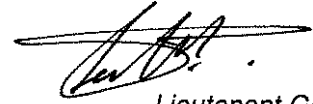


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

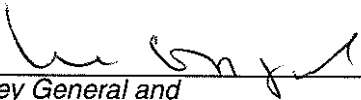
Order in Council No. 756 , Approved and Ordered NOV 22 2007



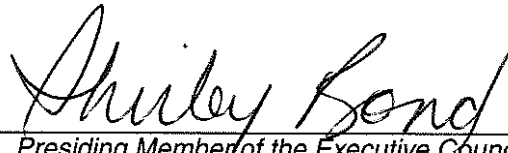
Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective November 26, 2007, 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, section 1

Other (specify):- oic 1030/93

October 30, 2007

R /1032/2007/12

SCHEDULE

- 1 *The Introduction to the Small Claims Rules, B.C. Reg. 261/93, is amended by adding “or a justice of the peace” after “judge” in both places.*
- 2 *Rules 3 (6) and 4 (3.2) are amended by striking out “settlement conference,” and substituting “settlement conference, mediation session or trial conference.”*
- 3 *Rule 5 is amended*
 - (a) *in subrule (1) (b) by striking out “settlement conference” and substituting “settlement conference, mediation session or trial conference”,*
 - (b) *in subrule (3) (e) by striking out “settlement conference” and substituting “settlement conference, mediation session, trial conference”, and*
 - (c) *in subrule (9) by striking out “settlement conference” in both places and substituting “settlement conference or trial conference”.*
- 4 *Rule 6 (6) is amended by striking out “settlement conference” and substituting “settlement conference, trial conference”.*
- 5 *Rule 7 (2) is repealed and the following substituted:*

Settlement conference not required

- (2) Despite subrule (1), a settlement conference will not be held if
 - (a) Rule 7.4, 7.5, 9.1, or 9.2 applies to the claim, or
 - (b) the claim relates to a motor vehicle accident and only liability for property damage is disputed.

Some motor vehicle accident cases proceed directly to trial

- (2.1) If subrule (2) (b) applies to the claim, the registrar must set the claim for trial and send a notice of trial to the parties.

6 Rule 7.3 is amended

- (a) *in subrule (3) striking out “or” at the end of paragraph (a) and by adding the following paragraph:*
 - (a.1) Rule 7.4 or 9.2 applies to a claim in the proceeding, or, *and*
- (b) *by repealing subrule (52) (b) and substituting the following:*
 - (b) after that, the registrar must set one of the following:

- (i) subject to subparagraph (iii), a settlement conference, if a settlement conference has not been completed;
- (ii) a trial, if a settlement conference has been completed;
- (iii) a trial conference, if the completed result of mediation form is filed at the Robson Square Small Claims Registry after November 25, 2007.

7 *The following Rules are added:*

**RULE 7.4 – MEDIATION OF CLAIMS FOR MORE THAN \$5 000
OR FOR DAMAGES FOR PERSONAL INJURY
(PILOT PROJECT – ROBSON SQUARE SMALL CLAIMS REGISTRY)**

Definitions

(1) In this rule:

“mediation coordinator” means a person designated by the Justice Services Branch of the Ministry of Attorney General as the mediation coordinator;

“mediator” means, in respect of a claim, the individual appointed as the mediator of the claim under subrule (9);

“mediation registry” means the Robson Square Small Claims Registry (Vancouver);

“mediation session” means a meeting between 2 or more parties to a claim for the purpose of reaching, with the assistance of a mediator, agreement on the issues in dispute.

Application of this Rule

Claims to which this rule applies

(2) Subject to subrule (3), this rule applies to a claim if the claim is ordered under Rule 7.5 (14) (k) to be set for mediation under this rule or if

(a) the claim is made by way of a notice of claim, counterclaim or third party notice and in respect of which all defendants, claimants or third parties have filed replies opposing all or part of the claim,

(b) the amount claimed in the notice of claim that started the proceeding is

(i) for more than \$5 000, not including interest and expenses, or

(ii) for \$5 000 or less, not including interest and expenses, and the claim is for damages for personal injury, and

(c) after November 25, 2007,

(i) the notice of claim that started the proceeding was filed at the mediation registry, or

- (ii) the court file relating to the claim was transferred to the mediation registry.

Claims to which this rule does not apply

- (3) This rule does not apply to a claim if
 - (a) the claim involves a party who has obtained against another party
 - (i) a restraining order under section 37 or 38 of the *Family Relations Act*,
or
 - (ii) a peace bond under section 810 of the *Criminal Code*,
 - (b) the claimant, defendant and cause of action are the same as the plaintiff, defendant and cause of action in an action brought in the Supreme Court, or
 - (c) Rule 9.2 applies to the claim, unless an order is made under Rule 9.2 (13) (c) that the claim be set for mediation under this rule.

When this rule ceases to apply

- (4) This rule ceases to apply to a claim if
 - (a) the court file relating to the claim is transferred to another registry, or
 - (b) the claim is exempted under subrule (5) or (7) (a) from the application of this rule.

Mediation coordinator may exempt claim or party

- (5) The mediation coordinator may at any time, and without an application,
 - (a) exempt a claim from the application of this rule if, in the mediation coordinator's opinion, it is unfair or impractical to require mediation, or
 - (b) exempt a party from attending a mediation session if, in the mediation coordinator's opinion, it is unfair or impractical to require the party to attend.

How to apply for exemption from a judge

- (6) At least 7 days before the date set for the mediation session, a party may apply to a judge (see Rule 16 (7))
 - (a) to exempt a claim from the application of this rule, or
 - (b) to exempt the party from attending the mediation session.

When a judge may grant an exemption

- (7) On an application under subrule (6), a judge may
 - (a) exempt a claim from the application of this rule if
 - (i) all of the parties have previously engaged in a mediation of the matters in issue, or
 - (ii) in the court's opinion, it is unfair or impractical to require mediation,
or

- (b) exempt a party from attending the mediation session if, in the court's opinion, it is unfair or impractical to require the party to attend.

Trial conference if this rule does not apply

- (8) The registrar must set a claim for a trial conference if
 - (a) this rule does not apply to the claim under subrule (2) or (3) (a), or
 - (b) this rule ceases to apply to the claim under subrule (4) (b).

**Appointment of Mediator and
Scheduling of Mediation Session**

Appointment of mediator

- (9) The mediation coordinator may appoint a mediator
 - (a) to a claim, or
 - (b) to conduct the mediation sessions for claims set for a date, time and place.

Roster of approved mediators

- (10) The mediator must be appointed from a roster of approved mediators maintained by the British Columbia Dispute Resolution Practicum Society.

How the date of a mediation session is set

- (11) The registrar must, after consulting with the mediation coordinator, set the date, time and place at which a mediation session is to be conducted for a claim.

Certificate to be filed in personal injury cases

- (12) In a claim for damages for personal injuries, the claimant must file at the mediation registry, within 6 months after serving the notice of claim and before a mediation session is held, a certificate of readiness (Form 7) that has attached copies of all
 - (a) medical reports, and
 - (b) records of expenses or losses incurred or expected.

