

# Starting a Civil Proceeding in Supreme Court

*This guidebook provides general information about civil, non-family claims in the Supreme Court of B.C. It does not explain the law. Court staff (and this guidebook) can only give you legal information, not legal advice. They will tell you how to do something, but not whether you should do it or why you might want to do it. Legal advice must come from a lawyer.*

## Where You Can Get Help With Your Case

### Information if You Represent Yourself

The BC Supreme Court Self-Help Information Centre ([www.supremecourtselfhelp.bc.ca](http://www.supremecourtselfhelp.bc.ca)) provides legal information, education, and referral services for family and civil (non-family) cases for unrepresented litigants who are involved in civil actions in the Vancouver location of the Supreme Court of British Columbia.

### Legal Advice

You may be eligible for free (pro bono) legal advice. Services are listed under *legal advice* on the website for the BC Supreme Court Self-Help Information Centre.

### Rules of Court

The Rules of Court govern the conduct of litigation in the Supreme Court of BC. Not only do they ensure fairness to all parties involved in a lawsuit, they will guide you through every step of your case and set time limits for when certain steps must be done. You can find these Rules at the courthouse library, or on the court's website at [www.courts.gov.bc.ca](http://www.courts.gov.bc.ca). (Once you are on the Supreme Court page, click on the link for Supreme Court Act, Rules and Forms.)

### Forms

Official court documents (called court forms) must be used when you bring a dispute to court. You can print out blank forms for use in your lawsuit from the Supreme Court website. Go to [www.courts.gov.bc.ca](http://www.courts.gov.bc.ca). (Once you are on the Supreme Court page, click on the link for Supreme Court Act, Rules and Forms).

For information about family law claims, go to [www.familylaw.lss.bc.ca](http://www.familylaw.lss.bc.ca).

Before you start your claim, you should consider talking to a lawyer to help you understand the law and the procedures that might apply to your case. You may be eligible to obtain free (pro bono) legal advice.

If you do not have a lawyer, you will have to prepare your case and do the legal research to represent yourself. You will have to do all the things a lawyer would do and it will not be easy. You will need to learn about:

- the court system;
- the law that relates to your case;
- what you and the other side need to prove;
- the possible legal arguments for your case.

You will also need to know about the Rules of Court and the forms that must be used in your lawsuit. If you do not understand these things, you might miss something (i.e. a deadline) and hurt your case. If you sue and lose, you might be ordered to pay the costs of the other party.

## Should this case go to court?

Before you decide to start a court case, there are several things that need to be considered:

- The majority of cases settle before trial.
- If you think your case can be settled, you may want to consult a lawyer about your alternatives before you begin your lawsuit. Some of these alternatives are:
  - o Mediation,
  - o Arbitration,
  - o A letter from a lawyer to the other party.

- Taking a case to court can be an expensive way of solving your problem. When considering alternatives, consider the cost of taking your case to court, as opposed to the cost of an alternative solution. You might want to get legal advice to answer this question. It is important to remember that if you sue and lose, you could be ordered by the court to pay the costs of the other parties, which could be very significant. Even if you win and are entitled to costs from the other parties, those costs will not even come close to the money you will spend on your case.

## What to think about once you have decided to start your court case

### Choosing a court

Civil cases (called claims, lawsuits or actions) can be started in either the Provincial Court or the Supreme Court in British Columbia.

#### Provincial Court

If your claim is for \$10,000 or less, you can start your claim in Provincial Court. Currently, the Provincial Court can only hear civil claims up to \$10,000. However, as of September 1, 2005, this limit will increase to \$25,000. The division of the Provincial Court which hears civil claims is referred to as Small Claims Court and the procedures and forms are much easier to use. To find out more about Provincial Court go to its website at:

[www.provincialcourt.bc.ca](http://www.provincialcourt.bc.ca)

#### Supreme Court

The BC Supreme Court deals with almost all types of cases except:

- Cases where a law says that the matter must go to a special government agency or tribunal. These include residential tenancy complaints, workers' compensation matters and labour relations.
- Cases where the federal government has control. These include tax matters, immigration matters, and patents and trademarks. The Federal Court deals with these matters. Its website is:

