

**NOTES**

**Form 58**

(Rules 13-3 (12) and 14-1 (8) and Section 6 (3) of Appendix B)

**1**

*[Style of Proceeding]*

**NOTICE OF APPLICATION FOR COMMITTAL**

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

**2**

To: .....*[name of person]*.....

**3, 4**

WHEREAS on .....*[dd/mmm/yyyy]*..... the creditor, .....*[name]*....., obtained against you an order to pay .....*[set out terms of order]*....., and the creditor alleges that you have failed or neglected to make payment in accordance with the order and that you knew of the order;

TAKE NOTICE that an application will be made by the creditor at the courthouse at .....*[address]*..... at .....*[time of day]*..... on .....*[dd/mmm/yyyy]*..... for an order committing you to prison;

AND TAKE NOTICE that the creditor will rely on the following affidavit(s) in support of the application:

*[Using numbered paragraphs, list the affidavits on which the creditor will rely. 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].....".]*

**5**

1

2

**WARNING:** Failure to attend at the hearing of this application can result in your arrest and committal to prison WITHOUT SERVICE ON YOU OF ANY FURTHER NOTICE OR DOCUMENT.

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

Signature of [ ] creditor [ ] lawyer for creditor(s)

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

Address for service of creditor(s): .....

**ENDORSEMENT OF AMOUNT PAYABLE**

*[Set out, in the form of an account, the amount of the debt or instalment owing, the costs incurred on the order and on proceedings subsequent to the order, the amounts paid and the dates of payment and the interest owing and how it was computed.]*

**6  
7  
8**

Subtotal \$.....

Add Expenses of service \$.....

Total amount payable \$.....

If the total amount payable is paid to the creditor or into court for the account of the creditor before the date of the hearing, you are excused from attending.

---

# NOTES

Court forms are available at: [www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index\\_civil.htm](http://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](http://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 and personally serve it on the debtor.**

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. Name of debtor.
  3. Date the court gave judgment in your favour.
  4. Describe the court's order regarding payment (e.g., to pay the sum of \$8,250 to the plaintiff forthwith).
  5. List the affidavits that you will be relying on in support of your application (e.g., 1. The affidavit of Mary Brown, made 30 November 2009). If you have more than one affidavit, number the affidavits on the top right corner of the affidavit.
  6. The subtotal is the amount owing after the creditor calculates the amounts described in the instructions above this space.
  7. The sheriff will advise you about the cost of service.
  8. Total the two sums.
-