

# DRAFTING AFFIDAVITS: A LAY PERSON'S GUIDE

(B.C. SUPREME COURT)

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## **READ ME FIRST**

Parts 3 to 4 of this guide will help you prepare an affidavit for B.C. Supreme Court. It covers:

- the proper form;
- the structure of an affidavit;
- tips for drafting an affidavit.

Please read the warning and waiver of responsibility on the next page.

You should obtain legal advice from a lawyer. This guide should be brought with you when you see a lawyer. Part 7 will provide information on legal aid resources in BC for those persons who cannot afford a lawyer.

This guide provides an express lane for those in a hurry. Go to the express lane in Part 1 and follow the instructions.

This guide provides questions you should ask a lawyer about your affidavit. See Appendix "B" at the end of the guide. This will help you with your meeting with the lawyer. You should also ask the lawyer to verbally go through the major points in this guide. This will help you to understand the process of drafting an affidavit.

## WARNING AND WAIVER

This guide is produced for educational purposes. Users of the guide should not rely on the guide for legal advice or as a substitute for legal advice. Instead, persons with legal problems including those who plan to represent themselves in court, should consult a lawyer. Those who cannot afford a lawyer should seek legal aid.

This is a general guide and cannot contemplate all eventualities. This is another reason for you to consult a lawyer.

The law, including Acts, Regulations, Rules of Court, Court Practices and Court Precedents can change without warning. The users of this guide should check to see if this guide is up to date. This is another reason to consult a lawyer.

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- For the completeness or accuracy of the information contained in this guide; or
- For any form of damages or monetary loss caused by or attribute to the use of this guide and without limiting the forgoing including claims based on negligence or breach of contract.

## WHAT'S NEW IN THE 3rd EDITION

Commissioners for taking affidavits are now required to print their names below their signatures on the affidavit. This requirement is stated in a Practice Direction of the B.C. Supreme Court dated November 22, 2004.

## TABLE OF CONTENTS

<b>PART 1 – INTRODUCTION</b> .....	5
Preliminary .....	5
Express Lane .....	5
<b>PART 2 – GENERAL INFORMATION ABOUT AFFIDAVITS</b> .....	5
Purpose of Affidavits .....	5
1) Relevancy .....	6
2) Facts .....	6
<b>PART 3 – STRUCTURE OF AN AFFIDAVIT</b> .....	6
Introduction .....	6
Style of Proceedings .....	7
Deponent’s Statement .....	7
Knowledge Statement .....	8
Body of the Affidavit .....	8
Ending of an Affidavit .....	8
Exhibits .....	9
Backing Sheet .....	9
Sample Affidavits .....	10
<b>PART 4 – TIPS FOR DRAFTING AFFIDAVITS</b> .....	10
The S.O.S. Principle .....	10
Simple .....	10
Organized .....	10
Short .....	11
Format of the Affidavit .....	11
Read Over .....	11
Take your Time .....	12
Vagueness .....	12
Credible Affidavit .....	12
What to Put in Your Affidavit .....	13
Sample Paragraphs .....	13
<b>PART 5 – QUESTIONS FOR THE LAWYER</b> .....	14
<b>PART 6 – CHECKLIST FOR AFFIDAVIT</b> .....	15
<b>PART 7 – LEGAL ADVICE</b> .....	17
Introduction .....	17
<b>PART 8 – FORM 60</b> .....	19
<b>PART 9 – SAMPLE AFFIDAVIT</b> .....	20
<b>APPENDIX “A”</b> .....	24
<b>APPENDIX “B”</b> .....	25

## PART 1 – INTRODUCTION

### Preliminary

An affidavit is a written statement that contains important facts you wish to draw to the attention of the court. It is signed under an oath before a registry clerk or a lawyer. The affidavit is filed in the court registry. Copies of the affidavit also have to be given to the other persons named in the lawsuit.

