

Preparing an Application for Case Management Order Without Notice or Attendance

Form 11

Provincial Court Family Rules

Complete this form if you need a case management order that can be made without notice or attendance at a court appearance.

Usually, an application for an order must be made with notice to all other parties so that they can decide if they want to participate in the application. There are circumstances when the court may make an order without notice and without you having to attend a court appearance, such as when you are asking for an order to help you serve the other party with documents or you need a court order about how you may attend court or about filing a document.

When you make an application without notice or attendance, it is up to the judge to decide if the order can be made without notice or attendance at a court appearance. After reviewing your application, if the judge thinks notice to another party or your attendance in court is needed, the registry staff will let you know. Usually, the order will be made without having a court appearance.

The following case management orders can be requested without notice or attendance by filing this form:

- allowing a person to attend a court appearance using a different method of attendance;
- waiving or modifying any requirement related to service, or giving notice to a person, including allowing an alternate method for the service of a document;
- waiving or modifying any other requirement under these rules, including a time limit set under these rules or a time limit set by an order or direction, even after the time limit has expired;
- requiring access to information in accordance with section 242 [*orders respecting searchable information*] of the *Family Law Act*;
- authorizing an official of the court, in accordance with section 10 of the *Family Orders and Agreements Enforcement Assistance Act* (Canada), to make an application under section 12 of that Act for the release of information;
- recognizing an extraprovincial order other than a support order.

Note: If you want to make one of these applications with an appearance or by consent of the other party, you can make your application using the [Application for Case Management Order Form 10](#).

Legal Assistance

Understanding the law and making sure you get correct information is important. Getting advice from a lawyer can help.

Lawyers – To find a lawyer or to have a free consultation with a lawyer for up to 30 minutes, contact the [Lawyer Referral Service](#) at 1-800-663-1919.

Legal Aid, Duty Counsel and Family Advice Lawyers – To find out if you qualify for free legal advice or representation, contact [Legal Aid BC](#) at 1-866-577-2525.

Legal Services and Resources – Visit [Clicklaw](#) at www.clicklaw.bc.ca/helpmap to find other free and low-cost legal services in your community.

Step 1: Complete the Application for Case Management Order Without Notice or Attendance form ☐

This form is available online at www.gov.bc.ca/court-forms or at any [Provincial Court Registry](#).

You can complete the form online and print it for filing. You can also complete it by hand. If you complete it by hand, be sure it's readable.

Registry staff and staff at any [Justice Access Centre](#) or [Family Justice Centre](#) can help answer questions about the forms but they cannot help complete your forms or give advice about legal problems. If you need help filling in the forms and do not have a lawyer, ask the court registry staff or staff of the Justice Access Centre or Family Justice Centre to refer you to someone who can help.

You need to complete and file the main part of the form and only the schedules that apply to your application.

Follow the instructions in the form and include all the information that is asked for.

To prepare the form for filing:

- collect the form and schedules you completed, and any additional documents as referenced in the form
- print or make copies of all documents: one set for you, one set for the Court, and one set for each other party
- staple each package of documents together
- bring all copies to the court registry for filing **or** send by mail or by fax filing using the [Fax Filing Cover Page Form 52](#).

Step 2: File the Application for Case Management Order Without Notice or Attendance form at the Provincial Court Registry ☐

You must file at the [Provincial Court Registry](#):

- where the existing Provincial Court case with the same parties is filed, or
- nearest to where the child lives most of the time, if the case involves a child related issue, or
- nearest to where you live, if the case does not involve a child-related issue.

The registry clerk will review your package to make sure it is complete before filing it. You will be given a copy for your records.

Step 3: Wait for a judge to review your application ☐

A judge reviewing an application for a case management order without notice or attendance may do any of the following:

- approve and sign the order without the need for you to come to court
- ask you to provide more information or evidence in writing or by coming to court to give that information
- require that notice be given to any other parties
- reject the application with an explanation

Depending on what you are requesting on your application, it may take the judge a few days to review your application. The registry staff will let you know when you can expect to hear from them. If you have provided an email address in your address for service, they can usually let you know the results of your application by email.