If the claimant is not ready to file a certificate

- (13) A claimant who is not ready to file the certificate of readiness and attachments within the 6 month period may apply to the registrar (see Rule 16 (3)) to extend the time, before or after the 6 month period has expired.

Certificate must be served on other parties

- (14) Within 14 days after filing a certificate of readiness, the claimant must serve a copy of the certificate and attachments on each of the other parties.

Defendant may request a medical report

- (15) A defendant in a claim for damages for personal injuries may apply to a judge (see Rule 16 (7)) to order the claimant to attend a medical doctor for an examination, to be paid for by the defendant.

Report to be given to claimant and brought to mediation session

- (16) After receiving the medical report from the doctor, the defendant must
- (a) serve a copy of it on the claimant at least 7 days before the mediation session, and
 - (b) bring a copy of it to the mediation session.

Notice of mediation session

- (17) At least 14 days before the date set for the mediation session, the registrar must serve a notice of mediation session (Form 27) on the parties specifying the date, time and place for the mediation session.

Changing the Date of a Mediation Session**Changing a mediation session date**

- (18) A party may change the date of a mediation session by
- (a) filing a consent to change the date under Rule 16 (1), or
 - (b) applying to the registrar (see Rule 16 (3)) for an order changing the date of the mediation session and giving to the other party whatever notice of the application the registrar may order.

Application to change date at least 7 days before mediation session

- (19) On an application made at least 7 days before the date set for the mediation session, the registrar may change the date of the mediation session if the registrar is satisfied that the original date is unreasonably inconvenient to the party.

Application to change date within 7 days before mediation session

- (20) On an application made within 7 days before the date set for the mediation session, the registrar may change the date of 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

- (21) For the purposes of subrules (19) and (20), 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.

Notice of change of date

- (22) If the registrar changes the date of a mediation session under subrule (19) or (20),
- (a) the party who applied for the change of date must give to the other party whatever notice of the change of date the registrar may order, and
 - (b) the registrar must, after consulting with the mediation coordinator, promptly set a new date for the mediation session and serve a notice of mediation session (Form 27) on the parties specifying the new date, time and place for the mediation session.

Application to Attend Mediation Session by Telephone

How to apply for mediation by telephone

- (23) A party may apply to the registrar (see Rule 16 (3)) for a direction that one or more of the parties may attend the mediation session by telephone.

Direction for mediation by telephone

- (24) On an application under subrule (23), the registrar may direct that one or more of the parties may attend the mediation session by telephone if
- (a) the party, or the representative who is entitled under this rule to attend on behalf of the party, does not reside or carry on business within a reasonable distance from the location where the mediation session is to be conducted, or
 - (b) exceptional circumstances exist.

If application is granted

- (25) If a direction is made under subrule (23), the registrar
- (a) may order that the parties file at the mediation registry, before the date and time set by the registrar, all documents and reports that are relevant to the dispute, and

- (b) may order that the telephone call be made at the expense of the party requesting mediation by telephone.

Attendance at Mediation Session

Attending mediation

- (26) Subject to subrule (27) and to an order made under subrule (7), a party served with a notice of mediation session
 - (a) must attend the mediation session,
 - (b) may attend the mediation session by representative if the party is not an individual,
 - (c) must have authority to settle the claim, and
 - (d) may be accompanied by a lawyer or articled student.

Claims involving an insurer

- (27) A party does not have to attend a mediation session in person if
 - (a) either
 - (i) the party has assigned all of his or her rights relevant to the claim to an insurer, or
 - (ii) an insurer has a duty to do one or both of the following in relation to the party:
 - (A) indemnify that party for liability arising out of a claim in the proceeding;
 - (B) defend any claims made against that party in the proceeding, and
 - (b) the insurer's representative attends in place of the party.

Requirements of representative

- (28) A representative who attends a mediation session in the place of a party referred to in subrule (26) (b) or (27)
 - (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.

Attendance of others

- (29) Any other person may attend a mediation session if that attendance is permitted by the mediator and consented to by the parties.

What parties must bring

- (30) A party or a party's representative who attends a mediation session must bring to the mediation session all documents and reports that are relevant to the dispute.

Non-Attendance at Mediation Session

If a party does not attend

- (31) If a party does not attend a mediation session,
 - (a) the mediator must
 - (i) complete a verification of non-attendance (Form 22) in accordance with the instructions on the form, and
 - (ii) give the completed form to the parties attending, and
 - (b) any one of the parties attending the mediation session may file the completed verification of non-attendance in the mediation registry.

What the registrar will do if a claimant does not attend

- (32) If a verification of non-attendance is filed in relation to a claimant in a claim,
 - (a) the defendant in the claim may, by filing a request for judgment or for dismissal (Form 23) and paying the required fee, ask the registrar to make an order dismissing the claim of that claimant, and
 - (b) the registrar may make an order dismissing the claim of that claimant.

What the registrar will do if a defendant does not attend

- (33) If a verification of non-attendance is filed in relation to a defendant in a claim, other than a claim made by way of counterclaim or third party notice,
 - (a) the claimant may, by filing a request for judgment or for dismissal and paying the required fee, ask the registrar to proceed under these rules as if
 - (i) the defendant had not filed a reply, and
 - (ii) the claimant had completed the steps in Rule 6 (3), and
 - (b) the registrar must either make a default order under Rule 6 (4) or set a date under Rule 6 (5) for a hearing before a judge.

What happens if the defendant to counterclaim or third party notice does not attend

- (34) If a verification of non-attendance is filed in relation to a defendant under a counterclaim or under a third party notice, the party bringing the counterclaim or third party notice may apply for a default order under Rule 16 (6) (c) (see Rule 16 (7)).

If no party attends

- (35) If no party attends a mediation session,
 - (a) the mediator must complete a verification of non-attendance in accordance with the instructions on the form, and file the completed form in the mediation registry, and
 - (b) the registrar must make an order dismissing each claim.

Cancellation of a dismissal or default order

- (36) A party against whom an order is made under subrule (32) (b), (33) (b) or (35) (b) for not attending a mediation session may apply to a judge to cancel the order (see Rule 16 (7)), and the judge may cancel the order under Rule 16 (6) (j).

What application must contain

- (37) A party seeking an order under subrule (36) must attach to the application an affidavit containing the following:
- (a) the reason for not attending the mediation session;
 - (b) the reason for any delay, if there has been delay in filing the application;
 - (c) the facts that support the claim or defence.

If a judge cancels a dismissal or default order

- (38) A judge who cancels a dismissal order made under subrule (32) (b) or (35) (b) or a default order made under subrule (33) (b) may also do one or more of the following:
- (a) order that the claim be returned to mediation on any terms the judge considers appropriate;
 - (b) order the payment of any expenses incurred by the party or parties who did attend;
 - (c) order that the claim be set for a trial conference;
 - (d) make any other order that the judge considers appropriate in the circumstances.

Conclusion of Mediation

If the parties reach agreement on all or some issues

- (39) If the parties reach an agreement at mediation on all or some issues,
- (a) the mediator must complete a result of mediation form (Form 24) and file the completed form in the mediation registry, and
 - (b) the parties must complete and sign a mediation agreement (Form 25) and any one of those parties may file the agreement in the mediation registry.

