

In the Supreme Court of British Columbia

Between:

Don Smith

Petitioner

And:

Betty Jones

Respondent

**NOTICE OF APPLICATION
(INTERIM STAY)**

Name(s) of applicant(s): Don Smith

To: WITHOUT NOTICE

TAKE NOTICE that an application will be made by the applicant(s) to the presiding judge or master at the courthouse at 800 Smithe Street, Vancouver, British Columbia on July 29, 2021 at 9:45a.m. for the order(s) set out in Part 1 below.

Part 1: ORDER(S) SOUGHT

1. An order staying the order of possession dated June 25, 2021 until the determination of this judicial review, or until such other date as this Court sees fit.

Part 2: FACTUAL BASIS

1. The order of possession dated June 25, 2021 takes effect on July 31, 2021.
2. If an interim stay is not granted, Don Smith will lose his home at 1234 ABC Street, Vancouver, BC.
3. An interim stay of the order of possession pending the outcome of this judicial review will not cause significant hardship to any of the other parties.

Part 3: LEGAL BASIS

1. There is a serious issue to be tried.
2. The applicant(s) will suffer irreparable harm if the interim stay is not granted.
3. The balance of convenience favours granting a stay.

4. The applicant(s) will also be relying on Rule 8 of the Supreme Court Civil Rules.

Part 4: MATERIAL TO BE RELIED ON

1. Affidavit #1 of Don Smith made July 12, 2021.

The applicant(s) estimate(s) that the hearing of the application will take 10 minutes.

This matter is within the jurisdiction of a master.

This matter is not within the jurisdiction of a master.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this notice of application, you must, within 5 business days after service of this notice of application or, if the application is brought under Rule 9-7, within 8 business days after service of this notice of application,

- (a) file an application response in Form 33,
- (b) file the original of every affidavit, and of every other document, that
 - (i) you intend to refer to at the hearing of this application, and
 - (ii) has not already been filed in the proceeding; and
- (c) serve on the applicant 2 copies of the following, and on every other party of record one copy of the following:
 - (i) a copy of the filed application response;
 - (ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
 - (iii) if this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7(9).

Date: July 29, 2021

Signature of
 petitioner lawyer for petitioner(s)
 Don Smith

To be completed by the court only:

Order made:

in the terms requested in paragraphs of Part 1 of this notice of application

with the following variations and additional terms:

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.....
.....

Date:

.....

Signature of Judge Master

APPENDIX

THIS APPLICATION INVOLVES THE FOLLOWING:

none of the above