

NOTES

Form 33

(Rule 8-1 (10))

[Style of Proceeding]

APPLICATION RESPONSE

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

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

THIS IS A RESPONSE TO the notice of application of[party(ies)]..... filed[dd/mmm/yyyy]..... .

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[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.]

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Part 5: LEGAL BASIS

[Using numbered paragraphs, 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.]

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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[dd/mmm/yyyy].....”.]

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

[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:*[dd/mmm/yyyy]*.....

Signature of application respondent lawyer
for application respondent(s)

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

NOTES

Court forms are available at: www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index_civil.htm.

They can be completed online and filed electronically using Court Services Online:
www.courtservicesonline.gov.bc.ca.

They can also be printed and completed manually; or completed online, printed and filed.

File this form in the court registry and serve it on the other parties.

1. The style of proceeding is the part at the top of the document that identifies your case within the court system. You will use the style of proceeding on every one of your documents, whether they are filed in the court registry or not. Insert the court number, the location of the registry (e.g., Vancouver), as it is part of your style of proceeding. Write in the names of the plaintiff and defendant in capital letters (not addresses) in the style of proceeding.
 2. Insert your name here.
 3. Insert the name of the party who is making the application to court.
 4. List the orders that you are consenting to in your application, referring to the applicant's numbered paragraphs (e.g., I consent to paragraph 1 of the applicant's application (for production of 2009 financial statements), within 35 days rather than 14 days as requested by the applicant).
 5. List the orders that you are opposing, referring to the applicant's numbered paragraphs (e.g., I oppose granting an order set out in paragraph 3 of the applicant's application, for production of my medical records).
 6. List the orders that you take no position on, referring to the applicant's numbered paragraphs (e.g., I take no position on the orders requested in paragraphs 4, 5, and 6 of the applicant's application).
 7. State the facts you are relying on to oppose the application (e.g., a complete list of documents was already produced to the plaintiff on March 21, 2010 and particulars of those documents were provided on April 15, 2010).
 8. State the legal basis of your opposition to the applicant's application (e.g., The plaintiff is not a legal debenture holder according to *Smith v. Brown*, 2003 BCSC 44 and I am under no obligation to provide financial statements to him).
 9. List the affidavits that you will be relying on in your chambers application (e.g., Affidavit #1, of John Brown, made January 3, 2010).
 10. Estimate the time it will take you and the other party to make submissions to the judge or master in chambers.
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