

Example 7. Notice of Application (Form 73A)

Court File Number **FDf-00-0000**¹

IN THE COURT OF KING'S BENCH OF NEW BRUNSWICK
FAMILY DIVISION JUDICIAL DISTRICT OF **FREDERICTON**

BETWEEN:

Jane Mary Doe

APPLICANT

- and -

John Richard Smith

RESPONDENT

NOTICE OF APPLICATION (FORM 73A)

TO: **John Richard Smith**²

LEGAL PROCEEDINGS HAVE BEEN COMMENCED BY
FILING THIS NOTICE OF APPLICATION.

The applicant will apply to the court at _____
(*specific location*) _____, on the day of ____, 20 __, at
_____ a.m. (or p.m.) _____ for an order as set out
hereunder.³

IF YOU DO NOT APPEAR AT THE HEARING

- (a) an order which may affect you may be made in your absence, or
- (b) if the court is satisfied that your attendance is necessary for a just determination of the application, a warrant may be issued directing a peace officer to apprehend you and bring you before the court.

If you wish to oppose this application you must appear at the hearing of the application at the place, date and time stated either in person or by a New Brunswick lawyer acting on your behalf.

If you wish to present affidavit or other documentary evidence to support your position, you must file a copy of such evidence in this court office not more than 20 days after being served with this Notice of Application.

N° du dossier

COUR DU BANC DU ROI DU NOUVEAU-BRUNSWICK
DIVISION DE LA FAMILLE CIRCONSCRIPTION
JUDICIAIRE DE

ENTRE :

REQUÉRANT

- et -

INTIMÉ

AVIS DE REQUÊTE (FORMULE 73A)

DESTINATAIRE :

PAR LE DÉPÔT DU PRÉSENT AVIS DE REQUÊTE, UNE
POURSUITE JUDICIAIRE A ÉTÉ ENGAGÉE CONTRE
VOUS.

Le requérant demandera à la cour à (*lieu précis*)
_____, le ____, 20 __, à ____ h, en vue
d'obtenir l'ordonnance décrite ci-dessous.

SI VOUS NE COMPARAISSEZ PAS À L'AUDIENCE

- (a) une ordonnance vous concernant pourra être rendue en votre absence ou
- b) si la cour estime que votre comparution est nécessaire à la solution équitable de la requête, elle pourra émettre un mandat prescrivant à un agent de la paix de vous arrêter et de vous amener devant elle.

Si vous désirez contester cette requête, vous devrez comparaître à l'audition de la requête aux lieux, date et heure indiqués, soit en personne, soit par l'intermédiaire d'un avocat du Nouveau-Brunswick chargé de vous représenter.

Si vous désirez présenter un affidavit ou quelque autre preuve littérale à l'appui de votre cause, vous devrez en déposer copie au secrétariat de cette cour dans les 20 jours qui suivent la signification de l'avis de requête.

1. Always include the full style of proceeding and court file number at the top of court documents. See example 1 for a style of proceeding.

2. The Respondent's name.

3. Leave this section blank. The court staff will fill it in after you submit the form. They will write the date of the court hearing here before they return it to you.

IF THIS NOTICE OF APPLICATION CONTAINS A CLAIM FOR SUPPORT OR A PARENTING ORDER, YOU MUST, NOT MORE THAN 20 DAYS AFTER BEING SERVED WITH THIS NOTICE OF APPLICATION, FILE IN THIS COURT OFFICE YOUR FINANCIAL STATEMENT IN THE FORM PRESCRIBED BY THE RULES OF COURT AND ANY INCOME INFORMATION REQUIRED BY THE REGULATIONS RESPECTING ORDERS FOR CHILD SUPPORT UNDER THE *FAMILY LAW ACT*, WHETHER OR NOT YOU WISH TO OPPOSE THE APPLICATION.