Step 4: Serve a copy of the order on each other party ☐

If the judge grants your order without notice to any other party, you must serve a copy of the order each other party.

The order must be served to the address for service of each other party in any of the following ways:

- by leaving the documents at the party's address for service
- by mailing the documents by ordinary mail to the party's address for service
- by mailing the documents by registered mail to the party's address for service
- if the party's address for service includes an email address, by emailing the documents to that email address
- if the party's address for service includes a fax number, by faxing the documents to that fax number

Note: If your application was made to allow service of a document using an alternative method, the order can be served along with the document using the method ordered by the judge.

Tips for Completing the Form:

Registry location and court file number –

Copy this information from the top right corner of the Application About a Family Law Matter or other document filed with the court.

If you don't have an existing court file, registry staff will give your case a file number when you file this document.

Information about the parties –

Party names: Copy your full name and the full name of each other party from the first document filed in your case with the court. If this is the first document in your case, see the instructions for the Application About a Family Law Matter for more information about how to complete this section.

Contact Information –

The court needs to know where to send documents to you and how to reach you. If your contact information and/or address for service has changed, you can give updated information here. If this is the first document you are filing, see the instructions for the Application About a Family Law Matter for more information about how to complete this section.

Copy of order –

It is important that each other party know if the court made an order.

If the judge grants your order without notice to any other party, you must serve a copy of the order on the other party.

Children –

It is helpful for the court when they are considering making a case management order to know if the case involves a child-related issue and, if so, some information about the children.

Filing location –

Select the reason why you are filing your form at this court registry. Refer to the list of courthouse locations on the BC Government website to find the right Provincial Court registry for you. If two locations are both close or the child resides equally in two different locations, you can decide which registry is closest for filing your application. If the other party doesn't agree, they can ask the court to transfer the file to the other location. It will then be up to the court to decide where the file is located.

Case management order –

You can apply for one or more case management orders using this form. Select each option that you would like to make an application for and complete the appropriate schedule(s).

Use Schedule 1 to ask for an order that allows you or your lawyer to attend a court appearance using a different method of attendance.

Use Schedule 2 to ask for an order that:

- allows your application to proceed without the other being served
- allows your application to proceed with less than the required amount of notice, or
- waives or modifies the requirement for service/notice or allows another method of service because you have not been successful serving the other party with a document using the methods allowed under the rules.

Use Schedule 3 to ask for an order that waives (cancels) or modifies (changes) a requirement under the rules so that you can continue your case, for example, waiving or delaying the completion of early resolution requirements. It is also used if you need a time limit changed (made shorter or longer), for example the amount of notice to be given before a court appearance or the time to file a reply.

Use Schedule 4 if you are a search officer to ask for an order that requires a person who has refused to comply with a request for searchable information to provide that information.

Use Schedule 5 if you have an order from another province or territory in Canada for parenting arrangements, contact with a child, guardianship or similar that you would like recognized in British Columbia so that it may be treated as if it were an order made in British Columbia.

Application for Case Management Order Without Notice or Attendance

Form 11

Provincial Court Family Rules
Rules 65 and 78

Registry Location:

Court File Number:

1. My name is _____ . My date of birth is _____
(full name of party/person) (mmm/dd/yyyy)
My contact information and address for service of court documents are:

Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

2. The other party is _____ .
(full name of other party/parties)

3. ☐ I am applying for a case management order without notice to any other party and I understand that I will be required to serve a copy of any order I receive on each other party along with a copy of this application and any supporting document(s).

4. *Select only one of the options below and complete the required information*

- ☐ I am not a party to the case
☐ I am a party to the case and the case does not involve a child-related issue
☐ I am a party to the case and the case involves a child-related issue about the following child or children:

Child's full name	Child's date of birth <small>(mmm/dd/yyyy)</small>

5. I am filing this form in the court registry:

Select only one of the options below

- ☐ where the existing case with the same party/parties is located
☐ closest to where the child lives most of the time, because the case involves a child-related issue
☐ closest to where I live because the case does not involve a child-related issue
☐ permitted by court order

About the Order

6. I am applying for the following case management order(s):

Select all that apply and complete the required schedule(s)

