

# NOTES

1

## Form 1

(Rule 3-1 (1))

No. ....

..... Registry

*In the Supreme Court of British Columbia*

Between

Plaintiff(s)

and

Defendant(s)

### NOTICE OF CIVIL CLAIM

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

**This action has been started by the plaintiff(s) for the relief set out in Part 2 below.**

If you intend to respond to this action, you or your lawyer must

- (a) file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim on the plaintiff.

If you intend to make a counterclaim, you or your lawyer must

- (a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim and counterclaim on the plaintiff and on any new parties named in the counterclaim.

**JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL** to file the response to civil claim within the time for response to civil claim described below.

#### **Time for response to civil claim**

A response to civil claim must be filed and served on the plaintiff(s),

- (a) if you were served with the notice of civil claim anywhere in Canada, within 21 days after that service,
- (b) if you were served with the notice of civil claim anywhere in the United States of America, within 35 days after that service,

(c) if you were served with the notice of civil claim anywhere else, within 49 days after that service, or

(d) if the time for response to civil claim has been set by order of the court, within that time.

Claim of the Plaintiff(s)

**Part 1: STATEMENT OF FACTS**

2

*[Using numbered paragraphs, set out a concise statement of the material facts giving rise to the plaintiff's(s') claim.]*

1

2

*[If any party sues or is sued in a representative capacity, identify the party and describe the representative capacity.]*

**Part 2: RELIEF SOUGHT**

3

*[Using numbered paragraphs, set out the relief sought and indicate against which defendant(s) that relief is sought. Relief may be sought in the alternative.]*

1

2

**Part 3: LEGAL BASIS**

4

*[Using numbered paragraphs, set out a concise summary of the legal bases on which the plaintiff(s) intend(s) to rely in support of the relief sought and specify any rule or other enactment relied on. The legal bases for the relief sought may be set out in the alternative.]*

1

2

Plaintiff's(s') address for service: *[Set out the street address of the address for service. One or both of a fax number and an e-mail address may be given as additional addresses for service.]*

5

Fax number address for service (if any):

E-mail address for service (if any):

Place of trial:

The address of the registry is:

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

Signature of

plaintiff  lawyer for plaintiff(s)

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

Rule 7-1 (1) of the Supreme Court Civil Rules states:

(1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,

(a) prepare a list of documents in Form 22 that lists

(i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and

(ii) all other documents to which the party intends to refer at trial, and

(b) serve the list on all parties of record.

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### Appendix

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*[The following information is provided for data collection purposes only and is of no legal effect.]*

**7**

**Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:**

**Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:**

*[Check one box below for the case type that best describes this case.]*

**8**

A personal injury arising out of:

a motor vehicle accident

medical malpractice

another cause

A dispute concerning:

contaminated sites

construction defects

real property (real estate)

personal property

the provision of goods or services or other general commercial matters

investment losses

the lending of money

an employment relationship

a will or other issues concerning the probate of an estate

a matter not listed here

**9**

**Part 3: THIS CLAIM INVOLVES:**

*[Check all boxes below that apply to this case]*

a class action

maritime law

aboriginal law

constitutional law

conflict of laws

none of the above

do not know

**10**

**Part 4:**

*[If an enactment is being relied on, specify. Do not list more than 3 enactments.]*

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Court forms are available at: [http://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 defendant.**

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. The court registry will insert the registry number, which you must use on all your documents. Insert 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. “Material facts” are the facts that relate to your claim. Set out your story.
  3. “Relief sought” is a summary of what orders you are asking the court to make (e.g., that the defendant pay \$27,000, the balance owing under the contract for purchase of my boat; that the defendant pay \$35,000 for failing to return my car pursuant to our rental agreement).
  4. Set out the legal basis of your claim, including the Court Rules, legislation, and case law that support your claim (e.g., the defendant’s stairs were rotten and unsafe contrary to *The Occupiers’ Liability Act*, s. 3; calculation of damages in a wrongful dismissal case as described in *Brown v. Smith*, 2009 BCSC 200, etc.).
  5. Set out your name. Your address must be a physical location (not just a post office box) where documents can be delivered.
  6. This data appendix has no legal effect. You are required to fill it out, however, as the collection of data is essential for continued improvement of the civil justice system.
  7. Indicate, in one or two short sentences, the essence of your claim. For example, “This claim involves a slip and fall in a grocery store, resulting in a broken hip.”
  8. Check only one box. There may be more than one box that applies to your case, but just do your best to check the box that you believe BEST describes your case. For example, if your case involves the purchase of a diamond ring, check the box labelled, “the provision of goods or services or other general commercial matters.” If your case arose because you gave a diamond ring to your friend for safekeeping and he lost or damaged it, check the box labelled, “personal property.” (Note that “personal property” generally means all property other than lands or buildings.)
  9. Check ALL the boxes that best describe your case. If you believe that none of them apply, check “none of the above.” If you are not sure if any apply, check “do not know.” Note that “conflict of laws” concerns matters that have ties to the laws of different provinces or countries (e.g., a contract between a BC and an American, concerning a Mexican company).
  10. List any laws (e.g., Acts or regulations), that you are relying on to support your case. For example, if your case involves contesting the amount of compensation received in an expropriation, you would list *The Expropriation Act*. Do not list more than 3 enactments.
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