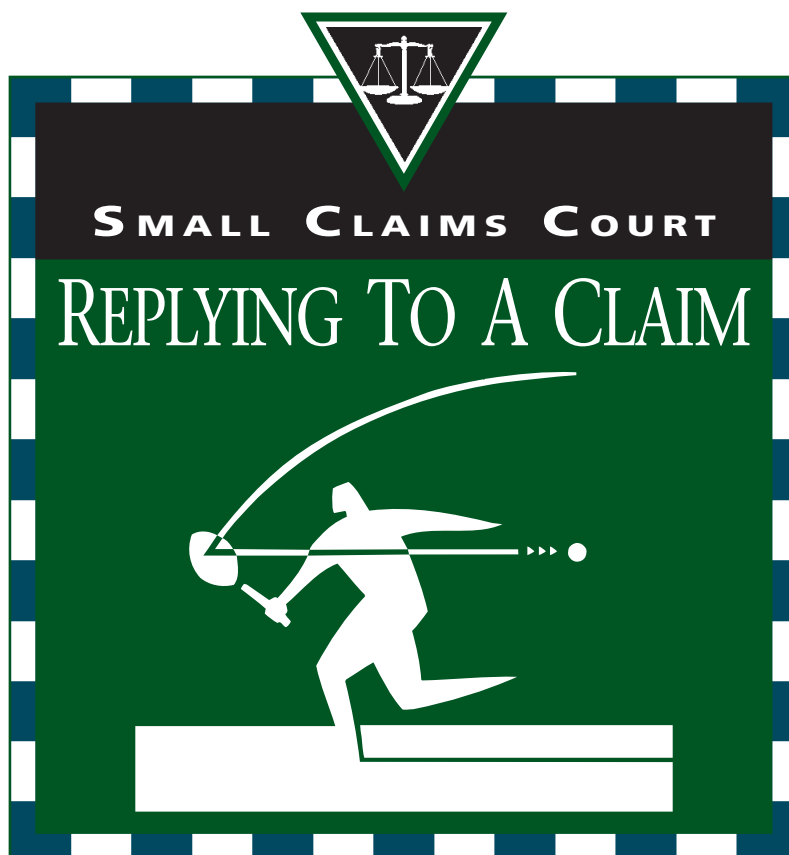


# REPLY



PROVINCIAL COURT OF BRITISH COLUMBIA



BRITISH  
COLUMBIA

# REPLYING TO A CLAIM OR A COUNTERCLAIM

## What are a defendant's options? (Rule 3(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;
- (b) admit all or part of the claim;
- (c) admit all or part of the claim and propose a payment schedule;
- (d) oppose all or part of the claim by listing reasons why the claim is opposed;
- (e) make a counterclaim against the claimant.

### Step 1

**COMPLETE** the REPLY. To complete the form, use a typewriter or print clearly. There are 3 copies, so be sure all copies are legible. For more help there are booklets called "What is Small Claims" and "Replying to a Claim".

### Step 2

**FILE** the REPLY by taking or mailing it to the court registry at the address shown on the NOTICE OF CLAIM. The fee for filing is \$26 for claims up to and including \$3,000, and \$50 for claims over \$3,000 unless you have agreed to pay the full claim.

If you have set out a counterclaim there will be an additional fee of \$100 if your counterclaim is up to and including \$3,000 or \$156 if the counterclaim is over \$3,000. The staff will check your form and if it is in order accept it for filing. **The REPLY must be filed in the registry within the time limit shown on the NOTICE OF CLAIM.**

### Step 3

**THEN** the court will send a copy of your Reply to the claimant and in most cases set a date for a settlement conference. You will receive a notice telling you the date and place of the conference. Some cases will go directly to trial and you will receive a notice telling you the date and place.

### Step 4

When the date is set, you can prepare for the conference or trial. For more help there is a booklet called "Getting Ready for Court".

REGISTRY FILE NUMBER

What is the registry file number and location shown on the Notice of Claim?

Check appropriate box for replying to a claim or a counterclaim.

