervise  
the removal of personal belongings on or before .....
  - 4. The respondent shall refrain from any contact, direct or indirect, in person, by telephone,  
by mail or otherwise with .....  
The respondent may have contact with .....on the following  
terms:  
.....
  - 5. The respondent shall not attend at any of the following places: .....
  - 6. ....Temporary care and custody..... or day-to-day care of the following child(ren):  
..... is awarded to .....
  - 7. Temporary possession of the following personal property ..... is awarded  
to .....
  - 8. The respondent shall not take, convert, damage, or otherwise deal with property or  
utilities as defined in the *Victims of Family Violence Act* and in particular the following  
property: .....
  - 9. The respondent shall make the rent or mortgage payments arising in respect of the  
residence.
  - 10. The respondent shall not commit any further acts of family violence against the victim.
  - 11. Publication of the name and address of the victim is prohibited.
  - 12. Other: .....
- This ORDER is effective immediately and remains in force until (month).....  
(day) ..... (year).....

Dated at ..... Prince Edward Island on  
(month) ..... (day).....(year) .....(time).....a.m./p.m.

.....  
Justice of the Peace or designated person Justice of the Peace Number

..... Confirmed ..... Varied or .....Rehearing ordered by .....  
Supreme Court Judge  
(date) .....

PART 4 - (Peace Officer's Copy - Affidavit of Service on Reverse)

Reverse of PART 4 -

**AFFIDAVIT OF SERVICE**

I, ..... of .....  
(full name) (place)

MAKE OATH AND SAY (or AFFIRM):  
(Personal service)

1. THAT on ..... at....., I served ..... with this  
(date) (time) (identity of person served)  
EMERGENCY PROTECTION ORDER by leaving a true copy with him/her at .....  
.....  
(address where service was made)

2. THAT I determined the identity of the person by means of .....

OR  
(Substituted service)

1. THAT I served ..... with this EMERGENCY PROTECTION ORDER  
(identity of person served)  
by serving a true copy on....., at ....., with a person ..... who  
(date) (time) (name)

appeared to be an adult:  
..... (a) with whom the respondent is residing;  
..... (b) who is a member of the respondent's family; or  
..... (c) who is able to bring the order to the respondent's attention.

2. THAT I ascertained that .....was an adult by  
(name)  
means of .....

Sworn (or Affirmed) before me at )  
..... in the county of ..... , )  
Province of Prince Edward Island, on )  
..... )  
(date) )  
..... )  
..... )  
Commissioner for Taking Affidavits ) Signature

**SCHEDULE 2**

(Subsection 5(3) of the *Victims of Family Violence Act*)

**ORDER FOR DISPENSING WITH SERVICE**

(Court File No.) .....

SUPREME COURT OF PRINCE EDWARD ISLAND

(TRIAL DIVISION)

BETWEEN:

..... Applicant  
(name)

and

..... Respondent  
(address)

UPON HEARING [or reading] the evidence of a peace officer, namely,.....

AND UPON IT APPEARING THAT

(a) attempts at personal service or substituted service of notice of the emergency protection order on the respondent have failed; and

(b) the respondent is intentionally evading service;

I THEREFORE ORDER THAT service of notice of the emergency protection order on the Respondent be dispensed with, and the respondent is hereby deemed to have received notice.

Dated at..... Prince Edward Island, on.....  
(day)

..... Time: ..... a.m./p.m. ....  
(month) (year)

.....  
(Signature of Justice of the Peace)

.....  
(Justice of the Peace Number)

**SCHEDULE 3**

(Section 6 of the *Victims of Family Violence Act*)

**S U M M O N S**

**SUPREME COURT OF PRINCE EDWARD ISLAND  
(TRIAL DIVISION)**

(Court file no.) .....