- ☐ allowing a person to attend a court appearance using another method of attendance *[complete and attach Schedule 1]*
☐ waiving or modifying any requirement related to service or giving notice to a person, including allowing an alternative method for the service of a document *[complete and attach Schedule 2]*
☐ waiving or modifying any other requirement under the rules *[complete and attach Schedule 3]*
☐ requiring access to information in accordance with section 242 [orders respecting searchable information] of the *Family Law Act* *[complete and attach Schedule 4]*
☐ authorizing an official of the court, in accordance with section 10 of the *Family Orders and Agreements Enforcement Assistance Act* (Canada), to make an application under section 12 of that Act for the release of information *[file a criminal record check and completed affidavit that meets the requirements of sections 8 and 9 of the Family Orders and Agreements Enforcement Assistance Act (Canada)]*
☐ recognizing an extraprovincial order other than a support order *[complete and attach Schedule 5]*

ATTENDANCE USING ANOTHER METHOD OF ATTENDANCE

Complete this schedule to ask for an order that allows you or your lawyer to attend a court appearance using another method of attendance.

About the order -

Who: Who is it that needs to be able to attend the court appearance using a different method of attendance?

You, your lawyer, or both of you. Select all options that apply.

If you are a lawyer completing this form, complete the form as though you are the party. If it is just you that needs to appear by another method, you would need to select the option for 'my lawyer' and include your name.

Type of appearance: Select the type of court appearance you have scheduled that someone needs to be able to appear at by telephone, video, or another electronic communication method. The application or notice from the court should tell you what type of appearance is scheduled.

Scheduled appearance: Provide the date and time when the court appearance is scheduled for. This information can be found on the filed application or the notice from the court.

Indicate the scheduled date (day/month/year) and time.

Indicate the method of attendance the appearance is scheduled for.

Method of attendance: How do you want to appear at the court appearance?

The court can usually arrange an appearance in-person, or by telephone or video using MS Teams.

If you want to appear by video using a different video conference platform or some other electronic means of communication, it is a good idea to contact the court registry to find out what the process is for scheduling other equipment or making those arrangements before you file your application.

Refer to the list of [courthouse locations](#) on the BC Government website to find the contact information for the Provincial Court registry you need to contact.

Materials for court –

The court wants to know if you have given whatever materials you may plan to use or reference during the court appearance to the other party. If you are asking to attend the court appearance using any method other than in person, you should also make sure the court has a copy of those same materials.

If you are making an application for an order authorizing an official of the court, in accordance with section 10 of the *Family Orders and Agreements Enforcement Assistance Act* (Canada), to make an application under section 12 of that Act for the release of information, you must prepare an Affidavit that complies with section 8 and 9 of that Act and the results of a recent criminal record check.

Reasons for attending by another method of attendance –

Explain why you and/or your lawyer need to attend the court appearance using a different method of attendance. You do not need to use any special wording. The key is to be clear about why you want the court to give permission to attend using another method of attendance.

SCHEDULE 1 – ATTENDANCE USING ANOTHER METHOD OF ATTENDANCE
This is Schedule 1 to the Application for Case Management Order Without Notice or Attendance

This schedule must be completed only if you are applying for an order allowing a person to attend a court appearance using another method of attendance.

1. I am applying for an order to allow:

Select all options that apply

- ☐ me
- ☐ my lawyer, _____
(full name of lawyer)

to attend at the:

Select only one of the options below

- ☐ family management conference
- ☐ family settlement conference
- ☐ trial preparation conference
- ☐ hearing
- ☐ other (*specify*): _____

Scheduled for _____ at _____ by _____
(mmm/dd/yyyy) (time) (method of attendance)

By another method of attendance as follows:

- ☐ in person
- ☐ telephone
- ☐ video conference
- ☐ other means of electronic communication (*specify*): _____

2. The documents I may want to refer to in court have been submitted to the court registry and received by the other party.

☐ Yes ☐ No

3. I (and/or my lawyer) need to attend the court appearance by another method of attendance because:

WAIVING, OR MODIFYING ANY REQUIREMENT RELATED TO SERVICE OR GIVING NOTICE

Complete this schedule if you need a court order waiving (cancelling) or modifying (changing) the requirement for service/notice or allowing another method of service because:

- you believe the application should go to court without the other being served,
- you believe the application should go to the court with less notice to the other party than would normally be required, or
- you have not been successful serving the other party with a document using the methods allowed under the rules

There are two parts to this schedule. You must only complete the part that applies to the order you are asking the court to make.

