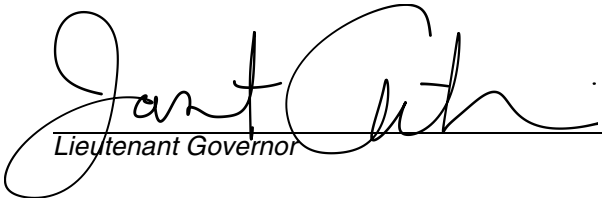


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 401

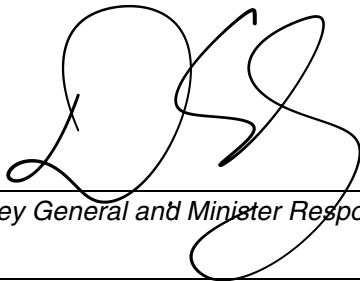
, Approved and Ordered July 11, 2022



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 October 3, 2022, the Small Claims Rules, B.C. Reg. 261/93, are amended as set out in the attached Schedule.



Attorney General and Minister Responsible for Housing



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;
Small Claims Act, R.S.B.C. 1996, c. 430, s. 20 (3)

Other: OIC 1030/93

R10538355

SCHEDULE

1 *The Introduction to the Small Claims Rules, B.C. Reg. 261/93, is amended*

(a) by adding the following definitions:

“**business day**” means a Monday, Tuesday, Wednesday, Thursday or Friday that is not a holiday;

“**hearing**” includes a trial;

“**method of attendance**”, in relation to a conference, hearing or mediation session, includes

(a) attending in person, and

(b) attending by telephone, video conference or other means of electronic communication; , **and**

(b) by repealing the definitions of “remotely” and “virtually”.

2 *Rule 1.1 (16) (b) is amended by striking out “Rule 18 (7) and (8)” and substituting “Rule 18 (8)”.*

3 *Rule 1.1 is amended by adding the following subrule:*

Submit documents to registry before hearing

(41.23) At least two business days before the date of a hearing set under subrule (41.22), a claimant must file at the registry all documents on which the claimant intends to rely at the hearing, with a supporting materials cover sheet (Form 39).

4 *Rule 1.1 (43) is amended by striking out “A certificate” and substituting “If a notice of objection was filed under Division 5 of Part 5 of the Civil Resolution Tribunal Act in respect of the claim, a certificate”.*

5 *Rule 5 (7) is amended by adding “, except that instead of filing a reply (Form 2), the third party must file a reply to third party notice (Form 3.1)” after “claim (see Rule 3)”.*

6 *Rule 6 is amended by adding the following subrule:*

Submit documents to registry before hearing

(5.1) At least two business days before the date of a hearing set under subrule (5), a claimant must file at the registry all documents on which the claimant intends to rely at the hearing, with a supporting materials cover sheet (Form 39).

7 *Rule 7 (3) is amended by striking out “14 days” and substituting “28 days”.*

8 *Rule 7 (5) is repealed and the following substituted:*

Relevant documents and reports

(5) Each party to a claim must

- (a) submit all relevant documents and reports to the registry at least 14 days before the date of the settlement conference, and
- (b) serve all relevant documents and reports on the other parties at least 7 days before the date of the settlement conference.

9 *Rules 7 (12) and 7.5 (13.1) and (14) (g) (i) are amended by striking out “medical doctor” and substituting “medical practitioner or another person who is authorized under the Health Professions Act to practise a designated health profession”.*

10 *Rule 7 (13) is repealed and the following substituted:*

Report to be given to claimant and provided to registry

- (13) After receiving the medical report from the medical practitioner or other person authorized under the *Health Professions Act* to practise a designated health profession, the defendant must
 - (a) submit the report to the registry at least 14 days before the date of the settlement conference, and
 - (b) serve a copy of the report on the claimant at least 7 days before the date of the settlement conference.

11 *Rule 7 (14) is amended by adding the following paragraph:*

- (j.1) order that a trial is to be attended by telephone, video conference or other means of electronic communication; .

12 *Rule 7 is amended by adding the following subrules:*

If settlement conference judge orders parties to attend trial by telephone, video conference or other means of electronic communication

- (14.1) If a judge at a settlement conference orders that a trial is to be attended by telephone, video conference or other means of electronic communication, the judge must also direct how, and by what date, to submit and serve any records and other things on which a party intends to rely at trial.

Settlement conference – transition

- (21) If a notice of settlement conference is dated October 2, 2022 or earlier, and if the settlement conference is scheduled to take place on or after October 3, 2022, the following rules apply:
 - (a) despite Rule 7 (5), the parties must submit all relevant documents and reports to the registry at least two business days before the date of the settlement conference, and are not required to serve all relevant documents and reports on the other parties before the settlement conference;
 - (b) despite Rule 7 (13) (a), the defendant must submit the medical report referred to in Rule 7 (13) to the registry at least two business days before the date of the settlement conference.

13 *Rule 7.1 (3) is amended by striking out “medical or other reports filed or brought to the settlement conference” and substituting “medical reports or records filed”.*

14 *Rule 7.3 (19) (b) is repealed and the following substituted:*

(b) before the mediation session, provide to the mediator and serve on the other parties all documents and reports that are relevant to the dispute.

15 *Rule 7.3 (24) and (25) is amended by striking out “remotely” and substituting “by telephone, video conference or other means of electronic communication”.*

16 *Rule 7.3 (27) is repealed and the following substituted:*

If application is granted

(27) If an application under subrule (25) or (26) is granted, the registrar may order the person requesting to attend the mediation by telephone, video conference or other means of electronic communication to pay for the telephone call, video conference or other cost of that person’s attendance.

17 *Rule 7.5 (2) is repealed and the following substituted:*

Trial conference

(2) Before a trial date is set, unless the setting of a trial date is otherwise ordered by a judge, a trial conference will be held on the date and at the time and place set by the registrar.

18 *Rule 7.5 (13.2) is repealed and the following substituted:*

Medical report to be given to claimant and registry

(13.2) After receiving the medical report from the medical practitioner or other person authorized under the *Health Professions Act* to practise a designated health profession, the defendant must

- (a) submit the report to the registry at least 14 days before the date of the trial conference, and
- (b) serve a copy of the report on the claimant at least 7 days before the date of the trial conference.

19 *Rule 7.5 (14) (g) (ii) is repealed and the following substituted:*

(ii) the defendant

- (A) to serve on the claimant a copy of the medical report from the medical practitioner or other person authorized under the *Health Professions Act* to practise a designated health profession at least 7 days before the trial date, and
- (B) to bring a copy of the medical report to the trial or submit it to the registry at least 14 days before the trial date;

20 *Rule 7.5 (14) is amended by adding the following paragraph:*

- (j.1) order that a trial is to be attended by telephone, video conference or other means of electronic communication; .

21 Rule 7.5 is amended by adding the following subrules:

If trial conference judge orders parties to attend trial by telephone, video conference or other means of electronic communication

- (14.1) If a judge at a trial conference orders that a trial is to be attended by telephone, video conference or other means of electronic communication, the judge must also direct how, and by what date, to submit and serve any records and other things on which a party intends to rely at trial.

Trial conferences – transition

- (19) Despite Rule 7.5 (13.2) (a), if a notice of trial conference is dated October 2, 2022 or earlier, and if the trial conference is scheduled to take place on or after October 3, 2022, the defendant is not required to submit the medical report referred to in Rule 7.5 (13.2) to the registry before the trial conference.

22 Rule 9 (2) is amended by striking out “reasonable estimated travelling expenses.” and by adding the following paragraphs:

- (a) reasonable estimated travelling expenses for a summons to appear in person, or
(b) for a summons to appear by another method of attendance, the reasonable estimated cost of the telephone call, video conference or other method of attendance.

23 Rule 9 (3.1) and (3.2) are repealed and the following substituted:

How to change a witness’s method of attendance

- (3.1) A party or a witness may apply to a judge under Rule 16 (7.2) to change a witness’s method of attendance.

Trial judge may change a witness’s method of attendance

- (3.2) The trial judge may order a witness to attend court by any method of attendance that the trial judge considers appropriate in the circumstances.

24 Rule 9 (4) (b) is amended by adding “if the witness attends court in person,” before “bring to court”.

25 Rule 9 (5) is repealed and the following substituted:

Summons may be cancelled or varied

- (5) A person who is served with a summons to witness may apply to a judge (see Rule 16 (7)) who may
(a) cancel the summons if
(i) the person is not needed as a witness, or

- (ii) it would be a hardship for the person to attend court, or
- (b) vary the summons to allow the witness to attend court by another method of attendance.

If a judge changes a witness's method of attendance

- (5.1) If a judge changes a witness's method of attendance, the judge
- (a) must direct the witness
 - (i) how, and by what date, to submit and serve any records and other things, if the witness will not be attending in person, and
 - (ii) where or how to attend, including by providing a telephone number or video conferencing information, if applicable, and
 - (b) may order
 - (i) the return of any money that was provided under subrule (2), or
 - (ii) that the party summoning the witness pay for the witness's travelling expenses, telephone call, video conference or other reasonable estimated cost of the method of attendance.

26 Rule 9 (7) (b) is repealed and the following substituted:

- (b) the witness was offered
 - (i) reasonable estimated travelling expenses, or
 - (ii) other reasonable estimated costs of attendance by telephone, video conference or other means of electronic communication if the summons did not require the witness to appear in person, and .

27 Rule 9.1 (31) is amended by striking out "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" and substituting "those Rules".

28 Rule 9.2 (7) is amended by striking out "upon which the party will rely at the trial" and substituting "on which the party intends to rely at the trial".

29 Rule 11 (12) is amended by striking out "completes the form, following the instructions on the form, and files it at the registry." and by adding the following paragraphs:

- (a) completes the form, following the instructions on the form, and
- (b) files it at the registry, together with a copy of the relevant decision, certificate or order.

30 Rule 12 is amended by adding the following heading before subrule (3):

If a Creditor Asks for a Payment Hearing .

31 Rule 12 is amended by repealing subrule (3) and substituting the following:

- (3) To ask for a payment hearing, a creditor must complete a summons to a payment hearing (Form 12), following the instructions on the form, and file it at the registry at least 14 days before the date of the payment hearing.

32 *Rule 12 (5) is amended by striking out “company” and substituting “corporation” wherever it appears.*

33 *Rule 12 (7) is repealed and the following substituted:*

Service of the summons

- (7) A person named in a summons to a payment hearing must be served by leaving the summons, together with the following documents, with the person at least 14 days before the date of the payment hearing:
- (a) a blank supporting materials cover sheet (Form 39);
 - (b) a blank statement of finances (Form 40), unless the debtor is a corporation or a partnership.

34 *Rule 12 (9) is repealed and the following substituted:*

What a person summoned by a creditor must file

- (9) A person summoned by a creditor to a payment hearing must file the following records and other things at least 7 days before the date of the payment hearing:
- (a) a supporting materials cover sheet (Form 39), unless the person is not required to file any other records or other things under this subrule;
 - (b) a statement of finances (Form 40), unless the debtor is a corporation or a partnership;
 - (c) any other records or other things required by the summons;
 - (d) any other records or other things on which the person intends to rely at the payment hearing.

What a person summoned by a creditor must serve

- (9.1) A person summoned by a creditor to a payment hearing must serve on the creditor the records and other things filed under subrule (9) (b), (c) or (d) at least 2 business days before the date of the payment hearing.

Debtor must update statement of finances if necessary

- (9.2) If there is a significant change to the debtor’s finances after filing a statement of finances and before the payment hearing, the debtor must, before the start of the payment hearing,
- (a) file a revised statement of finances (Form 40), with a supporting materials cover sheet (Form 39), and
 - (b) serve the revised statement of finances on the creditor.

35 *Rule 12 is amended by adding the following heading before subrule (10):*

If a Debtor Asks for a Payment Hearing .

36 *Rule 12 (10) is repealed and the following substituted:*

How a debtor asks for a payment hearing

- (10) To ask for a payment hearing, a debtor must complete the following forms, following the instructions on the forms, and file them at the registry at least 14 days before the date of the payment hearing:
- (a) a notice of payment hearing (Form 13);
 - (b) a supporting materials cover sheet (Form 39), unless the debtor is a corporation or a partnership;
 - (c) a statement of finances (Form 40), unless the debtor is a corporation or a partnership.

37 Rule 12 (11) is repealed and the following substituted:

Service of notice on creditor

- (11) The debtor must serve on the creditor the notice and the statement of finances, if applicable, at least 14 days before the date of the payment hearing.

38 Rule 12 is amended by adding the following subrules:

What a debtor must file if the debtor asks for a payment hearing

- (11.1) A debtor must file any records or other things on which the debtor intends to rely at the payment hearing and that were not filed under subrule (10), together with a supporting materials cover sheet (Form 39), at least 7 days before the date of the payment hearing.

What a debtor must serve if the debtor asks for a payment hearing

- (11.2) A debtor must serve on the creditor any records or other things filed under subrule (11.1) at least 2 business days before the date of the payment hearing.

Debtor must update statement of finances if necessary

- (11.3) If there is a significant change to the debtor's finances after filing a statement of finances and before the payment hearing, the debtor must, before the start of the payment hearing,
- (a) file a revised statement of finances (Form 40), with a supporting materials cover sheet (Form 39), and
 - (b) serve the revised statement of finances on the creditor.

39 Rule 12 is amended by adding the following heading after subrule (11.3):

If a Judge Orders a Payment Hearing .

40 Rule 12 is amended by adding the following subrules:

What a person must file if a judge orders a payment hearing

- (11.4) A person ordered by a judge under Rule 11 (5) (a) to attend a payment hearing must file the following records and other things at least 7 days before the date of the payment hearing:

- (a) a supporting materials cover sheet (Form 39), unless the person is not required to file any other records or other things under this subrule;
- (b) a statement of finances (Form 40), unless the debtor is a corporation or a partnership;
- (c) any other records or other things required by the order;
- (d) any other records or other things on which the person intends to rely at the payment hearing.

What a person must serve if a judge orders a payment hearing

- (11.5) A person ordered by a judge under Rule 11 (5) (a) to attend a payment hearing must serve on the creditor the records and other things filed under subrule (11.4) (b), (c) or (d) at least 2 business days before the date of the payment hearing.

Debtor must update statement of finances if necessary

- (11.6) If there is a significant change to the debtor’s finances after filing a statement of finances and before the payment hearing, the debtor must, before the start of the payment hearing,
- (a) file a revised statement of finances (Form 40), with a supporting materials cover sheet (Form 39), and
 - (b) serve the revised statement of finances on the creditor.

41 Rule 12 is amended by adding the following heading before subrule (12):

What Happens at a Payment Hearing .

42 Rule 12 (15) is amended by repealing paragraph (b) and substituting the following:

- (b) present before a judge or justice when the judge or justice ordered the person to attend.

43 Rule 12 is amended by adding the following subrule:

Debtor may swear or affirm – statement of finances

- (16) If a debtor has filed a statement of finances (Form 40), the judge or justice may direct the debtor to swear or affirm to the truth of the contents of the statement of finances at the payment hearing.

44 Rule 13 is amended in subrule (3) by striking out “company” and substituting “corporation” wherever it appears.

45 Rule 13 (5) is amended by striking out “7 days” and substituting “14 days”.

46 Rule 13 is amended by adding the following subrule:

What must be served with the summons

- (5.1) The court bailiff or sheriff who serves a person under subrule (5) must also provide the person with
- (a) a blank supporting materials cover sheet (Form 39), and

- (b) a blank statement of finances (Form 40), unless the person being served is a corporation or a partnership.

47 Rule 13 (6) is repealed and the following substituted:

What a person who is served with a summons must file

- (6) A person who is served with a summons to a default hearing must file the following records and other things at the registry at least 7 days before the date of the default hearing:
 - (a) a supporting materials cover sheet (Form 39), unless the person is not required to file any other records or other things under this subrule;
 - (b) a statement of finances (Form 40), unless the debtor is a corporation or a partnership;
 - (c) any other records or other things required by the summons;
 - (d) any other records or other things on which the person intends to rely at the default hearing.

What a person who is served with a summons must serve

- (6.1) A person who is served with a summons to a default hearing must serve on the creditor the records and other things filed under subrule (6) (b), (c) or (d) at least 2 business days before the date of the default hearing.

48 Rule 13 is amended by adding the following subrule:

Debtor must update statement of finances if necessary

- (6.2) If there is a significant change to the debtor's finances after filing a statement of finances and before the default hearing, the debtor must, before the start of the default hearing
 - (a) file a revised statement of finances (Form 40), with a supporting materials cover sheet (Form 39), and
 - (b) serve the revised statement of finances on the creditor.

49 Rule 13 (9) is amended by repealing paragraph (b) and substituting the following:

- (b) present before a judge when the judge ordered the person to attend.

50 Rule 13 is amended by adding the following subrule:

Debtor may swear or affirm – statement of finances

- (10) If a debtor has filed a statement of finances (Form 40), the judge may direct the debtor to swear or affirm to the truth of the contents of the statement of finances at the default hearing.

51 Rule 16 (1) is amended by striking out “A registrar” and substituting “Subject to subrule (1.1), a registrar”.

52 Rule 16 is amended by adding the following subrule:

No consent orders to change method of attendance for a trial, payment hearing or default hearing

- (1.1) An order to change a person’s method of attendance for a trial, payment hearing or default hearing cannot be made under subrule (1).

53 Rule 16 (2) (c.1) is repealed and the following substituted:

- (c.1) an order changing the applicant’s method of attendance at a conference or hearing, other than a trial, payment hearing or default hearing (see Rule 17 (16.1) (a)); .

54 Rule 16 (2) (c.3) is amended by striking out “remotely” and substituting “by telephone, video conference or other means of electronic communication”.

55 Rule 16 (2) (e) is repealed and the following substituted:

- (e) an order permitting a claimant to serve a notice of claim or a notice of civil resolution tribunal claim by another method of service (see Rule 18 (8) (a) or (8.1) (a)); .

56 Rule 16 is amended by adding the following subrule:

If a registrar orders a different method of attendance

- (2.1) If a registrar makes an order under subrule (2) (c.1), the registrar must direct the applicant where or how to attend, including by providing a telephone number or video conference information, if applicable.

