

11. Interim Order – Form 70N

File No. FD _____

Fill in city or town of Court where hearing took place or will take place.

THE QUEEN'S BENCH (FAMILY DIVISION)
_____ CENTRE

Fill in day of week and date of hearing. If filed before a hearing, leave blank space.

The Honourable
Justice _____

Fill in last name of judge, if filed after a hearing
If filed before a hearing (as in a Consent Variation Order), leave blank space.

BETWEEN:

(full name),

Full name of Petitioner, as on most recent Court documents.

petitioner,

– and –

(full name),

Full name of Respondent, as on most recent Court documents.

respondent.

Name of Document. Attach a Cover Page in *Court of Queen's Bench* Form 4C.

Automated Court Order Clause AA-1
– Date and Place of Hearing.

INTERIM ORDER

1.0 This matter having proceeded at [specify Queen's Bench Court Complex and address in full including postal code] (at the request of /blank) {specify at whose request and/or hearing date}

Automated Court Order Clause AE-1.
Add sub-clauses needed to identify who is present at hearing.

2.0 In the presence of: {specify the appropriate AE-1 sub-clause(s)}

Automated Court Order Clauses AE-1.1, AE-1.2.

2.1 [specify Party Name], acting on (his/her) own behalf;

2.2 [specify Party Name] (by teleconference/by video/blank);

PART C

Preparing Court Documents

Automated Court Order Clause AG-1, Documents/Evidence. Add sub-clauses to list all Affidavits and documents filed for hearing.

3.0 The following (documents/evidence/documents and evidence) (having been filed/being relied on) in support of this application: {specify the appropriate AG-1 sub-clause(s)}

3.1 the Affidavit of [specify Party Name], (sworn/affirmed) {specify date};

3.2 the Affidavit of {specify Name}, (sworn/affirmed) {specify date};

4.0 Upon considering the {specify pleadings, material filed, evidence presented and/or submissions made} in this matter;

5.0 THIS COURT (ORDERS/DETERMINES/DECLARES) pursuant to the *Divorce Act* that:

Use 1 of: Orders or Determines or Declares.

THIS COURT (ORDERS/DETERMINES/DECLARES) pursuant to *The Family Maintenance Act* that:

Automated Court Order Clause CA-1, Notice. Used only if Motion is heard without notice to other party.

5.1 This matter proceed without notice;

5.2 Enforcement of {the ongoing support obligation in the amount of {specify \$ amount} per month (and/blank) the arrears of support in the amount of {specify \$ amount} per month} as set out in the Order pronounced {specify date} by {specify judge} is suspended until {specify event or condition};

5.3 Enforcement of {the ongoing support obligation in the amount of {specify \$ amount} per month (and/blank) the arrears of support in the amount of {specify \$ amount} per month} as set out in the Order pronounced {specify date} by {specify judge} is restricted to an amount no greater than {specify amount} per month until {specify event or condition};

5.4 [Specify Party Name] shall provide to {[specify Party Name], lawyer for [specify Party Name] or third party name} {and file with the Court/blank} in a sworn Affidavit {specify period of time from service of the Order or a date} the following information: {specify the appropriate clauses MB through MJ}

Automated Court Order Clause BA-1 or BA-2, Headings, Name of Statute. Use only the appropriate clause.

Automated Court Order Clauses QE-1 and QE-2, Enforcement of Support and/or Arrears.

Automated Court Order Clause MA-1, Production of Documents.

Clause MB-1, Financial Statement.

Clauses MC-1, MC-2, MC-3, MC-4, Tax Information.