If payment terms are not complied with

- (40) If a party fails to comply with a provision of a filed mediation agreement, the party not in default may, if that provision required a payment of money,
- (a) file an affidavit of non-compliance, and
 - (b) after that, file a payment order (Form 10) for
 - (i) the amount specified in the mediation agreement less any amount already paid in compliance with the mediation agreement, or

- (ii) if no amount was specified in the mediation agreement, for the amount of the claim less any amount already paid in compliance with the mediation agreement.

If other terms are not complied with

- (41) If a party fails to comply with a provision of a filed mediation agreement and that provision was not one requiring a payment of money, the party not in default may
 - (a) if the mediation agreement establishes an amount of liquidated damages that is to be payable in the event of such a default, file an affidavit of non-compliance and a payment order (Form 10) for that amount, or
 - (b) if the mediation agreement does not establish a liquidated damages amount in relation to the breached provision, seek a mediation compensation order (Form 26) under Rule 16 (6) (f.2).

Mediation compensation order

- (42) A judge may make a mediation compensation order under subrule (41) (b) if a party applies for that order (see Rule 16 (7)) and attaches to the application an affidavit of non-compliance.

If a dispute is not resolved

- (43) If the parties do not reach agreement at mediation on all the issues,
 - (a) the mediator must complete a result of mediation form (Form 24) and file the completed form in the mediation registry, and
 - (b) after that, the registrar must set the claim for a trial conference on the issues for which there was no agreement.

Confidentiality and Compellability

Confidentiality and compellability

- (44) Subject to subrules (45) and (46), a person must not disclose, or be compelled to disclose, in any proceeding oral or written information acquired in or in connection with a mediation session.

Exceptions

- (45) Subrule (44) does not apply
 - (a) in respect of any information, opinion, document, offer or admission that all of the parties agree in writing may be disclosed,
 - (b) to any mediation agreement made during or in connection with a mediation session,
 - (c) to any threats of bodily harm made in or in connection with a mediation session, or

- (d) to any information that does not identify the parties and that is disclosed for research or statistical purposes only.

No restriction on otherwise producible information

- (46) Nothing in this rule precludes a party from introducing into evidence in any proceeding any information or records produced in the course of the mediation that are otherwise producible or compellable in those proceedings.

**RULE 7.5 – TRIAL CONFERENCES (PILOT PROJECT –
ROBSON SQUARE SMALL CLAIMS REGISTRY)**

Claims to which this rule applies

- (1) This rule applies to a claim that must be set for a trial conference if
 - (a) the parties do not reach agreement at mediation on all the issues (see Rules 7.3 (52) and 7.4 (43)),
 - (b) Rule 7.4 does not apply or ceases to apply to the claim (see Rule 7.4 (8)), or
 - (c) an order is made under Rule 7.4 (38) (c) or 9.2 (13) (c).

Trial conference

- (2) Before a trial date is set, a trial conference will be held on the date and at the time and place set by the registrar.

Notice of trial conference

- (3) The registrar must serve a notice of trial conference (Form 32) on the parties at least 30 days before the date set for the trial conference.

Changing a trial conference date

- (4) A party may change the date of a trial conference
 - (a) by filing a consent to change the date under Rule 16 (1), or
 - (b) by applying to the registrar (see Rule 16 (3)) for an order changing the date of the trial conference and giving to the other party whatever notice of the application the registrar may order.

Application to change date at least 7 days before trial conference

- (5) On an application made at least 7 days before the date set for the trial conference, the registrar may change the date of the trial conference if the registrar is satisfied that the original date is unreasonably inconvenient to the party.

Application to change date within 7 days before trial conference

- (6) On an application made within 7 days before the date set for the trial conference, the registrar may change the date of the trial conference 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 trial conference.

Unreasonably inconvenient

- (7) For the purposes of subrules (5) and (6), 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 trial conference,
 - (b) the party has a pre-arranged out-of-town commitment on the day set for the trial conference and that commitment cannot be changed due to travel requirements,
 - (c) the party is required to attend court on the day set for the trial conference, or
 - (d) the registrar otherwise determines that the date is unreasonably inconvenient to the party.

Notice of change of date

- (8) If the registrar changes the date of a trial conference under subrule (5) or (6),
 - (a) the party who applied for the change of date must give to the other parties whatever notice of the change of date the registrar may order, and
 - (b) the registrar must promptly set a new date for the trial conference and serve a notice of trial conference (Form 32) on the parties specifying the new date, time and place for the trial conference.

What the parties must file before the trial conference

- (9) At least 14 days before the date set for the trial conference, each party must
 - (a) complete a trial statement (Form 33) following the instructions on the form, and
 - (b) file at the registry the trial statement with attached copies of all relevant documents.

Serving the trial statement on other parties

- (10) At least 7 days before the date set for the trial conference, each party must serve a copy of their trial statement and attachments on each of the other parties.

Who must attend the trial conference

- (11) All parties must have the individual who will be responsible for presenting their case at the trial attend the trial conference, which may be
 - (a) the party,
 - (b) a representative of the party if the party is not an individual,

- (c) a representative of an insurer if
 - (i) the party has assigned all of his or her rights relevant to the claim to the insurer, or
 - (ii) the insurer has a duty to do one or both of the following in relation to the party:
 - (A) indemnify that party for liability arising out of a claim in the proceeding;
 - (B) defend any claims made against that party in the proceeding, or
- (d) a lawyer or articling student.

When a party is not required to attend

- (12) A party is not required to attend the trial conference in person if a person attends on behalf of the party in accordance with subrule (11) (b), (c) or (d).

Lawyer or articling student may accompany attendee

- (13) A party or a representative of the party or an insurer may be accompanied by a lawyer or articled student at the trial conference.

What happens at a trial conference

- (14) At a trial conference, a judge may do one or more of the following:
 - (a) decide on any issues that do not require evidence;
 - (b) make a payment order or other appropriate order in the terms agreed to by the parties;
 - (c) discuss any evidence that will be required and the procedure that will be followed if a trial is necessary;
 - (d) order a party to produce any information in the manner the judge considers appropriate;
 - (e) make an order respecting the evidence of experts, including
 - (i) requiring that a party file and serve on the other parties an expert's report, with or without the necessity of the expert attending to be questioned, on such terms as the judge may direct,
 - (ii) requiring the parties to secure an opinion from a jointly-retained independent expert, on such terms as the judge may direct, or
 - (iii) requiring the parties' experts to attend court at the same time to respond to each other;
 - (f) if damage to property is involved in the dispute, order a party to permit a person chosen by another party to examine the property damage;
 - (g) order
 - (i) the claimant to attend a medical doctor for an examination, to be paid for by the defendant, and

- (ii) the defendant to serve on the claimant a copy of the medical report from the doctor at least 7 days before the trial date and to bring a copy of the medical report to the trial;
- (h) make an order respecting time limits for the conduct of all or part of a trial;
- (i) dismiss a claim, counterclaim, reply or third party notice if, after discussion with the parties and reviewing the filed documents, a judge determines that it
 - (i) is without reasonable grounds,
 - (ii) discloses no triable issue, or
 - (iii) is frivolous or an abuse of the court's process;
- (j) give a non-binding opinion on the probable outcome of the trial based on the materials before the judge at the trial conference;
- (k) if Rule 7.4 does not apply to the claim only because a party did not file a reply opposing all or part of the claim, order that the claim be set for mediation under Rule 7.4;
- (l) make any other order for the just, speedy and inexpensive resolution of the claim.

