

Requisitions

The purpose of a requisition is to make a request to the court or court registry. In most cases, you do not have to appear in front of a judge or master to make your request. This guidebook tells you when you need to use a requisition and provides examples of two completed requisitions (Form 17).

What is a requisition?

A requisition is a document (Form 17) that asks the court registry to do something or asks a judge to make a particular order. In most cases, you do not have to appear in court to make your request.

For example, you can use a Form 17 requisition to ask the registry to search the court file for a response from the defendant when you are wanting proof that the defendant has not filed a response to your notice of civil claim. This allows you to proceed to take default judgment against the defendant.

When to use a requisition

A requisition is used in these situations:

- When you want to take default judgment against a defendant who has not filed a response to your notice of civil claim, you can file a requisition with the court registry and the staff will endorse it with a note that no response has been filed (Rule 3-8(2)).
- When you want to prove that you served a document by ordinary service, you file a requisition and attach a written acknowledgment of receipt signed by the person on whom the document was served (Rule 4-6(1)).
- When you want to request an amendment to a case plan order, you file a requisition, along with a letter directed to the registry, identifying the judge or master who made the order and setting out the requested amendment and reason for the request (Rule 5-4(1)).

This Guidebook provides general information about civil, non-family claims in the Supreme Court of BC. It does not explain the law. Legal advice must come from a lawyer, who can tell you why you should do something in your lawsuit or whether you should take certain actions. Anyone else, such as court registry staff, non-lawyer advocates, other helpers, and this guidebook can only give you legal information about how to do something, such as following certain court procedures.

Standards are in effect for the filing of all Supreme Court civil and Supreme Court family documents, except divorce and probate. When you submit your completed documents, registry staff will check to make sure they meet the minimum standards before accepting them for filing. It is your responsibility to include all other information required by the court and ensure it is correct.

For information about how to get help with your case, see the last page of this document.

- If an applicant does not set an application for hearing within a reasonable time after you have asked the applicant to do so, or the petitioner does not set the petition for hearing within a reasonable time, you can apply with a requisition for directions from the court (Rule 8-1(22) and Rule 16-1(17)).
- When you want to bring an urgent application to court, without notice to the other party, you do so with a requisition (Rule 8-5(2)).
- If you and the other party disagree on an important point of law contained in the pleadings, you can ask the court to give a ruling on that point of law and your application to court is made by requisition (Rule 9-4(1)).
- If the court has made an order for committal of a debtor, a creditor can file a requisition requesting the debtor's discharge (Rule 13-3(25)).
- If you want to apply to the court for indigent status (i.e., that you cannot afford the cost of the court proceeding), you must file a requisition, a draft of the proposed order, proof that you receive financial benefits under certain statutes, and an affidavit in Form 80 (Rule 20-5(3)).
- If you are applying for probate or letters of administration you must deposit with the registrar the original will, a requisition, an affidavit of the executor or administrator, and any other affidavits required by the Rules (Rule 21-5(4)).
- If you need to ask the registrar to do something, you can do so by completing and filing a requisition (Rule 23-1(9)).

Do you have to submit a letter?

The Supreme Court Rules provide that specific applications must be made by requisition in Form 17, supported by a letter signed by a party (or the party's lawyer) setting out the reasons why the order is sought. To simplify the process, you can modify Form 17 as shown in the alternate example attached to this guidebook.

You can make the following applications by filing a requisition in Form 17, varied as shown in the second example attached to this guidebook. When you use this modified Form 17, you do not need to file a letter setting out the reasons why you are asking for the order.

- If you want to shorten the service period for giving notice of a case planning conference, you can file a requisition to make that request (Rule 5-1(4)).
- If you want to be exempted from attending a case planning conference, you can file a requisition to make that request (Rule 5-2(3)(a)).
- If you have a request regarding your method of attending a case planning conference (e.g., by telephone), you do so by requisition (Rule 5-2(3)(b)).
- If you want to be exempted from attending a trial management conference, or have a request that attendance be by way of by telephone, video conference or other communication medium, you can make your request by requisition (Rule 12-2(4)).
- If you would like to have an application heard by telephone, video conference or other communication medium, you can apply for directions pursuant to Rule 23-5(4) by way of requisition (Rule 23-5(4)).

Get Help With Your Case

Before you start your claim, you should think about resolving your case without going to court (see the guidebook, *Alternatives to Going to Court*). If you do not have a lawyer, you will have to learn about the court system, the law that relates to your case, what you and the other side need to prove, and the possible legal arguments for your case. You will also need to know about the court rules and the court forms that must be used when you bring a dispute to court.

Legal Information Online

All *Guidebooks for Representing Yourself in BC Supreme Court Civil Matters*, along with additional information, videos and resources for Supreme Court family and civil cases are available on the Justice Education Society website: www.SupremeCourtBC.ca.

Clicklaw gives you information about many areas of law and free services to help you solve your legal problems: www.Clicklaw.bc.ca.

The Supreme Court of BC's website has information for people who are representing themselves in court: www.Courts.gov.bc.ca/supreme_court/self-represented_litigants/

Legal information services

The Vancouver Justice Access Centre's, Self-help and Information Services includes legal information, education and referral services for Supreme Court family and civil cases. It is located at 290 - 800 Hornby Street in Vancouver (open Monday to Friday): www.SupremeCourtSelfHelp.bc.ca.

For information about other Justice Access Centre services in Vancouver and Nanaimo, see: www.JusticeAccessCentre.bc.ca.

Legal advice

You may be eligible for free (pro bono) legal advice. Access ProBono Society of BC's website gives you information about the legal assistance that is available to you: www.AccessProBono.ca.

