

APPLICATION FOR DEFAULT ORDER



PROVINCIAL COURT OF BRITISH COLUMBIA

APPLYING FOR A DEFAULT ORDER

Step 1

COMPLETE the APPLICATION FOR DEFAULT ORDER. To complete this form, use a typewriter or print clearly. There are 4 copies, so be sure all copies are legible.



Step 2

FILE the APPLICATION by taking it and a completed Certificate of Service for the NOTICE OF CLAIM to the court registry. There is a filing fee for this application. The staff will examine the Certificate to make sure the NOTICE OF CLAIM has been properly served. Then they will look at your NOTICE OF CLAIM to see if a hearing is required. If you are applying for a default order as a result of a defendant not attending a mediation session you must file the Verification of Non-Attendance you received at the mediation session.



Step 3

If no hearing is required, you will be asked to fill out the Default Order section at the bottom of the form and your order can be signed immediately.

If a hearing is required, the registry staff will set a date for you to appear before a judge. At this hearing, the judge will decide the amount of your claim or, if the claim is not for money, the terms of the appropriate order. You should bring to the hearing any supporting documents or evidence you wish the judge to consider. After reviewing the evidence, the judge will make an order which you will put in the DEFAULT ORDER section on the form.



Step 4

When the DEFAULT ORDER is completed, file a copy in the registry, and then you will be able to enforce your order. For more help there is a booklet called "Getting Results".

REGISTRY FILE NUMBER

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

Are you sure the name(s) you used here are the same as the ones used on the Notice of Claim? It is important to use the correct name(s) or the order may not be enforceable.

THE REGISTRY STAFF WILL FILL IN THIS SECTION BEFORE YOU GO ON TO FILL OUT THE DEFAULT ORDER.

After a Default Order is made or a date is set for a hearing, the defendant may not file a Reply without the permission of a judge.

DEFAULT ORDER

If an order has been made for the payment of money, fill out the amounts on the right side of the Default Order.

If the judge's order includes any other terms, record those terms in the lines on the left.

When you have completed the form, take it to the Registry to be checked, signed and stamped.

WHAT EXPENSES MAY BE CLAIMED?

If you have any expenses that were not included on your Notice of Claim, bring any evidence of those costs and be sure to ask the judge or registrar to include them in your order.

WHAT INTEREST MAY BE CLAIMED?

If you claimed daily interest from the date of filing of your Notice of Claim, you may now show any amount which might have accumulated since the date of filing to today's date.

If no interest was claimed originally you are entitled to interest in accordance with the Court Order Interest Act.

The registry staff can supply you with tables to calculate the interest.

APPLICATION FOR DEFAULT ORDER

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

APPLICATION FOR DEFAULT ORDER

Fill in the names, copying them from the Notice of Claim.

In the case between:

_____ **CLAIMANT(S)**

and

_____ **DEFENDANT(S)**

The registry staff will fill in this section.

No hearing is required as the claim is for a debt.

or

A hearing is required before a Judge of the Provincial Court, because the claim is not for a debt. At the hearing, the Judge will determine the amount the claimant is entitled to (if any), and other terms of an appropriate order.

A HEARING WILL BE HELD ON

_____ date

at

_____ time am / pm

or as soon after this time as the court schedule allows.

at

_____ court location

If you cannot attend this hearing please notify the Court Registry.
If you do not attend at the time set for the default hearing, the Judge may cancel it.

Fill in this section.

If no court appearance was required, the terms of the order will be those requested on your Notice of Claim.

If you appeared in court, the judge will have told you what the terms of the order are.

If the judge ordered some other terms, add these in this section.

DEFAULT ORDER

As _____ defendant

- has not filed a Reply and the claimant has proved the defendant has been served with the Notice of Claim,
- has not attended a mediation session and the claimant has filed a Verification of Non-Attendance (under Rule 7.2 or 7.4),
- has not attended a mediation session or signed a Fee Declaration and the claimant has filed a Verification of Default (under Rule 7.3),

THIS COURT ORDERS THE DEFENDANT TO:

PAY DIRECTLY TO THE CLAIMANT THE SUM OF
AND

_____	\$	_____	amount of claim granted by court	
_____	+	\$	_____	expenses
_____	+	\$	_____	interest
_____	=	\$	_____	AMOUNT
_____	+	\$	_____	Filing Fee
_____	=	\$	_____	TOTAL AMOUNT

This will be signed and dated by the court

_____ date

_____ by the court

THE DEFENDANT IS ORDERED TO CARRY OUT THE TERMS OF THE ORDER IMMEDIATELY.

