

## APPLICATIONS TO THE COURT – CHAMBERS

### Notice of Application

When making an application to a judge or associate judge in Supreme Court, Rule 8-1 of the Supreme Court Civil Rules and Rule 10-6 of the Supreme Court Family Rules set out the general procedures for bringing and responding to an application.

If you file a notice of application you must provide an application record to the registry where the hearing is to take place, no later than 4pm on the business day that is one full business day before the date set for hearing. Supreme Court Civil Rule 8-1(15) and Supreme Court Family Rule 10-6(14) set out what the application record must/must not contain. The below referenced guidebook, Chambers Application Basics, also includes a section on preparing your application record.

Practice Direction 65 – Consent Adjournments - includes additional information to clarify chambers practice. A copy of that practice direction is included in this package.

The Justice Education Society website includes a guidebook called, Applications to Court, which may be found at the following link:

<https://supremecourtbc.ca/civil-law/before-trial/chambers-basics>

### Affidavit

The rules relating to affidavits are Supreme Court Civil Rule 22-2 and Supreme Court Family Rule 10-4.

The following may assist you when drafting an affidavit in support of or in response to an application to the court.

1. Affidavits are simply written evidence. A witness must state only what she or he saw, heard, did or said. Your Affidavit should not say “My son missed school twice” unless you saw that happen, in which case the affidavit should say “I took my son to school late only twice.” What you **think** is not evidence.
2. Affidavits must not contain **irrelevant** information. The application determines what is relevant. The evidence in the affidavit must relate to the issue or matter that is the subject of the application. You should include dates, either the day or the month or sometimes the season, or else the information may be rejected as irrelevant.
3. Affidavits must not contain **argument**. An affidavit must not say “I think it is unfair that ...” or “My ex-husband should ...” or include any rhetorical questions like “why should I do this when my ex-wife ...”
4. Sometimes it is acceptable to quote what another person said. This is called “hearsay”. An affidavit may contain **hearsay** if either:
  - a) The person quoted is the **other party** (eg. your ex-husband or ex-wife), and they admit a relevant fact. For example, an affidavit can say “My ex-wife said on January 5, 2010 that she took my camera.”

- b) The affidavit is being used at an **application** which is not a Summary Trial (Rule 9-7), and you state who told you the information and that you believe it to be true. For example, an affidavit on an application can say “I was informed by Constable Blogs of the Vancouver Police Department on January 2, 2010 and believe that the police closed their file on the criminal investigation.”
  - c) The person quoted is a **child** and the court gives leave for that evidence to be presented as hearsay. The court will often permit such evidence to avoid children being witnesses.
5. Affidavits must not contain **speculation**. Don't say “My son is sad.” You can say “I saw my son cry after ...” or, with leave of the court, “my son told me he was sad because...”
  6. Affidavits should not contain **long exhibits**, like long email chains or diary notes. Such documents usually include a great deal of inadmissible material, like argument, speculation and irrelevant information, which the judge or associate judge deciding the application must ignore.

The Justice Education Society website also has a guidebook called Affidavit Basics. This guidebook may assist you in preparing your affidavit for your application. The guidebook is available at the following link;

<https://supremecourtbc.ca/civil-law/before-trial/affidavit-basics>

### **Order**

At the conclusion of the hearing and if the court grants an order, one of the parties is responsible for preparing a court order which must then be submitted to the court registry to be checked and entered. Supreme Court Civil Rule 13-1 and Supreme Court Family Rule 15-1 are the rules pertaining to orders. The Justice Education Society website includes a guidebook called, Orders Basics that may assist you in preparing your order. The guidebook may be found at the following link;

<https://supremecourtbc.ca/civil-law/after-trial/orders-basics>

The orders included in this package are templates. In order for your order to be accepted by the registry for filing and entry, you will need to prepare a “clean copy” of your order removing all of the instructions that appear in italics as well as any paragraphs that do not apply. The below link is to the Ministry of Justice website where you will find online fill able forms which you may find helpful in preparing your order. You will need to select the link leading to either Supreme Court “Civil” or “Family” depending on what type of proceeding you are involved in:

<https://www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms>

### **Short Notice Applications**

If your application is of an urgent nature (referred to as a Short Notice Application), Supreme Court Civil Rule 8-5 and Supreme Court Family Rule 10-9 set out the procedure that must be followed to bring a Short Notice Application. Samples of the requisitions for urgent applications are included in this package.