If a party does not comply with orders made at the trial conference

- (15) If a party does not comply with any order under subrule (14) (d) to (h) made at a trial conference, a judge may at any time do one or more of the following:
 - (a) adjourn a trial and order that party to pay all the reasonable expenses incurred by any other parties as a result of the adjournment;
 - (b) order a trial to proceed without permitting that party to produce as evidence any information, document or records withheld as a result of the non-compliance;
 - (c) dismiss that party's claim, counterclaim, reply or third party notice.

If a payment order is made

- (16) If a payment order is made at a trial conference, Rule 11 (Payment of the Judgment) applies as though the payment order was made following a trial.

If a defendant or third party does not attend

- (17) If a defendant or third party does not attend the trial conference, either personally or by a representative, the judge may
 - (a) allow the claim, and
 - (b) make a payment order or other appropriate order against that defendant or third party.

If a claimant does not attend

- (18) If a claimant does not attend the trial conference, either personally or by a representative, the judge may dismiss the claim.

8 Rule 8 (1) (a) is repealed and the following substituted:

- (a) without any permission,
- (i) at any time before the settlement conference begins, or
 - (ii) if a settlement conference will not be held, at any time before the earliest of the following:
 - (A) a mediation under Rule 7.4;
 - (B) a trial conference under Rule 7.5;
 - (C) a trial under Rule 9.1 or 9.2, and .

9 The following Rules are added:

**RULE 9.1 –SIMPLIFIED TRIALS FOR CLAIMS UP TO \$5 000
(PILOT PROJECT – ROBSON SQUARE AND RICHMOND SMALL CLAIMS
REGISTRIES)**

Definition

- (1) In this rule, “**adjudicator**” means a judge or justice of the peace.

Application of this Rule

Claims to which this rule applies

- (2) Subject to subrule (3), this rule applies to a claim if
- (a) the claim is made by way of a notice of claim, counterclaim or third party notice and in respect of which a reply is filed opposing all or part of the claim,
 - (b) the amount claimed in the notice of claim that started the proceeding is \$5 000 or less (not including interest and expenses),
 - (c) the amount claimed in any counterclaim is \$5 000 or less (not including interest and expenses), and
 - (d) after November 25, 2007,
 - (i) the notice of claim that started the proceeding was filed at the Robson Square Small Claims Registry (Vancouver) or Richmond Small Claims Registry, or
 - (ii) the court file relating to the claim was transferred to the Robson Square Small Claims Registry (Vancouver) or Richmond Small Claims Registry.

Claims to which this rule does not apply

- (3) This rule does not apply to a claim if
 - (a) the claim is for damages for personal injury, or
 - (c) Rule 9.2 applies to the claim, unless an order is made under Rule 9.2 (13) (c) that the claim be set for a trial under this rule.

When this rule ceases to apply

- (4) This rule ceases to apply to a claim if
 - (a) the court file relating to the claim is transferred to another registry, or
 - (b) the notice of claim or reply is changed to increase the amount of the claim or counterclaim to more than \$5 000, not including interest and expenses.

If the claim is for more than \$5 000

- (5) A claimant who has a claim amounting to more than \$5 000, not including interest and expenses, may abandon part of the claim so that the balance of the claim may be heard under this rule.

How to abandon part of a claim

- (6) To abandon part of a claim, a claimant must say on the notice of claim that the amount over \$5 000 is abandoned.

Effect of abandoning part of a claim

- (7) Subject to subrule (11), a claimant who abandons part of a claim under subrule (6) may not at any time sue for that part.

If a counterclaim is for more than \$5 000

- (8) A defendant who has a counterclaim amounting to more than \$5 000, not including interest and expenses, may abandon part of the claim so it may be heard under this rule.

How to abandon part of a counterclaim

- (9) To abandon part of a counterclaim, the defendant must say on the counterclaim part of the reply that the amount over \$5 000 is abandoned.

Effect of abandoning part of a counterclaim

- (10) A defendant who abandons part of a counterclaim may not at any time sue for that part.

Effect if defendant does not abandon part of a counterclaim

- (11) If this rule does not apply to a claim because the defendant has a counterclaim amounting to more than \$5 000 and does not abandon part of the claim so that it may be heard under this rule, the claimant may sue for the whole amount to which the claimant may be entitled.

Trial Date

Notice of trial

- (12) If this rule applies to a claim, the registrar must
- (a) set the claim for trial under this rule, and
 - (b) serve a notice of trial and blank trial statement (Form 33) on the parties to the claim at least 30 days before the date set for the trial.

How to change a trial date

- (13) A party may change a trial date
- (a) by filing a consent to change the date under Rule 16 (1), or
 - (b) by
 - (i) applying to the registrar (see Rule 16 (3)) for an order changing the date of the trial at least 7 days before the date set for the trial, unless the registrar orders otherwise, and
 - (ii) giving to the other party whatever notice of the application the registrar may order.

Date may be changed to avoid unreasonable inconvenience

- (14) The registrar may change the date of the trial on an application made under subrule (13) (b) if the registrar is satisfied that the original date is unreasonably inconvenient to the party.

Unreasonably inconvenient

- (15) For the purposes of subrule (14), 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 trial,
 - (b) the party has a pre-arranged out-of-town commitment on the day set for the trial and that commitment cannot be changed due to travel requirements,
 - (c) the party is required to attend court on the day set for the trial, or
 - (d) the registrar otherwise determines that the date is unreasonably inconvenient to the party.

Notice of change of date

- (16) If the registrar changes the date of a trial under this rule,
- (a) the party who applied for the change of date must give to the other parties whatever notice of the change of date the registrar may order, and
 - (b) the registrar must promptly set a new date for the trial and serve a notice of trial on the parties specifying the new date, time and place for the trial.

What the Parties Must Do Before the Trial

What the parties must file before the trial

- (17) At least 14 days before the date set for the trial, each party must
- (a) complete a trial statement (Form 33) following the instructions on the form, and
 - (b) file at the registry the trial statement with attached copies of all relevant documents.

Serving the trial statement on other parties

- (18) At least 7 days before the date set for the trial, each party must serve a copy of their trial statement and attachments on each of the other parties.

If a party does not comply with subrule (17) or (18)

- (19) If a party does not comply with subrule (17) or (18), an adjudicator may do one or both of the following:
- (a) adjourn the trial and order that party to pay all the reasonable expenses incurred by any other parties as a result of the adjournment;
 - (b) order the trial to proceed without permitting that party to produce as evidence any information, document or records withheld as a result of the non-compliance.

