

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

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

BETWEEN:

\_\_\_\_\_

*(your full name)*

applicant

– and –

\_\_\_\_\_

*(full name of other party)*

respondent

**AFFIDAVIT OF** \_\_\_\_\_

*(your full name)*

I, \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, in the Province of Manitoba, MAKE OATH AND SAY/AFFIRM:

1. THAT I am the applicant and I have personal knowledge of the facts and matters stated by me in this Affidavit except where the facts and matters are stated to be based on information and belief and in which case I do believe them to be true.

2. THAT

I am the spouse of the respondent.

(or)

I am the common-law partner of the respondent and we have lived together since \_\_\_\_\_ (date).

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)*.

3. THAT I am seeking exclusive occupation of my family home located on \_\_\_\_\_ Reserve. Possession of this home is held by \_\_\_\_\_ *(state who holds possession)* under \_\_\_\_\_ *(state by what authority or instrument they hold possession)*.

4. THAT I am seeking an order that the respondent and the following additional persons vacate the family home and that he/she/they be prohibited from re-entering the home (*name any additional persons or state "none"*):

1) \_\_\_\_\_

2) \_\_\_\_\_

3) \_\_\_\_\_

because \_\_\_\_\_

\_\_\_\_\_

*(If you are asking for a person other than the respondent to be removed from the family home, state why this is necessary.)*

5. THAT the following minor children habitually reside in the family home:

MY CHILDREN (*list all your children, their relationship to the respondent, their date(s) of birth and whether they are First Nation members*):

1) \_\_\_\_\_

2) \_\_\_\_\_

3) \_\_\_\_\_

OTHER CHILDREN (*list all other children, their relationship to you and to the respondent, their date(s) of birth and whether they are First Nation members*):

1) \_\_\_\_\_

2) \_\_\_\_\_

3) \_\_\_\_\_

6. THAT the following elderly person(s) or person(s) with a disability reside in the family home (*list all elderly persons and their age and/or all persons with disability and nature of disability*):

1) \_\_\_\_\_

2) \_\_\_\_\_

7. THAT the following additional person(s) reside in the family home (*list any other persons and their relationship to you and to the respondent*):

\_\_\_\_\_

8. THAT the following person(s), other than respondent and myself hold an interest or right in or to the family home (*list all persons who have a interest or right and reason*):

1) \_\_\_\_\_

2) \_\_\_\_\_

9. THAT the following agreement(s) or order(s) exists between the parties (*if applicable, list the terms of any agreements or orders between the respondent and yourself*):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

10. THAT I have habitually resided on the reserve for the period: \_\_\_\_\_.  
I have habitually resided in the family home from \_\_\_\_\_ to \_\_\_\_\_.

11. THAT the respondent's income is \$\_\_\_\_\_ per month, and the source of that income is \_\_\_\_\_. The respondent has the following medical condition(s) that may affect where he/she can live (*if applicable, note any medical conditions that might affect where the respondent can live*): \_\_\_\_\_

12. THAT my income is \$\_\_\_\_\_ per month, and the source of that income is \_\_\_\_\_. I have the following medical condition(s) that affect where I can live (*if applicable, note any medical conditions that affect where you can live*): \_\_\_\_\_

13. THAT there is/is not another suitable place for me to live on the reserve because \_\_\_\_\_.  
There is/is not another suitable place for the respondent to live on the reserve because \_\_\_\_\_.

14. THAT I am asking for an interim exclusive occupation order with the application to be heard on a without notice basis or on short notice because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(State the reasons for this application.)*

**NOTE:**

- *If you have recently applied for a Protection Order and want the Court to consider your evidence given in the protection order hearing, state "I rely on my written evidence and my evidence in the recording or transcript from the protection order hearing referred to in paragraph 3 of this Application."*
  - *If there has been family violence, describe it.*
  - *If there is a risk of immediate danger to any person, describe the danger.*
- If you require further space, use reverse side and initial at bottom of page.*

15. THAT

I have applied for a Protection Order under *The Domestic Violence and Stalking Act*. The application was made on \_\_\_\_\_ and a Protection Order was granted/denied.  
(date)

(or)

I have not applied for a Protection Order under *The Domestic Violence and Stalking Act*.

16. THAT

there are other court proceedings pending between me and the respondent. These are:

\_\_\_\_\_  
\_\_\_\_\_  
*(List all court proceedings that are ongoing between the yourself and the respondent.)*

(or)

there are no other court proceedings pending between me and the respondent.

17. THAT to my knowledge, the reserve where our family home is located

has its own laws about the use and occupation of family homes.

(or)

does not have its own laws about the use and occupation of family homes.

I MAKE THIS AFFIDAVIT *BONA FIDE* AND IN SUPPORT OF MY APPLICATION.

Sworn/Affirmed before me at the  
\_\_\_\_\_ of \_\_\_\_\_, in Manitoba,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
Justice of the Peace in and for  
the Province of Manitoba

Member of the Royal Canadian Mounted Police Force  
\_\_\_\_\_ Detachment

Deputy Registrar for the Court of King's Bench  
A Commissioner for Oaths in and for the Province of Manitoba.  
My commission expires: \_\_\_\_\_.  
Other (state office held)