

# NOTES

## Form 67

(Rule 16-1 (5) )

*[Style of Proceeding]*

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### RESPONSE TO PETITION

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

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**Filed by:** .....[party(ies)]..... (the “petition respondent(s)”)

THIS IS A RESPONSE TO the petition filed .....[dd/mmm/yyyy]..... .

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#### 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]..... .

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#### 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.

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#### 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.

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#### 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 numbered paragraphs, 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 .....[dd/mmm/yyyy].....”.]*

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

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

Signature of [ ] petition respondent

[ ] lawyer for petition respondent(s)

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

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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:

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## NOTES

Court forms are available at: [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 serve it on the petitioner.**

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. Put your name here if you are filing the response.
  3. List the orders that the petitioner is asking the court to make that you consent to (e.g., Part 1 of the petition: paragraphs 2 and 3).
  4. List the orders that the petitioner is asking the court to make that you oppose (e.g., Part 1 of the petition: paragraphs 5 and 9).
  5. List the orders that the petitioner is asking the court to make that you take no position on – that is, that you will abide by what the court orders (e.g., an order for costs).
  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 petitioner did not notify me that the deceased had given him an advance on his inheritance as set out in s. 92 of the *Estate Administration Act*; *Joe v. Silver*, 2001 BCSC 45; etc.)
  8. List the affidavits you are relying on to prove your claim (e.g., Affidavit #1 of Margaret Blue, made January 8, 2009).
  9. Your address must be a physical location (not just a post office box) where documents can be delivered.
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