

How to personally serve documents for a Provincial Court of British Columbia (Canada) family law process

Note: These instructions are for a person who is personally serving documents outside British Columbia (in another province or country) on behalf of a person, friend, or relative who has started a court process in BC. If you're the party in the court process, you may not serve these documents yourself.

Definitions

You'll be serving the documents by [personal service](#). This means you must hand a copy of the documents to the person who needs to receive them. You must then fill out a Certificate of Service (Form 7). But if you're serving a protection order, you must instead fill out and swear or affirm an Affidavit of Personal Service of Protection Order (Form 49). (An *Application* About a Protection Order (Form 12) just needs a Certificate of Service.)

If you're serving a protection order:

An [Affidavit of Personal Service of Protection Order](#) confirms that the documents named in the affidavit have been served on the person who needed to be served. The person who served the documents must sign and swear or affirm the affidavit in front of a commissioner of oaths.

To [swear](#) means to declare in front of a commissioner of oaths that the contents of an affidavit are true. This kind of declaration is a religious one. Or you can [affirm](#), which means you formally declare that the affidavit is true.

A [commissioner of oaths](#) is a person with the authority to hear and accept an oath or an affirmation. A commissioner can be a lawyer, notary public, a magistrate, or an officer of a court of justice, a judge, or anyone else who is authorized to administer oaths in the courts of justice where you are.

What you'll need

The person in BC who you're serving the documents for should have given you a copy of a Certificate of Service (Form 7) or Affidavit of Personal Service of Protection Order (Form 49). Look over it before you serve the documents. They should have also provided you with the following documents:

If you already know the person you're serving the documents on

- Two copies of each document to be served
- The person's address, either at home or at work, or directions about where to find them
- The person's telephone number or email, if possible (so you can call to arrange a time to serve the documents)

If you *don't* know the person you're serving the documents on

- Two copies of each document to be served
- A photo of that person or a written physical description (such as height, hair colour, or eye colour) so you can be sure you have the right person
- The person's address, either at home or at work, or directions about where to find them
- The person's telephone number or email, if possible (so you can call to arrange a time to serve the documents)

If you don't know the person or don't have a photo, ask them to show you photo identification when you serve the documents to prove that they really are the right person to receive the documents.

Step-by-step instructions for serving documents

If you're serving a protection order, use the separate instructions below.

- 1 Give one copy of the documents to the person to be served. Keep the other copy.
- 2 Make a note of the date and time you served the documents.
- 3 Fill out the Certificate of Service (Form 7). For the "Registry Location" and "Court File Number" at the top, look for these at the top right-hand corner of the documents you served. Check off which document or documents you served.
- 4 Attach a copy of all the documents you served and the photo (if you used one).
- 5 Send the Certificate of Service and attached documents to your relative/friend in BC, Canada. They can now prove to the court that the documents were served on the other party.

Step-by-step instructions for serving a protection order

Note: The Affidavit of Personal Service of Protection Order (Form 49) must be in English and filled out in English.

- 1 Give one copy of the documents to the person to be served. If you asked to see the person's photo identification, record the number.
- 2 Make a note of the date and time you served the documents.
- 3 Fill out the Affidavit of Personal Service of Protection Order (Form 49), and attach copies of all the documents you served and the photo (if you used one).
 - For the "Registry Location" and "Court File Number" at the top, look for these at the top right-hand corner of the documents you served.
 - Insert your occupation. If you're unemployed, put in the kind of work you used to do.
 - Insert your street address. It can be your home or business address.
 - For paragraph 1, insert the full name of the person you served and the date, time, and address you served the protection order. (Write **Exhibit "A"** on the protection order.)
 - For paragraph 2, insert the names of any other document you served, if any, as **Exhibit "B"**, **Exhibit "C"**, etc., followed by the title of the document. (Mark each attachment with **Exhibit "B"**, **Exhibit "C"**, etc.)

- For paragraph 3, tick the box saying how you identified the person you served. An example of "Other (specify)" would be with a photo given to you or by a physical description. If you used a photo, attach it. If the person you served showed you photo identification, include the number.
 - Do not sign the affidavit yet. This is where you'll swear that the information on the affidavit is true by signing the form in front of the "commissioner of oaths."
- 4 Find a commissioner of oaths so you can swear or affirm that the documents have been served. You'll probably have to pay a fee for this. You may want to ask about the fee first, since different offices charge different amounts for the same service.
 - 5 Before you go to the commissioner, attach copies of the served documents (the "Exhibits") to the affidavit in the order that you listed them in, and a photo (if you have one). Make sure each attachment is marked with Exhibit "A", Exhibit "B", Exhibit "C", etc. Also take your own photo identification with you when you go because the commissioner may ask to see it.
 - 6 The commissioner of oaths will sign the affidavit and stamp and sign each court document that you served to identify it as an exhibit.
 - The name of the commissioner must be clearly readable or the affidavit won't be accepted by the court.
 - The commissioner must cross out the word "British Columbia" in both places where it appears, and insert the name of the appropriate region.
 - If you make any handwritten changes to the affidavit, both you and the commissioner must initial them. For example, you must both initial the two places where you may have crossed out the words "British Columbia."
 - Make sure you tell the commissioner that there are attachments so that they can sign and stamp each of them.
 - 7 Send the Affidavit of Personal Service of Protection Order and attached documents to your relative/friend in BC, Canada. They can now prove to the court that the documents were served on the other party.