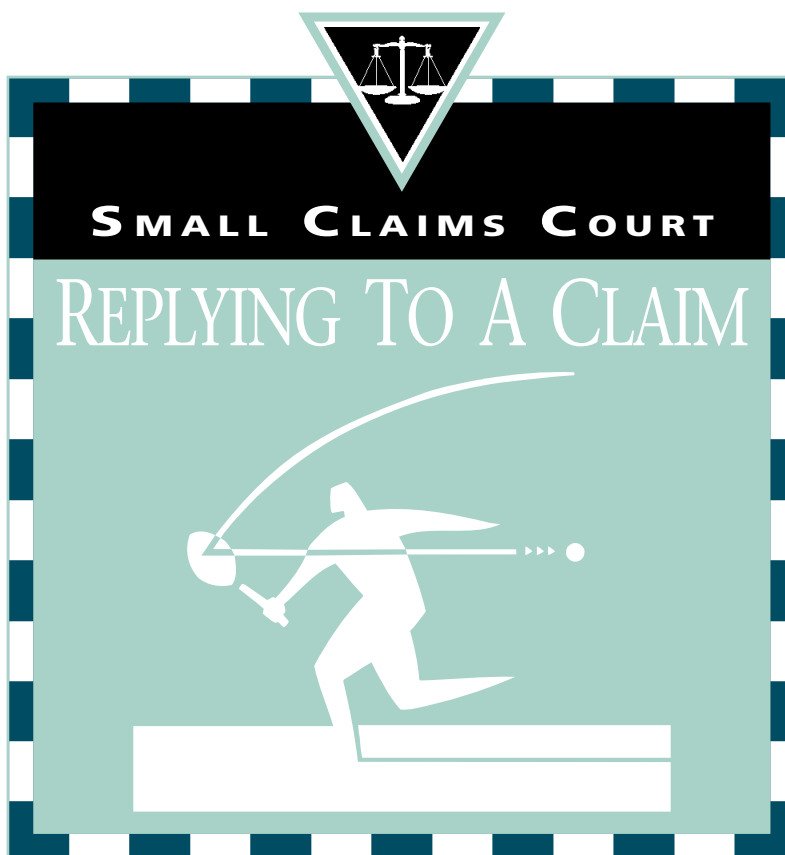


REPLY



PROVINCIAL COURT OF BRITISH COLUMBIA

REPLYING TO A CLAIM OR A COUNTERCLAIM

What are a defendant's options?

A defendant who receives a **notice of claim** may do any one or more of the following (Rule 3(1)):

- (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.

A defendant who receives a **notice of civil resolution tribunal claim** must file a reply unless they filed and served a response in the Civil Resolution Tribunal **and** a copy of the response was filed with the Notice of Civil Resolution Tribunal Claim.

A defendant who must file a reply to a **Notice of Civil Resolution Tribunal Claim (Rule 1.1(20))** may do any one or more of the options for a defendant who receives a notice of claim, except they cannot make a counterclaim without the permission of a judge.

Step 1

COMPLETE the REPLY form, print clearly and firmly as there are 3 copies and they must be legible. ****NOTE:** This form can be completed online using the Filing Assistant <https://justice.gov.bc.ca/cso>. For more help, there are guides called "[What is Small Claims](#)" and "[Replying to a Claim](#)." **Forms and guides can be found at the Government of BC website:** www.gov.bc.ca/smallclaims

Step 2

FILE the REPLY and ADDRESS FOR SERVICE FORM with the small claims registry shown on the NOTICE OF CLAIM or NOTICE OF CIVIL RESOLUTION TRIBUNAL 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. There is no fee for filing the Address for Service form.

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 and received in the registry within the time limit shown on the NOTICE OF CLAIM or NOTICE OF CIVIL RESOLUTION TRIBUNAL CLAIM.**

Step 3

THE small claims registry will send a copy of your Reply and Address for Service 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 to a trial conference or directly to trial and you will receive a notice telling you the date and place along with your next steps.

Step 4

WHEN the date is set, you can prepare for the conference or trial. For more help there is a guide called "[Getting Ready for Court](#)".

REGISTRY FILE NUMBER

What is the registry file number and location shown on the Notice of Claim or Notice of Civil Resolution Tribunal 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. You must complete and file the blank Address for Service ([Form 38](#)) you were served with. This address is where notices and other information about the claim can be sent to you. If this address changes at any time you must file an updated Address for Service ([Form 38](#)) with the small claims registry and serve a copy on all the other parties.

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.

PROPOSING A PAYMENT

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. A defendant may not include a counterclaim when replying to a Notice of Civil Resolution Tribunal Claim, unless permitted by the Court.

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 \$35,000.00, 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 \$35,000.00 and you wish to file in this court just say in this section "I am abandoning the amount over \$35,000.00". 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)

REGISTRY FILE NUMBER
REGISTRY LOCATION

REPLY

Copy the name of each claimant from the Notice of Claim or Notice of Civil Resolution Tribunal Claim.

NAME CLAIMANT(S)

Fill in the name of each defendant filing this reply.

