

After an affidavit of attempted service

Asking the court for another way to serve: Provincial Court family cases, Form 10 and Form 11

Reference and help guide only — not legal or procedural advice. See the notice on this page.

Please read. This guide restates the Provincial Court Family Rules and the Province's own guidebooks for Form 10 and Form 11 in plain language. It is not legal advice and it is not advice about your file. Okanagan Process Servers is a process serving company, not a law firm. If you are unsure which order to ask for, talk to a lawyer, a Family Justice Centre or the court registry. Links to every form and guidebook are on the last page.

Where you are now

We tried to serve your documents and could not. Our **affidavit of attempted service** is the sworn record of that work: each attempt's date, time and address, what the server saw, and who they spoke to. It is your evidence that serving the person in the usual way is not working.

The court can let you serve the documents another way. In a Provincial Court family case, the Provincial Court Family Rules allow it when the person to be served (Rule 182):

- cannot be found after a diligent search,
- is evading service of the document, or
- is temporarily outside British Columbia.

The court can order that the documents be served by a peace officer, or by an **alternative method**: for example posting them on the door, leaving them with a relative or other adult, mail, email, text message or a social media message.

Is your case in Provincial Court? This guide is for family cases under the *Provincial Court Family Rules*. A Supreme Court case (for example a divorce, or a civil claim) uses a different application and different rules: Supreme Court Family Rule 6-4 or Supreme Court Civil Rule 4-4. Small Claims has its own rules too. Check the top of your filed documents, or ask us.

Which form to use

Both forms ask for a *case management order*. The difference is whether the other party gets notice and whether anyone goes to court.

Form	How it works	Usually best when
Form 11 Application for Case Management Order <u>Without Notice or Attendance</u> (PFA 718)	Decided on the paperwork, without notice to the other party and without a court appearance (Rule 65). A judge or family justice manager can approve it, ask for more information, require that notice be given, or refuse it with reasons.	You cannot find or reach the person, which is why you need the order in the first place. The Province's guidebook recommends Form 11 for this kind of order.

Form	How it works	Usually best when
Form 10 Application for Case Management Order (PFA 717)	With notice. You file it and serve it, with your supporting evidence, on the other party and anyone else directly affected at least 7 days before the court appearance (Rule 64). There is a court appearance unless everyone consents in writing (Consent Order, Form 18; Rule 83).	You can still get documents to the person somehow, for example they answer texts or email but will not accept papers, or the registry or a judge has told you to apply this way.

Whichever form you use, the evidence is the same. Gather it first.

Before you start: gather this

- ❑ **Your court file number and registry**, from the stamp on the documents you filed.
- ❑ **The list of documents** that still need to be served, each by its name and filing date (for example: Application About a Family Law Matter, Form 3, filed March 4, 2026).
- ❑ **Our sworn affidavit of attempted service.** In Provincial Court family cases an affidavit is made in **Affidavit – General, Form 45** (Rule 171), and the Province's guidebook says a process server's affidavit should use it. Tell us your file is a Provincial Court family file and we will prepare the affidavit that way.
- ❑ **What you know about where to find the person:** home and work addresses, email, cell number, social media accounts, relatives or friends who are in touch with them. For each one, note **how you know it** and **when you last confirmed it**. The forms ask for all three.
- ❑ **Proof that your chosen method will reach them**, if you have it: a recent text or email they answered, a recent post or message on their account. You can attach these as exhibits to your own Form 45 affidavit.
- ❑ **The one method you will ask for.** Form 11 asks you to choose **only one**; pick the one most likely to reach them.

Filling in Form 10, part by part

The part numbers below match the form. Write in plain language; you do not need special legal wording.

Part	What to put
Top of page 1	Registry location and court file number : copy them from your filed documents. Leave document number and the court stamp area blank; the registry fills those in.
Part 1 About the parties	1. Your full name and date of birth (dd/mmm/yyyy, e.g. 04/Mar/1985). 2. The other party's full name, spelled exactly as on your filed application. 3. Usually blank. Only name someone else if the order would directly affect them.
Part 2 Children	4. Tick the option that fits. If the case involves a child-related issue, list each child's full name and date of birth.
Part 3 Notice	5. Tick the box. It confirms you understand you must serve this application, and your supporting documents, at least 7 days before the court appearance unless the court allows otherwise. If you cannot reach the person at all, that is the case for using Form 11 instead.

