

NOTICE OF CLAIM



PROVINCIAL COURT OF BRITISH COLUMBIA

BRITISH
COLUMBIA

MAKING A CLAIM

Step 1

COMPLETE the NOTICE OF CLAIM. To complete the form, use a typewriter or print clearly and firmly. There are 5 copies, so be sure all copies are legible. If you accessed this form from the Ministry of Attorney General website, you may also complete it at the computer and then print it. For more help there is a booklet called "Making a Claim".



Step 2

FILE the NOTICE OF CLAIM by taking or mailing it to the small claims registry. If you are making a claim against a company or a society, you must attach a printout of a company search showing the most recent address of the registered office of the company or society on file with the Registrar of Companies. The fee for filing is \$100 for claims up to and including \$3,000, or \$156 for claims over \$3,000. The staff will check the form and, when it is accepted for filing, apply the registry stamp, add on filing and service fees, and assign a file number. Then they will return the copies you need for your records and for serving on the defendant.



Step 3

SERVE each defendant named in the NOTICE OF CLAIM with a copy of the document and a blank copy of the REPLY form. The purpose is to be sure the defendants know they are being sued, and what the case is about. For more help with service there is a booklet called "Serving Documents".



AND THEN if the defendants file a reply, the court registry will send you a copy, and set a date for a settlement conference. If no Reply is filed at the court registry within the time limit on the NOTICE OF CLAIM, you may apply for a DEFAULT ORDER. You will have to file a certificate of service to prove the NOTICE OF CLAIM has been served.

FROM:

You must be sure that the address you give is correct because this is where the registry will send any further notices or information to you. If your address changes at any time please notify the small claims registry and all parties to the lawsuit.

TO:

Are you sure you have used the proper name? If you wish to sue a company or a society, you can get the legal name from the printout of the company search.

Is there more than one defendant? If so, put both names (side by side) in the space given. Are you sure the claim(s) are a result of the same transaction or event?

WHAT HAPPENED?

You do not need to tell everything about your case here. You must tell just enough to let the defendant know what the case is about. Keep your description brief. You will have a full opportunity to present all the facts and provide supporting documents at a settlement conference or trial.

WHERE? WHEN?

A notice of claim must be filed at the small claims registry nearest to where

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

If the case is about a breach of contract (overdue credit account for example), tell where the contract was made or account opened or where the payments were to be made or sent.

HOW MUCH?

If your claim is made up of several parts, separate them here and show the amount you are claiming for each part.

For example:

- a Amount owing on unpaid invoice \$\$\$\$\$\$\$
- b Interest under the contract \$\$\$\$\$\$\$

The defendant might agree with part of your claim if you show its separate parts.

The most you may claim in Provincial Court of British Columbia (Small Claims Court) is \$25,000.00, including the amount of money claimed AND the value of any goods or services claimed. This does not include interest and expenses.

If your claim is for more than \$25,000.00 and you wish to file in this court, just say in this section "I am abandoning the amount over \$25,000.00". Otherwise, you should file your claim in Supreme Court. If you choose to abandon part of your claim you cannot sue for that part later.

Are you asking for something besides money (eg. recovery of goods)? If so, fill that in and show the value but do not add the dollar amount for that part to the Total Claimed.



CERTIFICATE OF SERVICE

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I certify that

Fill in:
your name;
the name of the party or other person served;
the date service took place;
the street address or location, city and province where service took place.

I _____
served _____
on _____
Date
at _____

with _____

Name the documents that you served.

Tell how service took place by checking appropriate box(es) for:

ordinary mail and fill in the date mailed;

by mailing a copy by ordinary mail to that person's address on _____
Date

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.

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 as defined in the *Society Act*;

- mailing a copy of it by registered mail to the address for service on file with the Registrar of Companies.
- leaving a copy of it at the address for service on file with the Registrar of Companies.
 with a director, officer, receiver manager or liquidator of the society.

an extraprovincial society as defined in the *Society Act* (if no attorney has been appointed, check one of the 2 preceding boxes for a society);

- mailing a copy of it by registered mail to the attorney of the society appointed under section 77 of the *Society Act*.
- leaving a copy of it with an attorney appointed under section 77 of the *Society Act*.

an unincorporated association or trade union;

- mailing a copy of it by registered mail to the registered office of the association.
- leaving a copy of it with an officer of the association or, in the case of a trade union, with a business agent.

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, or
 with a director, officer, liquidator, trustee in bankruptcy or receiver manager of the corporation.

alternate service method ordered by the Court.

- (fill in any instructions given by a judge or registrar for service)

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>).

Date

Signature of person who served the document

