Resolution Services

Alberta Government

Court Procedure Booklet

APPLYING FOR A CIVIL RESTRAINING ORDER

(Without Notice to the Other Party)

Revised January, 2017 KB

APPLYING FOR A CIVIL RESTRAINING ORDER (Without Notice)

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Resolution Services and Court Staff cannot give you legal advice, or predict the outcome of your case.

This booklet provides general information only. You should speak to a lawyer for legal advice about your own situation.

APPLYING FOR A CIVIL RESTRAINING ORDER (Without Notice)

INTRODUCTION

These instructions have been prepared for you by Resolution Services. Contact us at:

Calgary
7th floor, Calgary Courts Centre
601 - 5 Street SW
Phone 403-297-6981

Edmonton
8th floor, Brownlee Building
10365 – 97 Street
Phone 780-415-0404

Grande Prairie
Main Floor, Court House
10260 - 99 St.
Phone: 780-833-4234

Lethbridge
1st Floor, Court House
320 - 4 St. S
Lethbridge AB T1J 1Z8
Phone: 403-388-3102

Red Deer
Main Floor, Court House
4909 - 48 Ave
Phone: 403-340-7187

Medicine Hat
Court House
460 First Street SE
Medicine Hat, AB T1A 0A8
Phone 403-529-8716

Outside these centres, call the Resolution Services Contact Centre at 1-855-738-4747

If you have been assaulted, or are in a family violence situation, call your local police or RCMP detachment or have a neighbour or friend call for you.

If the threat of danger is immediate, call 911 or your local police emergency number if you do not have 911 service.

When to use this booklet

This booklet tells you what steps to take when:

- The other party is **not** someone to whom you are related by blood, adoption or marriage, or the parent of your child or with whom you lived in a relationship of interdependence (sometimes called common law);
- You have reason to believe that the other party will cause you physical harm;
- It would be dangerous for you to provide the other party with advance notice of your application; and
- You have chosen not to get a lawyer and will be representing yourself throughout the court process.

More than one person can apply for a Restraining Order – each person will be listed as a Plaintiff / Applicant. Also, the application can be made against more than one person – each person will be listed as a Defendant / Respondent. To make these instructions simpler, we will assume that there is only one applicant and one respondent.

Tip:

The instructions in this booklet are general and apply to most cases. There are cases where different rules apply. The Alberta Rules of Court tells you the process and procedure for all kinds of cases in the Court of King's Bench. You can find the Rules of Court in the library in your courthouse or at : www.qp.alberta.ca

Important things to know about Restraining Orders Made Without Notice

A Restraining Order is an order made by the court and enforced by the police. It will limit the contact the respondent (the other party) can have with you.

The Order will state that the respondent can have no contact, either directly or indirectly, and in person or by other means (for example, by telephone). The respondent will also be prevented from coming within a certain distance of certain places (for example, your residence or place of employment).

You should not contact the respondent during the time the Restraining Order is in place unless your order says that you can.

When court is over, you will have to have someone personally serve the respondent with a copy of the Restraining Order. Court staff and the police do not serve Restraining Orders.

You will have to come back to court to have the Restraining Order reviewed by a judge after the respondent has been served. Usually, this second court date is in about 2 weeks. At that point, the Restraining Order can be extended or terminated.

If you change your mind and want to end the Restraining Order early, you will have to make a court application on notice to the respondent.

Will you be allowed to apply without notice?

In almost every court application, the other party must be given notice of the application. You do this by serving them, which is by handing them copies of the court forms that you have filed.

A court application made without notice to the other party is called an **ex parte application**. There are some very limited cases where you can make an application without first serving the other party. One case where you can make an ex parte application is if it is an emergency in that your safety will at risk if you serve the other party ahead of time.

If your case is not an emergency, you may want to use our booklet "Applying for a Civil Restraining Order on Notice".

Getting Ready

Before you start to prepare your court forms, you should think about what kinds of documents you will need to prove your case. You will have to attach all of the documents to your application form, so you will need to collect them ahead of time.

Tips:

If you have made a report to the police, it can be helpful to attach a copy of the report.

You only have one chance to make your case to the court. The judge makes their decision using only the documents that are on the court file. Make sure you have all the information that the judge will need.

PREPARING YOUR COURT DOCUMENTS

At the beginning of every form

Fill in the following:

- Court File Number – Your file number as written on your other court documents (You may not have a file number yet.)
- The Judicial Centre, e.g. Edmonton
- The parties' full names
- Your complete address and phone number

Tips:

You may not want to put your own address and phone number on this form, if you think it will put you in danger. However, you MUST have an address on the form where court documents can be delivered to you. It is OK to use a friend's address or a work address as your address for service, so long as the people there know that the respondent may be coming there to deliver documents.

