

# OFFER TO SETTLE

In the Provincial Court of British Columbia (Small Claims Court)

REGISTRY FILE NUMBER

REGISTRY LOCATION

OFFER TO SETTLE

<b>In the case between:</b>				<b>CLAIMANT(S)</b>
NAME _____				
ADDRESS _____				
CITY, TOWN, MUNICIPALITY _____	PROV. _____	POSTAL CODE _____	TEL. # _____	
<b>and</b>				<b>DEFENDANT(S)</b>
NAME _____				
ADDRESS _____				
CITY, TOWN, MUNICIPALITY _____	PROV. _____	POSTAL CODE _____	TEL. # _____	
				<b>THIRD PARTY</b>
NAME _____				
ADDRESS _____				
CITY, TOWN, MUNICIPALITY _____	PROV. _____	POSTAL CODE _____	TEL. # _____	

**OFFER TO SETTLE:**  
The claimant(s) or defendant(s) or third party

NAME \_\_\_\_\_  
offer to settle this claim(s) in the following terms:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dated \_\_\_\_\_

at \_\_\_\_\_

Signature \_\_\_\_\_

<p><b>TIME LIMIT FOR AN OFFER</b> An offer to settle may be made up to 30 days after the conclusion of a settlement conference or mediation session, or later if permitted by a judge. A party who receives an offer has 28 days after being served with the offer to accept the offer. No response will be considered a rejection.</p> <p><b>ACCEPTANCE OF OFFER</b> To accept the offer to settle, the party must complete an Acceptance of Offer (Form 19) and serve the other party within 28 days of being served with the offer.</p> <p><b>FILING OFFER AND ACCEPTANCE</b> If a party served with an acceptance of offer files the offer and the acceptance in the registry, the acceptance becomes a payment order.</p> <p><b>NOTICE OF PENALTY</b> A trial judge may order a party to pay a penalty if the offer to settle has been rejected. A penalty is in addition to any other expenses and may be up to 20% of the amount of the offer to settle.</p> <p><b>THE COURT ADDRESS FOR FILING DOCUMENTS IS:</b> _____</p> <p>_____</p> <p>_____</p>	<p><b>EXPIRY DATE OF OFFER</b></p> <p>_____</p> <p><b>REGISTRY USE ONLY</b></p> <p>Dated _____</p> <p>Signature _____</p>
--	---

# CERTIFICATE OF SERVICE

REGISTRY FILE NUMBER

REGISTRY LOCATION

CERTIFICATE OF SERVICE

Fill in:

Who served the document(s)?

the **name of the party** served;

When were the document(s) served?

Where were the document(s) served?

I certify that

I, \_\_\_\_\_

served \_\_\_\_\_

on \_\_\_\_\_

Day/Month/Year

at \_\_\_\_\_  
Street address or location, city, province

with \_\_\_\_\_

**LIST and ATTACH ALL** document(s) that you served.

Tell how service took place by checking appropriate box(es) for:

by

an individual;

- Leaving a copy of it with him or her.  
 Mailing a copy of it by registered mail to him or her.

a company as defined in the *Business Corporations Act*;

- Mailing a copy of it by registered mail to the registered office of the company.  
 Leaving a copy of it  at the registered office of the company  
 at the place of business of the company, with a receptionist or a person who appears to manage or control the company's business there  
 with a director, officer, liquidator, trustee in bankruptcy or receiver manager of the company.

Insurance Corporation of BC (ICBC);

- Mailing a copy of it by registered mail to the legal department at the Insurance Corporation of British Columbia (ICBC).  
 Leaving a copy of it at the legal department at the Insurance Corporation of British Columbia (ICBC).

an extraprovincial company as defined in the *Business Corporations Act*;

- Mailing a copy of it by registered mail to the attorney shown in the corporate registry.  
 Leaving a copy of it with the attorney shown in the corporate registry.  
 Leaving a copy of it at the head office shown in the corporate registry if that head office is in British Columbia.  
 Mailing a copy of it by registered mail to the head office shown in the corporate registry if that head office is in British Columbia.

a partnership;

- Mailing a copy of it by registered mail to a partner.  
 Leaving a copy of it  with a partner  
 at the place of business of the partnership, with a person who appears to manage or control the partnership business there  
 with a receptionist who works at a place of business of the partnership.

a municipal corporation, regional district or other local government body;

- Giving a copy to the clerk, deputy clerk or a similar official.

a young person;

- Leaving a copy of the notice with the defendant's mother, father or guardian.

a society within the meaning of the *Societies Act*;

- Mailing a copy of it by registered mail to the mailing address of the society's registered office on file with the Registrar of Companies.  
 Leaving a copy of it  at the delivery address of the society's registered office on file with the Registrar of Companies  
 with a director, officer, receiver manager or liquidator of the society.

a corporation incorporated outside British Columbia if it is not an extraprovincial company;

- Mailing a copy of it by registered mail to a place of business or registered office of the corporation outside British Columbia.  
 Leaving a copy of it  at a place of business or registered office of the corporation outside British Columbia with a receptionist or a person who appears to manage or control the corporation's business  
 with a director, officer, liquidator, trustee in bankruptcy or receiver manager of the corporation.

ordinary mail (and fill in the date mailed);

- Mailing a copy of it by ordinary mail to that person's address on \_\_\_\_\_  
Day/Month/Year

(NOTE: The date the documents are presumed served (above) is 14 days after this date.)

- (Indicate other service method or instructions given by a judge or registrar for service.)**

OTHER SERVICE method or alternate method ordered by the Court.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTE: You must give proof of service by REGISTERED MAIL by attaching one of the following:**

1. a copy, produced by fax or otherwise, of the signature obtained by Canada Post at the time the document was delivered.
2. a print-out of the delivery confirmation made available on the Internet by Canada Post (<http://www.canadapost.ca>).