## FROM:

This is where you identify the defendant who is filing this Reply. Give an address where notices and other information about the claim can be sent to you. If this address changes at any time be sure to notify the court registry.

## DISPUTE

Here you must list the reasons why you oppose the claim. You do not need to tell everything about your case here. You must tell just enough to indicate to the claimant and the court what parts of the claim you dispute, and why. Look at the "How Much" section of the Notice of Claim. If the claim has more than one part - a, b, c, and so on - then you should reply to each part separately, using the same letters. If there is anything in the Notice of Claim that you agree with, be sure to include that here.

## AGREEMENT WITH THE CLAIM

If you admit all or part of the claim, and if you are proposing a payment schedule, try to make it a reasonable one. If the claimant agrees with your proposal, you may file a consent order, or the claimant may file a consent order or a payment order. If the claimant agrees to the amount but not the terms for the payment, the claimant may request a payment hearing to ask the Court to set the payment schedule. You will be asked about your financial circumstances and expected to provide supporting documents.

## COUNTERCLAIM

If you have a counterclaim, you must tell just enough to let the claimant know what your counterclaim is about. A Claimant may not include a counterclaim when replying to a counterclaim.

If your counterclaim 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 claimant might agree with part of your counterclaim 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 counterclaim 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.

For more help on your counterclaim there is a booklet called "Making a Claim".



# REPLY

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

- To a Claim
- To a Counterclaim

REGISTRY FILE NUMBER
REGISTRY LOCATION

**REPLY**

**TO:**  
Copy the name, address and telephone number of the claimant from the Notice of Claim.

NAME		<b>CLAIMANT(S)</b>
ADDRESS		
CITY, TOWN, MUNICIPALITY	PROV.	POSTAL CODE
		TEL. #

**FROM:**  
Fill in the name, address and telephone number of the defendant filing this reply.

NAME		<b>DEFENDANT</b>
ADDRESS		
CITY, TOWN, MUNICIPALITY	PROV.	POSTAL CODE
		TEL. #

**DISPUTE:**  
Using the "HOW MUCH" section of the Notice of 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)

**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



# REPLY

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

- To a Claim
- To a Counterclaim

REGISTRY FILE NUMBER
REGISTRY LOCATION

**REPLY**

**TO:**

NAME \_\_\_\_\_ **CLAIMANT(S)**

ADDRESS \_\_\_\_\_

CITY, TOWN, MUNICIPALITY \_\_\_\_\_ TEL. # \_\_\_\_\_

PROV. \_\_\_\_\_ POSTAL CODE \_\_\_\_\_

**FROM:**

This is the defendant who has made this Reply. If you have named more than one defendant, their Replies will be separate.

NAME \_\_\_\_\_ **DEFENDANT**

ADDRESS \_\_\_\_\_

CITY, TOWN, MUNICIPALITY \_\_\_\_\_ TEL. # \_\_\_\_\_

PROV. \_\_\_\_\_ POSTAL CODE \_\_\_\_\_

**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.

**TOTAL** \$ \_\_\_\_\_

**+ FILING FEES** \$ \_\_\_\_\_

**= TOTAL CLAIMED** \$ \_\_\_\_\_

claimant's copy

claimant's copy



# REPLY

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

- To a Claim
- To a Counterclaim

REGISTRY FILE NUMBER
REGISTRY LOCATION

**REPLY**

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ADDRESS		
CITY, TOWN, MUNICIPALITY	PROV.	POSTAL CODE
		TEL. #

**FROM:**  
Fill in the name, address and telephone number of the defendant filing this reply.

NAME		<b>DEFENDANT</b>
ADDRESS		
CITY, TOWN, MUNICIPALITY	PROV.	POSTAL CODE
		TEL. #

**DISPUTE:**  
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**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)

**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.

**a** \_\_\_\_\_ \$ \_\_\_\_\_

**b** \_\_\_\_\_ \$ \_\_\_\_\_

**c** \_\_\_\_\_ \$ \_\_\_\_\_

<b>TOTAL</b>	\$	
<b>+ FILING FEES</b>	\$	
<b>= TOTAL CLAIMED</b>	\$	

defendant's copy

defendant's copy