



Province of Alberta

PROTECTION AGAINST FAMILY VIOLENCE ACT

PROTECTION AGAINST FAMILY VIOLENCE REGULATION

Alberta Regulation 80/1999

With amendments up to and including Alberta Regulation 120/2020

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Office Consolidation

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Note

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(Consolidated up to 120/2020)

ALBERTA REGULATION 80/99

Protection Against Family Violence Act

PROTECTION AGAINST FAMILY VIOLENCE REGULATION

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Definitions

1(1) In this Regulation,

- (a) “Act” means the *Protection Against Family Violence Act*;
- (b) “designated person” means a person or a member of a category of persons designated in section 3;
- (c) “judge” means a judge of the Provincial Court or a justice of the peace;
- (d) “order” means an emergency protection order.
- (e) “telecommunication” includes the use of a telephone or video conference.

(2) For the purposes of the Act and this Regulation,

- (a) “peace officer” means
 - (i) a police officer as defined in the *Police Act*, while exercising or discharging those powers or duties, and
 - (ii) a person appointed under the *National Defence Act* (Canada) regulations for the purposes of section 156

of the *National Defence Act* (Canada), while exercising or discharging those powers or duties in a defence establishment as defined in that Act,

(iii) repealed AR 134/2011 s2.

(b) repealed AR 192/2006 s2.

(3) For the purposes of section 2(6) of the Act, “working day” means any day on which the courts in Alberta are open for operation.

AR 80/99 s1;192/2006;134/2011;120/2020

2 Repealed AR 134/2011 s3.

Designated persons

3 The following are designated persons for the purpose of applying for orders under section 6(1)(b) of the Act:

- (a) a peace officer or a person authorized by a police service to assist in applying for orders;
- (b) a director designated under section 129 of the *Child, Youth and Family Enhancement Act*;
- (c) a person or category of persons authorized by the Minister of Human Services to apply for orders.

AR 80/99 s3;206/2001;192/2006;68/2008;31/2012

Application in person or by telecommunication

4(1) Subject to subsection (2), an application for an order may be made in person or by telecommunication.

(2) The Provincial Court may establish requirements for an application by telecommunication.

AR 80/1999 s4;120/2020

Evidence at hearing

5(1) At the hearing of an application for an order, a judge shall

- (a) take the evidence under oath or affirmation and declaration, as the case may be, in accordance with the *Alberta Evidence Act*, and
- (b) ensure that a record of the evidence of each person is made

- (i) in legible writing in the form of notes made by the judge or a statement of the person giving the evidence, or
- (ii) by a sound recording of the proceedings.

(2) For the purposes of subsection (1), an oath or affirmation and declaration may be administered by telecommunication.

AR 80/99 s5;192/2006;120/2020

Emergency protection order

6 When a judge grants an order, the judge shall complete the original order and, for the purposes of sections 7 and 10(2),

- (a) ensure 3 copies are made, or
- (b) if the order is granted by telecommunication, direct the person who applied for the order to complete 3 copies of the order containing the same information and provisions as the original order.

AR 80/99 s6;192/2006;120/2020

Service

7(1) A copy of an order shall be served on the respondent as soon as reasonably possible by a peace officer or by any other person that the judge directs.

(2) Where a person makes an application on behalf of a claimant, that person shall provide a copy of the order to the claimant.

AR 80/99 s7;192/2006

Substitutional service

8(1) If it is impractical for any reason to personally serve an order pursuant to section 7(1), a designated person may apply to a judge, in person or by telecommunication, for an order for substitutional service.

(2) An application for substitutional service is to be supported by evidence setting out why personal service is impractical and proposing a method of service that is likely to bring notice of the order to the respondent.

(3) In making a substitutional service order, the judge shall direct, on any terms that the judge considers appropriate, any one or more of the following methods of substitutional service that the judge is satisfied is likely to bring notice of the order to the respondent:

- (a) serving a member of the respondent's family or another person who is able to bring the order to the respondent's attention;
- (b) serving a person with whom the respondent is residing or leaving the order at the place where the respondent is residing;
- (c) posting the order in a public place;
- (d) publishing the order in a newspaper;
- (e) sending the order by electronic mail to the respondent's e-mail address;
- (f) any other method the judge considers appropriate.

AR 80/99 s8;192/2006

Actual notice

9 For the purposes of section 5 of the Act, a respondent has actual notice of an order if

- (a) the respondent is personally served with a copy of the order, or
- (b) there are other circumstances that, in the opinion of the court, provide the respondent with actual notice.

AR 80/99 s9;192/2006

Proof of service

10(1) Service of a document may be proved by the oral testimony or affidavit of the person who served it.

(2) A peace officer who serves an order on a respondent shall as soon as practicable after service forward the completed affidavit of service with a copy of the order attached as an exhibit to the Clerk of the Court of Queen's Bench at the judicial centre named pursuant to section 2(6) of the Act.

AR 80/99 s10;192/2006

Warrant

11(1) For the purposes of section 10 of the Act, peace officers are designated as a category of persons who may apply for a warrant.

(2) An application for a warrant by a peace officer may be made in person or by telecommunication.

12 Repealed AR 14/2016 s2.

Coming into force

13 This Regulation comes into force on the date the Act comes into force.



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