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 Justice 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.

Step 3

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.

Step 4

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 e-mail, if the e-mail address is included in the address for service provided by that party;
- 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.

Step 5

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, e-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.

PFA 065a 03/2013
Form 17
(OPC# 7530854053)

How to Complete this Form

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. guardianship, support, 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:

AFFIDAVIT

Case name
as it appears on the application.

In the case between:

NAME

And:

NAME

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

I, NAME

OCCUPATION

of ADDRESS CITY

PROVINCE POSTAL CODE

swear or affirm that:

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.

What is the affidavit for?
Name the applicant, and briefly describe the order applied for.

I make this affidavit in relation to an application* by NAME
for

What is your role with this application?

☐ I am making the application* OR ☐ I am responding to the application*
OR I am

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 **ONLY** in the presence of a commissioner

Sworn or affirmed before me
at *British Columbia*

DATE
on

A Commissioner for Taking Affidavits for British Columbia

Signature

PFA 065a 03/2013
Form 17
(OPC# 7530854053)

*** "Application" also includes a notice of motion.**

COURT FILE

AFFIDAVIT

In the Provincial Court of British Columbia

Court File Number:
FMEP Case Number:
Court Location:

AFFIDAVIT

Case name

In the case between:

NAME

And:

NAME

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

I, NAME

OCCUPATION

of ADDRESS CITY

PROVINCE POSTAL CODE

What is this affidavit for?

swear or affirm that:

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.

Name of applicant and description of order applied for.

I make this affidavit in relation to an application* by NAME

for

Role of the person filing this affidavit.

☐ I am making the application* OR ☐ I am responding to the application*

OR I am

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.

Sworn or affirmed before me

at *British Columbia*

DATE

on

A Commissioner for Taking Affidavits for British Columbia

Signature

PFA 065a 03/2013
Form 17
(OPC# 7530854053)

*** "Application" also includes a notice of motion.**

OTHER PARTY'S COPY

AFFIDAVIT

In the Provincial Court of British Columbia

Court File Number:
FMEP Case Number:
Court Location:

AFFIDAVIT

Case name

In the case between:

NAME

And:

NAME

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

I, NAME

OCCUPATION

of ADDRESS CITY

PROVINCE POSTAL CODE

What is this affidavit for?

swear or affirm that:

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.

Name of applicant and description of order applied for.

I make this affidavit in relation to an application* by NAME

for

Role of the person filing this affidavit.

☐ I am making the application* OR ☐ I am responding to the application*

OR I am

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.

Sworn or affirmed before me

at *British Columbia*

DATE

on

Signature

A Commissioner for Taking Affidavits for British Columbia

PFA 065a 03/2013
Form 17
(OPC# 7530854053)

*** "Application" also includes a notice of motion.**

PROOF OF SERVICE COPY

AFFIDAVIT

In the Provincial Court of British Columbia

Court File Number:
FMEP Case Number:
Court Location:

AFFIDAVIT

Case name
as it appears on the application.

In the case between:

NAME

And:

NAME

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

I, NAME

OCCUPATION

of ADDRESS CITY

PROVINCE POSTAL CODE

swear or affirm that:

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.

What is the affidavit for?
Name the applicant, and briefly describe the order applied for.

I make this affidavit in relation to an application* by NAME
for

What is your role with this application?

☐ I am making the application* OR ☐ I am responding to the application*
OR I am

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 **ONLY** in the presence of a commissioner

Sworn or affirmed before me
at *British Columbia*

DATE
on

A Commissioner for Taking Affidavits for British Columbia

Signature

PFA 065a 03/2013
Form 17
(OPC# 7530854053)

*** "Application" also includes a notice of motion.**

FILING PARTY'S COPY

Complete this affidavit if personal service was successful.

If you served the affidavit 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 affidavit 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 _____

A Commissioner for Taking Affidavits for British Columbia

Signature

Complete this affidavit if you served the affidavit by mail, by fax, by e-Mail or by substituted service.

If you served the affidavit 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:

Name of document

- ☐ the affidavit on the back of this page
- ☐ EXHIBIT "__"
- ☐ EXHIBIT "__"
- ☐ EXHIBIT "__"
- ☐ 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 _____ *British Columbia*

on DATE _____

A Commissioner for Taking Affidavits for British Columbia

Signature