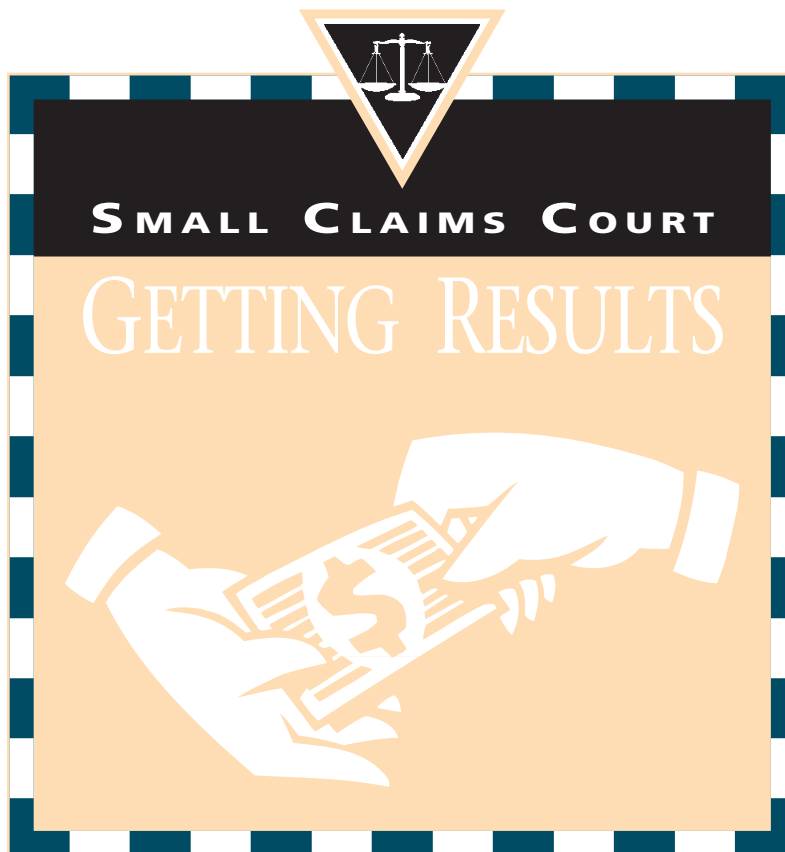


APPLICATION FOR DEFAULT ORDER



PROVINCIAL COURT OF BRITISH COLUMBIA

APPLYING FOR A DEFAULT ORDER

Step 1

COMPLETE the APPLICATION FOR DEFAULT ORDER. 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 complete using a computer and then print the 4 copies. Forms and guides can be found at the Government of BC website:

www.gov.bc.ca/smallclaims.



Step 2

FILE the APPLICATION and a completed Certificate of Service for the NOTICE OF CLAIM or NOTICE OF CIVIL RESOLUTION TRIBUNAL CLAIM with the small claims registry. There is a filing fee for this application. The staff will examine the Certificate to make sure the NOTICE has been properly served. Then they will look at your CLAIM to see if a hearing is required.



Step 3

If no hearing is required, you will be asked to fill out the Default Order section at the bottom of the form and your order will be reviewed by a registrar. If a hearing is required, the registry staff will set a date for you to attend before a judge. At this hearing, the judge will decide the amount of your claim and/or the terms of the appropriate order. A judge will consider your claim and you may be questioned about how you arrived at the amount, or the claim you are seeking. You will be required to submit any supporting documents you wish the judge to consider along with a Supporting Materials Cover Sheet ([Form 39](#)) **at least 2 business days** before the hearing. The documents may be filed electronically. The documents are submitted as one package and must be clearly labeled indicating court file, default hearing date, and numbered consecutively. If you need assistance in converting your documents to PDF format, refer to <https://www.wikihow.com/Convert-a-File-Into-PDF>.



Step 4

When you have completed the DEFAULT ORDER, file a copy with the small claims registry, and then you will be able to enforce your order. For more help there is a guide called "[Getting Results](#)".

REGISTRY FILE NUMBER

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



Are you sure the name(s) you used here are the same as the ones used on the Notice of Claim or Notice of Civil Resolution Tribunal Claim? It is important to use the correct name(s) or the order may not be enforceable.



THE REGISTRY STAFF WILL FILL IN THIS SECTION BEFORE YOU GO ON TO FILL OUT THE DEFAULT ORDER.



After a Default Order is made or a date is set for a hearing, the defendant may not file a Reply without the permission of a judge.

