



*Court Rules Act and Small Claims Act*

## SMALL CLAIMS RULES

**B.C. Reg. 261/93**

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### **Consolidated Regulations of British Columbia**

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See the User Guide for more information about the *Consolidated Regulations of British Columbia*. The User Guide and the *Consolidated Regulations of British Columbia* are available online at [www.bclaws.ca](http://www.bclaws.ca).

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# *Court Rules Act and Small Claims Act*

## **SMALL CLAIMS RULES**

**B.C. Reg. 261/93**

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# *Court Rules Act and Small Claims Act*

## SMALL CLAIMS RULES

**B.C. Reg. 261/93**

### INTRODUCTION

The purpose of these rules is to make it as easy as possible for people to use the court to resolve their disputes. If necessary, there will be a trial and a judge or a justice will decide the claim. However, both sides are encouraged to try to come to an agreement. A settlement is always possible, even after a judge or a justice has made a decision.

[am. B.C. Regs. 360/2007, s. 1; 191/2021, s. 1.]

### Definitions

In these rules:

“**civil resolution tribunal**” means the Civil Resolution Tribunal established under the *Civil Resolution Tribunal Act*;

“**claimant**” means the person who is making the claim;

“**court**” means the Provincial Court of British Columbia;

“**creditor**” means a person to whom, by order of the court, a debtor must pay money;

“**debtor**” means a person who, by order of the court, must pay money to a creditor;

“**defendant**” means the person against whom the claim is made;

“**justice**” means a judicial justice or a justice of the peace;

“**remotely**”, in relation to attending a conference, hearing or mediation session, means by telephone, video conference or other means of electronic communication, rather than in person;

“**tribunal accident claim**” means

- (a) an accident claim, as defined in the *Civil Resolution Tribunal Act*, and
- (b) a claim purported to be an accident claim, as defined in the *Civil Resolution Tribunal Act*;

“**tribunal small claim**” means

- (a) a tribunal small claim, as defined in the *Civil Resolution Tribunal Act*, and
- (b) a claim purported to be a tribunal small claim, as defined in the *Civil Resolution Tribunal Act*;

“**virtually**”, in relation to conducting a conference, hearing or mediation session, means by telephone, video conference or other means of electronic communication, rather than in person, with at least one participant attending remotely.

[am. B.C. Regs. 120/2017, Sch. 2, s. 1; 191/2021, s. 2.]

**RULE 1 – MAKING A CLAIM****Completing a notice of claim**

- (1) To make a claim, other than a claim to which Rule 1.1 applies, a person must complete a notice of claim (Form 1) and an address for service (Form 38), following the instructions on the forms.

[am. B.C. Regs. 120/2017, Sch. 2, s. 2; 191/2021, s. 3.]

**Filing a notice of claim**

- (2) A claimant must file a notice of claim and an address for service and pay the required fee at the Small Claims Registry nearest to where

- (a) the defendant lives or carries on business, or
- (b) the transaction or event that resulted in the claim took place.

[am. B.C. Reg. 191/2021, s. 4.]

**If the defendant is a company**

- (2.1) If the defendant is a company within the meaning of the *Business Corporations Act*, the claimant must file with the notice of claim a printout of a search showing the most recent address of the registered office of the company on file with the Registrar of Companies.

[en. B.C. Reg. 148/97, s. 1; am. B.C. Reg. 428/2004, s. 1.]

**If the defendant is a society**

- (2.2) If the defendant is a society within the meaning of the *Societies Act*, the claimant must file with the notice of claim a printout of a search showing the delivery address and mailing address of the society's registered office on file with the Registrar of Companies.

[en. B.C. Reg. 212/2015, Sch. 3, s. 1.]

**If a claimant wants to claim against more than one defendant**

- (3) A claimant may name more than one defendant in a notice of claim, but only if the claim against each defendant is related to or connected with the original subject matter of the claim.

**If the claim is for more than \$35 000**

- (4) A claimant who has a claim amounting to more than \$35 000, not including interest and expenses, may abandon part of the claim so that the balance of the claim may be heard in the court.

[am. B.C. Regs. 179/2005, s. (b); 120/2017, Sch. 2, s. 3.]

**Litigation guardian needs Public Guardian and Trustee's consent**

- (4.1) A person (litigation guardian) who makes a claim for personal injury on behalf of someone who is under 19 years of age or under another legal disability may abandon

**SMALL CLAIMS RULES****Rule 1.1 – Process for Making a Claim if Proceedings Previously Initiated before Civil Resolution Tribunal**

part of the claim under subrule (4), but only with the consent of the Public Guardian and Trustee.

[en. B.C. Reg. 148/97, s. 1; am. B.C. Reg. 172/2003, s. 1.]

**Abandoning part of a claim**

- (5) To abandon part of a claim, a claimant must say on the notice of claim that the amount over \$35 000 is abandoned.

[am. B.C. Regs. 179/2005, s. (b); 120/2017, Sch. 2, s. 3.]

**The effect of abandoning part of a claim**

- (6) Subject to subrule (7), a claimant who abandons part of a claim may not at any time sue for that part, unless the whole of the claim is withdrawn under Rule 4 (9) and then pursued in the Supreme Court.

[am. B.C. Reg. 148/97, s. 1.]

**Effect of transfer on abandonment**

- (7) If a claim is transferred to the Supreme Court under Rule 7.1, the claimant may sue for the whole amount to which the claimant may be entitled whether or not part of the claim was abandoned in the Provincial Court.

[en. B.C. Reg. 148/97, s. 1.]

**RULE 1.1 – PROCESS FOR MAKING A CLAIM IF PROCEEDINGS  
PREVIOUSLY INITIATED BEFORE CIVIL RESOLUTION TRIBUNAL****Definitions**

- (1) In this rule:

“**filing party**” means the person who completes and files a notice of civil resolution tribunal claim (Form 34);

“**initiating notice**” has the same meaning as in the *Civil Resolution Tribunal Act*;

“**initiating party**” has the same meaning as in the *Civil Resolution Tribunal Act*;

“**response**” means a response made under section 7 of the *Civil Resolution Tribunal Act*.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**Application of this Rule****Claim to which this rule applies**

- (2) This rule applies to a claim if one or more of the following apply:
- (a) the civil resolution tribunal has made a final decision in relation to the claim, and a party has filed a notice of objection under section 56.1 of the *Civil Resolution Tribunal Act*;

- (b) after the civil resolution tribunal has given the initiating party an initiating notice in relation to the claim, the civil resolution tribunal has refused to resolve the claim;
- (c) the court orders that the civil resolution tribunal not adjudicate the claim.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

## **Making a Claim**

### **Completing a notice of civil resolution tribunal claim**

- (3) To make a claim in respect of which this rule applies, a person must complete a notice of civil resolution tribunal claim (Form 34) and an address for service (Form 38), following the instructions on the forms.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4; am. B.C. Reg. 191/2021, s. 3.]

### **Identification of parties for notice of civil resolution tribunal claim**

- (4) For the purposes of the notice of civil resolution tribunal claim,
  - (a) a claimant is the initiating party who made the initial request to the civil resolution tribunal and who was first given an initiating notice in relation to a claim in the proceeding before the civil resolution tribunal,
  - (b) a defendant is, in relation to the initiating notice referred to in paragraph (a), a person who was required to make a response, and
  - (c) a third party is a person, other than a claimant or defendant, who was required to make a response in the proceeding before the civil resolution tribunal referred to in paragraph (a).

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

### **Filing a notice of civil resolution tribunal claim**

- (5) A person must file a notice of civil resolution tribunal claim at the Small Claims Registry nearest to where
  - (a) the defendant lives or carries on business, or
  - (b) the transaction or event that resulted in the claim took place.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

### **If the defendant or third party is a company**

- (6) If the defendant or third party is a company within the meaning of the *Business Corporations Act*, the filing party must file with the notice of civil resolution tribunal claim a printout of a search showing the most recent address of the registered office of the company on file with the Registrar of Companies.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

### **If the defendant or third party is a society**

- (7) If the defendant or third party is a society within the meaning of the *Societies Act*, the filing party must file with the notice of civil resolution tribunal claim a printout of a

**SMALL CLAIMS RULES****Rule 1.1 – Process for Making a Claim if Proceedings Previously Initiated before Civil Resolution Tribunal**

search showing the delivery address and mailing address of the society's registered office on file with the Registrar of Companies.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**Documents to be filed with the notice of civil resolution tribunal claim**

- (8) The filing party must file the following with the notice of civil resolution tribunal claim:
- (a) the following documents in respect of all tribunal small claims that were to be resolved in a single proceeding before the civil resolution tribunal:
    - (i) all initiating notices received by the filing party;
    - (ii) all responses received or made by the filing party;
  - (b) one of the following documents in respect of a tribunal small claim referred to in paragraph (a):
    - (i) a certificate provided by the civil resolution tribunal to the filing party under section 56.2 of the *Civil Resolution Tribunal Act*;
    - (ii) a notice provided by the civil resolution tribunal to the filing party to notify the filing party that the civil resolution tribunal refuses to resolve the tribunal small claim;
    - (iii) a copy of the order, made under section 16.2 of the *Civil Resolution Tribunal Act*, that the civil resolution tribunal not adjudicate the tribunal small claim;
  - (c) an address for service (Form 38).

[en. B.C. Reg. 120/2017, Sch. 2, s. 4; am. B.C. Regs. 267/2018, s. 1; 191/2021, s. 5.]

**Claim continued**

- (9) A claim made by a claimant against a defendant and set out in an initiating notice filed under subrule (8) with a notice of civil resolution tribunal claim is continued as a claim made under these rules against the defendant.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**Claimant who is not the filing party must file an address for service**

- (9.1) If a claim is continued under subrule (9) and the claimant is not the filing party, the claimant must file an address for service (Form 38) and serve a copy on each of the other parties.

[en. B.C. Reg. 191/2021, s. 6.]

**Serving a Notice of Civil Resolution Tribunal Claim****What must be served on the other parties?**

- (10) The filing party must serve each of the other parties named in the notice of civil resolution tribunal claim with the following:
- (a) the other party's copy of the notice of civil resolution tribunal claim;

- (b) a copy of the documents filed under subrule (8) with the notice of civil resolution tribunal claim;
- (c) a blank reply form (Form 2) for each claim made against the other party for which the other party does not have a response continued as a reply under this rule;
- (d) a blank address for service form (Form 38).

[en. B.C. Reg. 120/2017, Sch. 2, s. 4; am. B.C. Reg. 191/2021, s. 7.]

**How to serve an individual**

- (11) If any of the other parties referred to in subrule (10) is an individual, the documents referred to in subrule (10) (a) to (c) must be served on the individual by

- (a) leaving a copy of those documents with the individual, or
- (b) mailing a copy of those documents by registered mail to the individual.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**How to serve a company**

- (12) If any of the other parties referred to in subrule (10) is a company within the meaning of the *Business Corporations Act*, the documents referred to in subrule (10) (a) to (c) must be served,

- (a) if the company has a registered office,
  - (i) by delivering a copy of those documents to the delivery address shown for that registered office in the office of the Registrar of Companies, or
  - (ii) by mailing a copy of those documents by registered mail to the mailing address shown for that registered office in the office of the Registrar of Companies,
- (b) if the company's registered office has been eliminated, in the manner ordered by the court, or
- (c) in either case, by leaving a copy of those documents
  - (i) at the place of business of the company, with a receptionist or a person who appears to manage or control the company's business there, or
  - (ii) with a director, officer, liquidator, trustee in bankruptcy or receiver manager of the company.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**How to serve an extraprovincial company**

- (13) If any of the other parties referred to in subrule (10) is an extraprovincial company within the meaning of the *Business Corporations Act*, the documents referred to in subrule (10) (a) to (c) must be served

**SMALL CLAIMS RULES****Rule 1.1 – Process for Making a Claim if Proceedings Previously Initiated before Civil Resolution Tribunal**

- (a) by delivering a copy of those documents to the delivery address shown for the head office of the extraprovincial company in the office of the Registrar of Companies if that head office is in British Columbia,
- (b) by mailing a copy of those documents by registered mail to the mailing address shown for the head office of the extraprovincial company in the office of the Registrar of Companies if that head office is in British Columbia,
- (c) by mailing a copy of those documents by registered mail to the mailing address shown in the office of the Registrar of Companies for any attorney appointed for the extraprovincial company under Division 2 of Part 11 of the *Business Corporations Act*,
- (d) by leaving a copy of those documents with the attorney, or
- (e) if no attorney has been appointed, by following subrule (12) (c).

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**How to serve a partnership**

- (14) If any of the other parties referred to in subrule (10) is a partnership, the documents referred to in subrule (10) (a) to (c) must be served by mailing a copy of those documents by registered mail to a partner, or by leaving a copy of those documents
  - (a) with a partner,
  - (b) at a place of business of the partnership, with a person who appears to manage or control the partnership business there, or
  - (c) with a receptionist who works at a place of business of the partnership.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**Other service rules – see Rule 18**

- (15) Subject to subrule (16), the provisions in Rule 18 apply if
  - (a) any other party referred to in subrule (10) of this rule is a municipality, a person under 19, a society, an extraprovincial non-share corporation within the meaning of the *Societies Act*, or an unincorporated association including a trade union,
  - (b) the filing party needs to serve the notice of civil resolution tribunal claim on a person outside British Columbia, or
  - (c) the filing party is having difficulty serving any other party.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**Application of Rule 18 in relation to third parties**

- (16) For the purposes of applying Rule 18 to a claim to which this rule applies,
  - (a) a reference in Rule 18 to a “notice of claim” must be read as a reference to a “notice of civil resolution tribunal claim”,
  - (b) a reference in Rule 18 (7) and (8) to a “claimant” must be read as a reference to a “filing party”, and

- (c) a notice of civil resolution tribunal claim may be served on a claimant or third party in the same way as required for service of a notice of civil resolution tribunal claim on a defendant.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**Time limit for service**

- (17) If a notice of civil resolution tribunal claim has not been served within 28 days after it was filed it expires, but the filing party may apply to have it renewed (see Rule 16 (3)).

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**If a party has not filed an address for service**

- (17.1) Until a party files an address for service (Form 38), documents must be served on the party at the address for service, if any, that the party provided to the civil resolution tribunal.

[en. B.C. Reg. 191/2021, s. 8.]

**Replying to a Claim Continued under this Rule****Previous response continued as a reply**

- (18) A response made by a defendant is continued as a reply to a claim if
- (a) the defendant made a response in respect of the claim when the claim was proceeding before the civil resolution tribunal as a tribunal small claim,
  - (b) the response is filed under subrule (8) with a notice of civil resolution tribunal claim, and
  - (c) the claim is continued under subrule (9).

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**Defendant who is not the filing party must file an address for service**

- (18.1) If a defendant's response is continued under subrule (18) as a reply to a claim and the defendant is not the filing party, the defendant must file an address for service (Form 38) and serve a copy on each of the other parties.

[en. B.C. Reg. 191/2021, s. 9]

**Rule 3 does not apply**

- (19) Rule 3 does not apply in relation to a response continued as a reply under subrule (18) of this rule.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**What are a defendant's options?**

- (20) A defendant who receives a notice of civil resolution tribunal claim and who does not have a response continued as a reply under subrule (18) may do any one or more of the following:

**SMALL CLAIMS RULES****Rule 1.1 – Process for Making a Claim if Proceedings Previously Initiated before Civil Resolution Tribunal**

- (a) pay the amount claimed directly to the claimant and ask the claimant to withdraw the claim (see Rule 8);
- (b) admit all or part of the claim;
- (c) admit all or part of the claim and propose a payment schedule (see Rule 11 (4));
- (d) oppose all or part of the claim by listing reasons why the claim is opposed;
- (e) with the permission of a judge, make a counterclaim against the claimant (see subrule (26)).

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**How does a defendant reply?**

- (21) To do anything set out in subrule (20) (b) to (e), a defendant must complete a reply (Form 2) and an address for service (Form 38), following the instructions on the forms.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4; am. B.C. Reg. 191/2021, s. 3.]

**Where does a defendant file a reply?**

- (22) A defendant must file a reply and an address for service at the registry where the notice of civil resolution tribunal claim was filed and, except where the defendant has agreed to pay all of the claim, pay the required fee.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4; am. B.C. Reg. 191/2021, s. 10.]

**Time limit for replying**

- (23) If a notice of civil resolution tribunal claim is served on a defendant, the reply must be filed
- (a) within 14 days after service if the defendant was served in British Columbia or within 30 days after service if the defendant was served outside British Columbia, and
  - (b) before the registrar has made a default order or set a date for a hearing.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**How a reply is served**

- (24) Within 21 days after a reply and an address for service are filed under subrule (22), the registrar must serve a copy on each of the other parties.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4; am. B.C. Reg. 191/2021, s. 11.]

**How an admission is accepted**

- (25) If a defendant admits in a reply all or part of the claim, the claimant may accept the admission in full settlement of the claim, interest and expenses by filing, before the settlement conference or trial conference, a payment order in the same terms as the admission.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

## **Making a Claim Against a Claimant**

### **Restrictions on making a counterclaim if proceeding started by notice of civil resolution tribunal claim**

- (26) Rule 4 does not apply to a defendant if the proceeding was started by a notice of civil resolution tribunal claim, unless the defendant has the permission of a judge to make a counterclaim (see Rule 16 (7)).

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

### **Claim made before civil resolution tribunal continued as a counterclaim**

- (27) A claim made by a defendant against a claimant and set out in an initiating notice filed under subrule (8) with a notice of civil resolution tribunal claim is continued as a counterclaim made under these rules against the claimant.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

### **Rule 4 does not apply**

- (28) Rule 4 does not apply in relation to a claim continued as a counterclaim under subrule (27) of this rule.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

### **Previous response continued as a reply**

- (29) A response made by a claimant is continued as a reply to a counterclaim if
- (a) the claimant made a response in respect of a claim when the claim was proceeding before the civil resolution tribunal as a tribunal small claim,
  - (b) the response is filed under subrule (8) with the notice of civil resolution tribunal claim, and
  - (c) the claim is continued as a counterclaim under subrule (27).

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

### **Rule 3 does not apply**

- (30) Rule 3 does not apply in relation to a response continued as a reply under subrule (29) of this rule.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

### **What are the claimant's options?**

- (31) If a counterclaim against a claimant is continued under subrule (27) and the claimant did not have a response continued as a reply under subrule (29), the claimant may do one or more of the following:
- (a) pay the amount of the counterclaim directly to the defendant and ask the defendant to withdraw the counterclaim;
  - (b) admit all or part of the counterclaim;
  - (c) admit all or part of the counterclaim and propose a payment schedule (see Rule 11 (4));

**SMALL CLAIMS RULES****Rule 1.1 – Process for Making a Claim if Proceedings Previously Initiated before Civil Resolution Tribunal**

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- (d) oppose all or part of the counterclaim by listing reasons why the counterclaim is opposed.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**How a claimant replies**

- (32) To do anything set out in subrule (31) (b) to (d), a claimant must
- (a) complete a reply (Form 2) and an address for service following the instructions on the forms,
  - (b) file the reply and the address for service (Form 38),
    - (i) if the claimant is the filing party, with the notice of civil resolution tribunal claim, or
    - (ii) if the claimant is not the filing party and the notice of civil resolution tribunal claim is served on the claimant,
      - (A) within 14 days after service if the claimant was served in British Columbia or within 30 days after service if the claimant was served outside British Columbia, and
      - (B) before the registrar has made a default order or set a date for a hearing, and
  - (c) pay the required fee unless the claimant has agreed to pay all of the counterclaim.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4; am. B.C. Reg. 191/2021, s. 12.]

**How a reply is served**

- (33) Within 21 days after a reply and an address for service are filed under subrule (32), the registrar must serve a copy on each of the other parties.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4; am. B.C. Reg. 191/2021, s. 11.]

**How an admission is accepted**

- (34) If a claimant admits in a reply all or part of a counterclaim, the defendant may accept the admission in full settlement of the counterclaim, interest and expenses by filing, before the settlement conference or trial conference, a payment order in the same terms as the admission.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**Third Parties****Restrictions on making a third party claim if proceeding started by notice of civil resolution tribunal claim**

- (35) Rule 5 does not apply to a defendant if the proceeding was started by a notice of civil resolution tribunal claim, unless the defendant has the permission of a judge to make a claim against another person (see Rule 16 (7)).

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**Claim made to civil resolution tribunal continued as a claim against third party**

- (36) If a defendant thought that a person who was not otherwise a party to the dispute before the civil resolution tribunal was responsible for the claim, the claim made by the defendant against the other person and set out in the initiating notice filed under subrule (8) with the notice of civil resolution tribunal claim is continued as a claim made under these rules against the other person as a third party.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**Subrules do not apply**

- (37) Rule 5 (1) to (7) and (9) does not apply in relation to a claim continued under subrule (36) of this rule.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**Previous response continued as a reply**

- (38) A response made by a third party is continued as a reply to a claim made against the third party if
- (a) the third party made a response in respect of the claim when the claim was proceeding before the civil resolution tribunal as a tribunal small claim,
  - (b) the response is filed under subrule (8) with a notice of civil resolution tribunal claim, and
  - (c) the claim is continued under subrule (36).

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**Third party must file an address for service**

- (38.1) If a response made by a third party is continued under subrule (38) as a reply to a claim made against the third party and the third party is not the filing party, the third party must file an address for service (Form 38) and serve a copy on each of the other parties.

[en. B.C. Reg. 191/2021, s. 13.]

**How a third party replies**

- (39) If a third party receives a notice of civil resolution tribunal claim, does not have a response continued as a reply under subrule (38) and wishes to reply to the claim, the third party must follow subrules (20) to (23) to reply to the claim.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**Deposits for Claims Previously Adjudicated by Civil Resolution Tribunal****Application for deposit by filing party**

- (40) If a filing party wishes to apply for an order that a person make a deposit under section 56.3 of the *Civil Resolution Tribunal Act*, the filing party must file the application with the notice of civil resolution tribunal claim and serve a copy of the

**SMALL CLAIMS RULES****Rule 1.1 – Process for Making a Claim if Proceedings Previously Initiated before Civil Resolution Tribunal**

application with the notice of civil resolution tribunal claim, unless the filing party has the permission of a judge to make the application on a later date (see Rule 16 (7)).

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**Application for deposit by party other than filing party**

- (41) If a party, other than the filing party, wishes to apply for an order that a person make a deposit under section 56.3 of the *Civil Resolution Tribunal Act*, the party must file the application within 14 days after service of the notice of civil resolution tribunal claim if that party was served in British Columbia or within 30 days after service of the notice of civil resolution tribunal claim if that party was served outside British Columbia, unless that party has the permission of a judge to make the application on a later date.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**If a claimant does not make a deposit**

- (41.10) If a claimant has been ordered to make a deposit under section 56.3 of the *Civil Resolution Tribunal Act* and the claimant has failed to make the deposit as ordered, a judge may dismiss the claim under Rule 16 (6) (n.2).

[en. B.C. Reg. 267/2018, s. 2.]

**If a defendant does not make a deposit**

- (41.11) If a defendant has been ordered to make a deposit under section 56.3 of the *Civil Resolution Tribunal Act* and the defendant has failed to make the deposit as ordered, the claimant may ask the registrar for a default order.

[en. B.C. Reg. 267/2018, s. 2.]

**If a third party does not make a deposit**

- (41.12) If a defendant under a counterclaim or under a third party notice or a third party has been ordered to make a deposit under section 56.3 of the *Civil Resolution Tribunal Act* and has failed to make the deposit as ordered, no default order will be made except under Rule 16 (6) (n.3).

[en. B.C. Reg. 267/2018, s. 2.]

**How to ask for a default order**

- (41.20) To ask for a default order under subrule (41.11), a claimant must complete Form 5, following the instructions on the form, file it at the registry where the notice of civil resolution tribunal claim was filed and pay the required fee.

[en. B.C. Reg. 267/2018, s. 2.]

**If a claim is for a debt**

- (41.21) If a claim is for a debt and the claimant completes the steps in subrule (41.20), the registrar must make a default order requiring the defendant to pay immediately the amount claimed plus expenses under Rule 20 (2) and any interest the claimant is entitled to.

[en. B.C. Reg. 267/2018, s. 2.]

**If a claim is not for a debt**

- (41.22) If a claim is not for a debt and the claimant completes the steps in subrule (41.20), the registrar must set a date for a hearing before a judge.

[en. B.C. Reg. 267/2018, s. 2.]

**Purpose of hearing**

- (41.30) The purpose of a hearing set under subrule (41.22) is to allow a judge to determine

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

[en. B.C. Reg. 267/2018, s. 2.]

**Result of hearing**

- (41.31) After hearing the claimant, the judge may,

- (a) if the claim is for money, make a default order that requires the defendant to pay immediately the amount determined by the judge plus expenses under Rule 20 (2) and any interest the claimant is entitled to, and
- (b) in any other case, make the appropriate order.

[en. B.C. Reg. 267/2018, s. 2.]

**If a claimant does not attend**

- (41.32) If a claimant does not attend at the time set for a hearing under subrule (41.22), the judge may cancel the hearing, but the claimant may ask the registrar to reschedule it.

[en. B.C. Reg. 267/2018, s. 2.]

**How payment may be collected**

- (41.33) The creditor may collect payment under a default order made under subrule (41.31) (a) by taking any of the steps listed in Rule 11 (11).

[en. B.C. Reg. 267/2018, s. 2.]

**Material to be Filed before Settlement or Trial Conference****Filing party must file a certificate of compliance**

- (42) A filing party must file at the registry a certificate of compliance (Form 37) within 6 months after the filing party served the notice of civil resolution tribunal claim on all other parties if there is at least one reply filed or continued in respect of the claim.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**What certificate of compliance must contain**

- (43) A certificate of compliance must contain one of the following statements:
- (a) a statement that no party filed an application for deposit under subrule (40) or (41) within the period provided by the applicable subrule;
  - (b) a statement that an application for a deposit under section 56.3 of the *Civil Resolution Tribunal Act* was dismissed;

**SMALL CLAIMS RULES****Rule 1.1 – Process for Making a Claim if Proceedings Previously Initiated before Civil Resolution Tribunal**

- (c) a statement that an application for a deposit under section 56.3 of the *Civil Resolution Tribunal Act* was granted and either
  - (i) the deposit has been made, or
  - (ii) if the court has ordered that the deposit be paid in instalments, all due instalments have been paid.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**Attachments to be filed in personal injury cases**

- (44) In a claim by a filing party for damages for personal injuries, the certificate of compliance to be filed under subrule (42) must have attached copies of all
  - (a) medical reports, and
  - (b) records of expenses or losses incurred or expected.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**If filing party is not ready to file certificate of compliance**

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

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**Certificate of compliance must be served on other parties**

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

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**Registrar must schedule settlement conference or trial conference**

- (47) The registrar must schedule a claim for a settlement conference or a trial conference (see Rule 7 (2) (c)) after a certificate of compliance is filed under subrule (42).

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**Certificate to be filed in personal injury cases**

- (48) In a claim by a party, other than the filing party, for damages for personal injuries, the party must file at the registry, within 6 months after the filing party served the notice of civil resolution tribunal claim on that party, a certificate of readiness (Form 7) that has attached copies of all
  - (a) medical reports, and
  - (b) records of expenses or losses incurred or expected.

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**If a party is not ready to file certificate of readiness**

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

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**Certificate of readiness must be served on other parties**

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

[en. B.C. Reg. 120/2017, Sch. 2, s. 4.]

**RULE 2 – SERVING A NOTICE OF CLAIM****Who must be served?**

- (1) The claimant must serve each defendant named in the notice of claim with
- (a) the defendant's copy of the notice,
  - (b) a blank reply form (Form 2),
  - (c) the claimant's address for service, and
  - (d) a blank address for service form (Form 38).

[am. B.C. Reg. 191/2021, s. 14.]

**How to serve an individual**

- (2) If the defendant is an individual, the notice of claim must be served by
- (a) leaving a copy of it with the defendant, or
  - (b) mailing a copy of it by registered mail to the defendant.

[am. B.C. Reg. 188/99, s. 1.]

**How to serve a company**

- (3) If the defendant is a company within the meaning of the *Business Corporations Act*, the notice of claim must be served,
- (a) if the company has a registered office,
    - (i) by delivering a copy of the notice of claim to the delivery address shown for that registered office in the office of the Registrar of Companies, or
    - (ii) by mailing a copy of the notice of claim by registered mail to the mailing address shown for that registered office in the office of the Registrar of Companies,
  - (b) if the company's registered office has been eliminated, in the manner ordered by the court, or
  - (c) in either case, by leaving a copy of the notice of claim
    - (i) at the place of business of the company, with a receptionist or a person who appears to manage or control the company's business there, or
    - (ii) with a director, officer, liquidator, trustee in bankruptcy or receiver manager of the company.

[en. B.C. Reg. 428/2004, s. 2.]

**How to serve an extraprovincial company**

- (4) If the defendant is an extraprovincial company within the meaning of the *Business Corporations Act*, the notice of claim must be served
- (a) by delivering a copy of it to the delivery address shown for the head office of the extraprovincial company in the office of the Registrar of Companies if that head office is in British Columbia,
  - (b) by mailing a copy of it by registered mail to the mailing address shown for the head office of the extraprovincial company in the office of the Registrar of Companies if that head office is in British Columbia,
  - (c) by mailing a copy of it by registered mail to the mailing address shown in the office of the Registrar of Companies for any attorney appointed for the extraprovincial company under Division 2 of Part 11 of the *Business Corporations Act*,
  - (d) by leaving a copy of it with the attorney, or
  - (e) if no attorney has been appointed, by following subrule (3) (c).
- [en. B.C. Reg. 428/2004, s. 2.]

**How to serve a partnership**

- (5) If the defendant is a partnership, the notice of claim must be served by mailing a copy of it by registered mail to a partner, or by leaving a copy of it
- (a) with a partner,
  - (b) at a place of business of the partnership, with a person who appears to manage or control the partnership business there, or
  - (c) with a receptionist who works at a place of business of the partnership.
- [am. B.C. Reg. 188/99, s. 1.]

**Other service rules – see Rule 18**

- (6) The provisions in Rule 18 apply if
- (a) the defendant is a municipality, a person under 19, a society, an extraprovincial non-share corporation within the meaning of the *Societies Act* or an unincorporated association including a trade union,
  - (b) the claimant needs to serve the notice of claim on a person outside British Columbia, or
  - (c) the claimant is having difficulty serving the defendant.
- [am. B.C. Regs. 188/99, s. 1; 212/2015, Sch. 3, s. 2.]

**Time limit for service**

- (7) If a notice of claim has not been served within 12 months after it was filed it expires, but the claimant may apply to have it renewed (see Rule 16 (3)).

**RULE 3 – REPLYING TO A CLAIM MADE BY A NOTICE OF CLAIM****What are a defendant's options?**

- (1) A defendant who receives a notice of claim may do any one or more of the following:
- (a) pay the amount claimed directly to the claimant and ask the claimant to withdraw the claim (see Rule 8);
  - (b) admit all or part of the claim;
  - (c) admit all or part of the claim and propose a payment schedule (see Rule 11 (4));
  - (d) oppose all or part of the claim by listing reasons why the claim is opposed;
  - (e) make a counterclaim against the claimant (see Rule 4).

[am. B.C. Reg. 148/97, s. 2.]

**How does a defendant reply?**

- (2) To do anything set out in subrule (1) (b) to (e), a defendant must complete a reply (Form 2) and an address for service (Form 38), following the instructions on the forms.

[am. B.C. Reg. 191/2021, s. 15.]

**Where does a defendant file a reply?**

- (3) A defendant must file a reply and an address for service at the registry where the notice of claim was filed and, except where the defendant has agreed to pay all of the claim, pay the required fee.

[am. B.C. Reg. 191/2021, s. 10.]

**Time limit for replying**

- (4) If a notice of claim is served on a defendant, the reply must be filed
- (a) within 14 days after service if the defendant was served in British Columbia or within 30 days after service if the defendant was served outside British Columbia, and
  - (b) before the registrar has made a default order or set a date for a hearing.

**How a reply is served**

- (5) Within 21 days after a reply and an address for service are filed, the registrar must serve a copy on each of the other parties.

[am. B.C. Reg. 191/2021, s. 11.]

**How an admission is accepted**

- (6) If a defendant admits in a reply all or part of the claim, the claimant may accept the admission in full settlement of the claim, interest and expenses by filing, before the settlement conference, mediation session or trial conference, a payment order in the same terms as the admission.

[en. B.C. Reg. 148/97, s. 2; am. B.C. Reg. 360/2007, s. 2.]

## **RULE 4 – MAKING A CLAIM AGAINST A CLAIMANT**

### **Making a counterclaim**

- (1) Subject to Rule 1.1 (26), a defendant may make a counterclaim against the claimant in the reply (Form 2) by
  - (a) following the instructions on the form, and
  - (b) paying the required fee.

[en. B.C. Reg. 148/97, s. 3; am. B.C. Reg. 120/2017, Sch. 2, s. 6.]

### **When a counterclaim is served**

- (2) A counterclaim is served on a claimant when a copy of the reply containing the counterclaim is served under Rule 3 (5).

### **What are the claimant's options?**

- (3) A claimant who is served with a reply containing a counterclaim may do one or more of the following:
  - (a) pay the amount of the counterclaim directly to the defendant and ask the defendant to withdraw the counterclaim;
  - (b) admit all or part of the counterclaim;
  - (c) admit all or part of the counterclaim and propose a payment schedule (see Rule 11 (4));
  - (d) oppose all or part of the counterclaim by listing reasons why the counterclaim is opposed.

[en. B.C. Reg. 148/97, s. 4.]

### **How a claimant replies**

- (3.1) To do anything set out in subrule (3) (b) to (d), a claimant must
  - (a) complete a reply (Form 2) following the instructions on the form,
  - (b) within 14 days after being served with the counterclaim, file the reply in the registry where the notice of claim or notice of civil resolution tribunal claim was filed, and
  - (c) pay the required fee unless the claimant has agreed to pay all of the counterclaim.

[en. B.C. Reg. 148/97, s. 4; am. B.C. Reg. 120/2017, Sch. 2, s. 7.]

### **How an admission is accepted**

- (3.2) If a claimant admits in a reply all or part of a counterclaim, the defendant may accept the admission in full settlement of the counterclaim, interest and expenses by filing, before the settlement conference, mediation session or trial conference, a payment order in the same terms as the admission.

[en. B.C. Reg. 148/97, s. 4; am. B.C. Reg. 360/2007, s. 2.]

**If a counterclaim is for more than \$35 000**

- (4) A defendant who has a counterclaim amounting to more than \$35 000, not including interest and expenses, may
- (a) abandon part of the counterclaim so it may be heard in the court, or
  - (b) begin an action in the Supreme Court.
- [am. B.C. Regs. 179/2005, s. (b); 120/2017, Sch. 2, s. 8.]

**How to abandon part of a counterclaim**

- (5) To abandon part of a counterclaim, the defendant must say on the counterclaim part of the reply that the amount over \$35 000 is abandoned.
- [am. B.C. Regs. 179/2005, s. (b); 120/2017, Sch. 2, s. 8.]

**The effect of abandoning part of a counterclaim**

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

**If a defendant begins a Supreme Court action**

- (7) A defendant who begins an action in the Supreme Court against a claimant may apply to a Provincial Court judge for an order changing the date of the small claims trial (see Rule 16 (7)).

**If the small claims trial is held first**

- (8) If the small claims trial is held and a payment order or other order is made against the defendant, the judge may order the claimant not to take any action to enforce the order
- (a) until a date set by the judge, or
  - (b) until a decision is given by the Supreme Court on the defendant's action, whichever comes first.

