

FORM 70H.1
THE KING'S BENCH (FAMILY DIVISION)
_____ Centre

BETWEEN:

(full name)

petitioner/applicant

– and –

(full name)

respondent

NOTICE OF OPPOSITION TO VARIATION

THE RESPONDING PARTY intends to oppose the Notice of Motion to Vary (or Notice of Application to Vary) (or Notice of Motion to Vary Family Arbitration Award).

EVIDENCE TO BE USED TO OPPOSE THE VARIATION

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion or application:

(List affidavits or other documentary evidence on which the responding party will be relying.)

Date

Signature of lawyer or responding party

(Name of lawyer or responding party)

(Firm name)

(Address)

(Phone)

(Fax)

(E-mail address)

1. The particulars of all orders, processes and court proceedings affecting any party to this proceeding, including any of the following:

(Give details of any such orders, processes, proceedings, etc. – e.g. nature of the matter, date, court, court file/incident number, status, etc. or state NONE if there are no orders, processes and court proceedings affecting any party.)

(a) an order or proceeding in relation to parenting arrangements, child support, spousal support or property;

(b) a civil protection order or a proceeding in relation to such an order;

(c) a child protection order, proceeding, agreement or measure;

(d) an order, proceeding, undertaking or recognizance in relation to any matter of a criminal nature.

(Strike out all of paragraph 2 if the other party is not claiming relief under the Divorce Act (Canada).)

2. Certification of responding party under the *Divorce Act* (Canada):

I certify that I am aware of my duties and responsibilities under the *Divorce Act* (Canada), as follows:

(Strike out paragraphs 2(a) and 2(b) if parenting time, decision-making responsibility or contact are not being sought under the Divorce Act (Canada).)

(a) If I am granted parenting time or decision-making responsibility or allocated contact:

(i) I will exercise it in a manner that is consistent with the best interests of the child.

(ii) Before changing my place of residence or that of the child I must give notice in the manner required by the *Divorce Act* (Canada) to anyone who has parenting time, decision-making responsibility or contact under a contact order respecting the child*.

(b) If I am granted parenting time or decision-making responsibility, before relocating myself or the child, I must give notice at least 60 days before the expected date of the proposed relocation and in the form prescribed by the regulations under the *Divorce Act* (Canada), to any other person who has parenting time, decision-making responsibility or contact under a contact order respecting the child of my intention*.

(Strike out paragraph 2(c) if there are no children of the marriage.)

(c) I will, to the best of my ability, protect any child of the marriage from conflict arising from this proceeding.

(d) I will, to the extent that is appropriate to do so, try to resolve this matter with the other party through a family dispute resolution process.

(e) I will provide all complete, accurate and up-to-date information that is required by the *Divorce Act* (Canada).

(f) I will comply with any order made under the *Divorce Act* (Canada).

(Strike out all of paragraph 3 if relief is not being claimed under The Family Law Act.)

3. Certification of moving party under *The Family Law Act*.

I certify that I am aware of my duties and responsibilities under *The Family Law Act* as follows:

(a) I will act in a way that strives

(i) to minimize conflict;

(ii) to promote cooperation; and

(iii) to meet the best interests of any child involved in the dispute.

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- * Any move — including a local move — is a change of residence.
 - A "relocation" is a move — either by a child or a person with parenting time or decision-making responsibility — that could have a significant impact on the child's relationship with a person with or applying for parenting time or decision-making responsibility or a person who has contact under a contact order.
 - A person with parenting time or decision-making responsibility must give notice before any proposed move to any person with parenting time, decision-making responsibility or contact of a change of their residence or that of the child.
 - Notice of a relocation must be given at least 60 days in advance.
 - A person with contact who proposes any change of residence, must give notice to any person with parenting time, decision-making responsibility or contact. If the proposed change of residence is likely to have a significant impact on the relationship with the child, the notice must be given at least 60 days in advance.
 - **The specific details of the notice requirements are set out in the *Divorce Act*, Canada (s. 16.7 to 16.96) and the required notice forms and descriptions of how to give notice are set out in the [Notice of Relocation Regulations](#) under the *Divorce Act*, Canada. See Justice Canada web site: www.laws-lois.justice.gc.ca**

(Strike out paragraph 3(b) if parenting time, decision-making responsibility or contact is not being sought under The Family Law Act.)