NAME DEFENDANT(S)

FROM:

Fill in the name of each claimant or defendant filing this reply.

NAME

☐ Form 38, Address for Service included for filing

☐ Form 38, Address for Service previously filed

DISPUTE:

If you wish to oppose all or part of the claim, tell why you disagree with each part. Use the "HOW MUCH" section of the Notice of Claim, Notice of Civil Resolution Tribunal Claim, or counterclaim as a guide. If you agree with parts of the claim, say so.

a

b

c

d

e

PROPOSED PAYMENT:

If you agree to pay all or part of what is claimed, you can propose a payment schedule.

I NAME agree to pay \$

I could make the following payments: give dates and amounts

COUNTERCLAIM

Only fill out this part if you wish to make a claim against the claimant. Do not fill out this part when replying to a counterclaim or to a Notice of Civil Resolution Claim.

WHAT HAPPENED?

Tell what has led to your counterclaim.

☐ I am abandoning the amount of my claim that is over \$35,000, not including interest and expenses.

☐ Check this box if more space is needed to describe "what happened" and attach additional page(s). additional page(s) are attached. Mark each additional page as "Page 2 of the Reply, Page 3 of the Reply, etc.". A copy of each attached page must accompany each copy of the Reply.

HOW MUCH?

Tell what is being claimed from the claimant(s). If the counterclaim is made up of several parts, separate them here and for each part set out the amount being claimed or the value of the property or services being claimed. Add these amounts and values and fill in the total claimed. This counterclaim will be heard at the same time as the claimant's claim.

a

\$

b

\$

c

\$

TIME LIMIT FOR A CLAIMANT TO REPLY TO A COUNTERCLAIM

A claimant **must complete and file the attached Reply within 14 days after being served with the counterclaim. If the claimant does not reply**, the defendant may apply to a judge for a default order requiring the claimant to pay the amount claimed plus interest and further expenses.

TOTAL

\$

+ FILING FEES

\$

= TOTAL CLAIMED

\$

The Court Address for filing documents is:

REPLY

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

CLAIMANT(S)

NAME

DEFENDANT(S)

NAME

NAME

☐ Form 38, Address for Service included for filing

☐ Form 38, Address for Service previously filed

a

b

c

d

e

NAME

agree to pay \$

I could make the following payments: give dates and amounts

COUNTERCLAIM

WHAT HAPPENED?

☐ If this box is checked, the defendant is abandoning the amount of their counterclaim that is over \$35,000, not including interest and expenses.

☐ Check this box if more space is needed to describe "what happened" and attach additional page(s). _____ additional page(s) are attached. Mark each additional page as "Page 2 of the Reply, Page 3 of the Reply, etc.". A copy of each attached page must accompany each copy of the Reply.

a	\$	
b	\$	
c	\$	

TIME LIMIT FOR A CLAIMANT TO REPLY TO A COUNTERCLAIM
A claimant **must complete and file the attached Reply within 14 days after being served with the counterclaim. If the claimant does not reply**, the defendant may apply to a judge for a default order requiring the claimant to pay the amount claimed plus interest and further expenses.

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

The Court Address for filing documents is:

REPLY

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

CLAIMANT(S)

NAME

DEFENDANT(S)

NAME

NAME

☐ Form 38, Address for Service included for filing

☐ Form 38, Address for Service previously filed

a

b

c

d

e

I NAME

agree to pay \$

I could make the following payments: give dates and amounts

COUNTERCLAIM

Only fill out this part if you wish to make a claim against the claimant. Do not fill out this part when replying to a counterclaim or to a Notice of Civil Resolution Claim.

WHAT HAPPENED?

Tell what has led to your counterclaim.

☐ If this box is checked, the defendant is abandoning the amount of their counterclaim that is over \$35,000, not including interest and expenses.

☐ Check this box if more space is needed to describe "what happened" and attach additional page(s). _____ additional page(s) are attached. Mark each additional page as "Page 2 of the Reply, Page 3 of the Reply, etc.". A copy of each attached page must accompany each copy of the Reply.

a

\$

b

\$

c

\$

TIME LIMIT FOR A CLAIMANT TO REPLY TO A COUNTERCLAIM

A claimant **must complete and file the attached Reply within 14 days after being served with the counterclaim. If the claimant does not reply**, the defendant may apply to a judge for a default order requiring the claimant to pay the amount claimed plus interest and further expenses.

TOTAL \$

+ FILING FEES \$

= TOTAL CLAIMED \$

The Court Address for filing documents is:

defendant's copy

defendant's copy

FROM:

Except for a Reply to a counterclaim, this is the defendant who has made this Reply. If you have named more than one defendant, their Replies will be separate.

DISPUTE:

If you wish to oppose all or part of the claim, tell why you disagree with each part. Use the "HOW MUCH" section of the Notice of Claim, Notice of Civil Resolution Tribunal Claim, or counterclaim as a guide. If you agree with parts of the claim, say so.

PROPOSED

PAYMENT:

If the person filing the reply agrees to pay all or part of what is claimed, they can propose a payment schedule.

HOW MUCH?

This tells what you are asking for. This counterclaim will be heard at the same time as the claimant's claim.