## **Fees**

The filing fees are set out in Appendix C of the Supreme Court Civil and Family Rules. The current fees are \$80.00 for filing a notice of application and if you require your affidavit sworn at the court registry, the fee for swearing an affidavit is \$40.00.

Links to the Supreme Court Rules may be found on the Supreme Court website at [https://www.bccourts.ca/supreme\\_court/practice\\_and\\_procedure/acts\\_rules\\_and\\_forms/](https://www.bccourts.ca/supreme_court/practice_and_procedure/acts_rules_and_forms/).

*In the Supreme Court of British Columbia*

Between

Plaintiff

and

Defendant

**NOTICE OF APPLICATION**

**Name(s) of applicant(s):** .....

To: .....  
*[name(s) of party(ies) or person(s) affected]*

TAKE NOTICE that an application will be made by the applicant(s) to the presiding judge or associate judge at the courthouse at ..... on  
*[address of registry in which the proceeding is being conducted]*

..... at ..... for the order(s) set out in Part 1 below.  
*[date] [time of day]*

The applicant(s) estimate(s) that the application will take .....*[time estimate]*.....

*[Check whichever one of the immediately following is correct.]*

This matter is within the jurisdiction of an associate judge.

This matter is not within the jurisdiction of an associate judge.

**Part 1: ORDER(S) SOUGHT**

*[Using numbered paragraphs, set out the order(s) that will be sought at the application and indicate against which party(ies) the order(s) is(are) sought.]*

- 1.
- 2.
- 3.
- 4.

5.

**Part 2: FACTUAL BASIS**

*[Using numbered paragraphs, set out a brief summary of the facts supporting the application.]*

1.

2.

3.

4.

5.

*[If any party sues or is sued in a representative capacity, identify the party and describe the representative capacity.]*

**Part 3: LEGAL BASIS**

*[Using paragraphs numbered sequentially from Part 2 above, specify any rule or other enactment relied on and provide a brief summary of any other legal arguments on which the applicant(s) intend(s) to rely in support of the orders sought. If appropriate, include citation of applicable cases.]*

6.

7.

**Part 4: MATERIAL TO BE RELIED ON**

*[Using numbered paragraphs, list the affidavit served with the notice of application and any other affidavits and other documents already in the court file on which the applicant(s) will rely. Each affidavit included on the list must be identified as follows: "Affidavit # .....[sequential number, if any, recorded in the top right hand corner of the affidavit]..... of .....[name]....., made .....[date].....".]*

1.

2.

TO THE PERSON RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this notice of application, you must, within 5 business days after service of this notice of application or, if this application is brought under Rule 9-7, within 8 business days after service of this notice of application,

- (a) file an application response in Form 33,
- (b) file the original of every affidavit, and of every other document, that
  - i. you intend to refer to at the hearing of this application, and
  - ii. has not already been filed in the proceeding, and
- (c) serve on the applicant 2 copies of the following, and on every other party of record one copy of the following:
  - i. a copy of the filed application response;
  - ii. a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
  - iii. if this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7(9).

Date: .....

.....  
Signature of

applicant  lawyer for applicant(s)

.....  
*[type or print name]*

**To be completed by the court only:**

Order made

- in the terms requested in paragraphs ..... of Part 1 of this notice of application
- with the following variations and additional terms:

.....  
.....  
.....  
.....

Date: .....

.....  
Signature of  Judge  Associate Judge

## APPENDIX

*[The following information is provided for data collection purposes only and is of no legal effect.]*

### **THIS APPLICATION INVOLVES THE FOLLOWING:**

*[Check the box(es) below for the application type(s) included in this application.]*

- discovery: comply with demand for documents
- discovery: production of additional documents
- other matters concerning document discovery
- extend oral discovery
- other matter concerning oral discovery
- amend pleadings
- add/change parties
- summary judgment
- summary trial
- service
- mediation
- adjournments
- proceedings at trial
- case plan orders: amend
- case plan orders: other
- experts

Court File No: .....  
Court Registry: .....

