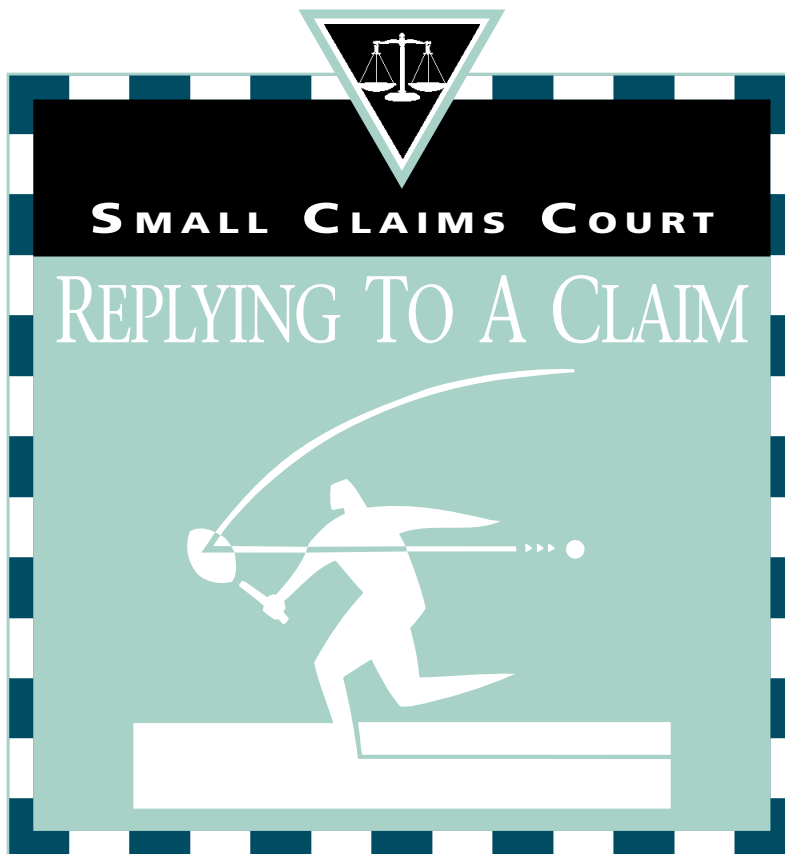


REPLY



PROVINCIAL COURT OF BRITISH COLUMBIA

REPLYING TO A CLAIM OR A COUNTERCLAIM

REGISTRY FILE NUMBER

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

Check appropriate box for 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. There are 3 copies, so be sure all copies are 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 by taking or mailing it to the court registry at the address 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.

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

Step 3

THEN the court will send a copy of your Reply 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".

FROM:

This is where you identify the defendant who is filing this Reply. Give an address where notices and other information about the claim can be sent to you. If this address changes at any time be sure to notify the court registry.

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.

AGREEMENT WITH THE CLAIM

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".

REGISTRY FILE NUMBER
REGISTRY LOCATION

REPLY

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

- To a Claim
 To a Counterclaim

REPLY

TO:
Copy the name, address and telephone number of the claimant from the Notice of Claim or Notice of Civil Resolution Tribunal Claim.

NAME _____ **CLAIMANT(S)**
ADDRESS _____
CITY, TOWN, MUNICIPALITY _____ TEL. # _____
PROV. _____ POSTAL CODE _____

FROM:
Fill in the name, address and telephone number of the defendant filing this reply.

NAME _____ **DEFENDANT**
ADDRESS _____
CITY, TOWN, MUNICIPALITY _____ TEL. # _____
PROV. _____ POSTAL CODE _____

DISPUTE:
Using the "HOW MUCH" section of the Notice of Claim or the Notice of Civil Resolution Tribunal Claim as a guide, tell why you disagree with each part (a - e). If you agree with parts of the claim say so.

a _____

b _____

c _____

d _____

e _____

AGREEMENT WITH THE CLAIM: I (NAME) _____ agree to pay \$ _____

If you agree to pay all or part of what is claimed, make a proposal.