Sometimes a judge sits in court. At other times, a master sits in court. Through out this guide there is reference to a judge. You should consider those references apply equally when a master sits in court instead of a judge.

### Express Lane

#### Express Lane

If you want quick service and advice on preparing an affidavit you should follow the following procedure. This procedure will enable you to short-circuit some of the material in this guide. However, it is recommended that you read the whole guide and go over it with a lawyer.

1. Take Sample “A” to the lawyer giving you legal advice and ask him/her to fill it out.
2. Ask the lawyer the questions in Appendix B and request the answers.
3. You will still have to follow the tips set out in Part 4 of this guide in order to draft your affidavit.
4. You should also read the following parts of Part 3 of this guide, namely knowledge statement, exhibits and backing statement in order to draft your affidavit.
5. Take the completed affidavit to a lawyer. The lawyer should read it over and have it sworn for you.

## PART 2 – GENERAL INFORMATION ABOUT AFFIDAVITS

### Purpose of Affidavits

We use affidavits to present evidence to the court. Sometimes, courts hear evidence from witnesses who give their evidence orally in person. A good example of this is the TV show *Law and Order*. However, for certain court cases you must present your evidence by affidavits. A lawyer can tell you if your case requires an affidavit.

The person who signs the affidavit states that the information contained in it is true. The

affidavit may have attached letters or other important documents. These are often referred to as exhibits to the affidavit. There are two important things to remember about affidavits.

### **1) Relevancy**

Statements made in the affidavit and documents attached to the affidavit must be relevant to the matter before the court. This is the key to having a good affidavit. It is important for you to get legal advice on the legal issues relevant to your case. What are the important facts that have to be put in the affidavit? A lawyer can answer that question. The preparation of the affidavit must also be done in the context of the whole case. What are your strategies for the court case? Your affidavit should be drafted in that context. Again, this is a reason you should consult a lawyer.

### **2) Facts**

Affidavits contain facts and not opinions. For instance, the following is a fact:

- i) I saw Tom Smith hit Harry Jones on the nose on February 7, 2005 at 3:00 p.m. This occurred outside the home of Harry Jones at 123 Main Street Vancouver BC.

The following is an opinion:

- ii) I think Tom Smith is a bad person.

Our first example is a classic example of a fact. You saw something happen and you have personal knowledge as to what happened. The second example is pure opinion. It may be if you could show that Tom Smith hit five persons, the court could infer that Tom Smith is a bad person. However, what you have to do in an affidavit is to set out facts and not your personal opinion. Sometimes, opinions are important. For instance, doctors and other experts give their opinion. However, for most of the time, a lay person will be presenting facts and not opinions in the affidavit.

## **PART 3 – STRUCTURE OF AN AFFIDAVIT**

### **Introduction**

There are seven parts of an affidavit:

1. style of proceedings;
2. deponent's statement (person making the affidavit);
3. knowledge statement;
4. body of the affidavit;
5. ending of an affidavit;
6. exhibits; and

## 7. backing sheet.

Of these seven parts, the most important part is the body of the affidavit. The body of the affidavit is discussed in detail in Part 4. This Part 3 will concentrate on the more technical aspects of the affidavit. The rules of court specify that a certain form must be used in preparing an affidavit. This is called Form 60. It is reproduced at the end of this guide in Part 7. It is also available at the BC Supreme Court web site:

<http://www.courts.gov.bc.ca/>

[http://www.ag.gov.bc.ca/courts/civil/sup crt rules/forms/pdf/sc\\_form60.pdf](http://www.ag.gov.bc.ca/courts/civil/sup crt rules/forms/pdf/sc_form60.pdf)

### **Style of Proceedings**

A style of proceeding is a greeting that appears on the first page of all court documents. It states who is suing whom and also gives the file number and court registry name. The style of proceeding remains unchanged throughout the life of the court case unless the judge otherwise orders. The style of proceeding enables the court registry staff to put the document in the right court file. There is an additional requirement that has to be put on if the court document is an affidavit. There must be written in the top right hand corner of the style of proceeding:

- the initials and the surname of the person making the affidavit (deponent);
- a sequential number of the affidavit made by that person;
- the date on which the affidavit was made.