You do not have to put your phone number on this form if you do not want the respondent to have it.

Fill in the Statement of Claim

The purpose of this form is to provide a brief summary of the facts that support your court action. You do not have to set out all of the details, as you will do that in your Affidavit. You do need to provide the dates and places where events happened.

Normally, there is a fee of $250 to file a Statement of Claim. Because the only relief you are only asking for is a Restraining Order (and maybe costs), the filing fee is waived.

Fill in the Affidavit

The purpose of this form is to tell the court "what" you want, and "why". The Court wants to know what kind of an Order you are asking for, and your story. It is a summary of the "why" that supports what it is that you are asking for.

If you want the Court to know something, it has to be in this court form. You can't say anything to the Court that you haven't already written in your affidavit. You can't hand letters or documents to the judge that were not attached to this form when it is sworn.

When filling in the Affidavit, be sure to:

- Only state the facts that you know to be true
- Only state the facts that are relevant to what you are asking for
- Explain why your case is special or an emergency such that you should not have to serve the other party ahead of time
- Attach as exhibits copies of all the documents that you want the Court to see

The Affidavit is your evidence and the Court will use this to help makes its decision. There are serious consequences for not telling the truth in this form.

Tip:

Be specific when writing out your story. Write down what the respondent did and give dates whenever you can. For example:

Too vague	***More Specific***
Fred is violent.	Fred has slapped me and punched me several times in the last year. The last time was last Tuesday, when he punched me 4 or 5 times in the face.
I am afraid of Sally.	I am afraid that Sally will come to my house when she is drinking and try to break down the door.
John has made threats.	John has said to me that I had better watch my back.

How to choose and attach **Exhibits** to your Application for a Restraining Order form:

- Exhibits are documents that you attach because they support what you have said in your Application form. For example, if you made a police report, you might want to attach a copy of that report. Any documents that you want the court to see must be attached as an exhibit to your Application form. You will not be allowed to show the documents to the Judge in Court if they are not attached as exhibits to your Application form.
- Make sure your exhibits are relevant, that is that they have a logical connection to the application that you are making.
- Do not attach documents that are already on the court file.
- Think before you attach copies of text messages, e mails, diaries, or social media postings. If they are not relevant, the court may order you to pay costs.
- Exhibits are labeled - Exhibit "A", Exhibit "B", etc.
- Your exhibits must be legible and the photocopies must also be legible. The font must be about 12.
- The total number of pages of exhibits can be no more than 40.
- Number all of the pages of your exhibits, starting with the first page of Exhibit "A" and finishing with the last page of your exhibits.
- You must tab each exhibit, and label the tab with the exhibit letter. You can buy divider tabs at a stationary store, or you can use "post it" (or similar) notes to tab the exhibits.
- You must have a "Table of Exhibits" inserted between the signature page of the Application form and the first page of the exhibits. Your "Table of Exhibits" will contain a brief description of each exhibit, for example, Exhibit "A" – photo of hole in my front door.

Once you have finished filling in your Affidavit, you must have it sworn before a Commissioner for Oaths.

You may come to Resolution Services or the Clerk's office to have your Affidavit sworn. Bring identification with you when you come.

Tips:

Remember that you want your court documents to be as neat and easy to read as possible. The easier you can make the job for the judge, the better.

Make sure all of your pages have print only on one side (no double sided printing or copying!).

Your Affidavit must explain what each exhibit is.

If some of the documents you want to attach are smaller than a letter sized piece of paper (e.g. receipts or pay stubs), tape them to a piece of paper. You can tape more than one similar document to a sheet of paper, so long as they will all show when being photocopied.

You can group related documents as one exhibit. For example, all of your paystubs can be grouped as one exhibit.

Make sure that your exhibits are complete. For example, don't attach one page of a two-page letter.

Make sure to bring a photocopy of your exhibit(s) with you when you have your Affidavit sworn otherwise you may lose your original.

DO NOT photocopy your Affidavit until AFTER it is sworn.

Fill in the Restraining Order Without Notice form

Leave the date and Judge's name blank.

In the first paragraph of the Order, fill in your name.

In #1, fill in the respondent's full name and any addresses from which you specifically want the respondent to be kept away.

The judge will fill in the rest of the form for you.

Photocopy this Order on to green paper (staff at Resolution Services can do this for you).

Fill in the Statement of Description

Fill in the form with as much information as you have. If you do not know some of the information, just leave it blank.

