



Tips on Preparing Your Response to Notice to Disclose

If you were to abide by only two rules when preparing your Response to Notice to Disclose, or generally responding to our requests for disclosure, they should be:

1. Make sure that your documents are organized; and
2. Tell us why you are including the documents you are providing.

Remember, the longer it takes us to puzzle through your disclosure, the more expensive it is for you. It saves us time, and accordingly your fees, if your response is well organized for us.

Here are some other tips to keep in mind when providing a response:

1. Respond To Every Bullet

- If you leave a bulleted item blank, it could mean any number of things. For instance, it might mean that:
 - You did not read the item;
 - The item does not apply to you;
 - The item applies and you are working on getting the disclosure;
 - The other party has the disclosure we are looking for; or
 - You are not sure what the question is asking.

Make sure that you tell us which situation you are in. Otherwise, we will have to contact you each time until we have a sufficient answer to each of the queries.

- If you do not understand what we are looking for, even a note to that effect would help us to explain what we expect to see in the circumstances.

2. Tell Us What You Are Providing and Why?

- Do not provide any disclosure without an explanation about what you are providing. Otherwise, we will have to call you and ask about anything that we do not understand;
- If you are only providing us with half of the bank statements we are asking for, let us know where the remaining ones are; and
- If you have additional disclosure that we have not asked for, but that you believe is relevant, tell us the reason why it is relevant. Also, do not provide it grouped in with the Notice to Disclose documents, but rather provide it as a separate group of documents.

3. Answer the Question Asked

- Make sure that you are providing the requested disclosure. If the Notice to Disclose asks for a Tax Return, make sure that you provide the Tax Return. Tax Return Summaries are not sufficient.
- If you do not have the document, tell us what steps you are taking to obtain another copy, AND when you expect to have the copy to us.

4. Do Not Provide Originals

- There are a number of reasons not to provide originals:
 - We may want to discuss the disclosure by phone, in which case we both need copies;
 - At a later date we may ask you to provide another copy of a document, as it is quicker than us going through the file; and
 - If it is not relevant, and we have a copy, we will have to send it back to you, or you will have to come pick it up. If we have a copy, we can just destroy it.

Therefore, it is usually best if you do not provide us with the original documents. The exceptions to this rule are:

- The Parenting After Separation (“PAS”) Certificate;
- Your Marriage Certificate; and
- Where we specifically ask for the original.

The PAS and Marriage certificates need to be filed at the Courthouse, which is why the original is required for those documents.

5. **Provide the Complete Document**

- Please provide the whole document. We understand that it may be the case that only two pages of the document end up being relevant (this is often the case with tax returns). We still need to be able to see the whole return.
- Consider if we were on the other side of the file, we would want to make sure that we saw the complete document, so that we could ensure there no assets or income which were being hidden.
- When providing statements, please ensure that the following information is clearly indicated:
 - Name(s) attached the account;
 - Account number(s);
 - Banking/Financial institution;
 - Statement Dates (starting/ending);
 - Date and dollar amount of transactions; and
 - Balance in the account.

If you have online banking, often you can download a PDF version of your bank statement which shows all of this information.

- Do NOT set print-offs of summaries of your banking history from the bank website. These are usually insufficient since they usually do not show the owners of the account nor what type of account it is (savings, chequing etc.).

6. **Do Not Write on the Documents**

- Remember, we have to send your Response to Notice to Disclose to opposing counsel. Do not write anything on the documents that you would not want them to see. This includes highlighting.
- If we want to see a highlighted copy (for instance his vs. her visa expenses on a joint VISA) we will specifically ask you to do so.
- If you really want to leave us a note, “Post-It” notes work well, as we can remove them before sending them over to opposing counsel

7. Make 3 Copies of the Response to Notice to Disclose Documents

- We need a copy for our office, a copy to send to the opposing counsel, and a copy to file with the court.
- When you are making your copies:
 - Number and organize them in the same order as your response to Notice to Disclose;
 - Sort them in a logical order (Generally chronological order is great!)
 - Use numbered tabs. If you do not have tabs, “Post-Its” can work in a pinch.

If still have any questions, please feel free to contact Sierra’s assistant, Carmen, by phone: (403)767-2007, or by e-mail: oliphant@bellandstock.com. Keep in mind that we bill in 0.1 hour increments and, it is much more efficient if you group all of your questions together.

DOCUMENT CHECKLIST – Notice to Disclose

1. A copy of every personal income tax return you have filed for each of the 3 most recent taxation years.
2. A copy of every notice of assessment and reassessment issued to you for each of the 3 most recent taxation years, or a copy of the Canada Customs and Revenue Agency printout of your last 3 years’ income tax returns.
3. If you are an employee, a copy of each of your 3 most recent statements of earnings indicating your total earnings paid in the year to date, including overtime, or where such a statement is not provided by your employer, a letter from your employer setting out that information, including your rate of annual salary or remuneration.
4. If you receive income from employment insurance, social assistance, a pension, workers compensation, disability payments, dividends or any other source, the most recent statement of income indicating the total amount of income from the applicable source during the current year, or if such a statement is not provided, a letter from the appropriate authority stating the required information.
5. If you are a student, a statement indicating the total amount of student funding you have received during the current academic year, including loans, grants, bursaries, scholarships, and living allowances.
6. If you are self-employed:
 - a. Particulars or copies of every cheque issued to you during the last 6 weeks from any business or corporation in which you have an interest, or to which you have rendered a service;

- b. The financial statements of your business or professional practice for the 3 most recent taxation years; and
 - c. A Statement showing the breakdown of all salaries, wages, management fees or other payments or benefits paid to yourself, or to persons or corporations with whom you do not deal at arm's length, for the 3 most recent taxation years.
7. If you are a partner in a partnership, confirmation of your income and draw from, and capital in, the partnership for its 3 most recent taxation years.
8. If you have a 1% or more interest in a privately held corporation:
- a. The financial statements of the corporation and its subsidiaries for its 3 most recent taxation years, and
 - b. A statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to yourself, or to persons or corporations with whom the corporation, and every related corporation, does not deal at arm's length for the corporation's 3 most recent taxations years.
9. If you are a beneficiary under a trust, a copy of the trust settlement agreement and copies of the trust's 3 most recent financial statements.
10. Copies of all bank account statements and cancelled cheques solely or jointly in your name for the past 6 months.
11. Copies of credit card statements for all credit cards solely or jointly in your name for the last 6 months.
12. A detailed list of any special or extraordinary expenses claimed (where child support is an issue) as well as copies of receipts or other documentation providing the amount of those expenses, namely
- a. Child care costs
 - b. Health care and extended medical and dental insurance premiums attributed to the child
 - c. Uninsured health care and dental expense
 - d. **Extraordinary** educational expenses
 - e. Post secondary educational expenses

- f. **Extraordinary** extracurricular expenses.
13. Your monthly budget of expenses (where spousal or adult interdependent partner support is an issue).
 14. A sworn itemized list of your income, assets and liabilities.
 15. Copies of the most recent statement for all RRSPs, pensions, term deposit certificates, guaranteed investment certificates, stock accounts and other investments in your name or in which you have an interest.
 16. A list of any exemptions claimed (where the action involves the division of matrimonial property).