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   TEL. #

PROV.   POSTAL CODE

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

☐ 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

FORM 12

summons copy

SUMMONS TO A PAYMENT HEARING

summons copy