

File No: _____

**THE KING'S BENCH
(Family/Civil Division)
CENTRE**

BETWEEN:

applicant

and

respondent

**NOTICE OF APPLICATION TO
SET-ASIDE/VARY/REVOKE A PROTECTION ORDER**

HEARING DATE: _____

(Your full name, address, and telephone number)

**THE KING'S BENCH
(Family/Civil Division)
CENTRE**

BETWEEN:

applicant

and

respondent

APPLICATION UNDER *(Select which act)*

☐ The Domestic Violence and Stalking Act

Or

☐ The Child Sexual Exploitation and Human Trafficking Act

NOTICE OF APPLICATION

TO THE RESPONDING PARTY: _____
(full name and address of respondent 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)

_____ at _____ a.m./p.m., at _____.
(date) (time) (address of court house)

in the _____ of _____, in the Province of Manitoba.
(city/town/etc.) (name of city, town, etc.)

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

(Address of court office)

APPLICATION

1. The _____ makes application for the following relief:
(applicant or respondent)

a) Short leave (if necessary);

b) The Protection Order granted by Judicial Justice of the Peace _____
 on _____, _____, in the Provincial Court of Manitoba
 against _____ pursuant to

☐ The Domestic Violence and Stalking Act;

Or

☐ The Child Sexual Exploitation and Human Trafficking Act;

be _____, and;
(set aside, varied, or revoked)

c) Such further and other relief as this Honourable Court may permit.

2. The grounds for the application are:

a) Pursuant to *The King's Bench Act* and Rules and
(Select which act)

☐ The Domestic Violence and Stalking Act;

Or

☐ The Child Sexual Exploitation and Human Trafficking Act;

3. The following documentary evidence will be used at the hearing of the application:

a) The Application for Protection Order;

b) The Transcript of Proceedings;

c) The Affidavit of _____;

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

NOTE: The following statement should only be completed by the protected party applying to revoke (cancel) their protection order.

I am the Applicant. The respondent and I have dated or lived together in a spousal, conjugal or intimate relationship and/or had a child together: YES ☐ NO ☐

 Date

 Signature

(Print name)

File No: _____

**THE KING'S BENCH
(Family/Civil Division)
CENTRE**

BETWEEN:

_____ and _____ applicant

_____ respondent

AFFIDAVIT OF _____

SWORN/AFFIRMED: _____

(Your full name, address, and telephone number)

**THE KING'S BENCH
(Family/Civil Division)
CENTRE**

BETWEEN:

_____ and _____ applicant

_____ respondent

AFFIDAVIT OF _____

I, _____, of the _____ of _____
(city, town, etc.) (name of city, town, etc.)

in the Province of Manitoba, MAKE OATH AND SAY (or AFFIRM):

1. I am making this application and 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. A Protection Order was granted by Judicial Justice of the Peace _____ on _____ in the Provincial Court of Manitoba against _____ pursuant to;

☐ The Domestic Violence and Stalking Act

Or

☐ The Child Sexual Exploitation and Human Trafficking Act

3. (Set out each reason why you require the Protection Order to be set aside / varied /or revoked. Tell your story in numbered paragraph form. Insert as many numbered pages as needed to disclose all relevant facts.)

File No: _____

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

Sworn (or Affirmed) before me at the
_____ of _____
in the Province of Manitoba,
this ____ day of _____ , _____

Signature of Deponent

Deputy Registrar for King's Bench or
A Commissioner for Oaths in and for
The Province of Manitoba
My Commission expires: _____

File No: _____

**THE KING'S BENCH
(Family/Civil Division)
CENTRE**

BETWEEN:

applicant

and

respondent

AFFIDAVIT OF SERVICE

(Your full name, address and phone number)

**THE KING'S BENCH
(Family/Civil Division)
CENTRE**

BETWEEN:

applicant

and

respondent

AFFIDAVIT OF SERVICE

1. I, _____, did on _____ personally
serve _____ at _____.

a. _____

b. _____

c. _____

2. My means of knowledge of the identity of _____ are as follows:

a. _____

b. _____

Sworn (or Affirmed) before me at the
_____ of _____
in the Province of Manitoba,
this ____ day of _____, _____

Signature of Deponent

Deputy Registrar for King's Bench or
A Commissioner for Oaths in and for
The Province of Manitoba
My Commission expires: _____

**THE KING'S BENCH
(Family/Civil Division)
CENTRE**

BETWEEN:

(Full Name)

Applicant,

- and -

(Full Name)

Respondent.

ORDER

1.0 This matter having proceeded at _____ Manitoba,
at the request of _____, on
_____;

2.0 In the presence of:

2.1 _____, acting on (his/her) own behalf;

2.2 _____, acting on (his/her) own behalf;

3.0 The following documents having been filed in support of this application:

3.1 the Application for Protection Order;

3.2 the Transcript of the Verbatim Recording of the oath and evidence given by
_____ on
_____ in support of the application by
_____ for a Protection Order;

3.3 the Affidavit of _____,
(sworn/affirmed) _____;

3.4 the Affidavit of Service on _____;

3.5 _____

_____;

4.0 THIS COURT ORDERS pursuant to;

(Select which act)

- ☐ *The Domestic Violence and Stalking Act.*
OR
☐ *The Child Sexual Exploitation and Human Trafficking Act.*

4.1 The application of _____ to set aside the Protection Order pronounced _____ by Judicial Justice of the Peace _____ is granted and the Order is set aside; or

4.2 The application of _____ to set aside the Protection Order pronounced _____ by Judicial Justice of the Peace _____ is dismissed and the Order is confirmed; or

4.3 The application of _____ to set aside the Protection Order pronounced _____ by Judicial Justice of the Peace _____ is dismissed, but the Order is varied as set out in this order; and

4.4 Paragraph(s) _____ of the Protection Order pronounced _____ by Judicial Justice of the Peace _____, which read as follows:

_____;

be (deleted/ deleted and replaced with):

4.4.1 Repeat for each new paragraph
required

_____;

5.0 THIS COURT ORDERS pursuant to *The Court of King's Bench Act* and Rules that:

5.1 A copy of this Order shall be served on _____ by
regular letter mail addressed to

(within 10 days of the date of signing/within 20 days of the date of signing);

DATED _____.

(Judge/Deputy Registrar)