**If a claimant has already abandoned part of a claim**

- (9) If a defendant begins an action in the Supreme Court against a claimant who has abandoned part of a claim under Rule 1 (5), the claimant may withdraw the claim from the Provincial Court and
- (a) begin an action in the Supreme Court and claim the higher amount, or
  - (b) participate in the action begun by the defendant in the Supreme Court and claim the higher amount.

**RULE 5 – THIRD PARTIES****If a defendant thinks someone else should pay the claim**

- (1) Subject to Rule 1.1 (35), if a defendant who has filed a reply thinks another person should pay all or part of the claim, the defendant may make a claim against the other person by

- (a) completing a third party notice (Form 3), following the instructions on the form if a settlement conference has not been held, or
- (b) applying to a judge for an order permitting a claim to be made against the other person if a settlement conference, mediation session or trial conference has been held (see Rule 16 (7)).

[am. B.C. Regs. 360/2007, s. 3 (a); 120/2017, Sch. 2, s. 9.]

**Filing a third party notice**

- (2) The defendant must file a third party notice at the registry where the notice of claim or the notice of civil resolution tribunal claim was filed and pay the required fee.

[am. B.C. Regs. 146/98, s. 1; 120/2017, Sch. 2, s. 10.]

**If the third party is a company**

- (2.1) If the third party is a company within the meaning of the *Business Corporations Act*, the defendant must file with the third party notice a printout of a search showing the mailing address that is shown for the company's registered office in the office of the Registrar of Companies.

[en. B.C. Reg. 428/2004, s. 3.]

**If the third party is a society**

- (2.2) If the third party is a society within the meaning of the *Societies Act*, the defendant must file with the third party notice a printout of a search showing the delivery address and mailing address of the society's registered office on file with the Registrar of Companies.

[en. B.C. Reg. 212/2015, Sch. 3, s. 3.]

**What documents must be served on the third party?**

- (3) The defendant must serve the person named as the third party with the following:
  - (a) a copy of the third party notice;
  - (b) a blank reply form;
  - (c) a copy of the notice of claim or the notice of civil resolution tribunal claim;
  - (d) a copy of the reply to the notice of claim or the notice of civil resolution tribunal claim;
  - (e) a copy of the notice of settlement conference, mediation session, trial conference or trial, if one has been issued;
  - (f) a copy of the documents referred to in Rule 1.1 (8) (a) and (b), if a copy of the notice of civil resolution tribunal claim must be served on the person named as the third party;
  - (g) a blank address for service form (Form 38);
  - (h) a copy of each party's address for service.

[am. B.C. Regs. 148/97, s. 5; 360/2007, s. 3 (b); 120/2017, Sch. 2, s. 11; 191/2021, s. 16.]

**Rule 6 – If a Defendant Does Not Reply to a Claim**

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**How to serve the third party**

- (4) The defendant must serve the documents referred to in subrule (3) on the third party in the same way as required for service of a notice of claim (see Rule 2).

**Filing a certificate of service**

- (5) Within 30 days after filing a third party notice, the defendant must file a certificate of service (Form 4) at the registry to prove that the documents have been served as required, unless the third party has filed a reply.

[am. B.C. Reg. 148/97, s. 5.]

**If a certificate of service is not filed within 30 days**

- (5.1) If a certificate of service is not filed in accordance with subrule (5), the third party notice expires but the defendant may apply to have it renewed (see Rule 16 (3)).

[en. B.C. Reg. 148/97, s. 5.]

**Notifying the other parties**

- (6) The registrar must serve a copy of the third party notice on each of the other parties within 21 days after it is filed.

**How a third party replies**

- (7) To reply to a third party notice, the person named as a third party must follow the rules for replying to a claim (see Rule 3).

**What a judge may do**

- (8) If a third party has been named, a judge may make an order between any of the parties.

**Another settlement conference must be held**

- (9) If a third party files a reply after a settlement conference or trial conference another settlement conference or trial conference must be held, unless a judge orders otherwise.

[am. B.C. Reg. 360/2007, s. 3 (c).]

**RULE 6 – IF A DEFENDANT DOES NOT REPLY TO A CLAIM****A claimant may ask for a default order**

- (1) If a defendant does not file a reply within the time limit (see Rule 3 (4) or 1.1 (23)), the claimant may ask the registrar for a default order.

[am. B.C. Reg. 120/2017, Sch. 2, s. 12.]

**Judge's permission needed in certain cases**

- (2) No default order will be made on a counterclaim or third party notice, except under Rule 16 (6) (c).

**How to ask for a default order**

- (3) To ask for a default order under subrule (1), a claimant must complete Form 5, following the instructions on the form, file it at the registry where the notice of claim or the notice of civil resolution tribunal claim was filed, together with a copy of the certificate of service (Form 4) for the notice of claim or the notice of civil resolution tribunal claim, and pay the required fee.

[am. B.C. Regs. 148/97, s. 6; 146/98, s. 2; 120/2017, Sch. 2, s. 13.]

**If a claim is for a debt**

- (4) If a claim is for a debt and the claimant completes the steps in subrule (3), the registrar must make a default order requiring the defendant to pay immediately the amount claimed plus expenses under Rule 20 (2) and any interest the claimant is entitled to.

**If a claim is not for a debt**

- (5) If a claim is not for a debt and the claimant completes the steps in subrule (3), the registrar must set a date for a hearing before a judge.

**If there are other defendants**

- (6) If any other defendant has filed a reply and a date is set for a settlement conference, trial conference or trial of the claim, the hearing must be held at that time, unless a judge orders otherwise.

[am. B.C. Reg. 360/2007, s. 4.]

**No notice of hearing**

- (7) A defendant who has not filed a reply is not entitled to receive notice of a hearing under this rule.

**A defendant loses the right to reply**

- (8) After a date is set for a hearing under this rule, a defendant may not file a reply without the permission of a judge (see Rule 16 (7)).

**Purpose of hearing**

- (9) The purpose of a hearing under this rule is to allow a judge to determine
- (a) the amount the claimant is entitled to, if the claim is for money, and
  - (b) the terms of an appropriate order, in any other case.

**Result of hearing**

- (10) After hearing the claimant, the judge may,
- (a) if the claim is for money, make a default order that requires the defendant to pay immediately the amount determined by the judge plus expenses under Rule 20 (2) and any interest the claimant is entitled to, and
  - (b) in any other case, make the appropriate order.

**If a claimant does not attend**

- (11) If a claimant does not attend at the time set for a hearing under this rule, the judge may cancel the hearing, but the claimant may ask the registrar to reschedule it.

**How payment may be collected**

- (12) The creditor may collect payment under a default order by taking any of the steps listed in Rule 11 (11).

**RULE 7 – THE SETTLEMENT CONFERENCE****Settlement conference**

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

**Settlement conference not required**

- (2) Despite subrule (1), a settlement conference will not be held if
- (a) Rule 9.1 or 9.2 applies to the claim, unless an order is made under Rule 9.2 (13) (c) that the claim be set for a settlement conference under this rule,
  - (a.1) on or before April 30, 2016, Rule 7.5 applied to the claim,
  - (b) the claim relates to a motor vehicle accident and only liability for property damage is disputed, or
  - (c) all of the following apply in relation to the claim:
    - (i) the proceeding was started by a notice of civil resolution tribunal claim;
    - (ii) the civil resolution tribunal gave a final decision under section 46 (1) (a) of the *Civil Resolution Tribunal Act* in relation to the claim unless one of the parties did not make a response under section 7 of that Act;
    - (iii) a certificate referred to in Rule 1.1 (8) (b) (i) was filed with the notice of civil resolution tribunal claim.

[en. B.C. Reg. 360/2007, s. 5; am. B.C. Regs. 244/2015, Sch. 2, s. 1 and Sch. 3, s. 1; 120/2017, Sch. 2, s. 14.]

**Some motor vehicle accident cases proceed directly to trial**

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

[en. B.C. Reg. 360/2007, s. 5.]

**Some cases proceed directly to trial conference**

- (2.2) The registrar must set the claim for a trial conference if subrule (2) (c) applies to the claim.

[en. B.C. Reg. 120/2017, Sch. 2, s. 15.]

**Notice of settlement conference**

- (3) The registrar must serve a notice of settlement conference (Form 6) on the parties at least 14 days before the date set for the settlement conference.

**Who must attend**

- (4) All parties must attend the settlement conference and have authority to settle the claim, and may be accompanied by a lawyer or articulated 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 the parties must bring**

- (5) Each party to a claim must bring to the settlement conference all relevant documents and reports.

[en. B.C. Reg. 148/97, s. 7.]

**Expenses for attending settlement conference unprepared**

- (6) If a settlement conference cannot be conducted properly because a party is not prepared for it, a judge may order that party to pay the reasonable expenses of the other party or parties.

**How to change a settlement conference date**

- (7) A party may change a settlement conference date by
- (a) filing a consent to change the date under Rule 16 (1), or
  - (b) applying for an order changing the date of the settlement conference at least 7 days before the date set for the settlement conference, unless the registrar orders otherwise, and giving whatever notice to the other party that the registrar or judge requires.

**Notice of change of date**

- (8) If the date of the settlement conference is changed, the registrar must notify the parties of the place and time of the rescheduled conference.

**Certificate to be filed in personal injury cases**

- (9) If a claim is for damages for personal injuries and the proceeding was started by a notice of claim, the claimant must file at the registry, within 6 months after serving the notice of claim and before a settlement conference is held, a certificate of readiness (Form 7) that has attached copies of all
- (a) medical reports, and
  - (b) records of expenses or losses incurred or expected.

[am. B.C. Regs. 148/97, s. 7; 120/2017, Sch. 2, s. 16.]

**If the claimant is not ready to file certificate**

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

**Certificate must be served on other parties**

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

**Defendant may request a medical report**

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

**Report to be given to claimant and brought to settlement conference**

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

**What happens at a settlement conference**

- (14) At a settlement conference, a judge may do one or more of the following:
- (a) mediate any issues being disputed;
  - (b) decide on any issues that do not require evidence;
  - (c) make a payment order or other appropriate order in the terms agreed to by the parties;
  - (c.1) order that the claim be set for a trial conference under Rule 7.5;
  - (d) set a trial date, if a trial is necessary;
  - (e) discuss any evidence that will be required and the procedure that will be followed if a trial is necessary;
  - (f) order a party to produce any information at the settlement conference or anything as evidence at trial;
  - (g) order a party to
    - (i) give another party copies of documents and records by a set date, or
    - (ii) allow another party to inspect and copy documents and records by a set date;
  - (h) if damage to property is involved in the dispute, order a party to permit a person chosen by another party to examine the property damage;
  - (i) dismiss a claim, counterclaim, reply or third party notice if, after discussion with the parties and reviewing the filed documents, a judge determines that it

- (i) is without reasonable grounds,
- (ii) discloses no triable issue, or
- (iii) is frivolous or an abuse of the court's process;
- (j) before dismissing a claim, counterclaim, reply or third party notice, order a party to file an affidavit setting out further information;
- (k) Repealed. [B.C. Reg. 148/97, s. 7 (e).]
- (l) make any other order for the just, speedy and inexpensive resolution of the claim.

[am. B.C. Regs. 148/97, s. 7; 244/2015, Sch. 2, s. 2; 120/2017, Sch. 2, s. 17.]

**If a party does not comply with a disclosure order**

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

[en. B.C. Reg. 148/97, s. 7.]

**If a payment order is made**

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

**If a party does not attend**

- (17) A judge may dismiss the claim or make a payment order or other appropriate order against a party who does not attend a settlement conference.

**Notice of trial date**

- (18) If a trial date is set at a settlement conference and a party is absent, the registrar must serve a notice of the trial date on that party unless the judge orders otherwise.

**Place of the trial**

- (19) All further steps in the claim, including the trial, will take place where the settlement conference is held except
- (a) if a judge orders otherwise, or
  - (b) as provided in Rule 16 (11) and Rule 17 (8).

**If a party does not comply with a settlement agreement**

- (20) If a settlement is recorded on the court record as an agreement and not as a payment order and a party does not comply with the recorded terms of the agreement,
- (a) the agreement is cancelled, and
  - (b) after filing an affidavit of non-compliance, the claimant may file a payment order in the amount that a judge directed at the settlement conference or, if no direction was made, in the amount of the claim.
- [en. B.C. Reg. 148/97, s. 7.]

**RULE 7.1 – TRANSFERS AND MULTIPLE CLAIMS****Transfer of claim to Supreme Court**

- (1) If satisfied that the monetary outcome of a claim (not including interest and expenses) may exceed \$35 000, a judge must transfer the claim to the Supreme Court
- (a) on application at any time, or
  - (b) on the judge's own motion at the settlement conference or trial.
- [en. B.C. Reg. 148/97, s. 8; am. B.C. Regs. 179/2005, s. (b); 120/2017, Sch. 2, s. 18.]

**Exception**

- (2) Despite subrule (1), a claim must not be transferred to the Supreme Court if the claimant chooses to abandon the amount over \$35 000 so that the claim may be heard in the Provincial Court.
- [en. B.C. Reg. 148/97, s. 8; am. B.C. Regs. 179/2005, s. (b); 120/2017, Sch. 2, s. 18.]

**Personal injury claims**

- (3) Before transferring a claim for personal injury to the Supreme Court, a judge must consider any medical or other reports filed or brought to the settlement conference by the parties.
- [en. B.C. Reg. 148/97, s. 8.]

**Multiple claims**

- (4) If more than one claimant has filed a notice of claim or a notice of civil resolution tribunal claim against the same defendant or defendants with respect to the same event, or if one claimant has filed notices of claim or notices of civil resolution tribunal claim against more than one defendant with respect to the same event, the judge may
- (a) hear at one time evidence that relates to all the claims,
  - (b) apply that evidence to all the claims, and
  - (c) make a decision in each of the claims,
- even though the total monetary outcome of all the claims (not including interest and expenses) is likely to exceed \$35 000.
- [en. B.C. Reg. 148/97, s. 8; am. B.C. Regs. 179/2005, s. (b); 120/2017, Sch. 2, ss. 18 and 19.]

## RULE 7.2

- (1) to (4.2) Repealed. [B.C. Reg. 267/2018, s. 3.]
- (5) to (21) Repealed. [B.C. Reg. 135/2015, Sch. 2, s. 1.]
- (22) to (37) Repealed. [B.C. Reg. 267/2018, s. 3.]

## RULE 7.21 – TRANSITIONAL PROVISIONS FOR RULES 7.2 AND 7.4

### Transitional provision for Rule 7.2

- (1) Despite the repeal of Rule 7.2, Rules 7.2 (27) to (29), (31) to (33) and (35) to (37) and 16 (6) (f.2) and (j), as they read on December 31, 2018, continue to apply in relation to a mediation session to which Rule 7.2 applied.
- [en. B.C. Reg. 267/2018, s. 4.]

### Transitional provision for Rule 7.4

- (2) Despite the repeal of Rule 7.4, Rules 7.4 (36) to (39), (40) to (42) and (44) to (46) and 16 (6) (f.2) and (j), as they read on December 31, 2018, continue to apply in relation to a mediation session to which Rule 7.4 applied.
- [en. B.C. Reg. 267/2018, s. 4.]

## RULE 7.3 – MEDIATION FOR CLAIMS BETWEEN \$10 000 AND \$35 000

### Definitions

- (1) In this rule:
- “**insurer**” has the same meaning as in the *Insurance Act*, and includes the Insurance Corporation of British Columbia;
- “**mediation**” means a collaborative process in which 2 or more parties meet and attempt, with the assistance of a mediator, to resolve issues in dispute between them;
- “**mediation session**” means a meeting between 2 or more parties during which they are engaged in mediation for a period of
- (a) 2 hours,
  - (b) any shorter period that the mediator may direct, or
  - (c) any shorter or longer period on which the parties may agree;
- “**mediator**” means a neutral and impartial facilitator with no decision making power who assists parties in negotiating a mutually acceptable settlement of issues in dispute between them;
- “**motor vehicle action**” means a proceeding in which damages are claimed for injury or death, or loss of or damage to property, that arises out of the use or

operation of a motor vehicle or trailer as those terms are defined in the *Motor Vehicle Act*;

**“party”**, in relation to a proceeding, includes an insurer of a claimant, defendant or third party if that insurer has a duty to do one or both of the following in relation to the claimant, defendant or third party:

- (a) indemnify that party for liability arising out of a claim in the proceeding;
- (b) defend any claims made against that party in the proceeding;

**“roster organization”** means any body designated by the Attorney General to select mediators for the purposes of this rule;

**“third party”** means a person who is named as a third party under Rule 5, but does not include an insurer who has been made a third party under section 76 of the *Insurance (Vehicle) Act*;

**“third party insurer”** means, in relation to a designated action, an insurer that has been made a third party in an action under section 76 of the *Insurance (Vehicle) Act*.

[en. B.C. Reg. 251/2005, s. 3; am. B.C. Regs. 286/2005, s. 2 (a); 145/2007.]

## **General Information**

### **Proceedings to which this rule applies**

- (2) Subject to subrule (3), a party to a proceeding may initiate mediation in that proceeding under subrule (5) if
  - (a) the notice of claim that started the proceeding was filed after August 31, 2005, and
  - (b) a claim in the proceeding amounts to more than \$10 000 and not more than \$35 000, without taking into account interest or claim-related expenses.

[en. B.C. Reg. 251/2005, s. 3; am. B.C. Reg. 120/2017, Sch. 2, s. 21.]

### **Claims to which this rule does not apply**

- (3) A party to a proceeding may not initiate mediation in that proceeding under subrule (5) if
  - (a) the proceeding involves a party who has obtained one of the following against another party:
    - (i) a protection order under section 183 of the *Family Law Act*;
    - (ii) a peace bond under section 810 of the *Criminal Code*,
  - (a.1) Rule 9.2 applies to a claim in the proceeding, or
  - (b) the claimant, defendant and cause of action in the proceeding are the same as the plaintiff, defendant and cause of action in an action brought in the Supreme Court.

[en. B.C. Reg. 251/2005, s. 3; am. B.C. Regs. 360/2007, s. 6 (a); 358/2012, s. 1; 267/2018, s. 5.]

**When this rule ceases to apply**

- (4) This rule ceases to apply to a proceeding if the proceeding is transferred to the Supreme Court under Rule 7.1.

[en. B.C. Reg. 251/2005, s. 3.]

**How Mediation is Begun**

**Initiating mediation**

- (5) Subject to subrule (7), any party to a proceeding may initiate mediation by
- (a) filing a Notice to Mediate for Claims Between \$10 000 and \$35 000 (Form 29), and
  - (b) delivering a copy of that filed notice to every other party named on a notice of claim, reply or third party notice that has been filed in the proceeding.

[en. B.C. Reg. 251/2005, s. 3; am. B.C. Reg. 120/2017, Sch. 2, s. 21.]

**When Notice to Mediate for Claims Between \$10 000 and \$35 000 must be delivered**

- (6) Unless the court orders otherwise, a Notice to Mediate for Claims Between \$10 000 and \$35 000 must not be filed and delivered under subrule (5) until a reply has been filed in the proceeding.

[en. B.C. Reg. 251/2005, s. 3; am. B.C. Reg. 120/2017, Sch. 2, s. 21.]

**Not more than one mediation under this rule in any proceeding**

- (7) Unless the court otherwise orders, not more than one mediation may be initiated under this rule in relation to any proceeding.

[en. B.C. Reg. 251/2005, s. 3.]

**Rule does not apply unless mediation is initiated under subrules (5) and (6)**

- (8) Subrules (9) to (53) do not apply to a proceeding unless mediation is initiated in that proceeding under subrule (5).

[en. B.C. Reg. 251/2005, s. 3.]

**Appointing the Mediator**

**Appointment of mediator**

- (9) The parties must jointly appoint a mutually acceptable mediator within 14 days after the Notice to Mediate for Claims Between \$10 000 and \$35 000 has been delivered to all parties.

[en. B.C. Reg. 251/2005, s. 3; am. B.C. Reg. 120/2017, Sch. 2, s. 21.]

**Application to roster organization**

- (10) If the parties do not jointly appoint a mutually acceptable mediator within the time required by subrule (9), any party may apply to a roster organization for an appointment of a mediator.

[en. B.C. Reg. 251/2005, s. 3; am. B.C. Reg. 271/2010, s. 2 (a).]

**Roster organization's appointment procedure**

- (11) If an application to a roster organization is made under subrule (10), the roster organization must select a mediator after taking into account
- (a) the need for the mediator to be neutral and independent,
  - (b) the qualifications of the mediator,
  - (c) the mediator's fees,
  - (d) the mediator's availability,
  - (e) the nature of the dispute, and
  - (f) any other consideration likely to result in the selection of an impartial, competent and effective mediator.
- [en. B.C. Reg. 251/2005, s. 3; am. B.C. Reg. 271/2010, s. 2 (b).]

**Notification of selection of mediator**

- (12) Promptly after selecting a mediator under subrule (11), the roster organization must notify the parties in writing of that selection.
- [en. B.C. Reg. 251/2005, s. 3; am. B.C. Reg. 271/2010, s. 2 (a).]

**Deemed date of appointment of mediator**

- (13) The mediator selected under subrule (11) is deemed to be appointed by the parties on the date that notice of that selection is sent under subrule (12).
- [en. B.C. Reg. 251/2005, s. 3.]

**Replacement of appointed mediator**

- (14) If the mediator selected by the roster organization under subrule (11) is unable or unwilling to act as mediator,
- (a) the selected mediator or any party may notify the roster organization of that inability or unwillingness, and
  - (b) the roster organization must, within 7 days after receiving that notice, select a new mediator in accordance with subrule (11).
- [en. B.C. Reg. 251/2005, s. 3; am. B.C. Reg. 271/2010, s. 2 (a).]

**Mediator's role**

- (15) The mediator may conduct the mediation session at the location and in any manner the mediator considers appropriate to assist the parties to reach a resolution that is fair, timely and cost-effective.
- [en. B.C. Reg. 251/2005, s. 3; am. B.C. Reg. 191/2021, s. 17.]

**Mediation Sessions****Scheduling of mediation session**

- (16) A mediation session must occur within 60 days after the appointment of the mediator, and at least 7 days before the date set under Rule 7 for the settlement conference unless a later specified date

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- (a) is agreed on by all parties and that agreement is confirmed by the mediator in writing, or
- (b) is ordered by the court.

[en. B.C. Reg. 251/2005, s. 3.]

**Attending the mediation session**

- (17) In the case of a claim that is not a motor vehicle action,
  - (a) the party who delivers a Notice to Mediate for Claims Between \$10 000 and \$35 000 under subrule (5) and each of the following parties must attend the mediation session unless exempted from attending under subrule (29):
    - (i) the claimant;
    - (ii) the defendant;
    - (iii) the third party, and
  - (b) each insurer of a claimant, defendant or third party may attend the mediation session.

[en. B.C. Reg. 286/2005, s. 2 (b); am. B.C. Reg. 120/2017, Sch. 2, s. 21.]

**Attending the mediation session in a motor vehicle action**

- (18) In the case of a motor vehicle action, the party who delivers a Notice to Mediate for Claims Between \$10 000 and \$35 000 under subrule (5) and each of the following parties must attend the mediation session unless exempted from attending under subrule (29):
  - (a) the claimant;
  - (b) the insurer of the defendant or, if the defendant is not insured, the defendant;
  - (c) the insurer of the third party or, if the third party is not insured, the third party;
  - (d) each third party insurer to the action.

[en. B.C. Reg. 251/2005, s. 3; am. B.C. Regs. 286/2005, s. 2 (c); 120/2017, Sch. 2, s. 21.]

**Requirements on parties who attend mediation**

- (19) Each person who attends a mediation session must
  - (a) have authority to settle, and
  - (b) bring to the mediation session all documents and reports that are relevant to the dispute.

[en. B.C. Reg. 251/2005, s. 3.]

**Representative may attend for any party who is not an individual**

- (20) A party may attend a mediation session by representative if the party is not an individual.

[en. B.C. Reg. 251/2005, s. 3.]

**Authority of representative**

- (21) A representative who attends a mediation session under subrule (20) in the place of a party must
- (a) be familiar with all facts relevant to the dispute, and
  - (b) have full authority to settle, or have access at the earliest practicable opportunity to a person who has, or to a group of persons who collectively have, full authority to settle, on behalf of the party.
- [en. B.C. Reg. 251/2005, s. 3.]

**Party or representative may be accompanied by a lawyer**

- (22) A person or representative who attends a mediation session may be accompanied by a lawyer or articulated student.
- [en. B.C. Reg. 251/2005, s. 3.]

**Other persons may attend with consent**

- (23) Any other person may attend a mediation session if that attendance is permitted by the mediator and consented to by the parties.
- [en. B.C. Reg. 251/2005, s. 3.]

**Attending a mediation session remotely**

- (24) One or more of the persons who are required or permitted to attend a mediation session under subrule (17), (18) or (23) may attend the mediation session remotely if
- (a) all of the other persons attending the mediation session consent, or
  - (b) subject to subrule (26), the registrar authorizes that attendance under subrule (25).
- [en. B.C. Reg. 251/2005, s. 3; am. B.C. Reg. 191/2021, s. 18.]

**Application to attend mediation remotely**

- (25) The registrar may authorize one or more persons who are required or permitted to attend a mediation session under subrule (17), (18) or (23) to attend the mediation session remotely if an application for that authorization is made to the registrar under Rule 16 (3) at least 7 days before the date set for the mediation session.
- [en. B.C. Reg. 191/2021, s. 19.]

**Late application to attend mediation remotely**

- (26) If an application for an authorization under subrule (25) is made to the registrar under Rule 16 (3) within 7 days before the date set for the mediation session, the registrar may make that authorization if
- (a) it was not reasonably practicable for that person to bring an application under subrule (25) at least 7 days before the date set for the mediation session, or
  - (b) exceptional circumstances exist.
- [en. B.C. Reg. 251/2005, s. 3; am. B.C. Reg. 191/2021, s. 20.]

**If application is granted**

- (27) If an application under subrule (25) or (26) is granted, the registrar
- (a) may order that the persons who are required or permitted to attend the mediation session under subrule (17), (18) or (23) send to the mediator, before the mediation session, all documents and reports that are relevant to the dispute, and
  - (b) may order the person requesting to attend the mediation remotely to pay for the telephone call, video conference or other cost of that person's remote attendance.
- [en. B.C. Reg. 251/2005, s. 3; am. B.C. Reg. 191/2021, s. 21.]

**How to apply for exemption**

- (28) At least 14 days before the date set for the mediation session, a party may apply to a judge under Rule 16 (7) to exempt a claim from the application of this rule.
- [en. B.C. Reg. 251/2005, s. 3.]

**When a judge may grant an exemption**

- (29) On an application under subrule (28), a judge may
- (a) exempt a claim from the application of this rule if
    - (i) all of the parties have previously engaged in a mediation of the matters in issue, or
    - (ii) it is unfair or impractical to require mediation, or
  - (b) exempt one or more of the parties from attending the mediation session if, in the judge's opinion, it is unfair or impractical to require the party to attend.
- [en. B.C. Reg. 251/2005, s. 3.]

**Adjourning a mediation session**

- (30) At least 7 days before the date set for the mediation session, a party may apply to the registrar to adjourn the mediation session and that party must give to the other parties whatever notice of the application the registrar may order.
- [en. B.C. Reg. 251/2005, s. 3.]

**Date may be changed to avoid hardship**

- (31) The registrar may adjourn a mediation session under subrule (30) if the party applying for that adjournment satisfies the registrar that the original date is unreasonably inconvenient to the party, and, without limiting this, the registrar may determine that a date is unreasonably inconvenient to a party if
- (a) a family emergency renders the party unable to attend on the day set for the mediation session, or
  - (b) the party is required to attend court on the day set for the mediation session.
- [en. B.C. Reg. 251/2005, s. 3.]

**Notice of change of date**

- (32) If the registrar adjourns a mediation session under subrule (31),
- (a) the party who applied for the adjournment must give to the other parties whatever notice of the adjournment the registrar may order, and
  - (b) the parties must jointly set a new date, satisfactory to the mediator, for the mediation session.
- [en. B.C. Reg. 251/2005, s. 3.]

**Costs of Mediation**

**Fee declaration**

- (33) The parties who attend the mediation session must complete and sign a fee declaration (Form 30) before, or at the beginning of, the mediation session.
- [en. B.C. Reg. 251/2005, s. 3.]

**Corporation may sign by representative**

- (34) For the purposes of subrule (33), a party that is a corporation may sign the fee declaration by its representative.
- [en. B.C. Reg. 251/2005, s. 3.]

**Form of fee declaration**

- (35) A fee declaration under subrule (33) must
- (a) disclose the cost of the mediation services, and
  - (b) contain a declaration by the parties signing the fee declaration that the costs of the mediation will be paid
    - (i) equally by all of the following who attend the mediation session or their insurers:
      - (A) each claimant;
      - (B) each defendant;
      - (C) each third party, or
    - (ii) on any other basis that has been agreed to by those parties and is specified in the fee declaration.
- [en. B.C. Reg. 251/2005, s. 3.]

**Costs may be paid on a different basis**

- (36) The cost of the mediation must be paid on the basis set out
- (a) in the fee declaration, or
  - (b) if the parties who signed the fee declaration agree to a different basis for sharing that cost and that basis is included in the mediation agreement referred to in subrule (48) (b), on the basis included in the mediation agreement.
- [en. B.C. Reg. 251/2005, s. 3.]

### **Default**

#### **If a party does not attend**

- (37) If a party who is required to attend a mediation session does not attend the mediation session or does not sign a fee declaration before, or at the beginning of, the mediation session,
- (a) the mediator must
    - (i) complete a verification of default (Form 31) in accordance with the instructions on the form, and
    - (ii) give the completed form to the parties attending, and
  - (b) any one of the parties attending the mediation session may file the completed verification of default at the registry.
- [en. B.C. Reg. 251/2005, s. 3; am. B.C. Reg. 286/2005, s. 2 (d).]

#### **What the registrar will do if a claimant does not attend**

- (38) If a verification of default is filed in relation to a claimant in a proceeding,
- (a) the defendant in the proceeding may, by filing a request for judgment or for dismissal (Form 23) and paying the required fee, ask the registrar to make an order dismissing the claimant's claim, and
  - (b) the registrar may make an order dismissing the claimant's claim.
- [en. B.C. Reg. 251/2005, s. 3.]

#### **If a defendant or insurer does not attend**

- (39) A verification of default may be filed in relation to a defendant, including, without limitation, a defendant to a counterclaim and a defendant to a third party notice, in the following circumstances:
- (a) in the case of a motor vehicle action in relation to which the defendant is insured, a verification of default may be filed in relation to the defendant if the insurer of the defendant did not
    - (i) attend the mediation session, or
    - (ii) sign the fee declaration before, or at the beginning of, the mediation session;
  - (b) in the case of a motor vehicle action in relation to which the defendant is not insured, a verification of default may be filed in relation to the defendant if the defendant did not
    - (i) attend the mediation session, or
    - (ii) sign the fee declaration before, or at the beginning of, the mediation session;
  - (c) in the case of a motor vehicle action in relation to which there is a third party insurer, a verification of default may be filed in relation to the defendant if the third party insurer did not

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- (i) attend the mediation session, or
  - (ii) sign the fee declaration before, or at the beginning of, the mediation session;
- (d) in any other case, a verification of default may be filed in relation to the defendant if the defendant did not
  - (i) attend the mediation session, or
  - (ii) sign the fee declaration before, or at the beginning of, the mediation session.

[en. B.C. Reg. 286/2005, s. 2 (e).]

**Application for default order**

- (40) The following apply if a verification of default is filed under subrule (39):
- (a) if the verification of default is filed in relation to a defendant who is named as a defendant on the notice of claim,
    - (i) the claimant may, by filing a request for judgment or for dismissal and paying the required fee, ask the registrar to proceed under these rules as if the defendant had not filed a reply and the claimant had completed the steps in Rule 6 (3), and
    - (ii) the registrar must either make a default order under Rule 6 (4) or set a date under Rule 6 (5) for a hearing before a judge;
  - (b) if the verification of default is filed in relation to a defendant to a counter-claim or a defendant to a third party notice, the party bringing the counter-claim or third party notice may apply under Rule 16 (7) for a default order under Rule 16 (6) (c).

[en. B.C. Reg. 286/2005, s. 2 (e).]

**If no party attends**

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

[en. B.C. Reg. 251/2005, s. 3; am. B.C. Reg. 286/2005, s. 2 (f).]

**Cancellation of a dismissal or default order**

- (42) A party against whom an order is made under subrule (38) (b), (39) (b) or (41) (b) for not attending a mediation session or for not signing a fee declaration before, or at the beginning of, the mediation session may apply under Rule 16 (7) to a judge to cancel the order, and the judge may cancel the order under Rule 16 (6) (j).

[en. B.C. Reg. 251/2005, s. 3.]

**What application must contain**

- (43) A party seeking an order under subrule (42) must attach to the application an affidavit containing the following:

- (a) the reason for not attending the mediation session or for failing to sign the fee declaration;
- (b) the reason for any delay, if there has been delay in filing the application;
- (c) the facts that support the claim or defence.

[en. B.C. Reg. 251/2005, s. 3.]

**If a judge cancels a dismissal or default order**

- (44) A judge who cancels a dismissal order or default order made under this rule may also do one or more of the following:

- (a) order that the disputed claims proceed to mediation on any terms the judge considers appropriate;
- (b) order the payment of any expenses incurred by the party or parties who did attend;
- (c) order that a settlement conference or trial be held;
- (d) make any other order that the judge considers appropriate in the circumstances.

[en. B.C. Reg. 251/2005, s. 3.]

**Confidentiality of Mediation Information**

**Disclosure and compellability**

- (45) Subject to subrules (46) and (47), a person must not disclose, or be compelled to disclose, in any proceeding oral or written information acquired in or in connection with a mediation session.

[en. B.C. Reg. 251/2005, s. 3.]

**Exceptions**

- (46) Subrule (45) does not apply
- (a) in respect of any information, opinion, document, offer or admission that all of the parties agree in writing may be disclosed,
  - (b) to any mediation agreement or fee declaration made during or in connection with a mediation session,
  - (c) to any threats of bodily harm made during or in connection with a mediation session, or
  - (d) to any information that does not identify the parties and that is disclosed for research or statistical purposes only.

[en. B.C. Reg. 251/2005, s. 3.]

**No restriction on otherwise producible information**

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

[en. B.C. Reg. 251/2005, s. 3.]

**Concluding Mediation****If the parties reach agreement on all or some issues**

- (48) If the parties reach an agreement at mediation on all or some issues,
- (a) the mediator must complete a result of mediation form (Form 24) and file the completed form at the registry, and
  - (b) the parties must complete and sign a mediation agreement (Form 25) and any one of those parties may file the agreement at the registry.
- [en. B.C. Reg. 251/2005, s. 3.]

**If payment terms are not complied with**

- (49) If a party fails to comply with a provision of a filed mediation agreement, the party not in default may, if that provision required a payment of money,
- (a) file an affidavit of non-compliance at the registry, and
  - (b) after that, file a payment order at the registry for
    - (i) the amount specified in the mediation agreement less any amount already paid in compliance with the mediation agreement, or
    - (ii) if no amount was specified in the mediation agreement, for the amount of the claim less any amount already paid in compliance with the mediation agreement.
- [en. B.C. Reg. 251/2005, s. 3.]

