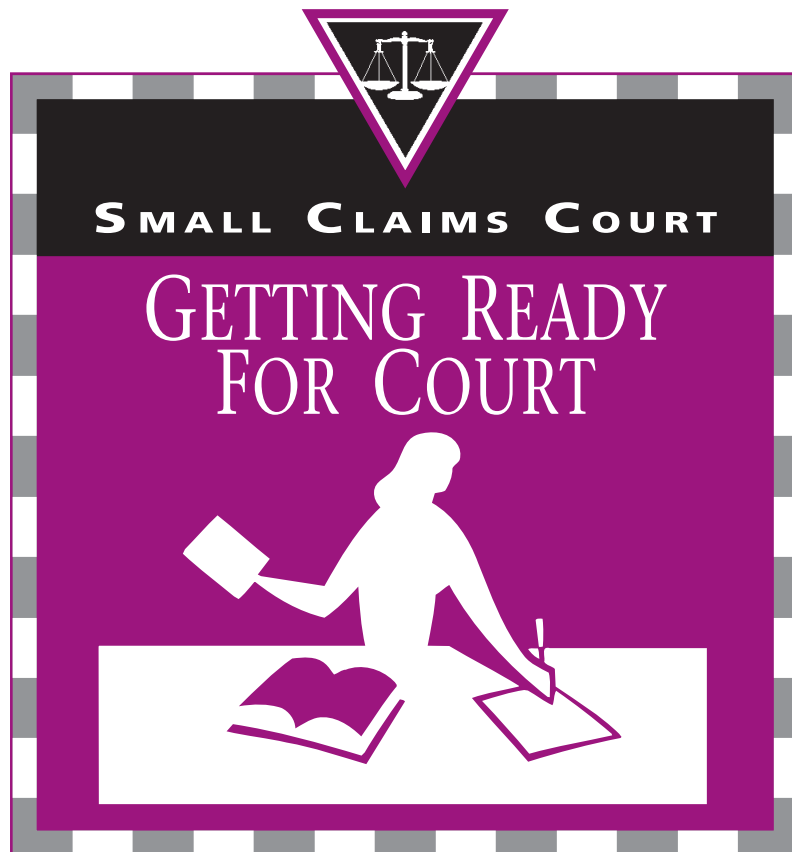


# APPLICATION TO A JUDGE OR JUSTICE



PROVINCIAL COURT OF BRITISH COLUMBIA

# AN APPLICATION TO A JUDGE OR JUSTICE

REGISTRY FILE NUMBER

What is the registry file  
number and location shown  
on the Notice of Claim/Notice  
of Civil Resolution Tribunal  
Claim?



## Step 1

**COMPLETE** the APPLICATION. Please print clearly and firmly as there are 4 copies, and all must be legible. If you accessed this form from the Government of BC website, you may also complete it using the computer and print all 4 pages. **Forms and guides can be found at the Government of BC website:** [www.gov.bc.ca/smallclaims](http://www.gov.bc.ca/smallclaims).



## Step 2

**FILE** the APPLICATION with an Address for Service ([Form 38](#)) if you have not previously filed one. There are no filing fees for these forms. If the form is accepted for filing and **requires a hearing** before a judge or a justice, registry staff will set a date, time and method by which you will attend the hearing.

If the application **does not require a hearing**, registry staff will forward your application to a judge or justice for consideration and will notify you of their decision. If a judge or justice makes an order without a hearing, unless otherwise ordered, you must serve a copy of the order on all other parties or an affected witness as soon as practicable.



## Step 3

**IF A HEARING BEFORE A JUDGE OR JUSTICE IS REQUIRED, SERVE** a copy of the application on each of the parties in your case at least 7 days before the hearing date. If you choose to use ordinary mail, (if the person has provided a mailing address as their address for service), the document is presumed to have been served 14 days after it was mailed, unless there is evidence to the contrary. If a party on their Address for Service form has included an email address, you may also serve by email. Service by email is deemed to be served the same day the email was transmitted, or if it is sent after 4:00 pm, or on a Saturday, Sunday or a holiday (at any time) then it is deemed served the next business day.

