

at \_\_\_\_\_  
Court office address

## Form 1: Application for Restraining Order

*Prevention of and Remedies for Human Trafficking Act, 2017*

### Applicant

Full legal name: \_\_\_\_\_

### Preferred method of service (you must check one):

- ☐ Address – street & number, municipality, postal code (you may provide an address other than your own, as long as it can reasonably be expected that any documents to be served on you will come to your attention):  
\_\_\_\_\_
- ☐ Email address: \_\_\_\_\_
- ☐ Fax number: \_\_\_\_\_
- ☐ Lawyer's name & address – street & number, municipality, postal code, telephone & fax numbers and email address (if any):  
\_\_\_\_\_

### Respondent(s)

Full legal name & address for service – street & number, municipality, postal code, telephone & fax numbers and e-mail address (if known)

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Lawyer's name & address – street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any)

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### TO THE RESPONDENT(S):

**A court case has been started against you in this court. The details are set out on the attached pages.**

**If you want to oppose any claim in this case**, you or your lawyer must prepare a Response (Form 4 – a blank copy is attached), serve a copy on the applicant, and, if the victim is not the applicant, the victim, and file a copy in the court office with an Affidavit of Service (Form 11). Please see the Affidavit of Service for acceptable methods of service. **You must serve and file a response at least five days before the hearing date, if a date has been set. If you do not, the case will go ahead without you and the court may make an order and enforce it against you.**

**You may wish to seek the advice and assistance of a lawyer.** If you cannot afford a lawyer, you may be able to get help from the duty counsel office at your local courthouse.

### TO THE VICTIM, IF YOU ARE NOT THE APPLICANT:

**A court case has been started in this court that involves you.**

If you want to oppose any claim in this case, you or your lawyer must prepare a Response (Form 4 – a blank copy is attached), serve a copy on the applicant and the respondent(s), and file a copy in the court office with an Affidavit of Service (Form 11). You must serve and file a response at least five days before the hearing date, if a date has been set. If you do not, the case will go ahead without you and the court may make an order.

You may wish to seek the advice and assistance of a lawyer. You may get free legal help by calling toll-free at 1-833-999-9211.

☐ THE FIRST COURT DATE IS (date) \_\_\_\_\_ at \_\_\_\_\_ ☐ a.m. ☐ p.m.  
or as soon as possible after that time, at: (address, courtroom number) \_\_\_\_\_

\_\_\_\_\_  
Date of issue

\_\_\_\_\_  
Clerk of the court

### Claim by Applicant

My name is (full legal name of applicant) \_\_\_\_\_  
and I live in (municipality & province) \_\_\_\_\_

I am asking for an order under s. 4(2) of the *Prevention of and Remedies for Human Trafficking Act, 2017*.

I am asking for this order: (check applicable box)

- ☐ Without notice.  
☐ With notice to all persons affected.

I swear/affirm that the following is true:

1. (check applicable box)

- ☐ I am a victim of human trafficking and am asking for this order for myself.  
☐ I am acting on behalf of a victim of human trafficking.

**NOTE:** To consent to a person acting on their behalf, the victim **MUST** complete the Consent to Person Acting on Behalf (Form 2), file it in the court office with this application, and serve a copy on the other parties (a copy is only required to be served if the application is being made with notice).

- ☐ I have lawful custody of a victim of human trafficking who is a child, and I am asking for this order for them.  
☐ I am acting on behalf of a person who has lawful custody of a victim of human trafficking who is a child.

**NOTE:** To consent to a person acting on their behalf, the person with lawful custody of a victim of human trafficking who is a child **MUST** complete the Consent to Person Acting on Behalf (Form 2), file it in the court office with this application, and serve a copy on the other parties (a copy is only required to be served if the application is being made with notice).

Full legal name of person with lawful custody of victim who is a child:

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☐ I am a person prescribed by the regulations as an applicant.

**2. I want the court to deal with this application: (check applicable box)**

- ☐ By relying only on written material.
- ☐ In a hearing at which affected persons may attend personally.
- ☐ By telephone or video conference.

**NOTE:** You or your lawyer **MUST** request a telephone or video conference at least five days before the hearing date, if the application is made with notice. If the request is permitted, you are required to make the necessary arrangements, serve notice on all other parties and file it in the court office.