[www.fct-cf.gc.ca/index\\_e.html](http://www.fct-cf.gc.ca/index_e.html)

## Time limits

**Time limits** are important in two ways in legal claims.

### Limitation periods

- The first thing you need to think about are limitation periods.
- Limitation periods set limits on how long you can wait before you start a case.
- Different types of cases have different limitation periods.
- The *Limitation Act* (a copy of this Act can found in the courthouse library) sets out the different limitation periods for different types of cases.
- Most limitation periods vary from 2 to 6 years and start from the date that:
  - o the event happened you want to sue about, or

- o the date you found out about your possible claim.
- If your limitation period is not clear to you, you should consult a lawyer. If your limitation period expires before you file a claim, your opportunity to file the claim may be lost.

### Procedural time limits

- There are numerous procedural time limits that will affect your case.
- Some of these time limits are set out in the forms and others are set out in the Rules of Court.
- Make sure you understand and meet these time limits so you can avoid unnecessary expense.

# 1 Starting your proceeding

There are two ways to start a proceeding in the British Columbia Supreme Court. One is called an *action* and the other is called an *originating application*:

- An *action* is started with a **writ of summons**, followed by a **statement of claim**, or
- An *originating application* is started with a **petition**.

Before you start your claim, consider these three questions:

- Do I sue in the BC Supreme Court? See the information above.
- Which registry do I file the documents in? Generally, claims are started in the registry most convenient to the person starting the claim. If you live in Langley, don't forget

that if you start the claim in Vancouver, you are going to be travelling to Vancouver to file your documents. New Westminster or Chilliwack might be more convenient. A list of registries can be found at the courthouse library or at the following website: [www.courts.gov.bc.ca](http://www.courts.gov.bc.ca) Click on Supreme Court, then go to "contact information" in the blue box.

- Should I start the claim with a writ of summons or a petition? Most cases are started with a writ of summons but some types of cases must be started by a petition. Make sure you are using the correct document before preparing it. See the table below for information about the differences between the two types of procedure. Again, you might want to get legal advice to answer this question.

	<b>Action (Writ of Summons)</b> Use Form 1 and see Rule 8.	<b>Originating Application (Petition)</b> Use Form 3 and see Rule 10, Subrules 8(4) to 8(12).
<b>Start the claim using:</b>	Form 1, a writ of summons ("writ"), starts the action.	Form 3, a petition, starts the proceeding.
<b>Type of hearing:</b>	Full or summary trial.	Hearing before a judge.
<b>Type of evidence to support the claim:</b>	Witnesses who come to court to give evidence.	The evidence is written down and filed with the court. This type of evidence is given by affidavit – see the information set out at page 6.
<b>Process:</b>	<b><i>More complicated</i></b>  The writ of summons is usually used when the facts of the claim are in dispute. Because the court may need to find the facts so it can make a decision about the claim, a trial is often necessary.	<b><i>Less complicated and more streamlined</i></b>  The petition is usually used in cases where the facts are not in serious dispute so that they can be determined by a judge reading the evidence set out in affidavits.  Some laws require that a petition be used to start a claim.
<b>Facts are presented:</b>	Either the writ of summons or statement of claim (Form 13) is used to present the facts supporting your claim. It also sets out the solutions (called remedies) you want from the court.  The statement of claim can be filed with your writ of summons or later (see Rule 20).	The petition includes a short statement of facts supporting the claim. Instead of a statement of claim, a sworn affidavit is filed with the petition. The affidavit sets out the facts.
<b>Parties are called:</b>	The person or business starting the case is called the plaintiff and the person or business who is being sued is called the defendant.	The person or business starting the case is called the petitioner and the person or business who is being sued is called the respondent. (Although in some circumstances, there may only be a petitioner and no respondent.)
<b>Discovery of documents and people:</b>	Before the trial, the plaintiff and defendant are both entitled to see the evidence of the other party (document discovery) as well as ask questions of the other side in a meeting called an examination for discovery.	Before the hearing, the petitioner cannot ask for documents from the respondent or ask the respondent questions. All evidence is presented by affidavit.