*In the Supreme Court of British Columbia*

Claimant:

Respondent:

**NOTICE OF APPLICATION**

**Name(s) of applicant(s):** .....

To: .....  
*[name(s) of party(ies) or person(s) affected]*

TAKE NOTICE that an application will be made by the applicant(s) to the presiding judge or associate judge at the courthouse at ..... on  
*[address of registry in which the family law case is being conducted]*

..... at ..... for the order(s) set out in Part 1 below.  
*[date] [time of day]*

The applicant(s) estimate(s) that the application will take .....*[time estimate]*.....

*[Check whichever one of the immediately following boxes is correct.]*

This matter is within the jurisdiction of an associate judge.

This matter is not within the jurisdiction of an associate judge.

**Part 1: ORDER(S) SOUGHT**

*[Using numbered paragraphs, set out the order(s) that will be sought at the application and indicate against which party(ies) the order(s) is(are) sought.]*

- 1.
- 2.
- 3.
- 4.
- 5.



**Part 2: FACTUAL BASIS**

*[Using numbered paragraphs, set out a brief summary of the facts supporting the application.]*

- 1.
- 2.
- 3.
- 4.
- 5.

*[If any party sues or is sued in a representative capacity, identify the party and describe the representative capacity.]*

**Part 3: LEGAL BASIS**

*[Using paragraphs numbered sequentially from Part 2 above, specify any rule or other enactment relied on and provide a brief summary of any other legal arguments on which the applicant(s) intend(s) to rely in support of the orders sought.]*

- 6.
- 7.

**Part 4: MATERIAL TO BE RELIED ON**

*[Using numbered paragraphs, list the affidavits served with the notice of application and any other affidavits and other documents already in the court file on which the applicant(s) will rely. Each affidavit included on the list must be identified as follows: "Affidavit #.....[sequential number, if any, recorded in the top right hand corner of the affidavit]..... of .....[name]....., made .....[date]....." .]*

- 1.
- 2.

TO THE PERSON RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this notice of application, you must, within the time for response to application described below,

- a) file an application response in Form F32,
- b) file the original of every affidavit, and of every other document, that
  - i. you intend to refer to at the hearing of this application, and
  - ii. has not already been filed in the family law case, and

- c) serve on the applicant 2 copies of the following, and on every other party one copy of the following:
  - i. a copy of the filed application response;
  - ii. a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
  - iii. if this application is brought under Rule 11-3, any notice that you are required to give under Rule 11-3(9).

**Time for response to application**

The documents referred to in paragraph (c) above must be served in accordance with that paragraph,

- a) unless one of the following paragraphs applies, within 5 business days after service of this notice of application,
- b) if this application is brought under Rule 11-3, within 8 business days after service of this notice of application, and
- c) if this application is brought to change, suspend or terminate a final order or to set aside or replace the whole or any part of an agreement filed under rule 2-1(2) or to change, suspend or terminate an arbitration award filed under rule 2-1.2(1), within 14 business days after service of this notice of application.

Date: .....

.....  
 Signature of  
 applicant  lawyer for applicant(s)

.....  
*[type or print name]*

***To be completed by the court only:***

Order made

- in the terms requested in paragraphs ..... of Part 1 of this notice of application
- with the following variations and additional terms:  
 .....  
 .....  
 .....  
 .....

Date: ..... Signature of  Judge  Associate Judge

---

**APPENDIX**

*[The following information is provided for data collection purposes only and is of no legal effect]*

**THIS APPLICATION INVOLVES THE FOLLOWING:**

*[Check the box(es) below for the application type(s) included in this application.]*

- discovery: comply with demand for documents
- discovery: production of additional documents
- other matters concerning document discovery
- extend oral discovery
- amend pleadings
- add/change parties
- summary judgment
- summary trial
- service
- interim order
- change order
- adjournments
- proceedings at trial
- appointment of additional expert(s): financial matters
- other matters concerning experts.

This is the ..... affidavit  
of ..... in this case  
and was made on .....

No. ....  
..... Registry

*In the Supreme Court of British Columbia*

Between

Plaintiff

and

Defendant

**AFFIDAVIT**

I, ..... of .....  
*[name]* *[address]*

....., SWEAR (OR AFFIRM) THAT:  
*[occupation]*

- 1.
- 2.
- 3.