57 Rule 16 (3) is amended by striking out “party” and substituting “person”.

58 Rule 16 (6) is amended

(a) in paragraph (g) by adding “or varying” after “cancelling”, and

(b) by repealing paragraph (l).

59 Rule 16 is amended by adding the following subrules:

Orders that do not require a hearing

- (6.1) The following orders may be made without a hearing:
- (a) an order changing a person’s method of attendance at any of the following hearings (see Rule 17 (16.1) (b) and (c)):
 - (i) trial;
 - (ii) payment hearing;
 - (iii) default hearing;
 - (b) an order changing the method of attendance at a conference or hearing, other than a trial, payment hearing or default hearing, (see Rule 17 (16.1) (c)) for
 - (i) a person other than the applicant, or
 - (ii) the applicant and a person other than the applicant;

- (c) an order extending or shortening a time limit (see Rule 17 (12));
- (d) an order correcting an accidental slip or omission in an order (see Rule 17 (14));
- (e) any other order that a judge has the power to make and for which notice to another party is not required.

Judge or justice may require a hearing

- (6.2) Despite subrule (6.1), a judge or justice may direct an applicant to appear before a judge or justice to explain why the order should be made.

Service of application and method of attendance if hearing is required

- (6.3) If a judge or justice directs an applicant to appear at a hearing under subrule (6.2), the judge or justice
 - (a) may direct the applicant to serve the application under subrule (7.2) on a party or an affected person, and
 - (b) may, without a hearing, make an order respecting a person's method of attendance at the hearing.

60 Rule 16 (7) is repealed and the following substituted:

How to apply to a judge

- (7) To apply for an order listed in subrule (6), other than subrule (6) (n.1), a person must complete an application (Form 17), following the instructions on the form, and file it at the registry.

61 Rule 16 (7.1) is amended by striking out “where the court file is unless the registrar allows the application to be filed at another registry (see subrule (8))”.

62 Rule 16 is amended by adding the following subrules:

How to apply to a judge or justice for an order without a hearing

- (7.2) To apply for an order under subrule (6.1), a person must complete an application (Form 17), following the instructions on the form, and file it at the registry.

Cost of method of attendance

- (7.3) If a judge or justice makes an order under subrule (6.1) (a) or (b), the judge or justice may order that the party requesting to change the person's method of attendance must pay for the telephone call, video conference or other reasonable cost of that person's method of attendance.

Judge or justice must direct where or how to attend

- (7.4) If a judge or justice makes an order under subrule (6.1) (a) or (b) or (6.3) (b), the judge or justice must direct the person
 - (a) how, and by what date, to submit and serve any records and other things, if the party or witness will not be attending in person, and

- (b) where or how to attend, including by providing a telephone number or video conferencing information, if applicable.

When registrar must send amended notice

- (7.5) If a judge or justice changes the method of attendance for a hearing or conference for all parties, the registrar must notify the parties of the new method of attendance.

63 *Rule 16 (8) is amended by striking out “subrule (7) or (7.1) to be filed at another registry” and substituting “subrule (7), (7.1) or (7.2) to be filed at a registry other than the registry where the court file is”.*

64 *Rule 16 is amended by adding the following subrules:*

Documents to support an application

- (9.1) A person who applies for an order that requires a hearing must file all documents on which the person intends to rely at the hearing, with a supporting materials cover sheet (Form 39), at the registry at least 7 days before the date set for the hearing unless the registrar allows the application to be made as an urgent application under subrule (10).

Final decision of the civil resolution tribunal must not be filed

- (9.2) Despite subrule (9.1), a person must not file at the registry a final decision of the civil resolution tribunal in relation to the claim.

Service of documents to support an application

- (9.3) A person must serve all documents filed under subrule (9.1) on each party that would be affected by the order requested, and on each affected person who must be served under subrule (6.3) (a), at least 7 days before the date set for the hearing, unless the registrar allows the application to be made as an urgent application under subrule (10).

How to respond to an application

- (9.4) If a party or affected person is served with a notice of application and wishes to respond, the party or affected person must attend the hearing of the application.

Documents to support a response

- (9.5) If a party or affected person responding to an application intends to rely on documents at the hearing, at least two business days before the date set for the hearing, the party or affected person must
 - (a) file at the registry any documents on which the person intends to rely at the hearing, with a supporting materials cover sheet (Form 39), and
 - (b) serve the documents on each party that would be affected by the order requested and on each affected person.

Applicant must serve order on other parties

- (12) As soon as practicable after an order is made under this Rule and unless a judge, justice or registrar otherwise orders, the person who applied for the order must serve a copy of the order on

- (a) all parties who did not attend the hearing of the application or did not receive notice of the application, and
- (b) if the application was about a witness and if the witness did not receive notice of the application, the witness.

65 *Rule 17 (5) is amended by striking out “a settlement conference, trial or hearing” and substituting “a conference or hearing”.*

66 *Rule 17 (5.1) (a) is amended by striking out “Rule 9 (6) or Rule 9.1 (19), (22) (l) (i) or (24)” and substituting “Rule 9 (6), Rule 9.1 (19), (22) (l) (i) or (24) or Rule 17 (16.3)”.*

67 *Rule 17 is amended by adding the following subrule:*

Where in-person appearances take place

- (5.5) All steps in a proceeding that are to be attended in person will take place at the court location where the proceeding was started, except
- (a) if a judge orders otherwise, or
 - (b) as provided in Rule 16 (11) and Rule 17 (8).

68 *Rule 17 (6) is amended by striking out “trial or hearing” and substituting “hearing”.*

69 *Rule 17 (7) is amended by striking out “settlement conferences, trial conferences and trials” and substituting “conferences and hearings”.*

70 *Rule 17 (12) is amended by striking out “At any time, a judge may extend or shorten a time limit” and substituting “At any time, including after a time limit has expired, a judge may extend or shorten a time limit”.*

71 *Rule 17 (16), (16.1) and (16.2) is repealed and the following substituted:*

Application to change method of attendance

- (16.1) Despite subrules (25) and (26), a person may apply to change their own or another person’s method of attendance at a conference or hearing as follows:
- (a) to a registrar under Rule 16 (1) or (3) to change the applicant’s own method of attendance at a conference or hearing, other than a trial, payment hearing or default hearing;
 - (b) to a judge or justice under Rule 16 (7.2) to change the applicant’s own method of attendance at a payment hearing;
 - (c) to a judge under Rule 16 (7.2)
 - (i) to change a person’s method of attendance at a trial or default hearing, or
 - (ii) to change the method of attendance at a conference or hearing for
 - (A) a person other than the applicant, or
 - (B) the applicant and a person other than the applicant.

72 *Rule 17 (16.3) is repealed and the following substituted:*

Participants may be required to appear in person

- (16.3) A registrar, justice or judge who is conducting a conference or hearing at which participants are appearing by telephone, video conference or other means of electronic communication may adjourn the conference or hearing at any time and require participants to attend in person or in another manner that the registrar, justice or judge considers appropriate in the circumstances.

73 *Rule 17 (20) (a) is amended by striking out “company” and substituting “corporation”.*

74 *Rule 17 is amended by adding the following subrules:*

Physical presence not required

- (23) For the purposes of these Rules, a reference to accompanying, attending, appearing, conducting, giving, being before a judge, being in court or being at a place or location is not to be interpreted as requiring in-person attendance.

Hearing or conference has an associated physical location

- (24) If a hearing or conference does not take place at a physical location because all participants attend the hearing or conference by telephone, video conference or other means of electronic communication, the hearing or conference is considered to take place at the court served by the registry where the court file is.

Default method of attendance

- (25) Conferences and hearings must be attended in person.

Direction of chief judge

- (26) Despite subrule (25), the chief judge may direct that a class of conferences or hearings, other than hearings under Rule 9.1 [*Simplified Trials for Claims up to \$10 000*], 9.2 [*Summary Trial for Financial Debt*], 10 [*The Trial*] or 13 [*Default Hearing*], must be attended by telephone, video conference or other means of electronic communication.

Classes of conferences or hearings

- (27) A direction under subrule (26) may be different for different court locations, court registries, types of court appearances, classes of persons or circumstances.

75 *Rule 18 (2) is amended by striking out “mother, father” and substituting “parent”.*

76 *Rule 18 (7) and (7.1) are repealed.*

77 *Rule 18 (12) is amended*

(a) by striking out “document” and substituting “document, record or other thing”, and

(b) by repealing paragraph (b) and substituting the following:

- (b) by mailing it by ordinary mail to the person’s address, unless the document, record or other thing is
- (i) a notice of claim,

- (ii) a notice of civil resolution tribunal claim,
- (iii) a third party notice,
- (iv) a statement of finances, a record or other thing referred to in Rule 12 (9), (11.1) or (11.4) or Rule 13 (6), or
- (v) a summons to a payment hearing or to a default hearing
(see Rules 1.1 (10) to (17), 2, 5 (4), 12 (7) and 13 (5)), or .

78 *Rule 18 (13), (14), (15), (19) and (20) is amended by striking out “document” wherever it appears and substituting “document, record or other thing”.*

79 *Rule 18 (18) is amended*

(a) in paragraph (a) by striking out “a day that is not a Saturday, Sunday or another holiday listed in the definition of “holiday” in the Interpretation Act” and substituting “a business day”, and

(b) by repealing paragraph (b) and substituting the following:

- (b) if the document, record or other thing is transmitted on a day that is not a business day, or after 4 p.m. on a business day, the document, record or other thing is deemed to be served on the next business day.

80 *Rule 18 is amended by adding the following subrule:*

Time limits – transition

- (21) Rule 18 (7) and (7.1), as it read on October 2, 2022, continues to apply in relation to a notice of claim, a third party notice or a notice of civil resolution tribunal claim filed before October 3, 2022.

81 *Rule 20 (2) (b) is amended by striking out “documents” and substituting “documents, records or other things”.*

82 *Rule 21 is amended by adding the following subrules:*

Reply – transition

- (3) A party may use Form 2 as it read on October 2, 2022 to reply in either of the following circumstances:
 - (a) the reply is made under Rule 3 (2) in response to a notice of claim that was filed before October 3, 2022;
 - (b) the reply is made under Rule 1.1 (21) in response to a notice of civil resolution tribunal claim that was filed before October 3, 2022.

Third party reply – transition

- (4) The requirement to use Form 3.1 to reply under Rule 5 (7) does not apply if the third party claim to which the person is replying was filed before October 3, 2022.

Statement of finances – transition

- (5) Despite Rules 12 (9) and 13 (6), a person summoned is not required to file a statement of finances if the creditor filed the summons, or if the judge ordered the payment hearing or default hearing, before October 3, 2022.

83 *Schedule B is amended*

- (a) *by repealing Forms 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 23, 26, 32, 34, 35, 36 and 37, and*
- (b) *by adding the attached Forms 1, 2, 3, 3.1, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 23, 26, 32, 34, 35, 36, 37, 39 and 40.*

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

NOTICE OF CLAIM

FROM:
This person has made a claim against you in Small Claims Court.

NAME _____ **CLAIMANT(S)**
 Form 38, Address for Service included for filing

TO:

NAME _____ **DEFENDANT(S)**
 ADDRESS _____
 CITY, TOWN, MUNICIPALITY _____ TEL. # _____
 PROV. _____ POSTAL CODE _____

WHAT HAPPENED?
This is what the claimant says led to the claim.

If this box is checked, the claimant is abandoning the amount of their claim that is over \$35,000, not including interest and expenses. If this box is checked, the "what happened" section is continued on an additional page. _____ additional pages were filed. Be sure you have been given a copy of all additional pages.

WHERE?
This is where the claimant says it happened.

CITY, TOWN, MUNICIPALITY _____
 PROV. _____

WHEN?
Tell when the claimant became aware of the issue in dispute. _____

HOW MUCH?
This is what the claimant is asking for.

a	_____	\$	_____
b	_____	\$	_____
c	_____	\$	_____
d	_____	\$	_____
e	_____	\$	_____

TIME LIMIT FOR A DEFENDANT TO REPLY
 The defendant must complete and file the attached reply and address for service within 14 days after being served in British Columbia or within 30 days after being served outside of British Columbia with this notice. If the defendant does not reply, a court order may be made against the defendant without any further notice to the defendant. Then the defendant could have to pay the amount claimed plus interest and further expenses.

The Court Address for filing documents is:

TOTAL	_____	\$	_____
+ FILING FEES	_____		_____
+ SERVICE FEES	_____		_____
= TOTAL CLAIMED	_____	\$	_____
<input type="checkbox"/> DEBT			
<input type="checkbox"/> OTHER THAN DEBT			

defendant's copy

FORM 2

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

Copy the name of each claimant from the Notice of Claim or Notice of Civil Resolution Tribunal Claim.

Fill in the name of each defendant filing this reply.

FROM:

Fill in the name of each claimant or defendant filing this reply.

DISPUTE:

If you wish to oppose all or part of the claim, tell why you disagree with each part. Use the "HOW MUCH" section of the Notice of Claim, Notice of Civil Resolution Tribunal Claim, or counterclaim as a guide. If you agree with parts of the claim, say so.

PROPOSED PAYMENT:

If you agree to pay all or part of what is claimed, you can propose a payment schedule.

COUNTERCLAIM

Only fill out this part if you wish to make a claim against the claimant. Do not fill out this part when replying to a counterclaim or to a Notice of Civil Resolution Claim.

WHAT HAPPENED?

Tell what has led to your counterclaim.

HOW MUCH?

Tell what is being claimed from the claimant(s). If the counterclaim is made up of several parts, separate them here and for each part set out the amount being claimed or the value of the property or services being claimed. Add these amounts and values and fill in the total claimed. This counterclaim will be heard at the same time as the claimant's claim.

NAME	CLAIMANT(S)
NAME	DEFENDANT(S)

NAME _____

Form 38, Address for Service included for filing Form 38, Address for Service previously filed

a _____

b _____

c _____

d _____

e _____

I NAME _____ agree to pay \$ _____

I could make the following payments: give dates and amounts _____

I am abandoning the amount of my claim that is over \$35,000, not including interest and expenses.

Check this box if more space is needed to describe "what happened" and attach additional page(s). additional page(s) are attached. Mark each additional page as "Page 2 of the Reply, Page 3 of the Reply, etc.". A copy of each attached page must accompany each copy of the Reply.

a	\$	
b	\$	
c	\$	

TIME LIMIT FOR A CLAIMANT TO REPLY TO A COUNTERCLAIM			
A claimant must complete and file the attached Reply within 14 days after being served with the counterclaim. If the claimant does not reply, the defendant may apply to a judge for a default order requiring the claimant to pay the amount claimed plus interest and further expenses.	TOTAL	\$	court copy
	+ FILING FEES	\$	
	= TOTAL CLAIMED	\$	

The Court Address for filing documents is:

REPLY

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

REPLY

NAME _____ CLAIMANT(S)

NAME _____ DEFENDANT(S)

NAME _____

Form 38, Address for Service included for filing Form 38, Address for Service previously filed

FROM:
Except for a Reply to a counterclaim, this is the defendant who has made this Reply. If you have named more than one defendant, their Replies will be separate.

DISPUTE:
This section tells whether the person filing a Reply agrees or disagrees with the claims made in the "HOW MUCH" section of the Notice of Claim, Notice of Civil Resolution Tribunal Claim or counterclaim. If they disagree, it sets out why. If a defendant agrees with all or part of the claim, to accept the admission in full settlement of the claim, interest and expenses, you must file a Payment Order in the same terms as the admission. The Payment Order must be filed before a conference or mediation.

a _____

b _____

c _____

d _____

e _____

PROPOSED PAYMENT:
If this is filled in, the defendant(s) has agreed to pay this amount and is proposing this payment schedule.

I NAME _____ agree to pay \$ _____

I could make the following payments: give dates and amounts

COUNTERCLAIM

WHAT HAPPENED?
If this part is filled in, the defendant has made a counterclaim against you. This is what the defendant says led to the counterclaim against you. If you dispute the counterclaim you must file your own Reply.

If this box is checked, the defendant is abandoning the amount of their counterclaim that is over \$35,000, not including interest and expenses. Check this box if more space is needed to describe "what happened" and attach additional page(s). _____ additional page(s) are attached. Mark each additional page as "Page 2 of the Reply, Page 3 of the Reply, etc.". A copy of each attached page must accompany each copy of the Reply.

HOW MUCH?
This tells what the defendant is asking for. This counterclaim will be heard at the same time as your claim.

a	\$	
b	\$	
c	\$	

TIME LIMIT FOR A CLAIMANT TO REPLY TO A COUNTERCLAIM
A claimant must complete and file the attached Reply within 14 days after being served with the counterclaim. If the claimant does not reply, the defendant may apply to a judge for a default order requiring the claimant to pay the amount claimed plus interest and further expenses.

The Court Address for filing documents is:

TOTAL	\$	
+ FILING FEES	\$	
= TOTAL CLAIMED	\$	

claimant's copy

claimant's copy

REPLY

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

CLAIMANT(S)
DEFENDANT(S)

REPLY

NAME _____

NAME _____

NAME _____

Form 38, Address for Service included for filing Form 38, Address for Service previously filed

FROM:
Except for a Reply to a counterclaim, this is the defendant who has made this Reply. If you have named more than one defendant, their Replies will be separate.

DISPUTE:
If you wish to oppose all or part of the claim, tell why you disagree with each part. Use the "HOW MUCH" section of the Notice of Claim, Notice of Civil Resolution Tribunal Claim, or counterclaim as a guide. If you agree with parts of the claim, say so.

- a _____
- b _____
- c _____
- d _____
- e _____

PROPOSED PAYMENT:

If the person filing the reply agrees to pay all or part of what is claimed, they can propose a payment schedule.

I, NAME _____ agree to pay \$ _____

I could make the following payments: give dates and amounts

COUNTERCLAIM

Only fill out this part if you wish to make a claim against the claimant. Do not fill out this part when replying to a counterclaim or to a Notice of Civil Resolution Claim.

WHAT HAPPENED?

Tell what has led to your counterclaim.

HOW MUCH?

This tells what you are asking for. This counterclaim will be heard at the same time as the claimant's claim.