**If other terms are not complied with**

- (50) If a party fails to comply with a provision of a filed mediation agreement and that provision was not one requiring a payment of money, the party not in default may
- (a) if the mediation agreement establishes an amount of liquidated damages that is to be payable in the event of such a default, file at the registry an affidavit of non-compliance and a payment order for that amount, or
  - (b) if the mediation agreement does not establish a liquidated damages amount in relation to the breached provision, seek a mediation compensation order (Form 26) under Rule 16 (6) (f.2).
- [en. B.C. Reg. 251/2005, s. 3.]

**Mediation compensation order**

- (51) A judge may make a mediation compensation order under subrule (50) (b) if a party applies for that order (see Rule 16 (7)) and attaches to the application an affidavit of non-compliance.
- [en. B.C. Reg. 251/2005, s. 3.]

**If a dispute is not resolved**

- (52) If the parties do not reach agreement at mediation on all the issues,
- (a) the mediator must complete a result of mediation form and file the completed form at the registry, and

Rule 7.5 – Trial Conferences

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

[en. B.C. Reg. 251/2005, s. 3; am. B.C. Reg. 360/2007, s. 6 (b).]

**Concluding a mediation**

- (53) A mediation is concluded when
  - (a) all issues are resolved, or
  - (b) the mediator terminates the mediation.

[en. B.C. Reg. 251/2005, s. 3.]

**RULE 7.4**

- (1) to (4) Repealed. [B.C. Reg. 267/2018, s. 6.]
- (5) to (7) Repealed. [B.C. Reg. 244/2015, Sch. 3, s. 3.]
- (8) Repealed. [B.C. Reg. 267/2018, s. 6.]
- (9) to (30) Repealed. [B.C. Reg. 244/2015, Sch. 3, s. 6.]
- (31) to (46) Repealed. [B.C. Reg. 267/2018, s. 6.]

**RULE 7.5 – TRIAL CONFERENCES**

**Claims to which this rule applies**

- (1) This rule applies to a claim that must be set for a trial conference if
  - (a) the parties do not reach agreement at mediation on all the issues (see Rule 7.3 (52)),
  - (b) Repealed. [B.C. Reg. 267/2018, s. 7 (b).]
  - (c) an order is made under Rule 7 (14) (c.1) or 9.2 (13) (c), or
  - (d) a settlement conference will not be held for a proceeding that was started by a notice of civil resolution tribunal claim (see Rule 7 (2.2)).

[en. B.C. Reg. 360/2007, s. 7; am. B.C. Regs. 244/2015, Sch. 2, s. 3; 120/2017, Sch. 2, s. 23; 267/2018, s. 7.]

**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.

[en. B.C. Reg. 360/2007, s. 7; am. B.C. Reg. 267/2018, s. 8.]

**Notice of trial conference**

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

[en. B.C. Reg. 360/2007, s. 7.]

**Changing a trial conference date**

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

[en. B.C. Reg. 360/2007, s. 7.]

**Application to change date at least 7 days before trial conference**

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

[en. B.C. Reg. 360/2007, s. 7.]

**Application to change date within 7 days before trial conference**

- (6) On an application made within 7 days before the date set for the trial conference, the registrar may change the date of the trial conference if
- (a) the registrar is satisfied that the original date is unreasonably inconvenient to the party, and
  - (b) the application contains an explanation, satisfactory to the registrar, as to why it was not reasonably practicable for the party to bring an application at least 7 days before the date sent for the trial conference.

[en. B.C. Reg. 360/2007, s. 7.]

**Unreasonably inconvenient**

- (7) For the purposes of subrules (5) and (6), the registrar may determine that a date is unreasonably inconvenient to a party if
- (a) a family emergency renders the party unable to attend on the day set for the trial conference,
  - (b) the party has a pre-arranged out-of-town commitment on the day set for the trial conference and that commitment cannot be changed due to travel requirements,

- (c) the party is required to attend court on the day set for the trial conference, or
- (d) the registrar otherwise determines that the date is unreasonably inconvenient to the party.

[en. B.C. Reg. 360/2007, s. 7.]

**Notice of change of date**

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

[en. B.C. Reg. 360/2007, s. 7.]

**What the parties must file before the trial conference**

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

[en. B.C. Reg. 360/2007, s. 7.]

**Serving the trial statement on other parties**

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

[en. B.C. Reg. 360/2007, s. 7.]

**Who must attend the trial conference**

- (11) All parties must have the individual who will be responsible for presenting their case at the trial attend the trial conference, which may be
  - (a) the party,
  - (b) a representative of the party if the party is not an individual,
  - (c) a representative of an insurer if
    - (i) the party has assigned all of the party's rights relevant to the claim to the insurer, or
    - (ii) the insurer has a duty to do one or both of the following in relation to the party:
      - (A) indemnify that party for liability arising out of a claim in the proceeding;
      - (B) defend any claims made against that party in the proceeding, or
  - (d) a lawyer or articling student.

[en. B.C. Reg. 360/2007, s. 7; am. B.C. Reg. 191/2021, s. 22.]

**When a party is not required to attend**

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

[en. B.C. Reg. 360/2007, s. 7; am. B.C. Reg. 191/2021, s. 23.]

**Representative attending must have authority to settle**

- (12.1) If a person attends a trial conference on behalf of a party in accordance with subrule (11) (b), (c) or (d), a representative of the party attending the trial conference must have the authority to settle the claim.

[en. B.C. Reg. 120/2017, Sch. 2, s. 24.]

**Lawyer or articling student may accompany attendee**

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

[en. B.C. Reg. 360/2007, s. 7.]

**Defendant may request a medical report**

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

[en. B.C. Reg. 120/2017, Sch. 2, s. 24.]

**Medical report to be given to claimant and brought to trial conference**

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

[en. B.C. Reg. 120/2017, Sch. 2, s. 24.]

**What happens at a trial conference**

- (14) At a trial conference, a judge may do one or more of the following:
- (a) decide on any issues that do not require evidence;
  - (a.1) mediate any issues being disputed;
  - (b) make a payment order or other appropriate order in the terms agreed to by the parties;
  - (c) discuss any evidence that will be required and the procedure that will be followed if a trial is necessary;
  - (d) order a party to produce any information in the manner the judge considers appropriate;
  - (e) make an order respecting the evidence of experts, including
    - (i) requiring that a party file and serve on the other parties an expert's report, with or without the necessity of the expert attending to be questioned, on such terms as the judge may direct,

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- (ii) requiring the parties to secure an opinion from a jointly-retained independent expert, on such terms as the judge may direct, or
  - (iii) requiring the parties' experts to attend court at the same time to respond to each other;
- (f) if damage to property is involved in the dispute, order a party to permit a person chosen by another party to examine the property damage;
- (g) order
  - (i) the claimant to attend a medical doctor for an examination, to be paid for by the defendant, and
  - (ii) the defendant to serve on the claimant a copy of the medical report from the doctor at least 7 days before the trial date and to bring a copy of the medical report to the trial;
- (h) make an order respecting time limits for the conduct of all or part of a trial;
- (i) dismiss a claim, counterclaim, reply or third party notice if, after discussion with the parties and reviewing the filed documents, a judge determines that it
  - (i) is without reasonable grounds,
  - (ii) discloses no triable issue, or
  - (iii) is frivolous or an abuse of the court's process;
- (j) give a non-binding opinion on the probable outcome of the trial based on the materials before the judge at the trial conference;
- (k) Repealed. [B.C. Reg. 244/2015, Sch. 2, s. 4.]
- (l) make any other order for the just, speedy and inexpensive resolution of the claim.

[en. B.C. Reg. 360/2007, s. 7; am. B.C. Regs. 244/2015, Sch. 2, s. 4; 120/2017, Sch. 2, s. 25.]

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

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

[en. B.C. Reg. 360/2007, s. 7.]

**If a payment order is made**

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

[en. B.C. Reg. 360/2007, s. 7.]

**If a defendant or third party does not attend**

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

[en. B.C. Reg. 360/2007, s. 7; am. B.C. Reg. 191/2021, s. 24.]

**If a claimant does not attend**

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

[en. B.C. Reg. 360/2007, s. 7; am. B.C. Reg. 191/2021, s. 24.]

**RULE 8 – CHANGING OR WITHDRAWING A CLAIM OR REPLY, ETC.****Any filed document may be changed**

- (1) Subject to subrule (1.1), anything in a notice of claim, reply or other document that has been filed by a party may be changed by that party
- (a) without any permission,
    - (i) at any time before the settlement conference begins, or
    - (ii) if a settlement conference will not be held, at any time before the earliest of the following:
      - (A) Repealed. [B.C. Reg. 267/2018, s. 9.]
      - (B) a trial conference under Rule 7.5;
      - (C) a trial under Rule 9.1 or 9.2, and
  - (b) with the permission of a judge (see Rule 16 (7)), at any time after that.

[am. B.C. Regs. 360/2007, s. 8; 120/2017, Sch. 2, s. 26; 267/2018, s. 9.]

**Proceeding started by notice of civil resolution tribunal claim –  
any filed document may be changed with permission of judge**

- (1.1) If a proceeding was started by a notice of civil resolution tribunal claim, anything in the notice of civil resolution tribunal claim, reply or other document that has been filed by a party may be changed by the party that originally completed the document with the permission of a judge (see Rule 16 (7)).

[en. B.C. Reg. 120/2017, Sch. 2, s. 27.]

**How to change a document**

- (2) All changes must be underlined, initialled and dated on the revised document and, if there is an order authorizing the change, the document must contain a reference to it.

**Filing and serving a revised document**

- (3) A party who changes a filed document must

- (a) file a copy of the revised document at the registry, and
- (b) before taking any other step in the claim, serve a copy of the revised document on each party to the claim.

**If a revised document is served**

- (3.1) A party who is served with a revised notice of claim, notice of civil resolution tribunal claim, counterclaim or third party notice
  - (a) may, by following subrule (3), change a reply already filed by that party, or
  - (b) may rely on a reply already filed by that party.

[en. B.C. Reg. 148/97, s. 9; am. B.C. Reg. 120/2017, Sch. 2, s. 28.]

**No default order for failure to change reply**

- (3.2) No default order will be made solely because a party relies on a filed reply instead of changing that reply.

[en. B.C. Reg. 148/97, s. 9.]

**Withdrawal of claim or other filed document**

- (4) A party may withdraw a claim, counterclaim, reply or third party notice at any time by
  - (a) filing a copy of the notice of withdrawal at the registry, and
  - (b) promptly serving the notice on all the parties who were served with the claim, counterclaim, reply or third party notice.

[en. B.C. Reg. 148/97, s. 9.]
- (5) Repealed. [B.C. Reg. 148/97, s. 9 (b).]

**The effect of withdrawing**

- (6) A party who withdraws a claim, counterclaim, reply or third party notice may not at any time proceed with it or file another notice with respect to the claim or counterclaim without the permission of a judge (see Rule 16 (7)).

[am. B.C. Reg. 148/97, s. 9.]

**Claimant can change amount of claim up to \$35 000**

- (7) A claimant who filed a notice of claim before June 1, 2017 may change that notice of claim to increase the amount of the claim to an amount that is more than \$25 000 and not more than \$35 000, not including interest and expenses, whether or not the claimant had, in that notice of claim, abandoned part of the claim in accordance with Rule 1 (5).

[en. B.C. Reg. 120/2017, Sch. 2, s. 29.]

**Defendant can change amount of counterclaim up to \$35 000**

- (8) A defendant who filed a reply that contained a counterclaim before June 1, 2017 may change that reply to increase the amount of the counterclaim to an amount that is more than \$25 000 and not more than \$35 000, not including interest and expenses, whether

or not the defendant had, in that reply, abandoned part of the counterclaim in accordance with Rule 4 (5).

[en. B.C. Reg. 120/2017, Sch. 2, s. 29.]

**How to change amount of claim or counterclaim**

- (9) In order to increase the amount of a claim under subrule (7) of this rule or the amount of a counterclaim under subrule (8), the party making that claim or counterclaim must change the notice of claim or reply in which the claim or counterclaim was made
- (a) by complying with subrule (2), and
  - (b) by attaching to the changed notice of claim or reply a separate page giving detailed reasons for the change.

[en. B.C. Reg. 251/2005, s. 4.]

**When notice of claim or reply may be changed**

- (10) A notice of claim or reply may be changed under subrule (9) before or after a settlement conference without the permission of a judge, but must not be changed after
- (a) judgment has been granted,
  - (b) the claim or counterclaim has been dismissed by a judge,
  - (c) a default order has been issued by a judge or a registrar, or
  - (d) the claim or counterclaim has been settled.

[en. B.C. Reg. 251/2005, s. 4; am. B.C. Reg. 286/2005, s. 3.]

**Changed notice of claim or reply must be filed and served**

- (11) After a notice of claim or reply is changed under subrule (9), it must be filed and served in accordance with subrule (3).

[en. B.C. Reg. 251/2005, s. 4.]

**Reply may but need not be filed**

- (12) Subrules (3.1) and (3.2) apply to a party who is served with a changed notice of claim or reply under subrule (11).

[en. B.C. Reg. 251/2005, s. 4.]

- (13) Repealed. [B.C. Reg. 135/2015, Sch. 2, s. 2.]

## **RULE 9 – WITNESSES**

**How a witness is told to attend court**

- (1) To summon a witness to court, a party must
- (a) complete a summons to witness (Form 8), following the instructions on the form, and
  - (b) serve a copy of the summons on the witness at least 7 days before the date the witness is required to attend.

**Travelling expenses**

- (2) At the time the summons is served, the party summoning the witness must offer the witness reasonable estimated travelling expenses.

**Summons not always necessary**

- (3) If a witness will attend court voluntarily, a summons is not necessary.

**Witness may be ordered to attend remotely**

- (3.1) A party or a witness may apply to a judge, including a judge other than the trial judge, who may order a witness to attend court remotely.

[en. B.C. Reg. 191/2021, s. 25.]

**Trial judge may vary order to attend remotely**

- (3.2) Even though a judge has ordered a witness to attend court remotely under subrule (3.1), the trial judge may order a witness to attend in person or in another manner that the trial judge considers appropriate in the circumstances.

[en. B.C. Reg. 191/2021, s. 25.]

**What a witness served with a summons must do**

- (4) A person who is served with a summons to witness must
- (a) attend court at the time and place stated on the summons, and
  - (b) bring to court any records and other things required by the summons.

**Summons may be cancelled**

- (5) A person who is served with a summons to witness may apply to a judge (see Rule 16 (7)) who may cancel the summons if
- (a) the person is not needed as a witness, or
  - (b) it would be a hardship for the person to attend court as required by the summons.

**If a summons is cancelled**

- (6) A judge who cancels a summons to witness may make any other order that the judge thinks is fair, including an order changing the date of a trial or other hearing.

**If a witness does not obey a summons**

- (7) A judge may issue a warrant (Form 9) for the arrest of a witness who does not attend court as required by a summons to witness if the judge is satisfied that
- (a) the summons was served on the witness,
  - (b) reasonable travelling expenses were offered to the witness, and
  - (c) justice requires the presence of the witness.

**Cancellation of warrant**

- (8) If a witness named in a warrant attends court voluntarily, the warrant is cancelled.

**What the judge or justice may do when witness appears**

- (9) If the witness's evidence is still required,
- (a) a judge or justice may release the witness on conditions set by the judge or justice, or
  - (b) a judge may order the witness to be detained until the witness's presence is no longer required.
- [am. B.C. Reg. 191/2021, ss. 1 and 26.]

**RULE 9.1 – SIMPLIFIED TRIALS FOR CLAIMS UP TO \$10 000  
(PILOT PROJECT – ROBSON SQUARE AND RICHMOND SMALL CLAIMS  
REGISTRIES)**

**Definition**

- (1) In this rule, “**adjudicator**” means a judge or justice.
- [en. B.C. Reg. 360/2007, s. 9; am. B.C. Reg. 191/2021, s. 1.]

**Application of this Rule**

**Claims to which this rule applies**

- (2) Subject to subrule (3), this rule applies to a claim if
- (a) the claim is made by way of a notice of claim, notice of civil resolution tribunal claim, counterclaim or third party notice and in respect of which
    - (i) a reply is filed opposing all or part of the claim, or
    - (ii) a response opposing all or part of the claim is continued as a reply,
  - (b) the amount claimed in the notice of claim or notice of civil resolution tribunal claim that started the proceeding is \$10 000 or less (not including interest and expenses),
  - (c) the amount claimed in any counterclaim is \$10 000 or less (not including interest and expenses), and
  - (d) one of the following applies in relation to the claim:
    - (i) the claim is part of a proceeding started by a notice of claim, the amount claimed is \$5 000 or less (not including amounts abandoned under this rule, interest and expenses) and, after November 25, 2007,
      - (A) the notice of claim was filed at the Robson Square Small Claims Registry (Vancouver) or Richmond Small Claims Registry, or
      - (B) the court file relating to the claim was transferred to the Robson Square Small Claims Registry (Vancouver) or Richmond Small Claims Registry;
    - (ii) the claim is part of a proceeding started by a notice of claim, the amount claimed is more than \$5 000 and, on or after June 1, 2017,

**SMALL CLAIMS RULES**

Rule 9.1 – Simplified Trials for Claims up to \$10 000 (Pilot Project – Robson Square and Richmond Small Claims Registries)

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- (A) the notice of claim was filed at the Robson Square Small Claims Registry (Vancouver) or Richmond Small Claims Registry, or
- (B) the court file relating to the claim was transferred to the Robson Square Small Claims Registry (Vancouver) or Richmond Small Claims Registry;
- (iii) the claim is part of a proceeding started by a notice of civil resolution tribunal claim and, on or after June 1, 2017,
  - (A) the notice of civil resolution tribunal claim was filed at the Robson Square Small Claims Registry (Vancouver) or Richmond Small Claims Registry, or
  - (B) the court file relating to the claim was transferred to the Robson Square Small Claims Registry (Vancouver) or Richmond Small Claims Registry.

[en. B.C. Reg. 120/2017, Sch. 2, s. 31.]

**Claims to which this rule does not apply**

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

[en. B.C. Reg. 360/2007, s. 9.]

**When this rule ceases to apply**

- (4) This rule ceases to apply to a claim if
  - (a) the court file relating to the claim is transferred to another registry, or
  - (b) the notice of claim, notice of civil resolution tribunal claim or reply is changed to increase the amount of the claim or counterclaim to more than \$10 000, not including interest and expenses.

[en. B.C. Reg. 360/2007, s. 9; am. B.C. Reg. 120/2017, Sch. 2, ss. 32 and 33.]

**If the claim is for more than \$10 000**

- (5) A claimant who has a claim amounting to more than \$10 000, not including interest and expenses, may abandon part of the claim so that the balance of the claim may be heard under this rule.

[en. B.C. Reg. 360/2007, s. 9; am. B.C. Reg. 120/2017, Sch. 2, s. 33.]

**How to abandon part of a claim**

- (6) To abandon part of a claim, a claimant must say on the notice of claim or notice of civil resolution tribunal claim that the amount over \$10 000 is abandoned.

[en. B.C. Reg. 360/2007, s. 9; am. B.C. Reg. 120/2017, Sch. 2, ss. 33 and 34.]

**Effect of abandoning part of a claim**

- (7) Subject to subrule (10.1) or (11), a claimant who abandons part of a claim under subrule (6) may not at any time sue for that part.

[en. B.C. Reg. 360/2007, s. 9; am. B.C. Reg. 120/2017, Sch. 2, s. 35.]

**If a counterclaim is for more than \$10 000**

- (8) A defendant who has a counterclaim amounting to more than \$10 000, not including interest and expenses, may abandon part of the claim so it may be heard under this rule.

[en. B.C. Reg. 360/2007, s. 9; am. B.C. Reg. 120/2017, Sch. 2, s. 33.]

**How to abandon part of a counterclaim**

- (9) To abandon part of a counterclaim, the defendant must say on the counterclaim part of the reply that the amount over \$10 000 is abandoned.

[en. B.C. Reg. 360/2007, s. 9; am. B.C. Reg. 120/2017, Sch. 2, s. 33.]

**Effect of abandoning part of a counterclaim**

- (10) Subject to subrule (10.2), a defendant who abandons part of a counterclaim may not at any time sue for that part.

[en. B.C. Reg. 360/2007, s. 9; am. B.C. Reg. 120/2017, Sch. 2, s. 36.]

**Claimant can change amount of claim up to \$10 000**

- (10.1) A claimant who filed a notice of claim before June 1, 2017 and abandoned part of the claim so that the balance of the claim may be heard under this rule may change that notice of claim to increase the amount of the claim to an amount that is more than \$5 000 and not more than \$10 000, not including interest and expenses, whether or not the claimant had, in that notice of claim, abandoned part of the claim in accordance with subrule (6).

[en. B.C. Reg. 120/2017, Sch. 2, s. 37.]

**Defendant can change amount of counterclaim up to \$10 000**

- (10.2) A defendant who filed a reply that contained a counterclaim before June 1, 2017 and abandoned part of the claim so that the balance of the claim may be heard under this rule may change that reply to increase the amount of the counterclaim to an amount that is more than \$5 000 and not more than \$10 000, not including interest and expenses, whether or not the defendant had, in that reply, abandoned part of the counterclaim in accordance with subrule (9).

[en. B.C. Reg. 120/2017, Sch. 2, s. 37.]

**How to change amount of claim or counterclaim**

- (10.3) In order to increase the amount of a claim under subrule (10.1) or the amount of a counterclaim under subrule (10.2), the party making that claim or counterclaim must change the notice of claim or reply in which the claim or counterclaim was made

- (a) by complying with Rule 8 (2), and

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- (b) by attaching to the changed notice of claim or reply a separate page giving detailed reasons for the change.

[en. B.C. Reg. 120/2017, Sch. 2, s. 37.]

**When notice of claim or reply must not be changed**

- (10.4) A notice of claim or reply must not be changed after

- (a) judgment has been granted,
- (b) the claim or counterclaim has been dismissed by a judge,
- (c) a default order has been issued by a judge or a registrar, or
- (d) the claim or counterclaim has been settled.

[en. B.C. Reg. 120/2017, Sch. 2, s. 37.]

**Changed notice of claim or reply must be filed and served**

- (10.5) After a notice of claim or reply is changed under subrule (10.3), it must be filed and served in accordance with Rule 8 (3).

[en. B.C. Reg. 120/2017, Sch. 2, s. 37.]

**Reply may but need not be filed**

- (10.6) Rule 8 (3.1) and (3.2) applies to a party who is served with a changed notice of claim or reply under subrule (10.5) of this rule.

[en. B.C. Reg. 120/2017, Sch. 2, s. 37.]

**Effect if defendant does not abandon part of a counterclaim**

- (11) If this rule does not apply to a claim because the defendant has a counterclaim amounting to more than \$10 000 and does not abandon part of the claim so that it may be heard under this rule, the claimant may sue for the whole amount to which the claimant may be entitled.

[en. B.C. Reg. 360/2007, s. 9; am. B.C. Reg. 120/2017, Sch. 2, s. 33.]

**Trial Date****Notice of trial**

- (12) If this rule applies to a claim, the registrar must

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

[en. B.C. Reg. 360/2007, s. 9.]

**How to change a trial date**

- (13) A party may change a trial date

- (a) by filing a consent to change the date under Rule 16 (1), or
- (b) by

- (i) applying to the registrar (see Rule 16 (3)) for an order changing the date of the trial at least 7 days before the date set for the trial, unless the registrar orders otherwise, and
- (ii) giving to the other party whatever notice of the application the registrar may order.

[en. B.C. Reg. 360/2007, s. 9.]

**Date may be changed to avoid unreasonable inconvenience**

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

[en. B.C. Reg. 360/2007, s. 9.]

**Unreasonably inconvenient**

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

[en. B.C. Reg. 360/2007, s. 9.]

**Notice of change of date**

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

[en. B.C. Reg. 360/2007, s. 9.]

**What the Parties Must Do Before the Trial**

**What the parties must file before the trial**

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

[en. B.C. Reg. 360/2007, s. 9.]

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**Serving the trial statement on other parties**

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

[en. B.C. Reg. 360/2007, s. 9.]

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

- (19) If a party does not comply with subrule (17) or (18), an adjudicator may do one or both of the following:

- (a) adjourn the trial and order that party to pay all the reasonable expenses incurred by any other parties as a result of the adjournment;
- (b) order the trial to proceed without permitting that party to produce as evidence any information, document or records withheld as a result of the non-compliance.

[en. B.C. Reg. 360/2007, s. 9.]

**How a Trial is Conducted****How a trial may be conducted**

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

[en. B.C. Reg. 360/2007, s. 9.]

**Before a trial begins**

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

[en. B.C. Reg. 360/2007, s. 9.]

**How the trial is conducted**

- (22) If the adjudicator determines that the parties are not able to settle the matter, the trial is to be conducted in accordance with the following:
- (a) at the beginning of the trial the adjudicator must have the parties take an oath or give an affirmation;
  - (b) the adjudicator must ask the parties to state the facts related to the claim and file with the court any documents or other evidence on which the parties rely;

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

[en. B.C. Reg. 360/2007, s. 9.]

**Evidence to be sworn**

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

[en. B.C. Reg. 360/2007, s. 9.]

**Length of trial**

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

[en. B.C. Reg. 360/2007, s. 9.]

**Orders respecting completion of adjourned trial**

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

[en. B.C. Reg. 360/2007, s. 9.]

**SMALL CLAIMS RULES**

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**If a Party Does Not Attend the Trial****If a defendant or third party does not attend**

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

[en. B.C. Reg. 360/2007, s. 9; am. B.C. Reg. 191/2021, s. 24.]

**If a claimant does not attend**

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

[en. B.C. Reg. 360/2007, s. 9; am. B.C. Reg. 191/2021, s. 24.]

**Adjudicator's Decision****Adjudicator's decision after the trial**

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

[en. B.C. Reg. 360/2007, s. 9.]

**If the oral decision is given later**

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

[en. B.C. Reg. 360/2007, s. 9.]

**When written decision effective**

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

[en. B.C. Reg. 360/2007, s. 9.]

**Application of other Rules****Application of other rules**

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

[en. B.C. Reg. 360/2007, s. 9.]

**RULE 9.2 – SUMMARY TRIAL FOR FINANCIAL DEBT  
(PILOT PROJECT – ROBSON SQUARE SMALL CLAIMS REGISTRY)****Claims to which this rule applies**

- (1) This rule applies to a claim if
- (a) the claim is made by way of a notice of claim, notice of civil resolution tribunal claim, counterclaim or third party notice and in respect of which
    - (i) a reply is filed opposing all or part of the claim, or
    - (ii) a response opposing all or part of the claim is continued as a reply,
  - (b) one of the following applies in relation to the claim:
    - (i) the claim is part of a proceeding started by a notice of claim and, after November 25, 2007,
      - (A) the notice of claim was filed at the Robson Square Small Claims Registry (Vancouver), or
      - (B) the court file relating to the claim was transferred to the Robson Square Small Claims Registry (Vancouver);
    - (ii) the claim is part of a proceeding started by a notice of civil resolution tribunal claim and, on or after June 1, 2017,
      - (A) the notice of civil resolution tribunal claim was filed at the Robson Square Small Claims Registry (Vancouver), or
      - (B) the court file relating to the claim was transferred to the Robson Square Small Claims Registry (Vancouver),
  - (c) the court file relating to the claim has not been transferred to another registry, and
  - (d) the claimant is in the business of lending money or extending credit and the claim is for a debt that arises from a loan of money or the extension of credit in the course of that business.

[en. B.C. Reg. 360/2007, s. 9; am. B.C. Reg. 120/2017, Sch. 2, s. 38.]

**Notice of trial**

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

[en. B.C. Reg. 360/2007, s. 9.]

**How to change a trial date**

- (3) A party may change a trial date
- (a) by filing a consent to change the date under Rule 16 (1), or
  - (b) by

**SMALL CLAIMS RULES**

## Rule 9.2 – Summary Trial for Financial Debt (Pilot Project – Robson Square Small Claims Registry)

- (i) applying to the registrar (see Rule 16 (3)) for an order changing the date of the trial at least 7 days before the date set for the trial, unless the registrar orders otherwise, and
- (ii) giving to the other party whatever notice of the application the registrar may order.

[en. B.C. Reg. 360/2007, s. 9.]

**Date may be changed to avoid unreasonable inconvenience**

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

[en. B.C. Reg. 360/2007, s. 9.]

**Unreasonably inconvenient**

- (5) For the purposes of subrule (4), the registrar may determine that a date is unreasonably inconvenient to a party if
  - (a) a family emergency renders the party unable to attend on the day set for the trial,
  - (b) the party has a pre-arranged out-of-town commitment on the day set for the trial and that commitment cannot be changed due to travel requirements,
  - (c) the party is required to attend court on the day set for the trial, or
  - (d) the registrar otherwise determines that the date is unreasonably inconvenient to the party.

[en. B.C. Reg. 360/2007, s. 9.]

**Notice of change of date**

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

[en. B.C. Reg. 360/2007, s. 9.]

**What the parties must file before the trial**

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

[en. B.C. Reg. 360/2007, s. 9.]

**What the parties must serve on the other parties before trial**

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

[en. B.C. Reg. 360/2007, s. 9.]

**How evidence will be heard at a trial**

- (9) A judge may conduct a trial without complying with the formal rules of procedure and evidence, and in doing so may
- (a) ask the parties to explain their cases, to respond to each other and to call witnesses, or
  - (b) receive evidence in any other way the judge thinks is appropriate.
- [en. B.C. Reg. 360/2007, s. 9.]

**Evidence to be sworn**

- (10) All oral evidence must be given under oath or affirmation.
- [en. B.C. Reg. 360/2007, s. 9.]

**If a defendant or third party does not attend**

- (11) If a defendant or third party does not attend the trial, either themselves or by a representative, the adjudicator may
- (a) allow the claim, and
  - (b) make a payment order or other appropriate order against that defendant or third party.
- [en. B.C. Reg. 360/2007, s. 9; am. B.C. Reg. 191/2021, s. 24.]

**If a claimant does not attend**

- (12) If a claimant does not attend the trial, either themselves or by a representative, the adjudicator may dismiss the claim.
- [en. B.C. Reg. 360/2007, s. 9; am. B.C. Reg. 191/2021, s. 24.]

**Judge's decision at the trial**

- (13) At the end of the trial, the judge must do one or more of the following:
- (a) make a payment order;
  - (b) dismiss the claim, counterclaim or third party notice;
  - (c) if, in the judge's opinion, the claim cannot be decided at a trial under this rule,
    - (i) cancel the trial, and
    - (ii) order that the claim be set for
      - (A) a settlement conference under Rule 7,
      - (B) a trial conference under Rule 7.5, or
      - (C) a trial under Rule 9.1 or 10.

[en. B.C. Reg. 360/2007, s. 9; am. B.C. Reg. 244/2015, Sch. 2, s. 5.]

**Additional orders made by judge**

- (14) If a judge makes an order under subrule (13) (c), the judge may make any other order for the just, speedy and inexpensive resolution of the claim.
- [en. B.C. Reg. 360/2007, s. 9.]

## **RULE 10 – THE TRIAL**

### **Claims to which this rule does not apply**

- (0.1) This rule does not apply to a claim if Rule 9.1 or, subject to an order under Rule 9.2 (13) (c), Rule 9.2 applies to the claim.

[en. B.C. Reg. 360/2007, s. 10 (a).]

### **How evidence will be heard at a trial**

- (1) A judge may conduct a trial without complying with the formal rules of procedure and evidence, and in doing so may
- (a) ask the parties to explain their cases, to respond to each other and to call witnesses (see Rules 7 (15) (b) and 7.5 (15) (b)), or
  - (b) receive evidence in any other way the judge thinks is appropriate (see Rules 7 (15) (b) and 7.5 (15) (b)).

[am. B.C. Regs. 148/97, s. 10; 360/2007, s. 10 (b) and (c).]

### **Evidence to be sworn**

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

### **Experts' evidence – advance notice of evidence required**

- (3) A party may not call an expert to give evidence of the expert's opinion unless
- (a) the party serves a summary of the expert's evidence on all other parties at least 30 days before the expert is called to give evidence, or
  - (b) a judge grants permission.

### **Experts' reports must be given in advance**

- (4) Instead of calling an expert to give evidence, a party may introduce a report stating opinions of an expert, if
- (a) the party serves a copy of the report on all other parties at least 30 days before the report is introduced, or
  - (b) a judge grants permission.

### **Experts' qualifications**

- (5) A statement of qualifications in an expert's report is proof that the expert has those qualifications unless there is evidence to the contrary.

### **Experts may be called for cross-examination**

- (6) A party receiving another party's expert report may serve on the other party, at least 14 days before the trial date, a notice requiring the expert to attend the trial for cross-examination.

**Cost of calling other party's expert**

- (7) If a judge determines that calling another party's expert was unnecessary, the judge may order the party who required the expert to attend to pay the expert's expenses.

**Estimates**

- (8) Repair estimates and estimates of the value of property are not considered to be expert evidence, but must be served on all other parties at least 14 days before trial unless a judge orders otherwise.

**If a defendant does not attend**

- (9) If a defendant or third party does not attend the trial, either themselves or by a representative, the judge may
- (a) allow the claim, and
  - (b) make a payment order or other appropriate order against that defendant or third party.
- [am. B.C. Reg. 191/2021, s. 24.]

**If a claimant does not attend**

- (10) If a claimant does not attend the trial, either themselves or by a representative, the judge may dismiss the claim.
- [am. B.C. Reg. 191/2021, s. 24.]

**Judge's decision after the trial**

- (11) The judge must give a decision
- (a) in court orally at the end of the trial or on a later date, or
  - (b) in writing.

**If the decision is given later**

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

**When decision effective**

- (13) A judge's written decision is effective on the date it is filed at the registry.

**RULE 10.1 – OFFER TO SETTLE****Claims to which this rule does not apply**

- (0.1) This rule does not apply to a claim if
- (a) Rule 9.1 applies to the claim, or
  - (b) the proceeding was started by a notice of civil resolution tribunal claim.
- [en. B.C. Reg. 120/2017, Sch. 2, s. 39.]

**Any party may offer to settle**

- (1) A party may offer to settle one or more claims by
- (a) completing an offer to settle (Form 18), and
  - (b) serving the party to whom the offer is made with the completed offer to settle as if it were a notice of claim (see Rule 2).
- [en. B.C. Reg. 148/97, s. 11.]

**Time limit for offering to settle**

- (2) An offer to settle under subrule (1) must be served on the party to whom the offer is made
- (a) within 30 days after the conclusion of the settlement conference or the conclusion of a trial conference, whichever happens first, or
  - (b) at a later time, if permitted by a judge.
- [en. B.C. Reg. 148/97, s. 11; am. B.C. Regs. 172/2003, s. 3; 360/2007, s. 11 (b); 267/2018, s. 10.]

**How an offer is accepted**

- (3) If a party served with an offer to settle under subrule (2) wishes to accept the offer in full settlement of the claim, interest and expenses, that party must
- (a) complete an acceptance of offer (Form 19), and
  - (b) within 28 days after being served with the offer, serve the party who made the offer with the completed acceptance as if it were a notice of claim (see Rule 2).
- [en. B.C. Reg. 148/97, s. 11.]

**Acceptance of offer deemed to be a payment order**

- (4) If a party served with an acceptance of offer files the offer and the acceptance in the registry, the acceptance is deemed to be a payment order.
- [en. B.C. Reg. 148/97, s. 11.]