FILING YOUR COURT DOCUMENTS

Make copies of the Statement of Claim and Affidavit

Remember that you should not make photocopies of the Affidavit until after you have had it sworn. After it is sworn, make **2 copies** each of your Statement of Claim and Affidavit (plus all exhibits). Make one more copy for each extra respondent.

Go to the Court of King's Bench filing counter

Go to the filing counter at the Court of King's Bench and hand them your originals and copies of your Statement of Claim and Affidavit. They will stamp and keep the original copy of the forms. They will stamp and return your copies to you.

Tip:

Each court location has a different name for the counter that files these types of forms. Ask us, or ask one of the court staff where the proper filing counter is.

GOING TO COURT

Your court application will be heard by a Justice of the Court of King's Bench.

The Court of King's Bench can seem quite intimidating. Although the staff and judges try to make the court system as open and friendly as possible, there are still some basic things you should know going in:

- Dress for court in a neat and respectable manner;
- Be on time;
- Do not eat, drink or chew gum/tobacco in the courtroom;
- Remove your hat;
- Turn off cell phones, pagers and music devices;
- Make sure you have copies of all of your filed court documents;
- Make sure to bring a pen and paper to write down the judge's decision, name, room number and the date;
- Speak clearly and loudly when you are in court;
- Stand up when the judge is speaking to you or when you are speaking to the judge;
- Be respectful of the judge and refer to him/her as "My Lord or My Lady"; and
- Be respectful of the other party and do not interrupt them while they are speaking.

The Clerk at the filing counter will tell you which courtroom to go to.

In most court locations, when Regular Chambers is in session, Duty Counsel will be outside the courtroom. If you would like their help, speak to them before you go into court.

Sit in the gallery area of the courtroom. All conversation in the courtroom is recorded, so it is best to have any discussions outside. Once the judge comes in, you should not talk.

If you are in Regular Chambers, you will hear the judge say "Any ex parte applications?". You will see lawyers and others go to the front of the courtroom and speak to the judge about their applications. When you have the chance, you can go up too.

If you arrive after court has started, or are placed into a courtroom where another matter is going on, you may have to wait until the end of the scheduled cases to speak to the judge. Again, you will go to the front of the courtroom to speak to the judge.

Stand up to speak. Introduce yourself and hand one of the copies of the Application form and your Restraining Order to the Clerk to give to the judge.

Tell the judge briefly what you want (e.g. "I am asking for a restraining order"), then talk about the facts that you have written in your Affidavit and make any arguments you want to make.

If the other party has a lawyer, you must tell that to the judge.

The judge may ask questions.

The judge then gives their decision. If the judge says that they will grant a Restraining Order, give the Clerk the Order that you have prepared. The judge will sign it and the Clerk will hand it back to you.

Tips:

Regular chambers is a busy place and the judge will not be familiar with your file. Make sure you cover all of the important points when you are given your chance to speak.

When the judge is giving their decision, make sure they have addressed everything you want decided. If they did not, politely ask the judge about it. It may help to have a checklist with you before you start, so you can make sure the judge has dealt with all of the issues.

If the judge tells you that you must give notice to the other party before the Court will hear your application, go to the Resolution Services office and the staff can give you the forms and instructions that you will need.

AFTER COURT

Make sure your Order is filed. It should have a "Clerk of the Court" stamp on the first page. You should also receive 2 certified copies of the Order (and extra copies if there is more than one respondent).

In most cases, you will now have to serve each respondent with:

- a filed copy of your Order;
- a filed copy of your Statement of Claim; and
- a filed copy of your Affidavit.

Unless the judge has made a different order about how to serve, another person over the age of 18 must serve the respondent by hand-delivering the documents directly to the respondent (this is called personal service).

When serving the court documents:

- **Do not serve the Restraining Order yourself.** Have someone else serve the documents for you – i.e. ask a friend or family member or hire a process server.

- Have whoever is delivering the documents make a note of the address where the respondent is when they hand-deliver the documents;

- Make sure the person that serves the documents knows that they will have to swear an Affidavit of Service.

Tip:

You should think about hiring a **process server** to serve the respondent for you. You can find one by looking under "Process Servers" in the yellow pages or on www.canada411.ca. Process servers can sometimes help you find the respondent, will serve the court documents, and will complete the Affidavit of Service for you. The do charge a fee for their services.

After you have served your Order, Statement of Claim and Affidavit on the respondent, you have to prepare an **Affidavit of Service** for each respondent that was served. This is the court form that proves to the court that the other party received these documents.