What are you applying for -

Part 1, Waive or modify a requirement related to service or giving notice, is to be used if you are asking for the court's permission to waive (cancel) the requirement to serve a document, or modify (change) the amount of notice you give another person or party.

Part 2, Allow service of a document using an alternative method, is to be used if you are asking for the court's permission to serve someone a court document in some way other than what the rules already allow.

Select all applicable options and complete the required part(s). It may be that you want to serve someone a document using an alternative method AND give them less than the required amount of notice, so you would need to complete both parts.

Part 1 Waive or modify a requirement related to service or giving notice

About the order –

You can ask the court for permission to waive (cancel) or modify (change) a service, delivery or notice requirement for any document under the rules.

Select the option based on what document your application for a case management order is about.

Details of the order –

You need to tell the court what order you want made. You do not need to use any special wording, but you do need to tell the court if you want to waive (cancel) the requirement or modify (change) it. The key is to be clear about what you mean and what you are asking the court to order.

**SCHEDULE 2 – WAIVING OR MODIFYING ANY REQUIREMENT RELATED TO SERVICE OR GIVING NOTICE,
INCLUDING ALLOWING AN ALTERNATIVE METHOD OF SERVICE**

This is Schedule 2 to the Application for Case Management Order Without Notice or Attendance

This schedule must be completed only if you are applying for an order to waive or modify any requirement related to service or giving notice, including allowing an alternative method for the service of a document.

1. I am applying for an order to:

Select all applicable options and complete the required part(s)

- ☐ waive or modify a requirement related to service or giving notice (*complete Part 1 of this schedule*)
☐ allow service of a document using an alternative method (*complete Part 2 of this schedule*)

PART 1 – Waive or Modify a Requirement Related to Service or Giving Notice

Complete this part only if you are applying for an order to waive or modify a requirement related to service or giving notice.

Judges normally hear from all parties before making decisions. Where there is urgency or risk of harm for example, the court could hear from only one party. If obtaining an order from the court is time sensitive, the court may allow less than the required amount of notice. The court may also allow more than the required amount of notice if there are special circumstances that would require more time to prepare to attend court.

1. I am applying to the court to waive or modify the requirement for service or giving notice to a person under the rules of the following document(s):

Select all options that apply

- ☐ Application about Priority Parenting Matter
☐ Application about Family Law Matter
☐ Subpoena
☐ Order
☐ other (specify): _____

2. The details of the order I am applying for are as follows:

Tell the court the specifics of the order you are applying for, including if you want the court to waive (cancel) the requirement for service or giving notice and what the requirement for service or giving notice should be changed to.

The facts –

What are the facts that support what you are asking the court to order?

Give a short summary of the facts. You do not need to use any special wording. The key is to be clear about what you mean and why you are asking the court to make the order, including what you believe will happen if the court does not make the order.



3. The facts on which this application is based are as follows:

Provide the facts you want the court to consider, including:

- *why the other party should not be served or given notice of the application or other document before you attend court or why the service or notice requirement should be modified (changed)*
- *why the application or your situation is urgent or what special circumstances exist*
- *if applicable, what you believe will happen if the other party is served or given notice of your application or other document and a chance to attend court so that you can both be heard at the same time*

Part 2 Allow service of a document using an alternative method

Sometimes, it can be hard to find a person so that they can be served with court documents or they may be trying to avoid being served. If this happens, you can ask the court for permission to allow the documents to be served in another way. What the other way is will depend on the circumstances.

About service –

Tell the court who it is that needs to be served and with what documents. Be sure to list all of the documents you need included in the court order.

Alternative method of service –

It is up to you to tell the court what order you want the court to make about how the documents can be served.

Some options the court might allow, if appropriate in the circumstances, include:

- posting the documents on the door of the other party's residence
- leaving the documents with a relative or roommate of the other party
- mailing the documents by registered or regular mail
- sending the documents to the other party's email
- leaving the documents at the other party's last known address, or
- posting an advertisement in a newspaper.