An example of this is as follows:

M. Smith #3  
June 1, 2004

This is put in the right hand corner so the judge can easily identify the affidavit. This number 3 indicates it is the third affidavit sworn by Mary Smith.

Secondly, the person signing the affidavit must swear under oath (to God) or affirm. Therefore put in the parts that pertain to either but not both. See the example in our appendix.

Thirdly, part of Form 60 that deals with interpreters is only left in if the person making the affidavit does not speak English. Otherwise, it should be deleted.

### **Deponent's Statement**

A deponent's statement is the following:

*“I, Tom Jones, electrician, of 132 Main Street, in the City of Vancouver, Province of British Columbia, MAKE OATH AND SAY THAT:”*

This deponent’s statement has to be put at the beginning of each affidavit. It identifies the person making the affidavit and where they live and what is his or her occupation. If you are an old age pensioner you would put on it “retired” or “old age pensioner”.

### **Knowledge Statement**

The knowledge statement has two aspects. First, you should state in it whether you are the plaintiff, defendant, petitioner or the respondent. Secondly, affidavits must contain information and facts within the personal knowledge of the person making the affidavit. Affidavits should not contain information told by other persons unless the other person is a party to the court case.

Therefore, you would put the following statement:

*“I am the plaintiff in this matter and have personal knowledge of the matters herein referred to.”*

This prohibition against information and belief does not apply if the matter before the court is an interlocutory order. A lawyer can advise you if information and belief can be used in your affidavit. Usually the following paragraph is put in if you are able to have an affidavit on information and belief:

*“I have personal knowledge of the facts and matters herein referred to by me except where indicated to be on information and belief and where so stated I verily believe them to be true”*

You will also have to indicate in the affidavit the specific person you are relying on for the information and belief and a statement to the effect that you believe it to be true. For example, you would probably have to say something to the effect of:

*“On or about August 30, 2004 John Smith (her husband) told me that Mary Smith had not gone to work the day before and I believe this to be true.”*

You will have to obtain legal advice as to whether your affidavit can be on information and belief.

### **Body of the Affidavit**

See “Tips for Drafting Affidavits” in the next Part.

### **Ending of an Affidavit**

Your affidavit will have to be sworn in front of a lawyer or commissioner for taking

affidavits. The affidavit should be signed by both you and the commissioner in each others presence at the time the affidavit is sworn to. Your affidavit could also be sworn by a court official. The registry staff will charge you \$31.00 for this service. It is a serious offence to make a false or misleading affidavit.

The lawyer or court official must also print his/her name below his/her signature. This is a new requirement as of November 22, 2004. This requirement allows for the easy identification of the lawyer or court official. Failure to do this may result in the court registry rejecting the affidavit. Check and see if a lawyer or court official prints the name. Ink stamps bearing the name of the lawyer or court official are acceptable.

**Exhibits**

The exhibits, if any, are arranged in alphabetical order (i.e. Exhibit "A", Exhibit "B", etc.) Each page of the exhibits has to be numbered consecutively. Therefore, if you have exhibits "A" to "G" totaling 40 pages, one exhibit may contain 2 pages and another 8 pages. You start numbering with exhibit "A" at page 1 and you finish with exhibit "G" at page 40. You print in the number for each page of the exhibits. It is best to put this number in the middle of the page. Exhibit stamps go on the first page of each document and they read as follows:

This is Exhibit "....." referred to in the  
affidavit of .....  
sworn before me at .....  
this ..... day of .....  
200....  
  
