

**In the Supreme Court of British Columbia**

Claimant: Angela Jane Smith

Respondent: James John Keith

**NOTICE OF APPLICATION**

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

**Name(s) of applicant(s):** Angela Jane Smith

To: James John Keith

TAKE NOTICE that an application will be made by the applicant(s) to the presiding judge or master at the courthouse at 1355 Water St, Kelowna on 05/JUL/2015 at 9:30am for the order(s) set out in Part 1 below.

**Part 1: ORDER(S) SOUGHT**

1. Interim parenting order for the following parenting arrangements:
  - a. The children will live primarily with the claimant. The respondent will have parenting time every second weekend from after school on Friday until 7:00pm on Sunday.
  - b. If the day preceding or following the weekend is a statutory holiday or professional development day, the parenting time will include that extra day.
  - c. The children will be exchanged at the children's school, unless otherwise agreed between the parties.
  - d. The respondent will have reasonable telephone and/or electronic communication with the children.
2. The respondent will pay to the claimant child support pursuant to the Child Support Guidelines, commencing on July/01/2015 for the support of:
  - a. Judy Bell Smith born 13/JUNE/2008;
  - b. Jason Gregory Smith born 22/JAN/2006.
3. The respondent will pay to the claimant interim support pursuant to the Spousal Support Advisory Guidelines commencing on JUN/01/2015.
4. The claimant will have exclusive occupancy of the family residence located at 7723 Hallow Street, Kelowna, BC, and described as PID: 01-234-567, Lot 65, Block 12, Section 1, Kelowna City, Plan 1234 pursuant to s. 90 of the Family Law Act.
5. Pursuant to s. 91 of the Family Law Act, Rule 12-4 of the Supreme Court Family Rules and section 39 of the Law and Equity Act, the respondent be restrained from disposing

of, transferring, encumbering, assigning or otherwise dealing with any property at issue or in which the other party has or may have an interest pending final determination of this action, without consent of the claimant or without order of this Court.

6. Other relief as the court determines appropriate; and
7. Costs.

## **Part 2: FACTUAL BASIS**

1. The parties began cohabiting on or about JUN/01/2003.
2. The parties were married on AUG/20/2005.
3. The parties separated on MAY/10/2015.
4. The parties are parents of the following children:
  - a. Judy Bell Smith born 13/JUNE/2008;
  - b. Jason Gregory Smith born 22/JAN/2006.
5. Since separation, the parties' parenting schedule has been as follows:
  - a. On alternating weeks, the children spend Monday to Friday with the claimant, and have an overnight with the respondent on Wednesday. The children spend Friday after school until Monday morning with the respondent.
  - b. On the second week, the children spend Wednesday after school until Friday morning, with the respondent and the remainder of the time with the claimant.
6. The claimant's is self-employed as a landscaper and has a guideline income is \$28,000.
7. The claimant believes that the income of the respondent is \$65,000 as that was his approximate income earned as an electrician during the relationship.
8. No child support is currently being paid. The parties share equally the costs related to the children's activities, school supplies, clothing and out of school care.
9. The respondent has paid to the claimant \$300 a month since separation for spousal support.

## **Part 3: LEGAL BASIS**

1. The Child Support Guidelines;
2. The Spousal Support Advisory Guidelines;
3. The Family Law Act;
4. Such further provisions as advised.

## **Part 4: MATERIAL TO BE RELIED ON**

1. Affidavit #1 of Angela Jane Smith, sworn 20/JUN/2015
2. Financial Statement of Angela Jane Smith, sworn 15/JUN/2015

The applicant(s) estimate(s) that the application will take 60 minutes.

[Check the correct box.]

- This matter is within the jurisdiction of a master.  
 This matter is not within the jurisdiction of a master.

**TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION:** If you wish to respond to this notice of application, you must, within the time for response to application described below,

- (a) file an application response in Form 32,
- (b) file the original of every affidavit, and of every other document, that
  - (i) you intend to refer to at the hearing of this application, and
  - (ii) has not already been filed in the family law case, and
- (c) serve on the applicant 2 copies of the following, and on every other party one copy of the following:
  - (i) a copy of the filed application response;
  - (ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
  - (iii) if this application is brought under Rule 11-3, any notice that you are required to give under Rule 11-3 (9).

#### **Time for response to application**

The documents referred to in paragraph (c) above must be served in accordance with that paragraph,

- (a) unless one of the following paragraphs applies, within 5 business days after service of this notice of application,
- (b) if this application is brought under Rule 11-3, within 8 business days after service of this notice of application, and
- (c) if this application is brought to change, suspend or terminate a final, to set aside or replace the whole or any part of an agreement filed under Rule 2-1 (2) or to change, suspend or terminate an arbitration award filed under Rule 2-1.2(1), within 14 business days after service of this notice of application.

Date: [dd/mmm/yyyy].

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Signature of  
 applicant     lawyer for applicant(s)  
Angela Jane Smith

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| To be completed by the court only:   |  |
| Order made   |  |
| <input type="checkbox"/> in the terms requested in paragraphs [number] of Part 1 of this notice of application |  |
| <input type="checkbox"/> with the following variations and additional terms:                                   |  |
| Date: [dd/mmm/yyyy]  | Signature of   |
|  | <input type="checkbox"/> Judge <input type="checkbox"/> Master |