How a Trial is Conducted

How a trial may be conducted

- (20) The trial is to be conducted
- (a) without complying with the formal rules of procedure and evidence, and
 - (b) without limiting paragraph (a), in accordance with subrules (21) and (22) unless the adjudicator determines that there are reasons to conduct the trial with a formal examination and cross-examination of parties and witnesses.

Before a trial begins

- (21) An adjudicator must do the following before the trial begins:
- (a) review all documents filed by the parties;
 - (b) determine whether the parties are able to settle the matter;
 - (c) if the parties are able to settle the matter, make a payment order or other appropriate order in the terms agreed to by the parties.

How the trial is conducted

- (22) If the adjudicator determines that the parties are not able to settle the matter, the trial is to be conducted in accordance with the following:

- (a) at the beginning of the trial the adjudicator must have the parties take an oath or give an affirmation;
- (b) the adjudicator must ask the parties to state the facts related to the claim and file with the court any documents or other evidence on which the parties rely;
- (c) the adjudicator may allow a party to swear to the truth of the summary of facts set out in the party's filed trial statement;
- (d) the adjudicator must ask the parties to respond to each other;
- (e) the adjudicator may allow a party to call witnesses;
- (f) the adjudicator may receive evidence from an expert witness, or a witness with specialized knowledge, in the manner the adjudicator considers appropriate given the amount claimed and the complexity of the issues;
- (g) the adjudicator may allow a party or the party's lawyer or articling student to ask questions of another party or another party's witness;
- (h) the adjudicator may ask questions of the parties or other witnesses;
- (i) the adjudicator must allow a lawyer or articled student to make submissions for a party;
- (j) the adjudicator may receive evidence in any other way the adjudicator thinks is appropriate;
- (k) the adjudicator must review any relevant legislation and case law to which the parties refer;
- (l) the adjudicator may do one or more of the following:
 - (i) at any time adjourn the trial;
 - (ii) dismiss a claim, counterclaim or third party notice in whole or in part;
 - (iii) make a payment order or other appropriate order.

Evidence to be sworn

- (23) All oral evidence must be given under oath or affirmation at the trial.

Length of trial

- (24) If the adjudicator cannot conclude the hearing of the evidence within the period of time scheduled for the trial, the adjudicator may
 - (a) extend the trial beyond the time scheduled unless, in the adjudicator's opinion, extending the trial will unreasonably interfere with the next scheduled matter, or
 - (b) adjourn the remainder of the trial.

Orders respecting completion of adjourned trial

- (25) If the adjudicator adjourns the trial under subrule (24), the adjudicator may make any order with respect to the completion of the trial that the adjudicator thinks is appropriate.

If a Party Does Not Attend the Trial

If a defendant or third party does not attend

- (26) If a defendant or third party does not attend the trial, either personally or by a representative, the adjudicator may
- (a) allow the claim, and
 - (b) make a payment order or other appropriate order against that defendant or third party.

If a claimant does not attend

- (27) If a claimant does not attend the trial, either personally or by a representative, the adjudicator may dismiss the claim.

Adjudicator's Decision

Adjudicator's decision after the trial

- (28) The adjudicator must give a decision
- (a) in court orally at the end of the trial or on a later date within 30 days after the end of the trial, or
 - (b) in writing served on the parties within 30 days after the end of the trial.

If the oral decision is given later

- (29) If an adjudicator's decision is to be given orally on a later date, the registrar must notify the parties of the date.

When written decision effective

- (30) An adjudicator's written decision is effective on the date it is filed at the registry.

Application of other Rules

Application of other rules

- (31) For the purposes of applying Rules 8, 9, 11, 12, 16, 17 and 20 to a claim to which this rule applies, a reference in Rules 8 (1) (b) and (6), 9 (5) and (6), 11, 12 (2) (c), 16 (6) (g) and (o), 17 (14) and (15) and 20 to a "judge" must be read as a reference to an "adjudicator".

RULE 9.2 – SUMMARY TRIAL FOR FINANCIAL DEBT (PILOT PROJECT – ROBSON SQUARE SMALL CLAIMS REGISTRY)

Claims to which this rule applies

- (1) This rule applies to a claim if

- (a) the claim is made by way of a notice of claim, counterclaim or third party notice and in respect of which a reply is filed opposing all or part of the claim,
- (b) after November 25, 2007,
 - (i) the notice of claim that started the proceeding was filed at the Robson Square Small Claims Registry (Vancouver), or
 - (ii) the court file relating to the claim was transferred to the Robson Square Small Claims Registry (Vancouver),
- (c) the court file relating to the claim has not been transferred to another registry, and
- (d) the claimant is in the business of lending money or extending credit and the claim is for a debt that arises from a loan of money or the extension of credit in the course of that business.

Notice of trial

- (2) If this rule applies to a claim, the registrar must
 - (a) set the claim for trial under this rule, and
 - (b) serve a notice of trial on the parties to the claim at least 30 days before the date set for the trial.

How to change a trial date

- (3) A party may change a trial date
 - (a) by filing a consent to change the date under Rule 16 (1), or
 - (b) by
 - (i) applying to the registrar (see Rule 16 (3)) for an order changing the date of the trial at least 7 days before the date set for the trial, unless the registrar orders otherwise, and
 - (ii) giving to the other party whatever notice of the application the registrar may order.

Date may be changed to avoid unreasonable inconvenience

- (4) The registrar may change the date of the trial on an application made under subrule (3) (b) if the registrar is satisfied that the original date is unreasonably inconvenient to the party.

Unreasonably inconvenient

- (5) For the purposes of subrule (4), 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 trial,

- (b) the party has a pre-arranged out-of-town commitment on the day set for the trial and that commitment cannot be changed due to travel requirements,
- (c) the party is required to attend court on the day set for the trial, or
- (d) the registrar otherwise determines that the date is unreasonably inconvenient to the party.

Notice of change of date

- (6) If the registrar changes the date of a trial under this rule,
 - (a) the party who applied for the change of date must give to the other parties whatever notice of the change of date the registrar may order, and
 - (b) the registrar must promptly set a new date for the trial and serve a notice of trial on the parties specifying the new date, time and place for the trial.

What the parties must file before the trial

- (7) At least 14 days before the date set for the trial, each party must file at the registry any contracts, statements of account, proofs of payment or other documents upon which the party will rely at the trial.

What the parties must serve on the other parties before trial

- (8) At least 7 days before the date set for the trial, each party must serve a copy of the documents filed at the registry under subrule (7) on each of the other parties.

How evidence will be heard at a trial

- (9) A judge may conduct a trial without complying with the formal rules of procedure and evidence, and in doing so may
 - (a) ask the parties to explain their cases, to respond to each other and to call witnesses, or
 - (b) receive evidence in any other way the judge thinks is appropriate.

Evidence to be sworn

- (10) All oral evidence must be given under oath or affirmation.

If a defendant or third party does not attend

- (11) If a defendant or third party does not attend the trial, either personally or by a representative, the adjudicator may
 - (a) allow the claim, and
 - (b) make a payment order or other appropriate order against that defendant or third party.

If a claimant does not attend

- (12) If a claimant does not attend the trial, either personally or by a representative, the adjudicator may dismiss the claim.