Legislation

BC Legislation (statutes), regulations, and Rules of Court can be found at: www.BCLaws.ca.

Court rules and forms

Supreme Court forms can be completed in 3 ways:

1. Completed online and filed at: www.CourtServicesOnline.gov.bc.ca
2. Completed online, printed and filed at the registry
3. Printed, completed manually and filed at the registry

Court forms that can be completed online are available at: www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index_civil.htm

Printable court forms are available at: www.SupremeCourtBC.ca/civil/forms

Common legal terms

You can find out the meaning of legal terms at: www.SupremeCourtBC.ca/glossary

Family law

For information about family law claims, see: www.FamilyLaw.LSS.bc.ca.

This guidebook is part of a series:

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NOTES

Form 17

(Rules 4-6 (1), 5-1 (4), 5-2 (4), 5-4 (1), 8-1 (21.1) and (22), 8-5 (2), 9-4 (1), 12-2 (6), 13-3 (25), 16-1 (16.1) and (17), 20-5 (3), 21-5 (4), 23-1 (9), 23-3 (10) and 23-5 (5))

1

[Style of Proceeding]

REQUISITION – GENERAL

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

Filed by:[party(ies)].....

2

Required:

This requisition is supported by the following:

[Include a description of supporting document(s). Each affidavit included on the list must be identified as follows: "Affidavit #.....[sequential number, if any, recorded in the top right hand corner of the affidavit]..... of[name]....., made[dd/mmm/yyyy].....".]

1

2

Date:[dd/mmm/yyyy].....

Signature of
[] filing party [] lawyer for filing party(ies)

.....[type or print name].....

NOTES

Court forms are available at: www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index_civil.htm.

They can be completed online and filed electronically using Court Services Online:
www.courtservicesonline.gov.bc.ca.

They can also be printed and completed manually; or completed online, printed and filed.

File this form in the court registry. The Rules of Court will indicate if it must be served on the other parties.

1. The style of proceeding is the part at the top of the document that identifies your case within the court system. You will use the style of proceeding on every one of your documents, whether they are filed in the court registry or not. Insert the court number, the location of the registry (e.g., Vancouver), as it is part of your style of proceeding. Write in the names of the plaintiff and defendant in capital letters (not addresses) in the style of proceeding.
 2. Fill in what you are asking the court/court registry to do (e.g., search for an appearance; file a consent order; enter a default judgment, etc.).
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NOTES

Form 17

No.....

.....Registry

In the Supreme Court of British Columbia

1

Between

Plaintiff(s)

and

Defendants(s)

Requisition – General

2

Filed by:.....[party(ies)].....

Required:

3

1. Application pursuant to Supreme Court Civil Rule 5-1 (3) to shorten the service period applicable to a notice of case planning conference.
2. Application pursuant to Supreme Court Civil Rule 5-2 (3) (a) exempting a person from attending a case planning conference.
3. Application pursuant to Supreme Court Civil Rule 5-2 (3) (b) respecting the method of attendance at a case planning conference.
4. Application pursuant to Supreme Court Civil Rule 12-2(4) for an order respecting the manner a person is to attend a trial management conference or exempting a person from attending a trial management conference.
5. Application pursuant to Supreme Court Civil Rule 23-5(4) for directions that an application be heard by way of telephone, video conference or other communication medium and the manner in which the application is to be conducted.

Term of order sought:

4

1. The notice of case planning conference must be served on the[name of party].....by[set out date]..... .
2. [name of lawyer or party]..... is exempted from attending the case planning conference in person and may attend by[set out method of attendance]... ..
3. [name of lawyer or party]..... may attend the case planning conference by[set out manner of attendance]..... .
4. [name of lawyer or party]..... may attend the trial management conference by[set out manner of attendance]..... .
or
.....[name of lawyer or party]..... is exempt from attending the trial management conference.

5

5. The application of[name of party]..... be heard by[set out method of hearing]..... . (If required) The application be heard in the following manner;[set out manner of hearing]..... .

6

This requisition is supported by the following: [include reasons why the order is sought]

Date:

.....

Signature of
[] filing party [] lawyer for filing
party(ies)

[type or print name]

7

Address of applicant:

Phone number: _____

8

Order granted []

or

Application denied []

Date:

Judge/Master of the Supreme Court

NOTES

Court forms are available at: www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index_civil.htm.

They can be completed online and filed electronically using Court Services Online:
www.courtservicesonline.gov.bc.ca.

They can also be printed and completed manually; or completed online, printed and filed.

Use this version of Form 17 when your application is made pursuant to Rule 5-1(4), 5-2(3)(a), 5-2(3)(b), 12-2(4), or 23-5(4). File this form in the court registry. The Rules of Court will indicate if it must be served on the other parties.

1. The style of proceeding is the part at the top of the document that identifies your case within the court system. You will use the style of proceeding on every one of your documents, whether they are filed in the court registry or not. Insert the court number, the location of the registry (e.g., Vancouver), as it is part of your style of proceeding. Write in the names of the plaintiff and defendant in capital letters (not addresses) in the style of proceeding.
 2. Your name goes here.
 3. Check the box that applies (i.e., what application you are making).
 4. Check off the order you are asking the court to make.
 5. Put your name here, and how the application will be decided (e.g., by a hearing in court, or without a court hearing).
 6. State why you are asking the court to make the order (e.g., I am requesting that I attend the case planning conference by telephone instead of in person because I will be away on vacation and not near the courthouse on the date set for the conference).
 7. Put your address here.
 8. The court will complete this section, depending on whether your application is granted or denied.
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