

RESPONSE PACKAGE

If you have been served with a Notice of Civil Claim or a Notice of Family Claim and you wish to file a response, Supreme Court Civil Rule 3-3 – Responding to a Notice of Civil Claim and Supreme Court Family Rule 4-3 – Responding to a Notice of Family Claim apply. (Civil Form 2 or Family Form F4) The filing fee for a response to a notice of civil or family claim is \$25.00.

If you have been served with a civil or family Petition to the Court and you wish to file a response, the procedures are set out in Supreme Court Civil Rule 16-1 and Supreme Court Family Rule 17-1. (Civil Form 67 or Family Form F74). There is no filing fee to file a response to petition.

If you have been served with a notice of application and you wish to file an application response, the procedures are set out in Supreme Court Civil Rule 8-1 or Supreme Court Family Rule 10-6. (Civil Form 33 or Family Form F32). There is no filing fee to file an application response.

Links to the Supreme Court Civil and Family Rules may be found on the Court's website at https://www.bccourts.ca/supreme_court/practice_and_procedure/acts_rules_and_forms/. They are found on the Supreme Court page under Rules, Procedure, Orders & Forms. From that menu if you select, Acts, Rules and Forms you will find all of the links.

Included in this package are:

- 1) Response to Civil Claim – Form 2
- 2) Response to Family Claim – Form F4
- 3) Response to Petition – Form 67 (Civil)
- 4) Response to Petition – Form F74 (Family)
- 5) Response to application – Form 33 (Civil)
- 6) Response to application – Form F32 (Family)

Form 2

No.
..... Registry

In the Supreme Court of British Columbia

Between

Plaintiff(s)

and

Defendant(s)

RESPONSE TO CIVIL CLAIM

Filed by: (the “defendant(s)”)
 [party(ies)]

Part 1: RESPONSE TO NOTICE OF CIVIL CLAIM FACTS

Division 1 – Defendant’s(s’) Response to Facts

[Indicate, for each paragraph in Part 1 of the notice of civil claim, whether the fact(s) alleged in that paragraph is(are) admitted, denied or outside the knowledge of the defendant(s).]

1. The facts alleged in paragraph(s)
 [list paragraph numbers]
 of Part 1 of the notice of civil claim are admitted.
2. The facts alleged in paragraph(s)
 [list paragraph numbers]
 of Part 1 of the notice of civil claim are denied.
3. The facts alleged in paragraph(s)
 [list paragraph numbers]
 of Part 1 of the notice of civil claim are outside the knowledge of the
 defendant(s).

Division 2 – Defendant’s(s’) Version of Facts

[Using numbered paragraphs, set out the defendant's(s') version of the facts alleged in those paragraphs of the notice of civil claim that are listed above in paragraph 2 of Division 1 of this Part.]

- 1.
- 2.

Division 3 – Additional Facts

[If additional material facts are relevant to the matters raised by the notice of civil claim, set out, in numbered paragraphs, a concise statement of those additional material facts.]

- 1.
- 2.

Part 2: RESPONSE TO RELIEF SOUGHT

[Indicate, for each paragraph in Part 2 of the notice of civil claim, whether the defendant(s) consent(s) to, oppose(s) or take(s) no position on the granting of that relief.]

1. The defendant(s) consent(s) to the granting of the relief sought in paragraphs.....
[list paragraph numbers]
of Part 2 of the notice of civil claim.
2. The defendant(s) oppose(s) the granting of the relief sought in paragraphs
[list paragraph numbers]
of Part 2 of the notice of civil claim.
3. The defendant(s) take(s) no position on the granting of the relief sought in paragraphs
[list paragraph numbers]
of Part 2 of the notice of civil claim.

Part 3: LEGAL BASIS

[Using numbered paragraphs, set out a concise summary of the legal bases on which the defendant(s) oppose(s) the relief sought by the plaintiff(s) and specify any rule or other enactment relied on. The legal bases for opposing the plaintiff's(s') relief may be set out in the alternative.]

- 1.
- 2.