Judge's decision at the trial

- (13) At the end of the trial, the judge must do one or more of the following:
- (a) make a payment order;
 - (b) dismiss the claim, counterclaim or third party notice;
 - (c) if, in the judge's opinion, the claim cannot be decided at a trial under this rule,
 - (i) cancel the trial, and
 - (ii) order that the claim be set for
 - (A) mediation under Rule 7.4,
 - (B) a trial conference under Rule 7.5, or
 - (C) a trial under Rule 9.1 or 10.

Additional orders made by judge

- (14) If a judge makes an order under subrule (13) (c), the judge may make any other order for the just, speedy and inexpensive resolution of the claim.

10 Rule 10 is amended

- (a) by adding the following subrule:*

Cases to which this rule does not apply

- (0.1) This rule does not apply to a claim if Rule 9.1 or, subject to an order under Rule 9.2 (13) (c), Rule 9.2 applies to the claim. ,
- (b) in subrule (1) (a) by striking out “(See Rule 7 (15) (b).), or” and substituting “(see Rules 7 (15) (b) and 7.5 (15) (b)), or”, and*
- (c) in subrule (1) (b) by striking out “(See Rule 7 (15) (b).)” and substituting “(see Rules 7 (15) (b) and 7.5 (15) (b)).”.*

11 Rule 10.1 is amended

- (a) by adding the following subrule:*

Claims to which this rule does not apply

- (0.1) This rule does not apply to a claim if Rule 9.1 applies to the claim. , *and*
- (b) by repealing subrule (2) (a) and substituting the following:*
- (a) within 30 days after the conclusion of the settlement conference, the conclusion of a mediation session held under Rule 7.2 or 7.4 or the conclusion of a trial conference, whichever happens first, or .

12 Rule 13 (1) is amended by adding the following paragraph:

(a.1) made in an order under Rule 7.5 (14) (b) (at a trial conference), .

13 Rule 16 (2) is amended

(a) in paragraph (b.1) by striking out “(see Rule 7.2 (11) or Rule 7.3 (30));” and substituting “(see Rule 7.2 (11), 7.3 (30) or 7.4 (18));”,

(b) by adding the following paragraph:

(b.2) an order changing the date of a trial conference (see Rule 7.5 (5) or (6)); ,

(c) in paragraph (c) by striking out “(see Rule 7 (10))” and by substituting “(see Rule 7 (10) or 7.4 (13))”,

(d) by repealing paragraph (c.2) and substituting the following:

(c.2) an order directing that a party may attend a mediation session by telephone (see Rule 7.2 (14) or 7.4 (24)); , **and**

(e) by adding the following paragraph:

(c.4) an order changing the date of a trial (see Rule 9.1 (14) or 9.2 (4)); .

14 Rule 16 (6) is amended

(a) in paragraph (c) by striking out “Rule 7.2 (25) or Rule 7.3 (40);” and substituting “Rule 7.2 (25), 7.3 (40) or 7.4 (34);”,

(b) in paragraph (e) by striking out “(see Rule 7 (12))” and substituting “(see Rule 7 (12) or 7.4 (15))”,

(c) in paragraph (f.2) by striking out “(see Rule 7.2 (32) (b) or Rule 7.3 (50) (b));” and substituting “(see Rule 7.2 (32) (b), 7.3 (50) (b) or 7.4 (41) (b));”,

(d) by adding the following subrule:

(f.3) an order exempting a claim from the application of Rule 7.4 or exempting a party from attending a mediation session (see Rule 7.4 (7)); , **and**

(e) in paragraph (j) by striking out “Rules 7.2 (27)” and by substituting “Rules 7.2 (27), 7.4 (36)”.

15 Rule 17 is amended

(a) in subrule (2) (b) (i) by striking out “settlement conference” and substituting “settlement conference, trial conference”,

(b) in subrule (5.1) (a) by striking out “Rule 4 (7) or Rule 9 (6),” and substituting “Rule 4 (7), Rule 7.5 (15), Rule 9 (6) or Rule 9.1 (19), (22) (1) (i) or (24),” and

(c) in subrule (7) by striking out “settlement conferences” and substituting “settlement conferences, trial conferences”.

16 *Schedule B is amended*

(a) by repealing Forms 5, 18, 22 to 25 and 27 and substituting the attached Forms 5, 18, 22 to 25 and 27 respectively, and

(b) by adding the attached Forms 32 and 33.

17 *Schedule C is amended by repealing section 1 (b) and substituting the following:*

(b) Robson Square, Vancouver, but only in respect of a disputed claim for which the notice of claim that started the proceeding was filed at Robson Square before November 26, 2007; .

18 *Schedule D is amended by repealing section 2 (b).*

APPLICATION FOR DEFAULT ORDER

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

APPLICATION FOR DEFAULT ORDER

Fill in the names, copying them from the Notice of Claim.

In the case between:

_____ CLAIMANT(S)

and

_____ DEFENDANT(S)

The registry staff will fill in this section.

No hearing is required as the claim is for a debt.

or

A hearing is required before a Judge of the Provincial Court, because the claim is not for a debt. At the hearing, the Judge will determine the amount the claimant is entitled to (if any), and other terms of an appropriate order.

A HEARING WILL BE HELD ON

_____ at _____ or as soon after this time as the court schedule allows.

at _____

If you cannot attend this hearing please notify the Court Registry.
If you do not attend at the time set for the default hearing, the Judge may cancel it.

Fill in this section.

If no court appearance was required, the terms of the order will be those requested on your Notice of Claim.

If you appeared in court, the judge will have told you what the terms of the order are.

If the judge ordered some other terms, add these in this section.

DEFAULT ORDER

As _____ defendant

has not filed a Reply and the claimant has proved the defendant has been served with the Notice of Claim,
 has not attended a mediation session and the claimant has filed a Verification of Non-Attendance (under Rule 7.2 or 7.4),
 has not attended a mediation session or signed a Fee Declaration and the claimant has filed a Verification of Default (under Rule 7.3),

THIS COURT ORDERS THE DEFENDANT TO:

PAY DIRECTLY TO THE CLAIMANT THE SUM OF

AND

_____	+	\$ _____	amount of claim granted by court
_____	+	\$ _____	expenses
_____	+	\$ _____	interest
_____	=	\$ _____	AMOUNT
_____	+	\$ _____	Filing Fee
_____	=	\$ _____	TOTAL AMOUNT

This will be signed and dated by the court

_____ date

_____ by the court

THE DEFENDANT IS ORDERED TO CARRY OUT THE TERMS OF THE ORDER IMMEDIATELY.

APPLICATION FOR DEFAULT ORDER

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

APPLICATION FOR DEFAULT ORDER

In the case between:

_____ CLAIMANT(S)

and

_____ DEFENDANT(S)

You did not file a Reply within the time limit and the claimant has obtained this Default Order against you.

If this section is filled in, the claimant has appeared before a Judge of the Provincial Court who determined the amount the claimant is entitled to, or made any other order below.

No hearing was required as the claim was for a debt.

or

A hearing is required before a Judge of the Provincial Court, because the claim is not for a debt. At the hearing, the Judge will determine the amount the claimant is entitled to (if any), and other terms of an appropriate order.

