

General – Originating Application

# Court of King's Bench

General Application with an  
Originating Application Form



**Resolution Services**



*Alberta*  
Government

# Instructions

## General Application with Originating Application Form

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### Before you Begin:

- You use an Originating Application when you do not already have an action in the Court of King's Bench, and you want to make an application like the following:
  - Judicial Review;
  - Enforcement of a Judgment from outside Alberta;
  - Applications where there is no person to serve as defendant;
  - Applications under a statute, where the statute tells you to use an Originating Application, or where the statute says to make a court application, but doesn't say how to do it.
- If you are unsure about whether to start your action with an Originating Notice or with a Statement of Claim, our staff may be able to help, or you can talk to a lawyer.
- See our booklet, "Making a Court Application in the Court of King's Bench (With an Application Form)" for more information about how to prepare, file and serve court forms and how to present your case in court.

### Fill in the Originating Application form

- Follow the instructions on the form and in the "Making a Court Application" booklet.

### Fill in the Affidavit form

- Follow the instructions on the form and in the "Making a Court Application" booklet.
- This form has been prepared with the information that the court is likely to want to see. You can, if you wish, change the content of the form to set out the information in a way that you think is best.
- All of the documents that you want the judge to see must be written about in the Affidavit and attached as exhibits to the Affidavit.

### After the other party has been served, fill in the Affidavit of Service form

- Note: You must serve the other party at least 10 days before your court date.
- Follow the instructions on the form and in the "Making a Court Application" booklet.

**These instructions have been prepared for you by Resolution Services.  
Contact us at:**

**Calgary**

7<sup>th</sup> floor, Calgary Courts Centre  
601 - 5 Street SW  
Phone 403-297-6981

**Grande Prairie**

Main Floor, Court House  
10260 - 99 St.  
Phone: 780-833-4234

**Red Deer**

Main Floor, Court House  
4909 - 48 Ave  
Phone: 403-340-7187

**Edmonton**

8<sup>th</sup> floor, Brownlee Building  
10365 – 97 Street  
Phone 780-415-0404

**Lethbridge**

1<sup>st</sup> Floor, Court House  
320 - 4 St. S  
Lethbridge AB T1J 1Z8  
Phone: 403-388-3102

**Medicine Hat**

Court House  
460 First Street SE  
Medicine Hat, AB T1A 0A8  
Phone 403-529-8716

**Outside these centres, call the  
Resolution Services Contact Centre at 1-855-738-4747**

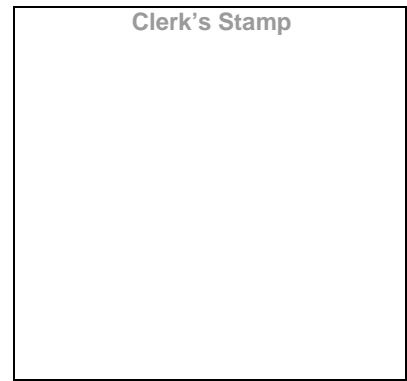
COURT FILE NUMBER \_\_\_\_\_  
(File number, as on other court documents)

COURT Court of King's Bench of Alberta

JUDICIAL CENTRE \_\_\_\_\_  
(City or town where court is located)

APPLICANT \_\_\_\_\_  
(Print your full name, as on other court documents)

RESPONDENT \_\_\_\_\_  
(Print the other party's full name, as on other court documents)



DOCUMENT **Originating Application**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT \_\_\_\_\_  
(Name)

\_\_\_\_\_ (Full address)

( ) \_\_\_\_\_

### NOTICE TO THE RESPONDENT

This application is made against you. You are a Respondent. You have the right to state your side of this matter before the Court. To do so, you must be in Court when the application is heard as shown below:

COURT DATE: \_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_\_.  
(Weekday) (Month) (Day) (Year)

TIME: \_\_\_\_\_  
(Time of Day)

WHERE: \_\_\_\_\_  
(Courtroom (if known), Street address of court location)

BEFORE WHOM: **Justice in Family Chambers** \_\_\_\_\_

Go to the end of this document to see what else you must do and when you must do it.

**1. BASIS FOR THIS CLAIM:**

My grounds for making this application are set out in my Affidavit sworn on

\_\_\_\_\_  
(Date)

**2. REMEDY SOUGHT:**

*(Describe the order(s) you want from the Court)*

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

Variation of time for service

**3. AFFIDAVIT OR OTHER EVIDENCE TO BE USED IN SUPPORT OF THIS APPLICATION:**

I am relying on the evidence set out in my Affidavit sworn on \_\_\_\_\_  
(Date)

I am relying on the following: *(Describe the evidence, other than your Affidavit, that you are relying on)*

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

**4. APPLICABLE ACTS AND REGULATIONS:**

Rule 3.8 – Commencing application by Originating Application

Rule 13.5 – Variation of Time

*(Please state any other Acts / Regulations that apply to your application)*

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

**WARNING**

You are named as a respondent because you have made or are expected to make an adverse claim in respect of this originating application.

If you do not come to Court either in person or by your lawyer, the Court may make an order declaring you and all persons claiming under you to be barred from taking any further proceedings against the applicant(s) and against all persons claiming under the applicant(s). You will be bound by any order the Court makes, or another order might be given or other proceedings taken which the applicant(s) is/are entitled to make without any further notice to you.

