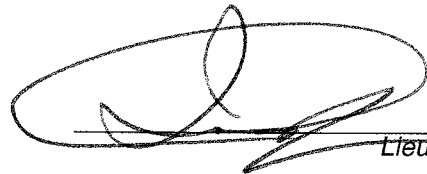



PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. **630**, Approved and Ordered **SEP -7 2006**

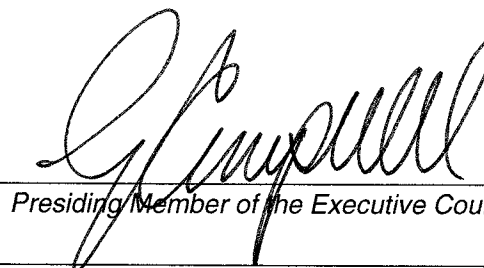

Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, made after consultation with the Chief Judge of the Provincial Court, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective October 1, 2006, the Small Claims Rules, B.C. Reg. 261/93, are amended as set out in the attached Schedule.



*Attorney General and Minister Responsible
for Multiculturalism*



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Court Rules Act, R.S.B.C. 1996, c. 80, s. 1

Other (specify):- oic 1030/93

June 16, 2006

SCHEDULE

1 Rule 7.2 of the Small Claims Rules, B.C. Reg. 261/93, is amended

(a) *in subrule (2) (c) by striking out* “mediation registry.” *and substituting* “mediation registry before a notice of settlement conference relating to the disputed claim is sent for service under Rule 7 (3).”;

(b) *by adding the following subrule:*

Certificate of readiness

(7.1) Rule 7 (9) to (13) applies to a mediation session in relation to a claim for damages for personal injuries, and, for the purposes of this subrule, a reference in Rule 7 (9) and (13) to a “settlement conference” must be read as a reference to a “mediation session”.

(c) *by repealing subrules (11) and (12) and substituting the following:*

Changing a mediation date

(11) A party may apply to the registrar to adjourn the mediation session and that party must give to the other parties whatever notice of the application the registrar may order.

Application to adjourn at least 7 days before mediation session

(11.1) The registrar may adjourn a mediation session on an application made at least 7 days before the date set for the mediation session if the registrar is satisfied that the original date is unreasonably inconvenient to the party.

Application to adjourn within 7 days before mediation session

(12) The registrar may adjourn a mediation session on an application made within 7 days before the date set for the mediation session if

- (a) the registrar is satisfied that the original date is unreasonably inconvenient to the party, and
- (b) the application contains an explanation, satisfactory to the registrar, as to why it was not reasonably practicable for the party to bring an application at least 7 days before the date set for the mediation session.

Unreasonably inconvenient

(12.1) For the purposes of subrules (11.1) and (12), the registrar may determine that a date is unreasonably inconvenient to a party if

- (a) a family emergency renders the party unable to attend on the day set for the mediation session,
- (b) the party has a pre-arranged out-of-town commitment on the day set for the mediation session and that commitment cannot be changed due to travel requirements,
- (c) the party is required to attend court on the day set for the mediation session, or

(d) the registrar otherwise determines that the date is unreasonably inconvenient to the party. ,

(d) in subrule (17) by striking out “Subject to an order made under subrule (10),” and substituting “Subject to subrule (17.1) and to an order made under subrule (10),”

(e) by adding the following subrule:

Claims brought in the name of an insured person

(17.1) A party does not have to attend a mediation session in person if

- (a) the party has assigned all of his or her rights relevant to the claim to an insurer,
- (b) liability in the claim is not disputed, and
- (c) the insurer's representative attends in place of the party. ,

(f) by repealing subrule (20) and substituting the following:

Status of representative

(20) A representative who attends a mediation session in the place of a party referred to in subrule (17.1) or (19)

- (a) must be familiar with all facts relevant to the dispute,
- (b) must have authority to settle the claim on the party's behalf, and
- (c) may be accompanied by a lawyer or articled student. ,

(g) in subrule (23) by striking out “the claim,” in paragraph (a) and substituting “the claim of that claimant,” and by striking out “the claim.” in paragraph (b) and substituting “the claim of that claimant.”, and

(h) in subrule (26) (b) by striking out “may” and substituting “must”.

