

9. Variation 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 an Order made by consent), leave blank space.

BETWEEN:

(full name),

– and –

(full name),

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

petitioner,

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.

VARIATION ORDER

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

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 AC-1
– Request to Vary.

2.0 This matter being a request for variation of the {specify name of old Order} pronounced {specify date} by [specify judge]; {which has been subsequently varied by the {specify name of old Order} pronounced {specify date} by [specify judge]; {and by the {specify name of old Order} pronounced {specify date} by [specify judge];}

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

Automated Court Order Clauses AE-1.1, AE-1.2, AE-1.3.

- 3.0 In the presence of: {specify the appropriate AE-1 sub-clause(s)}
- 3.1. [specify Party Name], acting on (his/her) own behalf;
 - 3.2. [specify Party Name] (by teleconference/by video/blank);
 - 3.3. {specify Lawyer}, (by teleconference,/by video,/blank) counsel for [specify Party Name];

Automated Court Order Clause AE-2 – Use only if party does not appear at hearing.

- 4.0 [Specify Party Name] not appearing although served;

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

- 5.0 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)}
- 5.1. the Affidavit of Service on [specify Party Name];
 - 5.2. the Affidavit of [specify Party Name], (sworn/affirmed) {specify date};
 - 5.3. the Affidavit of {specify Name}, (sworn/affirmed) {specify date};

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

Automated Court Order Clause AH-1, Consent. Use only if Order is Consent Interim Order or Consent Variation Order.

- 7.0 {Specify the name(s) of person(s) consenting} having consented to the content of {specify paragraph(s) number(s) if only part of the Order is consented to} (of/blank) this Order;

Use 1 of: Orders or Determines or Declares.

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

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

or

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

This will remain a non-standard clause until addressed by the Automated Court Order Clause Committee and is the only clause exempt from an Explanatory Note.

- 8.1 The Order pronounced [Date] by {specify judge} is varied by: {specify variation details as required}
- 8.2 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};

Automated Court Order Clause VA-2, Personal Service.

Allow space for date and signature of judge.

(date)

(judge)

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

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.

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

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)