Part	What to put
Part 4 The order	6. Tick “Waiving or modifying any requirement related to service or giving notice to a person, including allowing an alternative method for the service of a document.” If a deadline has already passed or a court date is coming up, you may also need “Waiving or modifying any other requirement... including a time limit” or “Adjourning a court appearance.”
Part 5 Details of the order	7. Say exactly what you want the order to say: who is served, which documents, by what method, and when service counts as done. See the sample below.
Part 6 The facts	8. Explain why you need the order and why it should be made: the attempts (refer to our affidavit), why you believe the person cannot be found, is avoiding service or is out of B.C., and why your method will reach them. See the sample below.
Part 7 Consent	9. Usually “I do not have the consent of each party...” . If the other party has agreed to be served another way, the consent options and a Form 18 consent order can avoid a court appearance.
Part 8 Availability	10. Tick the one that is true. If you have not been able to reach the other party, that is “I have not contacted the other party...” . Have a few dates you are free ready for the registry.
Part 9 Court appearance	Leave blank. The registry or judicial case manager fills in the date, time and how you will attend.
Part 10 Filing location	11. Usually “Where my existing case with the same party/parties is located. I already have a file number.”
Part 11 Address for service	12. Where court documents can be sent to you, with an email and a phone number you answer during the day. It does not have to be your home address. If you have a lawyer, add their name and firm.

SAMPLE WORDING · PART 5, DETAILS OF THE ORDER

That the Application About a Family Law Matter (Form 3) filed [date], together with [any other documents], may be served on [full name] by [one method, for example: sending them by text message to (cell number) / sending them by email to (email address) / leaving them with (full name), (relationship), at (address)].

That a copy of this order, this application and the supporting affidavit be served with those documents, and that service is complete [on the day they are sent / on the day they are left / X days after they are sent].

Rule 182(2) requires the order, the application and your supporting documents to be served along with the documents, so it is worth saying so in the order you ask for.

SAMPLE WORDING · PART 6, THE FACTS

Between [first date] and [last date], a process server from Okanagan Process Servers attempted to serve [full name] at [address] on [number] occasions, at different times of day [and on a weekend]. The attempts are set out in the Affidavit of Attempted Service of [server's name], [sworn/affirmed] on [date], filed with this application. [One or two key observations, e.g. a vehicle registered to (name) was in the driveway; a neighbour said (name) still lives there.]

I believe [full name] [cannot be found / is avoiding service / is temporarily outside British Columbia] because [reason].

[Full name] uses [the method you chose]: [how you know, and when you last confirmed it, e.g. they replied to my text message at this number on (date)]. I believe serving the documents this way will bring them to [his/her/their] attention because [reason].

Using Form 11 instead

Form 11 collects the same information in a schedule. Fill in the main form, then **Schedule 2**, and in Part 1 of the schedule tick **“Allow service of a document using an alternative method.”** Then complete **Part 4**:

7 Person and documents

The full name of the person to be served, and each document you need to serve on them.

8 Reason for the application

Tick either *“I do not know where to find the person...”* or *“I believe the person ... is avoiding service ... or is temporarily outside of British Columbia,”* and describe the efforts made. Summarise our affidavit here: dates, times, address, what the server saw and who they spoke to.

9 What you know about the person

Their address, location, contact details, or who can reach them. Include how you know each one and when it was last confirmed.

10 The method you are asking for

Choose **one**: posting on the door of their residence; leaving with a relative or other adult; registered or regular mail; email; text message; instant message on a social platform; leaving at their last known address; or another method you describe. Fill in the address, name, number or account it needs.

11 Why it will work

Why you believe that method will bring the documents to their attention, for example they replied to a message at that number or account recently.

Attach our affidavit of attempted service, and your own Form 45 affidavit if you have exhibits, as your supporting evidence.

Filing, and what happens next

1 File at your registry

File the application and the supporting affidavit(s) at the registry where your case is. If you file in person, bring extra copies. The Province's guidebooks list exactly what to bring.

2 The court decides

Form 11: decided on the papers. The court may approve the order, ask for more information or evidence, require that notice be given, or refuse it with reasons.

Form 10: the registry or judicial case manager sets a court appearance. Serve the application and your supporting documents at least 7 days before it.

3 Serve exactly as the order says

Use the method, address, number or account in the order, and include a copy of the order, the application and the supporting documents with the documents (Rule 182(2)). If the court orders notice by advertisement, it is in Form 47 and the applicant pays for it (Rule 182(3)).

4 Prove service

Service is usually proved by filing a **Certificate of Service, Form 7**, with a copy of the documents served attached (Rule 183).

We can take it from here. Once you have the order, send us a copy with the documents. We will serve them exactly as the order allows, whether that is leaving them with an adult at the address, posting them on the door, or sending them by email or text, and complete the proof of service for you. Call or text **250-718-8441** or email OkanaganProcessServers@gmail.com.

Forms, guidebooks and free help

What	Where
Form 10, Application for Case Management Order	Form (PFA 717) · Guidebook
Form 11, Without Notice or Attendance	Form (PFA 718) · Guidebook
Form 45, Affidavit – General	Form (PFA 762)
Form 7, Certificate of Service	Form (PFA 714)
All Provincial Court family forms	gov.bc.ca : Provincial family forms
The rules	Provincial Court Family Rules, B.C. Reg. 120/2020 : Rule 64 , Rule 65 , Rule 182 , Rule 183
Free help	Family Justice Centres · Legal Aid BC · Family Law in BC · Access Pro Bono