

How to personally serve documents for a Supreme Court of British Columbia (Canada) family law process

Note:

These instructions are for a person who is personally serving documents outside British Columbia (in another province or country) on behalf of a person, friend, or relative who has started a court process in BC. If you are the party in the court process, you are not able to serve these documents yourself.

Definitions

You will be serving the documents by **personal service**. This means you must hand a copy of the documents to the person who needs to receive them. You must then fill out and swear or affirm an Affidavit of Personal Service (Form F15).

An **Affidavit of Personal Service** (Form F15) is a document that confirms that the documents named in the affidavit have been served on the person who needed to be served. The person who served the documents must sign and swear or affirm the affidavit in front of a commissioner of oaths.

To **swear** means to declare in front of a commissioner of oaths that the contents of an affidavit are true. This kind of declaration is a religious one. Or you can “affirm,” which means you formally declare that the affidavit is true.

A **commissioner of oaths** is a person with the authority to hear and accept an oath or an affirmation. A commissioner can be a lawyer, notary public, a magistrate, or an officer of a court of justice, a judge, or anyone else who is authorized to administer oaths in the courts of justice in your country.

What you will need

At the end of this document is a blank Affidavit of Personal Service (Form F15) and detailed instructions for filling it out after you have served the documents. Look over the affidavit before you serve the documents so you know what kind of information you need to have. The person in BC you are serving the documents for should have provided you with the following documents:

If you already know the person you are serving the documents

- Two copies of each document to be served
- The person’s address, either at home or at work, or directions about where to find him or her
- The person’s telephone number, if possible (so you can call to arrange a time to serve the documents)

If you do *not* know the person you are serving the documents on

- Two copies of each document to be served
- a photograph of that person (and a copy of that photograph) or a written physical description (such as height, hair colour, or eye colour) that will allow you to be sure you are giving the documents to the right person
- The person's address, either at home or at work, or directions about where to find him or her
- The person's telephone number, if possible (so you can call to arrange a time to serve the documents)

If you do not know the person or have a photograph, ask him or her to show you photo identification when you serve the documents to prove that he or she really is the right person to receive the documents.

Step-by-step instructions for serving the documents

1. Give one copy of the documents to the person to be served, and save the other copy to attach to the Affidavit of Personal Service (Form F15).
2. Make a note of the date and time when you served the documents (you need this information to fill out the Affidavit of Personal Service), and record the number of any photo identification that the person you served showed you.
3. Fill out the Affidavit of Personal Service and attach copies of all the documents you served and a copy of the photograph (if you used one). See the detailed instructions in the next section, How to fill out an Affidavit of Personal Service.
4. Take the affidavit (and the attachments) to a commissioner of oaths so you can swear or affirm that the documents have been served. You will have to pay a fee for this. You may want to ask about the fee first, since different offices charge different amounts for the same service. Don't forget to take your own photo identification with you when you go because the commissioner may ask to see it.
5. The commissioner of oaths will sign the affidavit and stamp and sign each court document that you served to identify it as an exhibit. You can then send the Affidavit of Personal Service (Form F15) to your relative/friend in BC, Canada, so they can prove to the court that the documents were served on the other party.

Note:

If the affidavit is not signed by the commissioner of oaths or if the documents are not attached, properly marked, and also signed by the commissioner of oaths, the Affidavit of Personal Service **will not be accepted** by the BC court, and you will have to go back to the commissioner.

How to fill out the Affidavit of Service

Note:

The Affidavit of Personal Service (Form F15) must be in English and filled out in English.

The number of each instruction below also appears at the appropriate place on the sample blank Affidavit of Personal Service that follows.

- 1 Insert the court file number. You can find this number at the top right-hand corner of the documents you are serving.
- 2 Insert the name of the court registry. You can find this name at the top right-hand corner of the documents you are serving.
- 3 Insert the claimant's name, exactly as it appears on the documents being served. Insert the respondent's name, exactly as it appears on the documents being served.
- 4 Insert your first and last name.
- 5 Insert your street address. It can be your home or business address.
- 6 Insert your occupation. If you are unemployed, put in the kind of work you used to do.
- 7 Insert the date as dd/mmm/yyyy (for example, 29/Jul/2010).
- 8 Insert what time you served the documents (for example, 12:30 p.m.)
- 9 Insert the first and last name of the person you gave the documents to.
- 10 Insert the names of the documents that you served. List the documents as "Exhibits," label them "A," "B," "C," etc., and include the title of the document, the name of the person who prepared the document, and the date the document was sworn (if it was). For example:
Exhibit A: Affidavit, Jane Smith, July 29, 2010
Exhibit B: Financial Statement
Exhibit C: Draft Order
- 11 **If you are serving a Notice of Family Claim (Form F3) or a Counterclaim (Form F5) that includes divorce**, choose the option 2 that applies to your situation by ticking (✓) the right option and then filling in the information for that option. Delete or cross out the other two.
- 12 If you ticked the first option 2, describe how you know the person you served the documents on (for example, "we go to the same church" or "he is my friend").
- 13 If you ticked the second option 2, describe how you know the person you served the documents on (for example, "we go to the same church" or "he is my friend"). If you are serving more than one document, change the letter "B" on the form and label the photograph with the correct letter (for example, if you are serving three documents, you would change this letter to D).
- 14 If you ticked the third option 2, tick (✓) **one or both** of the two options that follow and then fill in the information for that option. If you only tick one, delete or cross out the option that does not apply.