## 2 Who should be part of the proceeding

An important part of planning your case is deciding who you want to make your case against and who might be on your side of the case. Depending on what type of document you file in court, these people will be called plaintiffs, defendants, petitioners or respondents (see below). They will all be called the parties to the action. The following may be parties to a claim:

- A person;
- A limited company;
- A government ministry or agency;
- A city or a municipality;
- A partnership; or
- Several other entities.

There can be more than one person or business as both the plaintiff/petitioner or defendant/respondent. Make sure you have the correct (and full) names of every person who will be named in the documents. You will also need each party's address and the addresses cannot be a post office box. Check the Rules for specific information about suing different types of parties. If there is more than one plaintiff or petitioner, all the plaintiffs or petitioners must consent to being plaintiffs or petitioners. Consider getting legal advice to make sure the correct parties are included in the document because if you chose the wrong parties, it will cost you time and money to change the documents later.

## 3 Preparing your documents

Once you have decided on the type of document to use, the parties, and the registry location, you will want to prepare your document. Copies of the documents are included at the end of this guide. You can also get copies from any court registry or download them from the website addresses given at the beginning of this guide.

identifies it as different from every other document in the system. You will use the style of proceeding on each one of your documents, whether they are filed in the court registry or not.

A completed style of proceeding is set out on the next page for your reference.

### Style of proceeding

Begin by preparing a style of proceeding. This is the part at the top of the document that

No. L000000  
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

JOE SMITH and FRANK JONES

PLAINTIFFS

AND:

000000 HOLDINGS LTD., FRED JOHNSON and  
MARY BROWN

DEFENDANTS

The number in the top right hand corner will be stamped on by the court registry when you present your document for filing. That registry number is the identifying number for your case. This example is a style of proceeding for a writ of summons. If you use a petition to start your action, change the term plaintiffs to petitioners and defendants to respondents.

Review the document carefully to make sure you have all the information you need to complete it.

For all documents, you need to set out the facts carefully and clearly. Be concise and specific. Do not give your opinion about the case.

You will need to do research on the laws that apply to your case to understand what you need to prove to the court.

### **Writ of summons (Form 1) and statement of claim (Form 13)**

A writ of summons (Form 1) can be prepared and filed on its own. If you have all the information relating to your case, you can include that information in the writ of summons as indicated. If you do not have all

the information required, you can file a separate document, called a statement of claim (Form 13), at a later date. In either case, the statement of facts you write on the writ of summons or in the statement of claim will include the information you want the court to consider.

If you do not prepare and file the statement of claim with the writ of summons, you must file it within 21 days after the defendant has filed a document called an appearance. (See Response to Your Proceeding, below.)

### **Petition (Form 3) and affidavit (Form 60)**

If you are preparing a petition, use the petition (Form 3) and a supporting affidavit (Form 60). There is a place in the petition to include a brief statement of facts. The evidence you want the court to consider should be set out in the affidavit. The affidavit must be sworn or affirmed and filed with your petition.

### **Affidavit**

An affidavit is a sworn statement setting out facts and evidence. Each affidavit begins with the words:

I, (the person's name, address and occupation) MAKE OATH AND SAY AS FOLLOWS:

The information in the affidavit is set out in numbered paragraphs. Often affidavits refer to documents and true copies of the documents are attached as exhibits. At the end of each affidavit, there is a place for the person swearing the affidavit to swear or affirm that the contents of the affidavit are true. To swear or affirm that the contents of an affidavit is true, you need to go to a lawyer or a notary public who will ask you:

- Have you read the contents of this affidavit?
- Do you swear (or affirm) it to be true?

The notary or lawyer will then sign the affidavit and the exhibits (if any) and the affidavit is completed and can be used in court as evidence.

Swearing an affidavit is a serious matter and swearing a false affidavit may be a criminal offence.

## 4 Filing your documents

Once your documents are completed, it is time to file them at the court registry. You will need:

- one copy for the court registry;
- one copy for your file;
- one copy for each of the defendants or respondents;
- the appropriate number of copies for affidavits of service (see below), if required.

The documents can be filed with some court registries by fax (see Rule 67). If you plan to file by fax, contact the court registry for further instructions.