**If an offer is rejected by claimant**

- (5) The trial judge may order a claimant to pay the defendant a penalty if the claimant
- (a) does not accept an offer to settle made by the defendant under subrule (1), and
  - (b) is awarded at trial an amount, including interest and all expenses, that equals or is less than the defendant's offer.
- [en. B.C. Reg. 148/97, s. 11.]

**If an offer is rejected by defendant**

- (6) The trial judge may order a defendant to pay the claimant a penalty if
- (a) the defendant does not accept an offer to settle made by the claimant under subrule (1), and

**Rule 10.1 – Offer to Settle**

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- (b) the claimant is awarded at trial an amount, including interest and all expenses, that equals or exceeds the claimant's offer.

[en. B.C. Reg. 148/97, s. 11.]

**Amount of penalty**

- (7) A penalty under subrule (5) or (6) is in addition to any other expenses or penalties, and may be up to 20% of the amount of the offer to settle.

[en. B.C. Reg. 148/97, s. 11.]

**What the judge must consider**

- (8) When deciding the amount of a penalty under subrule (5) or (6), a judge must consider
- (a) the difference between the amount awarded at trial and the amount of the offer to settle,
  - (b) the interest of the parties in proceeding to trial to determine the credibility of witnesses or a point of law, and
  - (c) the time when the offer was made.

[en. B.C. Reg. 148/97, s. 11.]

**Other offers to settle**

- (9) An offer to settle may be made and accepted after the time limit in this Rule for offering or accepting a settlement has passed, but in that case a judge may not impose a penalty under subrule (5) or (6).

[en. B.C. Reg. 148/97, s. 11.]

**Money paid into court after garnishing order**

- (10) A defendant may include in an offer to settle a term that money paid into court as a result of a garnishing order be paid to the claimant.

[en. B.C. Reg. 148/97, s. 11.]

**Disclosure to judge**

- (11) A party may disclose any offer to settle made under this Rule
- (a) to the settlement conference judge, and
  - (b) to the trial judge, but only after that judge has given a final decision on the amount to be awarded.

[en. B.C. Reg. 148/97, s. 11.]

**Multiple defendants**

- (12) If 2 or more defendants are sued together,
- (a) a claimant may not make an offer to settle except jointly to all defendants, and
  - (b) a defendant may not make an offer to settle except jointly with all other defendants.

[en. B.C. Reg. 148/97, s. 11.]

**Multiple claimants**

- (13) If there are 2 or more claimants, a separate offer to settle may be made by or to each of them.

[en. B.C. Reg. 148/97, s. 11.]

**Counterclaims and third party claims**

- (14) This rule applies to claims, counterclaims and third party claims.

[en. B.C. Reg. 148/97, s. 11.]

**Third party claims**

- (15) If a defendant accepts an offer to settle made by a third party,
- (a) the third party must pay the amount of the offer into court, and
  - (b) that amount may only be taken out of court by order of a judge or with the consent of all parties.

[en. B.C. Reg. 148/97, s. 11.]

**RULE 10.2 – PENALTIES IF FINAL DECISION  
BY CIVIL RESOLUTION TRIBUNAL**

**Claims to which this rule applies**

- (1) This rule applies to claims, counterclaims and third party claims if the proceeding was started by a notice of civil resolution tribunal claim.

[en. B.C. Reg. 120/2017, Sch. 2, s. 40.]

**Claims to which this rule does not apply**

- (2) This rule does not apply to a claim if a claimant and a defendant filed a notice of objection under section 56.1 of the *Civil Resolution Tribunal Act* in respect of the claim when the claim was proceeding as a tribunal small claim.

[en. B.C. Reg. 120/2017, Sch. 2, s. 40.]

**Multiple claims**

- (3) If there are 2 or more claims in a proceeding, this rule is to be applied separately in respect of each claim.

[en. B.C. Reg. 120/2017, Sch. 2, s. 40.]

**If claimant is awarded an equal or lesser amount at trial**

- (4) The trial judge may order a claimant to pay the defendant a penalty if the claimant
- (a) filed a notice of objection under section 56.1 of the *Civil Resolution Tribunal Act* in respect of the claim when the claim was proceeding as a tribunal small claim, and

Rule 11 – Payment of the Judgment

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- (b) is awarded at trial an amount, including interest and all expenses, that equals or is less than the amount awarded by the civil resolution tribunal against the defendant in respect of that claim.

[en. B.C. Reg. 120/2017, Sch. 2, s. 40.]

**If claimant is awarded an equal or greater amount at trial**

- (5) The trial judge may order a defendant to pay the claimant a penalty if
- (a) the defendant filed a notice of objection under section 56.1 of the *Civil Resolution Tribunal Act* in respect of the claim when the claim was proceeding as a tribunal small claim, and
  - (b) the claimant is awarded at trial an amount, including interest and all expenses, that equals or exceeds the amount awarded by the civil resolution tribunal against the defendant in respect of that claim.

[en. B.C. Reg. 120/2017, Sch. 2, s. 40.]

**Amount of penalty**

- (6) A penalty under subrule (4) or (5) is in addition to any other expenses or penalties, and may be up to 20% of the amount awarded by the civil resolution tribunal.

[en. B.C. Reg. 120/2017, Sch. 2, s. 40.]

**What the judge must consider**

- (7) When deciding the amount of a penalty under subrule (4) or (5), a judge must consider the following:
- (a) the difference between the amount awarded at trial and the amount awarded by the civil resolution tribunal;
  - (b) the interest of the parties in proceeding to trial to determine the credibility of witnesses or a point of law;
  - (c) whether the civil resolution tribunal made a final decision after a party did not attend or otherwise participate in a civil resolution tribunal hearing.

[en. B.C. Reg. 120/2017, Sch. 2, s. 40.]

**RULE 11 – PAYMENT OF THE JUDGMENT****Payment order**

- (1) If a judge decides that one party must pay money to another party, the judge must make a payment order at the end of the trial.

[en. B.C. Reg. 148/97, s. 12.]

**Payment deferral**

- (2) After making a payment order, the judge must ask
- (a) if the debtor requires time to pay, and
  - (b) if so, when the debtor proposes to pay.

[en. B.C. Reg. 148/97, s. 12.]

**Creditor to be consulted**

- (3) If the debtor asks for time to pay, the judge must ask the creditor if the creditor agrees with the debtor's proposal.  
[en. B.C. Reg. 148/97, s. 12.]

**If the creditor agrees**

- (4) If the creditor agrees with the proposal, the judge may order a payment schedule requiring the debt to be paid by a set date or by instalments.  
[en. B.C. Reg. 148/97, s. 12.]

**If the creditor does not agree**

- (5) If the creditor does not agree with the proposal, the judge may
- (a) order a payment hearing, or
  - (b) order a payment schedule.
- [en. B.C. Reg. 148/97, s. 12.]

**No collection while payments being made**

- (6) The creditor may not take any other steps to collect the debt as long as the debtor is making payments in accordance with the payment schedule.  
[en. B.C. Reg. 148/97, s. 12.]

**If no order is made**

- (7) If no order is made under subrule (5), the debt is payable immediately and the creditor may collect the debt by taking any of the steps listed in subrule (11).  
[en. B.C. Reg. 148/97, s. 12.]

**If a judge orders a payment hearing**

- (8) If a judge orders a payment hearing under subrule (5), the creditor may not take any other steps to collect payment until after the payment hearing.  
[en. B.C. Reg. 148/97, s. 12.]

**Registrar's payment order**

- (9) The registrar may make a payment order.  
[en. B.C. Reg. 148/97, s. 12.]

**Registrar may make some orders without a hearing**

- (10) The registrar may make the following orders without a hearing:
- (a) a payment order in the amount agreed to plus expenses under Rule 20 (2)
    - (a) and (b) and any interest the claimant is entitled to if
      - (i) the defendant agrees to pay all or part of a claim on a reply, and
      - (ii) the claimant consents;
    - (b) an order establishing a payment schedule if the defendant proposes or requests a payment schedule in the reply and the claimant consents to the order;

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- (c) an order issuing a summons to a defendant to attend a payment hearing if a proposed payment schedule is not agreed to by the claimant.

[en. B.C. Reg. 148/97, s. 12.]

**How payment may be collected**

- (11) To collect payment due under a payment order (Form 10), a creditor may do one or more of the following:

- (a) ask the registrar to issue an order for seizure and sale under subrule (12);
- (b) ask for a payment hearing under Rule 12 (3);
- (c) ask a judge or registrar to issue a garnishing order under the *Court Order Enforcement Act*;
- (d) ask for a default hearing under Rule 13 (2), if the debtor defaults in making payments under a payment schedule;
- (e) enforce the order by any other means permitted by law.

[en. B.C. Reg. 148/97, s. 12.]

**Address for service form**

- (11.1) A creditor who wishes to collect payment under subrule (11) and has not yet filed an address for service (Form 38) must, in addition to doing anything set out in subrule (11), file an address for service and serve a copy on each of the other parties.

[en. B.C. Reg. 191/2021, s. 27.]

**When an order for seizure and sale may be issued**

- (12) The registrar may issue an order for seizure and sale (Form 11) if a creditor completes the form, following the instructions on the form, and files it at the registry.

[en. B.C. Reg. 148/97, s. 12.]

**How long an order for seizure and sale is in effect**

- (13) If an order for seizure and sale has not been enforced within 12 months after it was issued, it expires but the creditor may ask the registrar to issue another one.

[en. B.C. Reg. 148/97, s. 12.]

**If a debtor does not obey a payment schedule**

- (14) If a debtor defaults on the payments under a payment schedule,
- (a) the balance of the money required to be paid under the payment order becomes due immediately, and
  - (b) the creditor may collect the entire amount by taking any of the steps listed in subrule (11).

[en. B.C. Reg. 148/97, s. 12.]

**If a decision is reserved**

- (15) If a payment order is made in the absence of the parties because the judge reserved the decision,

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- (a) the creditor may take any of the steps listed in subrule (11), and
- (b) the debtor may ask for a payment hearing under Rule 12 (10).

[en. B.C. Reg. 148/97, s. 12.]

**If a payment order is made in favour of a young person**

- (16) If a payment order is made in favour of a person under 19 years of age, a judge may order the amount payable under the order to be paid to the Public Guardian and Trustee for that person.

[en. B.C. Reg. 148/97, s. 12; am. B.C. Reg. 172/2003, s. 4.]

**Collection while payment hearing outstanding**

- (17) If a summons to a payment hearing has been filed, the creditor may not take any other steps to collect payment until
  - (a) the payment hearing has concluded, or
  - (b) the summons has been withdrawn or cancelled.

[en. B.C. Reg. 148/97, s. 12.]

**Collection after warrant for arrest ordered**

- (18) If a warrant is issued for the arrest of a debtor or of an officer, director or employee of a corporate debtor, the creditor may take any steps to collect payment due under a payment order as if a payment hearing had concluded.

[en. B.C. Reg. 148/97, s. 12.]

## **RULE 12 – PAYMENT HEARING**

**Purpose of a payment hearing**

- (1) The purpose of a payment hearing is to allow a judge or justice to
  - (a) assess the debtor's ability to pay, and
  - (b) consider whether a payment schedule should be ordered.

[am. B.C. Regs. 148/97, s. 13; 191/2021, s. 1.]

**Parties may request a payment hearing**

- (2) A payment hearing will be held if it is
  - (a) requested by the creditor under subrule (3),
  - (b) requested by the debtor under subrule (10), or
  - (c) ordered by the judge under Rule 11 (5) (a).

[am. B.C. Reg. 148/97, s. 12.]

**How a creditor asks for a payment hearing**

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

**When a creditor is not allowed to ask for a payment hearing**

- (4) A creditor who has an order for seizure and sale outstanding against the debtor may not ask for a payment hearing without the permission of a judge (see Rule 16 (7)).

**If the debtor is a company**

- (5) If the debtor is a company, an officer, director or employee of the company may be summoned to the payment hearing.

**If the debtor is a partnership**

- (6) If the debtor is a partnership, a partner may be summoned to the payment hearing.

**Service of the summons**

- (7) A person named in a summons to a payment hearing must be served by leaving the summons with the person at least 7 days before the date of the payment hearing.

**Summons may be cancelled if wrong person summoned**

- (8) A person who is served with a summons to a payment hearing may apply to a judge (see Rule 16 (7)) 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 a person must bring**

- (9) A debtor or the person summoned may be required, either by a summons issued under subrule (3) or by the judge when ordering a payment hearing, to bring to the payment hearing any records and other things that relate to the subjects listed in subrule (12).

**If a debtor asks for a payment hearing**

- (10) To ask for a payment hearing, a debtor must complete a notice (Form 13), following the instructions on the form, and file it at the registry.

**Address for service form**

- (10.1) A debtor who wishes to ask for a payment hearing and has not yet filed an address for service (Form 38) must file an address for service and serve a copy on each of the other parties.

[en. B.C. Reg. 191/2021, s. 28.]

**Service of notice on creditor**

- (11) The debtor must serve the notice on the creditor at least 7 days before the date of the payment hearing.

**What happens at a payment hearing?**

- (12) At any payment hearing under these rules, evidence may be heard about any of 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.

**A payment schedule may be ordered**

- (13) After hearing the evidence and submissions by the parties, 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 the instalments.
- [am. B.C. Regs. 148/97, s. 12; 191/2021, s. 1.]

**If a creditor does not attend**

- (14) If a creditor does not attend a payment hearing, the judge or justice may hold the hearing, cancel it or postpone it.
- [am. B.C. Regs. 148/97, s. 12; 191/2021, s. 1.]

**If someone summoned or ordered to attend does not attend**

- (15) If a creditor asks, a judge or justice may issue a warrant (Form 9) for the arrest of a person who does not attend a payment hearing and who was
- (a) served with a summons to attend, or
  - (b) present before a judge, either in person or remotely, when the judge ordered the person to attend.
- [am. B.C. Regs. 148/97, s. 12; 191/2021, ss. 1 and 29.]

## **RULE 13 – DEFAULT HEARING**

**When a creditor may ask for a default hearing**

- (1) A creditor may ask the registrar for a default hearing if the debtor does not obey a payment schedule that was
- (a) made in an order under Rule 7 (14) (c) (at a settlement conference),
  - (a.1) made in an order under Rule 7.5 (14) (b) (at a trial conference),
  - (b) made under Rule 11 (4) (at the trial),
  - (c) made under Rule 12 (13) (at a payment hearing), or
  - (d) changed under Rule 17 (3).
- [am. B.C. Reg. 360/2007, s. 12.]

**How to ask for a default hearing**

- (2) To ask for a default hearing, the creditor must complete a summons (Form 14), following the instructions on the form, and file it at the registry.

**If the debtor is a company**

- (3) If the debtor is a company, an officer, director or employee of the company may be summoned to the default hearing.

**If the debtor is a partnership**

- (4) If the debtor is a partnership, a partner may be summoned to the default hearing.

**Service of the summons**

- (5) A person named in a summons to a default hearing must be served by a court bailiff or sheriff leaving the summons with the person at least 7 days before the date of the default hearing.

**What a person must bring**

- (6) A person who is served with a summons to a default hearing must bring to the hearing any records and other things required by the summons.

**What the judge may do at a default hearing**

- (7) 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.

**Judge may order debtor imprisoned**

- (8) The judge may issue a warrant (Form 15) requiring the debtor to be imprisoned for a specified period of not more than 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.

**If a person does not attend**

- (9) If the creditor asks, the judge may issue a warrant (Form 9) for the arrest of a person who does not attend a default hearing and who was
- (a) served with a summons to attend, or
  - (b) present before a judge, either in person or remotely, when the judge ordered the person to attend.

[am. B.C. Reg. 191/2021, s. 29.]

## **RULE 14 – WARRANT OF ARREST FOR NOT ATTENDING COURT**

### **Notice of arrest**

- (1) If a warrant of arrest is issued under Rule 9 (7), 12 (15) or 13 (9), the registrar must serve the person named in the warrant with a notice of arrest.

### **What a person may do after receiving a notice of arrest**

- (2) A person who is served with a notice of arrest may contact the registrar to arrange to attend court voluntarily.

### **Sheriff or peace officer may arrest**

- (3) If a person who is served with a notice of arrest does not arrange, within 7 days after the date of service, to attend court voluntarily, a sheriff or peace officer may arrest the person.

### **Sheriff or peace officer must bring arrested person to court**

- (4) A sheriff or peace officer who arrests a person under subrule (3) must promptly bring the person to court.

### **What a judge or justice may do**

- (5) If a person attends court voluntarily under subrule (2) or under arrest under subrule (3), the judge or justice may release the person and may order the person to attend on another date.

[am. B.C. Reg. 191/2021, s. 1.]

### **Cancellation of warrant**

- (6) If a person named in a warrant attends court voluntarily under subrule (5), the warrant is cancelled.

### **If a person fails to appear as ordered**

- (7) If a person has been ordered under subrule (5) to appear on another date and the person does not appear as ordered, a judge may issue a warrant (Form 9) for the immediate arrest of the person.

### **How long the warrant is in effect**

- (8) A warrant of arrest remains in force for 12 months from the date of its issue, but at the end of that period it expires and no one may be arrested under it.

**RULE 15 – IF A WARRANT OF IMPRISONMENT IS ISSUED****Imprisonment**

- (1) If a warrant of imprisonment is issued under Rule 13 (8) or 19 (1), a sheriff or peace officer may arrest the person named in the warrant and deliver that person to the director of a correctional centre referred to in the warrant.

**How long the warrant is in effect**

- (2) A warrant of imprisonment remains in force for 12 months from the date of its issue, but at the end of that period it expires and no one may be imprisoned under it.

**Debtor may pay**

- (3) If a warrant of imprisonment is issued under Rule 13 (8), the debtor may pay the amount stated in the warrant to the registrar or to a sheriff, peace officer or warden who has custody of the person.

**What the registrar does after receiving payment**

- (4) If the money is paid to the registrar, the registrar must
- (a) issue a receipt for the payment and then pay that amount to the creditor, and
  - (b) if the debtor has not yet been arrested, cancel the warrant of imprisonment.

**Release after payment**

- (5) A sheriff, peace officer or warden must release a debtor imprisoned under a warrant of imprisonment if the debtor
- (a) pays the amount stated in the warrant, or
  - (b) shows a registrar's receipt for payment of the amount.

**Money to be given to the creditor**

- (6) A sheriff, peace officer or warden who receives money under this rule must forward the money to the registrar for payment to the creditor named in the warrant of imprisonment.

**Imprisonment does not cancel the debt**

- (7) Imprisonment under these rules does not cancel the debt or any right of the creditor to take steps to collect it.

**RULE 16 – APPLICATIONS TO THE COURT****Consent orders**

- (1) A registrar may make an order that all parties to a claim consent to if one of them
- (a) files an application that contains the particulars of the order requested, and
  - (b) satisfies the registrar that their consent was given.

**Some applications may be granted without a hearing**

- (2) A registrar may make any of the following orders without a hearing:
- (a) an order renewing a claim or a third party notice (see Rules 2 (7) and 5 (5.1));
  - (a.1) an order renewing a notice of civil resolution tribunal claim (see Rule 1.1 (17));
  - (b) an order changing the date of the settlement conference (see Rule 7 (7));
  - (b.1) an order changing the date of a mediation session (see Rule 7.3 (30));
  - (b.2) an order changing the date of a trial conference (see Rule 7.5 (5) or (6));
  - (c) an order extending the time for filing a certificate of readiness (see Rule 1.1 (49) or 7 (10));
  - (c.01) an order extending the time for filing a certificate of compliance (see Rule 1.1 (45));
  - (c.1) an order authorizing a person to attend a hearing or conference remotely (see Rule 17 (16.1));
  - (c.2) Repealed. [B.C. Reg. 244/2015, Sch. 3, s. 7 (c).]
  - (c.3) an order authorizing a person to attend a mediation session remotely (see Rule 7.3 (25));
  - (c.4) an order changing the date of a trial (see Rule 9.1 (14) or 9.2 (4));
  - (d) an order permitting service of a notice of claim outside British Columbia (see Rule 18 (6));
  - (e) an order permitting another method of service (see Rule 18 (8) (a) or (8.1) (a));
  - (f) an order exempting someone from paying fees (see Rule 20 (1));
  - (g) any other order that the registrar is authorized to make without notice to another party.

[am. B.C. Regs. 148/97, s. 14; 172/2003, s. 5; 286/2005, s. 4 (a) and (b); 360/2007, s. 13; 135/2015, Sch. 2, s. 3; 244/2015, Sch. 3, s. 7; 120/2017, Sch. 2, s. 41; 191/2021, s. 30.]

**How to apply to a registrar**

- (3) To apply for an order listed in subrule (2), a party must complete an application (Form 16), following the instructions on the form, and file it at the registry.

**Applicant must file and serve address for service**

- (3.1) If an applicant has not yet filed an address for service (Form 38), the applicant must also file an address for service and serve a copy on each of the other parties.

[en. B.C. Reg. 191/2021, s. 31.]

**Registrar may prepare the order or refer it to a judge**

- (4) The registrar may prepare, sign and record an order under subrule (1) or (2) or Rule 11 (10) or may refer the application to a judge.

[am. B.C. Reg. 148/97, s. 14.]

**What the judge may do**

- (5) If the application is referred to a judge, the judge may make the order or direct the applicant to appear before a judge to explain why the order should be made.

**Some applications require a hearing**

- (6) A judge may make any of the following orders after a hearing:
- (a) an order changing the date of a trial (see Rule 4 (7) or 9 (6));
  - (b) an order permitting a third party claim to be made (see Rule 5 (1));
  - (c) a default order if no reply to a counterclaim or third party notice is filed (see Rule 6 (2)) or if an application is made under Rule 7.3 (40);
  - (c.1) an order transferring a claim to the Supreme Court (see Rule 7.1 (1) (a) and (2));
  - (c.2) an order extending the time for serving an offer to settle (see Rule 10.1 (1) (b));
  - (d) an order permitting a late reply to be filed (see Rule 6 (8));
  - (e) an order for a medical examination (see Rule 7 (12) or 7.5 (13.1));
  - (f) an order setting a place for a trial (see Rule 7 (19));
  - (f.1) an order exempting a disputed claim from the application of Rule 7.3 (see Rule 7.3 (29));
  - (f.2) a mediation compensation order (see Rule 7.3 (50) (b));
  - (f.3) Repealed. [B.C. Reg. 244/2015, Sch. 3, s. 8 (b).]
  - (g) an order cancelling a summons to witness (see Rule 9 (5));
  - (h) an order permitting a creditor to ask for a payment hearing (see Rule 12 (4));
  - (i) an order changing or cancelling an order made in the absence of a party (see Rule 17 (1));
  - (j) an order cancelling a default order or dismissal order (see Rule 17 (2)), and if the application is granted the judge may order payment of any reasonable expenses of the other party related to the cancellation;
  - (k) an order changing or cancelling the terms of a payment schedule (see Rule 17 (3));
  - (k.1) an order postponing or adjourning a trial (see Rule 17 (5.1));
  - (l) an order extending or shortening a time limit (see Rule 17 (12));
  - (m) an order for failing to obey a rule (see Rule 17 (13));
  - (n) a review of a decision of a registrar (see Rule 17 (22));

Rule 16 – Applications to the Court

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- (n.1) an order that a person make a deposit under section 56.3 of the *Civil Resolution Tribunal Act* (see Rule 1.1 (40) or (41));
- (n.2) an order dismissing a claim if no deposit under section 56.3 of the *Civil Resolution Tribunal Act* is made by a claimant (see Rule 1.1 (41.10));
- (n.3) a default order if no deposit under section 56.3 of the *Civil Resolution Tribunal Act* is made by a defendant under a counterclaim or under a third party notice or by a third party (see Rule 1.1 (41.12));
- (o) any other order that a judge has the power to make and notice of which is served on another party.

[am. B.C. Regs. 148/97, s. 14; 172/2003, s. 6; 286/2005, s. 4 (c) to (e); 360/2007, s. 14; 135/2015, Sch. 2, s. 4; 244/2015, Sch. 3, s. 8; 120/2017, Sch. 2, s. 42; 267/2018, s. 11.]

**How to apply to a judge**

- (7) To apply for an order listed in subrule (6), other than subrule (6) (n.1), a party must complete an application (Form 17), following the instructions on the form, and file it at the registry where the court file is unless the registrar allows the application to be filed at another registry (see subrule (8)).

[am. B.C. Reg. 120/2017, Sch. 2, s. 43.]

**How to apply to a judge – subrule (6) (n.1)**

- (7.1) To apply for an order under subrule (6) (n.1), a party must complete an application for deposit (Form 35), following the instructions on the form, and file it at the registry where the court file is unless the registrar allows the application to be filed at another registry (see subrule (8)).

[en. B.C. Reg. 120/2017, Sch. 2, s. 44.]

**Application may be filed at another registry**

- (8) A registrar may allow an application under subrule (7) or (7.1) to be filed at another registry if
  - (a) all the parties agree, or
  - (b) the registrar is satisfied that the application is urgent.

[am. B.C. Reg. 120/2017, Sch. 2, s. 45.]

**Applicant must serve notice**

- (9) At least 7 days before the date set for hearing an application under subrule (7) or (7.1), the applicant must serve a copy of the application, and the affidavit if required (see Rule 17 (2)), on each party that would be affected by the order requested unless the application is for a default order because no reply to a third party notice has been filed.

[am. B.C. Reg. 120/2017, Sch. 2, s. 45.]

**Service not required in urgent cases**

- (10) If satisfied that an application is urgent, a registrar may allow an application to be made under subrule (6) even though the other parties have not been served.

**Where the application will be heard**

- (11) An application under subrule (7) or (7.1) will be heard at the court served by the registry where the court file is, except that the registrar may allow it to be heard at another location of the court if
- (a) all the parties agree, or
  - (b) the registrar is satisfied that the application is urgent.
- [am. B.C. Reg. 120/2017, Sch. 2, s. 45.]

**RULE 16.1 – APPLICATION FOR EXEMPTION FROM  
ADJUDICATION OF CLAIM BY CIVIL RESOLUTION TRIBUNAL****How to apply for an order that civil resolution tribunal not adjudicate claim**

- (1) To apply for an order, under section 16.2 of the *Civil Resolution Tribunal Act*, that the civil resolution tribunal not adjudicate a tribunal small claim or a tribunal accident claim, a party must complete an application for exemption (Form 36) following the instructions on the form.
- [en. B.C. Reg. 120/2017, Sch. 2, s. 46; am. B.C. Regs. 267/2018, s. 12; 191/2021, s. 32.]

**Filing an application**

- (2) The applicant must file the application for exemption and pay the required fee at the Small Claims Registry nearest to where
- (a) the person against whom the tribunal small claim or the tribunal accident claim is made lives or carries on business, or
  - (b) the transaction or event that resulted in the matter brought before the civil resolution tribunal took place.
- [en. B.C. Reg. 120/2017, Sch. 2, s. 46; am. B.C. Reg. 191/2021, s. 33.]

**Time limit for filing application**

- (3) The application for exemption must be filed within 14 days after the date that a response under section 7 of the *Civil Resolution Tribunal Act* in respect of the tribunal small claim or the tribunal accident claim was received or made by the applicant.
- [en. B.C. Reg. 120/2017, Sch. 2, s. 46; am. B.C. Reg. 191/2021, s. 33.]

**Documents to be filed with the application**

- (4) The applicant must file with the application for exemption the following documents in respect of all tribunal small claims or tribunal accident claims that were to be resolved in a single proceeding before the civil resolution tribunal:
- (a) all initiating notices received by the applicant;
  - (b) all responses under section 7 of the *Civil Resolution Tribunal Act* received or made by the applicant.
- [en. B.C. Reg. 120/2017, Sch. 2, s. 46; am. B.C. Reg. 191/2021, s. 34.]

**Applicant must serve notice**

- (5) At least 7 days before the date set for hearing an application under subrule (1), the applicant must serve a copy of the application on each party that would be affected by the order requested.

[en. B.C. Reg. 120/2017, Sch. 2, s. 46.]

**Service not required in urgent cases**

- (6) If satisfied that an application is urgent, a registrar may allow an application to be made under subrule (5) even though the other parties have not been served.

[en. B.C. Reg. 120/2017, Sch. 2, s. 46.]

- (7) Repealed. [B.C. Reg. 191/2021, s. 35.]

## **RULE 17 – GENERAL**

**Changing or cancelling orders made in the absence of a party  
other than dismissal orders or default orders**

- (1) A judge may change or cancel an order made in the absence of a party other than dismissal orders or default orders if
- (a) that party applies (see Rule 16 (7)) within a reasonable time, and
  - (b) there is a good reason for changing or cancelling the order.

**Cancelling dismissal order or default order**

- (2) A judge may cancel a dismissal order or default order if
- (a) the order was made
    - (i) in the absence of a party,
    - (ii) for failing to file a reply, or
    - (iii) for failing to make a deposit under section 56.3 of the *Civil Resolution Tribunal Act*, and
  - (b) the party applies (see Rule 16 (7)) and attaches to the application an affidavit containing
    - (i) the reason the party did not file a reply, attend the settlement conference, trial conference or trial or make a deposit under section 56.3 of the *Civil Resolution Tribunal Act*,
    - (ii) the reason for any delay if there has been delay in filing the application, and
    - (iii) the facts that support the claim or the defence.

[am. B.C. Regs. 360/2007, s. 15 (a); 267/2018, s. 13.]

**Terms of payment schedule may be changed or cancelled**

- (3) The creditor or the debtor may apply to a judge (see Rule 16 (7)) to change or cancel the terms of payment in a payment schedule and the judge may make any order that the judge thinks is fair.

**Judge may make orders subject to conditions**

- (4) In making an order under these rules, a judge may impose any condition or give any direction that the judge thinks is fair.

**Judge may cancel, postpone or adjourn trials and hearings**

- (5) A judge may cancel, postpone or adjourn a settlement conference, trial or hearing
- (a) to a specified date,
  - (b) to a date to be set by the registrar, or
  - (c) without setting a date.

**Postponement or adjournment of a trial**

- (5.1) A trial may only be postponed or adjourned
- (a) under subrule (5), Rule 4 (7), Rule 7.5 (15), Rule 9 (6) or Rule 9.1 (19), (22) (l) (i) or (24), or
  - (b) if a party applies to a judge under Rule 16 (7) and the judge is satisfied that
    - (i) the postponement or adjournment is unavoidable, and
    - (ii) an injustice will result to one of the parties if the trial proceeds.
- [en. B.C. Reg. 146/98, s. 3; am. B.C. Reg. 360/2007, s. 15 (b).]

**Fee to postpone or adjourn a trial**

- (5.2) A party who is notified of a trial date 45 or more days before the trial date and who applies under subrule (5.1) (b) or Rule 4 (7) to postpone or adjourn the trial must, if the postponement or adjournment is granted, pay the fee for resetting a trial unless
- (a) the application is made 30 or more days before the trial date, or
  - (b) the claim is settled within the applicable period as described in subrule (5.3).
- [en. B.C. Reg. 146/98, s. 3.]

**Time to pay fee to postpone or adjourn a trial**

- (5.3) The fee required by subrule (5.2) must be paid within
- (a) the period of 14 days after the granting of the postponement or adjournment, or
  - (b) a longer period set by the registrar (see Rule 16 (3)).
- [en. B.C. Reg. 146/98, s. 3.]

**Failure to pay fee to postpone or adjourn a trial**

- (5.4) If a party fails to pay the fee required by subrule (5.2), a judge may

- (a) dismiss the claim if that party is the claimant,
- (b) strike out the reply, counterclaim or third party notice and make a payment order if that party is a defendant, or
- (c) make any other order the judge thinks is fair.

[en. B.C. Reg. 146/98, s. 3.]

**Judge may change place of a trial or hearing**

- (6) A judge may direct that a trial or hearing that is set for one place be held at another place.

**Chief judge may change place of conferences and trials**

- (7) The chief judge may order that any and all settlement conferences, trial conferences and trials set at one place be heard at another place.

[am. B.C. Reg. 360/2007, s. 15 (c).]

**Creditor may enforce order at another place**

- (8) The creditor may take steps to enforce a default order or a payment order at a registry other than where the court file is if
  - (a) that registry is nearest to where the debtor lives or carries on business, and
  - (b) the creditor files at that registry a certified true copy of the order and an affidavit stating the amount still owing.

**When orders take effect**

- (9) An order takes effect on the day it was made unless otherwise ordered by the judge or registrar who made the order.

**First and last days are not counted**

- (10) In calculating time under these rules or an order, the number of days between 2 events is counted by excluding the days on which those events happen.

**If the last day is a holiday**

- (11) If the last day of a period of time for filing or serving a document or doing any other thing under these rules or an order falls on a day when the registry is closed, the time ends on the next day that the registry is open.

**Judge may extend or shorten times**

- (12) At any time, a judge may extend or shorten a time limit set by these rules or by any order of the court, on the terms that the judge thinks are fair.

**If a party does not obey the rules**

- (13) A party who thinks that another party has not obeyed these rules may apply to a judge under Rule 16 (7) or at a hearing, and the judge may make any order or give any direction that the judge thinks is fair.

**Correction of orders**

- (14) A judge may correct an accidental slip or omission in an order and may add provisions on expenses, interest or anything else that was not but should have been adjudicated on.

**Judge has registrar's powers**

- (15) A judge may exercise any power or perform any duty given to a registrar by these rules.

**Hearings may be conducted virtually**

- (16) A conference, hearing or mediation session may be conducted virtually.  
[en. B.C. Reg. 191/2021, s. 36.]

**Application for remote hearing**

- (16.1) An application to remotely attend a conference or hearing, other than a trial, payment hearing or default hearing, must be made under Rule 16 (3) to a registrar and, if granted, the registrar
- (a) must order that all documents relevant to the conference or hearing be sent to the court and the other parties before the conference or hearing, and
  - (b) may order the person requesting to attend the conference or hearing remotely to pay for the telephone call, video conference or other cost of that person's remote attendance.
- [en. B.C. Reg. 191/2021, s. 36.]

**Application for remote trial, payment hearing or default hearing**

- (16.2) An application to remotely attend a trial, payment hearing or default hearing must be made to a judge under Rule 16 (7).  
[en. B.C. Reg. 191/2021, s. 36.]

**Parties may be required to appear in person**

- (16.3) A registrar, justice or judge who is conducting a conference or hearing virtually may adjourn the conference or hearing at any time and require participants to appear in person.  
[en. B.C. Reg. 191/2021, s. 36.]

**Faxed documents**

- (17) A registrar may accept for filing any document, except a notice of claim, notice of civil resolution tribunal claim or a reply, that has been transmitted to the registry by a fax machine.  
[am. B.C. Reg. 120/2017, Sch. 2, s. 47.]

**Supreme Court Civil Rules**

- (18) Only the following Supreme Court Civil Rules apply to proceedings under the *Small Claims Act*:

Rule 17.1 – Procedures in Fax Filing Pilot Project Registries

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- (a) Rule 10-1 [*Detention, Preservation and Recovery of Property*];
  - (b) Rule 10-3 [*Interpleader*];
  - (c) Rule 13-2 (4) (only as to writs of delivery) and (7) [*Enforcement of Orders*];
  - (d) Rule 20-2 [*Persons Under Disability*], except Rule 20-2 (4);
  - (e) Rule 20-2 (4) (only as to personal injury cases).
- [en. B.C. Reg. 146/2010, s. 1.]

**Settlements involving young persons**

- (19) A person (litigation guardian) who makes a claim for personal injury on behalf of someone under 19 years of age must act by a solicitor and may not settle the claim without the consent of the Public Guardian and Trustee.
- [am. B.C. Reg. 172/2003, s. 7.]