2 *Schedule B is amended by repealing Forms 4, 7, 22, 24 and 25 and substituting the attached Forms 4, 7, 22, 24 and 25 respectively.*

3 *Schedule E is amended*

(a) by repealing the title and substituting the following:

EXCLUDED CASES

(b) by repealing section 1 and substituting the following:

- 1** All cases that involve a claim arising out of a motor vehicle accident if
- (a) there is a claim in the case for damages for personal injury, or
 - (b) the only matter in dispute is liability for property damage. ,

(c) by repealing section 4, and

(d) by adding the following section:

5 All cases in which a party is a person under disability.

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

Fill in:

your name;

the name of the party or other person served;

the date service took place;

the street address or location, city and province where service took place.

Name the documents that you served.

Tell how service took place by checking appropriate box(es) for:

ordinary mail and fill in the date mailed;

an individual;

a company as defined in the *Business Corporations Act*;

an extraprovincial company as defined in the *Business Corporations Act*;

a partnership;

a municipal corporation, regional district or other local government body;

a young person;

a society as defined in the *Society Act*;

an extraprovincial society as defined in the *Society Act* (if no attorney has been appointed, check one of the 2 preceding boxes for a society);

an unincorporated association or trade union;

a corporation incorporated outside British Columbia if it is not an extraprovincial company;

alternate service method ordered by the Court.

I certify that

I _____

served _____

on _____
Date

at _____

with _____

by ☐ mailing a copy by ordinary mail to that person's address on _____
Date

☐ leaving a copy of it with him or her.

☐ mailing a copy of it by registered mail to him or her.

☐ mailing a copy of it by registered mail to the registered office of the company.

☐ leaving a copy of it ☐ at the registered office of the company.

☐ at the place of business of the company, with a receptionist or a person who appears to manage or control the company's business there.

☐ with a director, officer, liquidator, trustee in bankruptcy or receiver manager of the company.

☐ mailing a copy of it by registered mail to the attorney shown in the corporate registry.

☐ leaving a copy of it with the attorney shown in the corporate registry.

☐ leaving a copy of it at the head office shown in the corporate registry if that head office is in British Columbia.

☐ mailing a copy of it by registered mail to the head office shown in the corporate registry if that head office is in British Columbia.

☐ mailing a copy of it by registered mail to a partner.

☐ leaving a copy of it ☐ with a partner.

☐ at the place of business of the partnership, with a person who appears to manage or control the partnership business there.

☐ with a receptionist who works at a place of business of the partnership.

☐ giving a copy to the clerk, deputy clerk or a similar official.

☐ leaving a copy of the notice with the defendant's mother, father or guardian.

☐ mailing a copy of it by registered mail to the address for service on file with the Registrar of Companies.

☐ leaving a copy of it ☐ at the address for service on file with the Registrar of Companies.

☐ with a director, officer, receiver manager or liquidator of the society.

☐ mailing a copy of it by registered mail to the attorney of the society appointed under section 77 of the *Society Act*.

☐ leaving a copy of it with an attorney appointed under section 77 of the *Society Act*.

☐ mailing a copy of it by registered mail to the registered office of the association.

☐ leaving a copy of it with an officer of the association or, in the case of a trade union, with a business agent.

☐ mailing a copy of it by registered mail to a place of business or registered office of the corporation outside British Columbia.

☐ leaving a copy of it ☐ at a place of business or registered office of the corporation outside British Columbia with a receptionist or a person who appears to manage or control the corporation's business, or

☐ with a director, officer, liquidator, trustee in bankruptcy or receiver manager of the corporation.

☐ (fill in any instructions given by a judge or registrar for service)

NOTE: You must give proof of service by **REGISTERED MAIL** by attaching one of the following:

1. a copy, produced by fax or otherwise, of the signature obtained by Canada Post at the time the document was delivered.
2. a print-out of the delivery confirmation made available on the Internet by Canada Post (<http://www.canadapost.ca>).

Date

Signature of person who served the document



Certificate of Readiness

In the Provincial Court of British Columbia (Small Claims Court)

REGISTRY FILE NUMBER
REGISTRY LOCATION

Certificate of Readiness

Fill in the registry file number shown on the Notice of Claim. Fill in the names of the parties, copying them from the Notice of Claim.

In the case between:

Name CLAIMANT(S)

and

Name DEFENDANT(S)

FROM:

Fill in the name, address and telephone number of the claimant who is filing the certificate.