You are advised that:

- (a) you are entitled to issue documents and present evidence in the proceeding in English or French or both;
- (b) the petitioner intends to proceed in the **English**⁴ language; and
- (c) if you intend to proceed in or present evidence in the other official language, an interpreter may be required and you must so advise the administrator at least 7 days before the hearing.

THIS NOTICE is signed and sealed for the Court of King's Bench by _____, Administrator of the Court at _____, on the ____ day of _____, 20__.⁵

(administrateur)

Court Seal

On the hearing of this application, the applicant intends to apply for an order that (*state precisely the relief being sought*)⁶

See attached **7a**

SI LE PRÉSENT AVIS DE REQUÊTE CONTIENT UNE DEMANDE D'ORDONNANCE ALIMENTAIRE OU PARENTALE, VOUS DEVREZ, DANS LES 20 JOURS QUI SUIVENT SA SIGNIFICATION, DÉPOSER AU SECRÉTARIAT DE CETTE COUR UN ÉTAT FINANCIER EN LA FORME PRESCRITE PAR LES RÈGLES DE PROCÉDURE AINSI QUE TOUS RENSEIGNEMENTS SUR LE REVENU REQUIS EN VERTU DES RÈGLEMENTS CONCERNANT LES ORDONNANCES ALIMENTAIRES AU PROFIT D'UN ENFANT ÉTABLI EN VERTU DE *LA LOI SUR LE DROIT DE LA FAMILLE*, QUE VOUS AYEZ OU NON L'INTENTION DE CONTESTER LA REQUÊTE.

Sachez que :

- (a) dans la présente instance, vous avez le droit d'émettre des documents et de présenter votre preuve en français, en anglais ou dans les deux langues;
- (b) le requérant a l'intention d'utiliser la langue _____; et
- (c) si vous avez l'intention d'utiliser l'autre langue officielle ou de présenter votre preuve dans cette autre langue, les services d'un interprète pourront être requis et vous devrez en aviser l'administrateur au moins 7 jours avant l'audience.

CET AVIS est signé et scellé au nom de la Cour du Banc du Roi par administrateur de la cour à _____ ce _____ 20__.

(administrateur)

Sceau de la Cour

À l'audition de la requête, le requérant entend demander qu'une ordonnance soit rendue relativement à (*préciser les mesures de redressement sollicitées*)

4. Say whether you will use English or French at the court hearing.

5. Leave this section blank. The court staff will fill it in after you submit the form.

6. Write down exactly what you would like the court to order. If there isn't room, you can write it out on a separate page and attach it to the form.

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7. You must include all the details listed here; if there isn't room on the form, you can also include them on a separate page.

Set out in separate, numbered paragraphs the following:⁷

1. The capacity of all persons who are parties to the proceeding.

See attached **7b**

2. The place of residence of the applicant.
The Applicant and Respondent both reside in the town of Hometown, in the County of York, Province of New Brunswick.

3. A list of the affidavits or other documentary evidence intended to be used on the hearing of the claim.

See attached **7c**

4. Particulars of previous proceedings with respect to the application, or any other court proceedings involving one or both parties to the proceeding or any of the children (*include any criminal or child protection cases or orders, and any restraining orders or applications*).

*There have been no previous court proceedings about this claim.*⁸

5. Particulars of any oral or written agreements with respect to the claim.

*There have been no oral or written arguments that relate to this claim.*⁹

Énoncer les éléments suivants dans des paragraphes numérotés et distincts:

1. La qualité de toutes les personnes qui sont parties à l'instance.
2. Le lieu de résidence du requérant.
3. Une liste des affidavits ou des autres preuves littérales pouvant être utilisés à l'audition de la requête.
4. Des précisions sur toute instance antérieure portant sur le même objet ou toute autre instance impliquant un ou les deux parties à cette instance ou les enfants (*inclure toute affaire ou ordonnance pénale ou de protection de l'enfance et toute ordonnance ou demande d'interdiction*).
5. Des précisions sur toutes ententes verbales ou écrites conclues relativement à cette demande.