If this box is checked, the defendant is abandoning the amount of their counterclaim that is over \$35,000, not including interest and expenses. Check this box if more space is needed to describe "what happened" and attach additional page(s). _____ additional page(s) are attached. Mark each additional page as "Page 2 of the Reply, Page 3 of the Reply, etc.". A copy of each attached page must accompany each copy of the Reply.

a	\$	
b	\$	
c	\$	

TIME LIMIT FOR A CLAIMANT TO REPLY TO A COUNTERCLAIM

A claimant must complete and file the attached Reply within 14 days after being served with the counterclaim. If the claimant does not reply, the defendant may apply to a judge for a default order requiring the claimant to pay the amount claimed plus interest and further expenses.

The Court Address for filing documents is:

TOTAL	\$	
+ FILING FEES	\$	
= TOTAL CLAIMED	\$	

defendant's copy

FORM 3

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

TO:
Fill in the name, address and telephone number of the person or business the defendant thinks should pay all or part of the claim against the defendant.

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

FROM:
Fill in the name of the defendant who is adding the third party

NAME	DEFENDANT
_____	_____

Copy the name(s) of the claimant(s) from the Notice of Claim or Notice of Civil Resolution Tribunal Claim.

NAME	CLAIMANT(S)
_____	_____

THIRD PARTY NOTICE

WHAT HAPPENED?
Tell what happened to make you think the third party should pay all or part of the claim.

Check this box if more space is needed to describe "WHAT HAPPENED" and attach additional page(s).
_____ additional pages are attached. Mark the additional pages as "Page 2 of the Third Party Notice, Page 3, etc."
A copy of the attached pages must accompany each copy of the Third Party Notice.

HOW MUCH?
Tell what you are claiming the third party is responsible for. If the claim is made up of several parts, separate them here and show the amount for each part. Add these amounts and fill in the total claimed.

a	_____	\$	_____	_____
b	_____	\$	_____	_____
c	_____	\$	_____	_____
d	_____	\$	_____	_____
e	_____	\$	_____	_____

TIME LIMIT FOR A THIRD PARTY TO REPLY
If the third party does not settle directly with the claimant and the defendant or file a reply **within 14 days** after being served in British Columbia or **within 30 days** after being served outside of British Columbia with this notice, **a court order may be made against the third party.** Then the third party may have to pay the amount claimed plus interest and expenses.
The Court Address for filing documents is:

TOTAL	\$	_____	_____
+ FILING FEES		_____	_____
+ SERVICE FEES		_____	_____
= TOTAL CLAIMED	\$	_____	_____

DEBT
 OTHER THAN DEBT

court copy

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

THIRD PARTY NOTICE

TO: NAME _____ **THIRD PARTY**
 ADDRESS _____
 CITY, TOWN, MUNICIPALITY _____ TEL. # _____
 PROV. _____ POSTAL CODE _____

FROM: NAME _____ **DEFENDANT**

NAME _____ **CLAIMANT(S)**

WHAT HAPPENED?

This is why the defendant in this case thinks you are responsible for all or part of the claim.

Details of the claim against the defendant and the defendant's reply are in the enclosed documents.

If this box is checked, the "WHAT HAPPENED" section is continued on an additional pages(s). _____ additional pages were filed. Be sure you have been given a copy of all additional pages.

HOW MUCH?

This is what the defendant claims from you.

a	_____	\$	_____	_____
b	_____	\$	_____	_____
c	_____	\$	_____	_____
d	_____	\$	_____	_____
e	_____	\$	_____	_____
	TOTAL	\$	_____	_____

TIME LIMIT FOR A THIRD PARTY TO REPLY

If the third party does not settle directly with the claimant and the defendant or file a reply **within 14 days** after being served in British Columbia or **within 30 days** after being served outside of British Columbia with this notice, **a court order may be made against the third party.** Then the third party may have to pay the amount claimed plus interest and expenses.

The Court Address for filing documents is:

TOTAL	\$	_____	_____
+ FILING FEES		_____	_____
+ SERVICE FEES		_____	_____
= TOTAL CLAIMED	\$	_____	_____

DEBT
 OTHER THAN DEBT

third party copy

third party copy

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

THIRD PARTY NOTICE

TO: NAME _____ **THIRD PARTY**
 ADDRESS _____
 CITY, TOWN, MUNICIPALITY _____ TEL. # _____
 PROV. _____ POSTAL CODE _____

FROM: NAME _____ **DEFENDANT**

NAME _____ **CLAIMANT(S)**

WHAT HAPPENED?

This is why the defendant says the third party should pay part or all of your claim.

If this box is checked, the "WHAT HAPPENED" section is continued on an additional pages(s). _____ additional pages were filed. Be sure you have been given a copy of all additional pages.

HOW MUCH?

This is what the defendant says the third party should pay.

a	_____	\$	_____	_____
b	_____	\$	_____	_____
c	_____	\$	_____	_____
d	_____	\$	_____	_____
e	_____	\$	_____	_____
		TOTAL	\$	_____

TIME LIMIT FOR A THIRD PARTY TO REPLY
 If the third party does not settle directly with the claimant and the defendant or file a reply **within 14 days** after being served in British Columbia or **within 30 days** after being served outside of British Columbia with this notice, **a court order may be made against the third party**. Then the third party may have to pay the amount claimed plus interest and expenses.

The Court Address for filing documents is:

	TOTAL	\$	_____	_____
	+ FILING FEES		_____	_____
	+ SERVICE FEES		_____	_____
	= TOTAL CLAIMED	\$	_____	_____
	<input type="checkbox"/> DEBT			
	<input type="checkbox"/> OTHER THAN DEBT			

claimant's copy

claimant's copy

FORM 3.1

REPLY TO THIRD PARTY NOTICE
IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION

REPLY TO THIRD PARTY NOTICE

TO:
Copy the name of the defendant(s) from the Third Party Notice.

NAME _____ DEFENDANT(S)

FROM:
Fill in the name of the third party filing this reply.

NAME _____ THIRD PARTY
 Form 38, Address for Service included for filing

AND TO:
Copy the name of the claimant(s) from the Notice of Claim or Notice of Civil Resolution Tribunal Claim.

NAME _____ CLAIMANT(S)

DISPUTE:
Using the "HOW MUCH" section of the Third Party Notice as a guide, tell why you disagree with each part (a - e). If you agree with parts of the claim, say so.

a _____

b _____

c _____

d _____

e _____

PROPOSED PAYMENT:

I, _____ agree to pay \$ _____
I could make the following payments: give dates and amounts

If you agree to pay all or part of what is claimed, you can propose a payment schedule.

court copy

The Court Address for filing documents is:

REPLY TO THIRD PARTY NOTICE
 IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION

REPLY TO THIRD PARTY NOTICE

TO: _____ **DEFENDANT(S)**
This is the defendant(s) who has made a claim against the third party.
NAME

FROM: _____ **THIRD PARTY**
This is the third party who has made this reply.
 Form 38, Address for Service included for filing
NAME

AND TO: _____ **CLAIMANT(S)**
NAME

DISPUTE: _____
This is how the third party agrees or disagrees with the claim(s) in the Third Party Notice.
a _____
b _____
c _____
d _____
e _____

PROPOSED PAYMENT: I, _____ agree to pay \$ _____
If a third party agrees with all or part of the claim in the Third Party Notice, the defendant who made the claim may decide to accept the admission in full settlement of their claim, interest and expenses as against the third party.
name
 I could make the following payments: give dates and amounts

claimant/other party copy

The Court Address for filing documents is:

REPLY TO THIRD PARTY NOTICE
 IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION

REPLY TO THIRD PARTY NOTICE

TO: _____ **DEFENDANT(S)**
NAME

FROM: _____ **THIRD PARTY**
NAME
 This is the third party who has made this reply.
 Form 38, Address for Service included for filing

AND TO: _____ **CLAIMANT(S)**
NAME

DISPUTE: _____
This is how the third party agrees or disagrees with your claim(s) in the Third Party Notice.

a _____

b _____

c _____

d _____

e _____

PROPOSED PAYMENT: I, _____ agree to pay \$ _____
If the third party agrees with all or part of the claim in the Third Party Notice, to accept the admission in full settlement of your claim against the third party, including interest and expenses, you must file a Payment Order in the same terms as the admission. The Payment Order must be filed before a conference or mediation.

I could make the following payments: give dates and amounts

defendant copy

The Court Address for filing documents is:

REPLY TO THIRD PARTY NOTICE
 IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION

REPLY TO THIRD PARTY NOTICE

TO:
 Copy the name of the defendant(s) from the Third Party Notice.

NAME _____ DEFENDANT(S)

FROM:
 Fill in the name of the third party filing this reply.

NAME _____ THIRD PARTY

Form 38, Address for Service included for filing

AND TO:
 Copy the name of the claimant(s) from the Notice of Claim or Notice of Civil Resolution Tribunal Claim.

NAME _____ CLAIMANT(S)

DISPUTE:
 Using the "HOW MUCH" section of the Third Party Notice as a guide, tell why you disagree with each part (a - e). If you agree with parts of the claim, say so.

a _____

b _____

c _____

d _____

e _____

PROPOSED PAYMENT:
 If you agree to pay all or part of what is claimed, you can propose a payment schedule.

I, _____ agree to pay \$ _____

I could make the following payments: give dates and amounts

third party copy

The Court Address for filing documents is:

FORM 5

APPLICATION FOR DEFAULT ORDER
IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION

In the case between

Fill in the names of the parties, copying them from the Notice of Claim or Notice of Civil Resolution Tribunal Claim.

NAME _____ CLAIMANT(S)

and

NAME _____ DEFENDANT(S)

APPLICATION FOR DEFAULT ORDER

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

date time am / pm

in person at

_____ court location

by another method of attendance, as specified

_____ attendance details

If you do not have electronic capabilities to access the link or your lose connectivity, reach out to your local registry to obtain an alternate method to connect.

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.

DEFAULT ORDER

Indicate the name of the defendant, and select the applicable reason for the application.

This section is to be completed as follows:
1) If no hearing is required (as the claim is for debt), set out the terms of the order that were requested on your claim.
2) If a hearing was required, set out the amounts ordered by the Court and any terms other than the payment of money that the judge ordered.

- As _____ defendant
- has not filed a Reply and the claimant has proved the defendant has been served with the Notice of Claim or Notice of Civil Resolution Tribunal Claim,
- has not made a response under s. 7 of the *Civil Resolution Tribunal Act* and the claimant has proved the defendant has been served with the Notice of Civil Resolution Tribunal Claim,
- has not complied with an order to make a deposit.

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

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.

court copy

court copy

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

NAME

CLAIMANT(S)

and

NAME

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

- in person at

- by another method of attendance, as specified

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.

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, as set out below.

DEFAULT ORDER

As

- has not filed a Reply and the claimant has proved the defendant has been served with the Notice of Claim or Notice of Civil Resolution Tribunal Claim,
- has not made a response under s. 7 of the *Civil Resolution Tribunal Act* and the claimant has proved the defendant has been served with the Notice of Civil Resolution Tribunal Claim,
- has not complied with an order to make a deposit.

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

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

defendant's copy

defendant's copy

This is the order of the Court.

FORM 5

NOTICE OF HEARING

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

TO:

In the case between

NAME _____ **CLAIMANT(S)**

and

NAME _____ **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
date time am / pm

in person at

_____ court location

by another method of attendance, as specified

_____ attendance details

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 application and may ask you questions about your claim. If you have any supporting documents you wish the judge to consider, submit them to the court along with a Supporting Materials Cover Sheet (Form 39) at least 2 business days before the hearing.

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 guides called "Getting Ready for Court" and "Getting Results".

DO YOU HAVE DOCUMENTS TO SUBMIT FOR THE HEARING?

You must submit to the court registry any supporting documents you wish the judge to consider **at least 2 business days before the hearing**. All documents must be submitted with a supporting materials cover sheet (Form 39).

claimant's Notice of Hearing

FORM 6

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

In the case between

NAME _____ **CLAIMANT(S)**

and

NAME _____ **DEFENDANT(S)**

and

NAME _____ **THIRD PARTY(IES)**

A settlement conference will be held on

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

and you are required to attend

in person, at court location

by another method of attendance, as specified

The registry will send within 24 hours before the hearing date noted above the link to connect by MS Teams, including a dial-in conferencing number to be used by any party that is unable to use MS Teams or has problems with their video connection. If you have not provided your email address or telephone number to the registry on your Address for Service ([Form 38](#)), you must contact the registry to obtain the telephone conference or MS Teams conference information.

WHO MUST ATTEND?

All parties must attend the settlement conference and have authority to settle the claim, and may be accompanied by a lawyer or articled student, except the defendant need not attend if

- (a) the claim results from a motor vehicle accident,
- (b) the defendant is disputing the amount of the claim but not liability, and
- (c) a person appointed by the Insurance Corporation of British Columbia attends instead of the defendant.

WHAT SHOULD THE PARTIES SUBMIT?

Each party to a claim must submit to the registry all relevant documents and reports they wish to rely upon at **least 14 days** before the conference, and **serve** them on **all parties 7 days** before the conference.

WHAT IS THE PURPOSE OF THE SETTLEMENT CONFERENCE?

There are two main purposes for a settlement conference:

- (a) to encourage settlement of the case, or
- (b) if settlement is not possible, to help the parties prepare their cases for trial.

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 settlement conference.

day month year by the Court

FORM 7

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

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

NAME _____ CLAIMANT(S)

and

NAME _____ DEFENDANT(S)

and

NAME _____ THIRD PARTY(IES)

FROM:

Fill in the name of the claimant who is filing the certificate.

NAME _____ CLAIMANT

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, print or type the claimant's name.

_____ date

_____ sign, print or type name of claimant

court copy

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

In the case between

NAME _____ CLAIMANT(S)

and

NAME _____ DEFENDANT(S)

and

NAME _____ THIRD PARTY(IES)

FROM:

NAME _____ CLAIMANT

Certificate of Readiness

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

sign, print or type name of claimant

defendant copy

FORM 7

defendant copy

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

In the case between

NAME _____ CLAIMANT(S)

and

NAME _____ DEFENDANT(S)

and

NAME _____ THIRD PARTY(IES)

FROM:

NAME _____ CLAIMANT

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

sign, print or type name of claimant

Certificate of Readiness

third party copy

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

In the case between

NAME _____ CLAIMANT(S)

and

SERVICE COPY

NAME _____ DEFENDANT(S)

and

NAME _____ THIRD PARTY(IES)

FROM:

NAME _____ CLAIMANT

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

_____ sign, print or type name of claimant

SERVICE COPY

Certificate of Readiness

service copy

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

In the case between

NAME _____ CLAIMANT(S)

and

NAME _____ DEFENDANT(S)

and

NAME _____ THIRD PARTY(IES)

FROM:

NAME _____ CLAIMANT

Certificate of Readiness

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

sign, print or type name of claimant

claimant copy

FORM 8

SUMMONS TO WITNESS

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

TO: Fill in the name and address of the person you are requiring to attend court.

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

FROM: Fill in the name of the party who requires the witness to attend.

You have been summoned as a witness by
NAME

Fill in the names of all parties in the case.

In the case between
CLAIMANT(S)
and
DEFENDANT(S)
and
THIRD PARTY(IES)
NAME

Fill in the date, time and method of attendance for the hearing.

You are required to attend the Provincial Court of British Columbia
on [date] at [time am/pm] or as soon after this time as the court schedule allows
in person at [court location]
by another method of attendance, as specified [attendance details]

If you want the witness to bring or submit to court any records or other things list them here.

You are required to bring the following records and other things

If the court made an order that the witness attend in a way other than in person, include the terms of the order made by the judge.

WHAT MUST YOU DO IF YOU ARE SERVED WITH A SUMMONS?

- You must
(a) attend court at the time and by the method stated on the summons, and
(b) bring to court (or if not attending in person, submit and serve as directed) any records and other things required by the summons.

CAN THE SUMMONS BE CANCELLED?

If you are not needed as a witness or it would be a hardship for you to attend court, you may apply to a judge to cancel the summons. You may also apply to a judge to change your method of attendance from what is listed on the summons.

WHAT HAPPENS IF YOU DO NOT ATTEND?

You must provide the witness with expenses related to their method of attendance at court.

A judge may issue a warrant for your arrest.
\$_____ is attached for reasonable expenses related to the method of your attendance at court.

Sign and date your summons.

date

signature of person issuing summons

FORM 8
SCL 008 09/2022

originator copy

SUMMONS TO WITNESS

originator copy

SUMMONS TO WITNESS

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

TO:

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

FROM:
 This is the person who requires you to attend court to provide information relating to a lawsuit.

You have been summoned as a witness by

NAME _____

In the case between

NAME _____	CLAIMANT(S)
and	
NAME _____	DEFENDANT(S)
and	
NAME _____	THIRD PARTY(IES)

These are the parties in the case.

SUMMONS TO WITNESS

You are required to attend the Provincial Court of British Columbia

on at or as soon after this time as the court schedule allows

in person at

by another method of attendance, as specified

You are required to bring the following records and other things

WHAT MUST YOU DO IF YOU ARE SERVED WITH A SUMMONS?

You must
 (a) attend court at the time and by the method stated on the summons, and
 (b) bring to court (or if not attending in person, submit and serve as directed) any records and other things required by the summons.

CAN THE SUMMONS BE CANCELLED?

If you are not needed as a witness or it would be a hardship for you to attend court, you may apply to a judge to cancel the summons. You may also apply to a judge to change your method of attendance from what is listed on the summons.

WHAT HAPPENS IF YOU DO NOT ATTEND?

A judge may issue a warrant for your arrest.

\$ _____ is attached for reasonable expenses related to the method of your attendance at court.

witness copy

SUMMONS TO WITNESS
 IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION

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

FROM: You have been summoned as a witness by
 NAME _____

In the case between **SERVICE COPY**

NAME _____ CLAIMANT(S)
and
 NAME _____ DEFENDANT(S)
and
 NAME _____ THIRD PARTY(IES)

SUMMONS TO WITNESS

You are required to attend the Provincial Court of British Columbia

on _____ date _____ at _____ time _____ am / pm _____ or as soon after this time as the court schedule allows

in person at _____ court location _____

by another method of attendance, as specified _____ attendance details _____

You are required to bring the following records and other things

_____ **SERVICE COPY** _____

WHAT MUST YOU DO IF YOU ARE SERVED WITH A SUMMONS?
 You must
 (a) attend court at the time and by the method stated on the summons, and
 (b) bring to court (or if not attending in person, submit and serve as directed) any records and other things required by the summons.