**How the parties may be represented**

- (20) Any party who wishes to be represented in court may be represented by a lawyer or an articulated student, or
- (a) if the party is a company, by a director, officer or authorized employee,
  - (b) if the party is a partnership, by a partner or an authorized employee, or
  - (c) if the party is using a business name, by the owner of the business or any authorized employee.

**Party may appeal the registrar's decision**

- (21) If a party is dissatisfied with a decision of a registrar, the party may apply (see Rule 16 (7)) to a judge for a review of the registrar's decision.

**What the judge may do**

- (22) After hearing those parties who attend, the judge may confirm or change the registrar's decision.

**RULE 17.1 – PROCEDURES IN FAX FILING PILOT PROJECT REGISTRIES**

**Definition**

- (1) In this rule:
- “**clerk**” means a member of the registry staff;
  - “**fax filing pilot project registry**” means the Chilliwack, Cranbrook, Dawson Creek, Kamloops, Kelowna, Nelson, Penticton, Prince George, Rossland, Salmon Arm, Smithers, Terrace, Vernon or Williams Lake Small Claims registry.
- [en. B.C. Reg. 10/2003, s. 1.]

**Application of this rule**

- (2) Despite rule 17 (17) and subject to this rule, if a registry is a fax filing pilot project registry, a registrar or clerk may accept any document in a filing that has been transmitted to the registry by fax, except the following:
- (a) a certificate of service respecting an application for a default order;
  - (b) a certificate of judgment under section 88 of the *Court Order Enforcement Act*;
  - (c) an order under section 76 of the *Offence Act*;
  - (d) Repealed. [B.C. Reg. 267/2018, s. 14.]
  - (e) a decision or order of the director under section 85 of the *Residential Tenancy Act*;
  - (e.1) a decision or order of the director under section 78 of the *Manufactured Home Park Tenancy Act*;
  - (f) a restitution order under section 741 of the *Criminal Code*.
- [en. B.C. Reg. 10/2003, s. 1; am. B.C. Reg. 267/2018, s. 14.]

**When a fax filing may be refused**

- (3) A registrar or clerk may refuse to accept a filing that is transmitted to a fax filing pilot project registry by fax for any one or more of the following reasons:
- (a) the filing is not accompanied by a fax cover sheet in Form 20;
  - (b) the filing relates to more than one claim;
  - (c) the filing and the fax cover sheet exceed 20 pages in length and the registrar has not given leave;
  - (d) applicable registry services fees have not been paid;
  - (e) in the opinion of the registrar or clerk, the filing is illegible and cannot be used by the court;
  - (f) the filing is incomplete;
  - (g) the filing should have been transmitted to another fax filing pilot project registry;
  - (h) the filing does not otherwise conform to practice and procedure under these rules and any applicable enactment.
- [en. B.C. Reg. 10/2003, s. 1.]

**When a fax filing is filed**

- (4) A filing that is transmitted to a fax filing pilot project registry by fax and received by the registry fax machine will be filed as soon as is practicable, provided that it has not been refused under subrule (3).
- [en. B.C. Reg. 10/2003, s. 1.]

**When a fax filing is considered to be filed**

- (5) A filing that is transmitted to a fax filing pilot project registry by fax is considered to be filed on the date stamped on it by a clerk.

[en. B.C. Reg. 10/2003, s. 1.]

**Original of fax filing may be required by judge**

- (6) A judge may require that the original of a document transmitted to a fax filing pilot project registry by fax in accordance with this rule be produced.

[en. B.C. Reg. 10/2003, s. 1.]

## **RULE 18 – OTHER RULES ABOUT SERVICE AND PROVING SERVICE**

**How to serve a notice of claim or notice of civil resolution tribunal claim on a municipality**

- (1) If a defendant is a municipal corporation, regional district or other local government body, the notice of claim or notice of civil resolution tribunal claim must be served by giving a copy to the clerk, deputy clerk or some similar official.

[am. B.C. Reg. 120/2017, Sch. 2, s. 48.]

**How to serve a notice of claim or notice of civil resolution tribunal claim on a young person**

- (2) If a defendant is under 19 years of age, the notice of claim or notice of civil resolution tribunal claim must be served by leaving a copy of the notice with the defendant's mother, father or guardian unless a judge orders otherwise.

[am. B.C. Reg. 120/2017, Sch. 2, s. 48.]

**How to serve a society**

- (3) If the defendant is a society within the meaning of the *Societies Act*, the notice of claim or notice of civil resolution tribunal claim must be served

(a) by mailing a copy of it by registered mail to the mailing address of the society's registered office on file with the Registrar of Companies, or

(b) by leaving a copy of it

(i) at the delivery address of the society's registered office on file with the Registrar of Companies, or

(ii) with a director, officer, receiver manager or liquidator of the society.

[am. B.C. Regs. 188/99, s. 2; 212/2015, Sch. 3, s. 4 (a) to (c); 120/2017, Sch. 2, s. 48.]

**How to serve an extraprovincial non-share corporation**

- (4) If the defendant is an extraprovincial non-share corporation within the meaning of the *Societies Act*, the notice of claim or notice of civil resolution tribunal claim must be served

(a) in accordance with section 176 of that Act,

Rule 18 – Other Rules about Service and Proving Service

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- (b) by mailing a copy of it by registered mail to the mailing address for an attorney, referred to in section 170 of that Act, of the extraprovincial non-share corporation on file with the Registrar of Companies, or
- (c) if neither paragraph (a) nor (b) of this subrule applies, by following subrule (3) (b) (ii).

[en. B.C. Reg. 212/2015, Sch. 3, s. 4 (d); am. B.C. Reg. 120/2017, Sch. 2, s. 48.]

**How to serve an unincorporated association and trade union**

- (5) If the defendant is an unincorporated association, including a trade union, the notice of claim or notice of civil resolution tribunal claim must be served

- (a) by mailing a copy of it by registered mail to the registered office of the association, or
- (b) by leaving a copy of it with an officer of the association, or in the case of a trade union, with a business agent.

[am. B.C. Regs. 188/99, s. 2; 120/2017, Sch. 2, s. 48.]

**Service of a notice of claim or notice of civil resolution tribunal claim outside British Columbia**

- (6) A notice of claim or notice of civil resolution tribunal claim may be served on a person outside British Columbia if

- (a) the person is
  - (i) an individual who normally resides in British Columbia, or
  - (ii) a corporation that has assets in British Columbia but is incorporated outside British Columbia and is not an extraprovincial company,
- (b) the transaction or event that resulted in the claim took place in British Columbia, or
- (c) the registrar gives permission (see Rule 16 (3)).

[en. B.C. Reg. 188/99, s. 2; am. B.C. Reg. 120/2017, Sch. 2, s. 48.]

**How to serve a corporation outside British Columbia**

- (6.1) A notice of claim or notice of civil resolution tribunal claim authorized under subrule (6) to be served on a corporation outside British Columbia must be served

- (a) by mailing a copy of it by registered mail to a place of business or registered office of the corporation outside British Columbia, or
- (b) by leaving a copy of it
  - (i) at a place of business or registered office of the corporation outside British Columbia with a receptionist or a person who appears to manage or control the corporation's business, or
  - (ii) with a director, officer, liquidator, trustee in bankruptcy or receiver manager of the corporation.

[en. B.C. Reg. 188/99, s. 2; am. B.C. Reg. 120/2017, Sch. 2, s. 48.]

**Time limits on a notice of claim served outside British Columbia**

- (7) Before a notice of claim is served outside British Columbia, the claimant must put the time limit for filing a reply from outside British Columbia on the notice of claim (see Rule 3 (4)) and file a copy, with that time limit on it, at the registry.

**Time limits on a notice of civil resolution tribunal claim served outside British Columbia**

- (7.1) Before a notice of civil resolution tribunal claim is served outside British Columbia, the claimant must put the time limit for filing a reply from outside British Columbia on the notice of civil resolution tribunal claim (see Rule 1.1 (23)) and file a copy, with that time limit on it, at the registry.

[en. B.C. Reg. 120/2017, Sch. 2, s. 49.]

**If there is difficulty finding a defendant**

- (8) If a notice of claim cannot be served under Rule 2, the claimant may apply to the registrar (see Rule 16 (3)) who may
- (a) permit another method of service to be used, and
  - (b) set the time limit for filing a reply.

**If there is difficulty finding a defendant for service of a notice of civil resolution tribunal claim**

- (8.1) If a notice of civil resolution tribunal claim cannot be served under Rule 1.1 (10) to (17), the claimant may apply to the registrar (see Rule 16 (3)) who may
- (a) permit another method of service to be used, and
  - (b) set the time limit for filing a reply.

[en. B.C. Reg. 120/2017, Sch. 2, s. 49.]

**When another service method is permitted**

- (9) If another method of service is permitted, a copy of the registrar's order must be served with the notice of claim or notice of civil resolution tribunal claim unless the registrar
- (a) orders otherwise, or
  - (b) orders notice to be given by advertisement.

[am. B.C. Reg. 120/2017, Sch. 2, s. 48.]

**Effect of using another service method**

- (10) A notice of claim or notice of civil resolution tribunal claim that is served as permitted by a registrar's order is validly served.

[am. B.C. Reg. 120/2017, Sch. 2, s. 48.]

**Notice by advertisement**

- (11) If a registrar permits notice to be given by advertisement, the party who obtained the order must pay for the advertisement.

**Service of other documents or notices**

- (12) Any document may be served on a person
- (a) by following
    - (i) Rule 2, if the person is not a corporation referred to in subparagraph (ii), or
    - (ii) subrule (6.1), if the person is a corporation incorporated outside British Columbia but is not an extraprovincial company,unless the document is a summons to a payment hearing or to a default hearing,
  - (b) by mailing it by ordinary mail to the person's address, unless the document is a notice of claim, a notice of civil resolution tribunal claim, a third party notice or 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
  - (c) by emailing it to the person's email address for service, unless the document is a notice of claim, a notice of civil resolution tribunal claim, a third party notice or a summons to a payment hearing, to a default hearing or to a witness (see Rules 1.1 (10) to (17), 2, 5 (4), 9 (1), 12 (7) and 13 (5)).
- [am. B.C. Regs. 188/99, s. 2; 133/2005, s. 1; 146/2010, s. 2; 120/2017, Sch. 2, s. 50; 191/2021, s. 37.]

**When service by mail is effected**

- (13) A document that is served by ordinary mail is presumed to have been served 14 days after it was mailed unless there is evidence to the contrary.

**Written proof of service**

- (14) Service of a document may be proved by filing the following at the registry:
- (a) for personal service of a document except a summons to a payment hearing, a certificate of service (Form 4), with a copy of the document attached;
  - (b) for service by registered mail, a certificate of service (Form 4) with attached to the certificate
    - (i) a copy of the document, and
    - (ii) one of the following:
      - (A) a copy, produced by fax or otherwise, of the signature obtained by Canada Post at the time the document was delivered;
      - (B) a print-out of the delivery confirmation made available on the Internet by Canada Post;
  - (c) for service by ordinary mail, a certificate of service (Form 4), with a copy of the document attached;
  - (c.1) for service by email, a certificate of service (Form 4) with the following attached to the certificate:

Rule 18 – Other Rules about Service and Proving Service

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- (i) a printout of the first page of the email message that includes the sender's name, the recipient's email address, the date the email was sent and the time the email was sent;
- (ii) if the printout of the first page of the email message does not list the name of the document as an attachment to the email, a copy of the document;
- (d) for personal service on a lawyer or articulated student, a copy of the document signed by the lawyer or student or by a partner or employee of the firm;
- (e) for personal service of a summons to a payment hearing, an affidavit of service.

[am. B.C. Regs. 148/97, s. 16; 188/99, s. 2; 191/2021, s. 38.]

**Oral proof of service**

- (15) Instead of requiring proof of service under subrule (14), a judge or registrar may allow a person to prove by sworn oral evidence that the person has personally served a document.

**Change of address**

- (16) If a party's address changes, the party must file a new address for service (Form 38) and promptly serve a copy on each of the other parties.

[en. B.C. Reg. 191/2021, s. 39.]

**Types of addresses for service**

- (17) A party must, on an address for service (Form 38), give both of the following types of addresses:
  - (a) an address for personal service that must be
    - (i) the party's residence, place of business or solicitor's office, if the party is not incorporated and not a partnership, or
    - (ii) the party's registered office, place of business or solicitor's office, if the party is incorporated or a partnership;
  - (b) an address for service by mail or email that must be
    - (i) a mailing address, or
    - (ii) an email address.

[en. B.C. Reg. 191/2021, s. 40.]

**When service by email is deemed to be completed**

- (18) A document transmitted for service by email under this rule is deemed to be served as follows:
  - (a) if the document is transmitted before 4 p.m. on a day that is not a Saturday, Sunday or another holiday listed in the definition of "holiday" in the *Interpretation Act*, the document is deemed to be served on the day of transmission;

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- (b) if the document is transmitted on a Saturday, Sunday or another holiday listed in the definition of “holiday” in the *Interpretation Act*, or after 4 p.m. on any other day, the document is deemed to be served on the next day that is not a Saturday, Sunday or holiday.

[en. B.C. Reg. 191/2021, s. 41.]

**If document does not reach a person**

- (19) If a document was served by email in accordance with Rule 18 (12) (c), a person may show, on an application to set aside the consequences of default, on an application for an extension of time or on an application in support of a request for an adjournment, that the document

- (a) did not come to the person’s notice,
- (b) came to the person's notice later than when it was served or effectively served, or
- (c) was incomplete or illegible.

[en. B.C. Reg. 191/2021, s. 41.]

**Transition**

- (20) If a person wishes to file a document and has not yet given an address for service (Form 38), the person must also file an address for service and serve a copy on each of the other parties.

[en. B.C. Reg. 191/2021, s. 41.]

**RULE 19 – CONTEMPT****Consequences of refusing to comply at a hearing**

- (1) If a person at a hearing before a judge
  - (a) refuses to be sworn, or to affirm or to answer a question,
  - (b) refuses to produce a record or other evidence,
  - (c) does not obey a direction of the judge, or
  - (d) repeatedly fails to attend court when summoned or ordered to do so and does not provide adequate reasons for failing to attend,

the judge may issue a warrant (Form 15) requiring the person to be imprisoned for a specified period of not more than 3 days.

**If the claimant or applicant refuses to comply**

- (2) If a person who does anything referred to in subrule (1) is
  - (a) the claimant or applicant,
  - (b) an officer, director or employee who is an authorized representative of the claimant or applicant, or
  - (c) a partner or a manager of a partnership that is the claimant or applicant,

the judge may dismiss the claim or application.

**If the defendant or third party refuses to comply**

- (3) If a person who does anything referred to in subrule (1) is
- (a) the defendant or a third party,
  - (b) an officer, director or employee who is an authorized representative of the defendant or a third party, or
  - (c) a partner or a manager of a partnership that is the defendant or third party,
- the judge may continue with the proceeding as if no reply had been filed.

**Release from imprisonment for contempt**

- (4) A person imprisoned under subrule (1) or Rule 13 (8) may apply to a judge who may order the person to be released on the conditions set by the judge.

## **RULE 20 – FEES AND EXPENSES**

**If a person cannot afford the fees**

- (1) Anyone who cannot afford the fees payable for registry services under Schedule A may apply to the registrar (see Rule 16 (3)), to be exempted from paying the fees.

**Successful party to receive filing and service fees**

- (2) An unsuccessful party must pay to the successful party the following expenses, unless a judge or registrar orders otherwise:
- (a) any fees the party paid for filing any documents;
  - (b) reasonable amounts the party paid for serving any documents;
  - (c) any other reasonable charges or expenses that the judge or registrar considers directly relate to the conduct of the proceeding.

**Determination of expenses**

- (3) A judge may determine the amount of the expenses that are payable under subrule (2) or refer the matter to the registrar.

**Registrar's determination**

- (4) If a judge refers the matter to the registrar, the registrar must determine the amount of expenses as soon as practicable.

**A judge may order a penalty**

- (5) A judge may order a party to pay the other party up to 10% of the amount claimed or the value of the claim or counterclaim if the party made a claim, counterclaim or reply and proceeded through trial with no reasonable basis for success.

**Compensation for unnecessary expenses**

- (6) A judge may order a party or witness whose conduct causes another party or witness to incur expenses to pay all or part of those expenses.

**Compensation for collection expenses**

- (7) To compensate a creditor for the cost of collecting payment due under a default order or payment order, a registrar may order the debtor to pay expenses, limited to those in Schedule A.

**RULE 21 – USE OF FORMS****Forms are in Schedule B**

- (1) The forms in Schedule B must be used in accordance with these rules and the instructions on the forms.

**Registrar may refuse to accept improper forms**

- (2) A registrar may refuse to accept a document for filing if it is
- (a) not in the form required by these rules, or
  - (b) not completed according to the instructions on that form.

**RULE 22 – ELECTRONIC FILING RULE****Application of Supreme Court Civil Rules**

- (1) Rule 23-3 (1) to (3), (4) (a), (6) to (14) and (16) of the Supreme Court Civil Rules applies to a claim under these rules.

[en. B.C. Reg. 146/2010, s. 3; am. B.C. Reg. 191/2021, s. 42.]

**Qualifications**

- (2) For the purposes of subrule (1) of this rule,
- (a) a reference to Form 119 in Rule 23-3 (6) of the Supreme Court Civil Rules, as that rule applies under subrule (1) of this rule, is deemed to be a reference to Form 28 of these rules, and
  - (b) a reference to affidavits in Rule 23-3 (11) of the Supreme Court Civil Rules, as that rule applies under subrule (1) of this rule, is deemed to exclude reference to affidavits of service under these rules.

[en. B.C. Reg. 146/2010, s. 3.]

**Original documents**

- (3) A document that has been transmitted for filing electronically under subrule (1) may be treated by the registry for all purposes as an original document.

[en. B.C. Reg. 133/2005, s. 2.]

- (4) Repealed. [B.C. Reg. 192/2007, s. (b).]

Schedule A

**SCHEDULE A**

[en. B.C. Reg. 74/98; am. B.C. Regs. 10/2003, s. 2; 172/2003, s. 8; 458/2004; 459/2004; 285/2005; 371/2008; 120/2017, Sch. 2, s. 51; 126/2020.]

**Fees**

*You must pay these amounts for the following services:*

<b>REGISTRY SERVICES</b>		<b>\$</b>
1	For filing a notice of claim (a) for claims up to and including \$3 000 (b) for claims over \$3 000	100 156
1.1	For filing an application for exemption	125
2	For filing a reply, unless the defendant has agreed to pay all of the claim (a) for claims up to and including \$3 000 (b) for claims over \$3 000	26 50
3	For filing a counterclaim or a revised reply containing a new counterclaim (a) for counterclaims up to and including \$3 000 (b) for counterclaims over \$3 000	100 156
4	For filing a third party notice	25
5	For filing an application for a default order	25
5.1	For returning confirmation of acceptance or refusal of a filing transmitted to a fax filing pilot project registry by fax, by mail or fax	10
5.2	For filing a request for judgment or for dismissal	25
5.3	For filing an application for a mediation compensation order	25
6	For a search of a record, other than (a) an electronic search conducted from outside the registry, or (b) a search of a record of a proceeding by (i) a party to that proceeding, or (ii) the party's solicitor	8
6.1	For returning by mail, fax or electronic mail the results of a search of an existing case, the aggregate of the following: (a) fee for returning the results (b) cost per page faxed or mailed	10 1
6.2	For accessing from outside the registry, including, without limitation, viewing, printing or downloading, any record that is found by or created in response to an electronic search or request, including, without limitation, an index of cases produced in response to a search query	6
7	For copies, per page	1
8	For a certified copy of a record (a) for 10 pages or less (b) for each additional page over 10 pages	21 6

## Schedule A

*You must pay these amounts for the following services:*

<b>REGISTRY SERVICES (CONTINUED)</b>		<b>\$</b>
9	For filing or issuing a certificate of judgment or any other certificate, except for filing a certificate issued under section 56.2 of the <i>Civil Resolution Tribunal Act</i>	30
10	For filing <ul style="list-style-type: none"> <li>(a) a certified copy of an order from another registry of the court, except for a Restitution Order made under the <i>Criminal Code</i></li> <li>(b) a copy of an order of an arbitrator under the <i>Residential Tenancy Act</i></li> <li>(c) a validated copy of an order giving effect to a final decision of the civil resolution tribunal under the <i>Civil Resolution Tribunal Act</i></li> </ul>	21 21 21
11	For taking or swearing an affidavit for use in the court, except for taking or swearing an affidavit in the course of a person's duties as a peace officer or as an agent or officer of British Columbia or an affidavit of non-compliance under Rule 7 (20)	31
12	For filing the records required for the issue of a garnishing order	40
13	Repealed. [B.C. Reg. 10/2003, s. 2 (c).]	
14	For resetting a trial or hearing with less than 30 days' notice before the date of the proceeding as set on the trial list, unless the matter must be reset due to the unavailability of a judge	100
<b>SHERIFF SERVICES</b>		
15	For personal service by the sheriff <ul style="list-style-type: none"> <li>(a) for receiving, filing, personally serving one person, and returning the document together with a certificate or affidavit of service or attempted service</li> <li>(b) for each additional person served at the same address</li> <li>(c) for each additional person served not at the same address</li> </ul>	100 20 30
16	For <ul style="list-style-type: none"> <li>(a) receiving, filing, serving one person by registered mail and returning the document together with a certificate of service or attempted service</li> <li>(b) each additional person served by registered mail at the same address</li> </ul>	20 10
17	For enforcing orders for seizure and sale <ul style="list-style-type: none"> <li>(a) for each order</li> <li>(b) for attending, investigating, inventorying, cataloguing, taking possession, preparing for sale, per hour for each sheriff involved</li> <li>(c) as commission on the sum realized, or on the sum settled for, as the case may be, after deducting disbursements properly incurred</li> <li>(d) the amount of the commission payable under paragraph (c) must be reduced by 50% if an auctioneer, broker or other individual sells the goods and chattels for the sheriff and receives a fee or commission for doing so</li> </ul>	80 60 10%

Schedule A

*You must pay these amounts for the following services:*

<b>SHERIFF SERVICES (CONTINUED)</b>		<b>\$</b>
18	In lien and recovery actions, (a) for enforcing a lien other than a repairer's lien, or for recovering goods, if the enforcement or recovery is completely or partly accomplished (b) for attending, investigating, inventorying, cataloguing, taking possession, per hour for each sheriff involved	75 55
19	In respect of items 17 and 18, for each kilometre travelled	0.50
20	For a search, including a certificate of result	5
21	For taking or swearing an affidavit for use in the court, except for taking or swearing an affidavit in the course of a person's duties as a peace officer or as an agent or officer of British Columbia	30
22	All disbursements properly incurred to carry out items 15 to 21	

In addition to any other fees payable under this Schedule, a further fee of \$7.00 must be paid for transmitting a document package to a registry through the electronic filing service of Court Services Online. For the purposes of this provision, a "document package" is any document or, if a group of documents is transmitted at one time in relation to the same court file, that group of documents.


Despite anything in this Schedule, if, after consultation with the Chief Judge, the Crown enters into an agreement with a person under which the person is authorized to access one or both of registry records and specified registry services and is exempted from payment of any or all of the fees provided under Items 6, 6.1, 6.2 and 7 for such access, the person may, on payment of any fee required under the agreement and on compliance with any other terms and conditions imposed by the agreement, access, during the term of the agreement, the registry records and registry services to which the agreement applies without payment of the fees from which the person is exempted under the agreement.


## SCHEDULE B

## FORM 1

[en. B.C. Reg. 148/97, s. 18.]


NOTICE OF CLAIM		REGISTRY FILE NUMBER	
IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)		REGISTRY LOCATION	
<b>FROM:</b> Fill in the name, address and telephone number of the person(s) or business(es) making the claim.	<b>CLAIMANT(S)</b> NAME _____ ADDRESS _____ CITY, TOWN, MUNICIPALITY _____ PROV. _____ POSTAL CODE _____ TEL. # _____		
	<b>TO:</b> Fill in the name, address and telephone number of the person(s) or business(es) the claim is against.		
<b>WHAT HAPPENED?</b> Tell what led to the claim.		<b>DEFENDANT(S)</b> NAME _____ ADDRESS _____ CITY, TOWN, MUNICIPALITY _____ PROV. _____ POSTAL CODE _____ TEL. # _____	
<b>WHERE?</b> Tell where this happened.			
<b>HOW MUCH?</b> Tell what is being claimed from the defendant(s). 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.			
<b>WHEN?</b> Tell when this happened.		CITY, TOWN, MUNICIPALITY _____ PROV. _____	
<b>TIME LIMIT FOR A DEFENDANT TO REPLY</b> The defendant must complete and file the attached reply within 14 days from being served with this notice, unless the defendant settles this claim directly with the claimant. 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 will have to pay the amount claimed plus interest and further expenses.		<b>TOTAL</b> + FILING FEES + SERVICE FEES = TOTAL CLAIMED \$	
The Court Address for filing documents is:		DEBT OTHER THAN DEBT	
FORM 1 SCL 000 11/99 (OPC 753069450)		court copy	

 <b>BRITISH COLUMBIA</b>		<b>NOTICE OF CLAIM</b> IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)		REGISTRY FILE NUMBER																		
				REGISTRY LOCATION																		
<b>FROM:</b> This person has made a claim against you in Small Claims Court.		<b>CLAIMANT(S)</b>																				
NAME _____ ADDRESS _____																						
CITY, TOWN, MUNICIPALITY _____		TEL. # _____																				
		PROV. _____ POSTAL CODE _____																				
<b>TO:</b>		<b>DEFENDANT(S)</b>																				
NAME _____ ADDRESS _____																						
CITY, TOWN, MUNICIPALITY _____		TEL. # _____																				
		PROV. _____ POSTAL CODE _____																				
<b>WHAT HAPPENED?</b> This is what the claimant says led to the claim.																						
<input type="checkbox"/> If this box is checked the "what happened" section is continued on another page. Be sure you have been given a copy of it.																						
<b>WHERE?</b> This is where the claimant says it happened.		<b>WHEN?</b> This is when the claimant says it happened.																				
CITY, TOWN, MUNICIPALITY _____		_____																				
_____		PROV. _____																				
<b>HOW MUCH?</b> This is what the claimant is asking for.		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>a</td><td>\$</td></tr> <tr><td>b</td><td>\$</td></tr> <tr><td>c</td><td>\$</td></tr> <tr><td>d</td><td>\$</td></tr> <tr><td>e</td><td>\$</td></tr> <tr><td>TOTAL</td><td>\$</td></tr> <tr><td>+ FILING FEES</td><td></td></tr> <tr><td>+ SERVICE FEES</td><td></td></tr> <tr><td>= TOTAL CLAIMED</td><td>\$</td></tr> </table>			a	\$	b	\$	c	\$	d	\$	e	\$	TOTAL	\$	+ FILING FEES		+ SERVICE FEES		= TOTAL CLAIMED	\$
a	\$																					
b	\$																					
c	\$																					
d	\$																					
e	\$																					
TOTAL	\$																					
+ FILING FEES																						
+ SERVICE FEES																						
= TOTAL CLAIMED	\$																					
<p align="center"><b>TIME LIMIT FOR A DEFENDANT TO REPLY</b></p> <p>The defendant must complete and file the attached reply within 14 days from being served with this notice, unless the defendant settles this claim directly with the claimant. 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 will have to pay the amount claimed plus interest and further expenses.</p> <p>The Court Address for filing documents is:</p> <div style="border: 1px solid black; height: 60px; width: 100%; margin-top: 5px;"></div>		<div style="float: right; writing-mode: vertical-rl; transform: rotate(180deg); font-size: small;">defendant's copy</div> <div style="clear: both;"></div>																				
FORM 1 SCL 000 11/99 (ONG 733664901)		defendant's copy																				

 <b>NOTICE OF CLAIM</b> IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)		REGISTRY FILE NUMBER  REGISTRY LOCATION																											
<b>FROM:</b>	<div style="text-align: center; font-size: 1.5em; font-weight: bold;">SERVICE COPY</div> <div style="display: flex; justify-content: space-between;"> <div>           NAME ADDRESS             CITY, TOWN, MUNICIPALITY             PROV.             POSTAL CODE             TEL. #         </div> <div style="text-align: right;">CLAIMANT(S)</div> </div>	NOTICE OF CLAIM																											
<b>TO:</b>	<div>           NAME ADDRESS             CITY, TOWN, MUNICIPALITY             PROV.             POSTAL CODE             TEL. #         </div> <div style="text-align: right;">DEFENDANT(S)</div>																												
<b>WHAT HAPPENED?</b>	<div style="height: 150px; border: 1px solid black;"></div> <div style="text-align: right; font-size: 0.8em;"> <input type="checkbox"/> If this box is checked the "what happened section" is continued on a another page. Be sure you have been given a copy of it.         </div>																												
<b>WHERE?</b>	<div>           CITY, TOWN, MUNICIPALITY             PROV.         </div>	<b>WHEN?</b> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>																											
<b>HOW MUCH?</b>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">a</td> <td style="width: 10%; text-align: center;">\$</td> <td style="width: 30%;"></td> </tr> <tr> <td>b</td> <td style="text-align: center;">\$</td> <td></td> </tr> <tr> <td>c</td> <td style="text-align: center;">\$</td> <td></td> </tr> <tr> <td>d</td> <td style="text-align: center;">\$</td> <td></td> </tr> <tr> <td>e</td> <td style="text-align: center;">\$</td> <td></td> </tr> <tr> <td colspan="2"><b>TOTAL</b></td> <td></td> </tr> <tr> <td colspan="2">+ FILING FEES</td> <td></td> </tr> <tr> <td colspan="2">+ SERVICE FEES</td> <td></td> </tr> <tr> <td colspan="2"><b>= TOTAL CLAIMED</b></td> <td style="text-align: center;">\$</td> </tr> </table> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 60%;"> <p><b>TIME LIMIT FOR A DEFENDANT TO REPLY</b>            The defendant must complete and file the attached reply within 14 days from being served with this notice, unless the defendant settles this claim directly with the claimant. 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 will have to pay the amount claimed plus interest and further expenses.</p> <p>The Court Address for filing documents is:</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> </div> <div style="width: 35%; text-align: right;"> <div style="border: 1px solid black; padding: 2px;"> <input type="checkbox"/> DEBT  <input type="checkbox"/> OTHER THAN DEBT           </div> </div> </div>		a	\$		b	\$		c	\$		d	\$		e	\$		<b>TOTAL</b>			+ FILING FEES			+ SERVICE FEES			<b>= TOTAL CLAIMED</b>		\$
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b	\$																												
c	\$																												
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e	\$																												
<b>TOTAL</b>																													
+ FILING FEES																													
+ SERVICE FEES																													
<b>= TOTAL CLAIMED</b>		\$																											

FORM 1  
 SCL 001 11/99  
 (OPC 753069150)

service copy  
  
 service copy

 <b>NOTICE OF CLAIM</b> IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)		REGISTRY FILE NUMBER  REGISTRY LOCATION																											
<b>FROM:</b> Fill in the name, address and telephone number of the person(s) or business(es) making the claim.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">NAME</td> <td style="text-align: right;">CLAIMANT(S)</td> </tr> <tr> <td colspan="3">ADDRESS</td> </tr> <tr> <td>CITY, TOWN, MUNICIPALITY</td> <td>PROV.</td> <td>POSTAL CODE TEL. #</td> </tr> </table>	NAME		CLAIMANT(S)	ADDRESS			CITY, TOWN, MUNICIPALITY	PROV.	POSTAL CODE TEL. #	NOTICE OF CLAIM																		
NAME		CLAIMANT(S)																											
ADDRESS																													
CITY, TOWN, MUNICIPALITY	PROV.	POSTAL CODE TEL. #																											
<b>TO:</b> Fill in the name, address and telephone number of the person(s) or business(es) the claim is against.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">NAME</td> <td style="text-align: right;">DEFENDANT(S)</td> </tr> <tr> <td colspan="3">ADDRESS</td> </tr> <tr> <td>CITY, TOWN, MUNICIPALITY</td> <td>PROV.</td> <td>POSTAL CODE TEL. #</td> </tr> </table>	NAME		DEFENDANT(S)	ADDRESS			CITY, TOWN, MUNICIPALITY	PROV.	POSTAL CODE TEL. #																			
NAME		DEFENDANT(S)																											
ADDRESS																													
CITY, TOWN, MUNICIPALITY	PROV.	POSTAL CODE TEL. #																											
<b>WHAT HAPPENED?</b> Tell what led to the claim.	<div style="text-align: right; font-size: small;"> <input type="checkbox"/> If you need more space to describe what happened, attach another page, mark it "Page 2 of the Notice of Claim" and check this box. A copy of the attached page must accompany each copy of the Notice of Claim.         </div>																												
<b>WHERE?</b> Tell where this happened.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>CITY, TOWN, MUNICIPALITY</td> <td>PROV.</td> </tr> </table>	CITY, TOWN, MUNICIPALITY	PROV.	<b>WHEN?</b> Tell when this happened.																									
CITY, TOWN, MUNICIPALITY	PROV.																												
<b>HOW MUCH?</b> Tell what is being claimed from the defendant(s). 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.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">a</td> <td style="width: 10%; text-align: center;">\$</td> <td style="width: 30%;"></td> </tr> <tr> <td>b</td> <td style="text-align: center;">\$</td> <td></td> </tr> <tr> <td>c</td> <td style="text-align: center;">\$</td> <td></td> </tr> <tr> <td>d</td> <td style="text-align: center;">\$</td> <td></td> </tr> <tr> <td>e</td> <td style="text-align: center;">\$</td> <td></td> </tr> <tr> <td colspan="2" style="text-align: right;"><b>TOTAL</b></td> <td></td> </tr> <tr> <td colspan="2">+ FILING FEES</td> <td></td> </tr> <tr> <td colspan="2">+ SERVICE FEES</td> <td></td> </tr> <tr> <td colspan="2"><b>= TOTAL CLAIMED</b></td> <td style="text-align: center;">\$</td> </tr> </table>		a	\$		b	\$		c	\$		d	\$		e	\$		<b>TOTAL</b>			+ FILING FEES			+ SERVICE FEES			<b>= TOTAL CLAIMED</b>		\$
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The Court Address for filing documents is:		claimant's copy																											

FORM 1  
SCL 000 11/99  
(OFC 753069150)

claimant's copy

## FORM 2

[en. B.C. Reg. 120/2017, Sch. 2, s. 52.]

**REPLY**

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

- ☐
- To a Claim
- 
- ☐
- To a Counterclaim

REGISTRY FILE NUMBER
REGISTRY LOCATION

**TO:**

Copy the name, address and telephone number of the claimant from the Notice of Claim or Notice of Civil Resolution Tribunal Claim.

NAME \_\_\_\_\_ CLAIMANT(S)

ADDRESS \_\_\_\_\_

CITY, TOWN, MUNICIPALITY \_\_\_\_\_ TEL. # \_\_\_\_\_

PROV. \_\_\_\_\_ POSTAL CODE \_\_\_\_\_

**FROM:**

Fill in the name, address and telephone number of the defendant filing this reply.

NAME \_\_\_\_\_ DEFENDANT

ADDRESS \_\_\_\_\_

CITY, TOWN, MUNICIPALITY \_\_\_\_\_ TEL. # \_\_\_\_\_

PROV. \_\_\_\_\_ POSTAL CODE \_\_\_\_\_

**DISPUTE:**

Using the "HOW MUCH" section of the Notice of Claim or the Notice of Civil Resolution Tribunal Claim 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** \_\_\_\_\_

**AGREEMENT WITH THE CLAIM:** I (NAME) \_\_\_\_\_

agree to pay \$ \_\_\_\_\_

If you agree to pay all or part of what is claimed, make a proposal.