.....  
A Commissioner for taking Affidavits  
for British Columbia

Most law firms have stamps that you can affix to the documents. I would recommend that you do not put a stamp on the documents until you have run things by the lawyer giving you advice. It may be necessary to add or delete documents.

**Backing Sheet**

A backing sheet is part of an affidavit. This document is attached to the back of all court documents with the type facing out. The backing sheet consists of three parts on one page:

1. The first part is the style of proceedings that we have already described.
2. The second part is the description of the document set between two lines i.e. affidavit, etc.
3. In the third part you put in your name, address and phone number. I also recommend you put in your fax number and e-mail address, if you have these.

A backing sheet helps the court staff to file the document in the correct court file. See the attached example.

A backing sheet is not a necessity. Registry staff will let you file your affidavit without a backing sheet. However, a backing sheet is considered more professional.

### **Sample Affidavits**

The appendix to this guide gives you a sample affidavit (exhibits omitted). Are there other ways to get a sample affidavit? The answer is yes. If you find a court case similar to yours and heard by affidavit, you can search the court file and obtain a copy of the affidavit. Please note that certain court files cannot be searched by the public.

Samples of family law affidavits can be found from two sources. The first is the web site of the Legal Services Society of BC. There are books available at most court house libraries. Here are sample books:

1. *Family Law Sourcebook* published by the Continuing Legal Education Society of BC.
2. *Family Practice Manual* published by the Continuing Legal Education Society of BC.
3. *Family Chambers Applications for Support Staff* published by the Continuing Legal Education Society of BC.

## **PART 4 – TIPS FOR DRAFTING AFFIDAVITS**

### **The S.O.S. Principle**

One of the keys to success is to follow the S.O.S. principle (Simple, Organized and Short).

#### Simple

Try to make your affidavits as simple as possible. Use simple words and sentences. Many people think that if they make things complicated and sophisticated they will impress the judge. The judge will see through it. Judges are more impressed with a simple affidavit. Also a simple affidavit is easier for you to prepare and to present to the court.

#### Organized

The second principle is that your affidavit should be organized. This is the most important rule. If your affidavit is organized, it is easier for the judge to understand what is going on. In most cases if you are telling a story, it is best to tell what happened in chronological order (date wise). Do not jump all over the place from one time period to

another. Tell your story in a straight line. Try as much as possible to give specific dates (i.e., July 13, 2005, or the middle of July, 2005). When referring to people it is best to use their names such as (i.e., John Smith). Try to avoid using “him” or “her”. It can become confusing to whom you are referring. You can organize your affidavit in a different manner depending on the nature of the case. For instance, in custody disputes, presentations are usually organized on the basis of considerations stated in the *Family Relations Act/Divorce Act* that the court considers in granting custody orders. Get legal advice on the best way to organize your affidavit.

### Short

The third principle is to keep your affidavit short. It is more effective. First, determine what is necessary to put in your affidavit. Put that in the affidavit. Don't fall into the trap that more means better.

The same is true of paragraphs and sentences. Keep them short. Sentences should be less than 10 words. If you can make sentences shorter, then do it. A good strategy when editing your affidavits is to break long sentences into short sentences

This does not mean you ignore important matters. However, if your affidavit is short it allows both you and the judge to focus on the important matters.

### **Format of the Affidavit**

The body of the affidavit should contain statements of relevant facts. The affidavit should be drafted generally in the first person. For instance, a sentence would read as follows:

*“I went to the appeal hearing on March 23, 2003.”*

Here are some additional useful tips:

1. The affidavit should be done on white paper (8.5 x 11”).
2. The font size and spacing should be the same as the sample affidavit of Mary Smith in this guide.
3. Consider putting headings in the affidavit to make it easier to organize. See sample affidavit.
4. Each page should be numbered.
5. Each paragraph should be numbered.

### **Read Over**

Have your friend check your affidavit to make sure there are no typing errors and the language is clear. In addition, it is highly recommended that your affidavit be typed and not hand-printed. Although in theory you can provide a hand-printed affidavit, this should be avoided.

