

BỘ TƯ PHÁP

CỘNG HOÀ XÃ HỘI CHỦ NGHĨA VIỆT NAM
Độc lập – Tự do – Hạnh phúc

Số: 3018 /BTP-PLQT

Hà Nội, ngày 18 tháng 9 năm 2018

TÒA ÁN NHÂN DÂN TỈNH BẾN TRE	
V/v kết quả ủy thác tư pháp	
Số: ... 1482 ...	
ĐẾN Ngày: 26/9/2018	
Chuyên: ... Tòa ...	
Lưu hồ sơ số: .	

Kính gửi: Tòa án nhân dân tỉnh Bến Tre ✓

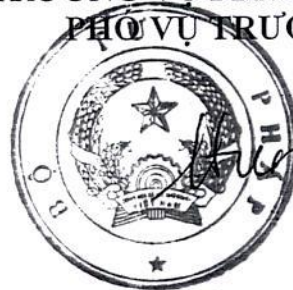
Bộ Tư pháp nhận được Văn bản số C24 ngày 14/09/2018 của Bộ Tổng Chương lý Tòa án bang Ontario, Canada thông báo kết quả thực hiện ủy thác tư pháp theo đề nghị của Quý Cơ quan tại Công văn số 187/TTTPDS-TA7 ngày 19/03/2018 đối với đương sự **VAN CHRISTINE**. Theo đó, Cơ quan có thẩm quyền của Ca-na-đa đã thực hiện ủy thác tư pháp nêu trên vào ngày 04/06/2018 bằng phương thức: Chuyển cho người sống chung cùng đương sự.

Bộ Tư pháp xin gửi văn bản nói trên và các tài liệu kèm theo để Quý Cơ quan giải quyết theo thẩm quyền. *uu*

Nơi nhận:

- Như trên (gửi kèm hồ sơ);
- Bộ trưởng (để b/c);
- Thứ trưởng Nguyễn Khánh Ngọc (để b/c);
- Vụ trưởng Vụ PLQT (để b/c);
- Tòa án nhân dân tối cao (để biết);
- Lưu VT, PLQT (B).

TL. BỘ TRƯỞNG
KT. VỤ TRƯỞNG VỤ PHÁP LUẬT QUỐC TẾ
PHÓ VỤ TRƯỞNG



Phạm Hồ Hương

Zimbra

haguevietnam@moj.gov

RE: Request for Service under the Hague

Từ : JUS-G-MAG-CSD-Haileybury-HagueConvention
<HagueConvention@ontario.ca>

Th 6, 14 thg 9, 2018 01:49

📎 1 đính kèm

Chủ đề : RE: Request for Service under the Hague

Gửi tới : haguevietnam@moj.gov.vn

Hello

I forwarded your request to the supervisor of the Enforcement Officer. The following is the response from the supervisor:

As we are unable to provide you with the legal meaning of "common law".


We can clarify the following information.

The enforcement officer "left a copy in a sealed envelope addressed to Christine Van with Vernon Harris an adult person residing at the same address and followed up by mailing another copy of the same document on the same day to the same address addressed to Christine Van"

Debbie Dykstra
Supervisor
Enforcement, Writs and Finance
393 University Ave. 19th Floor
Toronto, ON
M5G 1E6
Telephone- 416-327-5925

Nadine Auger

Nadine Auger
Client Service Representative
Ministry of Attorney General
Ontario Court of Justice
393 Main Street, PO Box 1208
Haileybury, ON P0J 1K0
Telephone: 1-705-672-3321, ext. 214
Fax: 1-705-672-3360
HagueConvention@ontario.ca

 Ontario Ministry of Attorney General

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From: haguevietnam@moj.gov.vn [mailto:haguevietnam@moj.gov.vn]

Sent: September-05-18 12:22 AM

To: JUS-G-MAG-CSD-Haileybury-HagueConvention

Subject: Re: Request for Service under the Hague

Dear Ms. Nadine Auger,

We really need your support in this case because the person who was served is not the addressee named in the request. We would like to clarify his relationship to the addressee.

Please support us by contacting the person who was in charge of serving the document in this case:
Mr Nick Mooney- the enforcement officer .