I could make the following payments:

(GIVE DATES AND AMOUNTS)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**COUNTERCLAIM** (YOU SHOULD ONLY FILL OUT THIS PART OF THE FORM IF YOU WISH TO MAKE A CLAIM AGAINST THE CLAIMANT)  
 (THIS PART IS NOT TO BE USED WHEN REPLYING TO A COUNTERCLAIM OR TO A NOTICE OF CIVIL RESOLUTION TRIBUNAL CLAIM)
**WHAT HAPPENED?**

Briefly tell what has led to your counterclaim.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**HOW MUCH?**

Tell what you are claiming. If your counterclaim has more than one part, separate each part and fill in each individual amount, then add the individual amounts to make the total.

<b>a</b>	\$	
<b>b</b>	\$	
<b>c</b>	\$	
<b>TOTAL</b>	\$	
<b>+ FILING FEES</b>	\$	
<b>= TOTAL CLAIMED</b>	\$	

court copy

court copy

	REGISTRY FILE NUMBER _____ REGISTRY LOCATION _____
--	---

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

☐ To a Claim  
☐ To a Counterclaim

**TO:**

NAME \_\_\_\_\_ CLAIMANT(S)

ADDRESS \_\_\_\_\_

CITY, TOWN, MUNICIPALITY \_\_\_\_\_ PROV. \_\_\_\_\_ POSTAL CODE \_\_\_\_\_ TEL. # \_\_\_\_\_

**FROM:**  
This is the defendant who has made this Reply. If you have named more than one defendant, their Replies will be separate.

**DISPUTE:**  
This is how the defendant disagrees with your claim(s). The Court will set a date for a settlement conference or in some cases a trial and notify you.

**a** \_\_\_\_\_

**b** \_\_\_\_\_

**c** \_\_\_\_\_

**d** \_\_\_\_\_

**e** \_\_\_\_\_

**AGREEMENT WITH THE CLAIM:** I (NAME) \_\_\_\_\_ agree to pay \$ \_\_\_\_\_

If this is filled in, the defendant has agreed to pay this amount and is proposing this payment schedule.

I could make the following payments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**COUNTERCLAIM**

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**HOW MUCH?**  
This is what the defendant is claiming.

**a** \_\_\_\_\_ \$ \_\_\_\_\_

**b** \_\_\_\_\_ \$ \_\_\_\_\_

**c** \_\_\_\_\_ \$ \_\_\_\_\_

This counterclaim will be heard at the same time as your claim.

claimant's copy

<b>TOTAL</b>	<b>\$</b>	
<b>+ FILING FEES</b>	<b>\$</b>	
<b>= TOTAL CLAIMED</b>	<b>\$</b>	

claimant's copy

**REPLY**

**DEFENDANT**

FORM 2  
SCL 002 01/2017  
(OPC 7530854502)

	REGISTRY FILE NUMBER _____ REGISTRY LOCATION _____
--	---

## REPLY

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

☐ To a Claim  
☐ To a Counterclaim

REPLY

**TO:**  
Copy the name, address and telephone number of the claimant from the Notice of Claim or Notice of Civil Resolution Tribunal Claim.

**FROM:**  
Fill in the name, address and telephone number of the defendant filing this reply.

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

CLAIMANT(S)

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY, TOWN, MUNICIPALITY \_\_\_\_\_ PROV. \_\_\_\_\_ POSTAL CODE \_\_\_\_\_ TEL. # \_\_\_\_\_

DEFENDANT

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY, TOWN, MUNICIPALITY \_\_\_\_\_ PROV. \_\_\_\_\_ POSTAL CODE \_\_\_\_\_ TEL. # \_\_\_\_\_

**a** \_\_\_\_\_

**b** \_\_\_\_\_

**c** \_\_\_\_\_

**d** \_\_\_\_\_

**e** \_\_\_\_\_

**AGREEMENT WITH THE CLAIM:** I (NAME) \_\_\_\_\_ agree to pay \$ \_\_\_\_\_

If you agree to pay all or part of what is claimed, make a proposal.

I could make the following payments:  
(GIVE DATES AND AMOUNTS)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**COUNTERCLAIM** (YOU SHOULD ONLY FILL OUT THIS PART OF THE FORM IF YOU WISH TO MAKE A CLAIM AGAINST THE CLAIMANT)  
(THIS PART IS NOT TO BE USED WHEN REPLYING TO A COUNTERCLAIM OR A NOTICE OF CIVIL RESOLUTION TRIBUNAL CLAIM)

**WHAT HAPPENED?**  
Briefly tell what has led to your counterclaim.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_


**HOW MUCH?**  
Tell what you are claiming. If your counterclaim has more than one part, separate each part and fill in each individual amount, then add the individual amounts to make the total.


<b>a</b> _____	\$		
<b>b</b> _____	\$		
<b>c</b> _____	\$		
<b>TOTAL</b>		\$	
<b>+ FILING FEES</b>		\$	
<b>= TOTAL CLAIMED</b>		\$	

defendant's copy

FORM 2  
SCL 002 01/2017  
(OPC 7530854502)

FORM 3  
[en. B.C. Reg. 146/98, s. 4.]


 <b>THIRD PARTY NOTICE</b> <small>IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)</small>		<small>REGISTRY FILE NUMBER</small> <small>REGISTRY LOCATION</small>																					
<b>TO:</b> <small>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.</small>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: right;"><b>THIRD PARTY</b></td> </tr> <tr> <td style="width: 60%;">NAME</td> <td style="width: 40%;">TEL. #</td> </tr> <tr> <td>ADDRESS</td> <td></td> </tr> <tr> <td>CITY, TOWN, MUNICIPALITY</td> <td>British Columbia <small>PROV.</small></td> </tr> <tr> <td></td> <td>POSTAL CODE</td> </tr> </table>			<b>THIRD PARTY</b>		NAME	TEL. #	ADDRESS		CITY, TOWN, MUNICIPALITY	British Columbia <small>PROV.</small>		POSTAL CODE										
<b>THIRD PARTY</b>																							
NAME	TEL. #																						
ADDRESS																							
CITY, TOWN, MUNICIPALITY	British Columbia <small>PROV.</small>																						
	POSTAL CODE																						
<b>FROM:</b> <small>Fill in the name, address and telephone number of the defendant who is adding the third party.</small>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: right;"><b>DEFENDANT</b></td> </tr> <tr> <td style="width: 60%;">NAME</td> <td style="width: 40%;">TEL. #</td> </tr> <tr> <td>ADDRESS</td> <td></td> </tr> <tr> <td>CITY, TOWN, MUNICIPALITY</td> <td>British Columbia <small>PROV.</small></td> </tr> <tr> <td></td> <td>POSTAL CODE</td> </tr> </table>			<b>DEFENDANT</b>		NAME	TEL. #	ADDRESS		CITY, TOWN, MUNICIPALITY	British Columbia <small>PROV.</small>		POSTAL CODE										
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<small>Copy the name, address and telephone number of the claimant from the notice of claim.</small>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: right;"><b>CLAIMANT</b></td> </tr> <tr> <td style="width: 60%;">NAME</td> <td style="width: 40%;">TEL. #</td> </tr> <tr> <td>ADDRESS</td> <td></td> </tr> <tr> <td>CITY, TOWN, MUNICIPALITY</td> <td>British Columbia <small>PROV.</small></td> </tr> <tr> <td></td> <td>POSTAL CODE</td> </tr> </table>			<b>CLAIMANT</b>		NAME	TEL. #	ADDRESS		CITY, TOWN, MUNICIPALITY	British Columbia <small>PROV.</small>		POSTAL CODE										
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<b>WHAT HAPPENED?</b> <small>Tell what happened to make you think the third party should pay all or part of the claim.</small>	<div style="border: 1px solid black; height: 100px; width: 100%;"></div> <p><input type="checkbox"/> If you need more space to describe what happened, attach another page, mark it "Page 2 of the Third Party Notice" and check this box. A copy of the attached page must accompany each copy of the Third Party Notice.</p>																						
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<small>The Court Address for filing documents is:</small> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>		<input type="checkbox"/> DEBT <input type="checkbox"/> OTHER THAN DEBT																					


 <b>THIRD PARTY NOTICE</b> <small>IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)</small>		<small>REGISTRY FILE NUMBER</small> <small>REGISTRY LOCATION</small>	
<b>TO:</b>	<small>NAME</small> <small>ADDRESS</small>  <small>CITY, TOWN, MUNICIPALITY</small>	<b>THIRD PARTY</b>  <small>TEL. #</small>	THIRD PARTY NOTICE
	<small>PROV.</small> British Columbia <small>POSTAL CODE</small>		
	<small>The defendant named below is being sued by the claimant. The defendant thinks you should pay all or part of the claim and is including you in the case as third party.</small>		
<b>FROM:</b>	<small>NAME</small> <small>ADDRESS</small>  <small>CITY, TOWN, MUNICIPALITY</small>	<b>DEFENDANT</b>  <small>TEL. #</small>	
	<small>PROV.</small> British Columbia <small>POSTAL CODE</small>		
	<small>NAME</small> <small>ADDRESS</small>  <small>CITY, TOWN, MUNICIPALITY</small>	<b>CLAIMANT</b>  <small>TEL. #</small>	
	<small>PROV.</small> British Columbia <small>POSTAL CODE</small>		
<b>WHAT HAPPENED?</b> <small>This is why the defendant in this case thinks you are responsible for all or part of the claim.</small>  <small>Details of the claim against the defendant and the defendant's reply are in the enclosed documents.</small>			
	<input type="checkbox"/> If this box is checked the "what happened" section is continued on another page. Be sure you have been given a copy of it.		
<b>HOW MUCH?</b> <small>This is what the defendant claims from you.</small>	<b>a</b>	\$	
	<b>b</b>	\$	
	<b>c</b>	\$	
	<b>d</b>	\$	
	<b>TOTAL</b>	\$	
<b>TIME LIMIT FOR THE THIRD PARTY</b> <small>If you do not settle directly with the claimant and the defendant or file a reply within 14 days from being served with this notice, a court order may be made against you. Then you will have to pay the amount claimed plus interest and further expenses.</small>		<b>+ FILING FEES</b>	
		<b>+ SERVICE FEES</b>	
<b>= TOTAL CLAIMED</b>		\$	
<small>The Court Address for filing documents is:</small> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>		<input type="checkbox"/> DEBT <input type="checkbox"/> OTHER THAN DEBT	

FORM 3  
 SCL 003 (04/96)  
 (CPO 7 5908-84/98)

third party copy  
 third party copy

Last amended August 16, 2021

 <b>THIRD PARTY NOTICE</b> IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)		REGISTRY FILE NUMBER  REGISTRY LOCATION															
<b>TO:</b> 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.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: right;"><b>THIRD PARTY</b></td> </tr> <tr> <td colspan="2">NAME</td> </tr> <tr> <td colspan="2">ADDRESS</td> </tr> <tr> <td>CITY, TOWN, MUNICIPALITY</td> <td>           British Columbia  <small>PROV.</small> </td> </tr> <tr> <td></td> <td>           TEL. #  <small>POSTAL CODE</small> </td> </tr> </table>	<b>THIRD PARTY</b>		NAME		ADDRESS		CITY, TOWN, MUNICIPALITY	British Columbia <small>PROV.</small>		TEL. # <small>POSTAL CODE</small>	THIRD PARTY NOTICE					
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<b>FROM:</b> Fill in the name, address and telephone number of the defendant who is adding the third party.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: right;"><b>DEFENDANT</b></td> </tr> <tr> <td colspan="2">NAME</td> </tr> <tr> <td colspan="2">ADDRESS</td> </tr> <tr> <td>CITY, TOWN, MUNICIPALITY</td> <td>           British Columbia  <small>PROV.</small> </td> </tr> <tr> <td></td> <td>           TEL. #  <small>POSTAL CODE</small> </td> </tr> </table>	<b>DEFENDANT</b>		NAME		ADDRESS		CITY, TOWN, MUNICIPALITY	British Columbia <small>PROV.</small>		TEL. # <small>POSTAL CODE</small>						
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Copy the name, address and telephone number of the claimant from the notice of claim.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: right;"><b>CLAIMANT</b></td> </tr> <tr> <td colspan="2">NAME</td> </tr> <tr> <td colspan="2">ADDRESS</td> </tr> <tr> <td>CITY, TOWN, MUNICIPALITY</td> <td>           British Columbia  <small>PROV.</small> </td> </tr> <tr> <td></td> <td>           TEL. #  <small>POSTAL CODE</small> </td> </tr> </table>	<b>CLAIMANT</b>		NAME		ADDRESS		CITY, TOWN, MUNICIPALITY	British Columbia <small>PROV.</small>		TEL. # <small>POSTAL CODE</small>						
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FORM 3 SOL 029 (04/98) (CPC 7.508 (4/98))		defendant's copy  defendant's copy															

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<small>FORM 3 SCL 003 (04/96) (CPO 7 5908-84/98)</small>			<small>claimant's copy</small>  <small>claimant's copy</small>																					

## Schedule B – Form 4

## FORM 4

[en. B.C. Reg. 120/2017, Sch. 2, s. 52.]

## CERTIFICATE OF SERVICE

Fill in:  
Who served the document(s)?  
the name of the party served;  
When were the document(s) served?  
Where were the document(s) served?

## I certify that

I, \_\_\_\_\_  
served \_\_\_\_\_  
on \_\_\_\_\_  
at \_\_\_\_\_  
Street address or location, city, province

REGISTRY FILE NUMBER
REGISTRY LOCATION

LIST and ATTACH ALL document(s) that you served.

with \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Tell how service took place by checking appropriate box(es) for:

by

an individual;

- ☐ Leaving a copy of it with him or her.  
☐ Mailing a copy of it by registered mail to him or her.

a company as defined in the *Business Corporations Act*;

- ☐ Mailing a copy of it by registered mail to the registered office of the company.  
☐ Leaving a copy of it ☐ at the registered office of the company  
☐ at the place of business of the company, with a receptionist or a person who appears to manage or control the company's business there  
☐ with a director, officer, liquidator, trustee in bankruptcy or receiver manager of the company.

Insurance Corporation of BC (ICBC);

- ☐ Mailing a copy of it by registered mail to the legal department at the Insurance Corporation of British Columbia (ICBC).  
☐ Leaving a copy of it at the legal department at the Insurance Corporation of British Columbia (ICBC).

an extraprovincial company as defined in the *Business Corporations Act*;

- ☐ Mailing a copy of it by registered mail to the attorney shown in the corporate registry.  
☐ Leaving a copy of it with the attorney shown in the corporate registry.  
☐ Leaving a copy of it at the head office shown in the corporate registry if that head office is in British Columbia.  
☐ Mailing a copy of it by registered mail to the head office shown in the corporate registry if that head office is in British Columbia.

a partnership;

- ☐ Mailing a copy of it by registered mail to a partner.  
☐ Leaving a copy of it ☐ with a partner  
☐ at the place of business of the partnership, with a person who appears to manage or control the partnership business there  
☐ with a receptionist who works at a place of business of the partnership.

a municipal corporation, regional district or other local government body;

- ☐ Giving a copy to the clerk, deputy clerk or a similar official.

a young person;

- ☐ Leaving a copy of the notice with the defendant's mother, father or guardian.

a society within the meaning of the *Societies Act*;

- ☐ Mailing a copy of it by registered mail to the mailing address of the society's registered office on file with the Registrar of Companies.  
☐ Leaving a copy of it ☐ at the delivery address of the society's registered office on file with the Registrar of Companies  
☐ with a director, officer, receiver manager or liquidator of the society.

a corporation incorporated outside British Columbia if it is not an extraprovincial company;

- ☐ Mailing a copy of it by registered mail to a place of business or registered office of the corporation outside British Columbia.  
☐ Leaving a copy of it ☐ at a place of business or registered office of the corporation outside British Columbia with a receptionist or a person who appears to manage or control the corporation's business  
☐ with a director, officer, liquidator, trustee in bankruptcy or receiver manager of the corporation.

ordinary mail (and fill in the date mailed);

- ☐ Mailing a copy of it by ordinary mail to that person's address on \_\_\_\_\_  
Day/Month/Year

(NOTE: The date the documents are presumed served (above) is 14 days after this date.)

☐ (Indicate other service method or instructions given by a judge or registrar for service.)

OTHER SERVICE method or alternate method ordered by the Court.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOTE: You must give proof of service by REGISTERED MAIL by attaching one of the following:

1. a copy, produced by fax or otherwise, of the signature obtained by Canada Post at the time the document was delivered.
2. a print-out of the delivery confirmation made available on the Internet by Canada Post (<http://www.canadapost.ca>).

FORM 4  
SCL 004F 01/2017

Signature of person who served the document

Date

CERTIFICATE OF SERVICE

FORM 5

[en. B.C. Reg. 120/2017, Sch. 2, s. 52.]

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

Fill in the names,  
copying them from the  
Notice of Claim or  
Notice of Civil Resolu-  
tion Tribunal Claim.

In the case between:

CLAIMANT(S)

and

DEFENDANT(S)

The registry staff will  
fill in this section.

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

**A HEARING WILL BE HELD ON**

<input type="text" value="date"/>	at	<input type="text" value="time am / pm"/>	or as soon after this time as the court schedule allows.
	at	<input type="text" value="court location"/>	

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

**DEFAULT ORDER**

Fill in this section.

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

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

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

- 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

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

This will be signed and  
dated by the court

<input type="text" value="date"/>	<input type="text" value="by the court"/>
-----------------------------------	---

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

FORM 5  
SCL 005 01/2017  
(OPC 7530854509)

court copy

APPLICATION FOR DEFAULT ORDER

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

In the case between:

CLAIMANT(S)

and

DEFENDANT(S)

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

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

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

**A HEARING WAS HELD ON**

<div style="border: 1px solid black; width: 150px; height: 20px; margin: 0 auto;"></div> date	at	<div style="border: 1px solid black; width: 80px; height: 20px; margin: 0 auto;"></div> time    am / pm	or as soon after this time as the court schedule allows.
	at	<div style="border: 1px solid black; width: 150px; height: 20px; margin: 0 auto;"></div> court location	

APPLICATION FOR DEFAULT ORDER

**DEFAULT ORDER**

This is the order of the court.

- 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

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

  
date

  
by the court
**THE DEFENDANT IS ORDERED TO CARRY OUT THE TERMS OF THE ORDER IMMEDIATELY.**

defendant's copy

FORM 5  
SCL 005 01/2017  
(OPC 7530854509)

defendant's copy

REGISTRY FILE NUMBER
REGISTRY LOCATION

**In the case between:**

**CLAIMANT(S)**

and

DEFENDANT(S)

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

or

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

**A HEARING WILL BE HELD ON**

date \_\_\_\_\_

at

time	am / pm
------	---------

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

at

court location

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

## DEFAULT ORDER

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**

AND

\$

amount of claim  
granted by court

+ \$

expenses

+ \$

interest

[illegible]


A number line from 0 to 10 with tick marks at every integer. The segment between 4 and 6 is highlighted with a bracket above the line.

TOTAL AMOUNT

date \_\_\_\_\_

by the court

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

FORM 5  
SCL 005 01/2017  
(OPC 7530854509)

---

claimant's copy

111

Point in time from August 16, 2021 to October 2, 2022

**NOTICE OF HEARING**

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

**TO:**

In the case between:

CLAIMANT(S)

and

DEFENDANT(S)

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

or

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

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

**A HEARING WILL BE HELD ON**


date

at

time am / pm

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

at

court location

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

**WHAT 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".

NOTICE OF HEARING

claimant's Notice of Hearing

FORM 6

[en. B.C. Reg. 148/97, s. 18.]

 <b>BRITISH COLUMBIA</b>	<b>NOTICE OF SETTLEMENT CONFERENCE</b>	REGISTRY FILE NUMBER
	IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)	REGISTRY LOCATION

**In the case between:**

	<b>CLAIMANT(S)</b>

and

	<b>DEFENDANT(S)</b>

and

	<b>THIRD PARTY</b>

**A settlement conference will be held on**

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

**Who must attend?**  
All parties must 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 bring?**  
Each party to a claim must bring to the settlement conference all relevant documents and reports.

**What is the purpose of the settlement conference?**  
There are two main purposes for a settlement conference

- (a) to encourage settlement of the case, and
- (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
-----	-------	------	--------------

**Note:**  
For more information there is a booklet available from the court registry called "Getting Ready for Court"

FORM 6  
SCL 005 (11/00)

1-COURT 2-CLAIMANT 3-DEFENDANT 4-THIRD PARTY

## FORM 7

[en. B.C. Reg. 248/2006, s. 2.]

**Certificate of Readiness**

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

Fill in the registry file number shown on the Notice of Claim. Fill in the names of the parties, copying them from the Notice of Claim.

**In the case between:**

Name

CLAIMANT(S)

**and**

Name

DEFENDANT(S)

**FROM:**

Fill in the name, address and telephone number of the claimant who is filing the certificate.

Name

CLAIMANT

Address

City, Town, Municipality

Prov.

Postal Code

Tel. #

**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 here.

Date
------

Signature of claimant
-----------------------

Certificate of Readiness



## 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:**

Name CLAIMANT(S)

**and**

Name DEFENDANT(S)

**FROM:**

Name CLAIMANT  
Address  
City, Town, Municipality Prov.  
Postal Code Tel. #

**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
------

Signature of claimant
-----------------------

**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)**

SERVICE COPY

**FROM:**

Name

**CLAIMANT**

Address

City, Town, Municipality

Prov.

Postal Code

Tel. #

**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
------

Signature of claimant
-----------------------

SERVICE COPY

Certificate of Readiness



## 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:

Name CLAIMANT(S)

and

Name DEFENDANT(S)

FROM:

Name CLAIMANT  
Address  
City, Town, Municipality Prov.  
Postal Code Tel. #

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


Signature of claimant

## FORM 8

[en. B.C. Reg. 148/97, s. 18.]

 <b>BRITISH COLUMBIA</b>	<h2 style="margin: 0;">SUMMONS TO WITNESS</h2> <p style="margin: 0;">IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)</p>		<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">REGISTRY FILE NUMBER</div> <div style="border: 1px solid black; padding: 2px;">REGISTRY LOCATION</div>
<b>TO:</b>	<div style="border: 1px solid black; padding: 5px;"> NAME  ADDRESS    CITY, TOWN, MUNICIPALITY      PROV.      POSTAL CODE      TEL. # </div>		
<b>FROM:</b> <small>This is the person who requires you to attend court to provide information relating to a lawsuit. These are the parties in the case.</small>	<p><b>You have been summoned as a witness by</b></p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <p><b>In the case between:</b></p> <div style="border: 1px solid black; padding: 2px; display: flex; justify-content: space-between;"> <span></span> <span>CLAIMANT(S)</span> </div> <p><b>and</b></p> <div style="border: 1px solid black; padding: 2px; display: flex; justify-content: space-between;"> <span></span> <span>DEFENDANT(S)</span> </div>		
<p><b>You are required to attend the Provincial Court of British Columbia</b></p> <div style="display: flex; align-items: center; justify-content: space-between;"> <div style="text-align: center;"> on <div style="border: 1px solid black; padding: 2px 10px; margin: 0 5px;">month</div> <div style="border: 1px solid black; padding: 2px 10px; margin: 0 5px;">day</div> <div style="border: 1px solid black; padding: 2px 10px; margin: 0 5px;">year</div> </div> <div style="text-align: center;">at</div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px 10px; margin: 0 5px;">time</div> <div style="border: 1px solid black; padding: 2px 5px; margin: 0 5px;">M</div> </div> </div> <p style="font-size: small; margin-top: 5px;">or as soon after this time as the court schedule allows.</p> <div style="display: flex; align-items: center; justify-content: center; margin-top: 10px;"> <div style="text-align: center;">at</div> <div style="border: 1px solid black; padding: 2px 50px; margin: 0 10px;">court location</div> </div>			
<p><b>You are required to bring the following records and other things:</b></p> <div style="border: 1px solid black; height: 80px; width: 100%;"></div>			
<p><b>What must you do if you are served with a summons?</b>  You must  a) attend court at the time and place stated on the summons, and  b) bring to court any records and other things required by the summons.</p>			
<p><b>Can the summons be cancelled?</b>  If you are not needed as a witness or it would be a hardship for you to attend court, a judge may cancel the summons.</p>			
<p><b>What happens if you do not attend?</b>  A judge may issue a warrant for your arrest.</p>			
<p>The amount of \$ <div style="border: 1px solid black; display: inline-block; width: 100px; height: 20px; vertical-align: middle;"></div> is attached for use as travelling expenses to enable you to come to the Court.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="border: 1px solid black; padding: 2px 10px; margin: 0 5px;">month</div> <div style="border: 1px solid black; padding: 2px 10px; margin: 0 5px;">day</div> <div style="border: 1px solid black; padding: 2px 10px; margin: 0 5px;">year</div> <div style="border: 1px solid black; padding: 2px 50px; margin: 0 10px;">signature of person serving summons</div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 5px;"> <div></div> <div style="text-align: right;">witness copy</div> </div>			

FORM 8  
S.C. 008 (05/97)



**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 come to 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

Copy the names of all parties in the case as shown on the Notice of Claim.

In the case between:

CLAIMANT(S)

and

DEFENDANT(S)

Fill in the date and place of the hearing.

You are required to attend the Provincial Court of British Columbia

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

at  court location

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

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 place stated on the summons, and  
b) bring to court 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, a judge may cancel the summons.

**What happens if you do not attend?**  
A judge may issue a warrant for your arrest.

You must provide the witness with reasonable travelling expenses.


The amount of \$  is attached for use as travelling expenses to enable you to come to the Court.

Sign and date your summons.

month  day  year  signature of person bringing summons

FORM 8  
S.C. 00 (05/97)

originator copy


 <b>BRITISH COLUMBIA</b>	<h2 style="margin: 0;">SUMMONS TO WITNESS</h2> <p style="margin: 0;">IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)</p>		<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">REGISTRY FILE NUMBER</div> <div style="border: 1px solid black; padding: 2px;">REGISTRY LOCATION</div>
<b>TO:</b>	<div style="border: 1px solid black; padding: 2px;">NAME</div> <div style="border: 1px solid black; padding: 2px;">ADDRESS</div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="border: 1px solid black; padding: 2px; flex: 1;">CITY, TOWN, MUNICIPALITY</div> <div style="border: 1px solid black; padding: 2px; flex: 1;">PROV.</div> <div style="border: 1px solid black; padding: 2px; flex: 1;">POSTAL CODE</div> <div style="border: 1px solid black; padding: 2px; flex: 1;">TEL. #</div> </div>		
<b>FROM:</b>	<p>You have been summoned as a witness by</p> <div style="border: 1px solid black; padding: 5px; text-align: center; font-size: 1.5em; font-weight: bold;">SERVICE COPY</div>		
	<p><b>In the case between:</b></p> <div style="border: 1px solid black; padding: 2px; text-align: right;">CLAIMANT(S)</div> <p>and</p> <div style="border: 1px solid black; padding: 2px; text-align: right;">DEFENDANT(S)</div>		
	<p><b>You are required to attend the Provincial Court of British Columbia</b></p> <div style="display: flex; align-items: center; margin-top: 10px;"> <div style="margin-right: 10px;">on</div> <div style="border: 1px solid black; padding: 2px 10px; margin-right: 5px;">month</div> <div style="border: 1px solid black; padding: 2px 10px; margin-right: 5px;">day</div> <div style="border: 1px solid black; padding: 2px 10px; margin-right: 5px;">year</div> <div style="margin: 0 10px;">at</div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px 10px; margin-right: 5px;">time</div> <div style="border: 1px solid black; padding: 2px 5px; margin-right: 5px;">M</div> </div> <div style="margin-left: 10px; font-size: 0.8em;">             or as soon after this time as the court schedule allows.           </div> </div> <div style="display: flex; align-items: center; margin-top: 10px;"> <div style="margin-right: 10px;">at</div> <div style="border: 1px solid black; padding: 2px 50px; flex-grow: 1;">court location</div> </div>		
	<p><b>You are required to bring the following records and other things:</b></p> <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div>		
	<p><b>What must you do if you are served with a summons?</b></p> <p style="margin-left: 20px;">You must</p> <ol style="list-style-type: none"> <li>a) attend court at the time and place stated on the summons, and</li> <li>b) bring to court any records and other things required by the summons.</li> </ol>		
	<p><b>Can the summons be cancelled?</b></p> <p style="margin-left: 20px;">If you are not needed as a witness or it would be a hardship for you to attend court, a judge may cancel the summons.</p>		
	<p><b>What happens if you do not attend?</b></p> <p style="margin-left: 20px;">A judge may issue a warrant for your arrest.</p>		
	<p>The amount of \$ <span style="border: 1px solid black; padding: 0 20px;"></span> is attached for use as travelling expenses to enable you to come to the Court.</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="border: 1px solid black; padding: 2px 10px;">month</div> <div style="border: 1px solid black; padding: 2px 10px;">day</div> <div style="border: 1px solid black; padding: 2px 10px;">year</div> <div style="border: 1px solid black; padding: 2px 50px; flex-grow: 1;">signature of person serving summons</div> </div>		
	<div style="writing-mode: vertical-rl; transform: rotate(180deg); font-size: 0.8em;">service copy</div>		

FORM 8  
 SL 00 (05/97)

service copy


FORM 9

[en. B.C. Reg. 148/97, s. 18.]

 <b>BRITISH COLUMBIA</b>	<h2 style="margin: 0;">WARRANT OF ARREST</h2> <p style="margin: 0;">IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)</p>	<small>REGISTRY FILE NUMBER</small>  <small>REGISTRY LOCATION</small>
<p><b>In the case between:</b></p> <div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <p style="text-align: right;"><b>CLAIMANT(S)</b></p> <p><b>and</b></p> <div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <p style="text-align: right;"><b>DEFENDANT(S)</b></p>		
<p><b>To all sheriffs and peace officers in British Columbia:</b></p> <p>This Court orders you to arrest <div style="border: 1px solid black; width: 150px; height: 20px; display: inline-block; vertical-align: middle; margin: 0 10px;"></div> <small>name of person to be arrested</small> <div style="border: 1px solid black; width: 80px; height: 20px; display: inline-block; vertical-align: middle; margin: 0 10px;"></div> <small>date of birth</small></p> <p>and promptly bring that person before the court. The reason for the arrest is the person did not attend this court</p> <p>at <div style="border: 1px solid black; width: 450px; height: 40px; margin: 10px 0;"></div> <small>court location, address and phone no.</small></p> <p>on <div style="border: 1px solid black; width: 80px; height: 20px; display: inline-block; vertical-align: middle; margin: 0 5px;"></div> <small>month</small> <div style="border: 1px solid black; width: 40px; height: 20px; display: inline-block; vertical-align: middle; margin: 0 5px;"></div> <small>day</small> <div style="border: 1px solid black; width: 40px; height: 20px; display: inline-block; vertical-align: middle; margin: 0 5px;"></div> <small>year</small></p> <p>as required by :</p> <p><input type="checkbox"/> a summons to a witness</p> <p><input type="checkbox"/> a summons to a payment hearing</p> <p><input type="checkbox"/> a summons to a default hearing</p>		
<p><b>Issued on:</b></p> <div style="display: flex; justify-content: space-between; align-items: center;"><div style="border: 1px solid black; width: 100px; height: 20px;"></div><div style="border: 1px solid black; width: 40px; height: 20px;"></div><div style="border: 1px solid black; width: 40px; height: 20px;"></div><div style="border: 1px solid black; width: 150px; height: 20px;"></div></div> <div style="display: flex; justify-content: space-between; align-items: center;"><div><small>month</small></div><div><small>day</small></div><div><small>year</small></div><div><small>by the court</small></div></div> <p>This warrant remains in force for 1 year after the date it was issued by the Court.</p> <div style="display: flex; justify-content: space-between;"><div style="width: 45%; border: 1px solid black; padding: 5px;"><p>Warrant cancelled</p><p>by: <div style="border: 1px solid black; width: 150px; height: 20px;"></div></p><p>Person contacted <div style="border: 1px solid black; width: 100px; height: 20px;"></div></p><p>by phone at <div style="border: 1px solid black; width: 80px; height: 20px;"></div> m.</p><p>Date: <div style="border: 1px solid black; width: 120px; height: 20px;"></div></p></div><div style="width: 45%; border: 1px solid black; padding: 5px;"><p>Warrant executed</p><p>by: <div style="border: 1px solid black; width: 150px; height: 20px;"></div></p><p>Date: <div style="border: 1px solid black; width: 120px; height: 20px;"></div></p></div></div>		

FORM 9  
SCL 009 (09/97)

1-COURT 2-SHERIFF/PEACE OFFICER 3-ARRESTED PERSON

 <b>BRITISH COLUMBIA</b>	<h2 style="margin: 0;">NOTICE OF WARRANT OF ARREST</h2> <p style="margin: 0;">IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">REGISTRY FILE NUMBER</td> </tr> <tr> <td style="padding: 2px;">REGISTRY LOCATION</td> </tr> </table>	REGISTRY FILE NUMBER	REGISTRY LOCATION
	REGISTRY FILE NUMBER			
REGISTRY LOCATION				
<p><b>In the case between:</b></p> <div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <p style="text-align: right; margin: 0;"><b>CLAIMANT(S)</b></p> <p><b>and</b></p> <div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <p style="text-align: right; margin: 0;"><b>DEFENDANT(S)</b></p>				
<div style="border: 1px solid black; height: 100px; margin-top: 20px;"></div> <p style="text-align: center; font-size: small; margin-top: 5px;">court location, address and phone no.</p>				
<p><b>TO:</b></p> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; width: 60%; height: 20px;"></div> <div style="border: 1px solid black; width: 35%; height: 20px;"></div> </div> <p style="font-size: small; margin-top: 5px;">name of person to be arrested      date of birth</p> <p>A warrant has been issued for your arrest. You will be arrested unless you contact the court registry</p> <p>within 7 days of being served with this notice and arrange to appear voluntarily in court.</p> <p>The warrant of arrest has been issued because you did not attend court</p> <p>on</p> <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <div style="border: 1px solid black; width: 100px; height: 20px;"></div> <div style="border: 1px solid black; width: 50px; height: 20px;"></div> <div style="border: 1px solid black; width: 50px; height: 20px;"></div> </div> <p style="font-size: small; margin-top: 5px;">month      day      year</p> <p>as required by :</p> <div style="margin-top: 10px;"> <input type="checkbox"/> a summons to a witness  <input type="checkbox"/> a summons to a payment hearing  <input type="checkbox"/> a summons to a default hearing         </div>				
<p><b>Issued on:</b></p> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="border: 1px solid black; width: 100px; height: 20px;"></div> <div style="border: 1px solid black; width: 50px; height: 20px;"></div> <div style="border: 1px solid black; width: 50px; height: 20px;"></div> <div style="border: 1px solid black; width: 150px; height: 20px;"></div> </div> <p style="font-size: small; margin-top: 5px;">month      day      year      by the court</p>				

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.

NOTICE OF WARRANT OF ARREST


notice of warrant of arrest

FORM 9  
SCL 009 (0997)

notice of warrant of arrest

## FORM 10

[en. B.C. Reg. 148/97, s. 18.]