8. Write down if there have already been any court proceedings about the same subject. For example, a parenting order or child support order.

9. Write down if you and the other parent have any written or spoken agreements about the same subject. For example, an agreement for parenting time or child support.

DECLARATION OF APPLICANT¹⁰

I certify that I am aware of my duties under section 5 of the *Family Law Act*.

DATED at Fredericton, this 24th day of August, 2025.¹¹

*Jane Mary Doe*¹²
(signature of applicant)

Name of applicant: Jane Mary Doe¹³

Address for service within New Brunswick: 456 Main Street, Hometown, NB E3A 1Z1 Jdoe@email.com¹⁴

SOLICITOR'S CERTIFICATE¹⁵

My name is _____ and I am the applicant's lawyer in this court proceeding. I certify that I have complied with the requirements of section 6 of the *Family Law Act*.

DATED at _____ this _____ day of _____, 20__.

Name of firm (if applicable):

Business address:

NOTE: This Application shall be accompanied by a Financial Statement, if required.

DÉCLARATION DU REQUÉRANT

J'atteste que je suis conscient des obligations qui me sont imposées en application de l'article 5 de la *Loi sur le droit de la famille*.

FAIT à _____, le _____ 20__.

(signature du requérant)

Nom du requérant :

Adresse aux fins de signification au Nouveau-Brunswick :

ATTESTATION DE L'AVOCAT

Je m'appelle _____ et je suis l'avocat du requérant dans cette instance. J'atteste m'être conformé aux exigences prévues à l'article 6 de la *Loi sur le droit de la famille*.

FAIT à _____ le _____ 20__.

Raison sociale (s'il y a lieu) :

Adresse professionnelle :

REM. : Cette requête doit, dans certains cas, être accompagnée d'un état financier.

10. Sign this section to declare that you understand your duties under section 5 of the *Family Law Act*. See section 18 on page 52 for an overview.

11. The place and date you signed this form.

12. Your signature.

13. Your name, printed clearly.

14. Your full mailing address and contact information.

15. If you do not have a lawyer, cross out this section.

16. Write down exactly what you want the court to order. Cite the laws that allow the court to make the kind of order you want. For example, the *Family Law Act*, the *Divorce Act*, and the Federal Child Support Guidelines all have rules that are often relevant to these kinds of applications.

16. "Capacity" in this context means saying who you are and explaining your relationship to the application. For example, if the application is for parenting, explain whether you are the children's parent, step-parent, grandparent, etc.

18. Write the documents you will use for the court hearing.

7a

Relief sought:¹⁶

1. John Smith, the Respondent, pay support for the children of the marriage, Kimberly Smith and David Smith, as per Sections 10, 12 and 11(1) of the *Family Law Act*, and according to the Child Support Guidelines; and
 - These payments be made payable retroactively from a date deemed appropriate by the court under paragraph 21(2) (i) of the *Family Law Act*, and
 - Enforcement of child support payments be done by the Office of Support Enforcement
2. John Smith, the Respondent, be required to continue all dental and health insurance plans to which he may be entitled to through his employer for the benefit of his children, Kimberly Smith and David Smith.
3. Costs, and
4. Any other order the Court considers just.

7b

Capacity:¹⁷

The Applicant, Jane Mary Doe, is the spouse of John Richard Smith of New Brunswick, having been married on June 11, 2019 in Smalltown, New Brunswick. There are two children of the marriage, Kimberly Ann Smith born March 15, 2020, and David Scott Smith, born January 23, 2023. The Applicant and Respondent separated on February 23, 2024.

7c

The following affidavits and other documentary evidence will be presented:¹⁸

- a. Affidavit of Jane Mary Doe, Applicant, and
- b. Financial Statement (72J) of Jane Mary Doe, Applicant, and
- c. Income information of Jane Mary Doe, Applicant.