You will probably find it easier to file your documents in person at the court registry. Court registry staff are extremely helpful and may be able to point out any small errors in the form of the document before you file it.

You will need to pay the applicable registry

filing fees. The fees are listed in Schedule 1 of Appendix C to the Rules. You can call the court registry to confirm the current fees or check Schedule 1 to Appendix C to the Rules at the website addresses noted at the beginning of this guide.

If you can't afford the filing fee, ask the court registry staff for instructions on how to file an application with the court to have the fee waived. This is called an application for indigent status (see Section S1(1) to(4) of Schedule 1 to Appendix C to the Rules).

Once you have paid the filing fees or have an order from the court waiving the fees, the registry:

- opens a file;
- gives your case a registry number (this is the permanent identification number for your case);
- stamps and returns the copies of the document to you.

# 5 Serving your documents

Once your documents are filed, you must serve the defendants or respondents with a stamped copy of the documents (this includes the writ of summons and statement of claim, or the petition and the affidavit) to notify them that you have started a proceeding against them (see Rules 11 and Rule 10(4)). Serving a document has a special meaning which is set out in the Rules. It is different than simply delivering a copy of it. You can serve documents yourself, or have someone else do this for you. A process server is a professional document server and if you anticipate having trouble reaching a party, you might consider using a process server. Process servers can be found in the telephone book.

## Service generally

The correct way of serving a document is set out in Rule 11. In general you can serve a writ or petition on:

- a person by handing it to them personally;
- a registered company by leaving a copy with the president, chairman or other chief officer of the company or by sending the document by registered mail to the mailing address of the company shown on the corporate register (for more information check the *Business Corporations Act* which can be found at the courthouse library);
- a municipality or a city by leaving it with the city clerk or municipal clerk;
- a government body by following the rules explaining how to serve that body (check the government website or the courthouse library for more complete information).

Make sure you have the correct information about service and that each defendant or respondent is served properly. If service isn't done correctly, the party may be able to challenge your case. To help answer questions (if any) about service of the document prepare, or have the person who served the document prepare, an affidavit of service which includes all of the details of when and how each person was served and attach a copy of the document that was served on them.

## Service and renewal of a writ

If you do not serve the writ within 12 months of when it was filed in the court registry, it will expire. That can be extremely serious if a limitation period is involved. If you cannot serve the writ within 12 months, you should apply to the court to extend the time before the writ expires.

## If you have problems serving a document

(These options are not available if you are trying to serve a writ of summons in a family law case.)

There will be times when you have difficulty serving a writ or a petition. The defendant or respondent may avoid you, you may not have their current address, or they may be out of the country. If you are having trouble serving someone, you have three options:

- You can get a court order for substituted service. This usually happens when you are not sure of, or cannot find, the current address of the party you are trying to serve. This order will give you the option of

serving the other party in a different way. You may be able to mail the document to their last known address or publish a notice in a newspaper (see Rules 12(1) to 12(3)).

- If you know the address but you're having trouble serving the other party, you can leave the document at a party's home, in a sealed envelope addressed to the defendant or respondent. You can leave the document with any adult at that address who appears to be a member of the household. Once you have done this, mail the document to the defendant or respondent at that address (see Rules 12(4)).
- You can mail the document, along with an acknowledgement receipt card (use Form 5.1) by ordinary or registered mail to the residential, business or postal address of the defendant or respondent (see Rules 12(7)).

If you have mailed the document under either Rules 12(4) or 12(7), you need to prepare an affidavit proving the mailing and why you needed to use the mail instead of personal service. This affidavit should include:

- when, how and where you tried to serve the person, what happened and how many times you tried to serve the document;

- what happened when you tried to serve the person (the following are some examples of the things that might happen):

- o there was no answer when you knocked;
- o someone appeared to be at home when you knocked, but wouldn't come to the door;
- o the house looked deserted.

- when you left the document, with whom and at what address;
- that you later mailed the document to the person to be served at that address;
- the date you mailed the envelope; and
- that the person swearing the affidavit believes that the address where they tried to serve the person is the residential address of that person.

