

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 _____

date time am / pm 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

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debtor copy