## WHEN A JUDGE OR JUSTICE DIRECTS A HEARING

If a judge or justice determines that a hearing is required, they will direct/order that a hearing date be set. If a hearing date is required, you will be required to serve the application on other parties unless the judge or justice orders otherwise.

# APPLICATION TO A JUDGE OR JUSTICE

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 Notice of Civil Resolution Tribunal Claim and any Third Party Notice.

## In the case between

NAME

CLAIMANT(S)

and

NAME

DEFENDANT(S)

and

NAME

THIRD PARTY(IES)

NAME

APPLICANT(S)

☐ Form 38, Address for Service included for filing

☐ Form 38, Address for Service previously filed

## The applicant(s) ask(s) for the following order(s)

The order(s) sought

☐ require a hearing (Rule 16(6))

☐ do not require a hearing (Rule 16(6.1))

This application, which requires a hearing, will be heard by the court

on

date

at

time

am / pm

or as soon after this time as the court schedule allows

☐ in person at

court location

☐ by another method of attendance, as specified

The registry will send within 24 hours before the hearing date noted above the link to connect by MS Teams, including a dial in conferencing number to be used by any party that is unable to use MS Teams or has problems with their video connection. If you have not provided your email address or telephone number to the registry on your Address for Service (Form 38), you must contact the registry to obtain the telephone conference or MS Teams conference information.

If a hearing is required, the registry staff will tell you the date, time and method of attendance for the hearing.

If the applicant intends to rely on documents, they must file them with a Supporting Materials Cover Sheet (Form 39). If a hearing is not required, file them with this application. Otherwise file them and serve them on each affected party **at least 7 days** before the date of the hearing, unless the registrar allows the application to be made as an urgent application.

## The facts on which the application is based are as follows

Set out the facts you are relying on for the order(s) you are asking for.

☐ If you need more space to set out the orders you are asking for or the relevant facts, attach additional pages.

\_\_\_\_ additional pages are attached. Mark the additional pages as "Page 2 of the Application, Page 3, etc." A copy of the attached pages must accompany each copy of the Application.

I certify these facts are true.

sign, print or type name of applicant

## The Court orders that

date

by the Court

APPLICATION TO A JUDGE OR JUSTICE

court copy

Sign, print or type name.

This will be completed by the Court.

## IMPORTANT INFORMATION ABOUT YOUR HEARING

### What do parties need to know about attending in another method other than in person?

If your notice indicates that you are to attend by another method of attendance, all parties, including the judge, will attend using the Microsoft Teams audio- and video conferencing (video) platform. **Do not attend the courthouse in person.**

Microsoft Teams allows participants to join the conference using video or audio from a desktop, laptop, tablet, or smartphone, or to dial-in to a proceeding from a telephone. **If you are appearing by video**, please ensure that you have downloaded Microsoft Teams or have the latest version of Google Chrome or Microsoft Edge.

**If you received this Notice by mail** and intend to appear using video or audio from a desktop, laptop, tablet, or smartphone, and you did not provide an email address for service, please file an Address for Service (Form 38), with the court registry that includes your email address and ask the court registry to send you the MS Teams meeting invite or you can cut and paste the address into the address on your browser.

The dial-up information (Microsoft Teams link) on how you attend the hearing is on the reverse side of this notice. This link and dial up information may be shared with your lawyer if you have retained counsel; and with your client if you are counsel.

**Please do not forward or share** this MS Teams link or dial up information below to any unauthorized parties.

**Before the scheduled hearing date**, please visit the Provincial Court website at <https://www.provincialcourt.bc.ca> and review:

- *Policy on Use of Electronic Devices in Courtrooms and Access to Court Proceedings Policy* (there is a general prohibition on the recording or broadcasting of court proceedings unless authorized by the Court and there are penalties for breach)
- *NP 21 Remote Attendance in the Provincial Court* (for etiquette and directions on connecting remotely) (counsel attendance requirements when attending Family matters remotely)
- *NP 24 Form of Address for Parties and Lawyers* (provide the judge or justice with each person's name, title (e.g. "Mr./ Ms./Mx./Counsel Jones") and pronouns to be used in the proceeding)
- *Guide for Appearing in the Provincial Court using MS Teams*
- *eNews - What to expect in a family or small claims conference held by telephone or video*

**If you are unable to dial-in or are dropped from the conference** immediately call the court registry.

**PLEASE** ensure you keep this MS Teams link and dial up information because this will be the same link you use if this application is adjourned to another date.