Defendant's(s') address for service: *[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 service.]*

Fax number address for service (if any):

E-mail address for service (if any):

Date:

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

.....
[type or print name]

Rule 7-1(1) of the Supreme Court Civil Rules states:

- (1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,
 - (a) prepare a list of documents in Form 22 that lists
 - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
 - (ii) all other documents to which the party intends to refer at trial, and
 - (b) serve the list on all parties of record.

In the Supreme Court of British Columbia

Claimant:

Respondent:

RESPONSE TO FAMILY CLAIM

Filed by:
[party(ies)]

1. Response to information in notice of family claim:

<p>My position regarding the information set out in the notice of family claim is as follows: <i>[Check the correct box(es) and complete the required information.]</i></p> <p><input type="checkbox"/> The information set out in sections 1, 2 and 3 of the notice of family claim is correct.</p> <p><input type="checkbox"/> The information set out in sections 1, 2 and 3 of the notice of family claim is not correct in the following respects: <i>[identify the information you say is not correct and set out the information you say is correct]</i></p> <p>.....</p> <p>.....</p> <p>.....</p>	
<p><input type="checkbox"/> Schedule 1:</p>	
	<p><input type="checkbox"/> The information set out in sections 1, 2, 3, 4 and 5 of Schedule 1 to the notice of family claim is correct.</p>
	<p><input type="checkbox"/> The information set out in sections 1, 2, 3, 4 and 5 of Schedule 1 to the notice of family claim is not correct in the following respects: <i>[identify the information you say is not correct and set out the information you say is correct]</i></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
<p><input type="checkbox"/> Schedule 2:</p>	

<input type="checkbox"/>	The information set out in sections 1, 3, 5 and 6 of Schedule 2 to the notice of family claim is correct.
<input type="checkbox"/>	The information set out in sections 1, 3, 5 and 6 of Schedule 2 to the notice of family claim is not correct in the following respects: <i>[Identify the information you say is not correct and set out the information you say is correct]</i>
<input type="checkbox"/>	Schedule 3:
<input type="checkbox"/>	The information set out in section 1 and 3 of Schedule 3 to the notice of family claim is correct.
<input type="checkbox"/>	The information set out in sections 1 and 3 of Schedule 3 to the notice of family claim is not correct in the following respects: <i>[Identify the information you say is not correct and set out the information you say is correct]</i>

2. Response to claims in notice of family claim:

This is my response to claims made against me in the Schedules to the notice of family claim: <i>[For each of the claims identified below that are made in the notice of family claim, indicate whether you agree or disagree with that claim by checking the correct box opposite that claim.]</i>		
Claim for divorce (Schedule 1, section 2)	<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree
<i>If you disagree, briefly explain why:</i> 		
Parenting arrangements (Schedule 2, section 4)	<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree
<i>If you disagree, briefly explain why:</i> 		
Child support (Schedule 2, section 7)	<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree
<i>If you disagree, briefly explain why:</i> 		

Spousal support (Schedule 3, section 2)	<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree
<i>If you disagree, briefly explain why:</i>		
Division of family property and family debt (Schedule 4, section 1)	<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree
<i>If you disagree, briefly explain why:</i>		
Other property claim(s) (Schedule 4, section 1)	<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree
<i>If you disagree, briefly explain why:</i>		
Other orders (Schedule 5) <i>[identify each claim made in Schedule 5 of the notice of family claim and indicate whether you agree or disagree with that claim by checking the correct box opposite that claim]</i>		
..... [claim]	<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree
<i>If you disagree, briefly explain why:</i>		
..... [claim]	<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree
<i>If you disagree, briefly explain why:</i>		

3. My address for service is *[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 service.]*

Address for Service:	
Fax (optional)	E-mail (optional)

Date:

.....
Signature of
 filing party lawyer for filing party(ies)

.....
[type or print name]

Note to Claimant AND Respondent: You must file **financial information** (Form F8) if any of the following apply:

- there is a claim against you for spousal support or you are claiming spousal support;
- there is a claim by either party for the division of property and/or debts under Part 5 or 6 of the *Family Law Act*;
- there is a claim against you for the support of a child, OR
- you are claiming child support **unless all** of the following conditions apply:
 - a) you are making no claim for any other kind of support;
 - b) the child support is for children who are not stepchildren;
 - c) none of the children for whom child support is claimed is 19 years of age or older;
 - d) the income of the person being asked to pay child support is under \$150,000 per year;
 - e) you are not applying for special expenses under section 7 of the child support guidelines;
 - f) you are not applying for an order under section 8 of the child support guidelines;
 - g) you are not applying for an order under section 9 of the child support guidelines;
 - h) you are not making a claim based on undue hardship under section 10 of the child support guidelines.

If you do not file the financial information that is required, the court may attribute an amount of income to you and make a support award against you, based on that amount.

If in this family law case a claim is made under the Family Law Act and the respondent is represented by a lawyer, the lawyer must complete the following certificate.

LAWYER'S CERTIFICATE (*FAMILY LAW ACT*, s.8(2))

I,, lawyer for certify that, in
[name of party]

accordance with section 8(2) of the *Family Law Act*, I have

- a) discussed with the party the advisability of using various types of family dispute resolution to resolve the matter, and
- b) informed the party of the facilities and other resources, known to me, that may be available to assist in resolving the dispute.

Date:

.....
Signature of lawyer

.....
[type or print name]

The following certificate must be completed by each party to a divorce claim.

PARTY'S CERTIFICATE (*Divorce Act (Canada)*, s. 7.6

- By checking this box, I,[name of party]....., certify that I am aware of my duties under sections 7.1 to 7.5 of the *Divorce Act (Canada)*, which say:

- 7.1 A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.
- 7.2 A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.
- 7.3 To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.
- 7.4 A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.
- 7.5 For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.

The following certificate must be completed for each party to a divorce claim who is represented by a legal adviser.

LEGAL ADVISER'S CERTIFICATE (*Divorce Act (Canada)*, s. 7.7(3))

- By checking this box, I,, legal adviser for[name of party]....., certify that I have complied with section 7.7 of the *Divorce Act (Canada)*, which says:

7.7 (1) Unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so, it is the duty of the legal adviser who undertakes to act on a spouse's behalf in a divorce proceeding

- (a) to draw to the attention of the spouse the provisions of this Act that have as their object the reconciliation of spouses; and
- (b) to discuss with the spouse the possibility of the reconciliation of the spouses and to inform the spouse of the marriage counselling or guidance facilities known to the legal adviser that might be able to assist the spouses to achieve a reconciliation.

(2) It is also the duty of every legal adviser who undertakes to act on a person's behalf in any proceeding under this Act

- (a) to encourage the person to attempt to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process, unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so;
- (b) to inform the person of the family justice services known to the legal adviser that might assist the person
 - i. to resolving the matters that may be the subject of an order under this Act, and
 - ii. in complying with any order or decision made under this Act; and
- (c) to inform the person of the parties' duties under this Act.

In the Supreme Court of British Columbia

Between

Plaintiff(s)

and

Defendant(s)

RESPONSE TO PETITION

Filed by: (the "petition respondent(s)")
[party(ies)]

THIS IS A RESPONSE TO the petition filed
[date]

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

Part 1: ORDERS CONSENTED TO

The petition respondent(s) consent(s) to the granting of the orders set out in the following paragraphs of Part 1 of the petition:

.....
[set out paragraph numbers]

Part 2: ORDERS OPPOSED

The petition respondent(s) oppose(s) the granting of the orders set out in paragraphs

.....
[list paragraph numbers]

of Part 1 of the petition.

Part 3: ORDERS ON WHICH NO POSITION IS TAKEN

The petition respondent(s) take(s) no position on the granting of the orders set out in paragraphs

.....
[list paragraph numbers]

of Part 1 of the petition.

Part 4: FACTUAL BASIS

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

- 1.
- 2.

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 bases on which the petition respondent(s) intend(s) to rely in opposing the orders sought in the petition. In addition, a written argument may be provided to the court in opposition to the petition.]

- 3.
- 4.