If you want to take part in the application, you or your lawyer must attend in Court on the date and time shown at the beginning of this form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicant(s) a reasonable time before the application is to be heard or considered.

COURT Court of King's Bench of Alberta

JUDICIAL CENTRE \_\_\_\_\_  
(City or town where court is located)

APPLICANT \_\_\_\_\_  
(Print your full name, as on other court documents)

RESPONDENT \_\_\_\_\_  
(Print the other party's full name, as on other court documents)

DOCUMENT: **Affidavit**

SWORN / AFFIRMED BY: \_\_\_\_\_  
(Name of person making this Affidavit)

SWORN / AFFIRMED ON: \_\_\_\_\_  
(Date Affidavit sworn / affirmed)

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT \_\_\_\_\_  
(Name of party filing this document)

\_\_\_\_\_  
(Full address of party filing this document)

\_\_\_\_\_  
( )

I, \_\_\_\_\_, of \_\_\_\_\_, Alberta,  
(Your name) (Name of City/Town)

**SWEAR / AFFIRM AND SAY THAT:**

1. I have personal knowledge of the following information, except where I say that what is stated is based on information from another person, in which case, I believe that information to be true.

2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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*(List your exhibit letters – A, B, C, etc. Similar items can be grouped as one exhibit. Describe each exhibit, for example, “Letter from my doctor dated June 1, 2016”.)*

I am attaching the following exhibits:

| Exhibit Letter | Description of Exhibit |
|----------------|------------------------|
|                |                        |
|                |                        |
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|                |                        |

**Sworn (OR Affirmed) before me**  
at \_\_\_\_\_, Alberta  
on \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Commissioner for Oaths in and for Alberta, Justice of the  
Peace or Notary Public  
Print Name and Expiry / Lawyer / Student-at-Law

} \_\_\_\_\_  
*(Signature of person swearing / affirming Affidavit)*

ID Verified \_\_\_\_\_



## TABLE OF EXHIBITS

*(List your exhibits and the descriptions again.  
Number the pages of your exhibits, starting with "1" and numbering all the way through all of the exhibits, like a book.  
List the page number that each exhibit starts on. For example, if your first exhibit is 3 pages, then it starts on page 1,  
and your second exhibit starts on page 4.  
If you do not have any exhibits, then remove this page.)*

| Exhibit Letter | Brief Description of Exhibit | Page Number |
|----------------|------------------------------|-------------|
| A              |                              | 1           |
| B              |                              |             |
|                |                              |             |
|                |                              |             |
|                |                              |             |
|                |                              |             |
|                |                              |             |
|                |                              |             |
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|                |                              |             |

Clerk's Stamp

COURT FILE NUMBER \_\_\_\_\_  
(File number, as on other court documents)

COURT Court of King's Bench of Alberta

JUDICIAL CENTRE \_\_\_\_\_  
(City or town where court is located)

APPLICANT \_\_\_\_\_  
(Print your full name, as on other court documents)

RESPONDENT \_\_\_\_\_  
(Print the other party's full name, as on other court documents)

DOCUMENT: **Affidavit of Personal Service**

SWORN / AFFIRMED BY: \_\_\_\_\_  
(Name of person making this Affidavit)

SWORN / AFFIRMED ON: \_\_\_\_\_  
(Date Affidavit sworn / affirmed)

ADDRESS FOR SERVICE  
AND CONTACT  
INFORMATION OF PARTY  
FILING THIS DOCUMENT \_\_\_\_\_  
(Name of party filing this document)

\_\_\_\_\_  
(Full address of party filing this document)

\_\_\_\_\_  
( )

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I, \_\_\_\_\_, of \_\_\_\_\_, Alberta,  
(Name of person who served) (Name of City / Town)

**SWEAR / AFFIRM AND SAY THAT:**

1. I have personal knowledge of the facts set out below, except where I say that they are based on information and belief. In that case, I believe the information to be true.
2. I am 18 years of age or older.

3. On \_\_\_\_\_ I served the  Applicant  Respondent  
(Date)

\_\_\_\_\_  
(Name of person who was served)

with the following documents:

Application form filed: \_\_\_\_\_  
(Date filed)

Originating Application filed: \_\_\_\_\_  
(Date filed)

Affidavit filed: \_\_\_\_\_  
(Date filed)

Claim filed: \_\_\_\_\_  
(Date filed)

Statement filed: \_\_\_\_\_  
(Date filed)

Disclosure Statement filed: \_\_\_\_\_  
(Date filed)

Order filed: \_\_\_\_\_  
(Date filed)

Other: (State the name of the document and the date filed with the court. If it is not a filed document, attach a copy as an exhibit to this Affidavit.)

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

4. I served the documents listed above by personal service, that is, I left the documents with the  
 Applicant  Respondent at: (Complete address where you served the Applicant or Respondent)

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

**Sworn (OR Affirmed) before me**

at \_\_\_\_\_, Alberta

on \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Commissioner for Oaths in and for the Province of Alberta,  
Justice of the Peace or Notary Public

Print Name and Expiry / Lawyer / Student-at-Law



\_\_\_\_\_  
(Signature of person swearing / affirming Affidavit)

ID Verified \_\_\_\_\_