

FORM F74 (RULE 17-1 (5))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Petitioner:

Respondent:

RESPONSE TO PETITION

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

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

THIS IS A RESPONSE TO the petition filed[date]..... .

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

Official language choice for *Divorce Act* proceedings (see Notice to Petition Respondent below):

[If the petition is seeking orders under the Divorce Act, check whichever one of the following boxes is correct.]

The petition respondent(s) intend(s) to file documents, give evidence or make submissions in this proceeding in the

☐ English language

☐ French language

☐ English language and French language (bilingual)

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.]

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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.]

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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:

Notice to Petition Respondent: under **section 23.2 of the *Divorce Act***, you may choose to file pleadings or other documents, including this form, give evidence or make submissions in any ***Divorce Act*** proceeding in either of the two official languages of Canada (English or French).

Rule 1-1(1) of the Supreme Court Family Rules defines "*Divorce Act* proceeding" as follows:

"*Divorce Act* proceeding" means a family law case in which an order is sought under the *Divorce Act*.

You may file a Notice of Extension – Official Languages in Form F86.2 and receive an additional 10 days to file this response to petition (Form F74) in accordance with Rule 20-7 (8) of the Supreme Court Family Rules.

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 every 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) in 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.