Your Affidavit of Service must be completed and sworn by the person who served the documents.

The Affidavit of Service will:

- Explain who delivered the documents;
- Say the date the documents were delivered; and
- Say the address of where the respondent was served.

Make 2 copies of each Affidavit of Service. You must be sure to **file** the original Affidavits of Service at the clerk's office.

Deliver the Order to the Police

It is important that the Restraining Order is properly registered with the police. This makes sure that the police have an accurate record of the Order on their computer system, and are able to act quickly if the order is breached or disobeyed.

Take your remaining certified copy of the Restraining Order, a filed copy of the Affidavits of Service, and the Statement of Description to your local police headquarters or R.C.M.P. detachment.

The addresses for the Restraining Order Registry offices in Edmonton and Calgary are:

The Chief of Police
Edmonton Police Service
9620 - 103A Avenue
Edmonton, Alberta, T5H 0H7
Attention: Case Management Unit

The Chief of Police
Calgary Police Service
5111 – 47 Street NE
Calgary, Alberta, T3J 3R2
Attention: Case Management Unit

If outside of Edmonton or Calgary, you will need to contact the local police or RCMP detachment in your area - consult the phone directory.

You should still have one filed copy of each Affidavit of Service and a certified copy of your Restraining Order. Keep these in your possession at all times while the Order is in effect. The police may want to see it if the Order is breached or disobeyed in the future.

THE NEXT COURT DATE

Because the Restraining Order is made without notice to the respondent, it is important that the court give the respondent an opportunity to respond to the application. For that reason, it is in place only until the "Review Date". The date for the Review is stated in your Restraining Order.

At the Review Date, the judge can grant a Restraining Order that will continue on for a longer period.

You must go to court for the Review, even if you believe the respondent will not be attending.

If the respondent wants to object to the Restraining Order, they will have to file an Affidavit setting out their evidence for the court. They should serve the Affidavit to you by having it delivered to your address for service.

If you want to respond to anything in their Affidavit, you must complete and file a Supplementary Affidavit. Ask us how to do that. You do not have to repeat information that is already in your Affidavit.

If you have filled in an Supplementary Affidavit, have it sworn, make 2 copies (plus an additional copy for each additional respondent) then have it filed at the King's Bench filing counter.

You must serve each respondent with your Supplementary Affidavit a reasonable time before court. Again, do not serve the respondent yourself. The person who serves must swear an Affidavit of Service.

At the Review date, the judge will hear arguments from both of you about whether or not the Restraining Order should be renewed. If it is, an Order will be typed up for you by our staff.

If the respondent was not in court, or if they did not stay to receive their copy of the Restraining Order, you must arrange to have them personally served with the Restraining Order.

You must also bring a copy of this Restraining Order and your Affidavit of Service to the police.

If the Respondent disobeys the Restraining order

If the respondent breaches or disobeys the Restraining Order, call the police or RCMP.

If the respondent is arrested as a result of disobeying the Restraining Order, you will be contacted at the telephone number you had provided on the first page of the Restraining Order. You may be required to appear in court to give evidence of the breach. A judge will decide what penalty the respondent will face.

As the applicant, you must not contact the respondent or allow the respondent into your home while the Restraining Order is in effect. The Restraining Order is directed toward the respondent, so it is not revoked if you do contact the respondent. However, these circumstances make it difficult to enforce the Restraining Order. And, it may make it harder to obtain a Restraining Order in the future, especially if no further threats or violence occur during this contact.

Terminating, Varying or Extending the Restraining Order

You will have to make a further court application if:

- you decide that you no longer want or need the Restraining Order to be in effect,
- you want to have the Restraining Order continue for a longer period, or
- you want to change what the Restraining Order says.

Should you hire a lawyer?

The staff at the court house cannot give you legal advice and cannot do your work for you.

Lawyers can help with steps along the way. They can:

- Tell you about your legal rights and obligations;
- Give you an opinion about what your chances are, or how the judge might decide;
- Tell you which option is the better choice for you;
- Complete the court forms and other necessary paperwork;
- Do legal research to find case law to help convince the judge;
- Tell you which court documents would be helpful to your case;
- Help you decide which facts the judge will want to hear;
- Negotiate with the other side;
- Rehearse the court hearing with you;
- Represent you in meetings or in court;
- Go to court for you if you can't go yourself;
- Prepare the Order after court;
- Prepare any letters needed as your matter goes through court; and/or
- Prepare any follow up documents.

Tip:

Many lawyers are willing to give "unbundled legal services." This means that you can choose which steps the lawyer will do and which steps you will do yourself. If you are interested in this, talk to a lawyer about how unbundled legal services can work in your case.

