

SUMMARY TRIAL FOR FINANCIAL DEBT
Vancouver Robson Square Small Claims Court Pilot – Rule 9.2

This fact sheet provides information on summary trials for financial debt and how to prepare for them. The summary trial for financial debt is a new process included in the provincial small claims court pilot project underway at Vancouver Robson Square. The pilot is a joint justice reform initiative of the Provincial Court and the provincial government.

What is a summary trial?

A summary trial is a half-hour streamlined trial before a judge for financial debt claims. Starting November 2007, all financial debt claims filed at the Robson Square court registry will be set under Rule 9.2 for summary trial. Financial debt claims are those where the claimant is in the business of lending money or extending credit and the debt arises from a loan or extension of credit in the course of that business.

How do I prepare for a summary trial?

The Robson Square court registry will send you a notice of summary trial for financial debt showing the date of your summary trial. **At least 14 days before** your summary trial you must file at the court registry any contracts, statements of account, proofs of payment or other documents on which you rely. You must serve the other parties with these documents **at least seven (7) days before** the summary trial.

How is the summary trial conducted?

A summary trial is designed to be faster than an ordinary trial and may not follow the formal rules of procedure and evidence. At the summary trial, the judge may ask you to explain your case, respond to the other party, and call witnesses. You will be asked to take an oath or to affirm that you will tell the truth before giving your evidence in court.

What if I need to change the date of the summary trial?

If you cannot make the date set for your summary trial you can request to have the date changed. You should first ask all the other parties to agree in writing to the change. If they agree, then you can file a consent order with their written consents at the Robson Square court registry.

If you are unable to reach an agreement with all the parties, you may file an application to the registrar (form 16). The application must explain the reason you want to change the date and that you asked the other parties for their consent. The application must be filed with the court registry **at least seven (7) days prior** to the trial date. If the application is granted by the registrar a new date will be set for your summary trial.

What happens if I don't attend the summary trial?

If you are the claimant, your claim may be dismissed. If you are the defendant, a payment order may be made against you.

Is this pilot project being evaluated?

Yes. Starting in the fall 2008 and into early 2009, a research firm will conduct a telephone survey of some of the parties who have gone through Small Claims Court. No identifying information will be used in the survey report.

Although participation in the survey is optional, the evaluation will be very important in determining whether the changes to the small claims process will be used or modified in other parts of the province. It will be helpful, therefore, if you can take the time to provide feedback if contacted through the survey.

FOR MORE INFORMATION, REFER TO SMALL CLAIMS RULE 9.2

Available on the Court Services Branch website at: www.gov.bc.ca/ag

Type "court services" in the search bar

or contact the Robson Square Small Claims Court Registry

Telephone: 604 660-8989 Facsimile (fax): 604 660-7095

If English is not your first language, please refer to the information available on the Court Services Branch website at www.ag.gov.bc.ca/courts/civil/smallclaims/pilot/translations/index.htm, or contact the court registry.

如果英语不是您的第一语言，请参见“法院服务分部”（Court Services Branch）网站上的资讯：www.ag.gov.bc.ca/courts/civil/smallclaims/pilot/translations/index.htm，或联系法院注册处。

ਜੇ ਅੰਗਰੇਜ਼ੀ ਤੁਹਾਡੀ ਪਹਿਲੀ ਭਾਸ਼ਾ ਨਹੀਂ, ਤਾਂ ਕ੍ਰਿਪਾ ਕਰਕੇ ਕੋਰਟ ਸਰਵਿਸਜ਼ ਬ੍ਰਾਂਚ ਦੇ ਵੈੱਬਸਾਈਟ www.ag.gov.bc.ca/courts/civil/smallclaims/pilot/translations/index.htm, ਉੱਪਰ ਦਿੱਤੀ ਜਾਣਕਾਰੀ ਦੇਖੋ ਜਾਂ ਕੋਰਟ ਰਜਿਸਟਰੀ ਨਾਲ ਸੰਪਰਕ ਕਰੋ।

Nếu Anh Ngữ không phải là ngôn ngữ chính của quý vị, xin xem chi tiết trên website của Court Services Branch (Các Dịch Vụ Tòa Án) tại www.ag.gov.bc.ca/courts/civil/smallclaims/pilot/translations/index.htm, hoặc liên lạc với phòng lục sự tòa.

