

# NOTES

## Form 66

1

(Rules 16-1 (2) and 21-5 (14) )

No. ....

..... Registry

*In the Supreme Court of British Columbia*

Between

, Petitioner(s)

and

, Respondent(s)

*[or, if there is no person against whom relief is sought:*

2

Re: .....*[State the person by whom, or the entity in respect of which, relief is sought.]*.....]

### PETITION TO THE COURT

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

ON NOTICE TO:

3

.....*[name and address of each person to be served]*.....

**This proceeding has been started by the petitioner(s) for the relief set out in Part 1 below.**

If you intend to respond to this petition, you or your lawyer must

(a) file a response to petition in Form 67 in the above-named registry of this court within the time for response to petition described below, and

(b) serve on the petitioner(s)

(i) 2 copies of the filed response to petition, and

(ii) 2 copies of each filed affidavit on which you intend to rely at the hearing.

**Orders, including orders granting the relief claimed, may be made against you, without any further notice to you, if you fail to file the response to petition within the time for response.**

#### **Time for response to petition**

A response to petition must be filed and served on the petitioner(s),

- (a) if you were served with the petition anywhere in Canada, within 21 days after that service,
- (b) if you were served with the petition anywhere in the United States of America, within 35 days after that service,
- (c) if you were served with the petition anywhere else, within 49 days after that service, or
- (d) if the time for response has been set by order of the court, within that time.

**4**

(1)	The address of the registry is:
(2)	<p>The ADDRESS FOR SERVICE of the petitioner(s) is: .....[Set out the street address of the address for service for each petitioner. One or both of a fax number and an e-mail address may be given as additional addresses for service.].....</p> <p>Fax number address for service (if any) of the petitioner(s):</p> <p>E-mail address for service (if any) of the petitioner(s):</p>
(3)	The name and office address of the petitioner's(s') lawyer is:

Claim of the Petitioner(s)

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

**5**

[Using numbered paragraphs, set out the order(s) that will be sought at the hearing of the petition and indicate against which respondent(s) the order(s) is(are) sought.]

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**Part 2: FACTUAL BASIS**

**6**

[Using numbered paragraphs, set out the material facts on which this petition is based.]

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**Part 3: LEGAL BASIS**

**7**

[Using numbered paragraphs, specify any rule or other enactment relied on and provide a brief summary of any other legal bases on which the petitioner(s) intend(s) to rely in support of the orders sought.]

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

**8** [Using numbered paragraphs, list the affidavits served with the petition. 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

**9** The petitioner(s) estimate(s) that the hearing of the petition will take .....[time estimate]..... .

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

.....  
Signature of

[ ] petitioner [ ] lawyer for petitioner(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 petition

[ ] with the following variations and additional terms:

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

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

.....

Signature of [ ] Judge [ ] Master

# NOTES

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Court forms are available at: [http://www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index\\_civil.htm](http://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](http://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 personally serve it on the respondent.**

1. The style of proceeding is the part at the top of the document that identifies your case within the court system. The court registry will insert the registry number, which you must use on all your documents. Insert the location of the registry (e.g., Vancouver), as it is part of your style of proceeding. Use names only (not addresses) in the style of proceeding.
  2. Name the person you have started the proceeding against.
  3. Name and address of those you are bringing the claim against.
  4. Put the address of the court registry and your address.
  5. List the orders you are asking the court to make (e.g., that the respondent, John Brown, transfer the property held by the estate of Jane Brown to the named beneficiaries in the will).
  6. “Material facts” are the facts that relate to your claim. Set out your story.
  7. Set out the legal basis of your claim, including the Court Rules, legislation, and case law that support your claim (e.g., the respondent failed to pay a debt owed by the estate of Jane Brown to me, contrary to s. 65 of the *Estate Administration Act*; *Smith v. White*, 2009 BCCA 456, etc.)
  8. List the affidavits you are relying on to prove your claim (e.g., Affidavit #1 of Mary White, made January 5, 2010).
  9. Estimate the time you will need for the hearing (e.g., 90 minutes), the date, and your name.
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