In many locations, Duty Counsel may be available at court. The Duty Counsel program is funded by Legal Aid. The Duty Counsel Lawyers (or students) will speak with you just before court begins, and will help you present your case to the judge. If both parties do not have a lawyer, Duty Counsel will present both sides to the judge. If the judge tells you to take other steps, Duty Counsel will explain those to you after court and tell you where you need to go for more help.

You should hire a lawyer if:

- You don't want to or can't do the paperwork yourself;
- You don't want to or can't make several trips to the courthouse during business hours;
- You will have problems speaking for yourself in the court hearing; or
- The judge recommends to you that you hire a lawyer.

The Court File

The court keeps a file folder with all of the court documents that have been filed in your case. That folder is labeled with a court file number (or action number). You must put the court file number on all of your court forms, so that they can be properly filed.

If you need to get copies of any of the documents on your court file, you can ask for them. You will be charged $10 to pull the file, plus $1 per page for photocopying. If you want a certified copy of any of the court documents, there will be an extra $10 fee.

You must ask for the copies of the court documents from the court where your file is located. For example, if your court file is in Red Deer, you must make your request for copies of the documents to the courthouse in Red Deer.

Other provinces' courts also keep court files, and will give you copies of court documents if you ask. Their fees may be different. If you are asking for a copy of an Order from another province, always ask for a certified copy.

Tip:

A certified copy of a court form has a stamp on it saying that it is a certified (or true) copy of the original. It is signed by a court official under the stamp. To be a certified copy, the copy must have this original stamp and signature.

Getting Help

It is always a good idea to get legal advice before you start.

Legal Aid **310-0000**, then ask for the Legal Aid office near you.

If you are a low income Albertan, and need a lawyer to take your case, you can apply for help from Legal Aid.

Pro Bono (Volunteer) services by lawyers

Calgary Legal Guidance	403-234-9266
Lethbridge Legal Guidance	403-380-6338
Grande Prairie Legal Guidance	780-882-0036
Central Alberta Community Legal Clinic (Red Deer)	403-314-9129

Check the Pro Bono Law Alberta website www.pbla.ca to see if there are any other services that can help you.

Lawyer Referral Service **1-800-661-1095**

This service will refer you to lawyers in private practice. You will be given the names of 3 lawyers who practice in the type of law you want, and in your area. You can speak to any of them for the first ½ hour for free.

There are other services that may be able to help you with legal information (not advice) and the filling in of forms. Some of these are:

- Student Legal Services (Edmonton) 780-492-8244
- Student Legal Assistance (Calgary) 403-220-8637
- Immigration Services in your area
- Paralegal Companies in your area

Alberta Law Society Library

These libraries are located in most courthouses in Alberta. You can go to the library to:

- Do research on cases with facts similar to yours;
- Find sample court forms for other kinds of court applications; or
- Look for specific procedures in the Alberta Rules of Court.

The library has reference librarians who can answer questions and get you started.

Community resources

For more information about other services that can assist in violence situations, contact the following:

- Your local police, RCMP detachment, shelter or victim's services unit. They can help you get more information about other services in your community.
- Alberta Children's Services - Prevention of Family Violence and Bullying Division. Call toll free from anywhere in Alberta at 310-0000 and ask for 422-5916.
- The Community Service Referral Line can refer you to other helping resources. Call 780-482-INFO(4636) in Edmonton or 403-268-INFO(4636) in Calgary.
- Look in the Human Services Guide of the phone directory under Crisis/Distress Lines (24 hours), Family Violence, and/or Shelters.

ANY QUESTIONS??

If you have questions about the steps in the booklet or the court forms given to you, please contact us. Our addresses and phone numbers are on page 2 of this booklet.

IN THE COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE OF _____

APPLICATIONS WITHOUT NOTICE/CONSENT APPLICATIONS

(this form must be completed for every application without notice/consent application)

Court File Number: _____

Names of Parties *(as set out in style of cause)*: _____

_____

Date of Application: _____

Nature of Application: _____

_____

_____

Name of Person Appearing: _____

☐ Counsel for _____ ☐ Self-Representing

Email Addresses for both parties:

_____

Has this application been made before? Yes ☐ No ☐

If yes, explain when, the name of the Justice, and what happened:

_____

_____

****

(This section to be completed by Clerk):

☐ Order/Fiat provided by Party/Counsel and signed by Justice;

☐ Order/Fiat to be prepared by Counsel;

☐ Order to be prepared by Court Generated Orders Clerk;