Name CLAIMANT
Address
City, Town, Municipality Prov.
Postal Code Tel. #

I am claiming damages for personal injuries and am ready to discuss settlement of my entire claim.

I attach all medical reports and all records of expenses or losses incurred or expected.

Fill in the date and sign here.

Date

Signature of claimant



Certificate of Readiness

In the Provincial Court of British Columbia (Small Claims Court)

REGISTRY FILE NUMBER
REGISTRY LOCATION

Certificate of Readiness

In the case between:

Name CLAIMANT(S)

and

Name DEFENDANT(S)

FROM:

Name CLAIMANT

Address

City, Town, Municipality Prov.

Postal Code Tel. #

I am claiming damages for personal injuries and am ready to discuss settlement of my entire claim.

I attach all medical reports and all records of expenses or losses incurred or expected.

Date

Signature of claimant



Certificate of Readiness

In the Provincial Court of British Columbia (Small Claims Court)

REGISTRY FILE NUMBER
REGISTRY LOCATION

Certificate of Readiness

In the case between:

Name _____ CLAIMANT(S)

and

Name _____ DEFENDANT(S)

SERVICE COPY

FROM:

Name _____ CLAIMANT

Address _____

City, Town, Municipality _____ Prov. _____

Postal Code _____ Tel. # _____

I am claiming damages for personal injuries and am ready to discuss settlement of my entire claim.

I attach all medical reports and all records of expenses or losses incurred or expected.

Date

Signature of claimant

SERVICE COPY



Certificate of Readiness

In the Provincial Court of British Columbia (Small Claims Court)

REGISTRY FILE NUMBER
REGISTRY LOCATION

Certificate of Readiness

In the case between:

Name CLAIMANT(S)

and

Name DEFENDANT(S)

FROM:

Name CLAIMANT

Address

City, Town, Municipality

Prov.

Postal Code

Tel. #

I am claiming damages for personal injuries and am ready to discuss settlement of my entire claim.

I attach all medical reports and all records of expenses or losses incurred or expected.

Date

Signature of claimant



VERIFICATION OF NON-ATTENDANCE

IN THE PROVINCIAL COURT OF BRITISH COLUMBIA
(SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION

Fill in the registry file number and location as shown on the Notice of Claim.

Fill in the name of the parties, copying them from the Notice of Claim and the Third Party Notice, if applicable.

IN THE CASE BETWEEN

NAME CLAIMANT(S)

AND

NAME DEFENDANT(S)

AND

NAME THIRD PARTY

Indicate what happened.

I, _____, mediator in the Court Mediation Program,

DECLARE AND CONFIRM THAT:

- a) a mediation session was scheduled to commence at _____ on _____ Date
at _____ Address, and
- b) The following party(ies) was(were) present at this location on that date from _____ Time until _____ Time:
- ☐ the claimant(s), namely _____
- ☐ the defendant(s), namely _____
- ☐ the third party(ies), namely _____
- c) the following party(ies) did not attend within one-half hour of the scheduled commencement of the mediation session:
- ☐ the claimant(s), namely _____
- ☐ the defendant(s), namely _____
- ☐ the third party(ies), namely _____

Date, sign and print your name.

Dated _____

Mediator

Mediator (print full name)

This will be completed by the court.

The Court orders that

Today's date

Date

By the registrar

VERIFICATION OF NON-ATTENDANCE



RESULT OF MEDIATION FORM

IN THE PROVINCIAL COURT OF BRITISH COLUMBIA
(SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION

Fill in the registry file number and location as shown on the Notice of Claim.

Fill in the name of the parties, copying them from the Notice of Claim and the Third Party Notice, if applicable.

IN THE CASE BETWEEN

CLAIMANT(S)

Name

AND

DEFENDANT(S)

Name

AND

THIRD PARTY

Name

--

RESULT OF MEDIATION FORM

A mediation in the action was scheduled to be conducted on _____ and
Date

- ☐ 1. The parties **settled** as a result of participating in the mediation session.
- ☐ 2. The parties settled **some issues** as a result of the mediation session.
- ☐ 3. The parties **did not settle**.
- ☐ 4. One or more parties **did not attend** the scheduled mediation session, and a Verification of Non-Attendance (Rule 7.2) or a Verification of Default (Rule 7.3) was completed.
- ☐ 5. The parties attended the scheduled mediation session, but did not enter into an Agreement to Mediate.

Mediator (signature)

Mediator (print full name)