A HEARING WAS HELD ON

_____ at _____ or as soon after this time as the court schedule allows.

_____ at _____

_____ court location

This is the order of the court.

DEFAULT ORDER

As _____ defendant

has not filed a Reply and the claimant has proved the defendant has been served with the Notice of Claim,

has not attended a mediation session and the claimant has filed a Verification of Non-Attendance (under Rule 7.2 or 7.4),

has not attended a mediation session or signed a Fee Declaration and the claimant has filed a Verification of Default (under Rule 7.3),

THIS COURT ORDERS THE DEFENDANT TO:

PAY DIRECTLY TO THE CLAIMANT THE SUM OF

_____	\$	_____	amount of claim granted by court
AND			
_____	+	\$	_____ expenses
_____	+	\$	_____ interest
_____	=	\$	AMOUNT
_____	+	\$	Filing Fee
_____	=	\$	TOTAL AMOUNT

_____ date

_____ by the court

THE DEFENDANT IS ORDERED TO CARRY OUT THE TERMS OF THE ORDER IMMEDIATELY.

defendant's copy

defendant's copy

APPLICATION FOR DEFAULT ORDER

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

APPLICATION FOR DEFAULT ORDER

Fill in the file number of your case, and the name and address of the person or business you want to apply for an order against.

In the case between:

_____ CLAIMANT(S)

and

_____ DEFENDANT(S)

Check with the Court Registry staff before filling out the rest of the form.

- No hearing is required as the claim is for a debt.
- or
- A hearing is required before a Judge of the Provincial Court, because the claim is not for a debt. At the hearing, the Judge will determine the amount the claimant is entitled to (if any), and other terms of an appropriate order.

If a hearing has been set, your claim will be assessed by the court. A Judge will consider your claim and you may be questioned about how you arrived at the amount. Any supporting documents you wish the court to consider should be brought to the hearing.

A HEARING WILL BE HELD ON

_____ at _____ or as soon after this time as the court schedule allows.

at _____

court location

If you cannot attend this hearing please notify the Court Registry.
If you do not attend at the time set for the default hearing, the Judge may cancel it.

What have you been awarded?

If no court appearance was required, the terms of the order will be those requested on your Notice of Claim.

If you appeared in court, the judge will have told you what the terms of the order are.

If the judge ordered some other terms, add these in this section.

DEFAULT ORDER

As _____ defendant

has not filed a Reply and the claimant has proved the defendant has been served with the Notice of Claim,

has not attended a mediation session and the claimant has filed a Verification of Non-Attendance (under Rule 7.2 or 7.4),

has not attended a mediation session or signed a Fee Declaration and the claimant has filed a Verification of Default (under Rule 7.3).

THIS COURT ORDERS THE DEFENDANT TO:

PAY DIRECTLY TO THE CLAIMANT THE SUM OF

AND

_____	\$	_____	amount of claim granted by court	
_____	+	\$	_____	expenses
_____	+	\$	_____	interest
_____	=	\$	_____	AMOUNT
_____	+	\$	_____	Filing Fee
_____	=	\$	_____	TOTAL AMOUNT

The registry staff will sign here.

_____ date _____ by the court

THE DEFENDANT IS ORDERED TO CARRY OUT THE TERMS OF THE ORDER IMMEDIATELY.

claimant's copy

claimant's copy

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

NOTICE OF HEARING

TO:

In the case between: _____ **CLAIMANT(S)**

and _____ **DEFENDANT(S)**

No hearing is required as the claim is for a debt.

or

A hearing is required before a Judge of the Provincial Court, because the claim is not for a debt. At the hearing, the Judge will determine the amount the claimant is entitled to (if any), and other terms of an appropriate order.

A HEARING WILL BE HELD ON

_____ at _____ or as soon after this time as the court schedule allows.

_____ at _____

If you cannot attend this hearing please notify the Court Registry.
 If you do not attend at the time set for the default hearing, the Judge may cancel it.

At the hearing, a Judge will consider your claim and you may be questioned about how you arrived at the claim. You should bring any supporting documents or exhibits you wish the court to consider.

WHAT IF YOU DO NOT ATTEND?

If you do not attend at the time set for the default hearing, the Judge may cancel it, but the claimant may ask the registrar to reschedule the hearing.

WHAT WILL HAPPEN AT THE HEARING?

The purpose of the hearing is to allow the judge to determine

- (a) the amount the claimant is entitled to, if the claim is for money, and
- (b) the terms of the appropriate order, in any other case.

For more information, there are booklets called "Getting Ready for Court" and "Getting Results".

OFFER TO SETTLE

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

OFFER TO SETTLE

In the case between:				CLAIMANT(S)
NAME				
ADDRESS				
CITY, TOWN, MUNICIPALITY	PROV.	POSTAL CODE	TEL. #	
and				DEFENDANT(S)
NAME				
ADDRESS				
CITY, TOWN, MUNICIPALITY	PROV.	POSTAL CODE	TEL. #	
				THIRD PARTY
NAME				
ADDRESS				
CITY, TOWN, MUNICIPALITY	PROV.	POSTAL CODE	TEL. #	

OFFER TO SETTLE:
The claimant(s) or defendant(s) or third party

NAME _____
offer to settle this claim(s) in the following terms:

Dated _____
at _____

Signature _____

<p>TIME LIMIT FOR AN OFFER An offer to settle may be made up to 30 days after the conclusion of a settlement conference or mediation session, or later if permitted by a judge. A party who receives an offer has 28 days after being served with the offer to accept the offer. No response will be considered a rejection.</p> <p>ACCEPTANCE OF OFFER To accept the offer to settle, the party must complete an Acceptance of Offer (Form 19) and serve the other party within 28 days of being served with the offer.</p> <p>FILING OFFER AND ACCEPTANCE If a party served with an acceptance of offer files the offer and the acceptance in the registry, the acceptance becomes a payment order.</p> <p>NOTICE OF PENALTY A trial judge may order a party to pay a penalty if the offer to settle has been rejected. A penalty is in addition to any other expenses and may be up to 20% of the amount of the offer to settle.</p> <p>THE COURT ADDRESS FOR FILING DOCUMENTS IS: _____ _____ _____</p>	<p>EXPIRY DATE OF OFFER</p> <p>_____</p> <p>REGISTRY USE ONLY</p> <p>Dated _____</p> <p>_____</p> <p>Signature _____</p>
--	--

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)

NAME _____

NAME _____

AND

NAME _____ DEFENDANT(S)

NAME _____

NAME _____

AND

NAME _____ THIRD PARTY

NAME _____

NAME _____

Indicate what happened.

I, _____, mediator,

DECLARE AND CONFIRM THAT:

a) a mediation session was scheduled to commence at _____ on _____
Time Date
 at _____, and
Address

b) The following party(ies) was(were) present at this location on that date from _____ until _____:
Time 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 _____

VERIFICATION OF NON-ATTENDANCE

Date, sign and print your name.

Dated _____

Mediator

Mediator (print full name)

This will be completed by the court.