☐ Application Denied – Notice Required

☐ Matter Adjourned to _____

☐ Other (Comments) _____

COURT FILE NUMBER _____
(File number, as on other court documents)

COURT Court of King's Bench of Alberta

JUDICIAL CENTRE _____
(City or town where court is located)

PLAINTIFF(S) / APPLICANT(S) _____
(Print full name of each Plaintiff)

DEFENDANT(S) / RESPONDENT(S) _____
(Print full name of each Defendant)

DOCUMENT **Statement of Claim**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

_____
(Plaintiff's Name)

_____
(Full address)

_____

( ) _____

Notice to the Defendant(s):
You are being sued. You are a defendant.
Go to the end of this document to see what you can do and when you must do it.

Note: State below only facts and not evidence (Rule 13.6)

Statement of facts relied on:

1. The Plaintiff(s) are residents of:
(Name each Plaintiff and state the city/town and province where they reside – e.g. Sally Smith – Edmonton, Alberta)

_____
_____
_____

2. The Defendant(s) are residents of:
(Name each Defendant and state the city/town and province where they reside.)

_____
_____
_____

3. *(Check and complete those that apply)*

☐ On or about _____ the Defendant(s) made threats
(Date)
to the Plaintiff(s) as follows: *(Give details)*

_____

_____

_____

☐ On or about _____ the Defendant(s) assaulted the
(Date)
Plaintiff(s) as follows: *(Give details)*

_____

_____

_____

☐ Other: *(Describe other actions done by the Defendant(s) that have caused the Plaintiff(s) to fear for their safety Give dates that the event(s) took place.)*

_____

_____

_____

4. *(Check and complete those that apply)*

☐ The threats and/or assaults by the Defendant(s) have caused the Plaintiff(s) to suffer physical injury and/or mental distress and to fear for their safety.

☐ Other: *(Describe the effect of the actions in paragraph 3, above.)*

_____

_____

_____

5. _____

_____

_____

_____

_____

Remedy Sought

1. A restraining order restricting the Defendant(s) from being within 200 metres of the residence and place of employment of the Plaintiff(s) and from being within 200 metres of the Plaintiff(s) anywhere else they may be in the Province of Alberta.

2. An order restraining the Defendant(s) from interfering with or contacting the Plaintiff(s) either directly or indirectly and either personally or by agent, anywhere in the Province of Alberta.

3. An order authorizing any police officer in the Province of Alberta to arrest and detain the Defendant(s).

4. ☐ Costs of this action.

NOTICE TO THE DEFENDANT(S):
You only have a short time to do something to defend yourself against this claim

- 20 days if you are served in Alberta
- 1 month if you are served outside of Alberta but in Canada
- 2 months if you are served outside Canada.

You can respond by filing a Statement of Defence or a Demand for Notice in the office of the clerk of the Court of King's Bench at Edmonton, Alberta, AND serving your Statement of Defence or Demand for Notice on the Plaintiff's(s') address for service.

WARNING:
If you do not file and serve a Statement of Defence or a Demand for Notice within your time period, you risk losing the law suit automatically. If you do not file, or do not serve, or are late in either of these things, a court may give a judgment to the plaintiff(s) against you.

STATEMENT OF DESCRIPTION
FOR RESTRAINING OR PROTECTION ORDER

(Give this form to the Police along with a Certified Copy of your Restraining or Protection Order)

Applicant's Full Name: _____

Respondent's Full Name: _____

WEAPONS WARNING: The Applicant believes that the Respondent may have the following weapons:

_____

(Describe weapon – gun, knife, etc. or state "none")

The following is a description of the above-named Respondent:

FULL SURNAME AND GIVEN NAMES: _____

ALIASES: _____

DATE OF BIRTH: _____ SEX: ☐ MALE ☐ FEMALE

ADDRESS OF RESIDENCE AND PHONE NUMBER: _____

_____

EMPLOYER OR SCHOOL NAME, ADDRESS AND PHONE NUMBER:

_____

_____

RACE: _____

HEIGHT AND WEIGHT: _____

BUILD: _____

EYE COLOUR AND DEFECTS: _____

HAIR COLOUR, LENGTH AND TYPE: _____

FACIAL HAIR AND COLOUR: _____

COMPLEXION: _____

MARKS, SCARS, AMPUTATION AND DEFORMITIES: _____

_____

TEETH AND SPEECH: _____

PHOTOGRAPH ATTACHED: ☐ YES ☐ NO

ADDITIONAL
INFORMATION: _____

_____

Clerk's Stamp

COURT FILE NUMBER _____
(File number, as on other court documents)