APPLICATION FOR DEFAULT ORDER

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

APPLICATION FOR DEFAULT ORDER

In the case between:

_____ CLAIMANT(S)

and

_____ DEFENDANT(S)

You did not file a Reply within the time limit and the claimant has obtained this Default Order against you.

If this section is filled in, the claimant has appeared before a Judge of the Provincial Court who determined the amount the claimant is entitled to, or made any other order below.

No hearing was required as the claim was for a debt.

or

A hearing is required before a Judge of the Provincial Court, because the claim is not for a debt. At the hearing, the Judge will determine the amount the claimant is entitled to (if any), and other terms of an appropriate order.

A HEARING WAS HELD ON

_____ date at _____ time am / pm or as soon after this time as the court schedule allows.

at _____ court location

This is the order of the court.

DEFAULT ORDER

As _____ defendant

has not filed a Reply and the claimant has proved the defendant has been served with the Notice of Claim,
 has not attended a mediation session and the claimant has filed a Verification of Non-Attendance (under Rule 7.2 or 7.4),
 has not attended a mediation session or signed a Fee Declaration and the claimant has filed a Verification of Default (under Rule 7.3),

THIS COURT ORDERS THE DEFENDANT TO:

_____	\$	_____	amount of claim granted by court	
AND _____	+	\$	_____	expenses
_____	+	\$	_____	interest
_____	=	\$	_____	AMOUNT
_____	+	\$	_____	Filing Fee
_____	=	\$	_____	TOTAL AMOUNT

_____ date _____ by the court

THE DEFENDANT IS ORDERED TO CARRY OUT THE TERMS OF THE ORDER IMMEDIATELY.

defendant's copy

defendant's copy

APPLICATION FOR DEFAULT ORDER

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

APPLICATION FOR DEFAULT ORDER

Fill in the file number of your case, and the name and address of the person or business you want to apply for an order against.

In the case between:

_____ **CLAIMANT(S)**

and

_____ **DEFENDANT(S)**

Check with the Court Registry staff before filling out the rest of the form.

- No hearing is required as the claim is for a debt.
- or
- A hearing is required before a Judge of the Provincial Court, because the claim is not for a debt. At the hearing, the Judge will determine the amount the claimant is entitled to (if any), and other terms of an appropriate order.

If a hearing has been set, your claim will be assessed by the court. A Judge will consider your claim and you may be questioned about how you arrived at the amount. Any supporting documents you wish the court to consider should be brought to the hearing.

A HEARING WILL BE HELD ON

_____ at _____ or as soon after this time as the court schedule allows.

_____ at _____

If you cannot attend this hearing please notify the Court Registry.
If you do not attend at the time set for the default hearing, the Judge may cancel it.

What have you been awarded?

If no court appearance was required, the terms of the order will be those requested on your Notice of Claim.

If you appeared in court, the judge will have told you what the terms of the order are.

If the judge ordered some other terms, add these in this section.

DEFAULT ORDER

As _____ defendant

- has not filed a Reply and the claimant has proved the defendant has been served with the Notice of Claim,
 has not attended a mediation session and the claimant has filed a Verification of Non-Attendance (under Rule 7.2 or 7.4),
 has not attended a mediation session or signed a Fee Declaration and the claimant has filed a Verification of Default (under Rule 7.3),

THIS COURT ORDERS THE DEFENDANT TO:

PAY DIRECTLY TO THE CLAIMANT THE SUM OF
AND

_____	+	\$ _____	amount of claim granted by court
_____	+	\$ _____	expenses
_____	+	\$ _____	interest
_____	=	\$ _____	AMOUNT
_____	+	\$ _____	Filing Fee
_____	=	\$ _____	TOTAL AMOUNT

The registry staff will sign here.

_____ date

_____ by the court

THE DEFENDANT IS ORDERED TO CARRY OUT THE TERMS OF THE ORDER IMMEDIATELY.

claimant's copy

claimant's copy