**Take your Time**

You should attempt to draft the affidavit over several days in order that you have enough time to contemplate what needs to be done. This may not be possible as you may be in a hurry.

**Vagueness**

Affidavits should avoid vague statements. The following is an example of a vague statement:

*"I met the defendant contractor John Smith on several occasions. I walked away from these meetings with the impression that he would not charge me for the extra paint put on the porch."*

This is a vague statement. A better statement to put into the affidavit would be as follows:

*"I had a meeting with the defendant contractor John Smith on April 3, 2004 at my home in the late afternoon. He specifically stated to me 'I will not charge you for the extra paint on the porch'. I relied on this statement that he would not charge me for this extra paint."*

**Credible Affidavit**

Persons representing themselves often ask, how can I make a credible affidavit? The first rule is that you should tell the truth in your affidavit. Judges assess credibility based on the following factors:

1. Are there internal inconsistencies in the affidavit? For instance, does the person making the affidavit state one thing in one part of the affidavit and in another part of the affidavit state the opposite?
2. Are statements made in the affidavit inconsistent with other statements made in other affidavits or documents outside the affidavit? Sometimes, in a rush you may carelessly make statements in an affidavit that are at odds with other affidavits. This could hurt your case.
3. Is the statement inherently unbelievable? If a person is late for work and his excuse is his car ran out of gas, that is believable. However, if his excuse is he was beamed up to the Starship Enterprise to have dinner with Captain Kirk, that is probably unbelievable.
4. Is the person biased in making the affidavit? Do the statements in the affidavit show an obvious bias?

There are also additional factors to be considered in determining the credibility in

affidavits.

1. Is there a statement of conclusion with no details to back up the statement? Remember, judges like to see facts not broad general statements.
2. Are there statements in the affidavit that are evasive? This is done by skillfull drafting. In other words, does the person making the affidavit attempt to avoid an issue or statement? An example would be one affidavit says you and another person had a conversation on a certain day. You state in your affidavit that you never personally met that person on that day. That is true except that you did have a telephone conversation with that person. This is an example of artful drafting. You should avoid this.
3. Does the person use language that one would not expect a normal person to use? Judges prefer people to use their ordinary language.
4. Is the second-best evidence used instead of the first source? Even if you are allowed to make an affidavit on information and belief, it may be in your interest to get the person who had the original information swear an affidavit. This is more effective than relying on hearsay. Please note that not all court proceedings allow hearsay (information and belief).
5. Is there a lack of precision or preciseness in the affidavit? Does the person making the affidavit not use precise dates or precise information?
6. Are there mistakes that indicate the person making the affidavit has not read it? This would include typing or grammatical errors.
7. Are important facts left out? If important facts are left out, this may indicate the person making the affidavit is hiding something.

### **What to Put in Your Affidavit**

There are two types of information that you should put in your affidavit. Most court cases require some basic information to be put in your affidavit. Certainly you have to put this type of information in. A lawyer can tell you what basic information you have to put in your affidavit. In addition, for each court case there is special information that should be put in that affidavit. Again, a lawyer can tell you what special information pertaining to the special circumstances of your case should be put in an affidavit.

### **Sample Paragraphs**

Here are some sample paragraphs that may assist you in drafting your affidavit.

#### **Letters as Exhibit**

1. On July 30, 2004, I received by mail a letter from Mary Smith. That letter is attached to this affidavit as Exhibit "A."

**Information and Belief**

2. On or about August 30, 2004, John Smith (her husband) told me that Mary Smith had not gone to work the day before and I verily believe this to be true.

**PART 5 – QUESTIONS FOR THE LAWYER**

Here are some questions you should ask a lawyer before you draft your affidavit. There may be additional questions you should ask the lawyer depending on the nature of the case.

