

ADDING A THIRD PARTY TO A CLAIM

Step 1

COMPLETE the THIRD PARTY NOTICE. To complete the form, use a typewriter or print clearly. There are 5 copies, so be sure all copies are legible. For more help there are booklets called "Making a Claim" and "Replying to a Claim".



Step 2

FILE the THIRD PARTY NOTICE by taking or mailing it to the Court Registry. The fee for filing a THIRD PARTY NOTICE is \$25. 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 on file with the Registrar of Companies. The staff will check your form and, when it is accepted for filing, apply the registry stamp. Then they will return the copies you need for your records and for serving on the third party.



Step 3

SERVE the third party with

- a copy of the third party notice
- a blank reply to a third party notice form
- a copy of the notice of claim
- a copy of the reply to the notice of claim
- a copy of the notice of settlement conference or trial, if one has been issued.

The purpose is to be sure the third party knows about the lawsuit.

Within 30 days of serving the third party, file a certificate of service, to prove the third party has been served with the notice. For more help with service there is a booklet called "Serving Documents".



Step 4

AND THEN, if the third party files a reply, the court registry will send everyone a copy of the reply, and set a date for a settlement conference. If no reply is filed at the court registry within the time limit on the THIRD PARTY NOTICE, you may apply to a judge for an order against the third party.

REGISTRY FILE NUMBER

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



TO:

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



WHAT HAPPENED?

You do not need to tell everything about your case here. You must tell just enough to let the third party know why you believe they should pay part or all of the claim against you. 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.



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 third party might agree with part of your claim if you show its separate parts.



IMPORTANT NOTICE

The THIRD PARTY NOTICE will expire if the Certificate of Service is not filed within 30 days of the notice being filed at the registry.



THIRD PARTY NOTICE

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

THIRD PARTY NOTICE

TO:

NAME _____ **THIRD PARTY**
 ADDRESS _____

 CITY, TOWN, MUNICIPALITY _____ TEL. # _____

 PROV. _____ POSTAL CODE _____

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**.

FROM:

NAME _____ **DEFENDANT**
 ADDRESS _____

 CITY, TOWN, MUNICIPALITY _____ TEL. # _____

 PROV. _____ POSTAL CODE _____

NAME _____ **CLAIMANT**
 ADDRESS _____

 CITY, TOWN, MUNICIPALITY _____ TEL. # _____

 PROV. _____ POSTAL CODE _____

WHAT HAPPENED?

This is why the defendant in this case thinks you are responsible for all or part of the claim.

Details of the claim against the defendant and the defendant's reply are in the enclosed documents.

If this box is checked the "what happened" section is continued on another page. Be sure you have been given a copy of it.

HOW MUCH?

This is what the defendant claims from you.

a	_____	\$	_____	_____
b	_____	\$	_____	_____
c	_____	\$	_____	_____
d	_____	\$	_____	_____
		TOTAL	\$	_____

TIME LIMIT FOR THE THIRD PARTY

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.

+ FILING FEES	_____	_____
+ SERVICE FEES	_____	_____
= TOTAL CLAIMED	\$	_____

The Court Address for filing documents is:

DEBT
 OTHER THAN DEBT

third party copy



THIRD PARTY NOTICE

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

TO:

NAME _____ **THIRD PARTY**
 ADDRESS _____
 CITY, TOWN, MUNICIPALITY _____ TEL. # _____
 PROV. _____ POSTAL CODE _____

FROM:

NAME _____ **DEFENDANT**
 ADDRESS _____
 CITY, TOWN, MUNICIPALITY _____ TEL. # _____
 PROV. _____ POSTAL CODE _____

NAME _____ **CLAIMANT**
 ADDRESS _____
 CITY, TOWN, MUNICIPALITY _____ TEL. # _____
 PROV. _____ POSTAL CODE _____

SERVICE COPY

THIRD PARTY NOTICE

WHAT HAPPENED?

If this box is checked the "what happened" section is continued on another page. Be sure you have been given a copy of it.

HOW MUCH?

a	_____	\$	_____	_____
b	_____	\$	_____	_____
c	_____	\$	_____	_____
d	_____	\$	_____	_____
TOTAL		\$	_____	_____

TIME LIMIT FOR THE THIRD PARTY

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.

+ FILING FEES	_____	_____
+ SERVICE FEES	_____	_____
= TOTAL CLAIMED	\$	_____

The Court Address for filing documents is:

DEBT
 OTHER THAN DEBT

service copy

service copy

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

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 _____
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



THIRD PARTY NOTICE

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

THIRD PARTY NOTICE

TO:

NAME _____ **THIRD PARTY**
 ADDRESS _____
 CITY, TOWN, MUNICIPALITY _____ TEL. # _____
 PROV. _____ POSTAL CODE _____

The **defendant** says that the **third party** named above should pay all or part of your claim against the **defendant**.

FROM:

NAME _____ **DEFENDANT**
 ADDRESS _____
 CITY, TOWN, MUNICIPALITY _____ TEL. # _____
 PROV. _____ POSTAL CODE _____

NAME _____ **CLAIMANT**
 ADDRESS _____
 CITY, TOWN, MUNICIPALITY _____ TEL. # _____
 PROV. _____ POSTAL CODE _____

WHAT HAPPENED?

This is why the defendant says the third party should pay part or all of your claim.

If this box is checked the "what happened" section is continued on another page. Be sure you have been given a copy of it.

HOW MUCH?

This is what the defendant says the third party should pay.

a	_____	\$	_____	_____
b	_____	\$	_____	_____
c	_____	\$	_____	_____
d	_____	\$	_____	_____
TOTAL		\$	_____	_____

TIME LIMIT FOR THE THIRD PARTY

If the third party does 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** the third party. Then the third party will have to pay the amount claimed plus interest and further expenses.

The Court Address for filing documents is:

+ FILING FEES	_____	_____
+ SERVICE FEES	_____	_____
= TOTAL CLAIMED	\$	_____

DEBT
 OTHER THAN DEBT

claimant's copy