5.4.1 a sworn Financial Statement in Form 70D of the *Court of Queen's Bench Rules*;

5.4.2 Canada Customs and Revenue Agency income and deduction computer printout(s) for the taxation year(s) {specify year(s)};

5.4.3 personal income tax return(s) filed by (him/her) for the taxation year(s) {specify year(s)};

- | | | |
|---|---|---|
| | | 5.4.4 notice(s) of assessment or re-assessment issued to (him/her) for the taxation year(s) {specify year(s)}; |
| | | 5.4.5 income tax information slip(s) for the taxation year(s) {specify year(s)}; |
| Clauses MD-1, MD-2 Employee Information. | → | 5.4.6 three recent consecutive pay statements; |
| | | 5.4.7 the most recent statement of earnings indicating the total earnings paid in the year to date, including overtime or, where such a statement is not provided by (his/her) employer, a letter from (his/her) employer setting out that information including (his/her) rate of annual salary or remuneration; |
| | | 5.4.8 the financial statement(s) of (his/her) business or professional practice for the taxation year(s) {specify year(s)}; |
| Clauses ME-1, ME-2 Self-Employed Information. | → | 5.4.9 a statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to, or on behalf of, persons or corporations with whom (he/she) does not deal at arm's length; |
| | | 5.4.10 confirmation of (his/her) income and draw from, and capital in {specify name of partnership} for the taxation year(s) {specify year(s)}; |
| Clause MF-1, Partnership Information. | → | 5.4.11 the financial statement(s) of the {specify corporation} and its subsidiaries for the taxation year(s) {specify year(s)}; |
| Clauses MG-1, MG-2, Control of a Corporation. | → | 5.4.12 a statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to, or on behalf of, persons or corporations with whom {specify corporation}, and every related corporation, does not deal at arm's length for the taxation year(s) {specify year(s)}; |
| | | 5.4.13 a copy of the trust settlement agreement of {specify settlor} and copies of the trust's three most recent financial statements; |
| Clause MH-1, Beneficiary Under a Trust. | → | 5.4.14 three recent consecutive Employment Insurance statements; |
| Clause MI-1, Unemployed Information. | → | 5.4.15 {specify as required or instructed by the Court}; |
| | | 5.5 {Specify name}, {the employer/the partner} of [specify Party Name], shall provide to {specify Party Name}, lawyer for [specify Party Name] or third party name} the following information: |
| Clause MJ-1, General. | → | 5.5.1 {specify financial information to be provided}; |
| | | |
| Clause MK-1, Employer/ Partner to Provide Information. | → | |

PART C

Preparing Court Documents

Clause TD-1,
Without Notice
Order – Effective
Date and Service.

5.6 This Order remains in effect until {specify date and time} and shall be adjourned to {the Family Motions List on} {specify date and time}. [Specify Party Name] shall serve a copy of this Order, the originating Petition if not previously served, the Notice of Motion and all Affidavits filed in support of this Order, together with a new Notice of Motion specifying the date of the hearing at which {specify Party Name} may appear and the relief that will be sought at that time;

Automated Court
Order Clause VA-2,
Personal Service.

5.7 A copy of (this Order/blank) {and/or specify document(s) and its/their appropriate date(s)} shall be served on [specify Party Name] by (fax/pre-paid ordinary mail/pre-paid confirmed service delivery) addressed to [specify Party Name] {specify additional details and/or address in full}, (immediately/within 10 days of the date of signing/within 20 days of the date of signing/blank) {specify if different instructions by the Court}

Allow space for date
and signature of
judge.

DATED

(Judge)

CONSENTED AS TO FORM (AND CONTENT, if applicable)
(name of law firm, if applicable)

PER: _____
(Acting on his/her own behalf, (if applicable,
affidavit of execution must be attached)

Where all or part of the Order is made by agreement, with consent of both Petitioner and Respondent, add space for each party to sign and show consent. If used and signed by party without a lawyer, must sign in presence of a witness. Then, must also include and attach Affidavit of Execution, sworn by witness.

Lawyer of record for (Petitioner/Applicant) is:
(Name)
(Firm Name)
(Address)
(Phone)
(Fax)
(E-mail)
(Firm File Number)

Lawyer of record for Respondent is:
(Name)
(Firm Name)
(Address)
(Phone)
(Fax)
(E-mail)
(Firm File Number)