1. What is the style of the proceeding in this matter?
2. What are the important facts that I should put in the affidavit?
3. Should I organize my affidavit in chronological order? [In what way should I organize my affidavit?]
4. From whom should I get an affidavit?
5. Can this affidavit be based on information and belief?
6. Should documents be attached to the affidavit as exhibits? If so, which documents should be attached?
7. When does this affidavit have to be filed in court?
8. To whom do I have to give copies of the affidavit and what is the time limit for doing this?
9. Has the commissioner (lawyer or court official) printed as well as signed his/her name?

**PART 6 – CHECKLIST FOR AFFIDAVIT**

<b>No.</b>	<b>Remember</b>	<b>Check</b>
1.	Have you obtained legal advice from a lawyer?	
2.	Have you picked the right person to do the affidavit?	
3.	Have you put the equivalent of the following at the top right hand corner of the style of proceedings?  <div style="text-align: center;">M. Smith #3 June 1, 2004</div>	
4.	Have you entered the name, address and occupation of the person swearing the affidavit?	
5.	Have you determined whether the person will swear under an oath or affirm and adjust the affidavit accordingly?	
6.	Have you put in the affidavit whether the person making the affidavit is a plaintiff, defendant, petitioner or respondent?	
7.	Have you put in a paragraph stating that you have personal knowledge of the matters deposed to? Have you determined whether this is the appropriate paragraph to put in; or, have you determined the appropriate paragraph is item 8?	
8.	Have you put in a paragraph stating that it is based on information and belief? Have you determined whether you can put information and belief in your affidavit?	
9.	Have you drafted the affidavit in the first person (i.e. I went to the court house on Jan. 5, 2005)?	
10.	Have you put in facts and not opinions in the affidavit?	
11.	Have you put in exact dates?	
12.	Have you typed in paragraphs that are numbered?	
13.	Have you kept your paragraphs short?	
14.	Have you kept your sentences short?	
15.	Have you broken one long sentence into two short sentences?	
16.	Have you used simple language?	
17.	Have you considered putting headings in you affidavit?	

No.	Remember	Check
18.	Have you arranged the story in the affidavit in chronological order? Have you determined whether it is best to organize your affidavit in chronological order or in some other way?	
19.	If you have exhibits, have you numbered them (i.e. "A", "B") etc.	
20.	Have you attached the exhibits to the affidavit and ensured there are exhibit stamps on the exhibits?	
21.	Have you attached as the last page, face side up, the backing sheet?	
22.	Have you had the affidavit signed and sworn in front of a lawyer, notary or registry staff?	
23.	Has the lawyer or court official printed as well as signed his/her name?	
24.	Have you determined how many copies of the affidavit you have to have?	
25.	Have you filed the affidavit in the court registry on time?	
26.	Have you served copies of the affidavit on the proper persons on time?	

## PART 7 – LEGAL ADVICE

### Introduction

Listed below is information on various free legal aid organizations. Seeing a lawyer for the first time can be a bit intimidating. Here are some useful tips.

1. Bring a friend with you for moral support. Depending on the nature of the problem the friend can sit through the interview with you and the lawyer. Some types of legal problems do not lend themselves to having a friend sitting in on the interview. But at least a friend can provide you with moral support before or after the interview. Ask the lawyer at the clinic if your friend can sit in on the interview.
2. Organize all the documents in chronological order. The documents would include letters, court documents, etc. The best way is to put the documents in a three- ring binder with an index page. Tabs separating the documents in the binder are also very helpful. Remember you do not have to be lawyer to organize documents.
3. Bring Sample A with you along with this guide. Ask the lawyer to fill out Sample A.
4. Briefly write out your story. It is best to type, but clear hand writing is acceptable. This story should be no more than a page or two. You will find it very difficult to condense your story to a page or two.
5. Next, write out in a page or two the questions you have for the lawyer. If you do not, you will probably forget some important questions. Also, do not be afraid to ask what you might perceive to be “simple questions.” Sometimes, they are the most important questions. We have already given you some questions to ask the lawyer. Add to that list.
6. Finally, The Law Student Legal Advice Program has a free legal information manual on line that covers many areas of the law. Their web site covers various areas of the law. This might give you an overview of the legal problem you have. However, this should only be done after you have organized your documents, written your story and written the questions you have for the lawyer. Those are the priority items