CAN THE SUMMONS BE CANCELLED?
 If you are not needed as a witness or it would be a hardship for you to attend court, you may apply to a judge to cancel the summons. You may also apply to a judge to change your method of attendance from what is listed on the summons.

WHAT HAPPENS IF YOU DO NOT ATTEND?
 A judge may issue a warrant for your arrest.
 \$ _____ is attached for reasonable expenses related to the method of your attendance at court.

_____ date _____ signature of person issuing summons _____

service copy

FORM 9

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

In the case between

NAME _____ CLAIMANT(S)

and

NAME _____ DEFENDANT(S)

NOTICE OF WARRANT OF ARREST

TO:

name of person to be arrested	date of birth
-------------------------------	---------------

A warrant has been issued for your arrest. You will be arrested unless you contact the court registry at

court location, address and phone number
--

within 7 days after being served with this notice and arrange to appear voluntarily in court.

The warrant of arrest has been issued because you did not attend court

on

month

day

year

as required by

- a summons to witness
- a summons to a payment hearing
- a summons to a default hearing

Issued on

month	day	year	by the Court
-------	-----	------	--------------

If this notice was mailed to you by ordinary mail it will be considered to be served on you 14 days after it was mailed.

If this notice was emailed to you it will be deemed to be served as follows:

- On the day the email was transmitted to you if transmitted before 4:00 pm on a business day
- On the next business day if the email was transmitted on a Saturday, Sunday or another holiday, or after 4:00 pm on any other day.

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

In the case between

NAME _____ CLAIMANT(S)

and

NAME _____ DEFENDANT(S)

WARRANT OF ARREST

To all sheriffs and peace officers in British Columbia

This Court orders you to arrest

name of person to be arrested	date of birth
-------------------------------	---------------

and promptly bring that person before the court. The reason for the arrest is the person did not attend court in person at

court location, address

or by another method of attendance

on

month	day	year
-------	-----	------

as required by

- a summons to witness
- a summons to a payment hearing
- a summons to a default hearing

Issued on

month	day	year	by the Court
-------	-----	------	--------------

This warrant remains in force for 12 months from the date it was issued by the court.

Warrant cancelled by: _____ Person contacted _____ by phone at _____ m. Date: _____

Warrant executed by: _____ Date: _____
--

FORM 10

PAYMENT ORDER

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

In the case between

Fill in the name, address and phone number of each party. Include a third party if one was named.

NAME	CLAIMANT(S)
ADDRESS	
CITY, TOWN, MUNICIPALITY	TEL. #
PROV.	POSTAL CODE
and	
NAME	DEFENDANT(S)
ADDRESS	
CITY, TOWN, MUNICIPALITY	TEL. #
PROV.	POSTAL CODE
and	
NAME	THIRD PARTY(IES)
ADDRESS	
CITY, TOWN, MUNICIPALITY	TEL. #
PROV.	POSTAL CODE

PAYMENT ORDER

On _____ at a _____

date NAME

Settlement Conference
 Trial Conference where _____ failed to appear
NAME
 Payment Hearing
 By Agreement

Check the appropriate box

THIS COURT ORDERED

If the judge, justice of the peace or registrar has ordered payment of money, fill in the name of the party ordered to pay and the name of the party the money is to be paid to.

NAME _____

TO PAY TO

NAME	\$	_____	Amount ordered by the Judge
	+	\$ _____	Expenses allowed
	+	\$ _____	Interest
	=	\$ _____	TOTAL AMOUNT OF PAYMENT ORDER

Check the appropriate box

immediately, or
 in accordance with the following payment schedule

If the judge, justice of the peace or registrar has ordered payment by installments or before a fixed date, set out what amounts are to be paid and when.

Has the judge, justice of the peace or registrar ordered something other than the payment of money?

THIS COURT ALSO ORDERS

This will be signed and dated by the Court.

_____ <small>date</small>	_____ <small>by the Court</small>
------------------------------	--------------------------------------

For more information about enforcement proceedings there is a booklet called "Getting Results" found at www.gov.bc.ca/smallclaims

FORM 10

court copy

court copy

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

In the case between

NAME _____ **CLAIMANT(S)**

ADDRESS _____

CITY, TOWN, MUNICIPALITY _____ TEL. # _____

and PROV. _____ POSTAL CODE _____

NAME _____ **DEFENDANT(S)**

ADDRESS _____

CITY, TOWN, MUNICIPALITY _____ TEL. # _____

and PROV. _____ POSTAL CODE _____

NAME _____ **THIRD PARTY(IES)**

ADDRESS _____

CITY, TOWN, MUNICIPALITY _____ TEL. # _____

PROV. _____ POSTAL CODE _____

On _____ at a _____

- Settlement Conference Trial Conference where _____ failed to appear
 Payment Hearing
 By Agreement

This is the order of the Court.

THIS COURT ORDERED

NAME _____

TO PAY TO

NAME _____	\$ _____	Amount ordered by the Judge
_____	+ \$ _____	Expenses allowed
_____	+ \$ _____	Interest
_____	= \$ _____	TOTAL AMOUNT OF PAYMENT ORDER

- immediately, or
 in accordance with the following payment schedule

THIS COURT ALSO ORDERS

+ \$ _____ any expenses allowed

_____ date

_____ by the Court

For more information about enforcement proceedings there is a booklet called "Getting Results" found at www.gov.bc.ca/smallclaims

debtor's copy

FORM 10

PAYMENT ORDER

debtor's copy

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

In the case between

NAME _____ **CLAIMANT(S)**

ADDRESS _____

CITY, TOWN, MUNICIPALITY _____ TEL. # _____

and PROV. _____ POSTAL CODE _____

NAME _____ **DEFENDANT(S)**

ADDRESS _____

CITY, TOWN, MUNICIPALITY _____ TEL. # _____

and PROV. _____ POSTAL CODE _____

NAME _____ **THIRD PARTY(IES)**

ADDRESS _____

CITY, TOWN, MUNICIPALITY _____ TEL. # _____

PROV. _____ POSTAL CODE _____

On _____ at a _____

- Settlement Conference Trial Conference where _____ failed to appear
 Payment Hearing
 By Agreement

THIS COURT ORDERED

NAME _____

This is the order of the Court.

TO PAY TO

NAME _____	\$ _____	Amount ordered by the Judge
_____	+ \$ _____	Expenses allowed
_____	+ \$ _____	Interest
_____	= \$ _____	TOTAL AMOUNT OF PAYMENT ORDER

- immediately, or
 in accordance with the following payment schedule

THIS COURT ALSO ORDERS

+ \$ _____ any expenses allowed

_____ date

_____ by the Court

For more information about enforcement proceedings there is a booklet called "Getting Results" found at www.gov.bc.ca/smallclaims

creditor's copy

PAYMENT ORDER

creditor's copy

FORM 11

ORDER FOR SEIZURE AND SALE
IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION

Fill in the name, address and telephone number of the person who is named as the creditor in the Payment Order or Default Order.

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

Fill in the name, address and telephone number of the person who is named as the debtor in the Payment Order or Default Order.

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

ORDER FOR SEIZURE AND SALE

To the sheriff or court bailiff

You are ordered to seize any goods of the debtor named in the attached order that are not exempted from seizure under the *Court Order Enforcement Act*, and to sell them by public auction, sealed bid or any other similar method in order to realize your fees and disbursements for enforcing this order and the **TOTAL AMOUNT DUE TO THE CREDITOR** calculated as follows:

If claiming interest, attach a sheet showing your calculations

If you want to be allowed expenses under line (e), submit them to the registrar. They might include search fees at the motor vehicle registry or personal property registry.

(a) Total Amount of Payment Order or Default Order		\$	<input type="text"/>
(b) Less any payments to the creditor	-	\$	<input type="text"/>
	=	\$	<input type="text"/>
(c) Plus interest calculated to the date this order is issued	+	\$	<input type="text"/>
(d) Plus enforcement expenses allowed by the Court to the date this order is issued	+	\$	<input type="text"/>
TOTAL	=	\$	<input type="text"/>
(e) Plus any expenses allowed by the Court in relation to this order	+	\$	<input type="text"/>
TOTAL AMOUNT DUE TO THE CREDITOR at the date this order is issued	=	\$	<input type="text"/>

- From the proceeds of sale deduct and pay the amounts payable to secured creditors and the debtor under section 71.2 of the *Court Order Enforcement Act*.
- Then deduct from the balance your actual fees and disbursements for enforcing this order.
- From the balance, pay to the creditor the total amount due to the creditor.
- Then pay any balance remaining after that to the debtor.

Attach a copy of the payment or default order you are enforcing.

A copy of the Payment Order or Default Order is attached.

Issued on:

<input type="text"/>	<input type="text"/>
date	by the Court

This order remains in force for one year after the date it was issued by the Court.

What is exempt from seizure?

The *Court Order Enforcement Act* sets out the personal goods of the debtor which, at the option of the debtor, are exempt from seizure (See the back of this form for a list of exemptions).

NOTE: Only Court Bailiffs specifically authorized by the Ministry of Attorney General may execute this order and seize goods. The Court Bailiff may not seize anything that the debtor owns jointly with someone else

sheriff / court bailiff copy

Debtors may choose any goods they would like to exempt from seizure and sale up to the maximum allowable amount within each category (see chart below). **Debtors are also allowed to retain all necessary clothing and required medical aids.**

Bailiffs must inform debtors of their exemption rights under the *Court Order Enforcement Act* when they first visit the debtors' home. Debtors then have two days to choose which goods they would like to be exempt from seizure.

Exemption Category	Maximum Amount Allowable
A. Personal property of debtor	
Household goods.....	\$4,000
Tools that are used for the debtor's occupation	\$10,000
Motor vehicle	\$5,000
Motor vehicle – if the debt is for maintenance arrears	\$2,000
B. Principal residence of debtor	
Equity in a home – if the debtor's principal residence is in the	\$12,000
Capital Regional District or the Greater Vancouver Regional District	
Equity in a home – elsewhere in British Columbia	\$9,000

This information is presented as an aid to understanding your right to claim an exemption under the legislation. It is not intended to replace the need to consult the Act or the regulations. If there is any conflict between the legislation and this information, the legislation shall prevail.

ORDER FOR SEIZURE AND SALE
 IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION

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

ORDER FOR SEIZURE AND SALE

To the sheriff or court bailiff

You are ordered to seize any goods of the debtor named in the attached order that are not exempted from seizure under the *Court Order Enforcement Act*, and to sell them by public auction, sealed bid or any other similar method in order to realize your fees and disbursements for enforcing this order and the **TOTAL AMOUNT DUE TO THE CREDITOR** calculated as follows:

(a) Total Amount of Payment Order or Default Order	\$	<input type="text"/>
(b) Less any payments to the creditor	-	\$ <input type="text"/>
	=	\$ <input type="text"/>
(c) Plus interest calculated to the date this order is issued	+	\$ <input type="text"/>
(d) Plus enforcement expenses allowed by the Court to the date this order is issued	+	\$ <input type="text"/>
TOTAL	=	\$ <input type="text"/>
(e) Plus any expenses allowed by the Court in relation to this order	+	\$ <input type="text"/>
TOTAL AMOUNT DUE TO THE CREDITOR at the date this order is issued	=	\$ <input type="text"/>

- From the proceeds of sale deduct and pay the amounts payable to secured creditors and the debtor under section 71.2 of the *Court Order Enforcement Act*.
- Then deduct from the balance your actual fees and disbursements for enforcing this order.
- From the balance, pay to the creditor the total amount due to the creditor.
- Then pay any balance remaining after that to the debtor.

A copy of the Payment Order or Default Order is attached.

Issued on:

date	by the Court
------	--------------

This order remains in force for one year after the date it was issued by the Court.

What is exempt from seizure?

The *Court Order Enforcement Act* sets out the personal goods of the debtor which, at the option of the debtor, are exempt from seizure (See the back of this form for a list of exemptions).

NOTE: Only Court Bailiffs specifically authorized by the Ministry of Attorney General may execute this order and seize goods. The Court Bailiff may not seize anything that the debtor owns jointly with someone else

debtor's copy

Debtors may choose any goods they would like to exempt from seizure and sale up to the maximum allowable amount within each category (see chart below). **Debtors are also allowed to retain all necessary clothing and required medical aids.**

Bailiffs must inform debtors of their exemption rights under the *Court Order Enforcement Act* when they first visit the debtors' home. Debtors then have two days to choose which goods they would like to be exempt from seizure.

Exemption Category	Maximum Amount Allowable
A. Personal property of debtor	
Household goods.....	\$4,000
Tools that are used for the debtor's occupation	\$10,000
Motor vehicle	\$5,000
Motor vehicle – if the debt is for maintenance arrears	\$2,000
B. Principal residence of debtor	
Equity in a home – if the debtor's principal residence is in the..... Capital Regional District or the Greater Vancouver Regional District	\$12,000
Equity in a home – elsewhere in British Columbia	\$9,000

This information is presented as an aid to understanding your right to claim an exemption under the legislation. It is not intended to replace the need to consult the Act or the regulations. If there is any conflict between the legislation and this information, the legislation shall prevail.

ORDER FOR SEIZURE AND SALE
 IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION

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

ORDER FOR SEIZURE AND SALE

To the sheriff or court bailiff

You are ordered to seize any goods of the debtor named in the attached order that are not exempted from seizure under the *Court Order Enforcement Act*, and to sell them by public auction, sealed bid or any other similar method in order to realize your fees and disbursements for enforcing this order and the **TOTAL AMOUNT DUE TO THE CREDITOR** calculated as follows:

(a) Total Amount of Payment Order or Default Order	\$	<input type="text"/>
(b) Less any payments to the creditor	-	\$ <input type="text"/>
	=	\$ <input type="text"/>
(c) Plus interest calculated to the date this order is issued	+	\$ <input type="text"/>
(d) Plus enforcement expenses allowed by the Court to the date this order is issued	+	\$ <input type="text"/>
TOTAL	=	\$ <input type="text"/>
(e) Plus any expenses allowed by the Court in relation to this order	+	\$ <input type="text"/>
TOTAL AMOUNT DUE TO THE CREDITOR at the date this order is issued	=	\$ <input type="text"/>

- From the proceeds of sale deduct and pay the amounts payable to secured creditors and the debtor under section 71.2 of the *Court Order Enforcement Act*.
- Then deduct from the balance your actual fees and disbursements for enforcing this order.
- From the balance, pay to the creditor the total amount due to the creditor.
- Then pay any balance remaining after that to the debtor.

A copy of the Payment Order or Default Order is attached.

Issued on:

date	by the Court
------	--------------

This order remains in force for one year after the date it was issued by the Court.

What is exempt from seizure?

The *Court Order Enforcement Act* sets out the personal goods of the debtor which, at the option of the debtor, are exempt from seizure (See the back of this form for a list of exemptions).

NOTE: Only Court Bailiffs specifically authorized by the Ministry of Attorney General may execute this order and seize goods. The Court Bailiff may not seize anything that the debtor owns jointly with someone else

court copy

Debtors may choose any goods they would like to exempt from seizure and sale up to the maximum allowable amount within each category (see chart below). **Debtors are also allowed to retain all necessary clothing and required medical aids.**

Bailiffs must inform debtors of their exemption rights under the *Court Order Enforcement Act* when they first visit the debtors' home. Debtors then have two days to choose which goods they would like to be exempt from seizure.

Exemption Category	Maximum Amount Allowable
A. Personal property of debtor	
Household goods.....	\$4,000
Tools that are used for the debtor's occupation	\$10,000
Motor vehicle	\$5,000
Motor vehicle – if the debt is for maintenance arrears	\$2,000
B. Principal residence of debtor	
Equity in a home – if the debtor's principal residence is in the	\$12,000
Capital Regional District or the Greater Vancouver Regional District	
Equity in a home – elsewhere in British Columbia	\$9,000

This information is presented as an aid to understanding your right to claim an exemption under the legislation. It is not intended to replace the need to consult the Act or the regulations. If there is any conflict between the legislation and this information, the legislation shall prevail.

ORDER FOR SEIZURE AND SALE

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

Fill in the name, address and telephone number of the person who is named as the creditor in the Payment Order or Default Order.

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

Fill in the name, address and telephone number of the person who is named as the debtor in the Payment Order or Default Order.

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

ORDER FOR SEIZURE AND SALE

To the sheriff or court bailiff

You are ordered to seize any goods of the debtor named in the attached order that are not exempted from seizure under the *Court Order Enforcement Act*, and to sell them by public auction, sealed bid or any other similar method in order to realize your fees and disbursements for enforcing this order and the **TOTAL AMOUNT DUE TO THE CREDITOR** calculated as follows:

If claiming interest, attach a sheet showing your calculations

If you want to be allowed expenses under line (e), submit them to the registrar. They might include search fees at the motor vehicle registry or personal property registry.

(a) Total Amount of Payment Order or Default Order	\$		
(b) Less any payments to the creditor	-		
	=		
(c) Plus interest calculated to the date this order is issued	+		
(d) Plus enforcement expenses allowed by the Court to the date this order is issued	+		
TOTAL	=		
(e) Plus any expenses allowed by the Court in relation to this order	+		
TOTAL AMOUNT DUE TO THE CREDITOR at the date this order is issued	=		

- From the proceeds of sale deduct and pay the amounts payable to secured creditors and the debtor under section 71.2 of the *Court Order Enforcement Act*.
- Then deduct from the balance your actual fees and disbursements for enforcing this order.
- From the balance, pay to the creditor the total amount due to the creditor.
- Then pay any balance remaining after that to the debtor.

Attach a copy of the payment or default order you are enforcing.

A copy of the Payment Order or Default Order is attached.

Issued on:

date	by the Court
------	--------------

This order remains in force for one year after the date it was issued by the Court.

What is exempt from seizure?

The *Court Order Enforcement Act* sets out the personal goods of the debtor which, at the option of the debtor, are exempt from seizure (See the back of this form for a list of exemptions).

