

# AFFIDAVIT TO CANCEL A DISMISSAL OR DEFAULT ORDER

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

**AFFIDAVIT TO CANCEL A DISMISSAL OR DEFAULT ORDER**

Fill in the Registry File number and location.

Copy the names and addresses of the claimant and defendant as shown on the notice of claim or notice of civil resolution tribunal claim.

**IN THE CASE BETWEEN**

NAME \_\_\_\_\_ **CLAIMANT(S)**  
 ADDRESS \_\_\_\_\_

CITY, TOWN, MUNICIPALITY \_\_\_\_\_ TEL. # \_\_\_\_\_  
 PROV. \_\_\_\_\_ POSTAL CODE \_\_\_\_\_

**AND**  
 NAME \_\_\_\_\_ **DEFENDANT(S)**  
 ADDRESS \_\_\_\_\_

CITY, TOWN, MUNICIPALITY \_\_\_\_\_ TEL. # \_\_\_\_\_  
 PROV. \_\_\_\_\_ POSTAL CODE \_\_\_\_\_

I NAME \_\_\_\_\_ OCCUPATION \_\_\_\_\_  
 of ADDRESS \_\_\_\_\_

- make oath and say that
- solemnly affirm that

**Attach** this Affidavit to a completed "Application to a Judge"

1. I am the \_\_\_\_\_ in this action and this is my Affidavit in support of the attached application.

**What** order do you want cancelled? Tell what kind of order it is and when it was made.

2. A  Dismissal  
 Default Order  
 was registered in this action against me on \_\_\_\_\_ DATE \_\_\_\_\_

**Why** was the order made?

3. I did not
- file a Reply within 14 days of being served a Notice of Claim
  - attend a Settlement Conference
  - attend a Trial Conference
  - make a response under s. 7 of the *Civil Resolution Tribunal Act* or file a Reply within 14 days of being served a Notice of Civil Resolution Tribunal Claim
  - attend a Trial
  - sign a fee declaration (under rule 7.3)

because \_\_\_\_\_

**What** happened in this case? Explain why it happened.

4. I first learned of the Dismissal or Default Order on \_\_\_\_\_ DATE \_\_\_\_\_  
 and (complete if applicable) the reason for the delay for filing the attached Application is

If there has been a delay in asking for the order to be cancelled tell why.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**What** are the points in your claim or defence you believe you will be able to prove in a trial if your application is granted? Tell exactly what these points are.

5. The facts that support my  claim or  defence are: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_ date \_\_\_\_\_

\_\_\_\_\_ signature of person filling out the affidavit \_\_\_\_\_

**Sworn / Affirmed before me on**

A commissioner for taking affidavits will witness your signature

\_\_\_\_\_ date \_\_\_\_\_

at

\_\_\_\_\_ location where affidavit is sworn \_\_\_\_\_

\_\_\_\_\_ signature of commissioner for taking affidavits for British Columbia \_\_\_\_\_