BETWEEN.....Victim  
(name)  
and .....Respondent  
(name)  
.....  
(address)

You are subject to the attached EMERGENCY PROTECTION ORDER.  
The ORDER was made by a designated justice of the peace  
on .....  
(day) (month) (year)  
The Supreme Court has ordered a rehearing to determine whether or not the order should be confirmed.  
You must appear before a judge of the Supreme Court at: .....  
(Address of Courthouse)  
Your court appearance is scheduled for ..... at .....  
(date)(time)  
Dated at ..... Prince Edward Island on .....  
(month) (day) (year)

.....  
(Signature of Registrar)

If you think that the attached ORDER should not be confirmed, this court appearance will give you the opportunity to explain why.  
Pursuant to section 6(6) of the Act, the court may confirm the EMERGENCY PROTECTION ORDER in your absence if you do not attend this rehearing.  
Pursuant to section 10(4) of the Act, the EMERGENCY PROTECTION ORDER continues in force until the rehearing.  
The EMERGENCY PROTECTION ORDER continues in force upon confirmation by the court unless the court varies, terminates or revokes it pursuant to the Act.  
Pursuant to section 16 of the Act, it is an offence under the Act to disobey this order.

**SCHEDULE 4**

(Subsection 6(4) of the *Victims of Family Violence Act*)

**NOTICE TO THE VICTIM**

**SUPREME COURT OF PRINCE EDWARD ISLAND  
(TRIAL DIVISION)**

(Court file no.) .....

BETWEEN.....Victim  
(name)  
and .....Respondent  
(name)  
.....  
(address)

The Supreme Court has ordered a rehearing of the EMERGENCY PROTECTION ORDER made by a designated justice of the peace on .....  
(month) (day) (year)

You may attend the rehearing before a judge of the Supreme Court at: .....

..... on: Date.....Time: ..... a.m./p.m.  
(Address of Courthouse)

Pursuant to section 10(4) of the Act, the EMERGENCY PROTECTION ORDER continues in force until the rehearing.

Pursuant to section 6(7) of the Act, at the rehearing, the court may confirm, vary, revoke or terminate the EMERGENCY PROTECTION ORDER.

Pursuant to section 6(4)(b) of the Act, you may represent yourself or be represented by a lawyer at the rehearing.

Contact Victim Services right away if you wish to have a worker from Victim Services accompany you to the rehearing.

Victim Services can be reached at (902) 368-4582 (Charlottetown office) or (902) 888-8217 (Summerside office)

**SCHEDULE 5**

(Section 7 of the *Victims of Family Violence Act*)  
APPLICATION FOR VICTIM ASSISTANCE ORDER  
SUPREME COURT OF PRINCE EDWARD ISLAND  
(TRIAL DIVISION)

Court file no.) .....

BETWEEN.....Applicant  
(name)  
and .....Respondent  
(name)  
.....  
(address)

APPLICATION UNDER the *Victims of Family Violence Act*.

1. The applicant makes application for: .....
2. The grounds for the application are: .....
3. The following documentary evidence will be used at the hearing of the application:  
.....

Attached are my factum and applicant's record.

(Date) .....

.....  
(Signature of applicant and  
name, address and telephone  
number of solicitor )

**SCHEDULE 6**  
*(Victims of Family Violence Act)*  
**NOTICE OF APPLICATION**  
**SUPREME COURT OF PRINCE EDWARD ISLAND**  
**(TRIAL DIVISION)**

(Court file no.) .....

BETWEEN.....Applicant  
(name)  
and .....Respondent  
(name)  
.....  
(address)

*(Court Seal)*

**TO THE RESPONDENT**

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant.

The claim made by the applicant appears on the following page.

THIS APPLICATION will come on for hearing on .....,  
(weekday)

....., at....., at .....

(time/date/year)

.....  
(address of Courthouse)

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application, you or a Prince Edward Island lawyer acting for you must forthwith prepare a notice of appearance in Schedule 9 prescribed by the regulations to the *Victims of Family Violence Act*, and file three copies of it with the Registrar of this court office not later than noon one working day before the hearing, and you or your lawyer must appear at the hearing.

You must also file 3 copies of the respondent's factum and any affidavits that you wish to use with the Notice of Appearance.

If you are of the opinion that the applicant's record is not complete, you may file three copies of a respondent's record no later than noon one working day before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGEMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

(Date) .....(Issued by).....  
(Registrar)

Address and phone number of court office .....





**SCHEDULE 8**  
*(Victims of Family Violence Act)*  
**AFFIDAVIT OF SERVICE**  
**SUPREME COURT OF PRINCE EDWARD ISLAND**  
**(TRIAL DIVISION)**

(Court file no.).....