### What should a party do if they wish to file documents related to their hearing before the court appearance?

If a party wishes to file documents related to their hearing before the court appearance, materials should be:

- (a) attached to a [Supporting Materials](#) cover sheet (Form 39) to clearly identify the court file number, court appearance date, and submitting party name(s);
- (b) submitted as a PDF with pages numbered consecutively; and
- (c) submitted through Court Services Online (<https://justice.gov.bc.ca/cso/index.do>) or by filing at the small claims registry by the time limits set out on the notice or if no time limit specified at least two business days before the scheduled appearance date

When submitting case law, provide only the case citation.

Where possible, each party should provide the filed materials to the other party at least two business days before the scheduled court date unless an earlier time has been set out on the notice.

**NOTE** – To convert your documents into PDF format, refer to <https://www.wikihow.com/Convert-a-File-Into-PDF>.

# APPLICATION TO A JUDGE OR JUSTICE

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

REGISTRY FILE NUMBER

REGISTRY LOCATION

In the case between

CLAIMANT(S)

NAME

and

DEFENDANT(S)

NAME

and

THIRD PARTY(IES)

NAME

APPLICANT(S)

NAME

☐ Form 38, Address for Service included for filing

☐ Form 38, Address for Service previously filed

The applicant(s) ask(s) for the following order(s)

The order(s) sought

☐ require a hearing (Rule 16(6))

☐ do not require a hearing (Rule 16(6.1))

If a hearing is required, the date, time, and method of attendance for the hearing is indicated here.

This application, which requires a hearing, will be heard by the court

on

date

at

time

am / pm

or as soon after this time as the court schedule allows

☐ in person at

court location

☐ by another method of attendance, as specified

The registry will send within 24 hours before the hearing date noted above the link to connect by MS Teams, including a dial in conferencing number to be used by any party that is unable to use MS Teams or has problems with their video connection. If you have not provided your email address or telephone number to the registry on your Address for Service ([Form 38](#)), you must contact the registry to obtain the telephone conference or MS Teams conference information.

If a person responding to an application wishes to rely on documents at the hearing, the documents must be filed with a Supporting Materials Cover Sheet ([Form 39](#)) at least two business days before the hearing and served on the other parties.

The facts on which the application is based are as follows Set out the facts you are relying on for the order(s) you are asking for.

☐ If this box is checked, the application is continued on an additional page(s).

additional pages were filed. Be sure you have been given a copy of all additional pages.

I certify these facts are true.

sign, print or type name of applicant

The Court orders that

date

by the Court

## IMPORTANT INFORMATION ABOUT YOUR HEARING

### What do parties need to know about attending in another method other than in person?

If your notice indicates that you are to attend by another method of attendance, all parties, including the judge, will attend using the Microsoft Teams audio- and video conferencing (video) platform. **Do not attend the courthouse in person.**

Microsoft Teams allows participants to join the conference using video or audio from a desktop, laptop, tablet, or smartphone, or to dial-in to a proceeding from a telephone. **If you are appearing by video**, please ensure that you have downloaded Microsoft Teams or have the latest version of Google Chrome or Microsoft Edge.

**If you received this Notice by mail** and intend to appear using video or audio from a desktop, laptop, tablet, or smartphone, and you did not provide an email address for service, please file an Address for Service (Form 38), with the court registry that includes your email address and ask the court registry to send you the MS Teams meeting invite or you can cut and paste the address into the address on your browser.

The dial-up information (Microsoft Teams link) on how you attend the hearing is on the reverse side of this notice. This link and dial up information may be shared with your lawyer if you have retained counsel; and with your client if you are counsel.