## Service outside of British Columbia

If one of the defendants or respondents lives outside of British Columbia, Rule 13 states that you need to include in your writ or petition a paragraph called an endorsement which allows the document to be served outside BC (see Form 6 and Rule 13).

# 6 Response to your proceeding

A defendant or a respondent, once they have been properly served, has a certain amount of time to respond. This time is different depending on where they live. If they live in BC they have a certain number of days, but if they live outside of BC, they will have longer. This information is set out on the appearance.

They will respond to your proceeding by filing and delivering to you an appearance (Form 7 or Form 8). The appearance must include an address where they want to receive documents relating to the claim. Once the appearance is filed and delivered to you, most documents can be mailed or faxed to the address on the appearance and do not have to be personally served.

**For the next steps, see the guides called:**

*Defending a Civil Proceeding*

*Discovery Process*

*Fast Track Litigation – Rule 66*

*Chambers Applications*

*Summary Judgment and Summary Trial*

*Preparing for Trial and Trial*

*Alternatives to Trial*

*Expedited Litigation in Supreme Court  
- Rule 68*

**For definitions of common court terms, see the guidebook called:**

*Common Supreme Court Terms*

This guidebook is part of a series, *Guidebooks for Representing Yourself in Supreme Court*, produced by:



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## Appendix 1: WRIT OF SUMMONS

FORM 1 (RULE 8 (3) )

No. **[Registry number (1)]**

**[Insert location of registry]** Registry

**[Insert style of proceeding]**

### WRIT OF SUMMONS

(Name and address of each plaintiff)

**[Insert the full name and address of each plaintiff (2)]**

(Name and address of each defendant)

**[Insert the full name and address of each defendant (3)]**

ELIZABETH THE SECOND, by the Grace of God, of the United Kingdom, Canada and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

*To the defendant(s):*

TAKE NOTICE that this action has been commenced against you by the plaintiff(s) for the claim(s) set out in this writ.

IF YOU INTEND TO DEFEND this action, or if you have a set off or counterclaim that you wish to have taken into account at the trial, YOU MUST

- (a) GIVE NOTICE of your intention by filing a form entitled “Appearance” in the above registry of this court, at the address shown below, within the Time for Appearance provided for below and YOU MUST ALSO DELIVER a copy of the Appearance to the plaintiff’s address for delivery, which is set out in this writ, and
- (b) if a statement of claim is provided with this writ of summons or is later served on or delivered to you, FILE a Statement of Defence in the above registry of this court within the Time for Defence provided for below and DELIVER a copy of the Statement of Defence to the plaintiff’s address for delivery.

YOU OR YOUR SOLICITOR may file the Appearance and the Statement of Defence. You may obtain a form of Appearance at the registry.

JUDGMENT MAY BE TAKEN AGAINST YOU IF

- (a) YOU FAIL to file the Appearance within the Time for Appearance provided for below, or
- (b) YOU FAIL to file the Statement of Defence within the Time for Defence provided for below.

**(1) The court registry will insert the registry number. Once you have this number, you need to use it on all your documents. It is part of your style of proceeding. Use names only in the style of proceeding. Do not include addresses here.**

**(2) Capitalize the name of each plaintiff, then follow the name with the complete address of that plaintiff. Each address must include a physical location (not just a post office box) where documents can be delivered.**

**(3) Capitalize the name of each defendant, then follow the name with the complete address of that defendant. Use the registered address of corporate defendants, and if using the address of a defendant’s lawyer, make sure before you serve the writ that the lawyer is willing to accept service. Each address must include a physical location (not just a post office box) so that defendant can be served.**

TIME FOR APPEARANCE

If this writ is served on a person in British Columbia, the time for appearance by that person is 7 days from the service (not including the day of service).

If this writ is served on a person outside British Columbia, the time for appearance by that person after service, is 21 days in the case of a person residing anywhere within Canada, 28 days in the case of a person residing in the United States of America, and 42 days in the case of a person residing elsewhere.

[or, if the time for appearance has been set by order of the court, within that time.]

TIME FOR DEFENCE

A Statement of Defence must be filed and delivered to the plaintiff within 14 days after the later of

- (a) the time that the Statement of Claim is served on you (whether with this writ of summons or otherwise) or is delivered to you in accordance with the Rules of Court, and
- (b) the end of the Time for Appearance provided for above.

