

NOTES

Form 32

(Rule 8-1 (4))

1

No. _____

In the Supreme Court of British Columbia

Between

Plaintiff(s)

and

Defendant(s)

NOTICE OF APPLICATION

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

Name(s) of applicant(s): _____

2

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

3

TAKE NOTICE that an application will be made by the applicant(s) to the presiding judge or master at the courthouse at _____
[location/address]

4

on _____ at _____ for the order(s) set out in Part 1 below.
[dd/mmm/yyyy] [time]

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.]

5

Part 2: FACTUAL BASIS

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

1

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

6

Part 3: 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 applicant(s) intend(s) to rely in support of the orders sought.]

1

Part 4: MATERIAL TO BE RELIED ON

7

[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[dd/mmm/yyyy].....".]

Affidavit # _____ of _____ made _____

8

The applicant(s) estimate(s) that the application will take _____ hours _____ minutes

[Check the correct box.]

[] This matter is within the jurisdiction of a master.

[] This matter is not within the jurisdiction of a master.

TO THE PERSONS 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. 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:[dd/mmm/yyyy].....

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

.....
Signature of Judge Master

APPENDIX

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

THIS APPLICATION INVOLVES THE FOLLOWING: [Specify the application type(s) included in this application.]

Application Type

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.

Note: Form 32 in the BC Supreme Court Rules is a Notice of Application. Use this form, as modified in the following example. Change the name to Notice of Motion.

File this form in the court registry and serve it on the trustee, the OSB, and all your creditors that have filed a proof of claim.

1. The style of proceeding is the part at the top of the document that identifies your case within the court system. Insert the court number, the location of the registry (e.g., Vancouver), as it is part of your style of proceeding.
 2. Insert the name of the people that must be notified of the hearing: the trustee, the OSB, and all your creditors that have filed a proof of claim.
 3. Provide the address of the courthouse, and the date and time of the hearing.
 4. List the orders that you are seeking in your application (e.g., That the court grant me an absolute discharge from bankruptcy).
 5. State the facts you are relying on (e.g., It has been 12 months since my last application for a discharge. I have paid the amount to the trustee as required by the conditional order (dated). I have completed both counselling sessions, as required by the conditional order (dated)).
 6. State the legal basis of your application (e.g., I am entitled to an absolute discharge from bankruptcy pursuant to s. 168.1 of the *Bankruptcy and Insolvency Act*).
 7. List the affidavits and other documents that you will be relying on in your chambers application (e.g., Affidavit #1, of John Brown, made June 3, 2010. You should also list the trustee's report and any previous orders that the court made about your bankruptcy).
 8. 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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