- 15 Insert the type of photo identification the person showed you, his or her name as it appears on the identification, and the number (if it has one).
- 16 If you ask someone else to confirm that you have the right photograph, insert that person's name on the first line and the name of the person being served on the second line. Note that the person who confirmed the photograph for you must then fill out an Affidavit (Form F30) to swear that the information he or she told you is true. Change the "B" in this item to the correct letter (see instruction #13, above).
- 17 **Do not sign the Affidavit of Service now.** This is where you will swear that the information on the affidavit is true by signing the form in front of the "commissioner of oaths." Before you go to the commissioner, attach copies of the served documents (the "Exhibits") to the affidavit, **in the order** that you listed them in (see #10, above) and the photograph (if you have one). Each attachment must be marked as an "Exhibit" and labelled "A," "B," "C," etc. (depending on how many documents there are).
- 18 The commissioner of oaths **must sign the affidavit**, fill in the location and date, and print his or her name in this section of the affidavit. Note that the name of the commissioner must be clearly readable or the affidavit will not be accepted by the court. Make sure you tell the commissioner that there are attachments so that he or she can **sign and stamp each of them**. To do this, the commissioner must stamp a statement (see sample below) on the front page of the copy of *every* document that you served and then sign each exhibit.

"This is Exhibit _____ to the affidavit of _____ (name) sworn before me in _____ (place) on _____ (date).

A commissioner for taking affidavits in _____ (place)."

Important:

The signature area (17) and (18) must appear on the last page of the form **with some of the content** of the affidavit (that is, the signature area cannot appear on a page by itself).

If you make any handwritten changes to the affidavit, both you and the commissioner must initial them.

FORM F15 (RULE 6-6 (1))

Court File No.: 1

Court Registry: 2

In the Supreme Court of British Columbia

Claimant: 3

Respondent: 4

AFFIDAVIT OF PERSONAL SERVICE

[Rule 21-1 of the Supreme Court Family Rules applies to all forms.]

I, 4
of 5
.....

SWEAR (OR AFFIRM) THAT:

1 On 7
at 8
I served 9
with the 10
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.....
.....

in this family law case, a copy of which is attached to this affidavit and marked as Exhibit A, by handing it to and leaving it with that person.

[] 2 I know the person served because 12

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.....

[OR]

[] 2 I know the person served because 13

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11
.....
.....

and attached to this affidavit and marked as Exhibit B is a photograph that is a true likeness of the person I served.

[OR]

[] 2 I do not know the person served and 14

.....
11
.....

[] the person I served produced the following identification containing a photograph that was a true likeness of the person I served:

..... 15

[] attached to this affidavit and marked as Exhibit B is a photograph that is a true likeness of the person I served and I am informed by

..... 16 that Exhibit B is a photograph of
..... 16

SWORN (OR AFFIRMED) BEFORE ME)

at)

.....) 17

on

..... 18)

A commissioner for taking affidavits)

.....)

FORM F15 (RULE 6-6 (1))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

AFFIDAVIT OF PERSONAL SERVICE

[Rule 21-1 of the Supreme Court Family Rules applies to all forms.]

I,,
of.....,
.....,

SWEAR (OR AFFIRM) THAT:

1 On.....,
at,
I served
with the
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.....
.....
.....

in this family law case, a copy of which is attached to this affidavit and marked as Exhibit A, by handing it to and leaving it with that person.

2 I know the person served because
.....
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.....
.....

[OR]

[] 2 I know the person served because
.....
.....
.....

and attached to this affidavit and marked as Exhibit B is a photograph that is a true likeness of the person I served.

[OR]

[] 2 I do not know the person served and
.....
.....

[] the person I served produced the following identification containing a photograph that was a true likeness of the person I served:

.....
.....
.....

[] attached to this affidavit and marked as Exhibit B is a photograph that is a true likeness of the person I served and I am informed by
..... that Exhibit B is a photograph of
.....

SWORN (OR AFFIRMED) BEFORE ME)

at)

.....)

on

.....)

A commissioner for taking affidavits)

.....)