**Please do not forward or share** this MS Teams link or dial up information below to any unauthorized parties.

**Before the scheduled hearing date**, please visit the Provincial Court website at <https://www.provincialcourt.bc.ca> and review:

- *Policy on Use of Electronic Devices in Courtrooms and Access to Court Proceedings Policy* (there is a general prohibition on the recording or broadcasting of court proceedings unless authorized by the Court and there are penalties for breach)
- *NP 21 Remote Attendance in the Provincial Court* (for etiquette and directions on connecting remotely) (counsel attendance requirements when attending Family matters remotely)
- *NP 24 Form of Address for Parties and Lawyers* (provide the judge or justice with each person's name, title (e.g. "Mr./ Ms./Mx./Counsel Jones") and pronouns to be used in the proceeding)
- *Guide for Appearing in the Provincial Court using MS Teams*
- *eNews - What to expect in a family or small claims conference held by telephone or video*

**If you are unable to dial-in or are dropped from the conference** immediately call the court registry.

**PLEASE** ensure you keep this MS Teams link and dial up information because this will be the same link you use if this application is adjourned to another date.

### What should a party do if they wish to file documents related to their hearing before the court appearance?

If a party wishes to file documents related to their hearing before the court appearance, materials should be:

- (a) attached to a [Supporting Materials](#) cover sheet (Form 39) to clearly identify the court file number, court appearance date, and submitting party name(s);
- (b) submitted as a PDF with pages numbered consecutively; and
- (c) submitted through Court Services Online (<https://justice.gov.bc.ca/cso/index.do>) or by filing at the small claims registry by the time limits set out on the notice or if no time limit specified at least two business days before the scheduled appearance date

When submitting case law, provide only the case citation.

Where possible, each party should provide the filed materials to the other party at least two business days before the scheduled court date unless an earlier time has been set out on the notice.

**NOTE** – To convert your documents into PDF format, refer to <https://www.wikihow.com/Convert-a-File-Into-PDF>.

# APPLICATION TO A JUDGE OR JUSTICE

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

REGISTRY FILE NUMBER

REGISTRY LOCATION

In the case between

CLAIMANT(S)

NAME

and

DEFENDANT(S)

NAME

and

THIRD PARTY(IES)

NAME

FROM:

APPLICANT(S)

NAME

☐ Form 38, Address for Service included for filing

☐ Form 38, Address for Service previously filed

The applicant(s) ask(s) for the following order(s)

The order(s) sought

☐ require a hearing (Rule 16(6))

☐ do not require a hearing (Rule 16(6.1))

This application, which requires a hearing, will be heard by the court

on

date

at

time

am / pm

or as soon after this time as the court schedule allows

☐ in person at

court location

☐ by another method of attendance, as specified

The registry will send within 24 hours before the hearing date noted above the link to connect by MS Teams, including a dial in conferencing number to be used by any party that is unable to use MS Teams or has problems with their video connection. If you have not provided your email address or telephone number to the registry on your Address for Service ([Form 38](#)), you must contact the registry to obtain the telephone conference or MS Teams conference information.

The facts on which the application is based are as follows

☐ If you need more space to set out the orders you are asking for or the relevant facts, attach additional pages.

\_\_\_\_ additional pages are attached. Mark the additional pages as "Page 2 of the Application, Page 3, etc." A copy of the attached pages must accompany each copy of the Application.

I certify these facts are true.

sign, print or type name of applicant

The Court orders that

SERVICE COPY

date

by the Court

service copy

# CERTIFICATE OF SERVICE

REGISTRY FILE NUMBER

REGISTRY LOCATION

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 \_\_\_\_\_

Day/Month/Year

at \_\_\_\_\_

Street address or location, city, province

with \_\_\_\_\_

LIST and ATTACH ALL document(s) that you served.

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

an individual;

by

- ☐ 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 \_\_\_\_\_

(NOTE: The date the documents are presumed served (above) is 14 days after this date.)

OTHER SERVICE method or alternate method ordered by the Court.

- ☐ (Indicate other service method or 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>).



Fill in the names of the parties, copying them from the Notice of Claim or Notice of Civil Resolution Tribunal Claim and any Third Party Notice.

**FROM:**  
Fill in the name of the applicant. If the applicant has not previously filed an Address for Service (Form 38), they must complete, file, and serve on all parties an Address for Service with this application.

Check the appropriate box.

If a hearing is required, the registry staff will tell you the date, time and method of attendance for the hearing.

If the applicant intends to rely on documents, they must file them with a Supporting Materials Cover Sheet (Form 39). If a hearing is not required, file them with this application. Otherwise file them and serve them on each affected party **at least 7 days** before the date of the hearing, unless the registrar allows the application to be made as an urgent application.

