

Preparing a Notice of Discontinuance

Form 50

Provincial Court Family Rules

Complete this form if you want to discontinue all or part of an application, reply or counter application that has already been filed with the court.

A Notice of Discontinuance can be filed at any time, but sometimes you need consent of the other parties or permission of the court first. Rule 191 sets out when consent or permission is required.

Consent or permission is required if:

- you already attended a trial preparation conference, or
- the trial is less than 30 days away and no trial preparation conference is required

Consent or permission is NOT required if:

- the trial preparation conference is scheduled but has not happened, or
- no trial preparation conference is required and there are more than 30 days until the trial
- a date for a trial preparation conference or trial has not been scheduled

What does it mean to discontinue an application, reply or counter application?

If an application, reply or counter application is discontinued, it means that it has been abandoned. The parties or the court cannot take any further action on the application or counter application but it does not cancel anything that has already been done in court.

You can only discontinue your own application, reply or counter application. If the other party has their own application, reply or counter application, it is not affected. This means you may still have to go to court about their document. If the other party also wants to discontinue their application, reply or counter application, they must also complete a Notice of Discontinuance.

Important note: If you are filing a Notice of Discontinuance, it is important for you to understand the effect it may have.

Some applications have a limitation period for when you must apply. If you discontinue an application, you are not prevented from filing a new application about the same family law matter at a later date unless the judge orders otherwise. If you think you may want to file your application at a later date, check to make sure you will still be within the limitation periods set out in sections 147 (4) (b) [*duty to provide support for child*] and 198 (2) [*time limits*] of the *Family Law Act* before you file your Notice of Discontinuance. If you are unsure if a limitation period applies to your application, talk to a lawyer.

Legal Assistance

Understanding the law and making sure you get correct information is important. If you get the wrong information or do not know how the law applies to your situation, it can be harder to resolve your case. 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 Notice of Discontinuance 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 at the Justice Access Centre or Family Justice Centre to refer you to someone who can help.

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

To prepare the form for filing:

- print or make copies of the completed form: one for you, one for the Court, and one for each other party
- 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 Notice of Discontinuance form at the Provincial Court Registry ☐

You must file at the [Provincial Court Registry](#) where your existing case is filed.

The registry clerk will review your form to make sure it is complete before filing it. You will be given a copy for your records. There are no fees for filing Provincial Court family matters.

Step 3: Serve the filed Notice of Discontinuance on each other party ☐

Service is the act of giving or leaving documents with the required person. It is important that each other party know that a case is going on, are aware of what step is being taken, and are given a chance to tell their side of the story to the court.

You must serve the other party within 14 days of filing the notice, or before the date of the next scheduled court appearance, whichever is sooner.

A Notice of Discontinuance must be served to the address of 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

A party's address for service is the address they have provided to the court. A party who does not have an address for service must be served by leaving a copy of the documents directly with the person (this is called personal service).

Personal service requires that an adult (at least 19 years old) who is not a party hand-deliver the documents to the party to be served.

The court may need proof you had the documents served. The person serving the documents must complete a [Certificate of Service Form 7](#) so that you can prove service of the documents. You must attach a copy of the documents to the Certificate of Service. Remember to make a copy before the documents are served.

Tips for Completing the Form:

Registry location and court file number –

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

Your name –

Copy your full name from the first document filed in your case with the court.

What are you discontinuing –

You may discontinue all or part of your application, reply or counter application.

To discontinue the whole document, select the first option and complete the information below. Identify the document you are discontinuing and the filing date of the document in the fields provided.

To discontinue part of a document, select the second option. Identify the document you are discontinuing a part of and the filing date of the document in the fields provided. Describe the schedule(s) or part(s) of the document you are discontinuing. You can put the number of the schedule and what it is about, for example Schedule 3 – Child Support New or describe the part clearly.

Other party –

Copy the full name of each other party from the first document filed in your case with the court.

Scheduling of a court appearance –

Indicate if a court appearance has been scheduled for the application or counter application. If a court appearance is scheduled, provide the date of the scheduled appearance.

If there is a scheduled court appearance, you must serve the other party with a copy of the Notice of Discontinuance before the date of the court appearance. When you file the Notice of Discontinuance, the court appearance only for **your** application will be cancelled.

Trial preparation conference –

Indicate if a trial preparation conference has already happened. If you answered 'Yes', you require either the consent of each other party or permission of the court to discontinue your application. If the other party has provided their consent, they must sign the bottom portion of this form. To apply to the court for permission, you must file an Application for Case Management Order Form 10.

Trial –

Indicate if a trial is scheduled within 30 days of the date you are filing this document. If you answered 'Yes', you require either the consent of each other party or permission of the court to discontinue your application. If the other party has provided their consent, they must sign the bottom portion of this form. To apply to the court for permission, you must file an Application for Case Management Order Form 10.

Consent of the parties –

If the parties consent to a party discontinuing all or part of their application, reply or counter application, each party must sign the consent portion of this form.

Consent of the parties is only required if:

- you already attended a trial preparation conference, or
- the trial is less than 30 days away and no trial preparation conference is required



Notice of Discontinuance

Form 50

Provincial Court Family Rules

Rule 191

Registry Location:

Court File Number:

1. I _____ am discontinuing
(full name of party)

Select the correct option(s) and complete any required information

- ☐ the whole of my
- ☐ application about _____ on _____
(briefly describe the type of application) (mmm/dd/yyyy)
- ☐ reply to an application about _____ on _____
(briefly describe the type of application) (mmm/dd/yyyy)
- ☐ counter application filed on _____
(mmm/dd/yyyy)
- ☐ the following schedule(s)/part(s) of my
- ☐ application about _____ on _____
(briefly describe the type of application) (mmm/dd/yyyy)
- ☐ reply to an application about _____ on _____
(briefly describe the type of application) (mmm/dd/yyyy)
- ☐ counter application filed on _____
(mmm/dd/yyyy)

Describe the schedule(s) or part(s) you are discontinuing

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

3. Please select the correct option and complete any required information

- ☐ the application has no date scheduled for a court appearance
- ☐ the application is scheduled for a court appearance on _____
(mmm/dd/yyyy)

4. Has a trial preparation conference already happened? ☐ Yes ☐ No

If yes, you must complete the consent section of this form.

Each other party is required to provide their consent to discontinue your application, reply or counter application. If any other party does not provide their consent, you must apply to the court to discontinue it.

5. Is a trial date scheduled within 30 days of the date this notice is being filed? ☐ Yes ☐ No

If yes, you must complete the consent section of this form.

Each other party is required to provide their consent to discontinue your application, reply or counter application. If any other party does not provide their consent, you must apply to the court to discontinue it.

Consent Of The Parties

Complete this section only if a trial preparation conference has already happened or a trial is scheduled within 30 days of the date this notice is being filed. Otherwise, you may leave this section blank.

The parties consent to _____ discontinuing their application, reply
(full name of party)
or counter application as described in section 1 of this form.

(signature)

Signature of _____,
(type or print name)

☐ party ☐ lawyer for _____
(name of party/parties)

(signature)

Signature of _____,
(type or print name)

☐ party ☐ lawyer for _____
(name of party/parties)