See their web site: <http://www.lslap.bc.ca/manu0004.htm>

### **Community Legal Assistance Society**

The Community Legal Assistance Society runs legal clinics for BC Supreme Court for civil matters. There is financial qualification. Phone 604-685-3425.

Their web site is: <http://www.clasbc.net/> or <http://www2.povnet.org/clas>

### **Law Line (telephone Legal Advice)**

Law Line, run by the Legal Services Society of BC, can provide legal advice over the telephone to persons who qualify financially. The phone numbers are (604) 408-2172 (Lower Mainland) 1-866-577-2525 (toll free, outside the Lower Mainland).

See their web page: [http://www.lss.bc.ca/legal\\_info/law\\_line.asp](http://www.lss.bc.ca/legal_info/law_line.asp)

### **Salvation Army's Pro Bono Lawyer Consultant Program**

This program runs free legal advice clinics. There is a financial qualification. The phone number is 604-872-7681. Some of the clinics are run out of courthouses.

See their web page: <http://www.probono.ca/>

### **Western Canada Society to Access Justice**

This program also runs free legal advice clinics. There is a financial qualification. The phone number is 604-878-7400. Some of the clinics are run out of courthouses.

See their web page: <http://www.accessjustice.ca/>

**PART 8 – FORM 60**

FORM 60 (RULE 51 (2) AND (6) )

*[Style of Proceeding]*

**AFFIDAVIT**

I, .....*[name, address, and occupation of deponent]*....., MAKE OATH (OR SOLEMNLY AFFIRM) AND SAY THAT:

- 1. ...
- 2. ...
- 3. ...

SWORN (OR AFFIRMED) BEFORE )

ME in the *.[city/town etc.]*. of ...*[name of city]*.....)

in the Province of British Columbia )

on this ..... day of *.[month]*, *[year]*..... )

..... )

A commissioner for taking affidavits )

for British Columbia )

..... )

*[print name of commissioner]* )

.....  
*[name of person swearing affidavit]*

**ENDORSEMENT OF INTERPRETER**

*[where applicable]*

I, .....*[name, address and occupation]*....., certify that:

- 1. I have a knowledge of the English and ..... languages and I am competent to interpret from one to the other.
- 2. I am advised by the deponent and verily believe that the deponent understands the ..... language.
- 3. Before the affidavit on which this endorsement appears was made by the deponent I correctly interpreted it for the deponent from the English language into the ..... language and the deponent appeared to fully understand the contents.

Dated.....

.....

Interpreter

**PART 9 – SAMPLE AFFIDAVIT**

M. Smith #1  
April 3, 2003

No: \_\_\_\_\_  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**  
*Re: Judicial Review Procedure Act,  
Employment and Assistance Act and  
Employment and Assistance for Persons with Disabilities Act*

**BETWEEN:**

**MARY SMITH**

**PETITIONER**

**AND:**

**EMPLOYMENT AND ASSISTANCE APPEAL TRIBUNAL  
MINISTER OF HUMAN RESOURCES**

**RESPONDENTS**

**AFFIDAVIT OF MARY SMITH**

I, **MARY SMITH**, welfare recipient, of 124 Main Street, in the City of Vancouver, in the Province of British Columbia, MAKE OATH AND SAY THAT:

1. I am the Petitioner in this matter and have personal knowledge of the matters herein referred to.

**Background**

2. I am 46 years of age.
3. I have been on welfare since 1999 when I had a motor vehicle accident.

4. I have three disabilities which are diabetes, depression and a back injury (described below).

#### **Application for Disability Benefits**

5. On or about, January 23, 2003, I sent in an application to the Ministry of Human Resources requesting a disability allowance. The application was filled out by myself and my family doctor, Dr. Kildare. A copy of that application is attached to this affidavit as an Exhibit "A".
6. On our about March 26, 2003, I received a letter from the Ministry of Human Resources stating that my application for disability benefits was turned down. A copy of that letter is attached to my affidavit as Exhibit "B".

