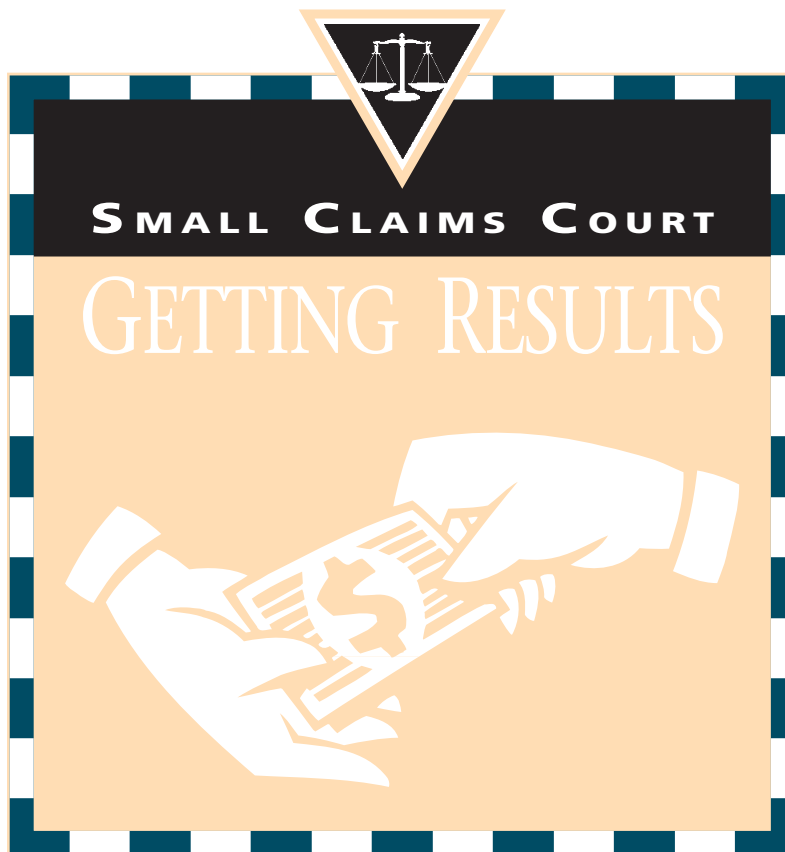


APPLICATION FOR DEFAULT ORDER



PROVINCIAL COURT OF BRITISH COLUMBIA

APPLYING FOR A DEFAULT ORDER

Step 1

COMPLETE the APPLICATION FOR DEFAULT ORDER. To complete this form, please type or print clearly. There are 4 copies, so be sure all copies are legible. Forms and guides can be found at the Government of BC website: www.gov.bc.ca/smallclaims.



Step 2

FILE the APPLICATION by taking it and a completed Certificate of Service for the NOTICE OF CLAIM or NOTICE OF CIVIL RESOLUTION TRIBUNAL CLAIM to the court 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 can be signed by a registrar.

If a hearing is required, the registry staff will set a date for you to appear before a judge. At this hearing, the judge will decide the amount of your claim or, if the claim is not for money, the terms of the appropriate order. You should bring to the hearing any supporting documents or evidence you wish the judge to consider. After reviewing the evidence, the judge will make an order which you will put in the DEFAULT ORDER section on the form.



Step 4

When the DEFAULT ORDER is completed, file a copy in the 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, take it to the 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, bring 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

APPLICATION FOR DEFAULT ORDER

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

In the case between:

_____ **CLAIMANT(S)**

and

_____ **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

_____ date

at

_____ time _____ am / pm

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

at

_____ court location

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.

Fill in this section.

If no court appearance was required, the terms of the order will be those requested on your Claim.

If you appeared in court, the judge will have told you what the terms of the order are.

If the judge ordered some other terms, add these in this section.

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

This will be signed and dated by the court

_____ date

_____ by the court

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

court copy

court copy

APPLICATION FOR DEFAULT ORDER

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

APPLICATION FOR DEFAULT ORDER

In the case between:

_____ CLAIMANT(S)

and

_____ DEFENDANT(S)

You did not file a Reply within the time limit and the claimant has obtained this Default Order against you.

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 below.

No hearing was required as the claim was 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 WAS HELD ON

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

at _____ court location

This is the order of the court.

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

_____ date _____ by the court

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

defendant's copy

defendant's copy

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)

and

_____ DEFENDANT(S)

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
date time am / pm schedule allows.

at _____
court location

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.

At the hearing, a Judge will consider your claim and you may be questioned about how you arrived at the claim. You should bring any supporting documents or exhibits you wish the court to consider.

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".