NOTE: Only Court Bailiffs specifically authorized by the Ministry of Attorney General may execute this order and seize goods. The Court Bailiff may not seize anything that the debtor owns jointly with someone else

creditor's copy

Debtors may choose any goods they would like to exempt from seizure and sale up to the maximum allowable amount within each category (see chart below). **Debtors are also allowed to retain all necessary clothing and required medical aids.**

Bailiffs must inform debtors of their exemption rights under the *Court Order Enforcement Act* when they first visit the debtors' home. Debtors then have two days to choose which goods they would like to be exempt from seizure.

Exemption Category	Maximum Amount Allowable
A. Personal property of debtor	
Household goods.....	\$4,000
Tools that are used for the debtor's occupation	\$10,000
Motor vehicle	\$5,000
Motor vehicle – if the debt is for maintenance arrears	\$2,000
B. Principal residence of debtor	
Equity in a home – if the debtor's principal residence is in the Capital Regional District or the Greater Vancouver Regional District	\$12,000
Equity in a home – elsewhere in British Columbia	\$9,000

This information is presented as an aid to understanding your right to claim an exemption under the legislation. It is not intended to replace the need to consult the Act or the regulations. If there is any conflict between the legislation and this information, the legislation shall prevail.

FORM 12

SUMMONS TO A PAYMENT HEARING
IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION

TO:

Fill in the name, address and telephone number of the person you are requiring to come to court.

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

For the creditor(s), copy the name(s) of the person(s) who obtained the order, decision or certificate being enforced as set out in the Payment Order, Default Order or document registered with the court. For the debtor(s), copy the name of each person required to pay money as set out in the order, decision or certificate. Complete and file an Address for Service (Form 38)

You have been summoned to a payment hearing in the case between
 _____ **CREDITOR(S)**
and
 _____ **DEBTOR(S)**

Form 38, Address for Service included for filing Form 38, Address for Service previously filed

You are required to attend the Provincial Court of British Columbia

on _____ date at _____ time am / pm or as soon after this time as the court schedule allows

Fill in the date, time and method of attendance for the hearing.

in person at _____ court location
 by another method of attendance, as specified _____ appearance details

A creditor may require that a debtor file and serve any records or other things that relate to the evidence that may be heard at a payment hearing. A debtor who is an individual is already required to file and serve a Statement of Finances with supporting records. List anything else the debtor will be required to file and serve.

You must file the following records and other things with a Supporting Materials Cover Sheet (Form 39) at the registry **at least 7 days** before the payment hearing and serve these records and other things on the creditor **at least 2 business days** before the payment hearing:

List of documents continued on ____ attached page(s)

If the debtor is an individual (rather than a corporation or partnership), the debtor must also complete and file a Statement of Finances (Form 40) and Supporting Materials Cover Sheet (Form 39) **at least 7 days** before the payment hearing. You must serve the creditor with the filed Statement of Finances **at least 2 business days** before the payment hearing.

If you intend to rely on anything else at the payment hearing, you must file and serve it within the timelines noted above.

(a) Total amount of order/decision/certificate being enforced	\$	_____
(b) Less any payments to the creditor	- \$	_____
(c) Amount remaining due	= \$	_____
(d) Interest (calculated to the date below)	+ \$	_____
(e) Creditor's expenses allowed by the Court	+ \$	_____
Amount due to the creditor	Total = \$	_____

Calculation continued on ____ attached page(s).

WHAT HAPPENS AT THE PAYMENT HEARING?

The purpose of the payment hearing is to assess the debtor's ability to pay and consider whether a payment schedule should be ordered. As such, the Court may hear evidence about the following:

- (a) the income and assets of the debtor;
- (b) the debts owed to and by the debtor;
- (c) any assets that the debtor has disposed of since the claim arose;
- (d) the means that the debtor has, or may have in the future, of paying the amount owed.

CAN THE SUMMONS BE CANCELLED?

Any person who is served with a Summons to a Payment Hearing may apply to a judge who may

- (a) cancel the summons if the person is not the right person to provide information on behalf of the debtor, and
- (b) direct the registrar to issue a new summons to someone who is the right person to provide the information.

WHAT HAPPENS IF THE PERSON SUMMONED DOES NOT ATTEND?

If the creditor asks, a warrant for the arrest of the person may be issued.

_____ date _____ by the Court

FORM 12

court copy

SUMMONS TO A PAYMENT HEARING

court copy

SUMMONS TO A PAYMENT HEARING

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

TO:

NAME _____
 ADDRESS _____

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

You have been summoned to a payment hearing in the case between

CREDITOR(S)

and

DEBTOR(S)

Form 38, Address for Service included for filing Form 38, Address for Service previously filed

You are required to attend the Provincial Court of British Columbia

on _____ at _____ or as soon after this time as the court schedule allows
date time am / pm

- in person at _____
court location
- by another method of attendance, as specified _____
appearance details

You must file the following records and other things with a Supporting Materials Cover Sheet (Form 39) at the registry **at least 7 days** before the payment hearing and serve these records and other things on the creditor **at least 2 business days** before the payment hearing:

List of documents continued on ____ attached page(s)

If the debtor is an individual (rather than a corporation or partnership), the debtor must also complete and file a Statement of Finances (Form 40) and Supporting Materials Cover Sheet (Form 39) **at least 7 days** before the payment hearing. You must serve the creditor with the filed Statement of Finances **at least 2 business days** before the payment hearing.

If you intend to rely on anything else at the payment hearing, you must file and serve it within the timelines noted above.

(a) Total amount of order/decision/certificate being enforced	\$	_____
(b) Less any payments to the creditor	-	\$ _____
(c) Amount remaining due	=	\$ _____
(d) Interest (calculated to the date below)	+	\$ _____
(e) Creditor's expenses allowed by the Court	+	\$ _____
Amount due to the creditor	Total =	\$ _____

Calculation continued on ____ attached page(s).

WHAT HAPPENS AT THE PAYMENT HEARING?

The purpose of the payment hearing is to assess the debtor's ability to pay and consider whether a payment schedule should be ordered. As such, the Court may hear evidence about the following:

- (a) the income and assets of the debtor;
- (b) the debts owed to and by the debtor;
- (c) any assets that the debtor has disposed of since the claim arose;
- (d) the means that the debtor has, or may have in the future, of paying the amount owed.

CAN THE SUMMONS BE CANCELLED?

Any person who is served with a Summons to a Payment Hearing may apply to a judge who may

- (a) cancel the summons if the person is not the right person to provide information on behalf of the debtor, and
- (b) direct the registrar to issue a new summons to someone who is the right person to provide the information.

WHAT HAPPENS IF THE PERSON SUMMONED DOES NOT ATTEND?

If the creditor asks, a warrant for the arrest of the person may be issued.

_____ date

_____ by the Court

summons copy

FORM 12

SUMMONS TO A PAYMENT HEARING

summons copy

SUMMONS TO A PAYMENT HEARING

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

TO:

NAME _____
 ADDRESS _____

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

You have been summoned to a payment hearing in the case between

CREDITOR(S)

and

SERVICE COPY

DEBTOR(S)

Form 38, Address for Service included for filing Form 38, Address for Service previously filed

You are required to attend the Provincial Court of British Columbia

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

- in person at _____
 by another method of attendance, as specified

_____ court location
 _____ appearance details

You must file the following records and other things with a Supporting Materials Cover Sheet (Form 39) at the registry **at least seven days** before the payment hearing and serve these records and other things on the creditor **at least two business days** before the payment hearing:

List of documents continued on ___ attached page(s)

If the debtor is an individual (rather than a corporation or partnership), the debtor must also complete and file a Statement of Finances (Form 40) and Supporting Materials Cover Sheet (Form 39) **at least 7 days** before the payment hearing. You must serve the creditor with the filed Statement of Finances **at least 2 business days** before the payment hearing.

If you intend to rely on anything else at the payment hearing, you must file and serve it within the timelines noted above.

(a) Total amount of order/decision/certificate being enforced	\$	_____
(b) Less any payments to the creditor	-	\$ _____
(c) Amount remaining due	=	\$ _____
(d) Interest (calculated to the date below)	+	\$ _____
(e) Creditor's expenses allowed by the Court	+	\$ _____
Amount due to the creditor	Total =	\$ _____

Calculation continued on ___ attached page(s).

WHAT HAPPENS AT THE PAYMENT HEARING?

The purpose of the payment hearing is to assess the debtor's ability to pay and consider whether a payment schedule should be ordered. As such, the Court may hear evidence about the following:

- (a) the income and assets of the debtor;
 (b) the debts owed to and by the debtor;
 (c) any assets that the debtor has disposed of since the claim arose;
 (d) the means that the debtor has, or may have in the future, of paying the amount owed.

CAN THE SUMMONS BE CANCELLED?

Any person who is served with a Summons to a Payment Hearing may apply to a judge who may

- (a) cancel the summons if the person is not the right person to provide information on behalf of the debtor, and
 (b) direct the registrar to issue a new summons to someone who is the right person to provide the information.

WHAT HAPPENS IF THE PERSON SUMMONED DOES NOT ATTEND?

If the creditor asks, a warrant for the arrest of the person may be issued.

_____ date

_____ by the Court

service copy

FORM 12

SUMMONS TO A PAYMENT HEARING

service copy

AFFIDAVIT OF SERVICE

AFFIDAVIT OF SERVICE

Fill in: your name and address; of NAME ADDRESS OCCUPATION

- Swear that:
- Affirm that:

the name of the party or other person served; I served _____
the date service took place; on _____
DATE

the address or location service took place; at _____

Tell what was served. Check appropriate boxes. with a copy of the "Summons to a Payment Hearing" attached.
 a copy of the "Summons to a Default Hearing" attached.
 a blank "Statement of Finances".
 a blank "Supporting Material Cover Sheet".

Tell how service took place by leaving a copy of it with them.
 as directed by the court by _____

Do not sign your affidavit until a commissioner for the taking of affidavits is present.

signature of person who served the document

Sworn/affirmed before me on

A commissioner for the taking of affidavits will administer the oath or affirmation and witness your signature.

date

at

location where affidavit is sworn or affirmed

signature of commissioner for taking affidavits for British Columbia

SUMMONS TO A PAYMENT HEARING

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

TO:

Fill in the name, address and telephone number of the person you are requiring to come to court.

For the creditor(s), copy the name(s) of the person(s) who obtained the order, decision or certificate being enforced as set out in the Payment Order, Default Order or document registered with the court. For the debtor(s), copy the name of each person required to pay money as set out in the order, decision or certificate. Complete and file an Address for Service (Form 38).

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

You have been summoned to a payment hearing in the case between

CREDITOR(S)

and

DEBTOR(S)

Form 38, Address for Service included for filing Form 38, Address for Service previously filed

You are required to attend the Provincial Court of British Columbia

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

in person at

court location

by another method of attendance, as specified

appearance details

Fill in the date, time and method of attendance for the hearing.

A creditor may require that a debtor file and serve any records or other things that relate to the evidence that may be heard at a payment hearing. A debtor who is an individual is already required to file and serve a Statement of Finances with supporting records. List anything else the debtor will be required to file and serve.

You must file the following records and other things with a Supporting Materials Cover Sheet (Form 39) at the registry **at least seven days** before the payment hearing and serve these records and other things on the creditor **at least two business days** before the payment hearing:

List of documents continued on ____ attached page(s)

If the debtor is an individual (rather than a corporation or partnership), the debtor must also complete and file a Statement of Finances (Form 40) and Supporting Materials Cover Sheet (Form 39) **at least 7 days** before the payment hearing. You must serve the creditor with the filed Statement of Finances **at least 2 business days** before the payment hearing.

If you intend to rely on anything else at the payment hearing, you must file and serve it within the timelines noted above.

(a) Total amount of order/decision/certificate being enforced	\$	_____
(b) Less any payments to the creditor	-	\$ _____
(c) Amount remaining due	=	\$ _____
(d) Interest (calculated to the date below)	+	\$ _____
(e) Creditor's expenses allowed by the Court	+	\$ _____
Amount due to the creditor	Total =	\$ _____

Calculation continued on ____ attached page(s).

If claiming interest, show the calculation. Attach extra page(s) if necessary.

WHAT HAPPENS AT THE PAYMENT HEARING?

The purpose of the payment hearing is to assess the debtor's ability to pay and consider whether a payment schedule should be ordered. As such, the Court may hear evidence about the following:

- (a) the income and assets of the debtor;
- (b) the debts owed to and by the debtor;
- (c) any assets that the debtor has disposed of since the claim arose;
- (d) the means that the debtor has, or may have in the future, of paying the amount owed.

CAN THE SUMMONS BE CANCELLED?

Any person who is served with a Summons to a Payment Hearing may apply to a judge who may

- (a) cancel the summons if the person is not the right person to provide information on behalf of the debtor, and
- (b) direct the registrar to issue a new summons to someone who is the right person to provide the information.

WHAT HAPPENS IF THE PERSON SUMMONED DOES NOT ATTEND?

If the creditor asks, a warrant for the arrest of the person may be issued.

date

by the Court

FORM 12

creditor copy

SUMMONS TO A PAYMENT HEARING

creditor copy

FORM 13

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

TO:
Fill in the name of each person you are notifying about the payment hearing.

CREDITOR(S)
NAME

FROM:
Fill in the name of the debtor. If not previously filed, then complete, file, and serve an Address for Service (Form 38).

DEBTOR
NAME
Form 38, Address for Service included for filing
Form 38, Address for Service previously filed

Fill in the date, time and method of attendance for the hearing. This notice must be served on the creditor at least 14 days before the date of the payment hearing.

A payment hearing will be held in the Provincial Court of British Columbia

on [date] at [time am/pm] or as soon after this time as the court schedule allows

You are required to attend the Provincial Court of British Columbia

in person at [court location]
by another method of attendance, as specified [appearance details]

A debtor that is a corporation or partnership must also serve this notice on the creditor at least 14 days before the date of the payment hearing.

If the debtor is an individual (rather than a corporation or partnership), then along with the Notice of Payment Hearing, the debtor must file with the registry a Supporting Materials Cover Sheet (Form 39) and a Statement of Finances (Form 40), including any supporting records. The debtor must serve the Notice of Payment Hearing, Statement of Finances and supporting records on the creditor at least 14 days before the payment hearing.

If the debtor, including a debtor who is a corporation or a partnership, intends to rely on any records or other things at the payment hearing (which were not already required to be filed), then the debtor must file those records and other things with the registry along with a Supporting Materials Cover Sheet (Form 39) at least 7 days before the payment hearing. The debtor must serve those records and other things on the creditor at least 2 business days before the payment hearing.

WHAT HAPPENS AT THE PAYMENT HEARING?

The purpose of the payment hearing is to assess the debtor's ability to pay and consider whether a payment schedule should be ordered. As such, the court may hear evidence about the following:

- (a) the income and assets of the debtor;
(b) the debts owed to and by the debtor;
(c) any assets that the debtor has disposed of since the claim arose;
(d) the means that the debtor has, or may have in the future, to pay the amount owed.

The judge or justice may order a payment schedule specifying

- (a) the date by which the debt must be paid, or
(b) the amounts and dates of installments.

WHAT HAPPENS IF YOU DO NOT ATTEND THE PAYMENT HEARING?

The judge or justice may hold the hearing, cancel it or postpone it.

NOTICE OF A PAYMENT HEARING

court copy

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

TO: _____ **CREDITOR(S)**
NAME

FROM: _____ **DEBTOR**
NAME

Form 38, Address for Service included for filing Form 38, Address for Service previously filed

A payment hearing will be held in the Provincial Court of British Columbia

on _____ at _____ or as soon after this
date time am / pm time as the court
schedule allows

You are required to attend the Provincial Court of British Columbia

in person at _____
court location

by another method of attendance, as specified _____
appearance details

If the debtor is an individual (rather than a corporation or partnership), then along with the Notice of Payment Hearing, the debtor must file with the registry a Supporting Materials Cover Sheet (Form 39) and a Statement of Finances (Form 40), including any supporting records. The debtor must serve the Notice of Payment Hearing, Statement of Finances and supporting records on the creditor **at least 14 days** before the payment hearing.

If the debtor, including a debtor who is a corporation or a partnership, intends to rely on any records or other things at the payment hearing (which were not already required to be filed), then the debtor must file those records and other things with the registry along with a Supporting Materials Cover Sheet (Form 39) **at least 7 days** before the payment hearing. The debtor must serve those records and other things on the creditor **at least 2 business days** before the payment hearing.

WHAT HAPPENS AT THE PAYMENT HEARING?

The purpose of the payment hearing is to assess the debtor's ability to pay and consider whether a payment schedule should be ordered. As such, the court may hear evidence about the following:

- (a) the income and assets of the debtor;
- (b) the debts owed to and by the debtor;
- (c) any assets that the debtor has disposed of since the claim arose;
- (d) the means that the debtor has, or may have in the future, to pay the amount owed.

The judge or justice may order a payment schedule specifying

- (a) the date by which the debt must be paid, or
- (b) the amounts and dates of installments.

WHAT HAPPENS IF YOU DO NOT ATTEND THE PAYMENT HEARING?

The judge or justice may hold the hearing, cancel it or postpone it.

NOTICE OF A PAYMENT HEARING

service copy

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

TO: _____ **CREDITOR(S)**
NAME

FROM: _____ **DEBTOR**
NAME

Form 38, Address for Service included for filing Form 38, Address for Service previously filed

A payment hearing will be held in the Provincial Court of British Columbia

You must serve notice on the creditor at least 14 days before the date of the payment hearing.

on _____ at _____ or as soon after this time as the court schedule allows
date time am / pm

You are required to attend the Provincial Court of British Columbia

in person at _____ court location

by another method of attendance, as specified _____ appearance details

If you are a corporation or partnership you must also serve this notice on the creditor at least 14 days before the date of the payment hearing.

If the debtor is an individual (rather than a corporation or partnership), then along with the Notice of Payment Hearing, the debtor must file with the registry a Supporting Materials Cover Sheet (Form 39) and a Statement of Finances (Form 40), including any supporting records. The debtor must serve the Notice of Payment Hearing, Statement of Finances and supporting records on the creditor **at least 14 days** before the payment hearing.