#### **Reconsideration Review**

7. On our about March 10, 2003, I filed an application for reconsideration with the Ministry of Human Resources. A copy of that request for reconsideration is attached to my affidavit as Exhibit "C".
8. Along with the request for reconsideration I also attached a letter from my doctor, Dr. Kildare, a copy of that letter dated March 7, 2003, is attached to my affidavit as Exhibit "D".
9. On March 18, 2003, the Ministry of Human Resources reconsideration was received by me. This reconsideration turned my appeal down. A copy of that reconsideration is attached to my affidavit as Exhibit "E".



No: \_\_\_\_\_  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**  
*Re: Judicial Review Procedure Act,  
Employment and Assistance Act and  
Employment and Assistance for Persons with Disabilities Act*

**BETWEEN:**

**MARY SMITH**

**PETITIONER**

**AND:**

**EMPLOYMENT AND ASSISTANCE TRIBUNAL  
MINISTER OF HUMAN RESOURCES**

**RESPONDENT**

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**AFFIDAVIT OF MARY SMITH**

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**Mary Smith  
124 Main Street  
Vancouver, BC  
V6L 3L9**

Tel: (604) 666-5555

APPENDIX "A"

\_\_\_\_\_, #  
[1st Initial & Last Name] [# of Affid.]

\_\_\_\_\_  
[date sworn]

No: \_\_\_\_\_  
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

\_\_\_\_\_  
[name]

PLAINTIFF/PETITIONER

AND:

\_\_\_\_\_  
[name]

DEFENDANT/RESPONDENTS

AFFIDAVIT OF \_\_\_\_\_  
[name]

I, \_\_\_\_\_,  
[name] [occupation]  
of \_\_\_\_\_, in the City of \_\_\_\_\_,  
[street address] [city]

in the Province of British Columbia, MAKE OATH AND SAY:

1. I am the \_\_\_\_\_ in this matter and as such have personal  
[plaintiff/petitioner etc.]  
knowledge of the matters herein referred to.

OR

I am \_\_\_\_\_ in this matter and have personal knowledge of the facts  
[plaintiff/petitioner etc.]  
and matters referred to by me except where indicated to be on information and belief and  
where so stated I verily believe them to be true.

2. [add more paragraphs as needed]

SWORN before me at the City of \_\_\_\_\_ )  
\_\_\_\_\_, in the Province of \_\_\_\_\_ )  
British Columbia, this \_\_\_\_\_ day of \_\_\_\_\_ )  
\_\_\_\_\_, 200\_\_\_\_. )

\_\_\_\_\_)  
A Commissioner for taking Affidavit )  
in the Province of British Columbia )  
\_\_\_\_\_)  
[print name of commissioner] )

\_\_\_\_\_  
[signature]

\_\_\_\_\_  
[print name of person swearing affidavit]

**APPENDIX "B"**

1. What is the style of proceeding in this matter?
2. What are the important facts that I should put in the affidavit?
3. Should I organize my affidavit in chronological order? [In what way should I organize my affidavit?]
4. From whom should I get an affidavit?
5. Can this affidavit be based on information and belief?
6. Should documents be attached to the affidavit as exhibits? If so, which documents should be attached?
7. When does this affidavit have to be filed in court?
8. What other persons do I have to give copies of the affidavit and what is the time limit for doing this?
9. Has the commissioner (lawyer or court official) printed as well as signed his/her name?