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

REGISTRY FILE NUMBER  
  
 REGISTRY LOCATION

**In the case between**

NAME				<b>CLAIMANT(S)</b>
ADDRESS				
CITY, TOWN, MUNICIPALITY	British Columbia	PROV.	POSTAL CODE	TEL. #
<b>and</b>				
NAME				<b>DEFENDANT(S)</b>
ADDRESS				
CITY, TOWN, MUNICIPALITY	British Columbia	PROV.	POSTAL CODE	TEL. #
<b>and</b>				
NAME				<b>THIRD PARTY</b>
ADDRESS				
CITY, TOWN, MUNICIPALITY	British Columbia	PROV.	POSTAL CODE	TEL. #

On  at a ☐ Settlement Conference, where  failed to appear  
☐ Payment Hearing  
 or ☐ By Agreement

**THIS COURT ORDERED**

**TO PAY TO**

\$	<input type="text"/>	Amount ordered by the Judge
+	\$ <input type="text"/>	Expenses allowed
+	\$ <input type="text"/>	Interest
=	\$ <input type="text"/>	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 instalments or before a fixed date, say 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 ORDERS**


This will be signed and dated by the court.


by the court

FORM 10  
sa. 010(05/97)

For more information about enforcement proceedings there is a booklet called "Getting Results"

court copy


 <b>PAYMENT ORDER</b> <small>IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)</small>		<small>REGISTRY FILE NUMBER</small> <small>REGISTRY LOCATION</small>												
<b>In the case between</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <small>NAME</small>  <small>ADDRESS</small>    <small>CITY, TOWN, MUNICIPALITY</small>  <b>and</b>  <small>NAME</small>  <small>ADDRESS</small>    <small>CITY, TOWN, MUNICIPALITY</small>  <b>and</b>  <small>NAME</small>  <small>ADDRESS</small>    <small>CITY, TOWN, MUNICIPALITY</small> </div> <div style="width: 35%;"> <small>British Columbia</small>  <small>PROV.</small>  <small>British Columbia</small>  <small>PROV.</small>  <small>British Columbia</small>  <small>PROV.</small>  <small>British Columbia</small>  <small>PROV.</small> </div> <div style="width: 5%;"> <small>TEL. #</small>  <small>TEL. #</small>  <small>TEL. #</small>  <small>TEL. #</small> </div> </div>														
<b>CLAIMANT(S)</b>		PAYMENT ORDER												
<b>DEFENDANT(S)</b>														
<b>THIRD PARTY</b>														
<b>THIRD PARTY</b>														
On <small>DATE</small> at a <input type="checkbox"/> Settlement Conference, where <small>NAME</small> failed to appear <input type="checkbox"/> Payment Hearing or <input type="checkbox"/> By Agreement <small>NAME</small> <b>THIS COURT ORDERED</b> <small>NAME</small>														
<div style="display: flex; justify-content: space-between;"> <div style="width: 50%;"> <b>TO PAY TO</b> <small>NAME</small>  <div style="border: 1px solid black; height: 50px; width: 100%;"></div> </div> <div style="width: 45%;"> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: right;">\$</td> <td style="border: 1px solid black; width: 100px;"></td> <td style="font-size: small;">Amount ordered by the Judge</td> </tr> <tr> <td style="text-align: right;">+ \$</td> <td style="border: 1px solid black;"></td> <td style="font-size: small;">Expenses allowed</td> </tr> <tr> <td style="text-align: right;">+ \$</td> <td style="border: 1px solid black;"></td> <td style="font-size: small;">Interest</td> </tr> <tr> <td style="text-align: right;">= \$</td> <td style="border: 1px solid black;"></td> <td style="font-size: small;">TOTAL AMOUNT OF PAYMENT ORDER</td> </tr> </table> </div> </div>			\$		Amount ordered by the Judge	+ \$		Expenses allowed	+ \$		Interest	= \$		TOTAL AMOUNT OF PAYMENT ORDER
\$		Amount ordered by the Judge												
+ \$		Expenses allowed												
+ \$		Interest												
= \$		TOTAL AMOUNT OF PAYMENT ORDER												
<input type="radio"/> immediately, or <input type="radio"/> in accordance with the following payment schedule <div style="border: 1px solid black; height: 40px; width: 100%;"></div>														
<b>THIS COURT ORDERS</b> <div style="border: 1px solid black; height: 100px; width: 100%;"></div>														
<div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 30%; border: 1px solid black; height: 20px;"></div> <div style="width: 30%; border: 1px solid black; height: 20px; text-align: center; font-size: small;">by the court</div> <div style="width: 30%; text-align: right;">             + \$ <small>any expenses allowed</small> </div> </div>														
<div style="display: flex; justify-content: space-between;"> <div style="width: 30%; font-size: small;">FORM 10 SQ. 010(05/97)</div> <div style="width: 30%; font-size: small;">For more information about enforcement proceedings there is a booklet called "Getting Results"</div> <div style="width: 30%; text-align: right; font-size: small;">debtor's copy</div> </div>														

 <b>PAYMENT ORDER</b> <small>IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)</small>		<small>REGISTRY FILE NUMBER</small> <small>REGISTRY LOCATION</small>
<p>Fill in the name(s), address(es) and phone number(s) of the parties. Include a third party if one was named. Be careful to name the parties correctly.</p> <p>Check the appropriate box.</p> <p>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.</p> <p>Check the appropriate box.</p> <p>If the judge, justice of the peace or registrar has ordered payment by installments or before a fixed date, say what amounts are to be paid and when.</p> <p>Has the judge, justice of the peace or registrar ordered something other than the payment of money?</p> <p>This will be signed and dated by the court.</p> <p style="text-align: right;">FORM 10 <small>S.A. 010(05/97)</small></p>	<p><b>In the case between</b></p> <p>NAME _____ CLAIMANT(S)</p> <p>ADDRESS _____</p> <p>CITY, TOWN, MUNICIPALITY _____ PROV. _____ TEL. # _____ POSTAL CODE _____</p> <p><b>and</b></p> <p>NAME _____ DEFENDANT(S)</p> <p>ADDRESS _____</p> <p>CITY, TOWN, MUNICIPALITY _____ PROV. _____ TEL. # _____ POSTAL CODE _____</p> <p><b>and</b></p> <p>NAME _____ THIRD PARTY</p> <p>ADDRESS _____</p> <p>CITY, TOWN, MUNICIPALITY _____ PROV. _____ TEL. # _____ POSTAL CODE _____</p> <p>On _____ DATE _____</p> <p>at a <input type="checkbox"/> Settlement Conference, where NAME _____ failed to appear</p> <p><input type="checkbox"/> Payment Hearing</p> <p>or <input type="checkbox"/> By Agreement</p> <p><b>THIS COURT ORDERED</b> NAME _____</p> <p>TO PAY TO NAME _____</p> <div style="display: flex; align-items: center;"> <div style="flex: 1;"> <p>\$ _____</p> <p><b>+</b> \$ _____</p> <p><b>+</b> \$ _____</p> <p><b>=</b> \$ _____</p> </div> <div style="flex: 1; padding-left: 10px;"> <p>Amount ordered by the Judge</p> <p>Expenses allowed</p> <p>Interest</p> <p><b>TOTAL AMOUNT OF PAYMENT ORDER</b></p> </div> </div> <p><input type="radio"/> immediately, or</p> <p><input type="radio"/> in accordance with the following payment schedule _____</p> <p><b>THIS COURT ORDERS</b> _____</p> <div style="display: flex; justify-content: space-between; align-items: center;"> <div> <p>_____</p> <p>by the court</p> </div> <div> <p><b>+</b> \$ _____</p> <p>any expenses allowed</p> </div> </div> <p style="text-align: right;">For more information about enforcement proceedings there is a booklet called "Getting Results"</p>	
	<b>PAYMENT ORDER</b>	
	<b>creditor's copy</b>	
	<b>creditor's copy</b>	

## Schedule B – Form 11

## FORM 11

[en. B.C. Reg. 80/98.]


 <b>ORDER FOR SEIZURE AND SALE</b> IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)		REGISTRY FILE NUMBER  REGISTRY LOCATION																							
<p>Fill in the name, address and telephone number of the person who is named as the creditor in the Payment or Default Order.</p>	<p><b>CREDITOR</b></p> <p>NAME _____</p> <p>ADDRESS _____</p> <p>QTY, TOWN, MUNICIPALITY _____ British Columbia _____ TEL. # _____</p> <p>PROV. _____ POSTAL CODE _____</p>	ORDER FOR SEIZURE AND SALE																							
<p>Fill in the name, address and telephone number of the person who is named as the debtor in the Payment or Default Order.</p>	<p><b>DEBTOR</b></p> <p>NAME _____</p> <p>ADDRESS _____</p> <p>QTY, TOWN, MUNICIPALITY _____ British Columbia _____ TEL. # _____</p> <p>PROV. _____ POSTAL CODE _____</p>																								
<p><b>To the sheriff or court bailiff:</b></p> <p>You are ordered to seize any goods of the debtor named in the attached order that are not exempted from seizure under the <i>Court Order Enforcement Act</i>, 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 <b>TOTAL AMOUNT DUE TO THE CREDITOR</b> calculated as follows:</p>																									
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">(a) Total Amount of Payment or Default Order</td> <td style="width: 10%; text-align: right;">\$</td> <td style="width: 30%; text-align: center;">[ ]</td> </tr> <tr> <td>(b) Less any payments to the creditor</td> <td style="text-align: right;">-</td> <td style="text-align: center;">\$ [ ]</td> </tr> <tr> <td></td> <td style="text-align: right;">=</td> <td style="text-align: center;">\$ [ ]</td> </tr> <tr> <td>(c) Plus interest calculated to the date this order is issued</td> <td style="text-align: right;">+</td> <td style="text-align: center;">\$ [ ]</td> </tr> <tr> <td>(d) Plus enforcement expenses allowed by the Court to the date this order is issued</td> <td style="text-align: right;">+</td> <td style="text-align: center;">\$ [ ]</td> </tr> <tr> <td style="text-align: right;"><b>TOTAL</b></td> <td style="text-align: right;">=</td> <td style="text-align: center;">\$ [ ]</td> </tr> <tr> <td>(e) Plus any expenses allowed by the Court in relation to this order</td> <td style="text-align: right;">+</td> <td style="text-align: center;">\$ [ ]</td> </tr> <tr> <td style="text-align: right;"><b>TOTAL AMOUNT DUE TO THE CREDITOR</b> at the date this order is issued</td> <td style="text-align: right;">=</td> <td style="text-align: center;">\$ [ ]</td> </tr> </table> <p>• From the proceeds of sale deduct and pay the amounts payable to secured creditors and the debtor under section 71.2 of the <i>Court Order Enforcement Act</i>.</p> <p>• Then deduct from the balance your actual fees and disbursements for enforcing this order.</p> <p>• From the balance, pay to the creditor the total amount due to the creditor.</p> <p>• Then pay any balance remaining after that to the debtor.</p>			(a) Total Amount of Payment 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	+	\$ [ ]	<b>TOTAL</b>	=	\$ [ ]	(e) Plus any expenses allowed by the Court in relation to this order	+	\$ [ ]	<b>TOTAL AMOUNT DUE TO THE CREDITOR</b> at the date this order is issued	=
(a) Total Amount of Payment or Default Order	\$	[ ]																							
(b) Less any payments to the creditor	-	\$ [ ]																							
	=	\$ [ ]																							
(c) Plus interest calculated to the date this order is issued	+	\$ [ ]																							
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<b>TOTAL AMOUNT DUE TO THE CREDITOR</b> at the date this order is issued	=	\$ [ ]																							
<p>If claiming interest, attach a sheet showing your calculations.</p> <p>If you want to be allowed expenses under line (e), submit them to the registrar. They might include search fees at the motor vehicle or personal property registry.</p> <p>Attach a copy of the payment or default order you are enforcing.</p>	<p>A copy of the payment or default order is attached.</p> <p><b>Issued on:</b></p> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; width: 150px; height: 20px;"></div> <div style="border: 1px solid black; width: 150px; height: 20px; text-align: center; font-size: small;">by the court</div> </div> <p style="text-align: center;">This order remains in force for one year after the date it was issued by the Court.</p> <p><b>What is exempt from seizure?</b></p> <p>The <i>Court Order Enforcement Act</i> 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).</p> <p><b>NOTE:</b> 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.</p>																								

Debtors may choose any goods which 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 debtor's home. The debtor then has two days to choose which goods he or she would like to be exempt from seizure.

Exemption Category	Maximum Amount Allowable
<b>A. Personal property of debtor</b>	
Household goods .....	\$4,000
Tools of the trade .....	\$10,000
Motor vehicle .....	\$5,000
Motor vehicle – if the debt is for child maintenance arrears .....	\$2,000
<b>B. Principal residence of debtor</b>	
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.**



**BRITISH COLUMBIA**

## ORDER FOR SEIZURE AND SALE

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

REGISTRY FILE NUMBER

REGISTRY LOCATION

**NAME**

**ADDRESS**

**CITY, TOWN, MUNICIPALITY**

**PROV.** British Columbia **POSTAL CODE**

**TEL. #**

**NAME**

**ADDRESS**

**CITY, TOWN, MUNICIPALITY**

**PROV.** British Columbia **POSTAL CODE**

**TEL. #**

**CREDITOR**

**DEBTOR**

**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 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	+	
<b>TOTAL</b>	=	
(e) Plus any expenses allowed by the Court in relation to this order	+	
<b>TOTAL AMOUNT DUE TO THE CREDITOR</b> 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.

A copy of the payment or default order is attached.

**Issued on:**

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.

ORDER FOR SEIZURE AND SALE

debtor's copy

FORM 11  
SCL 011 (04/20)


debtor's copy

Debtors may choose any goods which 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 debtor's home. The debtor then has two days to choose which goods he or she would like to be exempt from seizure.

Exemption Category	Maximum Amount Allowable
<b>A. Personal property of debtor</b>	
Household goods .....	\$4,000
Tools of the trade .....	\$10,000
Motor vehicle .....	\$5,000
Motor vehicle – if the debt is for child maintenance arrears .....	\$2,000
<b>B. Principal residence of debtor</b>	
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

**CREDITOR**

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY, TOWN, MUNICIPALITY \_\_\_\_\_ PROV. British Columbia TEL. # \_\_\_\_\_

POSTAL CODE \_\_\_\_\_

**DEBTOR**

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY, TOWN, MUNICIPALITY \_\_\_\_\_ PROV. British Columbia TEL. # \_\_\_\_\_

POSTAL CODE \_\_\_\_\_

**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 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	+	
<b>TOTAL</b>	<b>=</b>	
(e) Plus any expenses allowed by the Court in relation to this order	+	
<b>TOTAL AMOUNT DUE TO THE CREDITOR</b> at the date this order is issued	<b>=</b>	

- 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 or default order is attached.

**Issued on:**

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.

ORDER FOR SEIZURE AND SALE

court copy

FORM 11  
SCL 011 (04/20)


court copy

Debtors may choose any goods which 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 debtor's home. The debtor then has two days to choose which goods he or she would like to be exempt from seizure.

Exemption Category	Maximum Amount Allowable
<b>A. Personal property of debtor</b>	
Household goods .....	\$4,000
Tools of the trade .....	\$10,000
Motor vehicle .....	\$5,000
Motor vehicle – if the debt is for child maintenance arrears .....	\$2,000
<b>B. Principal residence of debtor</b>	
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.**



**BRITISH COLUMBIA**

## 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 or Default Order.

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

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 or personal property registry.

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

NAME			<b>CREDITOR</b>
ADDRESS			
CITY, TOWN, MUNICIPALITY	British Columbia	TEL. #	
	PROV.	POSTAL CODE	
NAME			<b>DEBTOR</b>
ADDRESS			
CITY, TOWN, MUNICIPALITY	British Columbia	TEL. #	
	PROV.	POSTAL CODE	

**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 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	+	\$ [ ]	
<b>TOTAL</b>	=	\$ [ ]	
(e) Plus any expenses allowed by the Court in relation to this order	+	\$ [ ]	
<b>TOTAL AMOUNT DUE TO THE CREDITOR</b> 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.

A copy of the payment or default order is attached.

**Issued on:**

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.

FORM 11  
S.C. 011 (04/98)

creditor's copy

Debtors may choose any goods which 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 debtor's home. The debtor then has two days to choose which goods he or she would like to be exempt from seizure.


Exemption Category	Maximum Amount Allowable
<b>A. Personal property of debtor</b>	
Household goods .....	\$4,000
Tools of the trade .....	\$10,000
Motor vehicle .....	\$5,000
Motor vehicle – if the debt is for child maintenance arrears .....	\$2,000
<b>B. Principal residence of debtor</b>	
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.**

## Schedule B – Form 12

## FORM 12

[en. B.C. Reg. 148/97, s. 18.]



**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. # \_\_\_\_\_

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

**CREDITOR**

**and**

**DEBTOR**

**You are required to attend the Provincial Court of British Columbia**

on month day year

at

time M

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

at

court location

**You are required to bring the following records and other things:**

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

(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	=	

**What happens at the payment hearing?**  
Evidence may be heard about any of 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.

month day year

by the court

FORM 12  
S.C. 012 (05/97)  
JURISPRUDENCE

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
and	
	DEBTOR

You are required to attend the Provincial Court of British Columbia

on	<input type="text"/> month	<input type="text"/> day	<input type="text"/> year	at	<input type="text"/> time	<input type="checkbox"/> M	or as soon after this time as the court schedule allows.
				at	<input type="text"/> court location		

You are required to bring the following records and other things:


(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	=	\$

**What happens at the payment hearing?**  
Evidence may be heard about any of the following:

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

**Can the summons be cancelled?**  
You may apply to a judge who may


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

**What happens if you do not attend?**  
If the creditor asks, a warrant for the arrest of the person may be issued.

<input type="text"/> month	<input type="text"/> day	<input type="text"/> year	<input type="text"/> by the court
-------------------------------	-----------------------------	------------------------------	--------------------------------------

FORM 12  
SCL 012 (05/97)  
(CP 017 5908/94/519)

summons copy

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

TO:

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

REGISTRY FILE NUMBER \_\_\_\_\_  
REGISTRY LOCATION \_\_\_\_\_

**SERVICE COPY**

You have been summoned to a payment hearing in the case between:  
\_\_\_\_\_ CREDITOR  
and \_\_\_\_\_ DEBTOR

You are required to attend the Provincial Court of British Columbia

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

You are required to bring the following records and other things:

\_\_\_\_\_

\_\_\_\_\_

(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 = \$ \_\_\_\_\_

**What happens at the payment hearing?**  
Evidence may be heard about any of the following:  
a) the income and assets of the debtor;  
b) the debt owed 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?**  
You may apply to a judge who may  
a) cancel the summons if you are 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 you do not attend?**  
If the creditor asks, a warrant for the arrest of the person may be issued.

\_\_\_\_\_ month \_\_\_\_\_ day \_\_\_\_\_ year \_\_\_\_\_ by the court  
service copy

FORM 12  
S.C. 012 (05/97)  
(CP 017 5908/94/519)

**SUMMONS TO A PAYMENT HEARING**

SCL 004C (06/97)

## AFFIDAVIT OF SERVICE

Fill in:  
your name and address: **I**  name  occupation  
**of**  address

☐ Make oath and say that:  
☐ Solemnly affirm that:

the name of the party or other person served; **I served**   
the date service took place **on**  month  day  year  
the address or location service took place **at**   
Tell what was served. Check appropriate box. **with**

☐ a copy of the "Summons to a Payment Hearing" attached.  
☐ a copy to the "Summons to a Default Hearing" attached.  
☐ \_\_\_\_\_

Tell how service took place **by**

☐ leaving a copy of it with him or her.  
☐ as directed by the court by \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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


A commissioner for the taking of affidavits will witness your signature

**Sworn/affirmed before me on**  month  day  year **at**  location where affidavit is sworn

signature of person who served the document

signature of commissioner for taking affidavits for British Columbia

AFFIDAVIT OF SERVICE



**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.

Copy the names of all parties in the case as shown on the Payment or Default Order.

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

List what you want the person to bring to court.

NAME

ADDRESS

CITY, TOWN, MUNICIPALITY

PROV.

TEL. #

POSTAL CODE

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

CREDITOR

**and**

DEBTOR

**You are required to attend the Provincial Court of British Columbia**

on

month

day

year

at

time

☐ M

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

at

court location

**You are required to bring the following records and other things:**

(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 =	

**What happens at the payment hearing?**  
Evidence may be heard about any of 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.

month

day

year

by the court


SUMMONS TO A PAYMENT HEARING

FORM 12  
S.C. 012 (05/97)  
(CP 017 5908/9519)

creditor copy

FORM 13

[en. B.C. Reg. 148/97, s. 18.]



## 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, address and telephone number of the person you are notifying about the payment hearing.

**FROM:**  
Fill in the name, address and telephone number of the debtor who is requesting the payment hearing.

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

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

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

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

at  court location

**What happens at the payment hearing?**  
Evidence may be heard about any of 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.

The Judge or Justice of the Peace 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 a creditor does not attend the payment hearing?**  
The Judge or Justice of the Peace may hold the hearing, cancel it or postpone it.

FORM 13  
S.C. 016 (11/89)  
(CFC#7 508/8517)

court copy

NOTICE OF A PAYMENT HEARING

 <b>BRITISH COLUMBIA</b>	<h2 style="margin: 0;">NOTICE OF A PAYMENT HEARING</h2> <p style="margin: 0;">IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">REGISTRY FILE NUMBER</td> </tr> <tr> <td style="padding: 2px;">REGISTRY LOCATION</td> </tr> </table>	REGISTRY FILE NUMBER	REGISTRY LOCATION
	REGISTRY FILE NUMBER				
REGISTRY LOCATION					

**TO:**

**FROM:**

NAME		<b>CREDITOR</b>
ADDRESS		
CITY, TOWN, MUNICIPALITY	PROV.	POSTAL CODE
		TEL. #

NAME		<b>DEBTOR</b>
ADDRESS		
CITY, TOWN, MUNICIPALITY	PROV.	POSTAL CODE
		TEL. #

NOTICE OF A PAYMENT HEARING

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

on	<div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 2px;"></div> <small>month</small>	at	<div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 2px;"></div> <small>day</small>	at	<div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 2px;"></div> <small>year</small>	at	<div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 2px;"></div> <small>time</small>	<small>or as soon after this time as the court schedule allows.</small>	
		at	<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 2px;"></div> <small>court location</small>						

**What happens at the payment hearing?**

Evidence may be heard about any of 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.

The Judge or Justice of the Peace 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 a creditor does not attend the payment hearing?**

The Judge or Justice of the Peace may hold the hearing, cancel it or postpone it.

If you do not plan to attend, you should let the registry know that by letter.

FORM 13  
S.C. 015 (11/99)  
(OPC# 8508/94/517)

creditor copy



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

REGISTRY FILE NUMBER
REGISTRY LOCATION

**TO:**

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

**FROM:**

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

**SERVICE COPY**

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

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

at  court location

**NOTICE OF A PAYMENT HEARING**

**What happens at the payment hearing?**  
Evidence may be heard about any of 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.

The Judge or Justice of the Peace 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 a creditor does not attend the payment hearing?**  
The Judge or Justice of the Peace may hold the hearing, cancel it or postpone it.

**SERVICE COPY**

FORM 13  
S.C. 015 (11/89)  
(OPC# 8908/8517)

service copy

 <b>BRITISH COLUMBIA</b>	<h2 style="margin: 0;">NOTICE OF A PAYMENT HEARING</h2> <p style="margin: 0;">IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)</p>		REGISTRY FILE NUMBER <hr/> REGISTRY LOCATION

**TO:**

**FROM:**

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

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

NOTICE OF A PAYMENT HEARING

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

on
 

month

day

year

at

time

M

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

at

court location

**What happens at the payment hearing?**

Evidence may be heard about any of 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.

The Judge or Justice of the Peace 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 a creditor does not attend the payment hearing?**

The Judge or Justice of the Peace may hold the hearing, cancel it or postpone it.

FORM 13  
 S.C. 015 (11/99)  
 (OPC# 8508/94/517)

debtor copy

FORM 14  
[en. B.C. Reg. 148/97, s. 18.]

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

TO:  
What is the name and address of the person you are requiring to come to court?

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

REGISTRY FILE NUMBER  
REGISTRY LOCATION

Copy the names of all parties in the case as shown on the Payment Order.

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  
and  
DEBTOR

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

You are required to attend the Provincial Court of British Columbia

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

List what you want the person to bring.

You are required to bring the following records and other things:

Attach a copy of the Payment Order.

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.

[ ] month [ ] day [ ] year [ ] signature of creditor

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

(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 = \$	[ ]

**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, 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?**  
The judge may issue a warrant for your arrest.

[ ] month [ ] day [ ] year [ ] by the court  
court copy

FORM 14  
SCL 04 (05/97)

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**

**and**

**DEBTOR**

**You are required to attend the Provincial Court of British Columbia**

on 

month

day

year

at

time

M

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

at

court location

**You are required to bring the following records and other things:**

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

month

day

year

signature of creditor

(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 =	

**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, 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?**

The judge may issue a warrant for your arrest.

month


day

year

by the court

FORM 14  
SCL 014 (05/97)

debtor copy

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

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

REGISTRY FILE NUMBER \_\_\_\_\_  
REGISTRY LOCATION \_\_\_\_\_

**SERVICE COPY**

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  
and \_\_\_\_\_ DEBTOR

You are required to attend the Provincial Court of British Columbia

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

You are required to bring the following records and other things:

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

\_\_\_\_\_ month \_\_\_\_\_ day \_\_\_\_\_ year \_\_\_\_\_ signature of creditor

(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 = \$ \_\_\_\_\_

**What happens at a default hearing?**  
At a default hearing, the judge may  
a) confirm the terms of the order or change or vary the order or the payment schedule, or  
b) change the terms of the order or the payment schedule 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, 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?**  
The judge may issue a warrant for your arrest.

\_\_\_\_\_ month \_\_\_\_\_ day \_\_\_\_\_ year \_\_\_\_\_ by the court

FORM 14  
SCL 014 (05/97)

**SERVICE COPY**

service copy

SCL 004C (06/07)

## AFFIDAVIT OF SERVICE

**AFFIDAVIT OF SERVICE**

Fill in:  
your name and address: of name occupation address

☐ Make oath and say that:  
☐ Solemnly affirm that:

the name of the party or other person served; I served  
the date service took place on month day year  
the address or location service took place at  
Tell what was served. Check appropriate box. with  
☐ a copy of the "Summons to a Payment Hearing" attached.  
☐ a copy to the "Summons to a Default Hearing" attached.  
☐ \_\_\_\_\_

Tell how service took place by  
☐ leaving a copy of it with him or her.  
☐ as directed by the court by \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_


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

Sworn/affirmed before me on month day year at location where affidavit is sworn

A commissioner for the taking of affidavits will witness your signature

signature of person who served the document

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:**  
What is the name and address of the person you are requiring to come to court?

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

Copy the names of all parties in the case as shown on the Payment Order.

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

and

DEBTOR

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

You are required to attend the Provincial Court of British Columbia

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

at  court location

List what you want the person to bring.

You are required to bring the following records and other things:

Attach a copy of the Payment Order.

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.

month  day  year  signature of creditor

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

**What happens at a default hearing?**  
At a default hearing, the judge may

- confirm the terms of a payment schedule or other order, or
- 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, if

- the debtor has not obeyed a payment schedule, and
- 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?**  
The judge may issue a warrant for your arrest.

month  day  year  by the court

FORM 14  
SCL 014 (05/97)

creditor copy

## Schedule B – Form 15

## FORM 15

[en. B.C. Reg. 148/97, s. 18.]



## WARRANT OF IMPRISONMENT

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

Court File Number:
Registry Location:

In the case between:

CREDITOR

and

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 CourtWhere the Warrant is issued under section 13(8) of the *Small Claims Rules*

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.

(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 =	\$ _____

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 15  
SQL 802  
07/98

COURT – CORRECTIONAL CENTRE – SHERIFF/PEACE OFFICER – PERSON ARRESTED

FORM 16

[en. B.C. Reg. 120/2017, Sch. 2, s. 52.]

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

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

In the case between:

CLAIMANT(S)

\_\_\_\_\_

and

DEFENDANT(S)

\_\_\_\_\_

**FROM:**

Fill in the name, address and telephone number of the applicant.

NAME

APPLICANT

ADDRESS

CITY, TOWN,  
MUNICIPALITY

TEL #

PROV.

POSTAL CODE

Check the appropriate box.

**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"/> postponing a settlement conference or trial conference;    | <input type="checkbox"/> permitting a hearing to be conducted by telephone; |
| <input type="checkbox"/> extending the time for filing a certificate of readiness;  | <input type="checkbox"/> permitting another method of service;              |
| <input type="checkbox"/> extending the time for filing a certificate of compliance; | <input type="checkbox"/> other:   |

If the other box is checked, give the details of the order you are asking for.

\_\_\_\_\_

\_\_\_\_\_

Give the facts you wish the registrar to consider and sign the Application.

**The facts on which this application is based are as follows:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I certify these facts are true.

This will be completed by the court.

SIGNATURE OF APPLICANT

**The Court orders that**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

date

by the registrar

REGISTRY FILE NUMBER
REGISTRY LOCATION

**In the case between:**

**CLAIMANT(S)**

and

DEFENDANT(S)

**FROM:**

Fill in the name,  
address and telephone  
number of the applicant.

NAME \_\_\_\_\_

ADDRESS

**APPLICANT**CITY, TOWN,  
MUNICIPALITY

TEI #

PROV

POSTAL CODE

Check the appropriate box.

**The applicant asks for an order**

- ☐ renewing a claim;
- ☐ renewing a third party notice;
- ☐ postponing a settlement conference or trial conference;
- ☐ 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;
- ☐ permitting a hearing to be conducted by telephone;
- ☐ permitting another method of service;
- ☐ other:

If the other box is checked, give the details of the order you are asking for.

Give the facts you wish the registrar to consider and sign the Application.

**The facts on which this application is based are as follows:**

**I certify these facts are true.**

SIGNATURE OF APPLICANT \_\_\_\_\_

This will be completed by the court.

**The Court orders that**

date	by the registrar
------	------------------

FORM 16  
SCL 016 01/2017  
(OPC# 7530854519)

1-COURT REGISTRY 2-APPLICANT 3-OTHER PARTY

REGISTRY FILE NUMBER
REGISTRY LOCATION

**In the case between:**

**CLAIMANT(S)**

and

DEFENDANT(S)

**FROM:**

NAME

**APPLICANT**

ADDRESS

CITY, TOWN,  
MUNICIPALITY

TEL. #

PROV.

POSTAL CODE

**The applicant asks for an order**

- ☐ renewing a claim;
- ☐ renewing a third party notice;
- ☐ postponing a settlement conference or trial conference;
- ☐ 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;
- ☐ permitting a hearing to be conducted by telephone;
- ☐ permitting another method of service;
- ☐ other:

**The facts on which this application is based are as follows:**

**I certify these facts are true.**

SIGNATURE OF APPLICANT \_\_\_\_\_


**The Court orders that**

FORM 16  
SCL 016 01/2017  
(OPC# 7530854519)

1-COURT REGISTRY 2-APPLICANT 3-OTHER PARTY

## FORM 17

[en. B.C. Reg. 148/97, s. 18.]



**BRITISH COLUMBIA**

# APPLICATION TO A JUDGE

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. Also, fill in the registry file number shown on the Notice of Claim.**

**In the case between:**

**and**

**CLAIMANT(S)**

**DEFENDANT(S)**

**FROM:**

Fill in the name, address and telephone number of the applicant.

**NAME**

**ADDRESS**

**CITY, TOWN, MUNICIPALITY**

**PROV.**

**POSTAL CODE**

**TEL. #**

**APPLICANT**

The registry staff will tell you the date of the hearing.

**An application will be made to the court**

on \_\_\_\_\_ at \_\_\_\_\_ time \_\_\_\_\_

at

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

Give details of the order you are asking for.

**for the following order:**

Give the facts you wish the court to consider and then sign the Application.

**The facts on which the application is based are as follows:**

**I certify these facts are true.**

**SIGNATURE OF APPLICANT**

This will be completed by the court.

**The Court orders that**


**by the Court**

FORM 17  
SCL 017 (01/00)  
00007-20/01-04-00

court copy

---

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	<h1 style="margin: 0;">APPLICATION TO A JUDGE</h1> <p style="margin: 0;">IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)</p>	REGISTRY FILENUMBER <hr/> REGISTRY LOCATION

**In the case between:**

**and**

**CLAIMANT(S)**

**DEFENDANT(S)**

**FROM:**

**APPLICANT**

NAME

ADDRESS

## SERVICE COPY

TEL. #

CITY, TOWN, MUNICIPALITY

British Columbia

PROV.

POSTAL CODE

**An application will be made to the court**

on

day

month

year

at

time

[ ] M

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

at

court location

**for the following order:**

**The facts on which the application is based are as follows:**

**I certify these facts are true.**

SIGNATURE OF APPLICANT

**The Court orders that**

## SERVICE COPY

by the Court

FORM 17  
SCL 017 (01/00)  
OPCW 71535 54520

service copy

---

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## FORM 18

[en. B.C. Reg. 360/2007, s. 16 (a).]

**OFFER TO SETTLE**

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

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

OFFER TO SETTLE

**OFFER TO SETTLE:**

The claimant(s) or defendant(s) or third party

VALUE

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dated \_\_\_\_\_

at \_\_\_\_\_

Signature

**TIME LIMIT FOR AN OFFER**

An offer to settle may be made up to 30 days after the conclusion of a settlement conference or mediation session, or later if permitted by a judge.

A party who receives an offer has 28 days after being served with the offer to accept the offer. No response will be considered a rejection.

**ACCEPTANCE OF OFFER**

To accept the offer to settle, the party must complete an Acceptance of Offer (Form 19) and serve the other party within 28 days of being served with the offer.

**FILING OFFER AND ACCEPTANCE**

If a party served with an acceptance of offer files the offer and the acceptance in the registry, the acceptance becomes a payment order.

**NOTICE OF PENALTY**

A trial judge may order a party to pay a penalty if the offer to settle has been rejected. A penalty is in addition to any other expenses and may be up to 20% of the amount of the offer to settle.

**THE COURT ADDRESS FOR FILING DOCUMENTS IS:** \_\_\_\_\_**EXPIRY DATE OF OFFER**

**REGISTRY USE ONLY**

Dated \_\_\_\_\_

Signature

FORM 18  
SCL 803 10/2007

1-COURT 2-CLAIMANT 3-DEFENDANT 4-THIRD PARTY 5-SERVICE COPY

FORM 19

[en. B.C. Reg. 148/97, s. 18.]



ACCEPTANCE OF OFFER

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

<b>ACCEPTANCE OF OFFER:</b>	
The claimant(s) or defendant(s) or third party	
NAME	
accepts the offer to settle served on _____	
DATE	
Dated _____	
at _____	Signature

<b>TIME LIMIT FOR ACCEPTANCE</b> 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.	<b>REGISTRY USE ONLY</b>
<b>ACCEPTANCE OF OFFER</b> To accept the offer to settle, the party must complete an Acceptance Of Offer (Form 19) and serve the other party within 28 days of being served with the offer.	Dated _____
<b>FILING OFFER AND ACCEPTANCE</b> If a party served with an acceptance of offer files the offer and the acceptance in the registry, the acceptance becomes a payment order.	Signature

ACCEPTANCE OF OFFER

## FORM 20

[en. B.C. Reg. 5/2016; am. B.C. Reg. 267/2018, s. 15.]

