|  |  |
| --- | --- |
| COURT FILE NUMBER | *Enter the Court File Number* |
| COURT | Court of King’s Bench of Alberta |
| JUDICIAL CENTRE | *Select a Judicial Centre* |
| APPLICANT | [*Applicant Name*] |
| RESPONDENT | [*Respondent Name*] |
| DOCUMENT | **RESTRAINING ORDER**  **WITHOUT NOTICE** |
| ORDER PREPARED BY |  |

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 of the Applicant, \_\_\_\_\_\_\_\_\_\_\_\_\_; AND UPON THE COURT having reviewed the evidence filed in support of this application and having heard representations made by or on behalf of the Applicant;

**IT IS ORDERED THAT:**

**CONTACT:**

1. The Respondent shall not attend at, enter or be within [*number*]meters of the following:

the Applicant’s residence: *Enter address*

the Applicant’s place of employment: *Enter address*

the Applicant’s other addresses: *Enter address*

or be within [*number*] meters of the Applicant anywhere in the Province of Alberta.

2. The Respondent(s) is/are restrained from harassing, molesting, watching, following, telephoning, or otherwise interfering with or contacting the Applicant and the following person(s), \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, either directly or indirectly, and either personally or by agent, including through the use of social media, anywhere in the Province of Alberta.

**ENFORCEMENT:**

3. Upon the Respondent(s) being in breach of any of the terms of this Order, any Peace Officer is authorized to forthwith arrest the Respondent, and bring the Respondent(s), as soon as possible, before a Justice of the Court of King's Bench of Alberta to show any reason why there should not be a finding of civil contempt. However, the Respondent shall not be arrested unless the Respondent has previously been served with a copy of this Order, or if not served, is shown a copy of this Order by the Police/Peace Officer and, upon being given an opportunity to do so, does not then obey it.

4. It is further ordered that, in making an arrest under this Order, a Peace Officer is authorized to do anything necessary to carry out the arrest, including the use of as much reasonable force as may be necessary to make the arrest, and without warrant to enter any place where on reasonable and probable grounds the Police/Peace Officer believes that the Respondent may be found.

5. This Order is sufficient authority for the keeper of a correctional institution to receive the Respondent in custody pending appearance before a Justice of the Court of King's Bench of Alberta.

**OTHER:**

6. This Order shall remain in effect up to and including the Date day of Month, 20Year (review date). This matter will be back before the Court on that day at \_\_\_\_\_\_\_ am/pm so that the Court may consider whether to renew the Order for a further period of time. If the Respondent wishes to appear on that date and provide evidence to the Court, the Respondent shall file with the Court, a responding Affidavit, 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 \_\_\_\_ days prior to the review date.

7. If the Respondent does not appear on the review date, an order may be granted in the Respondent’s absence.

8. Either party may apply to amend, vary, or strike out the within Order on providing notice to the other party 5 days or more before the date the application is scheduled to be heard or considered.

9. The Respondent shall not be in breach of this Order in the following circumstances:

1. Any contact between the Applicant and the Respondent through a third party for the purpose of:

i) arranging existing court ordered parenting time to any child(ren) who are not named in this protection order; or

ii) exercising parenting time agreed to between the parties through mediation or through their counsel, but only for children who are not named in this protection order;

shall not constitute a breach of this order.

1. The exercise of any parenting time granted to the Respondent in relation to the children by Order of a court of competent jurisdiction granted after this Order, shall not constitute a breach of this Order.
2. Any contact between the Applicant and the Respondent for the purpose of arranging and attending court (including arranging for service of documents through a third party or service by email), mediation, counselling, meetings with legal counsel present, or any contact required for legal proceedings shall not constitute a breach of this Order.

*[Any specific parenting terms must be put into a separate parenting Order.]*

10. **SERVICE:** *[Choose from below and initial.]*

*[If the Applicant has the means, and if there is no danger in relation to service, a private process server or other neutral third party should be utilized to serve this Order]*

A copy of this Order, together with a copy of the Application or Statement of Claim and Affidavit relied on in support of this application, shall forthwith be personally served on each Respondent by a third party to be arranged by the Applicant.

OR

A copy of this Order together with a copy of the Application or Statement of Claim and Affidavit relied on in support of this application is to be personally served upon the Respondent(s) as soon as reasonably possible by a Peace Officer.

OR

A Peace Officer may assist in serving this Order (and Application or Statement of Claim and Affidavit) upon the Respondent(s).

*[Only requires a Peace Officer to provide information that will assist with service.]*

OR

The Clerk of the Court shall serve all parties, or where applicable, Counsel for the parties, with a copy of this Order and supporting Affidavit, via email addresses provided in Court. The requirement of filing an Affidavit of Service is dispensed with.

OR

☐ *[Indicate any special instructions for service].*

*[If anything, other than personal service is ordered, a Peace Officer will not serve the order].*

11. **MISCELLANEOUS:** *[choose those that apply and initial]*

A Peace Officer shall accompany the Applicant/Respondent to the residence at: *Address* on one (1) occasion, as soon as reasonably possible, to supervise the removal of personal belongings.

A Peace Officer is directed to remove the Respondent from the residence at: *Address* within *Enter period of time*

A Peace Officer shall seize and store the following weapons:  
*List weapons*

For this purpose, the Peace Officer is authorized without warrant to enter any place where, on reasonable and probable grounds, the Peace Officer believes the Respondent may possess or store the above listed weapons.

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

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

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

Justice of the Court of King’s Bench of Alberta

**Notice to the Applicant:**

**YOU ARE ADVISED to carry a copy of this Order with you at all times as this will help to ensure timely enforcement of the Order.**

**Warning to the Respondent:**

**YOU MUST OBEY THE PROVISIONS OF THIS ORDER. Failure to obey this order may result in committal for civil contempt or criminal charges**.

**YOU SHOULD IMMEDIATELY CONTACT A LAWYER for advice as to what your rights are and as to what you are required to do respecting this Order.**