SWORN (OR AFFIRMED) BEFORE )  
ME at ....., British Columbia )  
on ..... )  
 )  
 )  
 )  
..... )  
A commissioner for taking affidavits )  
for British Columbia )

.....

*[print name or affix stamp of commissioner]*

Form F30

This is the ..... affidavit  
of ..... in this case  
and was made on .....

No. ....  
..... Registry

*In the Supreme Court of British Columbia*

Between

Plaintiff

and

Defendant

**AFFIDAVIT**

I, ..... of .....,  
*[name]* *[address]*

....., SWEAR (OR AFFIRM) THAT:  
*[occupation]*

- 1.
- 2.
- 3.

SWORN (OR AFFIRMED) BEFORE )  
ME at ....., British Columbia )  
on ..... )  
 )  
 )  
..... )  
A commissioner for taking affidavits )  
for British Columbia )

.....

*[print name or affix stamp of commissioner]*

*In the Supreme Court of British Columbia*

Between

Plaintiff

and

Defendant

**APPLICATION RESPONSE**

**Application response of:** ....., (the “application respondents(s)”) *[party(ies)]*

THIS IS A RESPONSE TO the notice of application of ..... filed *[party(ies)]*

..... *[date]*

The application respondent(s) estimate(s) that the application will take .....*[time estimate]*.....

**Part 1: ORDERS CONSENTED TO**

The application respondent(s) consent(s) to the granting of the orders set out in the following paragraphs of Part 1 of the notice of application on the following terms:

..... *[set out paragraph numbers and any proposed terms]* .....  
.....  
.....  
.....  
.....

**Part 2: ORDERS OPPOSED**

The application respondent(s) oppose(s) the granting of the orders set out in paragraphs .....  
..... *[list paragraph numbers]* ..... of Part 1 of the notice of application.



**Part 3: ORDERS ON WHICH NO POSITION IS TAKEN**

The application respondent(s) take(s) no position on the granting of the orders set out in paragraphs ..... of Part 1 of the notice of application.  
*[list paragraph numbers]*

**Part 4: FACTUAL BASIS**

*[Using numbered paragraphs, set out a brief summary of the facts on which the orders sought in the application should not be granted.]*

- 1.
- 2.
- 3.
- 4.
- 5.

**Part 5: LEGAL BASIS**

*[Using paragraphs numbered sequentially from Part 4 above, specify any rule or other enactment relied on and provide a brief summary of any other legal arguments on which the application respondent(s) intend(s) to rely in opposing the orders sought in the application. If appropriate, include citation of applicable cases.]*

- 6.
- 7.

**Part 6: MATERIAL TO BE RELIED ON**

*[Using numbered paragraphs, list the affidavits served with this application response and any other affidavits and other documents already in the court file on which the application respondent(s) will rely. Each affidavit included on the list must be identified as follows: "Affidavit # .....[sequential number, if any, recorded in the top right hand corner of the affidavit]..... of .....[name]....., made .....[date].....".]*

- 1.
- 2.

*[Check whichever one of the following is correct and complete any required information.]*

- The application respondent has filed in this proceeding a document that contains the application respondent's address for service.
- The application respondent has not filed in this proceeding a document that contains an address for service. The application respondent's ADDRESS FOR SERVICE is:

*[Set out the application respondent's address(es) for service in compliance with Rule 4-1(1) of the Supreme Court Civil Rules and any additional address(es) under Rule 4-1(2) that the application respondent wishes to include.]*

Date: .....

.....  
Signature of  application respondent  
 lawyer for application respondent(s)

.....  
*[type or print name]*

*In the Supreme Court of British Columbia*

Claimant:

Respondent:

**APPLICATION RESPONSE**

**Application response of:** ....., (the “applicant respondent(s)”) *[party(ies)]*

THIS IS A RESPONSE TO the notice of application of ....., *[party(ies)]*  
filed ..... *[date]*

The application respondent(s) estimate(s) that the application will take .....*[time estimate]*.....

**Part 1: ORDERS CONSENTED TO**

The application respondent(s) consent(s) to the granting of the orders set out in the following paragraphs of Part 1 of the notice of application on the following terms:

.....  
*[set out paragraph numbers and any proposed terms]*  
.....  
.....  
.....  
.....

