

**THE KING'S BENCH (Family Division)**

\_\_\_\_\_ **Centre**

BETWEEN:

\_\_\_\_\_

*(your full name)*

applicant

– and –

\_\_\_\_\_

*(full name of other party)*

respondent

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**NOTICE OF APPLICATION  
FOR  
EXCLUSIVE OCCUPATION ORDER**

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*(your full name, address and telephone number)*

**THE KING'S BENCH (Family Division)**

\_\_\_\_\_ **Centre**

BETWEEN:

\_\_\_\_\_

(your full name)

applicant

– and –

\_\_\_\_\_

(full name of other party)

respondent

APPLICATION UNDER the *Family Homes on Reserves and Matrimonial Interests or Rights Act* (Canada).

**NOTICE OF APPLICATION**

TO THE RESPONDENT \_\_\_\_\_  
(full name of respondent and address including postal code)

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 a hearing before a judge, on \_\_\_\_\_, \_\_\_\_\_,  
(day) (date)  
at \_\_\_\_\_ a.m./p.m., at \_\_\_\_\_, in Manitoba.  
(time) (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 a day that is at least seven days 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 \_\_\_\_\_  
Deputy Registrar

\_\_\_\_\_

**APPLICATION**

1. I am the applicant and I am the \_\_\_\_\_ of the respondent.  
(state if you are the spouse or common-law partner)

I am a member of \_\_\_\_\_ First Nation (strike out if not applicable).

The respondent is a member of \_\_\_\_\_ First Nation (strike out if not applicable).

2. I make application for the following relief:

(a) for an interim order of exclusive occupation of and reasonable access to the family home located on \_\_\_\_\_ Reserve, with the application to be heard on a without notice basis or on short notice;

(b) for a final order of exclusive occupation of and reasonable access to the family home located on \_\_\_\_\_ Reserve;

(c) for such further and other relief as this Honourable Court may permit;

and

that this without notice application be heard by telephone, video conference or other means of communication (check if applicable).

3. The grounds for the application are: Pursuant to *The Court of King's Bench Act* and the *King's Bench Rules* and section 20 of the *Family Homes on Reserves and Matrimonial Interests or Rights Act* (Canada).

4. The following documents and evidence will be used at the hearing of the application (check applicable boxes):

Application for a Protection Order under *The Domestic Violence and Stalking Act* and the evidence in support of the application for a Protection Order, dated \_\_\_\_\_;

The recording or transcript of proceedings from the above application for a Protection Order, taken on \_\_\_\_\_, before JJP \_\_\_\_\_;  
(date) (name)

The Affidavit of \_\_\_\_\_ dated \_\_\_\_\_;  
(your full name)

Such further and other evidence as this Honourable Court may permit.

\_\_\_\_\_  
Date of issue

\_\_\_\_\_

\_\_\_\_\_  
(name, address and telephone number of applicant)