NOTICE OF A PAYMENT HEARING

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

REGISTRY FILE NUMBER

REGISTRY LOCATION

NOTICE OF A PAYMENT HEARING

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 ______ (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)

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.

debtor copy

debtor copy