DEFAULT ORDER

If an order has been made for the payment of money, fill out the amounts on the right side of the Default Order.

If the judge's order includes any other terms, record those terms in the lines on the left.

When you have completed the form, submit it to the small claims registry to be checked, signed and stamped.



WHAT EXPENSES MAY BE CLAIMED?

If you have any expenses that were not included on your Notice of Claim or Notice of Civil Resolution Tribunal Claim, submit any evidence of those costs and be sure to ask the judge or registrar to include them in your order.

WHAT INTEREST MAY BE CLAIMED?

If you claimed daily interest from the date of filing of your Notice of Claim or Notice of Civil Resolution Tribunal Claim, you may now show any amount which might have accumulated since the date of filing to today's date.

If no interest was claimed originally you are entitled to interest in accordance with the *Court Order Interest Act*.

The registry staff can supply you with tables to calculate the interest.

APPLICATION FOR 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.

NAME CLAIMANT(S)

and

NAME DEFENDANT(S)

The registry staff will fill in this section.

- ☐ No hearing is required as the claim is for a debt. **OR**
- ☐ A hearing is required before a judge of the Provincial Court because the claim is not for a debt. At the hearing, the judge will determine the amount the claimant is entitled to (if any), and other terms of an appropriate order.

A HEARING WILL BE HELD ON

at or as soon after this time as the court schedule allows

- ☐ in person at
- ☐ 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 you cannot attend this hearing please notify the Court Registry. If you do not attend at the time set for the default hearing, the judge may cancel it.

DEFAULT ORDER

Indicate the name of the defendant, and select the applicable reason for the application.

This section is to be completed as follows:
1) If no hearing is required (as the claim is for debt), set out the terms of the order that were requested on your claim.
2) If a hearing was required, set out the amounts ordered by the Court and any terms other than the payment of money that the judge ordered.

As <input type="text" value="defendant"/>			
<input type="checkbox"/> has not filed a Reply and the claimant has proved the defendant has been served with the Notice of Claim or Notice of Civil Resolution Tribunal Claim,			
<input type="checkbox"/> has not made a response under s. 7 of the <i>Civil Resolution Tribunal Act</i> and the claimant has proved the defendant has been served with the Notice of Civil Resolution Tribunal Claim,			
<input type="checkbox"/> has not complied with an order to make a deposit.			
THIS COURT ORDERS THE DEFENDANT TO PAY DIRECTLY TO THE CLAIMANT			
THE SUM OF	\$		amount of claim granted by court
AND			
	+	\$	expenses
	+	\$	interest
	=	\$	AMOUNT
	+	\$	Filing Fee
	=	\$	TOTAL AMOUNT

This will be signed and dated by the Court.

THE DEFENDANT IS ORDERED TO CARRY OUT THE TERMS OF THE ORDER IMMEDIATELY.

APPLICATION FOR DEFAULT ORDER

court copy

court copy

APPLICATION FOR DEFAULT ORDER

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

In the case between

NAME

CLAIMANT(S)

and

NAME

DEFENDANT(S)

If this section is filled in, the claimant has appeared before a judge of the Provincial Court who determined the amount the claimant is entitled to, or made any other order, as set out below.

- ☐ No hearing is required as the claim is for a debt. **OR**
- ☐ A hearing is required before a judge of the Provincial Court because the claim is not for a debt. At the hearing, the judge will determine the amount the claimant is entitled to (if any), and other terms of an appropriate order.

A HEARING WILL BE HELD 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 you cannot attend this hearing please notify the Court Registry. If you do not attend at the time set for the default hearing, the judge may cancel it.

This is the order of the Court.

DEFAULT ORDER

As _____

- ☐ has not filed a Reply and the claimant has proved the defendant has been served with the Notice of Claim or Notice of Civil Resolution Tribunal Claim,
- ☐ has not made a response under s. 7 of the *Civil Resolution Tribunal Act* and the claimant has proved the defendant has been served with the Notice of Civil Resolution Tribunal Claim,
- ☐ has not complied with an order to make a deposit.

THIS COURT ORDERS THE DEFENDANT TO PAY DIRECTLY TO THE CLAIMANT

THE SUM OF

AND

_____		\$ _____	amount of claim granted by court
_____	+	\$ _____	expenses
_____	+	\$ _____	interest
_____	=	\$ _____	AMOUNT
_____	+	\$ _____	Filing Fee
_____	=	\$ _____	TOTAL AMOUNT

date

by the Court

THE DEFENDANT IS ORDERED TO CARRY OUT THE TERMS OF THE ORDER IMMEDIATELY.