[or, if the time for defence has been set by order of the court, within that time.]

(1) The address of the registry is:

**[Insert the address of the registry where the action is commenced]**

(2) The plaintiff's ADDRESS FOR DELIVERY is:

**[Insert the plaintiff's address for delivery (4)]**

Fax number for delivery (if any): **[Insert fax number]**

(3) The name and office address of the plaintiff's solicitor is:

**[Insert address (5)]**

The plaintiff's claim is . **[(6)]**.....[or set out a statement of claim in Form 13].....

Dated **[Insert date signed]**

\_\_\_\_\_ **[Insert name (7)]**

THIS WRIT OF SUMMONS **[insert the words AND STATEMENT OF CLAIM if the statement of claim is attached to this document]** is filed by **[insert the name of the person filing the document, together with his or her address, telephone number and fax number].**

**(4) A physical address (not just a post office box) where documents can be delivered is required.**

**(5) You do not need to fill this section in unless you have a lawyer.**

**(6) The statement of claim may be included here, set out in a series of numbered paragraphs, or it may be set out in a separate document Form 13, Statement of Claim. If it is set out separately but attached to the writ of summons, insert here the words: "set out in the attached Statement of Claim." Remember to attach the statement of claim.**

**(7) Print the plaintiff's name below the signature line.**

## Appendix 2: PETITION TO THE COURT

FORM 3 (RULE 10 (3) )

No. **[Registry number (1)]**

**[Insert location of registry]** Registry

**[Insert style of proceeding (2)]**

### PETITION TO THE COURT

THIS IS THE PETITION OF:

**[Insert the full name and address of each petitioner (3)]**

ON NOTICE TO:

**[Insert the full name and address of each respondent (4)]**

Let all persons whose interests may be affected by the order sought TAKE NOTICE that the petitioner applies to court for the relief set out in this petition.

#### APPEARANCE REQUIRED

IF YOU WISH TO BE NOTIFIED of any further proceedings, YOU MUST GIVE NOTICE of your intention by filing a form entitled "Appearance" in the above registry of this court within the Time for Appearance and YOU MUST ALSO DELIVER a copy of the "Appearance" to the petitioner's address for delivery, which is set out in this petition.

YOU OR YOUR SOLICITOR may file the "Appearance". You may obtain a form of "Appearance" at the registry.

IF YOU FAIL to file the "Appearance" within the proper Time for Appearance, the petitioner may continue this application without further notice.

#### TIME FOR APPEARANCE

Where this Petition is served on a person in British Columbia, the time for appearance by that person is 7 days from the service (not including the day of service).

Where this petition is served on a person outside British Columbia, the time for appearance by that person after service, is 21 days in the case of a person residing anywhere within Canada, 28 days in the case of a person residing in the United States of America, and 42 days in the case of a person residing elsewhere.

[or, where the time for appearance has been set by order of the court, within that time.]

**(1) The court registry will insert the registry number. Once you have this number, you need to use it on all your documents. It is part of your style of proceeding.**

**(2) Use petitioner(s) and respondent(s), (not plaintiff(s) and defendant(s)), in the style of proceeding. Do not include addresses here.**

**(3) Capitalize the name of each petitioner, then follow the name with the complete address of that petitioner. Each address must include a physical location (not just a post office box) where documents can be delivered.**

**(4) Capitalize the name of each respondent, then follow the name with the complete address of that respondent. Use the registered address of corporate respondents, and if using the address of a respondent's lawyer, make sure before you serve the petition that the lawyer is willing to accept service.**

TIME FOR RESPONSE

IF YOU WISH TO RESPOND to the application, you must, on or before the 8th day after you have entered an appearance,

- (a) deliver to the petitioner
  - (i) 2 copies of a response in Form 124, and
  - (ii) 2 copies of each affidavit on which you intend to rely at the hearing, and
- (b) deliver to every other party of record
  - (i) one copy of a response in Form 124, and
  - (ii) one copy of each affidavit on which you intend to rely at the hearing.

