

PROOF OF SERVICE PACKAGE

Supreme Court Civil Rule 4-6 sets out how to prove service in a civil proceeding;

Rule 4-6 — Proving Service

Proof of service

- (1) Service of a document is proved as follows:
 - (a) service on a person of an originating pleading is proved
 - (i) by filing an affidavit of personal service in Form 15, or
 - (ii) by the person filing a responding pleading;
 - (b) service on a person of a petition is proved
 - (i) by filing an affidavit of personal service in Form 15, or
 - (ii) by the person filing a response to petition;
 - (c) service of any other document served by personal service is proved by filing an affidavit of personal service in Form 15;
 - (d) service of any document that is served by ordinary service is proved
 - (i) by filing an affidavit of ordinary service in Form 16, or
 - (ii) by filing a requisition in Form 17 to which is attached a written acknowledgment of receipt signed by the party or lawyer on whom the document was served.

Supreme Court Family Rule 6-6 sets out how to prove service in a family law case;

Rule 6-6 — Proving Service

Proof of service

- (1) Service of a document is proved as follows:

- (a) service of a notice of family claim on a person is proved
 - (i) by filing an affidavit of personal service in Form F15, or
 - (ii) by the person filing a response to family claim;
- (b) service of a counterclaim on a person who has not filed a pleading is proved
 - (i) by filing an affidavit of personal service in Form F15, or
 - (ii) by the person filing a response to counterclaim;
- (c) service of a petition on a person is proved
 - (i) by filing an affidavit of personal service in Form F15, or
 - (ii) by the person filing a response to petition;
- (d) service of any other document served by personal service is proved by filing an affidavit of personal service in Form F15;
- (e) service of any document that is served by ordinary service is proved
 - (i) by filing an affidavit of ordinary service in Form F16, or
 - (ii) by filing a requisition in Form F17 to which is attached a written acknowledgment of receipt signed by the party or lawyer on whom the document was served.

The affidavits included in this package are templates; you will need to prepare a “clean” copy of your affidavit removing all of the instructions that appear in italics as well as any paragraphs that do not apply. The below link is to the Ministry of Justice website where you will find online fillable forms which you may find helpful in preparing your affidavit. You will need to select the link leading to either Supreme Court “Civil” or “Family” depending on what type of proceeding you are involved in:

<https://www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms>

Included in this package are the following documents:

- 1) Affidavit of Personal Service – Civil Form 15
- 2) Affidavit of Ordinary Service – Civil Form 16
- 3) Affidavit of Personal Service – Family Form F15
- 4) Affidavit of Ordinary Service – Family Form F16

In the Supreme Court of British Columbia

Between

Plaintiff/Petitioner(s)

and

Defendant/Respondent(s)

AFFIDAVIT OF PERSONAL SERVICE

I,[*name*]....., of[*address*].....,[*occupation*].....,
SWEAR (OR AFFIRM) THAT:

1. On[*dd/mmm/yyyy*]....., at[*time of day*]....., I served[*name of person served*].....
with [*Check the correct box(es) and provide the required information.*]

- the following documents that have been filed in this proceeding: [*Using one line for each filed document served by personal service on the named person, describe the document including its date if available - e.g. notice of civil claim between[*name(s)*]..... and[*name(s)*]..... bearing court stamp dated[*dd/mmm/yyyy*]....., affidavit of[*name*]..... sworn[*date*]..... and bearing court stamp dated[*dd/mmm/yyyy*]....., etc.*]

.....[*description of document*].....

.....[*description of document*].....

- the following documents that have not been filed in this proceeding: [*Using one line for each unfiled document served by personal service on the named person, identify and exhibit the document in the following manner.*]

.....[*description of document*]....., a copy of which is attached to this affidavit and marked as Exhibit A.

.....[*description of document*]....., a copy of which is attached to this affidavit and marked as Exhibit[*B, C, etc.*]..... .

2. I served each document referred to in section 1 of this affidavit by handing it to and leaving it with[name of person served]..... at[city and country]..... on[dd/mmm/yyyy]....., at[time of day]..... .

3. The means by which I identified the person served is [Check whichever one of the following boxes is correct and complete the required information.]

- I know the person served because [set out the means of knowledge]..... .
- The person I served produced the following identification containing a photograph that was a true likeness of the person I served: [specify form of identification produced – e.g., “B.C. Drivers Licence No. XXX”]....., bearing the name of
- By the following other means: [describe other means by which the person was identified (e.g., the person I served acknowledged that they were ...[name of person served]).....].