Thank you so much for your cooperation.
Sincerely,

Department of International Law
Ministry of Justice
Add: 58- 60 Tran Phu Street, Ba Dinh District, Ha Noi, Viet Nam
Tel: (+84)62739451
Fax: (+84)62739359


Từ: "HagueConvention" <HagueConvention@ontario.ca>
Tới: haguevietnam@moj.gov.vn
Đã gửi: Thứ Tư, Tháng Tám 15, 2018 10:52:21 CH
Chủ đề: RE: Request for Service under the Hague

Hello

I am not able to provide the precise legal meaning of common-law.

Nadine Auger

Nadine Auger
Client Service Representative
Ministry of Attorney General
Ontario Court of Justice
393 Main Street, PO Box 1208
Haileybury, ON P0J 1K0
Telephone: 1-705-672-3321, ext. 214
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From: haguevietnam@moj.gov.vn [mailto:haguevietnam@moj.gov.vn]
Sent: August-01-18 12:08 AM
To: JUS-G-MAG-CSD-Haileybury-HagueConvention
Subject: Re: Request for Service under the Hague

Dear Sir/ Madam,

Thank you so much for your information. It is really helpful because until now, we have not received any Certificate or returned documents via mail from Ontario.

Regarding case Van Christine, the Certificate indicates that the person who accepted the documents is Vernon Harris and his **relationship to the addressee is "Common law"**. We would like to know the precise meaning of the note "Common law" in this case.

We are looking forward to hearing from you.
Thank you for your cooperation.
Sincerely

Department of International Law
Ministry of Justice
Add: 58- 60 Tran Phu Street, Ba Dinh District, Ha Noi, Viet Nam
Tel: (+84)62739451
Fax: (+84)62739359

Từ: "HagueConvention" <HagueConvention@ontario.ca>
Tới: haguevietnam@moj.gov.vn
Đã gửi: Thứ Năm, Tháng Bảy 19, 2018 12:28:06 SA
Chủ đề: Request for Service under the Hague

Hello

Service was effected on June 4, 2018. A copy of the Certificate is attached and the original is being forwarded.

Nadine Auger

Nadine Auger

Client Service Representative

Ministry of Attorney General

Ontario Court of Justice


393 Main Street, PO Box 1208

Haileybury, ON P0J 1K0

Telephone: 1-705-672-3321, ext. 214

Fax: 1-705-672-3360

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CERTIFICATE ATTESTATION

The undersigned authority has the honour to certify, in conformity with Article 6 of the Convention,
L'autorité soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention,

1. that the document has been served*
que la demande a été exécutée*

- the (date) / le (date):	JUNE 4th 2018
- at (place, street, number): à (localité, rue, numéro) :	30 PAGE STREET, TORONTO, ON, M6G1J2

- In one of the following methods authorised by Article 5: dans une des formes suivantes prévues à l'article 5 :	
<input checked="" type="checkbox"/>	a) in accordance with the provisions of sub-paragraph a) of the first paragraph of Article 5 of the Convention* selon les formes légales (article 5, alinéa premier, lettre a)*
<input type="checkbox"/>	b) in accordance with the following particular method*: selon la forme particulière suivante* :
<input type="checkbox"/>	c) by delivery to the addressee, if he accepts it voluntarily* par remise simple*

The documents referred to in the request have been delivered to:
Les documents mentionnés dans la demande ont été remis à :

Identity and description of person: Identité et qualité de la personne :	VERNON HARRIS
Relationship to the addressee (family, business or other): Liens de parenté, de subordination ou autres, avec le destinataire de l'acte :	COMMON LAW

2. that the document has not been served, by reason of the following facts*:
que la demande n'a pas été exécutée, en raison des faits suivants*:

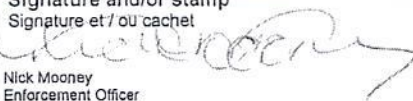
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- In conformity with the second paragraph of Article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement*.
Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire ci-joint*.

Annexes / Annexes

Documents returned: Pièces renvoyées :	As per request for service -Attached-
In appropriate cases, documents establishing the service: Le cas échéant, les documents justificatifs de l'exécution :	A COPY OF THE DOCUMENTS WERE ALSO MAILED TO THE CHRISTINE VAN AT 30 PAGE STREET, TORONTO, ON, M6G1J2 ONCE I RETURNED TO THE ENFORCEMENT OFFICE.

* If appropriate / s'il y a lieu

Done at / Fait à The / le	Toronto, Ontario JUNE 5th , 2018	Signature and/or stamp Signature et / ou cachet  Nick Mooney Enforcement Officer
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