

Example 6. Notice of Application (Form 73AA)

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 73AA)

TO: **John Richard Smith 789 Queen St., Hometown NB
A1B 3C4, jsmith@email.ca**²

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

If you wish to oppose this application or to assert a right or claim, either you or a New Brunswick lawyer acting on your behalf shall prepare and file a responding document in accordance with the Rules of Court and serve it on the applicant or if the applicant has a lawyer, upon the applicant's lawyer at the address shown below and, with proof of such service, file it in this Court Office, within the following times after such service:

- (a) if you are served in New Brunswick, WITHIN 20 DAYS,
- (b) if you are served elsewhere in Canada or the United States of America, WITHIN 40 DAYS, or
- (c) if you are served anywhere else, WITHIN 60 DAYS.

If you fail to do so,

- (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 and you are within the jurisdictional limits of the Court, a warrant may be issued directing a peace officer to apprehend you and bring you before the Court.

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 73AA)

DESTINATAIRE :

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

Si vous désirez contester cette requête, revendiquer un droit ou former une demande, vous-même ou un avocat du Nouveau-Brunswick chargé de vous représenter devrez rédiger et déposer un document de défense conformément aux Règles de procédure, le signifier au requérant ou à son avocat, s'il est représenté par un avocat, à l'adresse indiquée ci-dessous, et le déposer au secrétariat de cette cour avec une preuve de sa signification, dans les délais suivants de la signification :

- (a) DANS LES 20 JOURS, si elle vous est faite au Nouveau-Brunswick,
- (b) DANS LES 40 JOURS, si elle vous est faite dans une autre région du Canada ou dans les États-Unis d'Amérique, ou
- (c) DANS LES 60 JOURS, si elle vous est faite ailleurs.

Si vous omettez de la faire,

- (a) une ordonnance pouvant vous concerner 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 vous trouvez dans le ressort de la cour.

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

2. Write the Respondent's name and contact information here.

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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, SERVE ON THE APPLICANT 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.

IF THIS NOTICE OF APPLICATION CONTAINS A CLAIM UNDER THE MARITAL PROPERTY ACT, YOU MUST SERVE WITH YOUR RESPONDING DOCUMENT A STATEMENT OF PROPERTY AND DEBTS OR A STATEMENT OF CONTRIBUTION TO PROPERTY IN THE FORM PRESCRIBED BY THE RULES OF COURT 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 English³ language;
- (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 ____.⁴

Court Seal _____ (administrator)

_____ (address of court office)

SI LE PRÉSENT AVIS DE REQUÊTE CONTIENT UNE DEMANDE D'ORDONNANCE ALIMENTAIRE OU PARENTALE, VOUS DEVREZ, DANS LES 20 JOURS QUI SUIVENT SA SIGNIFICATION, SIGNIFIER AU REQUÉRANT VOTRE 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 ÉTABLIS EN VERTU DE LA LOI SUR LE DROIT DE LA FAMILLE, QUE VOUS AYEZ OU NON L'INTENTION DE CONTESTER LA REQUÊTE.

SI LE PRÉSENT AVIS DE REQUÊTE CONTIENT UNE DEMANDE EN APPLICATION DE LA LOI SUR LES BIENS MATRIMONIAUX, VOUS DEVREZ SIGNIFIER VOTRE DOCUMENT DE DÉFENSE ACCOMPAGNÉ D'UNE DÉCLARATION RELATIVE AUX BIENS ET AUX DETTES OU UNE DÉCLARATIONS D'APPORT À L'ÉGARD DES BIENS EN LA FORME PRESCRITE PAR LES RÈGLES DE PROCÉDURE, 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 _____;
- (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 de la Reine par _____, administrateur de la cour à _____, ce _____ 20 ____.

_____ (administrateur)

Sceau de la Cour

_____ (adresse du secrétariat de la cour)

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

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

On the hearing of this application, the applicant intends to apply for an order that *(state precisely the relief being sought)*.⁵

See attached 6a

Set out in separate, numbered paragraphs the following:⁶

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

See attached 6b

2. The place of residence of the applicant
The Applicant and the Respondent both reside in the town of Hometown, 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 application.

See attached 6c

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.*⁷
5. Particulars of any oral or written agreements with respect to the application.
*There have been no oral or written agreements that relate to this claim.*⁸

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

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.

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

6. 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.

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

8. Say whether 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.

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9. 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.

10. The place and date you signed the form.

11. Your signature.

12. Your name, printed clearly.

13. Your full mailing address and contact information.

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

DECLARATION OF APPLICANT⁹

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

DATED at **Smalltown**, this **24** day of **August**, 20**25**.¹⁰

Jane Mary Doe¹¹
(signature of applicant)

Name of applicant: **Jane Mary Doe¹²**

Address for service within New Brunswick:
456 Main Street, Hometown, NB E3A 1Z1,
JDoe@email.com¹³

SOLICITOR'S CERTIFICATE¹⁴

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*.

6a

Relief sought¹⁵

1. A parenting order granting the majority of parenting time and sole-decision making responsibilities for Kimberly Ann Smith, born March 15 2020, and David Scott Smith, born January 23 2023, to Jane Mary Doe, the Applicant under subsection 52(2) of the *Family Law Act*.
2. John Richard Smith, the Respondent, pay support for the children Kimberly Ann Smith and David Scott Smith, under sections 10, 12 and subsection 11(1) of the *Family Law Act*; and
 - All support payments be indexed to the Cost-of-Living index;
 - Those payments be made payable retroactively from a date deemed appropriate by the Court under paragraph 21(2)(i) of the *Family Law Act*,
 - Enforcement of Child Support payments to be done by the Office of Support Enforcement.
3. John Richard 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 wife, Jane Mary Doe, and for the benefit of their children, Kimberly Ann Smith and David Scott Smith.
4. Costs, and
5. Any other order that the Court considers just.

6b

1. The capacity of all persons who are parties to the proceeding.¹⁶
The Applicant, Jane Mary Doe is the spouse of John Richard Smith, the Respondent, of New Brunswick, having been married on June 11, 2019 in Smalltown, New Brunswick. They have 2 children, Kimberly Ann Smith, born March 15 2020, and David Scott Smith, born January 23, 2023. The Applicant and the Respondent separated on February 23 2024.

6c

3. The following affidavits and other documentary evidence will be presented:¹⁷
 - a. The 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.

15. 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.

17. Write down the documents you will use for the court hearing.