**3. Victim information: (provide details)**

Full legal name of victim: \_\_\_\_\_

Victim's age: \_\_\_\_\_

If you are applying for an order for a child as their lawful custodian, or are acting on behalf of a lawful custodian, please provide the following information:

Victim's address for service – street & number, municipality, postal code, telephone & fax numbers and email address (if known):

Victim's lawyer's name and address – street & number, municipality, postal code, telephone & fax numbers and email address (if known):

**4. Respondent information: (provide details – if unknown, write N/A. If there is more than one respondent, attach an additional sheet, number it and provide the below information)**

Full legal name of respondent (if known): \_\_\_\_\_

Respondent's birth date (if known): \_\_\_\_\_

Respondent's age (if known): \_\_\_\_\_

**5. Are any of the following factors relevant to your application? (provide details – what happened? Where? When? If a factor is not relevant, write NA)**

a. ☐ The respective ages of the victim and the respondent.

b. ☐ The victim's immigration status.

c. ☐ Whether the victim has a physical or mental disability.

d. ☐ The nature of the relationship between the victim and the respondent.

- e. ☐ Whether the respondent is in a position of trust, power or authority in relation to the victim.
- f. ☐ The use of threats or other forms of intimidation by the respondent against the victim or a person known to the victim.
- g. ☐ The use of force by the respondent against the victim or a person known to the victim, or against another person in the victim's presence.
- h. ☐ The used of deception, fraud or other forms of coercion by the respondent in relation to the victim.
- i. ☐ The provision to the victim of alcohol or of a controlled substance, as defined in the *Controlled Drugs and Substances Act* (Canada), by the respondent, in order to cause or compel the victim to provide labour or services.
- j. ☐ The respondent's control, including withholding, or threatened control of the victim's access to alcohol or to a controlled substance referred to in factor i.
- k. ☐ The respondent's control or threatened control of the victim's finances, including withholding money.
- l. ☐ The respondent's control, including withholding, destruction, concealment or removal, or threatened control of any of the victim's personal effects or documents, such as a passport, driver's licence, health card or other form of identification.
- m. ☐ The possession, making, transmission, making available, selling, advertising or distribution, by the respondent, of any visual recording of the victim in which the victim is nude, is exposing his or her genital organs, anal region or breasts, or is engaged in or depicted as being engaged in explicit sexual activity. **A visual recording includes a photographic, film or video recording made by any means.**



n. ☐ Any other relevant factors.

**6. Are you requesting that the restraining order contain any conditions, such as: (provide details – who? Where? What?)**

- ☐ Prohibiting the respondent from, directly or indirectly, communicating with or contacting the victim or any specified person.
- ☐ Prohibiting the respondent from attending at or within a specified distance from any place that the victim or a specified person attends regularly. **Places may include a school, shelter, youth facility, place of residence, place of worship, place of employment or any other place where the victim or specified person is reasonably known by the respondent to be.**
- ☐ Requiring the respondent to return specified personal effects or documents belonging to the victim. **Personal effects or documents may include a passport, driver's licence, health card or other form of identification.**
- ☐ Requiring the respondent to return to the victim the original and any copies of any visual recording of the victim. **A visual recording includes a photographic, film or video recording made by any means.**
- ☐ Prohibiting the respondent from possessing, making, transmitting, making available, selling, advertising or distributing any visual recording of the victim. **A visual recording includes a photographic, film or video recording made by any means.**
- ☐ Prohibiting the respondent from possessing any weapon, as defined in section 2 of the *Criminal Code* (Canada).
- ☐ Any other condition that you believe to be necessary or advisable for the protection of the victim.

7. [WITHOUT NOTICE APPLICATIONS ONLY] I am asking for this order on an urgent basis because I am, or the victim, if not the applicant, is in immediate or imminent danger from the respondent(s) for the following reasons: (provide details)

Sworn/Affirmed before me at \_\_\_\_\_  
municipality  
in \_\_\_\_\_  
province, state, or country  
on \_\_\_\_\_  
date  
Commissioner for taking affidavits  
(Type or print name below if signature is illegible.)

Signature  
(This form is to be signed in front of a lawyer,  
justice of the peace, notary public or  
commissioner for taking affidavits.)

Exhibit: National Inquiry into Missing and Murdered Indigenous Women and Girls		
Location/Phase: <u>Parts 2/3 St. John's</u>		
Witness: <u>Juanita Dobson</u>		
Submitted by: <u>Julian Roy</u>		
Add'l info: <u>P02-03P04P0101</u>		
Date: <u>OCT 15 2018</u>		
Initials	I/D	Entered
<div>53</div>	<div></div>	<div>35</div>