

# NOTICE OF CLAIM



PROVINCIAL COURT OF BRITISH COLUMBIA

# MAKING A CLAIM

## Step 1

**COMPLETE** the NOTICE OF CLAIM. Please print clearly and firmly as there are 5 copies and all must be legible. If you accessed this form from the Government of BC website, you may also complete it using a computer and then print all 5 copies. **\*\*NOTE:** You can also complete the form online using the Filing Assistant <https://justice.gov.bc.ca/cso/>. For more help, there are guides called "[What is Small Claims](#)" and "[Making a Claim](#)."

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 NOTICE OF CLAIM with the small claims registry. If you are making a claim against a company or a society, you must also file a copy of a company search showing the most recent address of the registered office or the society on file with the Registrar of Companies. The fee for filing is \$100 for claims up to and including \$3,000, or \$156 for claims over \$3,000. You must also file an Address for Service ([Form 38](#)) - there is no fee for filing of this document. The staff will check the forms and, when it is accepted for filing will apply the registry stamp, add on filing and service fees, and assign a file number. Staff will return the copies you need for your records and for serving on the defendant.

## Step 3

**SERVE** each defendant named in the NOTICE OF CLAIM with a copy of the document, your filed Address for Service form, and blank copies of the REPLY and Address for Service forms. This is how the defendant is notified they are being sued, and what the case is about. For more help with service there is a guide called "[Serving Documents](#)".

**IF** the defendants file a reply and address for service, the small claims registry will send you a copy and set a date for a settlement conference. If no Reply is filed within the time limit set out on the NOTICE OF CLAIM, you may apply for a DEFAULT ORDER. You will have to file a certificate of service to prove the NOTICE OF CLAIM, a blank reply form, your completed address for service form and a blank address for service form were served.

## FROM:

Write the name (s) of the individual(s) or company(ies) who are filing this claim. An Address for Service ([Form 38](#)) must also be filed with your Notice of Claim which will prove your contact information including address where the small claims registry and the other parties can serve you with documents. If your address changes at any time you must file an updated Address for Service ([Form 38](#)) with the small claims registry and serve on all parties involved in the claim.

## TO:

Are you sure you have used the proper name? If you wish to sue a company or a society, you can get the legal name from the printout of the company search.

Is there more than one defendant? If so, put both names (side by side) in the space given. Are you sure the claim(s) are a result of the same transaction or event?

## WHAT HAPPENED?

You do not need to tell everything about your case here. You must tell just enough to let the defendant know what the case is about. Keep your description brief. You will have a full opportunity to present all the facts and provide supporting documents at a settlement conference or trial.

## WHERE? WHEN?

A notice of claim must be filed at the small claims registry nearest to where  
a) the defendant lives or carries on business, OR  
b) where the transaction or event that resulted in the claim took place.

If the case is about a breach of contract (overdue credit account for example), tell where the contract was made or account opened or where the payments were to be made or sent.

## HOW MUCH?

If your claim 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 defendant might agree with part of your claim 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 claim 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.

# NOTICE OF CLAIM

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

REGISTRY FILE NUMBER

REGISTRY LOCATION

## FROM:

Fill in the name of each person or business making the claim. An Address for Service ([Form 38](#)) must also be filed with your Notice of Claim

CLAIMANT(S)

NAME

☐ Form 38, Address for Service included for filing

## TO:

Fill in the name, address and telephone number of each person or business the claim is against.

DEFENDANT(S)

NAME

ADDRESS

CITY, TOWN,  
MUNICIPALITY

TEL. #

PROV.

POSTAL CODE

## WHAT HAPPENED?

Tell what led to the claim.

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

## WHERE?

Tell where this happened.

CITY, TOWN,  
MUNICIPALITY

PROV.

## WHEN?

Tell when the claimant became aware of the issue in dispute.

## HOW MUCH?

Tell what is being claimed from the defendant(s). If the claim 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.

a	\$	
b	\$	
c	\$	
d	\$	
e	\$	

### TIME LIMIT FOR A DEFENDANT TO REPLY

The defendant **must complete and file the attached reply and address for service within 14 days after being served in British Columbia or within 30 days after being served outside of British Columbia** with this notice. **If the defendant does not reply, a court order may be made against the defendant without any further notice to the defendant.** Then the defendant could have to pay the amount claimed plus interest and further expenses.

The Court Address for filing documents is:

<b>TOTAL</b>		
+ FILING FEES		
+ SERVICE FEES		
<b>= TOTAL CLAIMED</b>	\$	

☐ DEBT  
☐ OTHER THAN DEBT

NOTICE OF CLAIM

court copy

court copy

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

REGISTRY FILE NUMBER
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REGISTRY LOCATION
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**FROM:**

This person has made a claim against you in Small Claims Court.

NAME

☐ Form 38, Address for Service included for filing

**CLAIMANT(S)** :

**TO:**

NAME		DEFENDANT(S)	
ADDRESS			
CITY, TOWN, MUNICIPALITY		TEL. #	
PROV.		POSTAL CODE	

## WHAT HAPPENED?

This is what the claimant says led to the claim.

[illegible]

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

☐ If this box is checked, the "what happened" section is continued on an additional page.  
 \_\_\_\_ additional pages were filed. Be sure you have been given a copy of all additional pages.

## WHERE?

This is where the claimant says it happened.

CITY, TOWN,  
MUNICIPALITY \_\_\_\_\_

PROV.

## WHEN?

Tell when the claimant became aware of the issue in dispute.

## HOW MUCH?

This is what the claimant is asking for.

<b>a</b>	\$	
<b>b</b>	\$	
<b>c</b>	\$	
<b>d</b>	\$	
<b>e</b>	\$	

## TIME LIMIT FOR A DEFENDANT TO REPLY

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The Court Address for filing documents is:

**TOTAL**

+ FILING FEES

+ SERVICE FEES

**= TOTAL CLAIMED**

☐ DEBT

☐ OTHER THAN DEBT

defendant's copy

defendant's copy

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

REGISTRY LOCATION
-------------------

NAME \_\_\_\_\_

☐ Form 38, Address for Service included for filing

NAME

ADDRESS

CITY, TOWN,  
MUNICIPALITY

TEL. #

PROV.

POSTAL CODE

[illegible]

☐ If this box is checked, the "what happened" section is continued on an additional page.  
 \_\_\_\_\_ additional pages were filed. Be sure you have been given a copy of all additional pages.

CITY, TOWN,  
MUNICIPALITY

PROV.

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**a**

\$

**b**

**\$**

**C**

**\$**

**d**

**\$**

e

**\$**

1 \$

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 \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

by

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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CLAIMANT(S)

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NAME

DEFENDANT(S)

ADDRESS

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a

b

c

d

e

\$

\$

\$

\$

\$

\$

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+ FILING FEES

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\$

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☐ OTHER THAN DEBT

claimant's copy