**Fax Cover Sheet in the Provincial Court of British Columbia (Small Claims)****This form must be used when transmitting documents to the court registry by fax for filing.****THIS FORM IS NOT TO BE EMAILED**

This is a pilot project, not available at all Court locations, and is subject to limitations set out in Court Rules and Practice Directives which are found at the Court Services Branch, Ministry of Attorney General website at [www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/submit-court-documents-forms/fax-filing/how-to-fax-file](http://www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/submit-court-documents-forms/fax-filing/how-to-fax-file)

It is the responsibility of the person transmitting a document to ensure that the document is filed in the court registry within the required filing time. The registry takes no responsibility for difficulty experienced when transmitting a document by fax to the registry. The registry cannot guarantee that any document will be filed on the day it is received in the registry.

Documents transmitted to the court registry will be processed in the order they are received. Confirmation of acceptance or refusal will be forwarded to you as soon as possible at the return fax number set out below or by mail if indicated.

**To:**

court location

fax number

**From:**

name - firm or individual

contact name

phone number

Notification of acceptance or refusal of filing will be sent by either fax or mail. Please choose one of the following:

☐ Notification by mail to address above

☐ Notification by fax to: \_\_\_\_\_
**Attached:**

file number or name (style of cause) e.g. - 013654 or "Steward vs. Parakeet"

comments

Court Services Branch may use your contact information for the purposes of conducting an evaluation of the fax service.

**Fax numbers for transmitting documents to court registries are available through the Court Services Branch website at [www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/submit-court-documents-forms/fax-filing](http://www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/submit-court-documents-forms/fax-filing) or through Enquiry BC at 1-800-663-7867**

address		postal code
city		
province		
Type of document: (e.g. Application to Obtain an Order, Reply)	No. of pages in document	Statutory fee amount
<b>Total no. of pages in submission</b> (Maximum 20 including the cover sheet)		<b>\$ 0.00</b> Fee total
Plus confirmation fee		<b>\$ 10.00</b>
<b>Total statutory fees due</b>		<b>\$</b>

Registry Use Only - Imprint

**Payment Information:**

I authorize you to bill my credit card or BC OnLine account the total of the statutory fee for filing and the confirmation fee. I include the payment information for that purpose. (Note: BC OnLine is available only in the Prince George Court Registry)

credit card type: Visa / MasterCard / American Express (circle one)

BC OnLine account number:

print name as it appears on the credit card

OR

print name of BC OnLine account

authorizing signature (credit card)

authorizing signature (BC OnLine account)

credit card account number

expiry date on credit card

**Please note: The credit card information provided on this form will not be retained. Upon authorization of the payment request, all credit card information will be destroyed.**

FORMS 21 AND 22

Repealed. [B.C. Reg. 267/2018, s. 16.]

FORM 23

[en. B.C. Reg. 360/2007, s. 16 (a).]

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

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

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

**IN THE CASE BETWEEN**

NAME \_\_\_\_\_ CLAIMANT(S)  
ADDRESS \_\_\_\_\_  
CITY, TOWN, MUNICIPALITY \_\_\_\_\_ PROV. \_\_\_\_\_ POSTAL CODE \_\_\_\_\_ TEL. # \_\_\_\_\_

**AND**

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

**AND**

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

Indicate what you are asking for.

The applicant asks for:

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

signature of applicant

Print your name and indicate your role in the case.

Dated \_\_\_\_\_

Print Name: \_\_\_\_\_

- ☐ Claimant  
☐ Defendant

This will be completed by the court.

**The Court orders that**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Today's date

date

by the registrar

Form 23  
SCL 042 10/2007  
OPC # 7530854542

1-COURT 2-APPLICANT 3-OTHER PARTY 4-MEDIATION COORDINATOR (Rules 7.2 and 7.4)

REQUEST FOR JUDGMENT OR FOR DISMISSAL

## Schedule B – Form 24

## FORM 24

[en. B.C. Reg. 183/2014, s. 4; am. B.C. Reg. 267/2018, s. 17.]

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

**RESULT OF MEDIATION FORM**  
IN THE PROVINCIAL COURT OF BRITISH COLUMBIA  
(SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION

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

**IN THE CASE BETWEEN**

Name	<b>CLAIMANT(S)</b>
_____	
_____	

**AND**

Name	<b>DEFENDANT(S)</b>
_____	
_____	

**AND**

Name	<b>THIRD PARTY</b>
_____	
_____	
_____	

**RESULT OF MEDIATION FORM**Mediation was conducted on \_\_\_\_\_ or between \_\_\_\_\_ and \_\_\_\_\_  
Date Date Date

- ☐ 1. The parties **settled** all issues in mediation.
- ☐ 2. The parties settled **some issues** in mediation.
- ☐ 3. The parties **did not settle** any issues in mediation.
- ☐ 4. One or more parties **did not attend** mediation, and a Verification of Non-Attendance (Rule 7.21) or a Verification of Default (Rule 7.3) was completed.
- ☐ 5. The parties attended mediation, but did not enter into an Agreement to Mediate.

**AND, if you checked #1 or #2 above, check one of the following:**

- ☐ 6. The parties entered into a mediation agreement that may be filed with the court.
- ☐ 7. The parties entered into a mediation agreement that is confidential and that may be filed with the court only in support of an Affidavit of Non-Compliance.

Mediator (signature)
----------------------

\_\_\_\_\_  
Mediator (print full name)

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

Page \_\_\_\_\_ of \_\_\_\_\_ .

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

IN THE CASE BETWEEN

Name \_\_\_\_\_ CLAIMANT(S)

**CLAIMANT(S)**

---

AND

DEFENDANT(S)

\_\_\_\_\_  
Name

AND

**THIRD PARTY**

Name \_\_\_\_\_

Mediation was held on \_\_\_\_\_ or between \_\_\_\_\_ and \_\_\_\_\_  
Date Date Date

The parties have reached the following agreement on: ☐ All issues ☐ Some issues

☐ This Mediation Agreement may be filed with the court.

☐ This Mediation Agreement is confidential and may be filed with the court only in support of an Affidavit of Non-Compliance.

Set out the terms of the agreement.

or ☐ See attached agreement

The agreement must contain an enforcement clause.

☐ The agreement contains payment terms.

☐ The agreement contains other terms, enforceable by a specified amount of liquidated damages.

☐ The agreement contains other terms, for which no amount of liquidated damages was specified.

All parties to the agreement must sign this form.

Signature of claimant

Signature of defendant

Print Name: \_\_\_\_\_ Print Name: \_\_\_\_\_

Signature of claimant

Signature of defendant / third party

Print Name: \_\_\_\_\_ Print Name: \_\_\_\_\_

Today's date.

Dated: \_\_\_\_\_



FORM 27

Repealed. [B.C. Reg. 267/2018, s. 18.]

FORM 28

[en. B.C. Reg. 133/2005, s. 3; am. B.C. Reg. 267/2018, s. 19.]

**Electronic Filing Statement**

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

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

**IN THE CASE BETWEEN**

**CLAIMANT(S)**

Copy the name(s) of the defendant from the Reply.

**AND**

**DEFENDANT(S)**

Copy the name(s) of the third party, if any, from the Notice of Third Party.

**AND**

**DEFENDANT / THIRD PARTY**

**NOTE: If your address has changed notify the registry in writing as soon as possible.**

Indicate your role in the case by checking the appropriate box and filling out the section.

☐ I, \_\_\_\_\_ am the counsel acting for \_\_\_\_\_, the \_\_\_\_\_  
CLAIMANT / DEFENDANT / THIRD PARTY

OR

☐ I, \_\_\_\_\_, am the \_\_\_\_\_  
CLAIMANT / DEFENDANT / THIRD PARTY and I am not represented by counsel.

Name the type of document being submitted and on whose behalf it is being submitted.

I advise as follows:

1. That a \_\_\_\_\_  
TYPE OF DOCUMENT is being submitted for filing electronically on behalf of the \_\_\_\_\_  
CLAIMANT / DEFENDANT / THIRD PARTY. A copy of the the document being submitted for filing electronically is attached.
2. Any signature on the document appears to be original and I believe it to be the signature of the person that is stated to have signed the document.
3. I have seen the original document and I believe the attached is a true copy of that document.
4. I agree to keep the original of the document that is being submitted for filing electronically in accordance with Rule 22 of the *Small Claims Rules* and to make it available for inspection in accordance with that *Rule*.

Date and sign your statement.

Dated \_\_\_\_\_  
at \_\_\_\_\_  
CITY / TOWN / MUNICIPALITY  
British Columbia

\_\_\_\_\_  
SIGNATURE OF COUNSEL/PARTY

Electronic Filing Statement

## FORM 29

[en. B.C. Reg. 120/2017, Sch. 2, s. 52; am. B.C. Reg. 267/2018, s. 20.]

Fill in the registry file number and location as shown on the Notice of Claim or the Notice of Civil Resolution Tribunal Claim and the Third Party Notice, if applicable.

## Notice to Mediate for Claims Between \$10,000 and \$35,000

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 the Notice of Civil Resolution Tribunal Claim and the Third Party Notice, if applicable.

## IN THE CASE BETWEEN

NAME \_\_\_\_\_ CLAIMANT(S)  
ADDRESS \_\_\_\_\_  
CITY, TOWN, MUNICIPALITY \_\_\_\_\_ PROV. \_\_\_\_\_ POSTAL CODE \_\_\_\_\_ TEL. # \_\_\_\_\_

## AND

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

## AND

NAME \_\_\_\_\_ DEFENDANT / THIRD PARTY  
ADDRESS \_\_\_\_\_  
CITY, TOWN, MUNICIPALITY \_\_\_\_\_ PROV. \_\_\_\_\_ POSTAL CODE \_\_\_\_\_ TEL. # \_\_\_\_\_

Fill in the names of the parties you are delivering this notice to.

To: \_\_\_\_\_

**TAKE NOTICE** that this proceeding is to be mediated in accordance with Rule 7.3, Mediation for Claims Between \$10,000 and \$35,000.

The parties who have not been exempted from attending the mediation session must jointly appoint a mutually acceptable mediator within 14 days after delivery of this Notice.

Otherwise, any of those parties may apply to the British Columbia Mediator Roster Society or a roster organization for appointment of a mediator.

Fill in today's date and sign the notice.

Dated at \_\_\_\_\_, British Columbia, on \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Party (or party's solicitor)

Fill in the name and role of the party filling out this notice.

Party delivering this Notice: \_\_\_\_\_

Notice to Mediate for Claims Between \$10,000 and \$35,000

FORM 30

[en. B.C. Reg. 120/2017, Sch. 2, s. 52; am. B.C. Reg. 267/2018, s. 20.]

Fill in the registry file number and location as shown on the Notice of Claim or the Notice of Civil Resolution Tribunal Claim.

**Fee Declaration**

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 the Notice of Civil Resolution Tribunal Claim and the Third Party Notice, if applicable.

**IN THE CASE BETWEEN**

NAME(S)

**CLAIMANT(S)**

**AND**

NAME(S)

**DEFENDANT(S)**

**AND**

NAME(S)

**DEFENDANT / THIRD PARTY**

**Fee Declaration**

**WHEREAS:**

- (a) we, or our representatives, are participating in a mediation session under Rule 7.3, Mediation for Claims Between \$10,000 and \$35,000.
- (b) the mediator will be \_\_\_\_\_ of \_\_\_\_\_, B.C.
- (c) the cost of the mediation services will be \$ \_\_\_\_\_ for a completed mediation session, or will be calculated at \$ \_\_\_\_\_ per hour plus necessary disbursements, or will be calculated as follows:

Fill in the name and address of the mediator.

Fill in the costs of the mediation session.

Indicate how the costs are to be paid.

WE WILL, subject to any agreement reached during mediation, pay the cost of the mediation services:

1. in equal shares
- OR
2. as follows:

WE MAKE THIS DECLARATION under Rule 7.3, Mediation for Claims Between \$10,000 and \$35,000.

Fill in today's date and sign the notice.

Dated at \_\_\_\_\_, British Columbia, on \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Party (or party's solicitor)

\_\_\_\_\_  
Party (or party's solicitor)

## Schedule B – Form 31

## FORM 31

[en. B.C. Reg. 286/2005, s. 8; am. B.C. Reg. 267/2018, s. 20.]

Fill in the registry file number and location as shown on the Notice of Claim or the Notice of Civil Resolution Tribunal Claim.

**Fee Declaration**

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 the Notice of Civil Resolution Tribunal Claim and the Third Party Notice, if applicable.

**IN THE CASE BETWEEN**

NAME(S)

CLAIMANT(S)

**AND**

NAME(S)

DEFENDANT(S)

**AND**

NAME(S)

DEFENDANT / THIRD PARTY

**Fee Declaration****WHEREAS:**

(a) we, or our representatives, are participating in a mediation session under Rule 7.3, Mediation for Claims Between \$10,000 and \$35,000.

Fill in the name and address of the mediator.

(b) the mediator will be \_\_\_\_\_ of \_\_\_\_\_, B.C.

Fill in the costs of the mediation session.

(c) the cost of the mediation services will be \$ \_\_\_\_\_ for a completed mediation session, or will be calculated at \$ \_\_\_\_\_ per hour plus necessary disbursements, or will be calculated as follows:

Indicate how the costs are to be paid.

WE WILL, subject to any agreement reached during mediation, pay the cost of the mediation services:

1. in equal shares

OR

2. as follows:

WE MAKE THIS DECLARATION under Rule 7.3, Mediation for Claims Between \$10,000 and \$35,000.

Fill in today's date and sign the notice.

Dated at \_\_\_\_\_, British Columbia, on \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Party (or party's solicitor)

\_\_\_\_\_  
Party (or party's solicitor)

FORM 32

[en. B.C. Reg. 120/2017, Sch. 2, s. 52.]

**NOTICE OF TRIAL CONFERENCE**

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

In the case between:

CLAIMANT(S)


and

DEFENDANT(S)


and

THIRD PARTY


**A trial conference will be held on**

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

**Who must attend?**

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

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

**What must the parties do before the trial conference?**

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

**What are the purposes of a trial conference?**

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

**What happens if someone does not attend?**

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

<div>day</div>	<div>month</div>	<div>year</div>	<div>by the court</div>
----------------	------------------	-----------------	-------------------------

## Schedule B – Form 33

## FORM 33

[en. B.C. Reg. 360/2007, s. 16 (b); am. B.C. Reg. 267/2018, s. 20.]

Fill in the registry file number and location as shown on the Notice of Claim or the Notice of Civil Resolution Tribunal Claim.

**TRIAL STATEMENT**

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 the Notice of Civil Resolution Tribunal Claim and the Third Party Notice, if applicable.

**In the case between:****CLAIMANT(S)****and****DEFENDANT(S)****and****THIRD PARTY**

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

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

**A. Statement of Facts**

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

**B. Amount Claimed, Disputed or Counterclaimed**

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

**C. Documents**

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

**D. Witnesses**

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

Organize your documents and attach them directly to this form.

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

Date and sign the form. I certify that these facts are true:

Date
------

Signature of party
--------------------

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

Indicate which party is filing this Trial Statement

**CLAIMANT** ☐ **DEFENDANT** ☐ **THIRD PARTY** ☐

FORM 33

1-COURT 2-CLAIMANT 3-DEFENDANT 4-THIRD PARTY

FORM 34

[en. B.C. Reg. 120/2017, Sch. 2, s. 53; am. B.C. Reg. 267/2018, s. 21.]

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, address and telephone number of the person(s) or business(es) that initiated the file in the Civil Resolution Tribunal.

FILED BY: \_\_\_\_\_ (the "filing party")

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

Fill in the name, address and telephone number of the person(s) or business(es) the claim is against.

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

(If applicable) Fill in the name, address and telephone number of the person(s) or business(es) the defendant thinks should pay all or part of the claim.

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

WHY?

What 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 **refuses** to resolve a claim after the proceeding commenced and the civil resolution tribunal has issued notice.
- ☐ an Order was granted that the civil resolution tribunal **not adjudicate the claim**.

DEPOSIT?

☐ 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, TOWN, MUNICIPALITY
PROV. British Columbia

WHEN?

Tell when the claim happened.

WHAT?

HOW MUCH?

File the pleadings 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 and submit each of the documents separately along with each copy of this form]

- ☐ 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 and 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;
- ☐ any order that the civil resolution tribunal not adjudicate the tribunal small claim.

Amount of your claim

\$

TIME LIMIT FOR REPLY

A reply must be completed and filed within 14 days from being served with this notice, unless a response was already filed in the civil resolution tribunal and served on the other party/parties. If a reply is not filed, a court order may be made without any further notice.

+ EXPENSES

+ SERVICE FEES

= TOTAL CLAIMED \$

The Court Address for filing documents is:

court copy

## Schedule B – 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?**

This party initiated the file in the Civil Resolution Tribunal. They now have a claim in Small Claims Court.

**FILED BY:**

Party Name(s)

NAME

CLAIMANT(S)

ADDRESS

CITY, TOWN,  
MUNICIPALITY

TEL. #

PROV.

POSTAL CODE

NAME

DEFENDANT(S)

ADDRESS

CITY, TOWN,  
MUNICIPALITY

TEL. #

PROV.

POSTAL CODE

NAME

THIRD PARTY

ADDRESS

CITY, TOWN,  
MUNICIPALITY

TEL. #

PROV.

POSTAL CODE

**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 **refuses** to resolve a claim after the proceeding commenced and the civil resolution tribunal has issued notice.
- ☐ an Order was granted that the civil resolution tribunal **not adjudicate the claim**.

**DEPOSIT?**

- ☐ 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, TOWN,  
MUNICIPALITY

PROV. British Columbia

**WHEN?**

This is when the claimant says it happened.

**WHAT?****HOW MUCH?**

This is 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 and submit each of the documents separately along with each copy of this form]

- ☐ 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 and 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;
- ☐ any order that the civil resolution tribunal not adjudicate the tribunal small claim.

**Amount of your claim**

\$

## TIME LIMIT FOR REPLY

A reply must be completed and filed within 14 days from being served with this notice, unless a response was already filed in the civil resolution tribunal and served on the other party/parties. If a reply is not filed, a court order may be made without any further notice.

The Court Address for filing documents is:

+ EXPENSES

+ SERVICE FEES

= **TOTAL CLAIMED \$**

other party copy

FORM 34

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. They now have a claim in Small Claims Court.

## FILED BY:

Party Name(s)

NAME CLAIMANT(S)

ADDRESS

CITY, TOWN, MUNICIPALITY TEL. #

PROV. POSTAL CODE

NAME DEFENDANT(S)

ADDRESS

CITY, TOWN, MUNICIPALITY TEL. #

PROV. POSTAL CODE

NAME THIRD PARTY

ADDRESS

CITY, TOWN, MUNICIPALITY TEL. #

PROV. POSTAL CODE

This party was named as the respondent in the Civil Resolution Tribunal. They are now defending a claim in Small Claims Court.

This party was added to the dispute by the defendant. The defendant thinks they should pay all or part of the claim.

## 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 **refuses** to resolve a claim after the proceeding commenced and the civil resolution tribunal has issued notice.
- ☐ an Order was granted that the civil resolution tribunal **not adjudicate the claim**.

## DEPOSIT?

- ☐ 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, TOWN, MUNICIPALITY

## WHEN?

This is when the claimant says it happened.

PROV. British Columbia

## WHAT?

### HOW MUCH?

This is 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 and submit each of the documents separately along with each copy of this form]

- ☐ 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 and 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;
- ☐ any order that the civil resolution tribunal not adjudicate the tribunal small claim.

### Amount of your claim

\$

### TIME LIMIT FOR REPLY

A reply must be completed and filed within 14 days from being served with this notice, unless a response was already filed in the civil resolution tribunal and served on the other party/parties. If a reply is not filed, a court order may be made without any further notice.

+ EXPENSES

+ SERVICE FEES

= TOTAL CLAIMED \$

The Court Address for filing documents is:

NOTICE OF CIVIL RESOLUTION TRIBUNAL CLAIM

other party copy

## Schedule B – 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?

FILED BY: \_\_\_\_\_

Party Name(s)

NAME

ADDRESS

CLAIMANT(S)

CITY, TOWN,  
MUNICIPALITY

PROV.

POSTAL CODE

TEL. #

NAME

ADDRESS

DEFENDANT(S)

CITY, TOWN,  
MUNICIPALITY

PROV.

POSTAL CODE

TEL. #

NAME

ADDRESS

THIRD PARTY

CITY, TOWN,  
MUNICIPALITY

PROV.

POSTAL CODE

TEL. #

WHY?

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 **refuses** to resolve a claim after the proceeding commenced and the civil resolution tribunal has issued notice.
- ☐ an Order was granted that the civil resolution tribunal **not adjudicate the claim**.

DEPOSIT?

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

WHERE?

CITY, TOWN,  
MUNICIPALITY

WHEN?

PROV. British Columbia

WHAT?

HOW MUCH?

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

[Check all applicable boxes and submit each of the documents separately along with each copy of this form]

- ☐ 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 and 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;
- ☐ any order that the civil resolution tribunal not adjudicate the tribunal small claim.

Amount of your claim

\$

TIME LIMIT FOR REPLY

A reply must be completed and filed within 14 days from being served with this notice, unless a response was already filed in the civil resolution tribunal and served on the other party/parties. If a reply is not filed, a court order may be made without any 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, address and telephone number of the person(s) or business(es) that initiated the file in the Civil Resolution Tribunal.

**FILED BY:**

Party Name(s)

NAME

**CLAIMANT(S)**

ADDRESS

CITY, TOWN, MUNICIPALITY

TEL. #

PROV.

POSTAL CODE

Fill in the name, address and telephone number of the person(s) or business(es) the claim is against.

NAME

**DEFENDANT(S)**

ADDRESS

CITY, TOWN, MUNICIPALITY

TEL. #

PROV.

POSTAL CODE

Fill in the name, address and telephone number of the person(s) or business(es) the defendant thinks should pay all or part of the claim.

NAME

**THIRD PARTY**

ADDRESS

CITY, TOWN, MUNICIPALITY

TEL. #

PROV.

POSTAL CODE

**WHY?**

What 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 **refuses** to resolve a claim after the proceeding commenced and the civil resolution tribunal has issued notice.
- ☐ an Order was granted that the civil resolution tribunal **not adjudicate the claim**.

**DEPOSIT?**

- ☐ 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, TOWN, MUNICIPALITY

**WHEN?**

Tell when the claim happened.

PROV. British Columbia

**WHAT?**

**HOW MUCH?**

File the pleadings 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 and submit each of the documents separately along with each copy of this form]

- ☐ 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 and 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;
- ☐ any order that the civil resolution tribunal not adjudicate the tribunal small claim.

**Amount of your claim**

\$

**TIME LIMIT FOR REPLY**

A reply must be completed and filed within 14 days from being served with this notice, unless a response was already filed in the civil resolution tribunal and served on the other party/parties. If a reply is not filed, a court order may be made without any further notice.

+ EXPENSES

+ SERVICE FEES

= **TOTAL CLAIMED \$**

The Court Address for filing documents is:

FORM 34

claimant's copy

## FORM 35

[en. B.C. Reg. 120/2017, Sch. 2, s. 53.]

**APPLICATION FOR DEPOSIT (Civil Resolution Tribunal)**  
IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION
Civil Resolution Tribunal FILE NUMBER

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

**In the case between:**

CLAIMANT(S)

and

DEFENDANT(S)

**FROM:**  
Fill in the name,  
address and  
telephone  
number of the  
applicant.

NAME

APPLICANT

ADDRESS

CITY, TOWN,  
MUNICIPALITY

TEL #

PROV.

POSTAL CODE

The applicant asks for an order that the respondent(s) make a deposit under section 56.3 of the *Civil Resolution Tribunal Act*.

Details of the order sought:

The Registry  
Staff will tell  
you the date of  
the hearing.

**An application will be made to the court**

on \_\_\_\_\_ at \_\_\_\_\_

time am/pm

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

at

court location

Give the facts  
you wish the  
court to  
consider and  
then sign the  
application.

**The facts on which the application is based are as follows:**


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**I certify these facts are true.**

SIGNATURE OF APPLICANT

**NOTE TO APPLICANT: Bring a copy of the notice of final order issued by the tribunal to the court appearance.**

This will be  
completed by  
the court.

**The Court orders that**


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By the Court

APPLICATION FOR DEPOSIT (Civil Resolution Tribunal)

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 FILE NUMBER

In the case between:

CLAIMANT(S)

\_\_\_\_\_

and

DEFENDANT(S)

\_\_\_\_\_

**FROM:**  
This person  
named as  
"applicant" will  
be asking the  
court to make  
this order.

NAME

APPLICANT

ADDRESS

CITY, TOWN,  
MUNICIPALITY

TEL. #

PROV.

POSTAL CODE

The applicant asks for an order that the respondent(s) make a deposit under section 56.3 of the *Civil Resolution Tribunal Act*.

Details of the order sought:

\_\_\_\_\_

\_\_\_\_\_

An application will be made to the court

on \_\_\_\_\_ at \_\_\_\_\_

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

time am/pm

at

court location

The facts on which the application is based are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify these facts are true.

SIGNATURE OF APPLICANT

NOTE TO APPLICANT: Bring a copy of the notice of final order issued by the tribunal to the court appearance.

The Court orders that

By the Court

APPLICATION FOR DEPOSIT (Civil Resolution Tribunal)

other party's 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 FILE NUMBER

In the case between:

CLAIMANT(S)

and

DEFENDANT(S)

FROM:

NAME

ADDRESS

CITY, TOWN  
MUNICIPALITY

PROV.

POSTAL CODE

TEL. #

APPLICANT

SERVICE COPY

The applicant asks for an order that the respondent(s) make a deposit under section 56.3 of the *Civil Resolution Tribunal Act*.

Details of the order sought:

An application will be made to the court

on \_\_\_\_\_ at \_\_\_\_\_  
time am/pmor as soon after this time as  
the court schedule allows.

at

court location

The facts on which the application is based are as follows:

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I certify these facts are true.

SIGNATURE OF APPLICANT

NOTE TO APPLICANT: Bring a copy of the notice of final order issued by the tribunal to the court appearance.

The Court orders that

SERVICE COPY

By the Court

FORM 35

service copy

APPLICATION FOR DEPOSIT (Civil Resolution Tribunal)

service 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 FILE NUMBER

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

**In the case between:**

**CLAIMANT(S)**

**and**

**DEFENDANT(S)**

**FROM:**

Fill in the name, address and telephone number of the applicant.

NAME

ADDRESS

CITY, TOWN, MUNICIPALITY

PROV.

POSTAL CODE

TEL. #

**APPLICANT**

**The applicant asks for an order that the respondent(s) make a deposit under section 56.3 of the *Civil Resolution Tribunal Act*.**

Details of the order sought:

The Registry Staff will tell you the date of the hearing.

**An application will be made to the court**

on \_\_\_\_\_ at \_\_\_\_\_

time am/pm

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

at

court location

Give the facts you wish the court to consider and then sign the application.

**The facts on which the application is based are as follows:**

**I certify these facts are true.**

SIGNATURE OF APPLICANT

**NOTE TO APPLICANT: Bring a copy of the notice of final order issued by the tribunal to the court appearance.**

This will be completed by the court.

**The Court orders that**

By the Court

APPLICATION FOR DEPOSIT (Civil Resolution Tribunal)

applicant copy

## FORM 36

[en. B.C. Reg. 120/2017, Sch. 2, s. 53.]

**APPLICATION FOR EXEMPTION (Civil Resolution Tribunal)**  
IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION
Civil Resolution Tribunal FILE NUMBER

Fill in the names of the parties, copying them from the Civil Resolution Tribunal (CRT) dispute notice. The claimant(s) will be the initiating party at the CRT and the defendant(s) are all other parties.

**In the case between:**

CLAIMANT(S)

and

DEFENDANT(S)

NAME

APPLICANT

**FROM:**  
Fill in the name, address and telephone number of the applicant.

ADDRESS

CITY, TOWN,  
MUNICIPALITY

TEL. #

PROV.

POSTAL CODE

**The applicant asks for an order that the Civil Resolution Tribunal not adjudicate the claim.****An application will be made to the court**

The Registry Staff will tell you the date of the hearing.

on \_\_\_\_\_ at \_\_\_\_\_

time am/pm

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

at

court location

**The facts on which the application is based are as follows:**

Give the facts you wish the court to consider and then sign the application.

**I certify these facts are true.**

SIGNATURE OF APPLICANT

**Attached to this application are the following:**

Attach the documents that have been filed in the Civil Resolution Tribunal.

- ☐ 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.

This will be completed by the court.

**The Court orders that**

By the Court

APPLICATION FOR EXEMPTION (Civil Resolution Tribunal)

court copy

**APPLICATION FOR EXEMPTION (Civil Resolution Tribunal)**  
IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION
Civil Resolution Tribunal FILE NUMBER

In the case between:

CLAIMANT(S)

\_\_\_\_\_

and

DEFENDANT(S)

\_\_\_\_\_

**FROM:**  
This person  
named as  
"applicant" will  
be asking the  
court to make  
this order.

NAME

APPLICANT

ADDRESS

CITY, TOWN,  
MUNICIPALITY

TEL. #

PROV.

POSTAL CODE

The applicant asks for an order that the Civil Resolution Tribunal not adjudicate the claim.

An application will be made to the court

on \_\_\_\_\_ at \_\_\_\_\_  
time am/pm

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

at

court location

The facts on which the application is based are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify these facts are true.

SIGNATURE 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.

The Court orders that

By the Court

FORM 36

other party's copy

APPLICATION FOR EXEMPTION (Civil Resolution Tribunal)

other party's copy

**APPLICATION FOR EXEMPTION (Civil Resolution Tribunal)**

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

REGISTRY FILE NUMBER
REGISTRY LOCATION
Civil Resolution Tribunal FILE NUMBER

In the case between:

CLAIMANT(S)

---

and

DEFENDANT(S)

---

APPLICANT

FROM:

NAME

ADDRESS

CITY, TOWN,  
MUNICIPALITY

PROV.

POSTAL CODE

TEL. #

SERVICE COPY

The applicant asks for an order that the Civil Resolution Tribunal not adjudicate the claim.

An application will be made to the court

on \_\_\_\_\_ at \_\_\_\_\_  
time am/pmor as soon after this time as  
the court schedule allows.

at

court location

The facts on which the application is based are as follows:

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I certify these facts are true.

SIGNATURE 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.

The Court orders that

SERVICE COPY

By the Court

FORM 36

service copy

APPLICATION FOR EXEMPTION (Civil Resolution Tribunal)

service copy

**APPLICATION FOR EXEMPTION (Civil Resolution Tribunal)**

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

REGISTRY FILE NUMBER
REGISTRY LOCATION
Civil Resolution Tribunal FILE NUMBER

Fill in the names of the parties, copying them from the Civil Resolution Tribunal (CRT) dispute notice. The claimant(s) will be the initiating party at the CRT and the defendant(s) are all other parties.

**In the case between:**

**CLAIMANT(S)**

**and**

**DEFENDANT(S)**

**FROM:**

Fill in the name, address and telephone number of the applicant.

NAME	<b>APPLICANT</b>		
ADDRESS			
CITY, TOWN, MUNICIPALITY	PROV.	POSTAL CODE	TEL. #

The applicant asks for an order that the Civil Resolution Tribunal not adjudicate the claim.

**An application will be made to the court**

The Registry Staff will tell you the date of the hearing.

on \_\_\_\_\_ at \_\_\_\_\_  
time am/pm

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

at

court location
----------------

**The facts on which the application is based are as follows:**

Give the facts you wish the court to consider and then sign the application.


**I certify these facts are true.**

SIGNATURE OF APPLICANT

**Attached to this application are the following:**

Attach the documents that have been filed in the Civil Resolution Tribunal.

- ☐ 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.

**The Court orders that**

This will be completed by the court.

By the Court

FORM 36

applicant copy

APPLICATION FOR EXEMPTION (Civil Resolution Tribunal)

applicant copy

## FORM 37

[en. B.C. Reg. 120/2017, Sch. 2, s. 53.]

## CERTIFICATE OF COMPLIANCE

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

Fill in the registry file number shown on the Notice of Civil Resolution Tribunal Claim.

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

**FROM:**  
Fill in the name, address and telephone number of the filing party(ies).

NOTE: Each party seeking compensation for a personal injury must complete a separate form.

Check all applicable boxes.

Check one of the following, as applicable.

Fill in the date and sign here. Type or print the name of the filing party(ies).

In the case between:

CLAIMANT(S)

and

DEFENDANT(S)

NAME	FILING PARTY(IES)		
ADDRESS			
CITY, TOWN, MUNICIPALITY	PROV.	POSTAL CODE	TEL. #

I/We, \_\_\_\_\_, CERTIFY THAT:

- ☐ The Notice of Civil Resolution Tribunal Claim has been served on all other parties, proof of service has been filed, and the time limit for responding (if applicable) has passed.
- ☐ A party has filed a reply or a response under section 7 of the *Civil Resolution Tribunal Act*.
- ☐ An application for deposit [select one of the following]
- ☐ has not been filed by any party and the time period to file an application has passed.
  - ☐ was dismissed.
  - ☐ was granted and the deposit, or all due installments, has been made 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 records to each copy of the form]

Date	Signature of Filing Party(ies)
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Name of Filing Party(ies)

CERTIFICATE OF COMPLIANCE

FORM 38

[en. B.C. Reg. 191/2021, s. 43.]

ADDRESS FOR SERVICE  
IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

Registry File Number:
Registry Location:

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

FILL in the name(s) of person(s)/party(ies) filing this form.

I/we, \_\_\_\_\_  
confirm that my/our address for service is:

**MUST** select one or both of these options. **SELECT** how you want to receive notice from the Court and other parties. If **both options are selected**, you will be served by one of the two options, not both. **ENTER** email address or full mailing address or both.

<input type="checkbox"/> <b>Service by email:</b> _____ EMAIL ADDRESS			
<input type="checkbox"/> <b>Service by mail:</b>			
STREET ADDRESS		APT NO.	BOX/RR NO.
CITY, TOWN	PROVINCE	POSTAL CODE	TELEPHONE

**MUST** complete this section. **ENTER** the address of your residence or registered office, your place of business, or your solicitor's office.

I/we confirm that my/our address for **personal service** is:

☐ Same as "service by mail" address noted above, or

STREET ADDRESS		APT NO.	BOX/RR NO.
CITY, TOWN	PROVINCE	POSTAL CODE	TELEPHONE

**CHANGE OF INFORMATION:**  
**ENTER** date on which the new email, mailing or personal service address comes into effect.

☐ **Change of information:**  
My/our address has changed and the new address(es) are effective on:  
\_\_\_\_\_ (mmm/dd/yyyy)

**INFORMATION** for person filing this form.

Small Claims Rule **18(16)** provides if an address for service changes, the party **must file** a new Address for Service (Form 38) with the Court Registry and mail or email a copy to all other parties.

By submitting this form, I/we acknowledge and agree to receive notice from the Court and the other parties by one of the methods selected above.

Dated: \_\_\_\_\_  
(mmm/dd/yyyy)

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Party or Party's Solicitor  
Sign, print or type name

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**SCHEDULES C, D AND E**

Repealed. [B.C. Reg. 267/2018, s. 22.]

*You may need to contact a court registry in British Columbia to obtain Small Claims forms to fill out. This website lists court locations:*

*[www2.gov.bc.ca/gov/content/justice/courthouse-services/courthouse-locations](http://www2.gov.bc.ca/gov/content/justice/courthouse-services/courthouse-locations)*

*Fillable PDF forms can be found at this website:*

*[www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms/small-claims-forms](http://www2.gov.bc.ca/gov/content/justice/courthouse-services/documents-forms-records/court-forms/small-claims-forms)*

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