

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

BETWEEN:

applicant

and

respondent

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

**HEARING DATE:** \_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

BETWEEN:

\_\_\_\_\_ and \_\_\_\_\_ applicant

\_\_\_\_\_ respondent

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

**SWORN/AFFIRMED:** \_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

**THE QUEEN'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.)*

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 Queen's Bench or  
A Commissioner for Oaths in and for  
The Province of Manitoba  
My Commission expires: \_\_\_\_\_

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

BETWEEN:

applicant

and

respondent

---

**AFFIDAVIT OF SERVICE**

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
*(Your full name, address and phone number)*

**THE QUEEN'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 Queen's Bench or  
A Commissioner for Oaths in and for  
The Province of Manitoba  
My Commission expires: \_\_\_\_\_



**THE QUEEN'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 Queen'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)