**Part 2: ORDERS OPPOSED**

The application respondent(s) oppose(s) the granting of the orders set out in paragraphs .....  
..... of Part 1 of the notice of application.  
*[list paragraph numbers]*

**Part 3: ORDERS ON WHICH NO POSITION IS TAKEN**

The application respondent(s) take(s) no position on the granting of the orders set out in paragraphs ..... of Part 1 of the notice of application.  
*[list paragraph numbers]*

**Part 4: FACTUAL BASIS**

*[Using numbered paragraphs, set out a brief summary of the material facts on which the orders sought in the application should not be granted.]*

- 1.
- 2.
- 3.
- 4.
- 5.

**Part 5: LEGAL BASIS**

*[Using paragraphs numbered sequentially from Part 4 above, specify any rule or other enactment relied on and provide a brief summary of any other legal arguments on which the application respondent(s) intend(s) to rely in opposing the orders sought in the application.]*

- 6.
- 7.

**Part 6: MATERIAL TO BE RELIED ON**

*[Using numbered paragraphs, list the affidavits served with this application response and any other affidavits and other documents already in the court file on which the application respondent(s) will rely. Each affidavit included on the list must be identified as follows: "Affidavit #.....[sequential number, if any, recorded in the top right hand corner of the affidavit]..... of .....[name]....., made .....[date].....".]*

- 1.

2.

*[Check whichever one of the following boxes is correct and complete any required information.]*

- The application respondent has filed in this family law case a document that contains the application respondent's address for service.
  
- The application respondent has not filed in this family law case a document that contains an address for service. The application respondent's ADDRESS FOR SERVICE is: .....*[Set out an address for service that complies with Rule 6-1(1) of the Supreme Court Family Rules and any additional address(es) under Rule 6-1(2) that the application respondent wishes to include.]*.....

Date: .....

.....  
Signature of  application respondent  
 lawyer for application respondent(s)

.....  
*[type or print name]*

*In the Supreme Court of British Columbia*

BETWEEN:

Plaintiff

AND:

Defendant

**REQUISITION – SHORT NOTICE**

**Filed by:** .....  
[party(ies)]

**Required:** An order under Rule 8-5(1) that the main application be brought on short notice.

This requisition is supported by the following:

*[Include a description of supporting document(s). Each affidavit included on the list must be identified as follows: "Affidavit #....[sequential number, if any, recorded in the top right hand corner of the affidavit]... of .....[name]....., made .....[dd/mmm/yyyy].....".]*

- 1.
- 2.

Date: .....

.....

Signature of

filing party  lawyer for filing party(ies)

.....

[type or print name]

**ORDER BY ENDORSEMENT** (to be completed by a judge, associate judge or registrar)

Date set for hearing of main application: \_\_\_\_\_

**Conditions for Service:**

Service by applicant of Notice of Application and applicant's affidavits with this order on the respondent(s) before \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_

Service by respondent(s)'s Application Response & affidavits on applicant before \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_

**Other Conditions:**

\_\_\_\_\_  
\_\_\_\_\_

**Endorsed:**

Judge/Associate Judge/Registrar \_\_\_\_\_

Date \_\_\_\_\_

*In the Supreme Court of British Columbia*

Claimant:

Respondent:

**REQUISITION – SHORT NOTICE**

**Filed by:** .....  
[party(ies)]

Required: An order pursuant to Supreme Court Family Rule 10-9(1) that the main application be brought on short notice.

This requisition is supported by the following:

*[Include a description of supporting document(s). Each affidavit included on the list must be identified as follows: "Affidavit #....[sequential number, if any, recorded in the top right hand corner of the affidavit]... of .....[name]....., made .....[dd/mmm/yyyy].....".]*

- 1.
- 2.

Date.....[date].....