SWORN (OR AFFIRMED) BEFORE)
ME at, British Columbia)
on)
)
)
.....)
A commissioner for taking)
affidavits for British Columbia)

[print name or affix stamp of commissioner]

No.
..... Registry

In the Supreme Court of British Columbia

Between

Plaintiff/Petitioner(s)

and

Defendant/Respondent(s)

AFFIDAVIT OF ORDINARY SERVICE

I,[name]....., of[address].....,[occupation]....., SWEAR (OR AFFIRM) THAT:

1. On[dd/mmm/yyyy]....., at ...[time of day]....., I served[name of person served]..... with [Check the correct box(es) and provide the required information.]

- the following documents that have been filed in this proceeding: [Using one line for each filed document served by personal service on the named person, describe the document including its date if available - e.g. notice of civil claim between[name(s)].... and[name(s)].... bearing court stamp dated[dd/mmm/yyyy]....., affidavit of[name]..... sworn[date].... and bearing court stamp dated[dd/mmm/yyyy]....., etc.]

.....[description of document].....
.....[description of document].....

- the following documents that have not been filed in this proceeding: [Using one line for each unfiled document served by personal service on the named person, identify and exhibit the document in the following manner.]

.....[description of document]....., a copy of which is attached to this affidavit and marked as Exhibit A.

.....[description of document]....., a copy of which is attached to this affidavit and marked as Exhibit[B, C, etc.]..... .

2. I served each document referred to in section 1 of this affidavit by *[Check whichever one of the following boxes is correct.]*

- leaving the document at*[the party's address for service]*.....
- mailing the document by ordinary mail to*[the party's address for service]*.....
- faxing the document to*[fax number]*..... together with a fax cover sheet
- e-mailing the document to*[e-mail address]*.....

SWORN (OR AFFIRMED) BEFORE)
ME at, British Columbia)
on)
)
)
.....)
A commissioner for taking)
affidavits for British Columbia)

..*[print name or affix stamp of commissioner]*..

In the Supreme court of British Columbia

Claimant/Petitioner:

Respondent:

AFFIDAVIT OF PERSONAL SERVICE

I, of
[name] *[address]*

....., SWEAR (OR AFFIRM) THAT:
[occupation]

1. On at I served
[dd/mmm/yyyy] *[time of day]*

.....
[name of person served]

with the
[type of document, e.g. notice of family claim, petition, etc.]

in this family law case, a copy of which is attached to this affidavit and marked as Exhibit A, by handing it to and leaving it with that person at

.....
[city and country]

[In the case of service of a notice of family claim or counterclaim in which a divorce is claimed, check whichever one of the following boxes is correct and complete the required information.]

2. I know the person served because
[set out the means of knowledge]

[OR]

2. I know the person served because
[set out the means of knowledge]

.....
and attached to this affidavit and marked as Exhibit B is a photograph that is a true likeness of the person I served.

[OR]

2. I do not know the person served and *[State the means by which the person who was served was identified by checking one or both of the following boxes and providing the required information.]*

the person I served produced the following identification containing a photograph that was a true likeness of the person I served:

.....
[specify form of identification produced – e.g. “B.C. Drivers License No. XXX”]

bearing the name of.....

attached to this affidavit and marked as Exhibit B is a photograph that is a true likeness of the person I served. *[If this box is checked, there must be filed an affidavit that exhibits the same photograph and confirms that the person shown in the photograph is the person identified in section 1 of this affidavit as the person served.]*

SWORN (OR AFFIRMED) BEFORE)
ME at, British Columbia)
on)
.....)
.....)
A commissioner for taking)
affidavits for British Columbia)

.....

..*[print name or affix stamp of commissioner]*..

In the Supreme court of British Columbia

Claimant/Petitioner:

Respondent:

AFFIDAVIT OF ORDINARY SERVICE

I, of
[name] [address]

....., SWEAR (OR AFFIRM) THAT:
[occupation]

On at I served
[dd/mmm/yyyy] [time of day] [name of person served]

..... with the
[type of document, e.g. notice of family claim, petition, etc.]

in this family law case, a copy of which is attached to this affidavit and marked as Exhibit A, by

.....
[state means of service]

SWORN (OR AFFIRMED) BEFORE)
ME at, British Columbia)
on)
.....)
.....)
A commissioner for taking)
affidavits for British Columbia)

..[print name or affix stamp of commissioner]..