The Court orders that

Date	By the registrar
------	------------------

Today's date

REQUEST FOR JUDGMENT OR FOR DISMISSAL

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 _____
 ADDRESS _____
 CITY, TOWN, MUNICIPALITY _____ PROV. _____ POSTAL CODE _____ TEL. # _____

AND

DEFENDANT(S)

NAME _____
 ADDRESS _____
 CITY, TOWN, MUNICIPALITY _____ PROV. _____ POSTAL CODE _____ TEL. # _____

AND

THIRD PARTY

NAME _____
 ADDRESS _____
 CITY, TOWN, MUNICIPALITY _____ PROV. _____ POSTAL CODE _____ TEL. # _____

Indicate what you are asking for.

The applicant asks for:

- an order dismissing the claim because the claimant did not attend the mediation session sign the Fee Declaration
- a default order because the defendant did not attend the mediation session sign the Fee Declaration
and the claim is for debt
- a date for a hearing before a judge because the defendant did not attend the mediation session sign the Fee Declaration
and the claim is not for debt

signature of applicant

Print your name and indicate your role in the case.

Dated _____

Print Name: _____

- Claimant
- Defendant

This will be completed by the court.

The Court orders that

Today's date by the registrar

REQUEST FOR JUDGMENT OR FOR DISMISSAL

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.

IN THE CASE BETWEEN

CLAIMANT(S)

Name _____

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

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** all issues in the mediation session.
- 2. The parties settled **some issues** in the mediation session.
- 3. The parties **did not settle** any issues in the mediation session.
- 4. One or more parties **did not attend** the scheduled mediation session, and a Verification of Non-Attendance (Rule 7.2 or 7.4) or a Verification of Default (Rule 7.3) was completed.
- 5. The parties entered into a mediation agreement which may be filed with the court.
- 6. The parties entered into a mediation agreement which is confidential and which may be filed with the court only in support of an Affidavit of Non-Compliance.
- 7. The parties attended the scheduled mediation session, but did not enter into an Agreement to Mediate.

 Mediator (signature)

 Mediator (print full name)

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

Page _____ of _____

MEDIATION AGREEMENT

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

IN THE CASE BETWEEN _____ **CLAIMANT(S)**
 Name _____

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

AND _____ **DEFENDANT(S)**
 Name _____

AND _____ **THIRD PARTY**
 Name _____

A mediation session was held on _____
 Date

- The parties have reached the following agreement on: All issues Some issues
 This Mediation Agreement may be filed with the court.
 This Mediation Agreement is confidential and may be filed with the court only in support of an Affidavit of Non-Compliance.

Set out the terms of the agreement.

- or See attached agreement
 The agreement contains payment terms.
 The agreement contains other terms, enforceable by a specified amount of liquidated damages.
 The agreement contains other terms, for which no amount of liquidated damages was specified.

The agreement must contain an enforcement clause.

Signature of claimant

Signature of defendant

All parties to the agreement must sign this form.

Print Name: _____

Print Name: _____

Signature of claimant

Signature of defendant / third party

Print Name: _____

Print Name: _____

Today's date

Dated: _____

NOTICE OF MEDIATION SESSION
IN THE PROVINCIAL COURT OF BRITISH COLUMBIA
(SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION

In the case between: _____ Claimant(s)

and: _____ Defendant(s)

and: _____ Third Party

A mediation session will be held on:

_____ at _____
date time

at _____
address

The mediation session is scheduled for 2 hours.

Who must attend?

All parties served with a Notice of Mediation Session must attend the mediation session. Individuals are not permitted to send a representative in their place. Parties who are not individuals are required to send a representative who is familiar with all facts relevant to the dispute and who has the authority to settle the claim. Each party or representative may be accompanied by a lawyer or an articulated student. Witnesses are not required at the mediation session. Parties should bring an interpreter if required.

What should the parties bring?

Each party or representative must bring to the mediation session all relevant documents – including any written contracts, invoices, reports, estimates or photographs.

What is the purpose of the mediation session?

The main purpose of the mediation is to provide the parties with an early opportunity to resolve their dispute with the assistance of a neutral and unbiased mediator.

Is it possible to change the date of the mediation session?

The date of the mediation session may be changed in certain limited circumstances: see Rule 7.2 (11) and (12) and Rule 7.4 (18) to (20).

What happens if someone does not attend?

If a claimant does not attend the mediation session, the registrar may, on the request of another party, dismiss the claim. If a defendant does not attend, a default order may be made against that defendant.

Notice mailed on: _____
date

NOTICE OF TRIAL CONFERENCE

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

In the case between:

CLAIMANT(S)

and

DEFENDANT(S)

and

THIRD PARTY

A trial conference will be held on

day	month	year	at	time	M	or as soon after this time as the court schedule allows.
at				court location		

Who must attend?

All parties must have the individual who will be responsible for presenting their case at the trial attend the trial conference, which may be

- (a) the party,
- (b) if the party is not an individual, a representative who is familiar with all facts relevant to the dispute and who has the authority to settle the claim,
- (c) a representative of an insurer in accordance with Rule 7.5 (11) (c), or
- (d) a lawyer or articling student.

What must the parties do before the trial conference?

At least 14 days before the date set for the trial conference, all parties must complete and file a Trial Statement (Form 33) at the registry. At least 7 days before the trial conference, the parties must serve a copy of their Trial Statement on each of the other parties.

What are the purposes of a trial conference?

At the trial conference, a judge can review the case and discuss the trial process and the evidence with the parties. A judge may also make court orders and rulings on certain matters or dismiss the claim, counterclaim, reply or third party notice at a trial conference.

What happens if someone does not attend?

The judge may dismiss the claim or make a payment order or other appropriate order against a party who does not attend a trial conference.

day	month	year	by the court
-----	-------	------	--------------

TRIAL STATEMENT

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.

In the case between: _____ CLAIMANT(S)

and _____ DEFENDANT(S)

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

and _____ THIRD PARTY

This Trial Statement should contain all of the facts that you wish the court to consider. You must file it with the court at least 14 days before your trial conference or simplified trial. You must serve the other parties with a copy no less than 7 days before the hearing.

Collect and review all of the facts and evidence you intend to present to the court at trial.

A. Statement of Facts

Attach a summary of the facts in numbered paragraphs. Set out the facts in the order that events happened (typed if possible, and not more than 3 pages in length).

B. Amount Claimed, Disputed or Counterclaimed

Attach a document showing the amount you are claiming, disputing or counterclaiming and how the amount is calculated.

C. Documents

Attach copies of all relevant documents (including contracts, cheques, repair estimates, invoices, photographs, etc.).

D. Witnesses

Attach a list of the witnesses (including experts) who will attend the trial. Briefly state what each witness will say under oath.

Organize your documents and attach them directly to this form.

You may not be allowed to rely on a document or other information as evidence in court unless you have attached it to this Trial Statement and filed and served it in accordance with the Small Claims Rules.

Date and sign the form.

I certify that these facts are true:

Date

Signature of party

Name of party (and title if Authorized Signing Officer).

Indicate which party is filing this Trial Statement

CLAIMANT DEFENDANT THIRD PARTY