Appendix K Application for a Declaration Member is Disqualified

This is only a sample to provide the relevant legislation under which such an application would be filed in court and who may file. The court will require the applicant(s) to use their prescribed form "Notice of Application" to fill in the required information.

THE QUEEN'S BENCH

(LOCATION OF COURT HOUSE)

BETWEEN:

Name

Name

[Council or 4 or more eligible voters]

Applicant

- and -

[Name respondent Council Member]

Respondent Council Member

APPLICATION UNDER: The Community Councils Election Regulation 71/2009

NOTICE OF APPLICATION

TO THE RESPONDENT:

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant. The claim made by the applicant appears on the following page.

THIS APPLICATION will come on for hearing before a judge on the _____ day, of ______, 20__, at _____(am or pm), at (*address of court house*).

IF YOU WISH TO OPPOSE THIS APPLICATION, you or a Manitoba lawyer acting for you must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must serve a copy of the evidence on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but not later than 2:00 p.m. on the day before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

Date: _____

Issued by: _____

Registrar

APPLICATION

TO THE RESPONDENT:

_____, with respect to an election held on ______ (date).

(OR AS THE CASE MAY BE)

_ _

_ _

2. The grounds for the application are **pursuant to subsection 119(1) of the** *<u>Community Councils Election regulation</u>*, whereby the applicant claims:

(state reasons for the claim and relevant sections of legislation to be relied on)

Signed by the undersigned who repre-	esent the council or who are eligible voters on
the voters list for the Community of _	•

Signature

Date