TO BRING A NOTICE OF MOTION

Rule 12(1)

Step 1

COMPLETE the **NOTICE OF MOTION**, print clearly and firmly. There are 4 copies, so be sure all copies are legible. If you accessed this form from the Government of BC website, you may also complete it using a computer and then print all 4 copies. You may wish to submit written evidence in support of your notice of motion. To do so, complete and swear an AFFIDAVIT. Obtain a date and time for your hearing from the registry.

Forms can be found on the Government of BC website: www.gov.bc.ca/court-forms



FILE the NOTICE OF MOTION by taking or mailing it and any supporting affidavit(s) to the court registry. 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 to each document. They will return the copies you need for your records and to serve on the other party and anyone else who must be notified.



MAKE ARRANGEMENTS TO SERVE the other party or parties with a copy of the notice of motion and supporting affidavit(s). 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.

A notice of motion may be served by:

- mailing a copy to the other party's last address for service which they have given to the court registry;
- faxing a copy of the notice of motion, if the other party's address for service included a fax number. You must use the special fax cover page, which the registry can give you;
- emailing a copy of the notice of motion, if the email address is included in the address for service provided by that party;
- leaving a copy of the notice of motion with the other party's lawyer; or
- 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.

A person, who is not a party, may be served by:

- mailing a copy of the notice of motion by registered mail to the person's postal address; or
- leaving 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 other party knows 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.



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

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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 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). 	
Note: Use of affidavit is optional.	

 $Copy \ the \ court \ file \ number, FMEP \ number \ (if \ any) \ and \ the \ court \ location \ from \ the \ original$

Court File Number:

Sign your name, and state today's date.

State name of lawyer, if any.

application.

NOTICE OF MOTION

NOTICE OF MOTION

In the Provincial Court of British Columbia

Court File No.:	
Court Location:	
FMEP No.:	

Case name

as it appears on the application.

Your current mailing address for service.

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

Where and

When is this hearing? Obtain a date and time from the registry.

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

For examples of these datails see instruction sheet.

Note: Use of affidavit is optional.

Sign your name, and state today's date.

State name of lawyer, if any

PFA 048a 11/2017 Form 16 (OPC 7530854056)

Name of lawyer of party bringing this motion

			FMEP No.:
n the case between:			
NAME And:			
NAME			
Filed by:			APPLICAN
NAME (Set out the street address of the address for service. C	ne or both of a fax number and an e-mail addr	DATE OF BIRTH (MMM/DD/YYY ess may be given as additional addre	Y)
ADDRESS FOR SERVICE		CITY	PROVINCE
Notice to:	E E	MAIL	FAX RESPONDEN
NAME		DATE OF BIRTH (MMM/DD/YYY	
ADDRESS FOR SERVICE		CITY	PROVINCE
POSTAL CODE PHON	E E	MAIL	FAX
NAME OF PERSON MAKING APPLICATION COURT LOCATION			will apply to this court at
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COURT FILE

NOTICE OF MOTION

NOTICE OF MOTION

In the Provincial Court of British Columbia

Court File No.:	
Court Location:	
FMEP No.:	

Case name

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

What order is being asked for?

this motion.

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.

		FMEP No.:
In the case between:		
NAME		
NAME And:		
NAME		
Filed by:		APPLICANT
NAME	DATE OF BIRTH (MMM/DD/YYYY)	
(Set out the street address of the address for service. One or both of a fax number and ar	n e-mail address may be given as additional addresses	s for service.)
ADDRESS FOR SERVICE	CITY	PROVINCE
POSTAL CODE PHONE Notice to:	E-MAIL	FAX
	DATE OF RIDTH (MAMA/DDAMA/)	RESPONDENT
NAME ADDRESS FOR SERVICE	DATE OF BIRTH (MMM/DD/YYYY) CITY	PROVINCE
POSTAL CODE PHONE	E-MAIL	FAX
NAME OF PERSON MAKING APPLICATION		will apply to this court at
COURT LOCATION		
	and an fact	
on at	am/pm for:	
An order shortening or extending a time limit s	set out in the Provincial Court	(Family) Rules
An interim order under section 216 or 217 of t		(i aililly) itules
An order changing, suspending or terminating		av ahsence
An order criating the terms of an order made		iy absence
An order that a person not remove, or that a p		a child from a geographical area
An order to prohibit the relocation of a child	, construction and the formers, t	a orma from a goograpinoar aroa
An order for blood or tissue samples, for pare	ntage tests, to be taken from _	
An order for service of IDENTIFY DOCUMENTS		NAMES THOD OF SERVICE
An order for access to information under secti	ion 242 of the Family Law Act	HOD OF SERVICE
An order for information to be disclosed by NAI	-	
An order transferring this file to the court regis	stry at:	
Directions on a procedural matter		
An order changing or setting aside the determ	nination of a parenting coordination	ator dated
An order to enforce:		
the order made		
the agreement dated compliance with the determination of a pa		
compliance with the determination of a pa	arenting coordinator dated	DD/YYYY
A review of a filed agreement or order respect	ting spousal support or mainte	nance under the Family Law Act or
the Family Relations Act An order determining whether there are arrears	owing under a support order r	nada undar tha Family Law Act or
under a support or maintenance order made ur		
Other order (SPECIFY)	ider the Family Helations Net a	na, ii 30, tile amount of those arrears
Details of order(s) requested:		
NOTICE: If you do not appear, the Court r		r absence.
Any affidavits in support of this notice of I	motion are attached.	