Try to include as much detail as possible about how you want the documents served. You do not need to use any special wording. The key is to be clear about what you mean and what you are asking the court to order.

The facts –

What are the facts that support what you are asking the court to order?

Give a short summary of the facts. You do not need to use any special wording. The key is to be clear about what you mean and why you are asking the court to make the order.

Try to include:

- what has already been done to try to serve the person (for example, who tried to serve them, when did they try, how many times, where did they try). Be specific.
- if you don't know where the person is, what has been done to try to find them (for example, you talked to family and friends or searched online)
- if the court gives you your order, why do you think the person will get the documents if they are given in the way you asked – what did you learn when you tried to find the person that makes you believe the method you are asking for would get the documents to their attention.

PART 2 – Allow Service of a Document Using an Alternative Method

Complete this part only if you are applying for an order to allow service of a document using an alternative method. Service of a document must be done according to the rules unless the court makes an order allowing another method to be used.

1. I need to serve _____ with the following document(s):
(name of person who must be served)
List each document you need an order from the court to serve using an alternative method

2. I am applying for an order to be allowed to serve the document(s) in the following manner:
Tell the court the specifics of the how you believe the documents should be served so that they come to the attention of the person indicated above. Include the name of any other person, mailing address, email or other information that would be required to serve the documents.

3. The facts on which this application is based are as follows:
Provide the facts you want the court to consider. Include the following:
- *efforts to try to serve the other party*
 - *efforts to locate the other party*
 - *why you believe the method of service you outlined above will bring the documents to the attention of the party to be served*

WAIVING OR MODIFYING ANY OTHER REQUIREMENT UNDER THE RULES

Complete this schedule if you are unable to meet a requirement under the rules, other than those related to service or giving notice, and you need a court order waiving (cancelling) or modifying (changing) the requirement in order to take some other step. This schedule is to be used to ask for the following orders:

- waiving the requirement to file at the court registry that applies under Rule 7
- waiving or delaying the completion of early resolution requirements, if you need a court order to be exempt from an early resolution requirement or would like to postpone completion of an early resolution requirement until you have completed some other step
- waiving or modifying the requirement to file or exchange a document, for example if you have to file your financial statement with your application or reply, but you do not have all of your tax returns, you can ask the court to exempt you from the requirement to file the complete financial statement so that you can file your application or reply first

About the order –

You can ask the court for permission to waive or modify any requirement under the rules or a time limit set by a judge or family justice manager.



Select the option based on which requirement or time limit you want waived (cancelled) or modified (changed).

Details of the order –

You need to tell the court what order you want made. You do not need to use any special wording. The key is to be clear about what you mean and what you are asking the court to order.



Remember to include if you want the requirement or time limit waived (cancelled) or modified (changed). If you want it changed, be clear about what it should be changed to.

SCHEDULE 3 – WAIVING OR MODIFYING ANY OTHER REQUIREMENT UNDER THE RULES
This is Schedule 3 to the Application for Case Management Order Without Notice or Attendance

This schedule must be completed if you are applying to waive or modify any other requirement under the rules, including a time limit set by an order or direction, even after the time limit has expired.

1. I am applying for an order to waive or modify the following requirement(s) under the rules:

Select all options that apply

- ☐ filing at a court registry other than the court registry required by Rule 7
- ☐ attending a needs assessment
- ☐ completing a parenting education program
- ☐ participating in consensual dispute resolution
- ☐ filing a completed financial statement with my application, counter application or reply
- ☐ filing the required documents for an application about guardianship of a child
- ☐ time to file a reply, including permission to file a reply after the time to reply has passed
- ☐ time to provide/exchange document(s)
- ☐ time limit set by an order or direction made on _____ by _____
(mmm/dd/yyyy) (name of judge or family justice manager)
- ☐ other (specify): _____

2. The details of the order I am applying for are as follows:

Tell the court the specifics of the order you are applying for. Include if you are applying for the court to waive (cancel) the requirement or to modify (change) the requirement. If you are applying to modify the requirement, specify how you want the requirement changed, for example, additional time to meet the requirement or completing the requirement after taking some other step.