I could make the following payments:
(GIVE DATES AND AMOUNTS)

COUNTERCLAIM (YOU SHOULD ONLY FILL OUT THIS PART OF THE FORM IF YOU WISH TO MAKE A CLAIM AGAINST THE CLAIMANT)
(THIS PART IS NOT TO BE USED WHEN REPLYING TO A COUNTERCLAIM OR TO A NOTICE OF CIVIL RESOLUTION TRIBUNAL CLAIM)

WHAT HAPPENED?

Briefly tell what has led to your counterclaim.

HOW MUCH?

Tell what you are claiming. If your counterclaim has more than one part, separate each part and fill in each individual amount, then add the individual amounts to make the total.

a	_____	\$	_____	_____
b	_____	\$	_____	_____
c	_____	\$	_____	_____
TOTAL		\$	_____	_____
+ FILING FEES		\$	_____	_____
= TOTAL CLAIMED		\$	_____	_____

court copy

court copy

REGISTRY FILE NUMBER
REGISTRY LOCATION

REPLY

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

- To a Claim
 To a Counterclaim

REPLY

TO:

NAME _____ **CLAIMANT(S)**
 ADDRESS _____
 CITY, TOWN, MUNICIPALITY _____ TEL. # _____
 PROV. _____ POSTAL CODE _____

FROM:

This is the defendant who has made this Reply. If you have named more than one defendant, their Replies will be separate.

NAME _____ **DEFENDANT**
 ADDRESS _____
 CITY, TOWN, MUNICIPALITY _____ TEL. # _____
 PROV. _____ POSTAL CODE _____

DISPUTE:

This is how the defendant disagrees with your claim(s). The Court will set a date for a settlement conference or in some cases a trial and notify you.

a _____

b _____

c _____

d _____

e _____

AGREEMENT WITH THE CLAIM: I (NAME)

agree to pay \$ _____

If this is filled in, the defendant has agreed to pay this amount and is proposing this payment schedule.

I could make the following payments:

COUNTERCLAIM

WHAT HAPPENED?

If this part is filled in, the defendant has made a claim against you. This is what the defendant says led to the claim against you. If you dispute the counterclaim you must file a separate Reply.

HOW MUCH?

This is what the defendant is claiming.

a _____ \$ _____
b _____ \$ _____
c _____ \$ _____

This counterclaim will be heard at the same time as your claim.

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

claimant's copy

claimant's copy

REGISTRY FILE NUMBER
REGISTRY LOCATION

REPLY

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

- To a Claim
 To a Counterclaim

REPLY

TO:

Copy the name, address and telephone number of the claimant from the Notice of Claim or Notice of Civil Resolution Tribunal Claim.

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

FROM:

Fill in the name, address and telephone number of the defendant filing this reply.

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

DISPUTE:

Using the "HOW MUCH" section of the Notice of Claim or the Notice of Civil Resolution Tribunal Claim as a guide, tell why you disagree with each part (a - e). If you agree with parts of the claim say so.

a _____

b _____

c _____

d _____

e _____

AGREEMENT WITH THE CLAIM: I (NAME) _____

If you agree to pay all or part of what is claimed, make a proposal.

agree to pay \$ _____

I could make the following payments:
(GIVE DATES AND AMOUNTS)

COUNTERCLAIM (YOU SHOULD ONLY FILL OUT THIS PART OF THE FORM IF YOU WISH TO MAKE A CLAIM AGAINST THE CLAIMANT)
 (THIS PART IS NOT TO BE USED WHEN REPLYING TO A COUNTERCLAIM OR A NOTICE OF CIVIL RESOLUTION TRIBUNAL CLAIM)

WHAT HAPPENED?

Briefly tell what has led to your counterclaim.

HOW MUCH?

Tell what you are claiming. If your counterclaim has more than one part, separate each part and fill in each individual amount, then add the individual amounts to make the total.

a		\$	
b		\$	
c		\$	
TOTAL		\$	
+ FILING FEES		\$	
= TOTAL CLAIMED		\$	

defendant's copy

defendant's copy