

PROVINCIAL COURT OF BRITISH COLUMBIA

TO SUMMON A PERSON TO A PAYMENT HEARING

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



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 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 servicethere 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.

REGISTRY FILE NUMBER

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

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;
- 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.



SUMMONS TO A PAYMENT HEARING

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

REG	TRY FILE NUMBER	
REG	TRY 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

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

and serve.

ADDRESS		
CITY, TOWN, MUNICIPALITY	2224	TEL. #
ou have been	PROV. summoned to a payment hearing	POSTAL CODE
		CREDITOR(S)
and		DEBTOR(S)
Form 38, Address for	Service included for filing	ss for Service previously filed
ou are require	d to attend the Provincial Court	
on	date	or as soon after this time as the court
	date	time am/pm schedule allows
in person at	uate	
in person at by another method of attendance, as specified	The registry will send within 24 hours including a dial in conferencing numbe problems with their video connection. I	court location before the hearing date noted above the link to connect by MS Teamer to be used by any party that is unable to use MS Teams or has If you have not provided your email address or telephone number to be (Form 38), you must contact the registry to obtain the telephone
by another method of attendance, as specified for must file the fit least 7 days be	The registry will send within 24 hours including a dial in conferencing numbe problems with their video connection. In the registry on your Address for Servic conference or MS Teams conference in the service with the records and other things with	court location before the hearing date noted above the link to connect by MS Teamer to be used by any party that is unable to use MS Teams or has If you have not provided your email address or telephone number to be (Form 38), you must contact the registry to obtain the telephone
by another method of attendance, as specified for must file the fat least 7 days be	The registry will send within 24 hours I including a dial in conferencing numbe problems with their video connection. I the registry on your Address for Servic conference or MS Teams conference in ollowing records and other things with fore the payment hearing and serve to	court location before the hearing date noted above the link to connect by MS Teamer to be used by any party that is unable to use MS Teams or has If you have not provided your email address or telephone number to be (Form 38), you must contact the registry to obtain the telephone information. a Supporting Materials Cover Sheet (Form 39) at the registry

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:

- (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.

CANTHE SUMMONS BE CANCELLED?

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

- (a) cancel the summons if the person is not the right person to provide information on behalf of the debtor, and
- (b) 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
COURT CODY

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.provincialcourt.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 <u>Supporting Materials</u> 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 copy

SUMMONS TO A PAYMENT HEARING

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

NAME				
ADDRESS				
CITY, TOWN.			TEL.#	
MUNICIPALITY	PROV.	P	OSTAL CODE	
You have bee	en summoned to a payment hearing in	the cas	e between	
			CF	REDITOR(S)
and 			ı	DEBTOR(S)
Form 38, Address	for Service included for filing	ervice previous	sly filed	
You are requi	red to attend the Provincial Court of B	British C	olumbia	or as soon after this
on	date	at	time am/pm	time as the court schedule allows
in person at				
		court lo		
by another method of	The registry will send within 24 hours before including a dial in conferencing number to be			
attendance, a	problems with their video connection. If you h	have not p	rovided your email add	lress or telephone number to
specified	the registry on your Address for Service (For conference or MS Teams conference informations)		must contact the regi	stry to obtain the telephone
You must file the	e following records and other things with a Su		Materials Cover She	et (Form 39) at the registry
at least 7 days	before the payment hearing and serve these	records a	and other things on t	he creditor at least 2
	before the payment hearing:		· ·	
List of documents of	ontinued on attached page(s)			
	an individual (rather than a corporation or part	tnership).	the debtor must als	o complete and file a
	nances (Form 40) and Supporting Materials C			
•	st serve the creditor with the filed Statement	of Financ	es at least 2 busin e	ess days before the paymen
hearing.				
If you intend to	rely on anything else at the payment hearing,	you must	t file and serve it with	hin the timelines noted above
(a) Tota	al amount of order/decision/certificate being e	enforced	\$	
` '	ss any payments to the creditor	-	\$	
	nount remaining due	=	\$	
, ,	erest (calculated to the date below)	+	\$	
(e) Cro	editor's expenses allowed by the Court	+	\$	
An	nount due to the creditor To	otal =	\$	
	Calculation continued on attached page(s).			

