

# AFFIDAVIT TO CANCEL A DISMISSAL OR DEFAULT ORDER

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

REGISTRY FILE NUMBER

REGISTRY LOCATION

## IN THE CASE BETWEEN

Fill in the names of the parties, copying them from the Notice of Claim or Notice of Civil Resolution Tribunal Claim and Third Party Notice, if applicable. File with a completed Address for Service (Form 38) if you have not previously filed one.

CLAIMANT(S)

AND

DEFENDANT(S)

AND

THIRD PARTY(IES)

Name, occupation and current address of the person making this affidavit.

I NAME OCCUPATION  
of ADDRESS

- ☐ make oath and say that  
☐ solemnly affirm that

**Attach** this Affidavit to a completed "Application to a Judge"

1. I am the \_\_\_\_\_ in this action and this is my Affidavit in support of the attached application.

**What** order do you want cancelled? Tell what kind of order it is and when it was made.

2. A ☐ Dismissal  
☐ Default Order

was registered in this action against me on DATE \_\_\_\_\_

**Why** was the order made?

3. I did not ☐ file a Reply within 14 days of being served a Notice of Claim  
☐ attend a Settlement Conference  
☐ attend a Trial Conference  
☐ make a response under s. 7 of the Civil Resolution Tribunal Act or file a Reply within 14 days of being served a Notice of Civil Resolution Tribunal Claim  
☐ make a deposit under section 56.3 of the Civil Resolution Tribunal Act  
☐ attend a Trial  
☐ sign a fee declaration (under rule 7.3)

because \_\_\_\_\_

If there has been a delay in asking for the order to be cancelled tell why.

4. I first learned of the Dismissal or Default Order on DATE \_\_\_\_\_  
and (complete if applicable) the reason for the delay for filing the attached Application is \_\_\_\_\_

**What** are the points in your claim or defence you believe you will be able to prove in a trial if your application is granted? Tell exactly what these points are.

5. The facts that support my ☐ claim or ☐ defence are: \_\_\_\_\_

Do not sign your affidavit until a commissioner for the taking of affidavits is present.

date

signature of person filling out the affidavit

Sworn / Affirmed before me on

date

at

location where affidavit is sworn

signature of commissioner for taking affidavits for British Columbia