

APPLICATION FOR EXEMPTION (Civil Resolution Tribunal)

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

REGISTRY FILE NUMBER
REGISTRY LOCATION
Civil Resolution Tribunal FILE NUMBER

Fill in the names of the parties, copying them from the Civil Resolution Tribunal (CRT) dispute notice. The claimant(s) will be the original initiating party at the CRT and the defendant(s) are all the people or organizations who the original claim is against. The third party(ies) are other people or organizations who a defendant is claiming against.

In the case between

NAME _____ CLAIMANT(S)

and

NAME _____ DEFENDANT(S)

and

NAME _____ THIRD PARTY(IES)

FROM:

Fill in the name of the applicant(s). 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.

NAME _____ APPLICANT(S)

☐ Form 38, Address for Service included for filing

☐ Form 38, Address for Service previously filed

The applicant(s) asks for an order that the Civil Resolution Tribunal not adjudicate the claim.

An application will be made to the court

on _____ at _____

or as soon after this time as the court schedule allows

date

time

am/pm

☐ 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

Give the facts you wish the judge to consider. If additional space is required, attach separate page(s) to each copy of the form. Check box below and specify number of pages.

Sign, print, or type name.

I certify these facts are true.

sign, print or type name of applicant

Attached to this application are the following

- ☐ all initiating notices, as defined in the *Civil Resolution Tribunal Act*, received by the applicant;
- ☐ all responses under section 7 of the *Civil Resolution Tribunal Act* received or made by the applicant.
- ☐ ___ additional pages are attached. Mark the additional pages as "Page 2 of the Application for Exemption, Page 3, etc." A copy of the attached pages must accompany each copy of the Application for Exemption.

This will be completed by the Court.

The Court orders that

_____ date

_____ by the Court

APPLICATION FOR EXEMPTION (Civil Resolution Tribunal)

court copy

court 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, 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>.

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

In the case between

REGISTRY FILE NUMBER
REGISTRY LOCATION
Civil Resolution Tribunal FILE NUMBER

NAME _____ CLAIMANT(S)

and

NAME _____ DEFENDANT(S)

and

NAME _____ THIRD PARTY(IES)

NAME _____ APPLICANT(S)

FROM:

This person named as "applicant" will be asking the court to make this order.

☐ Form 38, Address for Service included for filing

☐ Form 38, Address for Service previously filed

The applicant(s) asks for an order that the Civil Resolution Tribunal not adjudicate the claim.

An application will be made to the court

on _____ at _____
date time am/pm
or as soon after this time as the court schedule allows

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

☐ in person at

court location

☐ by another method of attendance, as specified

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The facts on which the application is based are as follows

I certify these facts are true.

sign, print or type name of applicant

Attached to this application are the following

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- ☐ all responses under section 7 of the *Civil Resolution Tribunal Act* received or made by the applicant.
- ☐ ___ additional pages are attached. Mark the additional pages as "Page 2 of the Application for Exemption, Page 3, etc." A copy of the attached pages must accompany each copy of the Application for Exemption.

The Court orders that

date

by the Court

APPLICATION FOR EXEMPTION (Civil Resolution Tribunal)

other party's copy

other party's copy

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In the case between

REGISTRY FILE NUMBER
REGISTRY LOCATION
Civil Resolution Tribunal FILE NUMBER

CLAIMANT(S)

NAME

and

DEFENDANT(S)

NAME

and

THIRD PARTY(IES)

NAME

APPLICANT(S)

FROM:

NAME

☐ Form 38, Address for Service included for filing

☐ Form 38, Address for Service previously filed

The applicant(s) asks for an order that the Civil Resolution Tribunal not adjudicate the claim.

An application will be made to the court

SERVICE COPY

or as soon after this time as
the court schedule allows

on _____ at _____

date

time

am/pm

☐ in person at

court location

☐ by another method
of attendance, as
specified

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The Court orders that

date

by the Court

APPLICATION FOR EXEMPTION (Civil Resolution Tribunal)

service copy

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/Yearat _____
Street address or location, city, province

with _____

by _____

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

an individual;

- ☐ 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 _____
Day/Month/Year

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

- ☐ (Indicate other service method or instructions given by a judge or registrar for service.)

OTHER SERVICE method or alternate method ordered by the Court.

_____**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>).

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Attach the documents that have been filed in the CRT.

This will be completed by the Court.

The Court orders that

date

by the Court

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