APPLICATION FOR DEFAULT ORDER

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

In the case between

NAME

CLAIMANT(S)

and

NAME

DEFENDANT(S)

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

The registry staff will fill in this section.

If a hearing has been set, your claim will be assessed by the Court. A judge will consider your claim and you may be questioned about how you arrived at the amount of the claim you are seeking. Submit to the court any supporting documents you wish the judge to consider along with a Supporting Materials Cover Sheet ([Form 39](#)) at least 2 business days before the hearing.

- ☐ No hearing is required as the claim is for a debt. **OR**
- ☐ A hearing is required before a judge of the Provincial Court because the claim is not for a debt. At the hearing, the judge will determine the amount the claimant is entitled to (if any), and other terms of an appropriate order.

A HEARING WILL BE HELD ON

<input type="checkbox"/> in person at	<div>date</div>	at	<div>time am / pm</div>	or as soon after this time as the court schedule allows
<input type="checkbox"/> by another method of attendance, as specified	<div>court location</div> <p>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.</p>			

If you cannot attend this hearing please notify the Court Registry. If you do not attend at the time set for the default hearing, the judge may cancel it.

DEFAULT ORDER

- As

defendant
- ☐ has not filed a Reply and the claimant has proved the defendant has been served with the Notice of Claim or Notice of Civil Resolution Tribunal Claim,
- ☐ has not made a response under s. 7 of the *Civil Resolution Tribunal Act* and the claimant has proved the defendant has been served with the Notice of Civil Resolution Tribunal Claim,
- ☐ has not complied with an order to make a deposit.

THIS COURT ORDERS THE DEFENDANT TO PAY DIRECTLY TO THE CLAIMANT
THE SUM OF

AND	\$	amount of claim granted by court
	+	\$ expenses
	+	\$ interest
	=	\$ AMOUNT
	+	\$ Filing Fee
	=	\$ TOTAL AMOUNT

THE DEFENDANT IS ORDERED TO CARRY OUT THE TERMS OF THE ORDER IMMEDIATELY.

What have you been awarded?

If no hearing was required (the claim was for debt), set out the terms of the order that were requested on your claim.

If a hearing was required, set out the amounts ordered by the Court and any terms other than the payment of money that the judge ordered.

This will be signed and dated by the Court.

NOTICE OF HEARING

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

NOTICE OF HEARING

TO:

In the case between

CLAIMANT(S)

NAME

and

DEFENDANT(S)

NAME

- ☐ No hearing is required as the claim is for a debt. **OR**
- ☐ A hearing is required before a judge of the Provincial Court because the claim is not for a debt. At the hearing, the judge will determine the amount the claimant is entitled to (if any), and other terms of an appropriate order.

A HEARING WILL BE HELD 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 you cannot attend this hearing please notify the Court Registry. If you do not attend at the time set for the default hearing, the judge may cancel it.

WHAT IF YOU DO NOT ATTEND?

If you do not attend at the time set for the default hearing, the judge may cancel it, but the claimant may ask the registrar to reschedule the hearing.

WHAT WILL HAPPEN AT THE HEARING?

The purpose of the hearing is to allow the judge to determine

- (a) the amount the claimant is entitled to, if the claim is for money, and
- (b) the terms of the appropriate order, in any other case.

For more information, there are guides called "Getting Ready for Court" and "Getting Results".

DO YOU HAVE DOCUMENTS TO SUBMIT FOR THE HEARING?

You must submit to the court registry any supporting documents you wish the judge to consider **at least 2 business days before the hearing**. All documents must be submitted with a supporting materials cover sheet ([Form 39](#)).

At the hearing, a judge will consider your application and may ask you questions about your claim. If you have any supporting documents you wish the judge to consider, submit them to the court along with a Supporting Materials Cover Sheet ([Form 39](#)) **at least 2 business days** before the hearing.

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, parties, including the judge, will attend using the Microsoft Teams audio- and video-conferencing (video) platform. **Do not attend the courthouse in person.** Parties will receive remote appearance details within 24 hours prior to the appearance, this notification is sent to you by email. If you are unsure if your email address is current contact your local registry or complete and file Form 38, Address for Service including your most recent information.

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 the court registry will send you the MS Teams meeting invite within 24 hours prior to your appearance.

The 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 the MS Teams link or dial up information to any unauthorized parties.

Before the scheduled hearing date, please visit the Provincial Court website at <https://www.provinciacourt.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.

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>.