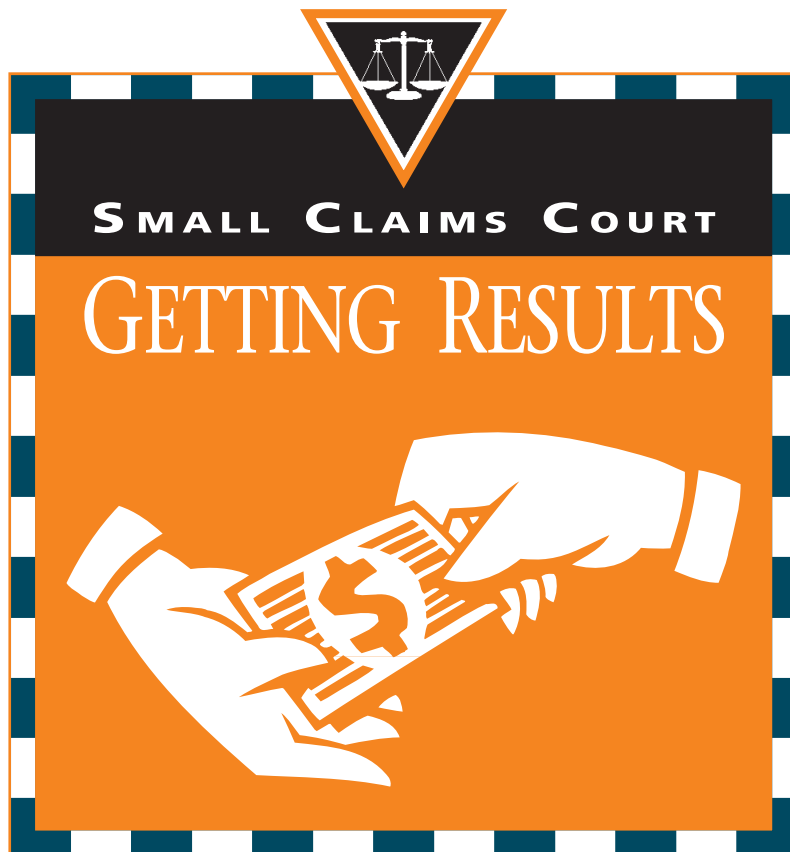


# SUMMONS TO A PAYMENT HEARING



PROVINCIAL COURT OF BRITISH COLUMBIA

# TO SUMMON A PERSON TO A PAYMENT HEARING

REGISTRY FILE NUMBER

What is the registry file number and location shown on the Notice of Claim?

## Step 1

**COMPLETE** the SUMMONS TO A PAYMENT HEARING. Please print clearly and firmly as there are 4 copies, and all must be legible. If you accessed this form from the Government of BC website, you may also complete using a computer and print all 4 copies. For more help there are book-lets called "[Getting Ready for Court](#)" and "[Getting Results](#)" on the Government of BC website [www.gov.bc.ca/smallclaims](http://www.gov.bc.ca/smallclaims)



## Step 2

**FILE** the SUMMONS TO A PAYMENT HEARING with an [Address for Service](#) (Form 38), if you had not previously filed one on this file. There is no fee for filing these documents. The registry staff will check your form(s) and if accepted for filing, will set a date, method of attendance and return the copies so the person named can be served.



## Step 3

**PERSONALLY SERVE** the party named in the summons with a copy of the summons at least 14 days before the hearing date. If the person is an individual (not a company or partnership), they must also be served with a blank Statement of Finances ([Form 40](#)) and all persons summonsed must be served a blank Supporting Materials Cover Sheet ([Form 39](#)). The purpose of "Service" is to make sure the person knows about the requirement to come to court. You should file with the court your completed affidavit of service. For more help with service there is a booklet called "[Serving Documents](#)".



## Step 4

**AND THEN** the person named must appear on the hearing date. If the person does not appear, the creditor may ask for a warrant for arrest.

You can require the person to file and serve you records and other things before the hearing date that relate to:

- a) the income and assets of the debtor;
- b) the debts owed to and by the debtor;
- c) any assets that the debtor has disposed of since the claim arose;
- d) the means that the debtor has, or may have in the future, of paying the amount owed.

# SUMMONS TO A PAYMENT HEARING

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

REGISTRY FILE NUMBER

REGISTRY LOCATION

## TO:

Fill in the name, address and telephone number of the person you are requiring to come to court.

NAME

ADDRESS

CITY, TOWN,  
MUNICIPALITY

PROV.

