|  |  |
| --- | --- |
| COURT FILE NUMBER | [*File Number*] |
| COURT | COURT OF KING’S BENCH OF ALBERTA |
| JUDICIAL CENTRE | *Select a Judicial Centre* |
| APPLICANT(S) | [*Applicant Name*] |
| RESPONDENT(S) | [*Respondent Name*] |
| DOCUMENT | **RESTRAINING ORDER REVIEWORAL HEARING ORDER**  |
| ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT | **Court Generated Order** |

Clerk’s Stamp

**DATE ON WHICH ORDER WAS PRONOUNCED:** *Date*

**THE HONOURABLE JUSTICE:** *Enter name of presiding Justice*

**HEARD AT:** *Select a Judicial Centre***, ALBERTA**

UPON the application for/review of a Restraining Order;

AND UPON it appearing that the Respondent contests the evidence put forward by the Applicant in support of the Application for the Restraining Order;

AND UPON Hearing the submissions by or on behalf of the parties;

AND UPON it appearing to the Court that there is a need for brief oral evidence as set out in this order;

**IT IS HEREBY ORDERED THAT:**

1. **An oral hearing is set in this matter for \_\_\_\_ hours on \_\_\_(date)\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(location)\_\_\_\_\_\_\_\_\_\_\_\_\_\_, AB in a courtroom to be assigned commencing at 9:30 a.m.** At 9:30 a.m. on the day of the scheduled Oral Hearing, the parties and Counsel must appear remotely (by Webex or phone), where the presiding Justice will do an initial triage of all matters. If this matter has not been resolved and is proceeding to an oral hearing, the Justice will assign a specific scheduled time and Courtroom for the parties and Counsel to appear in person on that same day so the Oral Hearing can proceed. At the oral hearing, brief oral evidence may be heard on the following terms:
2. The reason that the oral evidence is needed is that the Respondent denies the allegations set out by the Applicant in the application for the Restraining Order or has a different version of the events.
3. The evidence in chief of the Applicant at the hearing shall be the evidence set out in the Affidavit filed for the Restraining Order.
4. If he/she/they has/have not already responded to the allegations, the Respondent shall file with the Court, an affidavit (the “Respondent’s Affidavit”) in response within 14 days of the date of this Order. The Respondent’s Affidavit will be no more than 8 pages in length with no more than 40 pages of exhibits. The Respondent shall arrange for a process server or other neutral third party to serve the filed Affidavit on the Applicant or the Applicant’s lawyer, by leaving a filed copy with the Applicant or the Applicant’s lawyer at least 1 month prior to the oral hearing. The evidence in chief of the Respondent at the hearing shall be the evidence set out in the Respondent’s Affidavit.
5. The Applicant may file one short affidavit (the “Applicant’s Reply Affidavit”) within 7 days of receiving the Respondent’s Affidavit addressing only any new matters referred to by the Respondent in his/her/their affidavit. The Affidavit shall be no more than 5 pages and no more than 10 pages of exhibits. The Applicant’s Reply Affidavit will also be part of the Applicant’s evidence in chief.
6. No other affidavits or records may be filed, and no other witnesses may be called without leave of the Court obtained, on notice, in advance of the hearing.
7. At the hearing, the Respondent shall be entitled to cross examine the Applicant on the Applicant’s affidavit(s) for a maximum total of 20 minutes and the Applicant shall be entitled to cross examine the Respondent on the Respondent’s Affidavit for a maximum total of 20 minutes.
8. Other matters ordered are:
*List other matters ordered here*.

2. If either party has a video or oral recording of the incident(s) referenced by the Applicant in support of the initial Restraining Order and they wish to rely on that recording at the Oral Hearing:

1. A copy of the recording must be provided to the other party within 14 days of the date of this Order;
2. The party seeking to rely upon a recording at the oral hearing must bring their own computer or other device to play the recording at the hearing;
3. The time required to play the recording at the oral hearing must not extend the timelines otherwise set out in this order for completion of the oral hearing;
4. The Justice at the oral hearing will determine whether the recording is admissible evidence at the hearing.

3. At the conclusion of the oral hearing, the Justice may:

* + - 1. Revoke the Restraining Order,
			2. Confirm/Grant the Restraining Order or,
			3. Revoke the order and grant a Mutual Restraining Order.

4. If the parties reach an agreement on the issues in dispute prior to the scheduled hearing date, they shall immediately advise the Court

5. Rule 9.4(2)(c) is invoked. *[Approval by a party is not required.]*

 *OR*

Rule 9.4(2)(d) is invoked. *[Clerk is directed to sign this Order.]*

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

Justice of the Court of King’s Bench of Alberta