If the debtor, including a debtor who is a corporation or a partnership, intends to rely on any records or other things at the payment hearing (which were not already required to be filed), then the debtor must file those records and other things with the registry along with a Supporting Materials Cover Sheet (Form 39) **at least 7 days** before the payment hearing. The debtor must serve those records and other things on the creditor **at least 2 business days** before the payment hearing.

WHAT HAPPENS AT THE PAYMENT HEARING?

The purpose of the payment hearing is to assess the debtor's ability to pay and consider whether a payment schedule should be ordered. As such, the court may hear evidence about the following:

- (a) the income and assets of the debtor;
- (b) the debts owed to and by the debtor;
- (c) any assets that the debtor has disposed of since the claim arose;
- (d) the means that the debtor has, or may have in the future, to pay the amount owed.

The judge or justice may order a payment schedule specifying

- (a) the date by which the debt must be paid, or
- (b) the amounts and dates of installments.

WHAT HAPPENS IF YOU DO NOT ATTEND THE PAYMENT HEARING?

The judge or justice may hold the hearing, cancel it or postpone it.

NOTICE OF A PAYMENT HEARING

debtor copy

FORM 14

SUMMONS TO A DEFAULT HEARING
IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION

TO:
Fill in the name, address and telephone number of the person you are requiring to come to court.

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

For the creditor(s), copy the name(s) of the person(s) who obtained the order, decision or certificate being enforced as set out in the Payment Order, Default Order or document registered with the court. For the debtor(s), copy the name(s) of the person(s) required to pay money as set out in the order, decision or certificate. Fill in the date, time and place of the hearing.

Because the debtor has not obeyed the payment schedule in the attached order, you are summoned to a default hearing in the case between _____ **CREDITOR(S)**
and _____ **DEBTOR(S)**

You are required to attend the Provincial Court of British Columbia

on _____ at _____ or as soon after this time as the court schedule allows
in person at _____
date time am / pm court location

A creditor may require that a debtor file and serve any records or other things that relate to the evidence that may be heard at a default hearing. A debtor who is an individual is already required to file and serve a Statement of Finances with supporting records. List anything else the debtor will be required to file and serve.

you must file the following records and other things with a Supporting Materials Cover Sheet (Form 39) at the registry **at least 7 days** before the default hearing, and serve these records and other things on the creditor **at least 2 business days** before the default hearing:

List of documents continued on _____ attached page(s)

If you are the debtor (meaning the debtor is an individual rather than a corporation or partnership), you must also complete and file a Statement of Finances (Form 40) and Supporting Materials Cover Sheet (Form 39) **at least 7 days** before the default hearing. You must serve the creditor with the filed Statement of Finances **at least 2 business days** before the default hearing.

If you intend to rely on anything else at the default hearing, you must file and serve if within the timelines noted above.

Fill in the date and sign here.

I certify that the debtor named in the attached order has not obeyed the payment schedule in the order.

_____ date _____ signature of creditor

(a) Total amount of order/decision/certificate being enforced	\$	_____
(b) Less any payments to the creditor	- \$	_____
(c) Amount remaining due	= \$	_____
(d) Interest (calculated to the date below)	+ \$	_____
(e) Creditor's expenses allowed by the Court	+ \$	_____
Amount due to the creditor	Total = \$	_____

Calculation continued on _____ attached page(s).

If claiming interest, show the calculation. Attach extra page(s) if necessary.

WHAT HAPPENS AT A DEFAULT HEARING?

At a default hearing, the judge may
(a) confirm the terms of a payment schedule or other order, or
(b) change the terms of a payment schedule or other order in any manner that the judge thinks is fair to the debtor and the creditor.
The judge may also issue a warrant for the imprisonment of the debtor, for a period of up to 20 days, if
(a) the debtor has not obeyed a payment schedule, and
(b) the debtor's explanation, or failure to give an explanation, of why the payment schedule has not been obeyed is considered by the judge to amount to contempt of court.

WHAT HAPPENS IF YOU DO NOT ATTEND?

If the creditor asks, a warrant for your arrest may be issued.

_____ date _____ by the Court

FORM 14

court copy

SUMMONS TO A DEFAULT HEARING

court copy

SUMMONS TO A DEFAULT HEARING
 IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION

TO:

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

Because the debtor has not obeyed the payment schedule in the attached order, you are summoned to a default hearing in the case between

CREDITOR(S)

and

DEBTOR(S)

You are required to attend the Provincial Court of British Columbia

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

in person at

_____ court location

Listed here are records or other things the creditor requires you to file and serve. A creditor may require that a debtor file and serve any records or other things that relate to the evidence that may be heard at a default hearing. A debtor who is an individual is already required to file and serve a Statement of Finances with supporting records.

you must file the following records and other things with a Supporting Materials Cover Sheet (Form 39) at the registry **at least 7 days** before the default hearing, and serve these records and other things on the creditor **at least 2 business days** before the default hearing:

List of documents continued on _____ attached page(s)

If you are the debtor (meaning the debtor is an individual rather than a corporation or partnership), you must also complete and file a Statement of Finances (Form 40) and Supporting Materials Cover Sheet (Form 39) **at least 7 days** before the default hearing. You must serve the creditor with the filed Statement of Finances **at least 2 business days** before the default hearing.

If you intend to rely on anything else at the default hearing, you must file and serve if within the timelines noted above.

I certify that the debtor named in the attached order has not obeyed the payment schedule in the order.

_____ date _____ signature of creditor

(a) Total amount of order/decision/certificate being enforced	\$	_____
(b) Less any payments to the creditor	- \$	_____
(c) Amount remaining due	= \$	_____
(d) Interest (calculated to the date below)	+ \$	_____
(e) Creditor's expenses allowed by the Court	+ \$	_____
Amount due to the creditor	Total = \$	_____

Calculation continued on _____ attached page(s).

WHAT HAPPENS AT A DEFAULT HEARING?

At a default hearing, the judge may

- (a) confirm the terms of a payment schedule or other order, or
- (b) change the terms of a payment schedule or other order in any manner that the judge thinks is fair to the debtor and the creditor.

The judge may also issue a warrant for the imprisonment of the debtor, for a period of up to 20 days, if

- (a) the debtor has not obeyed a payment schedule, and
- (b) the debtor's explanation, or failure to give an explanation, of why the payment schedule has not been obeyed is considered by the judge to amount to contempt of court.

WHAT HAPPENS IF YOU DO NOT ATTEND?

If the creditor asks, a warrant for your arrest may be issued.

_____ date _____ by the Court

FORM 14

debtor copy

SUMMONS TO A DEFAULT HEARING

debtor copy

SUMMONS TO A DEFAULT HEARING
 IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION

TO:

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

Because the debtor has not obeyed the payment schedule in the attached order, you are summoned to a default hearing in the case between

CREDITOR(S)

and

SERVICE COPY

DEBTOR(S)

You are required to attend the Provincial Court of British Columbia

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

in person at

_____ court location

you must file the following records and other things with a Supporting Materials Cover Sheet (Form 39) at the registry at least 7 days before the default hearing, and serve these records and other things on the creditor at least 2 business days before the default hearing:

List of documents continued on _____ attached page(s)

If you are the debtor (meaning the debtor is an individual rather than a corporation or partnership), you must also complete and file a Statement of Finances (Form 40) and Supporting Materials Cover Sheet (Form 39) at least 7 days before the default hearing. You must serve the creditor with the filed Statement of Finances at least 2 business days before the default hearing.

If you intend to rely on anything else at the default hearing, you must file and serve it within the timelines noted above.

I certify that the debtor named in the attached order has not obeyed the payment schedule in the order.

_____ date

_____ signature of creditor

(a) Total amount of order/decision/certificate being enforced	\$	_____
(b) Less any payments to the creditor	- \$	_____
(c) Amount remaining due	= \$	_____
(d) Interest (calculated to the date below)	+ \$	_____
(e) Creditor's expenses allowed by the Court	+ \$	_____
Amount due to the creditor	Total = \$	_____

Calculation continued on _____ attached page(s).

WHAT HAPPENS AT A DEFAULT HEARING?

At a default hearing, the judge may

- (a) confirm the terms of a payment schedule or
- (b) change the terms of a payment schedule in a manner that the judge thinks is fair to the debtor and the creditor.

The judge may also issue a warrant for the imprisonment of the debtor, for a period of up to 20 days, if

- (a) the debtor has not obeyed a payment schedule, and
- (b) the debtor's explanation, or failure to give an explanation, of why the payment schedule has not been obeyed is considered by the judge to amount to contempt of court.

WHAT HAPPENS IF YOU DO NOT ATTEND?

If the creditor asks, a warrant for your arrest may be issued.

_____ date

_____ by the Court

service copy

FORM 14

SUMMONS TO A DEFAULT HEARING

service copy

AFFIDAVIT OF SERVICE

AFFIDAVIT OF SERVICE

Fill in:
your name and address;

I name _____ occupation _____
of address _____

- Swear that:
 Affirm that:

the name of the party or
other person served;
the date service took
place

I served _____
on _____
date

the address or location
service took place.

at _____

Tell what was served.
Check appropriate
boxes.

- with a copy of the "Summons to a Payment Hearing" attached.
 a copy of the "Summons to a Default Hearing" attached.
 a blank "Statement of Finances"
 a blank "Supporting Material Cover Sheet"

Tell how service took
place

- by leaving a copy of it with them
 as directed by the court by _____

Do not sign your
affidavit until a
commissioner for the
taking of affidavits is
present.

signature of person who served the document

A commissioner for the
taking of affidavits will
administer the oath or
affirmation and witness
your signature.

Sworn/affirmed before me on

date

at _____
location where affidavit is sworn or affirmed

signature of commissioner for taking affidavits for British Columbia

SUMMONS TO A DEFAULT HEARING

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

TO:

Fill in the name, address and telephone number of the person you are requiring to come to court.

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

For the creditor(s), copy the name(s) of the person(s) who obtained the order, decision or certificate being enforced as set out in the Payment Order, Default Order or document registered with the court. For the debtor(s), copy the name(s) of the person(s) required to pay money as set out in the order, decision or certificate.

Because the debtor has not obeyed the payment schedule in the attached order, you are summoned to a default hearing in the case between

CREDITOR(S)

and

DEBTOR(S)

You are required to attend the Provincial Court of British Columbia

on at or as soon after this time as the court schedule allows

in person at

court location

Fill in the date, time and place of the hearing.

A creditor may require that a debtor file and serve any records or other things that relate to the evidence that may be heard at a default hearing. A debtor who is an individual is already required to file and serve a Statement of Finances with supporting records. List anything else the debtor will be required to file and serve.

you must file the following records and other things with a Supporting Materials Cover Sheet (Form 39) at the registry **at least 7 days** before the default hearing, and serve these records and other things on the creditor **at least 2 business days** before the default hearing:

List of documents continued on ____ attached page(s)

If you are the debtor (meaning the debtor is an individual rather than a corporation or partnership), you must also complete and file a Statement of Finances (Form 40) and Supporting Materials Cover Sheet (Form 39) **at least 7 days** before the default hearing. You must serve the creditor with the filed Statement of Finances **at least 2 business days** before the default hearing.

If you intend to rely on anything else at the default hearing, you must file and serve if within the timelines noted above.

I certify that the debtor named in the attached order has not obeyed the payment schedule in the order.

Fill in the date and sign here.

date	signature of creditor
------	-----------------------

(a) Total amount of order/decision/certificate being enforced		\$	
(b) Less any payments to the creditor	-	\$	
(c) Amount remaining due	=	\$	
(d) Interest (calculated to the date below)	+	\$	
(e) Creditor's expenses allowed by the Court	+	\$	
Amount due to the creditor	Total =	\$	

Calculation continued on ____ attached page(s).

WHAT HAPPENS AT A DEFAULT HEARING?

At a default hearing, the judge may

- (a) confirm the terms of a payment schedule or other order, or
- (b) change the terms of a payment schedule or other order in any manner that the judge thinks is fair to the debtor and the creditor.

The judge may also issue a warrant for the imprisonment of the debtor, for a period of up to 20 days, if

- (a) the debtor has not obeyed a payment schedule, and
- (b) the debtor's explanation, or failure to give an explanation, of why the payment schedule has not been obeyed is considered by the judge to amount to contempt of court.

WHAT HAPPENS IF YOU DO NOT ATTEND?

If the creditor asks, a warrant for your arrest may be issued.

date	by the Court
------	--------------

FORM 14

creditor copy

SUMMONS TO A DEFAULT HEARING

creditor copy

FORM 15

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

Court File Number:
Registry Location:

In the case between

NAME **CREDITOR**

and

NAME **DEBTOR**

To all sheriffs and peace officers in British Columbia and to the director of the correctional centre referred to below:

This Court orders that _____
name of person to be imprisoned
be arrested and taken to _____
correctional centre
and imprisoned for _____ days for contempt of Court

- under Rule 13(8) of the *Small Claims Rules*.
 under Rule 19(1) of the *Small Claims Rules*.

Issued on _____
date _____
by the Court

Where the Warrant is issued under Rule 13(8) of the *Small Claims Rules*

(a) Total Amount of Payment Order	\$	
(b) Less any payments to the creditor	-	
(c) Amount remaining due	=	
(d) Interest (calculated to the date below)	+	
(e) Creditor's expenses allowed by the Court	+	
Amount due to the creditor	Total =	

This part must be completed if the warrant is for the imprisonment of a debtor under Rule 13(8).

If claiming interest, show your calculation. Attach an extra sheet if necessary.

If the Total is paid to the registrar before the debtor is arrested, the warrant will be cancelled. If the Total is paid after the arrest of the debtor, to the registrar or the person who has custody of the debtor, the warrant will be cancelled. Any money received must be forwarded to the registrar for payment to the creditor named above.

I certify these figures to be true.

date _____
signature of creditor

This warrant remains in force for 1 year after the date it was issued by the Court.

Warrant Cancelled

by _____

Person contacted _____

by phone at _____ m.

Date _____

Warrant Executed

by _____

Date _____

FORM 16

APPLICATION TO A REGISTRAR
IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION

Copy the names of the parties from the Notice of Claim or Notice of Civil Resolution Tribunal Claim and Third Party Notice, or fill in the names of the parties from the order, decision or certificate filed with the court for enforcement.

In the case between

NAME CLAIMANT(S)
and
NAME DEFENDANT(S)
and
NAME THIRD PARTY(IES)
NAME APPLICANT(S)

FROM:

Fill in the name of each person filing this application. If the applicant has not previously filed an Address for Service (Form 38), they must complete and file it with this application and serve the Address for Service on all parties.

Check the appropriate box.

Form 38, Address for Service included for filing
Form 38, Address for Service previously filed

The applicant asks for an order

- renewing a claim;
renewing a third party notice;
changing the date of a settlement conference, trial conference, simplified trial, summary trial, or mediation;
extending the time for filing a certificate of readiness;
extending the time for filing a certificate of compliance;
permitting service of a claim outside B.C.;
exempting the applicant from paying fees;
changing the applicant's method of attendance except for a trial, payment hearing or default hearing;
permitting another method of service of a Notice of Claim/Notice of Civil Resolution Tribunal Claim;
other (provide details below):

If the "other" box is checked, or the applicant wishes to provide more details, give the details of the order the applicant is asking for.

The facts on which this application is based are as follows

Give the facts the applicant wishes the registrar to consider and sign, print or type their name on the Application.

Sign, print or type name.

I certify these facts are true.

name of applicant

This will be completed by the Court.

After an order is made, unless a judge, justice or registrar otherwise orders, the applicant must serve a copy of the order on all parties.

The Court orders that

Large rectangular box for court orders, containing signature lines for date and by the registrar.

APPLICATION TO A REGISTRAR

court copy

APPLICATION TO A REGISTRAR
 IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION

In the case between

NAME _____ **CLAIMANT(S)**

and

NAME _____ **DEFENDANT(S)**

and

NAME _____ **THIRD PARTY(IES)**

NAME _____ **APPLICANT(S)**

Form 38, Address for Service included for filing Form 38, Address for Service previously filed

- The applicant asks for an order**
- | | |
|---|--|
| <input type="checkbox"/> renewing a claim; | <input type="checkbox"/> permitting service of a claim outside B.C.; |
| <input type="checkbox"/> renewing a third party notice; | <input type="checkbox"/> exempting the applicant from paying fees; |
| <input type="checkbox"/> changing the date of a settlement conference, trial conference, simplified trial, summary trial, or mediation; | <input type="checkbox"/> changing the applicant's method of attendance except for a trial, payment hearing or default hearing; |
| <input type="checkbox"/> extending the time for filing a certificate of readiness; | <input type="checkbox"/> permitting another method of service of a Notice of Claim/Notice of Civil Resolution Tribunal Claim; |
| <input type="checkbox"/> extending the time for filing a certificate of compliance; | <input type="checkbox"/> other (provide details below): |

The facts on which this application is based are as follows

I certify these facts are true. _____
name of applicant

The Court orders that

date by the registrar

APPLICATION TO A REGISTRAR

other party's copy

FORM 17

APPLICATION TO A JUDGE OR JUSTICE
IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION

Fill in the names of the parties, copying them from the Notice of Claim or Notice of Civil Resolution Tribunal Claim and any Third Party Notice.

In the case between

CLAIMANT(S) NAME
and DEFENDANT(S) NAME
and THIRD PARTY(IES) NAME
APPLICANT(S) NAME

FROM: Fill in the name of the applicant. If the applicant has not previously filed an Address for Service (Form 38), they must complete, file, and serve on all parties an Address for Service with this application. Check the appropriate box.

The applicant(s) ask(s) for the following order(s)
The order(s) sought
require a hearing (Rule 16(6))
do not require a hearing (Rule 16(6.1))

If a hearing is required, the registry staff will tell you the date, time and method of attendance for the hearing.

This application, which requires a hearing, will be heard by the court
on [date] at [time] am/pm or as soon after this time as the court schedule allows
in person at [court location]
by another method of attendance, as specified [appearance details]

If the applicant intends to rely on documents, they must file them with a Supporting Materials Cover Sheet (Form 39). If a hearing is not required, file them with this application. Otherwise file them and serve them on each affected party at least 7 days before the date of the hearing, unless the registrar allows the application to be made as an urgent application.