PFA 048a 11/2017 Form 16 (OPC 7530854056)

Name of lawyer of party bringing this motion

MMM/DD/YYYY

Dated

NOTICE OF MOTIO

NOTICE OF MOTION

In the Provincial Court of British Columbia

Court File No.:	
Court Location:	
FMEP No.:	

Case name

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

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.

Where and

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.

	FMEP No.:
In the case between:	
NAME And:	
NAME	
Filed by:	APPLICANT
NAME DATE OF BIRTH (MMM/DD/YYYY) (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	r service.)
ADDRESS FOR SERVICE CITY	PROVINCE
POSTAL CODE PHONE E-MAIL Notice to:	RESPONDENT
NAME DATE OF BIRTH (MMM/DD/YYYY) ADDRESS FOR SERVICE CITY	PROVINCE
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NAME OF PERSON MAKING APPLICATION	will apply to this court at
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NOTICE: If you do not appear, the Court may make an order in your Any affidavits in support of this notice of motion are attached.	absence.

PFA 048a 11/2017 Form 16 (OPC 7530854056)

Name of lawyer of party bringing this motion

MMM/DD/YYYY

Dated

NOTICE OF MOTION

NOTICE OF MOTION

In the Provincial Court of British Columbia

Court File No.:	
Court Location:	
FMEP No.:	

Case name

as it appears on the application.

Your current mailing address for service.

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

Where and

When is this hearing? Obtain a date and time from the registry.

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

For examples of these datails see instruction sheet.

Note: Use of affidavit is optional.

Sign your name, and state today's date.

State name of lawyer, if any

PFA 048a 11/2017 Form 16 (OPC 7530854056) Dated

MMM/DD/YYYY

Name of lawyer of party bringing this motion

DATE OF BIRTH (MANADOYYYY)	IAME ITIAL DATE OF BIRTH (MM 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 properties. 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 properties. DATE OF BIRTH (MM DATE OF	CITY PROVINCE FAX RESPONDEN MM/DD/YYYY) CITY PROVINCE FAX will apply to this court at :: ial Court (Family) Rules made in my absence
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FILING PARTY'S COPY

Complete this affidavit if personal service was

AFFIDAVIT OF PERSONAL SERVICE (FORM 5)

uccessful.	In the Provincial Court of British Columbia
you served the	I swear or affirm that I NAME OCCUPATION
otice of motion on ne back of this page ogether with another	of ADDRESS personally served NAME OF PERSON SERVED
ocument(s), you need o complete only one	on DATE at ADDRESS
complete only one ffidavit of personal ervice, listing all ocuments served on the person named. Check box(es) for each document erved, and name the document. Make the ure you mark each ttached document with the correct Exhibit effer. Tyou must make a correction, or cross mything out, please mittal. This section must the sworn or affirmed effore a Commissioner or Taking Affidavits.	with a copy of the following documents: the notice of motion on the back of this page EXHIBIT " " EXHIBIT " BEXHIBIT "
complete this notice of motion if you erved the notice of motion by mail, y fax, e-Mail or by substituted service. You served the otice of motion on the back of this page orgether with another occument(s), you need to complete only one offidavit of service, sting all documents erved on the person amed. Theck appropriate ox(es) for each occument served and	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 ADDRESS with a copy of the following documents: Name of document the notice of motion on the back of this page EXHIBIT "_" EXHIBIT "_" EXHIBIT "_" EXHIBIT "_"
ame the document. lake sure you nark each attached ocument with the orrect Exhibit letter. you must make a orrection, or cross nything out, please litial. his section must e sworn or affirmed efore a Commissioner or Taking Affidavits.	EXHIBIT "" The party was served in this manner: Fax (attach a copy of Form 10) Mail E-Mail By substituted service as ordered by the court. Sworn or affirmed before me at DATE on Signature Signature
PFA 048a 11/2017	

Form 16 (OPC 7530854056)