(b) If I am granted parenting time or decision-making responsibility or contact with a child under a contact order:

- (i) I will exercise my parental responsibilities or contact in a manner that is consistent with the best interests of the child.
- (ii) Before relocating myself or the child I must give notice at least 60 days before the expected date of the proposed relocation and in the form and manner prescribed by *The Family Law Act* and the *Family Law Regulation* to anyone who:
 - (1) is a parent who has parental responsibilities (a parent with decision-making responsibility, parenting time, custody or access) under an order made under *The Family Law Act* or *The Family Maintenance Act* or by operation of law,
 - (2) is a guardian who has a guardianship order,
 - (3) stands in the place of a parent who has parental responsibilities under a parenting order made under *The Family Law Act*,
 - (4) has contact with the child under a contact order made under *The Family Law Act* or an access order made under *The Child and Family Services Act*, and
 - (5) has applied for a parenting order, a guardianship order or a contact order where the application is pending**.
- (iii) Before changing my place of residence or that of the child I must give notice in the form and manner required by *The Family Law Act* and the *Family Law Regulation* to anyone who:
 - (1) is a parent who has parental responsibilities (a parent with decision-making responsibility, parenting time, custody or access) under an order made under *The Family Law Act* or *The Family Maintenance Act* or by operation of law,
 - (2) is a guardian who has a guardianship order,
 - (3) stands in the place of a parent who has parental responsibilities under a parenting order made under *The Family Law Act*, and
 - (4) has contact with the child under a contact order made under *The Family Law Act* or an access order made under *The Child and Family Services Act***

I understand that if the proposed change of residence is likely to have a significant impact on the relationship with the child, I must give the notice at least 60 days in advance.

**The specific details of the notice requirements under *The Family Law Act* are set out in *The Family Law Act* and the *Family Law Regulation*. The Forms: Notice of Proposed Relocation, Notice of Change of Residence and Notice of Objection to Proposed Relocation are prescribed in the *Family Law Regulation*.

(Strike out paragraph 3(c) if there are no children in the relationship.)

- (c) I will, to the best of my ability, protect any child from conflict arising from the proceeding.
- (d) I will, to the extent that it is appropriate to do so, try to resolve the matters that may be the subject of an order under *The Family Law Act* through a family dispute resolution process.
- (e) I will provide all complete, accurate and up-to-date information that is required by *The Family Law Act* or any other applicable law.
- (f) I will comply with any order made under *The Family Law Act*.

Dated at _____, this _____ day of _____.

Signature of responding party

The Responding Party's Lawyer is:

(Name of lawyer)

(Firm name)

(Address)

(Phone)

(Fax)

(E-mail address)

(Strike out the Statement of Lawyer below if other party is not claiming relief under the Divorce Act (Canada).)

Statement of Lawyer under the *Divorce Act* (Canada):

I, _____, the lawyer for _____, the responding party, certify to this court that I have complied with the requirements of subsection 7.7(2) of the *Divorce Act* (Canada).

Dated at _____, this _____ day of _____.

Signature of lawyer

Name of lawyer

(Strike out the Statement of Lawyer below if the other party is not claiming relief under The Family Law Act.)

Statement of Lawyer under *The Family Law Act*:

I, _____, the lawyer for _____,
the responding party, certify to this court that I have complied with the requirements of subsection 9(1)
of *The Family Law Act*.

Dated at _____, this _____ day of _____, _____.

Signature of lawyer

Name of lawyer

To:

(Name of lawyer or applicant)

(Firm name)

(Address)

(Phone)

(Fax)

(E-mail address)