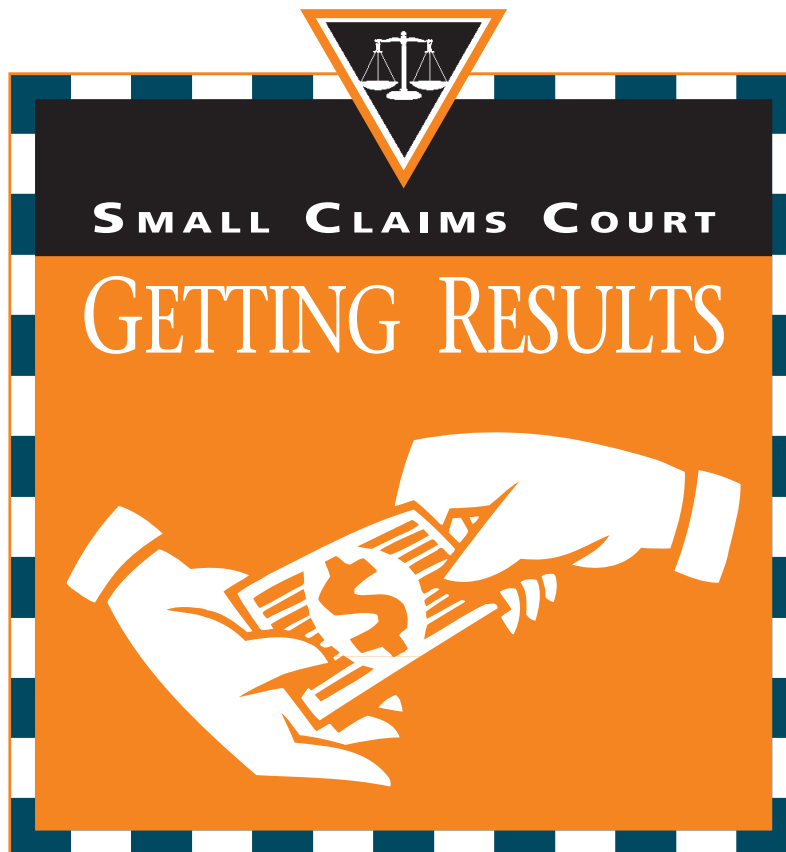


# SUMMONS TO A PAYMENT HEARING



PROVINCIAL COURT OF BRITISH COLUMBIA

# TO SUMMON A PERSON TO A PAYMENT HEARING

REGISTRY FILE NUMBER

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

## Step 1

**COMPLETE** the SUMMONS TO A PAYMENT HEARING. To complete the form, use a typewriter or print clearly. There are 4 copies, so be sure all copies are legible. For more help there are booklets called "Getting Ready for Court" and "Getting Results".



## Step 2

**FILE** the SUMMONS TO A PAYMENT HEARING by taking it to the Small Claims Court Registry. The staff will tell you the hearing date. Then they will check your form and when it is accepted for filing, apply the registry stamp and return the copies so the person named can be served.



## Step 3

**PERSONALLY SERVE** the party named in the summons with a copy of the summons at least 7 days before the hearing date. The purpose of "Service" is to make sure the person knows about the requirement to come to court. You should bring your completed affidavit of service to court with you. For more help with service there is a booklet called "Serving Documents".



## Step 4

**AND THEN** the person named must appear on the hearing date. If the person does not appear, a warrant for arrest of the person may be issued.

You can require the person to bring records and other things that relate to:

- 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.

# 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:**

Copy the names of all parties in the case as shown on the Payment or Default Order.

\_\_\_\_\_ **CREDITOR**  
 \_\_\_\_\_  
**and**  
 \_\_\_\_\_ **DEBTOR**  
 \_\_\_\_\_

**You are required to attend the Provincial Court of British Columbia**

Fill in the date, time and place of the hearing.

\_\_\_\_\_ at \_\_\_\_\_ or as soon after this time as the court schedule allows.  
date time am / pm

at \_\_\_\_\_  
court location

**You are required to bring the following records and other things:**

List what you want the person to bring to court.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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.

\_\_\_\_\_ by the court  
date

**SUMMONS TO A PAYMENT HEARING**

court copy

# SUMMONS TO A PAYMENT HEARING

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

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 \_\_\_\_\_  
**and**  
 \_\_\_\_\_ **DEBTOR**  
 \_\_\_\_\_

You are required to attend the Provincial Court of British Columbia

\_\_\_\_\_ date \_\_\_\_\_ at \_\_\_\_\_ time \_\_\_\_\_ am / pm 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:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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\_\_\_\_\_ date \_\_\_\_\_ by the court \_\_\_\_\_

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\_\_\_\_\_ date \_\_\_\_\_ by the court

# AFFIDAVIT OF SERVICE

AFFIDAVIT OF SERVICE

**Fill in:** I \_\_\_\_\_ name \_\_\_\_\_ occupation \_\_\_\_\_  
your name and address; 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** \_\_\_\_\_  
date

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 affidavits is present.

signature of person who served the document

**Sworn/affirmed before me on**

A commissioner for the taking of affidavits will witness your signature

date

**at**

location where affidavit is sworn

signature of commissioner for taking affidavits for British Columbia

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\_\_\_\_\_ by the court  
date

creditor copy

**SUMMONS TO A PAYMENT HEARING**

creditor copy