COURT Court of King's Bench of Alberta

JUDICIAL CENTRE _____
(City or town where court is located)

PLAINTIFF(S)/
APPLICANT(S) _____
(Print your full name, as on other court documents)

DEFENDANT(S)/
RESPONDENT(S) _____
(Print the other party's name as on other court documents)

DOCUMENT: **Affidavit – Civil Restraining Order**

SWORN / AFFIRMED BY: _____
(Name of person making this Affidavit)

SWORN / AFFIRMED ON: _____
(Date Affidavit sworn / affirmed)

ADDRESS FOR SERVICE
AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT

_____
(Name of party filing this document)

_____
(Full address of party filing this document)

_____

( ) _____

I, _____, of _____, Alberta,
(Your name) *(Name of City / Town)*

SWEAR / AFFIRM AND SAY THAT:

1. I am (one of) the Applicant(s). I have personal knowledge of the facts set out below, except where I say that they are based on information from another person. In that case, I believe the facts to be true.

2. I know the Respondent(s) because:

_____

_____

_____

_____

3. The Respondent(s) address(es) is/are:

(List each Respondent, then their complete address, including city/town and province)

4. My reasons for asking for a Restraining Order are:

(Set out details of why you need a restraining order against the other parties, stating all relevant facts, including the dates, nature and history of the conduct, threats and/or violence which prompted this application, and whether or not the other parties have any weapons.
If you need more room, use a blank sheet of paper – do not write on the back.)

(Cross out this paragraph if you plan to serve the Respondent(s) with notice of your application.)

5. My reasons for asking for this order without notice to the Respondent(s) are:

(Set out why you cannot serve the Respondent(s) or why you think it would be dangerous to give them notice of your application.)

Sworn (OR Affirmed) before me

at _____, Alberta

on _____, 20 ____

_____

Commissioner for Oaths in and for the Province of Alberta
Justice of the Peace or Notary Public

Print Name and Expiry / Lawyer / Student-at-Law

_____

(Signature of person swearing / affirming Affidavit)

ID Verified _____

TABLE OF EXHIBITS

(List your exhibits and the descriptions again.
Number the pages of your exhibits, starting with "1" and numbering all the way through all of the exhibits, like a book. List the page number that each exhibit starts on. For example, if your first exhibit is 3 pages, then it starts on page 1, and your second exhibit starts on page 4.
If you do not have any exhibits, then remove this page.)

Exhibit Letter	Brief Description of Exhibit	Page Number
A		
B		

COURT FILE NUMBER _____
(File number, as on other court documents)

COURT Court of King's Bench of Alberta

JUDICIAL CENTRE _____
(City or town where court is located)

PLAINTIFF(S) / APPLICANT(S) _____
(Print full name of each Plaintiff)

DEFENDANT(S) / RESPONDENT(S) _____
(Print full name of each Defendant)

DOCUMENT **Restraining Order Without Notice**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

_____
(Applicant's Name)

_____
(Full address)

_____

( ) _____

DATE ON WHICH ORDER WAS PRONOUNCED: _____

NAME OF JUDGE WHO MADE THIS ORDER: _____

LOCATION OF HEARING: _____

ON THE APPLICATION of the Applicant(s), _____
(Full name of each Plaintiff)

AND ON having heard representations of the Applicant(s);

AND ON having read the Affidavit of the Applicant(s), filed;

AND ON NOTING that the Court is satisfied, pursuant to Rule 6 4 of the *Alberta Rules of Court*, that no notice to the Respondent(s) is necessary or that serving notice of the application on the Respondent(s) might cause undue prejudice to the Applicant(s);

IT IS ORDERED THAT:

1. The Respondent(s) _____
(Full name of each Respondent)
is specifically restrained from being within 200 metres of:

   (a) the Applicant(s)' residence: _____
(Your complete address)

   _____

   (b) the Applicant(s)' place of employment: _____
(Complete address of your place of employment)

   _____

   (c) the Applicant[s)' other addresses: _____
(Complete address of other places as ordered by the judge)

   _____

   or from being within 100 metres of the Applicant(s) anywhere else in the Province of Alberta.

2. The Respondent(s) is/are restrained from harassing, molesting, watching, following, telephoning, or otherwise interfering with or contacting the Applicant(s), either directly or indirectly, and either personally or by agent, anywhere in the Province of Alberta.