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If th	ie credito	r asks, a	warrant 1	for the	arrest	of the	person	may	be	issued
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date	by the Court

TO:

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

ADDRESS					
CITY, TOWN, MUNICIPALITY				TEL.#	
	PRC		POSTAL CODE		
You have be	en summoned to a payment h	earing in the cas	e betwe	en	
				CF	REDITOR(S)
and	SERVICE	COPY			DEBTOR(S)
Form 38, Addres	s for Service included for filing	8, Address for Service previou	sly filed		
You are requ	ired to attend the Provincial C	Court of British C	olumbia	l	
on	date	at	time	am / pm	or as soon after this time as the court schedule allows
in person at					
 □by another	The registry will send within 24 l	court			F. I
method of attendance, specified	including a dial in conferencing i	number to be used by ction. If you have not p Service (<u>Form 38</u>), yo	any party tl rovided you	nat is unable ur email add	e to use MS Teams or has lress or telephone number to
two business	days before the payment hearing:				
List of documents f the debtor is Statement of F nearing. You m	continued on attached page(s) an individual (rather than a corpora inances (Form 40) and Supporting ust serve the creditor with the filed	Materials Cover She	eet (Form	39) at leas	st 7 days before the paym
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Any person who is served with a Summons to a Payment Hearing may apply to a judge who may

- (a) cancel the summons if the person is not the right person to provide information on behalf of the debtor, and
- (b) 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
	-	service copy

TO:

AFFIDAVIT OF SERVICE

Fill in:	I	NAME		OCCUPATION	V
your name and address;	0	f ^{ADDR}	ESS		
			Sw	ear that:	
			Aff	m that:	끝
the name of the party or other person served;	1	serve	d _		\V
the date service took place;	0	n DATI	<u> </u>		
the address or location service took place.	a		_		
Tell what was served. Check appropriate boxes.	W	rith		copy of the "Summons to a Payment Hearing" attached. copy of the "Summons to a Default Hearing" attached. blank "Statement of Finances". blank "Supporting Material Cover Sheet".	OF SERVIC
Tell how service took place	b	у		eaving a copy of it with them. s directed by the court by	
Do not sign your affidavit until a commissioner for the taking of affidavits is present.	c	\o*D	/offir		son who served the document
	٥	worn,	allif	ned before me on	
A commissioner for the taking of affidavits will administer the oath or affirmation and witness your signature.				date at location where	affidavit is sworn or affirmed
				signature of commissione	r for taking affidavits for British Columbia

creditor copy

SUMMONS TO A PAYMENT HEARING

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

Γ	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.

DDRESS				
ITY, TOWN,			TEL.#	
	PROV.	POSTAL CO		
ou have been s	summoned to a payment hearing	in the case bet	ween	
			CRED	ITOR(S)
nd				
			DEE	BTOR(S)
7				
Form 38, Address for Se	ervice included for filing	Service previously filed		
ou are required	d to attend the Provincial Court of	British Colum	bia	
on	date	at tir	tim	as soon after this ne as the court hedule allows
] in person at				
by another	The registry will send within 24 hours before	Court location The registry will send within 24 hours before the hearing date noted above the link to connect by MS Tear		
method of	including a dial in conferencing number to be used by any party that is unable to use MS Teams or has			
attendance, as problems with their video connection. If you have not provided your email address or tele the registry on your Address for Service (Form 38), you must contact the registry to obtain				
specified conference or MS Teams conference information.		to obtain the telephor		
	llowing records and other things with a			
	s before the payment hearing and serve	these records ar	nd other things on	the creditor at leas
vo business days	s before the payment hearing:			

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(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 = \$

WHAT HAPPENS AT THE PAYMENT HEARING?

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ı		
	date	by the Court
		creditor conv

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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.provincialcourt.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 <u>Supporting Materials</u> 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.