Part 6: MATERIAL TO BE RELIED ON

[Using numbered paragraphs, list the affidavits served with this response to petition and any other affidavits and other documents already in the court file on which the petition 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.

Date:

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

.....
[type or print name]

Petition respondent's(s') address for service:

[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 service.]

Fax number address for service (if any):

E-mail address for service (if any):

Name of the petition respondent's(s') lawyer, if any:

Form F74

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Petitioner:

Respondent:

RESPONSE TO PETITION

Filed by: (the "petition respondent(s)")
[party(ies)]

THIS IS A RESPONSE TO the petition filed
[date]

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

Part 1: ORDERS CONSENTED TO

The petition respondent(s) consent(s) to the granting of the orders set out in the following paragraphs of Part 1 of the petition:

.....
[set out paragraph numbers]

Part 2: ORDERS OPPOSED

The petition respondent(s) oppose(s) the granting of the orders set out in paragraphs

.....
[list paragraph numbers]

of Part 1 of the petition.

Part 3: ORDERS ON WHICH NO POSITION IS TAKEN

The petition respondent(s) take(s) no position on the granting of the orders set out in paragraphs

.....
[list paragraph numbers]

of Part 1 of the petition.

Part 4: FACTUAL BASIS

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

- 1.
- 2.

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 bases on which the petition respondent(s) intend(s) to rely in opposing the orders sought in the petition. In addition, a written argument may be provided to the court in opposition to the petition.]

- 3.
- 4.

Part 6: MATERIAL TO BE RELIED ON

[Using numbered paragraphs, list the affidavits served with this response to petition and any other affidavits and other documents already in the court file on which the petition 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.

Date:

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

.....
[type or print name]

Petition respondent's(s') address for service:

[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 service.]

Fax number address for service (if any):

E-mail address for service (if any):

Name of the petition respondent's(s') lawyer, if any:

The following certificate must be completed by each party to a divorce claim.

PARTY'S CERTIFICATE (*Divorce Act (Canada)*, s. 7.6

- By checking this box, I,[name of party]....., certify that I am aware of my duties under sections 7.1 to 7.5 of the *Divorce Act (Canada)*, which say:

7.1 A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.

7.2 A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.

7.3 To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.

7.4 A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.

7.5 For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.

The following certificate must be completed for each party to a divorce claim who is represented by a legal adviser.

LEGAL ADVISER'S CERTIFICATE (*Divorce Act (Canada)*, s. 7.7(3))

- By checking this box, I,, legal adviser for[name of party]....., certify that I have complied with section 7.7 of the *Divorce Act* (Canada), which says:

7.7 (1) Unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so, it is the duty of the legal adviser who undertakes to act on a spouse's behalf in a divorce proceeding

- (d) to draw to the attention of the spouse the provisions of this Act that have as their object the reconciliation of spouses; and
- (e) to discuss with the spouse the possibility of the reconciliation of the spouses and to inform the spouse of the marriage counselling or guidance facilities known to the legal adviser that might be able to assist the spouses to achieve a reconciliation.

(2) It is also the duty of every legal adviser who undertakes to act on a person's behalf in any proceeding under this Act

- (c) to encourage the person to attempt to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process, unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so;
- (d) to inform the person of the family justice services known to the legal adviser that might assist the person
 - iii. to resolving the matters that may be the subject of an order under this Act, and
 - iv. in complying with any order or decision made under this Act; and
- (f) to inform the person of the parties' duties under this Act.

Form 33

No.
..... Registry

In the Supreme Court of British Columbia

Between

Plaintiff(s)

and

Defendant(s)

APPLICATION RESPONSE

Application response of:, (the “application respondent(s)”)

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 CONSENT 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

.....
[list paragraph numbers]

of Part 1 of the notice of application.

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.

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.]

- 3.
- 4.

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 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]

Form F32

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

APPLICATION RESPONSE

Application response of:, (the “application respondent(s)”)

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 CONSENT 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

.....
[list paragraph numbers]

of Part 1 of the notice of application.

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.

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.]

- 3.
- 4.

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]