

# NOTICE OF PAYMENT HEARING



PROVINCIAL COURT OF BRITISH COLUMBIA

# NOTICE OF A PAYMENT HEARING

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

REGISTRY FILE NUMBER

REGISTRY LOCATION

## TO:

Fill in the name of each person you are notifying about the payment hearing.

**CREDITOR(S)**

NAME

## FROM:

Fill in the name of the debtor. If not previously filed, then complete, file, and serve an Address for Service ([Form 38](#)).

**DEBTOR**

NAME

☐ Form 38, Address for Service included for filing

☐ Form 38, Address for Service previously filed

Fill in the date, time and method of attendance for the hearing. This notice must be served on the creditor at least 14 days before the date of the payment hearing.

### A payment hearing will be held in the Provincial Court of British Columbia

on

date

at

time am / pm

or as soon after this time as the court schedule allows

### You are required to attend the Provincial Court of British Columbia

☐ 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.

A debtor that is a corporation or partnership must also serve this notice on the creditor at least 14 days before the date of the payment hearing.

**If the debtor is an individual (rather than a corporation or partnership),** then along with the Notice of Payment Hearing, the debtor must file with the registry a Supporting Materials Cover Sheet ([Form 39](#)) and a Statement of Finances ([Form 40](#)), including any supporting records. The debtor must serve the Notice of Payment Hearing, Statement of Finances and supporting records on the creditor **at least 14 days** before the payment hearing.

**If the debtor, including a debtor who is a corporation or a partnership,** intends to rely on any records or other things at the payment hearing (which were not already required to be filed), then the debtor must file those records and other things with the registry along with a Supporting Materials Cover Sheet ([Form 39](#)) **at least 7 days** before the payment hearing. The debtor must serve those records and other things on the creditor **at least 2 business days** before the payment hearing.

### WHAT HAPPENS AT THE PAYMENT HEARING?

The purpose of the payment hearing is to assess the debtor's ability to pay and consider whether a payment schedule should be ordered. As such, the court may hear evidence about the following:

- (a) the income and assets of the debtor;
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The judge or justice may order a payment schedule specifying

- (a) the date by which the debt must be paid, or
- (b) the amounts and dates of installments.

### WHAT HAPPENS IF YOU DO NOT ATTEND THE PAYMENT HEARING?

The judge or justice may hold the hearing, cancel it or postpone it.

NOTICE OF A PAYMENT HEARING

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 a Summons personally or a 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 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) a completed [Statement of Finances](#) if you are an individual (rather than a company or partnership), and;
- (b) any other documents attached to a [Supporting Materials Cover Sheet](#) (Form 39) to clearly identify the court file number, court appearance date, and submitting party name(s);
- (c) submitted as a PDF with pages numbered consecutively; and
- (d) 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 summons or 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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NOTICE OF A PAYMENT HEARING

creditor copy

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NOTICE OF A PAYMENT HEARING

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 \_\_\_\_\_  
at \_\_\_\_\_  
Day/Month/Year  
Street address or location, city, province

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

with \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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  
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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.)

OTHER SERVICE method or alternate method ordered by the Court.

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

**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>).

Signature of person who served the document

Date



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debtor copy



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