\_\_\_\_\_  
Signature of  
[ ] filing party [ ] lawyer for filing party(ies)

**ORDER BY ENDORSEMENT** (to be completed by a judge, associate judge or registrar)

Date set for hearing of main application: \_\_\_\_\_

**Conditions for Service:**

Service by applicant of Notice of Application and applicant’s affidavits with this order on the respondent(s)

before \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_

Service by respondent(s)’s Application Response & affidavits to applicant:

before \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_

**Other Conditions:**

applicant must file application record on or by \_\_\_\_\_

\_\_\_\_\_

**Endorsed:**

Judge/Associate Judge/Registrar \_\_\_\_\_

Date \_\_\_\_\_[date]\_\_\_\_\_

In the Supreme Court of British Columbia

Between

Plaintiff

and

Defendant

ORDER MADE AFTER APPLICATION

*[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]*

*[Complete the form in accordance with the instruction found in the bracketed italicized wording and then remove all bracketed italicized wording so that it does not appear in the form when the form is filed.]*

BEFORE ) THE HONOURABLE JUSTICE ..... )  
) or A JUDGE OF THE COURT )  
) or .....[dd/mmm/yyyy].... )  
) ASSOCIATE JUDGE ..... )  
) or AN ASSOCIATE JUDGE OF THE COURT )

*[Select whichever one of the 3 following provisions is correct, complete the selected provision and remove the provisions that have not been selected so that they do not appear in the form when the form is filed.]*

ON THE APPLICATION of ..... *[party(ies)]*..... coming on for hearing at ..... on ..... *[dd/mmm/yyyy]*..... and on hearing ..... *[name of party/lawyer]*..... and ..... *[name of party/lawyer]*.....;

ON THE APPLICATION of ..... *[party(ies)]*..... without notice coming on for hearing at ..... on ..... *[dd/mmm/yyyy]*..... and on hearing ..... *[name of party/lawyer]*.....;

ON THE APPLICATION of ..... *[party(ies)]*..... without a hearing and on reading the materials filed by ..... *[name of party/lawyer]*..... and ..... *[name of party/lawyer]*.....;

THIS COURT ORDERS that:

*[If any of the following orders are by consent, indicate that fact by adding the words "By consent," to the beginning of the description of the order.]*

1.



2.

3.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

*[A signature line in the following form must be completed and signed by or for each approving party.]*

.....  
Signature of  
 party  lawyer for ....*[name of party(ies)]*....  
.....*[type or print name]*.....

.....  
Signature of  
 party  lawyer for ....*[name of party(ies)]*....  
.....*[type or print name]*.....

By the Court.

.....  
Registrar

*In the Supreme Court of British Columbia*

Claimant:

Respondent:

**ORDER MADE AFTER APPLICATION**

*[Rule 21-1 of the Supreme Court Family Rules applies to all forms.]*

*[Complete the form in accordance with the instructions found in the bracketed italicized wording and then remove all bracketed italicized wording so that it does not appear in the form when the form is filed.]*

BEFORE ) THE HONOURABLE JUSTICE )  
          ) or A JUDGE OF THE COURT )  
          ) or ) .....[dd/mmm/yyyy]...  
          ) ASSOCIATE JUDGE )  
          ) or AN ASSOCIATE JUDGE OF THE COURT )

*[Select whichever one of the 2 following provisions is correct, complete the selected provisions and remove the provision that has not been selected so that it does not appear in the form when the form is filed.]*

ON THE APPLICATION of .....[party(ies)]..... coming on for hearing at  
..... on ..... [dd/mmm/yyyy]..... and on  
hearing .....[name of party/lawyer]..... and ..... [name of party/lawyer].....;

ON THE APPLICATION of .....[party(ies)]..... without notice coming on for hearing  
at ..... on .....[dd/mmm/yyyy]..... and on hearing  
.....[name of party/lawyer].....;

THIS COURT ORDERS that:

*[If any of the following orders are by consent, indicate that fact by adding the words "By consent," to the beginning of the description of the order.] [For each order, if any, made for custody, parenting arrangements, child support or spousal support, indicate whether the order is made under the Divorce Act or the Family Law Act.] [If this order is to rescind, change or suspend a final order, identify the judge by whom and the date on which that order was made.]*

- 1.
- 2.
- 3.

THE PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

*[A signature line in the following form must be completed and signed by or for each approving party.]*

.....  
Signature of  party  lawyer for .....*[name of party(ies)]*.....  
.....*[type or print name]*.....

Signature of  party  lawyer for .....*[name of party(ies)]*.....  
.....*[type or print name]*.....

By the Court.

.....  
Registrar

Court File No: .....  
Court Registry: .....