I, ....., of ..... MAKE OATH AND SAY (or  
(full name)

**AFFIRM) AS FOLLOWS:**  
*(Personal Service)*

1. THAT ....., at ....., I served ..... with the  
(date) (time) (identity of person served)  
document attached hereto as Exhibit "A" by leaving a copy with him / her at .....  
.....  
(address where service was made)

2. THAT I determined the identity of ..... by means of  
(name of person)

**OR**  
*(Substituted service)*

1. THAT I served ..... with the document attached  
(identity of person served)  
hereto as Exhibit "A" by serving a true copy on ....., at ....., with a  
(date) (time)  
person ..... (insert name)  
who appeared to be an adult:  
.....(a) with whom the respondent is residing;  
.....(b) who is a member of the respondent's family; or  
.....(c) who is able to bring the order to the respondent's attention.

2. THAT I ascertained that ..... was an adult by means of  
(name of person)

Sworn (or Affirmed) before me at )  
..... in the county of....., )  
Province of Prince Edward Island, on )  
..... )  
(date) )

..... )  
Commissioner for Taking Affidavits) Signature

**SCHEDULE 9**  
*(Victims of Family Violence Act)*  
NOTICE OF APPEARANCE

SUPREME COURT OF PRINCE EDWARD ISLAND  
(TRIAL DIVISION)

(Court file no.) .....  
BETWEEN.....Applicant  
(name)  
and .....Respondent  
(name)  
.....  
(address)

The respondent intends to respond to this application.  
(Date) .....  
.....  
(Name, address and telephone number of  
respondent or respondent's solicitor)  
.....  
TO (Name and address of applicant *or applicant's solicitor*)

**SCHEDULE 10**  
*(Victims of Family Violence Act)*  
NOTICE OF ABANDONMENT  
SUPREME COURT OF PRINCE EDWARD ISLAND  
(TRIAL DIVISION)

(Court file no.) .....  
BETWEEN.....Applicant  
(name)  
and .....Respondent  
(name)  
.....

I hereby give notice that I, ....., abandon this application for  
a victim assistance order.  
DATED at ....., this .....day of ....., .....

.....  
Signature of applicant

This notice was signed in the presence of:  
.....  
Witness  
.....  
TO (Name and address of solicitor  
or respondent on whom notice is served)

**SCHEDULE 11**  
(Section 10 of the Victims of Family Violence Act)  
**APPLICATION FOR REVIEW OF ORDER**

I, ....., APPLY to the Supreme Court, Trial Division for a review of the order dated ....., made by:

- (a) a justice of the peace, #.....; or
- (b) a judge of the Supreme Court, M.....Justice .....

I, ....., ASK that the order be:

- (a) set aside; or
- (b) varied as follows:

THE GROUNDS FOR THIS APPLICATION are as follows:

(Date) .....

.....  
(Name, address and telephone number of solicitor or name of person applying for review)

.....  
TO (Name, address and telephone number of solicitor or name of other party)

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Cap. V-3.2

*Victims of Family Violence Act*  
Regulations

Updated 2003

**Revoked by (EC210/99)**

**SCHEDULE 12**



**SCHEDULE 14**

(Clause 6(4)(d) of the *Victims of Family Violence Act*)

**SUBPOENA TO THE APPLICANT**

**SUPREME COURT OF PRINCE EDWARD ISLAND  
(TRIAL DIVISION)**

(Court file no.).....

BETWEEN .....Victim  
(name)  
and .....Respondent  
(name) (date of birth)  
.....  
(address)

The Supreme Court has ordered a review/rehearing of the EMERGENCY PROTECTION ORDER made by a designated justice of the peace on .....  
(month) (day) (year)

You, ....., are required to attend the review/rehearing before a judge  
(Name of Applicant)  
of the Supreme Court at:.....  
(Address of Courthouse)  
on ..... a.m./p.m.  
(month) (day) (year) (time)

Pursuant to subsection 10(4) of the *Act*, the EMERGENCY PROTECTION ORDER continues in force until the review/rehearing.