POSTAL CODE

TEL. #

For the creditor(s), copy the name(s) of the person(s) who obtained the order, decision or certificate being enforced as set out in the Payment Order, Default Order or document registered with the court. For the debtor(s), copy the name of each person required to pay money as set out in the order, decision or certificate. Complete and file an Address for Service (Form 38)

**You have been summoned to a payment hearing in the case between**

**CREDITOR(S)**

**and**

**DEBTOR(S)**

☐ Form 38, Address for Service included for filing

☐ Form 38, Address for Service previously filed

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

on

date

at

time

am / pm

or as soon after this time as the court schedule allows

Fill in the date, time and method of attendance for the hearing.

☐ 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 creditor may require that a debtor file and serve any records or other things that relate to the evidence that may be heard at a payment hearing. A debtor who is an individual is already required to file and serve a Statement of Finances with supporting records. List anything else the debtor will be required to file and serve.

**You must file the following records and other things with a Supporting Materials Cover Sheet (Form 39) at the registry at least 7 days before the payment hearing and serve these records and other things on the creditor at least 2 business days before the payment hearing:**

☐ List of documents continued on \_\_\_\_ attached page(s)

If the debtor is an individual (rather than a corporation or partnership), the debtor must also complete and file a Statement of Finances (Form 40) and Supporting Materials Cover Sheet (Form 39) **at least 7 days** before the payment hearing. You must serve the creditor with the filed Statement of Finances **at least 2 business days** before the payment hearing.

If you intend to rely on anything else at the payment hearing, you must file and serve it within the timelines noted above.

(a) Total amount of order/decision/certificate being enforced	\$	
(b) Less any payments to the creditor	-	\$
(c) Amount remaining due	=	\$
(d) Interest (calculated to the date below)	+	\$
(e) Creditor's expenses allowed by the Court	+	\$
Amount due to the creditor	Total =	\$

☐ Calculation continued on \_\_\_\_ attached page(s).

## 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:

- the income and assets of the debtor;
- the debts owed to and by the debtor;
- any assets that the debtor has disposed of since the claim arose;
- the means that the debtor has, or may have in the future, of paying the amount owed.

## CAN THE SUMMONS BE CANCELLED?

Any person who is served with a Summons to a Payment Hearing may apply to a judge who may

- cancel the summons if the person is not the right person to provide information on behalf of the debtor, and
- direct the registrar to issue a new summons to someone who is the right person to provide the information.

## WHAT HAPPENS IF THE PERSON SUMMONED DOES NOT ATTEND?

If the creditor asks, a warrant for the arrest of the person may be issued.

date

by the Court

## 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 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) 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>.

# SUMMONS TO A PAYMENT HEARING

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

REGISTRY FILE NUMBER

REGISTRY LOCATION

TO:

NAME

ADDRESS

CITY, TOWN,  
MUNICIPALITY

TEL. #

PROV.

POSTAL CODE

You have been summoned to a payment hearing in the case between

CREDITOR(S)

and

DEBTOR(S)

☐ Form 38, Address for Service included for filing

☐ Form 38, Address for Service previously filed

You are required to attend the Provincial Court of British Columbia

on

date

at

time

am / pm

or as soon after this  
time as the court  
schedule allows

☐ 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.

You must file the following records and other things with a Supporting Materials Cover Sheet (Form 39) at the registry **at least 7 days** before the payment hearing and serve these records and other things on the creditor **at least 2 business days** before the payment hearing:

☐ List of documents continued on \_\_\_\_ attached page(s)

If the debtor is an individual (rather than a corporation or partnership), the debtor must also complete and file a Statement of Finances (Form 40) and Supporting Materials Cover Sheet (Form 39) **at least 7 days** before the payment hearing. You must serve the creditor with the filed Statement of Finances **at least 2 business days** before the payment hearing.

If you intend to rely on anything else at the payment hearing, you must file and serve it within the timelines noted above.

(a) Total amount of order/decision/certificate being enforced	\$	_____
(b) Less any payments to the creditor	-	\$ _____
(c) Amount remaining due	=	\$ _____
(d) Interest (calculated to the date below)	+	\$ _____
(e) Creditor's expenses allowed by the Court	+	\$ _____
Amount due to the creditor	Total =	\$ _____

☐ Calculation continued on \_\_\_\_ attached page(s).

## 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:

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- the debts owed to and by the debtor;
- any assets that the debtor has disposed of since the claim arose;
- the means that the debtor has, or may have in the future, of paying the amount owed.

## CAN THE SUMMONS BE CANCELLED?

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- cancel the summons if the person is not the right person to provide information on behalf of the debtor, and
- direct the registrar to issue a new summons to someone who is the right person to provide the information.

## WHAT HAPPENS IF THE PERSON SUMMONED DOES NOT ATTEND?

If the creditor asks, a warrant for the arrest of the person may be issued.

date

by the Court

## IMPORTANT INFORMATION ABOUT YOUR HEARING

### What do parties need to know about attending in another method other than in person?

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**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:

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**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>.