3. On a Respondent being in breach of any of the terms of this Order, any Police Officer is authorized to forthwith arrest that Respondent, and bring that Respondent, as soon as possible, before a Justice of the Court of King's Bench of Alberta to show reason why there should not be a finding of civil contempt. However, that Respondent shall not be arrested unless that Respondent has previously been served with a copy of this Order, or if not served, is shown a copy of this Order by the Police Officer and, on being given an opportunity to do so, does not then obey it.

4. IT IS FURTHER ORDERED THAT, in making an arrest under this Order, a Police Officer is authorized to do anything necessary to carry out the arrest, including the use of as much reasonable force as may be necessary to make the arrest, and without warrant to enter any place where, on reasonable and probable grounds, the Police Officer believes that the Respondent may be found.

5. This Order is sufficient authority for the keeper of a correctional institution to hold a Respondent in custody pending appearance before a Justice of the Court of King's Bench of Alberta.

6. This Order remains in effect up to and including _____
(Next court date)

This matter will be back before the Court on that day at _____ so that the Court
(Time)

may consider whether to renew the Order for a further period of time.
If the Respondent(s) wish to appear on that date, the Respondent(s) shall file with this Honourable Court such affidavits as the Respondent(s) intend to rely on.
The Respondent(s) shall arrange for a process server or other neutral party to serve the filed affidavits on the Applicant(s) by leaving a copy with each Applicant or leaving a copy, addressed to the Applicant(s), at the Applicant(s)' address for service at least 24 hours prior to the hearing.
If any of the Respondent(s) do not appear, an order may be granted in that Respondent's absence.

7. Any party may apply to amend, vary, or strike out the within Order on providing notice to the other party 5 days or more before the date the application is scheduled to be heard or considered.

8. SERVICE: *[Choose from below and initial]*
[If the Applicant has the means, and if there is no danger in relation to service, a private process server or other neutral third party should be utilized to serve this Order.]
☐ A copy of this Order, together with a copy of the Application or Statement of Claim and Affidavit relied on in support of this application shall forthwith be personally served on each Respondent by a third party to be arranged by the Applicant.

OR

☐ A copy of this Order together with a copy of the Application or Statement of Claim and Affidavit relied on in support of this application is to be personally served upon the Respondent(s) as soon as reasonably possible by a Peace Officer.

OR

OR

☐ A Peace Officer may assist in serving this Order (and Application or Statement of Claim and Affidavit) upon the Respondent(s).

[*Only requires a Peace Officer to provide information that will assist with service]*

OR

☐ _____

_____

[If anything, other than personal service is ordered, a Peace Officer will not serve the order.]

_____

Justice of the Court of King's Bench of Alberta

COURT FILE NUMBER _____
(File number, as on other court documents)

COURT Court of King's Bench of Alberta

JUDICIAL CENTRE _____
(City or town where court is located)

APPLICANT _____
(Print your full name, as on other court documents)

RESPONDENT _____
(Print the other party's full name, as on other court documents)

DOCUMENT **Affidavit of Personal Service**

SWORN / AFFIRMED BY: _____
(Name of person making this Affidavit)

SWORN / AFFIRMED ON: _____
(Date Affidavit sworn / affirmed)

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

_____
(Name of party filing this document)

_____
(Full address of party filing this document)

_____

(_____) _____

I, _____, of _____, Alberta,
(Name of person who served) *(Name of City / Town)*

SWEAR / AFFIRM AND SAY THAT:

1. I have personal knowledge of the facts set out below, except where I say that they are based on information and belief. In that case, I believe the information to be true.

2. I am 18 years of age or older.

3. On _____ I served the ☐ Applicant ☐ Respondent
(Date)

_____
(Name of person who was served)

with the following documents:

☐ Application form filed: _____
(Date filed)

☐ Originating Application filed: _____
(Date filed)

☐ Affidavit filed: _____
(Date filed)

☐ Claim filed: _____
(Date filed)

☐ Statement filed: _____
(Date filed)

☐ Disclosure Statement filed: _____
(Date filed)

☐ Order filed: _____
(Date filed)

☐ Other: *(State the name of the document and the date filed with the court. If it is not a filed document, attach a copy as an exhibit to this Affidavit.)*

_____

_____

4. I served the documents listed above by personal service, that is, I left the documents with the ☐ Applicant ☐ Respondent at: *(Complete address where you served the Applicant or Respondent)*

_____

_____

_____

Sworn (OR Affirmed) before me

at _____, Alberta

on _____, 20 _____

_____
Commissioner for Oaths in and for the Province of Alberta
Justice of the Peace or Notary Public

Print Name and Expiry / Lawyer / Student-at-Law

_____
(Signature of person swearing / affirming Affidavit)

ID Verified _____