The facts on which the application is based are as follows Set out the facts you are relying on for the order(s) you are asking for.

Sign, print or type name.

If you need more space to set out the orders you are asking for or the relevant facts, attach additional pages. additional pages are attached. Mark the additional pages as "Page 2 of the Application, Page 3, etc." A copy of the attached pages must accompany each copy of the Application.
I certify these facts are true. sign, print or type name of applicant

This will be completed by the Court.

The Court orders that
date by the Court

FORM 17

court copy

APPLICATION TO A JUDGE OR JUSTICE

court copy

APPLICATION TO A JUDGE OR JUSTICE
IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION

In the case between

NAME _____ CLAIMANT(S)
and _____ DEFENDANT(S)
NAME _____
and _____ THIRD PARTY(IES)
NAME _____
APPLICANT(S)

FROM:

Form 38, Address for Service included for filing Form 38, Address for Service previously filed

The applicant(s) ask(s) for the following order(s)

The order(s) sought
 require a hearing (Rule 16(6)) do not require a hearing (Rule 16(6.1))

This application, which requires a hearing, will be heard by the court
on _____ **at** _____ or as soon after this time as the court schedule allows
date time am / pm
 in person at _____ court location
 by another method of attendance, as specified _____ appearance details

The facts on which the application is based are as follows

If you need more space to set out the orders you are asking for or the relevant facts, attach additional pages. _____ additional pages are attached. Mark the additional pages as "Page 2 of the Application, Page 3, etc." A copy of the attached pages must accompany each copy of the Application.

I certify these facts are true. _____ sign, print or type name of applicant

The Court orders that

SERVICE COPY

_____ date _____ by the Court

APPLICATION TO A JUDGE OR JUSTICE

service copy

FORM 17

service copy

FORM 19

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

ACCEPTANCE OF OFFER

In the case between	CLAIMANT(S)
NAME _____	
and	DEFENDANT(S)
NAME _____	
and	THIRD PARTY(IES)
NAME _____	

ACCEPTANCE OF OFFER
The claimant(s) or defendant(s) or third party(ies)

_____ name

accepts the offer to settle in full settlement of the claim, interest and expenses, made by

served on _____ date

Dated _____ date of completion

at _____ city and province

_____ sign, print or type name

TIME LIMIT FOR ACCEPTANCE
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.

ACCEPTANCE OF OFFER
To accept an offer to settle, a party must complete this form and within 28 days of being served the offer, serve the other party as outlined in Rule 10.1(3)(b).

FILING OFFER AND ACCEPTANCE
If a party served with an Acceptance of Offer files the offer and the acceptance in the registry, the acceptance is deemed a payment order.

REGISTRY USE ONLY

Dated _____

_____ signature

FORM 23

REQUEST FOR JUDGMENT OR FOR DISMISSAL
IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION

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

In the case between

NAME _____ CLAIMANT(S)

and

NAME _____ DEFENDANT(S)

and

NAME _____ THIRD PARTY(IES)

NAME _____ APPLICANT(S)

Fill in the name of each person requesting judgment or dismissal.

- Form 38, Address for Service included for filing Form 38, Address for Service previously filed

Indicate what you are asking for and your reasons.

Because

- the claimant(s)
 a defendant(s): _____

did not

- attend the mediation session
 sign the fee declaration and a Verification of Default (Form 31) has been filed

the applicant asks for

- an order dismissing the claim
 a default order because the claim is for debt
 a date for a hearing before a judge because the claim is not for a debt

REQUEST FOR JUDGMENT OR FOR DISMISSAL

The Court orders that

This will be completed by the Court.

<div data-bbox="444 1505 735 1549" data-label="Text"><p>_____ date</p></div>	<div data-bbox="813 1505 1198 1549" data-label="Text"><p>_____ by the registrar</p></div>
--	---

Form 23

FORM 26

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

In the case between

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

NAME _____ CLAIMANT(S)

and

NAME _____ DEFENDANT(S)

and

NAME _____ THIRD PARTY(IES)

As a party has failed to comply with a provision of a filed mediation agreement and that provision was not one requiring payment of money, and as the mediation agreement does not establish an amount of damages to be paid in the event of that provision being breached,

THIS COURT ORDERS

If the judge orders payment of money, fill in the name of the party ordered to pay and the name of the party the money is to be paid to.

Name _____

TO PAY DIRECTLY TO

Name _____	\$ _____	Amount Judge orders
_____	+	\$ _____ Expenses
_____	=	\$ _____ TOTAL AMOUNT OF ORDER

Check the appropriate box

- immediately, or
- in accordance with the following payment schedule

If the judge orders payment by installments or before a fixed date, say what amounts are to be paid and when.

THIS COURT ORDERS

Set out in this section any terms other than the payment of money that the judge orders.

+ \$ _____ Expenses

This will be signed and dated by the Court.

_____ date

_____ by the Court

MEDIATION COMPENSATION ORDER

court copy

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

In the case between

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

NAME _____ CLAIMANT(S)

and
 NAME _____ DEFENDANT(S)

and
 NAME _____ THIRD PARTY(IES)

As a party has failed to comply with a provision of a filed mediation agreement and that provision was not one requiring payment of money, and as the mediation agreement does not establish an amount of damages to be paid in the event of that provision being breached,

THIS COURT ORDERS

If the judge orders payment of money, fill in the name of the party ordered to pay and the name of the party the money is to be paid to.

Name _____

TO PAY DIRECTLY TO

Name _____	\$ _____	Amount Judge orders
_____	+	\$ _____ Expenses
_____	=	\$ _____ TOTAL AMOUNT OF ORDER

Check the appropriate box

- immediately, or
 in accordance with the following payment schedule

If the judge orders payment by installments or before a fixed date, say what amounts are to be paid and when.

THIS COURT ORDERS

Set out in this section any terms other than the payment of money that the judge orders.

+ \$ _____ Expenses

This will be signed and dated by the Court.

_____ date

_____ by the Court

FORM 26

debtor's copy

MEDIATION COMPENSATION ORDER

debtor's copy

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

In the case between

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

NAME _____ **CLAIMANT(S)**

and

NAME _____ **DEFENDANT(S)**

and

NAME _____ **THIRD PARTY(IES)**

As a party has failed to comply with a provision of a filed mediation agreement and that provision was not one requiring payment of money, and as the mediation agreement does not establish an amount of damages to be paid in the event of that provision being breached,

THIS COURT ORDERS

If the judge orders payment of money, fill in the name of the party ordered to pay and the name of the party the money is to be paid to.

Name _____

TO PAY DIRECTLY TO

Name _____	\$ _____	Amount Judge orders
_____	+	\$ _____ Expenses
_____	=	\$ _____ TOTAL AMOUNT OF ORDER

Check the appropriate box.

- immediately, or
 in accordance with the following payment schedule

If the judge orders payment by installments or before a fixed date, say what amounts are to be paid and when.

THIS COURT ORDERS

Set out in this section any terms other than the payment of money that the judge orders.

+ \$ _____ Expenses

This will be signed and dated by the Court.

_____ date

_____ by the Court

MEDIATION COMPENSATION ORDER

creditor's copy

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

In the case between

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

NAME _____ **CLAIMANT(S)**

and
 NAME _____ **DEFENDANT(S)**

and
 NAME _____ **THIRD PARTY(IES)**

As a party has failed to comply with a provision of a filed mediation agreement and that provision was not one requiring payment of money, and as the mediation agreement does not establish an amount of damages to be paid in the event of that provision being breached,

THIS COURT ORDERS

If the judge orders payment of money, fill in the name of the party ordered to pay and the name of the party the money is to be paid to.

Name _____

TO PAY DIRECTLY TO

Name _____	\$ _____	Amount Judge orders
_____	+ \$ _____	Expenses
_____	= \$ _____	TOTAL AMOUNT OF ORDER

Check the appropriate box.

- immediately, or
 in accordance with the following payment schedule

If the judge orders payment by installments or before a fixed date, say what amounts are to be paid and when.

THIS COURT ORDERS

Set out in this section any terms other than the payment of money that the judge orders.

+ \$ _____ Expenses

This will be signed and dated by the Court.

_____ date

_____ by the Court

MEDIATION COMPENSATION ORDER

third party's copy

FORM 32

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

In the case between

NAME _____ **CLAIMANT(S)**

and

NAME _____ **DEFENDANT(S)**

and

NAME _____ **THIRD PARTY(IES)**

A trial conference will be held on

<input type="text" value=""/>	<input type="text" value=""/>	<input type="text" value=""/>	at	<input type="text" value=""/>	<input type="text" value="M"/>	or as soon after this time as the court schedule allows
<small>day</small>	<small>month</small>	<small>year</small>		<small>time</small>		

in person at

by another method of attendance, as specified

court location

attendance details

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 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, each party must complete a Trial Statement ([Form 33](#)) and file it at the registry with attached copies of all relevant documents. At least **7 days before** the trial conference, each party must serve a copy of their Trial Statement and attachments on each of the other parties.

What happens at a trial conference?

At the trial conference, a judge can discuss trial procedure and the evidence with the parties, engage in mediation, or give a non-binding opinion on the probable outcome of the trial. A judge may also make court orders and rulings on certain matters or dismiss the claim, counterclaim, reply or third party notice.

What happens if a party, either themselves or by a representative, does not attend?

If a party or their representative does not attend, the judge may dismiss the claim or make a payment order or other appropriate order against a defendant or third party.

<input type="text" value=""/>	<input type="text" value=""/>	<input type="text" value=""/>	<input type="text" value=""/>
<small>day</small>	<small>month</small>	<small>year</small>	<small>by the Court</small>

FORM 34

NOTICE OF CIVIL RESOLUTION TRIBUNAL CLAIM
IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION
Civil Resolution Tribunal FILE NUMBER

WHO?

Fill in the name of the person(s) or organization(s) that initiated the original proceeding before the Civil Resolution Tribunal.

Fill in the name of the person(s) or organization(s) the claimant's claim was against at the Civil Resolution Tribunal.

Fill in the name(s) of any other person(s) or organization(s) claimed against by the defendant on a Notice of Objection filed with this form.

Name of party filing this Notice of Civil Resolution Tribunal Claim.

NAME _____ **CLAIMANT(S)**
 ADDRESS _____
 CITY _____ PROV. _____ POSTAL CODE _____ TEL. # _____

NAME _____ **DEFENDANT(S)**
 ADDRESS _____
 CITY _____ PROV. _____ POSTAL CODE _____ TEL. # _____

NAME _____ **THIRD PARTY(IES)**
 ADDRESS _____
 CITY _____ PROV. _____ POSTAL CODE _____ TEL. # _____

FILED BY _____ **FILING PARTY(IES)**
party name(s)

Form 38, Address for Service included for filing

WHY?

What permits this claim to be made in Small Claims Court.

TAKE NOTICE that this proceeding is being filed in accordance with Rule 1.1 as:

a **notice of objection** was filed and the Civil Resolution Tribunal has issued a Certificate.

the Civil Resolution Tribunal has issued a **notice refusing to resolve** a claim after having issued an initiating notice.

the Small Claims Court ordered the Civil Resolution Tribunal **not adjudicate the claim**.

An order for deposit under section 56.3 of the *Civil Resolution Tribunal Act* is being sought. [Complete and file Form 35]

WHERE?

Tell where the event or transaction that resulted in the initial claim took place.

All initiating notices and responses described must be filed. The document showing why the Small Claims Court may hear this claim must also be filed. Include one copy of each document for each copy of this form being filed. A copy of each filed document must be served on each party with a copy of this form.

CITY, PROV _____ **WHEN?** _____
Tell when the claimant became aware of the issues in dispute.

DOCUMENTS TO BE FILED WITH THE NOTICE OF CIVIL RESOLUTION TRIBUNAL CLAIM
Check all applicable boxes.

all initiating notices, as defined in the *Civil Resolution Tribunal Act*, received by the filing party;

all responses, made under section 7 of the *Civil Resolution Tribunal Act*, received or made by the filing party;

a certificate provided by the tribunal to the filing party under section 56.2 of the *Civil Resolution Tribunal Act*;

a notice provided by the tribunal to the filing party to notify the filing party that the tribunal refuses to resolve the tribunal small claim;

the Court order that the Civil Resolution Tribunal not adjudicate the tribunal small claim.

Amount of filing party's claim

HOW MUCH?

File the documents from the Civil Resolution Tribunal that describe what is being claimed, how much is being claimed and what is being disputed.

TIME LIMIT FOR REPLY IF RESPONSE IS NOT CONTINUED
 A reply must be completed and filed with an Address for Service within 14 days after being served in British Columbia or within 30 days after being served outside of British Columbia with this notice, unless a response was already made at the Civil Resolution Tribunal in relation to the continued claim and filed with this notice. If a party's response made at the tribunal was filed with this notice, that response has been continued as a reply, but the party must still file an Address for Service. **If a reply is not filed, or a response not continued as a reply, a court order may be made without further notice.**

\$ _____
 + EXPENSES \$ _____
 + SERVICE FEES \$ _____
 = **TOTAL CLAIMED** \$ _____

The Court Address for filing documents is:

NOTICE OF CIVIL RESOLUTION TRIBUNAL CLAIM

court copy

NOTICE OF CIVIL RESOLUTION TRIBUNAL CLAIM

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

REGISTRY FILE NUMBER
REGISTRY LOCATION
Civil Resolution Tribunal FILE NUMBER

WHO?

This party initiated the file in the Civil Resolution Tribunal.

NAME	CLAIMANT(S)
ADDRESS	
CITY	TEL. #
PROV.	POSTAL CODE

This party was required to make a response to the initial claim at Civil Resolution Tribunal.

NAME	DEFENDANT(S)
ADDRESS	
CITY	TEL. #
PROV.	POSTAL CODE

This party was added by the defendant on the claim at the Civil Resolution Tribunal. This is who the defendant thinks should pay all or part of the claim.

NAME	THIRD PARTY(IES)
ADDRESS	
CITY	TEL. #
PROV.	POSTAL CODE

FILED BY	FILING PARTY(IES)
party name(s)	

Form 38, Address for Service included for filing

WHY?

This is what the filing party says is bringing this proceeding to Small Claims Court.

TAKE NOTICE that this proceeding is being filed in accordance with Rule 1.1 as:

a **notice of objection** was filed and the Civil Resolution Tribunal has issued a Certificate.

the Civil Resolution Tribunal has issued a **notice refusing to resolve** a claim after having issued an initiating notice.

the Small Claims Court ordered the Civil Resolution Tribunal **not adjudicate the claim**.

An order for deposit under section 56.3 of the *Civil Resolution Tribunal Act* is being sought. [Complete and file Form 35]

WHERE?

This is where the claimant says the claim happened.

CITY, PROV.	WHEN?
	Tell when the claimant became aware of the issues in dispute.

These are the documents the filing party was required to file. Their contents contain information about what is being claimed, how much is being claimed, what is being disputed and why the matter may be heard in Small Claims Court.

DOCUMENTS TO BE FILED WITH THE NOTICE OF CIVIL RESOLUTION TRIBUNAL CLAIM

Check all applicable boxes.

all initiating notices, as defined in the *Civil Resolution Tribunal Act*, received by the filing party;

all responses, made under section 7 of the *Civil Resolution Tribunal Act*, received or made by the filing party;

a certificate provided by the tribunal to the filing party under section 56.2 of the *Civil Resolution Tribunal Act*;

a notice provided by the tribunal to the filing party to notify the filing party that the tribunal refuses to resolve the tribunal small claim;

the Court order that the Civil Resolution Tribunal not adjudicate the tribunal small claim.

HOW MUCH?

Amount of filing party's claim

TIME LIMIT FOR REPLY IF RESPONSE IS NOT CONTINUED
 A reply must be completed and filed with an Address for Service within 14 days after being served in British Columbia or within 30 days after being served outside of British Columbia with this notice, unless a response was already made at the Civil Resolution Tribunal in relation to the continued claim and filed with this notice. If a party's response made at the tribunal was filed with this notice, that response has been continued as a reply, but the party must still file an Address for Service. If a reply is not filed, or a response not continued as a reply, a court order may be made without further notice.

	\$ _____
+ EXPENSES	\$ _____
+ SERVICE FEES	\$ _____
= TOTAL CLAIMED	\$ _____

The Court Address for filing documents is:

NOTICE OF CIVIL RESOLUTION TRIBUNAL CLAIM

other party copy

NOTICE OF CIVIL RESOLUTION TRIBUNAL CLAIM

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

REGISTRY FILE NUMBER
REGISTRY LOCATION
Civil Resolution Tribunal FILE NUMBER

WHO?

This party initiated the file in the Civil Resolution Tribunal.

	NAME _____	CLAIMANT(S)
	ADDRESS _____	
	CITY _____	TEL. # _____
	PROV. _____	POSTAL CODE _____

This party was required to make a response to the initial claim at Civil Resolution Tribunal.

	NAME _____	DEFENDANT(S)
	ADDRESS _____	
	CITY _____	TEL. # _____
	PROV. _____	POSTAL CODE _____

This party was added by the defendant on the claim at the Civil Resolution Tribunal. This is who the defendant thinks should pay all or part of the claim.

	NAME _____	THIRD PARTY(IES)
	ADDRESS _____	
	CITY _____	TEL. # _____
	PROV. _____	POSTAL CODE _____

FILED BY _____ **FILING PARTY(IES)**

party name(s)

Form 38, Address for Service included for filing

WHY?

This is what the filing party says is bringing this proceeding to Small Claims Court.

TAKE NOTICE that this proceeding is being filed in accordance with Rule 1.1 as:

a **notice of objection** was filed and the Civil Resolution Tribunal has issued a Certificate.

the Civil Resolution Tribunal has issued a **notice refusing to resolve** a claim after having issued an initiating notice.

the Small Claims Court ordered the Civil Resolution Tribunal **not adjudicate the claim**.

An order for deposit under section 56.3 of the *Civil Resolution Tribunal Act* is being sought. [Complete and file Form 35]

WHERE?

This is where the claimant says the claim happened.

CITY, PROV _____	WHEN? _____
	Tell when the claimant became aware of the issues in dispute.