# SUMMONS TO A PAYMENT HEARING

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

REGISTRY FILE NUMBER

REGISTRY LOCATION

TO:

NAME

ADDRESS

CITY, TOWN,  
MUNICIPALITY

PROV.

POSTAL CODE

TEL. #

You have been summoned to a payment hearing in the case between

CREDITOR(S)

and

SERVICE COPY

DEBTOR(S)

☐ Form 38, Address for Service included for filing

☐ Form 38, Address for Service previously filed

You are required to attend the Provincial Court of British Columbia

on

date

at

time am / pm

or as soon after this  
time as the court  
schedule allows

☐ 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.

You must file the following records and other things with a Supporting Materials Cover Sheet (Form 39) at the registry **at least seven days** before the payment hearing and serve these records and other things on the creditor **at least two business days** before the payment hearing:

☐ List of documents continued on \_\_\_\_ attached page(s)

If the debtor is an individual (rather than a corporation or partnership), the debtor must also complete and file a Statement of Finances (Form 40) and Supporting Materials Cover Sheet (Form 39) **at least 7 days** before the payment hearing. You must serve the creditor with the filed Statement of Finances **at least 2 business days** before the payment hearing.

If you intend to rely on anything else at the payment hearing, you must file and serve it within the timelines noted above.

(a) Total amount of order/decision/certificate being enforced	\$	
(b) Less any payments to the creditor	-	\$
(c) Amount remaining due	=	\$
(d) Interest (calculated to the date below)	+	\$
(e) Creditor's expenses allowed by the Court	+	\$
Amount due to the creditor	Total =	\$

☐ Calculation continued on \_\_\_\_ attached page(s).

## 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:

- the income and assets of the debtor;
- the debts owed to and by the debtor;
- any assets that the debtor has disposed of since the claim arose;
- the means that the debtor has, or may have in the future, of paying the amount owed.

## CAN THE SUMMONS BE CANCELLED?

Any person who is served with a Summons to a Payment Hearing may apply to a judge who may

- cancel the summons if the person is not the right person to provide information on behalf of the debtor, and
- direct the registrar to issue a new summons to someone who is the right person to provide the information.

## WHAT HAPPENS IF THE PERSON SUMMONED DOES NOT ATTEND?

If the creditor asks, a warrant for the arrest of the person may be issued.

date

by the Court



# AFFIDAVIT OF SERVICE

## AFFIDAVIT OF SERVICE

Fill in:  
your name and address;

I NAME OCCUPATION

of ADDRESS

☐ Swear that:

☐ Affirm that:

the name of the party or  
other person served;

I served

the date service took  
place;

on DATE

the address or location  
service took place.

at

Tell what was served.  
Check appropriate  
boxes.

with ☐ a copy of the "Summons to a Payment Hearing" attached.  
☐ a copy of the "Summons to a Default Hearing" attached.  
☐ a blank "Statement of Finances".  
☐ a blank "Supporting Material Cover Sheet".  
☐

Tell how service took  
place

by ☐ leaving a copy of it with them.  
☐ as directed by the court by

Do not sign your  
affidavit until a  
commissioner for the  
taking of affidavits is  
present.

Sworn/affirmed before me on

date

at

location where affidavit is sworn or affirmed

signature of commissioner for taking affidavits for British Columbia

signature of person who served the document



# SUMMONS TO A PAYMENT HEARING

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

REGISTRY FILE NUMBER

REGISTRY LOCATION

## TO:

Fill in the name, address and telephone number of the person you are requiring to come to court.

For the creditor(s), copy the name(s) of the person(s) who obtained the order, decision or certificate being enforced as set out in the Payment Order, Default Order or document registered with the court. For the debtor(s), copy the name of each person required to pay money as set out in the order, decision or certificate. Complete and file an Address for Service (Form 38).

Fill in the date, time and method of attendance for the hearing.

A creditor may require that a debtor file and serve any records or other things that relate to the evidence that may be heard at a payment hearing. A debtor who is an individual is already required to file and serve a Statement of Finances with supporting records. List anything else the debtor will be required to file and serve.

If claiming interest, show the calculation. Attach extra page(s) if necessary.

NAME

ADDRESS

CITY, TOWN,  
MUNICIPALITY

PROV.

POSTAL CODE

TEL. #

**You have been summoned to a payment hearing in the case between**

**CREDITOR(S)**

**and**

**DEBTOR(S)**

☐ Form 38, Address for Service included for filing

☐ Form 38, Address for Service previously filed

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

on

date

at

time am / pm

or as soon after this time as the court schedule allows

☐ in person at

court location

☐ by another method of attendance, as specified

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date

by the Court

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- (c) submitted as a PDF with pages numbered consecutively; and
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