Pursuant to subsection 6(7) of the *Act*, at the review/rehearing the court may confirm, vary, terminate, or revoke the EMERGENCY PROTECTION ORDER.

Dated at ..... Prince Edward Island, on .....  
(month) (day) (year)

.....  
Signature of Registrar

**SCHEDULE 15**

(Subsection 6(9) of the *Victims of Family Violence Act*)

**SUBPOENA TO THE VICTIM**

**SUPREME COURT OF PRINCE EDWARD ISLAND  
(TRIAL DIVISION)**

(Court file no.) .....  
BETWEEN.....Victim  
(name)  
and .....Respondent  
(name) (date of birth)  
.....  
(address)

The Supreme Court has ordered a review/rehearing of the EMERGENCY PROTECTION ORDER made by a designated justice of the peace on .....  
(month) (day) (year)

You, ....., are required to attend the review/rehearing before a judge  
(Name of Victim)  
of the Supreme Court at:.....  
(Address of Courthouse)  
on ..... a.m./p.m.  
(month) (day) (year) (time)

Pursuant to subsection 10(4) of the *Act*, the EMERGENCY PROTECTION ORDER continues in force until the review/rehearing.

Pursuant to subsection 6(7) of the *Act*, at the review/rehearing the court may confirm, vary, terminate, or revoke the EMERGENCY PROTECTION ORDER.

Dated at....., Prince Edward Island, on.....  
(month) (day) (year)

.....  
Supreme Court Judge



**SCHEDULE 16**

**VICTIM ASSISTANCE ORDER**

**SUPREME COURT OF PRINCE EDWARD ISLAND**  
**(TRIAL DIVISION)**

(Court file no.) .....

BETWEEN..... Victim

(name)

and ..... Respondent

(name) (date of birth)

.....

(address)

UPON THE APPLICATION OF ..... for a Victim Assistance Order,  
 AND UPON REVIEWING the documents filed,  
 AND UPON CONSIDERING the evidence given at the hearing,  
 AND UPON HEARING submissions on behalf of the parties,  
 AND UPON FINDING that family violence has occurred,

IT IS ORDERED that a Victim Assistance Order shall be issued under section 7 of the  
*Victims of Family Violence Act* containing the following terms:

I DO ORDER THAT  
(Judge's initials)

- \_\_\_ 1. .... is granted exclusive occupation of the following residence:.....from (date) .....until (date).....
- \_\_\_ 2. A peace officer shall remove the respondent from the following residence ..... immediately OR on or before .....
- \_\_\_ 3. A peace officer shall accompany ..... to the residence to supervise the removal of personal belongings on or before .....
- \_\_\_ 4. The respondent shall refrain from any contact, direct or indirect, in person, by telephone, by mail or otherwise with ..... or .....  
The respondent may have contact with .....on the following terms:  
.....
- \_\_\_ 5. The respondent shall not attend at the following places: .....
- \_\_\_ 6. ....Temporary care and custody or .....day-to-day care of the following ..... child(ren):.....  
.....is awarded to .....
- \_\_\_ 7. Temporary possession of the following personal property .....  
..... is awarded to .....
- \_\_\_ 8. The respondent shall not take, convert, damage, or otherwise deal with property or utilities as defined in the *Victims of Family Violence Act* and in particular the following property: .....
- \_\_\_ 9. The respondent shall make the rent or mortgage payments arising in respect of the residence.
- \_\_\_ 10. The respondent shall not commit any further acts of family violence against the victim.
- \_\_\_ 11. Publication of the name and address of the victim is prohibited.
- \_\_\_ 12. The respondent shall have reasonable access to the children, namely: .....  
..... on the following terms .....
- \_\_\_ 13. Other: (e.g. financial support, compensation, counselling/treatment, etc.)  
.....

THIS ORDER is effective immediately and remains in force until otherwise ordered by a court.

Dated this..... day of .....  
(day) (month) (year)

.....  
Supreme Court Judge

(where on consent)  
CONSENTED TO AS TO FORM  
AND SUBSTANCE:

CONSENTED TO AS TO  
FORM AND SUBSTANCE:

.....  
Solicitor for the Applicant  
(EC622/03)

.....  
Solicitor for the Respondent