Sign, print or type name.

This will be completed by the Court.

# APPLICATION TO A JUDGE OR JUSTICE

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

## In the case between

NAME CLAIMANT(S)

and DEFENDANT(S)

and THIRD PARTY(IES)

NAME APPLICANT(S)

☐ Form 38, Address for Service included for filing ☐ Form 38, Address for Service previously filed

The applicant(s) ask(s) for the following order(s)

The order(s) sought

☐ require a hearing (Rule 16(6)) ☐ do not require a hearing (Rule 16(6.1))

This application, which requires a hearing, will be heard by the court

on \_\_\_\_\_ at \_\_\_\_\_ or as soon after this time as the court schedule allows

☐ in person at \_\_\_\_\_ court location

☐ by another method of attendance, as specified

The registry will send within 24 hours before the hearing date noted above the link to connect by MS Teams, including a dial in conferencing number to be used by any party that is unable to use MS Teams or has problems with their video connection. If you have not provided your email address or telephone number to the registry on your Address for Service (Form 38), you must contact the registry to obtain the telephone conference or MS Teams conference information.

## The facts on which the application is based are as follows

Set out the facts you are relying on for the order(s) you are asking for.

☐ If you need more space to set out the orders you are asking for or the relevant facts, attach additional pages. \_\_\_\_\_ additional pages are attached. Mark the additional pages as "Page 2 of the Application, Page 3, etc." A copy of the attached pages must accompany each copy of the Application.

I certify these facts are true. \_\_\_\_\_ sign, print or type name of applicant

The Court orders that

\_\_\_\_\_ date \_\_\_\_\_ by the Court

APPLICATION TO A JUDGE OR JUSTICE

applicant copy

applicant copy

## IMPORTANT INFORMATION ABOUT YOUR HEARING

### What do parties need to know about attending in another method other than in person?

If your notice indicates that you are to attend by another method of attendance, all parties, including the judge, will attend using the Microsoft Teams audio- and video conferencing (video) platform. **Do not attend the courthouse in person.**

Microsoft Teams allows participants to join the conference using video or audio from a desktop, laptop, tablet, or smartphone, or to dial-in to a proceeding from a telephone. **If you are appearing by video**, please ensure that you have downloaded Microsoft Teams or have the latest version of Google Chrome or Microsoft Edge.

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**Please do not forward or share** this MS Teams link or dial up information below to any unauthorized parties.

**Before the scheduled hearing date**, please visit the Provincial Court website at <https://www.provincialcourt.bc.ca> and review:

- *Policy on Use of Electronic Devices in Courtrooms and Access to Court Proceedings Policy* (there is a general prohibition on the recording or broadcasting of court proceedings unless authorized by the Court and there are penalties for breach)
- *NP 21 Remote Attendance in the Provincial Court* (for etiquette and directions on connecting remotely) (counsel attendance requirements when attending Family matters remotely)
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- *Guide for Appearing in the Provincial Court using MS Teams*
- *eNews - What to expect in a family or small claims conference held by telephone or video*

**If you are unable to dial-in or are dropped from the conference** immediately call the court registry.

**PLEASE** ensure you keep this MS Teams link and dial up information because this will be the same link you use if this application is adjourned to another date.

### What should a party do if they wish to file documents related to their hearing before the court appearance?

If a party wishes to file documents related to their hearing before the court appearance, materials should be:

- (a) attached to a [Supporting Materials](#) cover sheet (Form 39) to clearly identify the court file number, court appearance date, and submitting party name(s);
- (b) submitted as a PDF with pages numbered consecutively; and
- (c) submitted through Court Services Online (<https://justice.gov.bc.ca/cso/index.do>) or by filing at the small claims registry by the time limits set out on the notice or if no time limit specified at least two business days before the scheduled appearance date

When submitting case law, provide only the case citation.

Where possible, each party should provide the filed materials to the other party at least two business days before the scheduled court date unless an earlier time has been set out on the notice.

**NOTE** – To convert your documents into PDF format, refer to <https://www.wikihow.com/Convert-a-File-Into-PDF>.