The facts –

What are the facts that support what you are asking the court to order?



Give a short summary of the facts. You do not need to use any special wording. The key is to be clear about what you mean and why you are asking the court to make the order.

Try to include:

- why you want the time limit shortened or extended
- why you think the court should grant you permission
- how you plan to make sure the case can continue with the changes to the time limit you are requesting

3. The facts on which this application is based are as follows:

Provide the facts you want the court to consider, including:

- *why you are making the application to waive (cancel) or modify (change) a requirement*
- *why you need the court to make the order*
- *whether you are able to complete the requirement at a later date and when you expect to be able to complete the requirement*
- *if you are applying to waive or modify any early resolution requirements, what your family law matter is about and who is involved (names of any other party and children the application would be about)*
- *how waiving or modifying the requirement will benefit the case proceeding*

ACCESS TO INFORMATION SECTION 242

Complete this schedule if you are a search officer and you need a court order to require a person who has refused to comply with a request for searchable information to provide that information.



Details of the order –

You need to tell the court what order you want made. You do not need to use any special wording. The key is to be clear about what you mean and what you are asking the court to order.



The facts –

What are the facts that support what you are asking the court to order?

Give a short summary of the facts. You do not need to use any special wording. The key is to be clear about what you mean and why you are asking the court to make the order.



SCHEDULE 4 – ACCESS TO INFORMATION SECTION 242

This is Schedule 4 to the Application for Case Management Order Without Notice or Attendance

This schedule must be completed only if you are applying for access to information in accordance with section 242 [orders respecting searchable information] of the Family Law Act.

- 1.** The details of the order I am applying for are as follows:

Tell the court the specifics of the order you are applying for

- 2.** The facts on which this application is based are as follows:

Provide the facts you want the court to consider

RECOGNIZING AN EXTRAPROVINCIAL ORDER OTHER THAN A SUPPORT ORDER

Complete this schedule if you have an order from another province or territory in Canada for parenting arrangements, contact with a child, guardianship or similar that you would like recognized in British Columbia so that it may be treated as if it were an order made in British Columbia.

If you have a support order from another province or territory in Canada, you can register the order under the *Interjurisdictional Support Orders Act* for enforcement in BC by contacting the designated authority:

Interjurisdictional Support Services

www.isoforms.bc.ca

Vancouver Main Office Boxes

P.O. Box 2074

Vancouver, BC V6B 3S3

Phone: 604-660-2528

Toll-free: 1-866-660-2684

Extraprovincial order –

Date of order: Provide the date the order from another province or territory in Canada (extraprovincial order) was made and the court location, city and province or territory where the order was made.

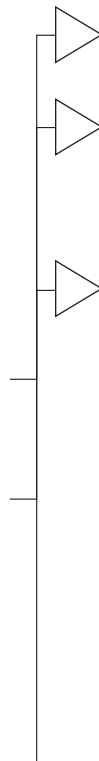
Certified copy: You will need to attach a certified copy of the order to your application. A certified copy is a copy of the original order from the other court, usually a photocopy, that has been endorsed using a stamp or certificate by the court to say that it is a true copy of the original.

If you do not have a certified copy of the order, you will need to contact the original court location to get a certified copy from them.

Contact information for the other party –

Copy the name(s) of each other party from the extraprovincial order you are applying to have recognized in British Columbia.

Provide the contact information for the other party. If you do not have an address or contact information for the other party, complete as much information as you do know. Talk to the staff at the court registry about how they might be able to help you find contact information.



SCHEDULE 5 –RECOGNIZING AN EXTRAPROVINCIAL ORDER OTHER THAN A SUPPORT ORDER
This is Schedule 5 to the Application for Case Management Order Without Notice or Attendance

This schedule must be completed only if you are applying for recognition of an extraprovincial order other than a support order.

1. I am applying for recognition of an extraprovincial order made on _____ at _____
(mmm/dd/yyyy)(court location, city, province)
about parenting arrangements, contact with a child, guardianship, or an order that is similar in nature.

2. A certified copy of the order is attached.

3. The contact information, as I know it, for the other party is:

Full name of party	Date of birth (mmm/dd/yyyy)	
Lawyer (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	