*In the Supreme Court of British Columbia*

Claimant:

Respondent:

**FINAL ORDER**

*[Rule 21-1 of the Supreme Court Family Rules applies to all forms.]*

*[Complete the form in accordance with the instructions found in the bracketed italicized wording and then remove all bracketed italicized wording so that it does not appear in the form when the form is filed.]*

BEFORE ) THE HONOURABLE JUSTICE )  
          ) or A JUDGE OF THE COURT )  
          ) or ) .....[dd/mmm/yyyy]...  
          ) ASSOCIATE JUDGE )  
          ) or AN ASSOCIATE JUDGE OF THE COURT )

*[Select whichever one of the 4 following provisions is correct, provide any required information and remove the provision that have not been selected so that they do not appear in the form when the form is filed.]*

This family law case coming on for trial at ....., on .....[dd/mmm/yyyy]....., and on hearing ....., *[add the following if applicable: the lawyer for]* the claimant and ....., *[add the following if applicable: the lawyer for]* the respondent, and on considering the evidence put forward *[add the following if applicable: AND JUDGMENT being reserved to this date]*;

This family law case coming on for hearing at ..... on .....[dd/mmm/yyyy]..... and on hearing .....*[name of the party/lawyer]*..... and .....*[name of party/lawyer]*....., and on considering the evidence put forward;

This family law case coming on for summary trial under Rule 11-3 of the Supreme Court Family Rules at ..... on .....[dd/mmm/yyyy]....., and on hearing .....*[name of party/lawyer]*..... and .....*[name of party/lawyer]*....., and on considering the evidence put forward;

This family law case coming on as an undefended family law case without an oral hearing under Rule 10-10 of the Supreme Court Family Rules, and on considering the evidence put forward;

THIS COURT ORDERS that

*[If a divorce is granted, select whichever one of the 2 following provisions is correct, complete the selected provision and remove the provision that has not been selected so that it does not appear in the*

form when the form is filed. If a divorce is not granted, remove both of the following provisions so that they do not appear in the form when the form is filed.]

Subject to section 12 of the *Divorce Act* (Canada), the claimant, .....[*name*]....., and the respondent, .....[*name*]....., who were married at .....[*place*]..... on .....[*dd/mmm/yyyy*]....., are divorced from each other, the divorce to take effect on the 31st day after the date on this order.

Subject to section 12 of the *Divorce Act* (Canada), the claimant, .....[*name*]....., and the respondent, .....[*name*]....., who were married at .....[*place*]..... on .....[*dd/mmm/yyyy*]....., are divorced from each other, the divorce to take effect on .....[*dd/mmm/yyyy*]..... .

THIS COURT ORDER that

*[If orders other than or in addition to divorce orders are made, set out, in numbered paragraphs, the terms of all orders other than divorce orders.] [If any of the following orders are by consent, indicate that fact by adding the words "By consent," to the beginning of the description of the order.] [For each order, if any, made for custody, parenting arrangements, child support or spousal support, indicate whether the order is made under the Divorce Act or the Family Law Act.] [If no orders other than divorce orders are made, remove this provision so that it does not appear in the form when the form is filed.]*

- 1.
- 2.
- 3.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

*[A signature line in the following form must be completed and signed by or for each approving party.]*

.....  
Signature of  party  lawyer for .....[*name of party(ies)*].....  
.....[*type or print name*].....

.....  
Signature of  party  lawyer for .....[*name of party(ies)*].....  
.....[*type or print name*].....

By the Court.

.....  
Registrar



**Effective Date:** 2024/01/15

**Number:** PD – 65

**Title:**

## **Practice Direction**

### **Consent Adjournments of Applications and Petitions on the Chambers List**

**Summary:**

This Practice Direction describes the procedure that must be followed with respect to consent adjournments of applications or petitions set for hearing on the chambers list.

**Direction:**

1. This Practice Direction replaces Practice Direction 28 – *Chambers Practice* dated November 1, 2010.

**Consent adjournments**

2. Consent adjournments of applications or petitions set for hearing on the chambers list may be made by telephone or faxed requisition (depending on the practice in the local registry) up until 9:00 a.m. on the date of the hearing.
3. After 9:00 a.m. on the date of the hearing, consent adjournments may be made only by attending in person before chambers commences and informing the clerk that the hearing of the application or petition has been adjourned by consent, or after the commencement of chambers, by speaking to the matter before the judge or associate judge.

**Christopher E. Hinkson**  
Chief Justice