These documents or records will show what is being claimed, how much is being claimed and what is being disputed from the Civil Resolution Tribunal.

DOCUMENTS TO BE FILED WITH THE NOTICE OF CIVIL RESOLUTION TRIBUNAL CLAIM

Check all applicable boxes.

all initiating notices, as defined in the *Civil Resolution Tribunal Act*, received by the filing party;

all responses, made under section 7 of the *Civil Resolution Tribunal Act*, received or made by the filing party;

a certificate provided by the tribunal to the filing party under section 56.2 of the *Civil Resolution Tribunal Act*;

a notice provided by the tribunal to the filing party to notify the filing party that the tribunal refuses to resolve the tribunal small claim;

the Court order that the Civil Resolution Tribunal not adjudicate the tribunal small claim.

HOW MUCH?

Amount of filing party's claim \$ _____

TIME LIMIT FOR REPLY IF RESPONSE IS NOT CONTINUED + EXPENSES \$ _____

A reply must be completed and filed with an Address for Service within 14 days after being served in British Columbia or within 30 days after being served outside of British Columbia with this notice, unless a response was already made at the Civil Resolution Tribunal in relation to the continued claim and filed with this notice. If a party's response made at the tribunal was filed with this notice, that response has been continued as a reply, but the party must still file an Address for Service. If a reply is not filed, or a response not continued as a reply, a court order may be made without further notice.

+ SERVICE FEES \$ _____

= **TOTAL CLAIMED** \$ _____

The Court Address for filing documents is:

NOTICE OF CIVIL RESOLUTION TRIBUNAL CLAIM

other party copy

NOTICE OF CIVIL RESOLUTION TRIBUNAL CLAIM
 IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION
Civil Resolution Tribunal FILE NUMBER

WHO?

CLAIMANT(S)

NAME _____
 ADDRESS _____
 CITY _____ TEL. # _____
 PROV. _____ POSTAL CODE _____

DEFENDANT(S)

NAME _____
 ADDRESS _____
 CITY _____ TEL. # _____
 PROV. _____ POSTAL CODE _____

THIRD PARTY(IES)

NAME _____
 ADDRESS _____
 CITY _____ TEL. # _____
 PROV. _____ POSTAL CODE _____

FILED BY _____ **FILING PARTY(IES)** _____
party name(s)

WHY?

Form 38, Address for Service included for filing

TAKE NOTICE that this proceeding is a SERVICE COPY 1.1 as:

a notice of objection was filed and the Civil Resolution Tribunal has issued a Certificate.
 the Civil Resolution Tribunal has issued a **notice refusing to resolve** a claim after having issued an initiating notice.
 the Small Claims Court ordered the Civil Resolution Tribunal **not adjudicate the claim.**

An order for deposit under section 56.3 of the *Civil Resolution Tribunal Act* is being sought. [Complete and file Form 35]

WHERE?

CITY, PROV _____ **WHEN?** _____

DOCUMENTS TO BE FILED WITH THE NOTICE OF CIVIL RESOLUTION TRIBUNAL CLAIM
Check all applicable boxes.

all initiating notices, as defined in the *Civil Resolution Tribunal Act*, received by the filing party;
 all responses, made under section 7 of the *Civil Resolution Tribunal Act*, received or made by the filing party;
 a certificate provided by the tribunal to the filing party under section 56.2 of the *Civil Resolution Tribunal Act*;
 a notice provided by the tribunal to the filing party to notify the filing party that the tribunal refuses to resolve the tribunal small claim;
 the Court order that the Civil Resolution Tribunal not adjudicate the tribunal small claim.

HOW MUCH?

Amount of filing party's claim \$ _____

TIME LIMIT FOR REPLY IF RESPONSE IS NOT CONTINUED
 A reply must be completed and filed with an Address for Service within 14 days after being served in British Columbia or within 30 days after being served outside of British Columbia with this notice, unless a response was already made at the Civil Resolution Tribunal in relation to the continued claim and filed with this notice. If a party's response made at the tribunal was filed with this notice, that response has been continued as a reply, but the party must still file an Address for Service. If a reply is not filed, or a response not continued as a reply, a court order may be made without further notice.

+ EXPENSES \$ _____
 + SERVICE FEES \$ _____
 = TOTAL CLAIMED \$ _____

The Court Address for filing documents is:

NOTICE OF CIVIL RESOLUTION TRIBUNAL CLAIM

service copy

NOTICE OF CIVIL RESOLUTION TRIBUNAL CLAIM

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

REGISTRY FILE NUMBER
REGISTRY LOCATION
Civil Resolution Tribunal FILE NUMBER

WHO?

Fill in the name of the person(s) or organization(s) that initiated the original proceeding before the Civil Resolution Tribunal.

NAME	CLAIMANT(S)
ADDRESS	
CITY	TEL. #
PROV.	POSTAL CODE

Fill in the name of the person(s) or organization(s) the original proceeding was against at the Civil Resolution Tribunal.

NAME	DEFENDANT(S)
ADDRESS	
CITY	TEL. #
PROV.	POSTAL CODE

Fill in the name of another person(s) or organization(s) the defendant included on a Notice of Objection filed with this form.

NAME	THIRD PARTY(IES)
ADDRESS	
CITY	TEL. #
PROV.	POSTAL CODE

FILED BY _____ **FILING PARTY(IES)**

party name(s)

Form 38, Address for Service included for filing

WHY?

What permits this claim to be made in Small Claims Court.

TAKE NOTICE that this proceeding is being filed in accordance with Rule 1.1 as:

a **notice of objection** was filed and the Civil Resolution Tribunal has issued a Certificate.

the Civil Resolution Tribunal has issued a **notice refusing to resolve** a claim after having issued an initiating notice.

the Small Claims Court ordered the Civil Resolution Tribunal **not adjudicate the claim**.

An order for deposit under section 56.3 of the *Civil Resolution Tribunal Act* is being sought. [Complete and file Form 35]

WHERE?

Tell where the claim happened.

CITY, PROV. _____ **WHEN?** _____

Tell when the claimant became aware of the issues in dispute.

File the documents or records from the Civil Resolution Tribunal that describe what is being claimed, how much is being claimed and what is being disputed.

DOCUMENTS TO BE FILED WITH THE NOTICE OF CIVIL RESOLUTION TRIBUNAL CLAIM

Check all applicable boxes.

all initiating notices, as defined in the *Civil Resolution Tribunal Act*, received by the filing party;

all responses, made under section 7 of the *Civil Resolution Tribunal Act*, received or made by the filing party;

a certificate provided by the tribunal to the filing party under section 56.2 of the *Civil Resolution Tribunal Act*;

a notice provided by the tribunal to the filing party to notify the filing party that the tribunal refuses to resolve the tribunal small claim;

the Court order that the Civil Resolution Tribunal not adjudicate the tribunal small claim.

Amount of filing party's claim \$ _____

HOW MUCH?

TIME LIMIT FOR REPLY IF RESPONSE IS NOT CONTINUED

A reply must be completed and filed with an Address for Service within 14 days after being served in British Columbia or within 30 days after being served outside of British Columbia with this notice, unless a response was already made at the Civil Resolution Tribunal in relation to the continued claim and filed with this notice. If a party's response made at the tribunal was filed with this notice, that response has been continued as a reply, but the party must still file an Address for Service. If a reply is not filed, or a response not continued as a reply, a court order may be made without further notice.

+ EXPENSES	\$ _____
+ SERVICE FEES	\$ _____
= TOTAL CLAIMED	\$ _____

The Court Address for filing documents is:

NOTICE OF CIVIL RESOLUTION TRIBUNAL CLAIM

filing party's copy

FORM 35

APPLICATION FOR DEPOSIT (Civil Resolution Tribunal)
IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION
Civil Resolution Tribunal DISPUTE NUMBER

In the case between

Fill in the names of the parties, copying them from the Notice of Civil Resolution Tribunal Claim. File with a completed Address for Service (Form 38) if you have not previously filed one.

NAME CLAIMANT(S)

and NAME DEFENDANT(S)

and NAME THIRD PARTY(IES)

NAME APPLICANT(S)

FROM: Fill in the name of each applicant.

Form 38, Address for Service included for filing Form 38, Address for Service previously filed

The applicant is applying for an order that a person make a deposit under section 56.3 of the Civil Resolution Tribunal Act.

Give details of the order you are asking for.

An application will be heard by the Court

Fill in the date, time and method of attendance for the hearing.

on date at time am/pm or as soon after this time as the court schedule allows

in person at court location

by another method of attendance, as specified appearance details

The facts on which the application is based are as follows

Give the facts you wish the court to consider and then sign, print or type your name.

Multiple horizontal lines for providing facts.

I certify these facts are true. sign, print or type name of applicant

NOTE TO APPLICANT: At the hearing of the application, the judge may require you to show them the final order issued by the tribunal.

This will be completed by the Court.

The Court orders that date by the Court

APPLICATION FOR DEPOSIT (Civil Resolution Tribunal)

court copy

court copy

APPLICATION FOR DEPOSIT (Civil Resolution Tribunal)
 IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION
Civil Resolution Tribunal DISPUTE NUMBER

In the case between

NAME _____ CLAIMANT(S)

and

NAME _____ DEFENDANT(S)

and

NAME _____ THIRD PARTY(IES)

NAME _____ APPLICANT(S)

FROM:

Form 38, Address for Service included for filing

SERVICE COPY

The applicant is applying for an order that a person make a deposit under section 56.3 of the *Civil Resolution Tribunal Act*.

An application will be heard by the Court

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

in person at _____
court location

by another method of attendance, as specified _____
appearance details

The facts on which the application is based are as follows

I certify these facts are true. _____
sign, print or type name of applicant

NOTE TO APPLICANT: At the hearing of the application, the judge may require you to show them the final order issued by the tribunal.

The Court orders that

SERVICE COPY

_____ date _____ by the Court

APPLICATION FOR DEPOSIT (Civil Resolution Tribunal)

service copy

FORM 35

service copy

APPLICATION FOR EXEMPTION (Civil Resolution Tribunal)

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

In the case between

REGISTRY FILE NUMBER
REGISTRY LOCATION
Civil Resolution Tribunal FILE NUMBER

NAME _____ CLAIMANT(S)

and _____ DEFENDANT(S)
NAME _____

and _____ THIRD PARTY(IES)
NAME _____

NAME _____ APPLICANT(S)

FROM:

- Form 38, Address for Service included for filing Form 38, Address for Service previously filed

The applicant(s) asks for an order that the Civil Resolution Tribunal not adjudicate the claim.

An application will be made to the court

SERVICE COPY

or as soon after this time as the court schedule allows

on _____ date _____ at _____ time _____ am/pm

in person at _____ court location

by another method of attendance, as specified _____ appearance details

The facts on which the application is based are as follows

I certify these facts are true. _____ sign, print or type name of applicant

Attached to this application are the following

- all initiating notices, as defined in the *Civil Resolution Tribunal Act*, received by the applicant;
- all responses under section 7 of the *Civil Resolution Tribunal Act* received or made by the applicant.
- ___ additional pages are attached. Mark the additional pages as "Page 2 of the Application for Exemption, Page 3, etc." A copy of the attached pages must accompany each copy of the Application for Exemption.

The Court orders that

date

by the Court

APPLICATION FOR EXEMPTION (Civil Resolution Tribunal)

service copy

service copy

FORM 36

FORM 37

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

In the case between

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

NAME _____ **CLAIMANT(S)**

and
NAME _____ **DEFENDANT(S)**

and
NAME _____ **THIRD PARTY(IES)**

FROM:
Fill in the name of the filing party(ies).

NAME _____ **FILING PARTY(IES)**

Form 38, Address for Service included for filing Form 38, Address for Service previously filed

CERTIFICATE OF COMPLIANCE

NOTE: Each filing party seeking compensation for a personal injury must complete a separate form.

Check all applicable boxes.

Check one of the following, as applicable.

I/WE, _____, CERTIFY THAT:

- The Notice of Civil Resolution Tribunal Claim ([Form 34](#)) has been served on all other parties, proof of service has been filed and at least one reply filed or continued in respect of the claim.
- A party has filed a response under section 7 of the Civil Resolution Tribunal Act (CRTA) or a reply under Rule 1.1(21) of the Small Claims Rules.
- An application for deposit (*if applicable*)
 - has not been filed by any party under Rule 1.1(40) or (41) and the time period to file an application has passed.
 - was dismissed.
 - was granted and the deposit was made or all due instalments have been paid in accordance with the order.
- I/We are NOT claiming damages for personal injuries and are ready to proceed to a settlement conference/trial conference.**
- I am claiming damages for personal injuries and am ready to proceed to a settlement conference/trial conference. I have attached all medical reports and all records of expenses or losses incurred or expected. (Attach a copy of all reports and records to each copy of the form)**

Fill in the date and sign, type or print the name(s) of the filing party(ies).

_____ date

_____ sign, print or type name of filing party

_____ date

_____ sign, print or type name of filing party

FORM 39

SUPPORTING MATERIALS COVER SHEET
IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

Registry File Number:
Registry Location:

In the case between

NAME _____ CLAIMANT(S)/CREDITOR(S)

and

NAME _____ DEFENDANT(S)/DEBTOR(S)

and

NAME _____ THIRD PARTY(IES)

Supporting Materials - Cover Sheet

The supporting materials filed with this form are in support of

The date a document was filed with the court registry is the date inside the registry stamp on the document you were served with, or that you filed to request a hearing.

- Application for Default Order (Form 5) filed with the court registry on _____ date
- Application to a Judge or Justice (Form 17) filed with the court registry on _____ date
- Summons to a Payment Hearing (Form 12) or a Notice of a Payment Hearing (Form 13) filed with the court registry on _____ date
- Summons to a Default Hearing (Form 14) filed with the court registry on _____ date
- Other (specify) _____ filed with the court registry on _____ date

and with a hearing date scheduled for _____ date at _____ time am/pm .

The supporting materials attached are submitted/filed by the

- Claimant/Creditor
- Defendant/Debtor
- Third Party
- Other: _____

Date and sign, print or type name.

_____ date

_____ name

If the filing party is not an individual, also provide

_____ name of individual filing on behalf of filing party (print or type name and title)

FORM 40

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

Name and occupation. NAME _____
OCCUPATION _____

Complete all that apply and write N/A for anything that does not apply. See page 2 for further instructions.

- Circle one.
- I am married / single / in a common law relationship / other (specify) _____
 - I am responsible for financially supporting (check if applicable, and indicate number)
 - a child or children under 19 _____
indicate the number of children
 - another person or persons _____
specify relationship _____ indicate the number
 - Listed below is an accurate statement of my household's finances:

STATEMENT OF FINANCES

A. MONTHLY INCOME (net of tax and deductions)	
Salary	\$
Commissions	\$
Tips and Gratuities	\$
Self-Employment Income	\$
Employment Insurance	\$
Workers' Compensation	\$
Pension Income	\$
Interest and Investment Income	\$
Rental Income	\$
Business Income	\$
Government Child Benefit <small>any government benefits received for a child that is not included on another income line</small>	\$
Spousal Support	\$
Income of spouse/partner residing in the home	\$
Income of Children <small>children residing in the home 19 years of age and over</small>	\$
Income Assistance	\$
Other Income <small>specify where the other income is from</small>	\$
_____	\$
A.1 INCOME TOTAL	\$

B. MONTHLY EXPENSES	
Rent	\$
Mortgage	\$
Property Taxes/Strata Fees	\$
Home maintenance and repair	\$
Utilities <small>electricity, gas, water, waste</small>	\$
Phone/cellular/internet	\$
Cable/streaming subscriptions	\$
Homeowners/Renters Insurance	\$
Life Insurance	\$
Medical/Dental <small>including regular dental care and contact lenses</small>	\$
Groceries/household supplies	\$
Restaurant meals/food delivery	\$
Personal grooming and self-care <small>hair dresser/barber and cosmetics</small>	\$
Clothing	\$
Laundry & Dry Cleaning	\$
Motor Vehicle (lease or loan) <small>license, insurance, fuel & service</small>	\$
Transportation <small>bus, taxi, parking and ride share</small>	\$
Newspapers & subscriptions	\$
Entertainment & recreation	\$
Alcohol, tobacco & non-medicinal cannabis	\$
Gift	\$
Charitable Donations	\$
Support Payments/Child Maintenance	\$
Childcare/Babysitting	\$
Children's Expenses: School, Activities and Lessons	\$
Pets	\$
Vacation	\$
Other <small>specify</small>	\$
_____	\$
B.1 EXPENSES TOTAL	\$

C. MONTHLY DEBT PAYMENTS	
Credit Card(s) <small>provide card type and issuer</small>	
	\$
	\$
	\$
Bank or Finance Company	
	\$
	\$
	\$
Government Debt <small>student loan, income tax, etc.</small>	
	\$
	\$
	\$
Other <small>including all other personal debts</small>	
	\$
	\$
	\$
C.1 DEBT PAYMENT TOTAL	\$

D. VALUE OF ASSETS	
Real Estate	
Market Value	\$
Mortgage Balance	\$
Cars/Boats/Vehicles	
Make, Model, and Year	
Market Value	\$
Loan Balance	\$
Bank or Other Accounts	
TFSA/RRSP	\$
Stocks, Bonds & Pensions	\$
Investment Accounts	\$
Cash	\$
Life Insurance <small>cash value</small>	\$
Loans and Credit <small>money owing to me</small>	\$
<small>name of debtor</small>	
Other <small>includes precious metals, art, jewelry or other items of high value</small>	\$
D.1 TOTAL VALUE OF ASSETS	\$

If you need more space to complete a portion of this Statement of Finances Form, attach additional pages to this form and label them as an appendix for the section you are continuing. For example: "Appendix 1-D, Additional Values of Assets" or "Appendix 4: Additional Supporting Records Attached".

A.1 INCOME TOTAL	\$
B.1 EXPENSES TOTAL	— \$
C.1 DEBT PAYMENT TOTAL	— \$
BALANCE	= \$

4. Attached are additional pages(s). The additional pages or supporting records are List

5. I understand at the hearing the judge/justice may require me to swear or affirm to the truth of the contents of this Statement of Finances.

_____ sign, print or type name

_____ date