(1) The address of the registry is:

**[Insert the address of the registry where the petition is filed]**

(2) The petitioner's ADDRESS FOR DELIVERY is:

**[Insert the petitioner's address for delivery (5)]**

Fax number for delivery (if any): **[Insert fax number]**

(3) The name and office address of the petitioner's solicitor is:

**[This is filled in only if you have a lawyer representing you]**

The petitioner applies for an order that **[set out orders sought in numbered paragraphs or attach a draft order in numbered paragraphs]**.

The petitioner will rely on **[set out Rule(s) or legislation relied on]**.

At the hearing of this petition will be read the affidavit(s) of **[(6)]**, copies of which are served herewith.

The facts upon which this petition is based are as follows **[set out briefly the relevant facts in numbered paragraphs]**

The petitioner estimates that the application will take **[Insert the length of time the application will take (7)]** minutes.

Dated **[Insert date signed]** \_\_\_\_\_

**[Insert name (8)]**

THIS PETITION is filed by **[insert full name, address, telephone and fax number of person who is filing the document]**

**(5) This address must be a physical address (not just a post office box) where documents can be delivered.**

**(6) Set out the name, the number of the affidavit, and the date sworn for each affidavit, as follows: Affidavit #1 of James Smith, sworn August 12, 1995.**

**(7) Be accurate when giving your time estimate. If you over-estimate, it will take longer to get the application heard; if you under-estimate, the Master or Judge may send you away to re-book a different hearing date.**

**(8) Print the petitioner's name below the signature line.**

### Appendix 3: ENDORSEMENT ON ORIGINATING PROCESS FOR SERVICE OUTSIDE BRITISH COLUMBIA

Form 6 (Rule 13 (2) )

#### ENDORSEMENT ON ORIGINATING PROCESS FOR SERVICE OUTSIDE BRITISH COLUMBIA **[(1)]**

The plaintiff claims the right to serve this writ [or petition] on the defendant **[Insert name of each defendant who is to be served outside British Columbia]** outside British Columbia on the ground that

**[(2)]**

**(1) This endorsement must be included in a writ of summons, writ of summons and statement of claim or petition where the party being served will be served outside of British Columbia. It should be typed right on the document.**

**(2) Set out the reason from Rule 13(1) why you need to serve a person outside of British Columbia.**

## Appendix 4: STATEMENT OF CLAIM

FORM 13 (RULE 20 (1) )

**[insert style of proceeding]**

**STATEMENT OF CLAIM [(1)]**

**[(2)]**

1. ...

2. ...

The plaintiff claims as follows: **[(3)]**

(a) ...

(b) ...

Place of trial **[insert place of trial, e.g. Vancouver, British Columbia]**

Dated **[Insert date signed]** \_\_\_\_\_

**[Insert name (4)]**

THIS STATEMENT OF CLAIM is filed by **[insert full name, complete address, telephone number and fax number of person filing the document].**

**(1) A statement of claim can be filed separately, or can be attached to a writ of summons.**

**(2) Set out facts in numbered paragraphs. Each paragraph should contain only one fact. Use headings and sub-headings if necessary.**

**(3) Set out the remedies you want in numbered paragraphs.**

**(4) Print the plaintiff's name below the signature line.**

## Appendix 5: AFFIDAVIT

FORM 60 (RULE 51 (2) AND (6) )

**[insert style of proceeding]**

### AFFIDAVIT

I, **[insert full name, address and occupation of person swearing the affidavit]** MAKE OATH **[or SOLEMNLY AFFIRM]** AND SAY THAT :

1. I am the **[insert relationship to the party]** to the defendant/plaintiff in this action and as such have knowledge of the matters hereinafter deposed to, save and except where same are stated to be based on information and belief and where so stated I verily believe same to be true. **[(1)]**
2. **[(2)]**
3. ...

SWORN **[or AFFIRMED]** BEFORE \_\_\_\_\_ )  
ME in the **[(3)]** of **[insert location]** )  
in the Province of British Columbia )  
on this **[date]** day of **[month, year]** ) **[(4)]** \_\_\_\_\_

A Commissioner for taking affidavits  
for British Columbia **[(5)]**

### ENDORSEMENT OF INTERPRETER **[include only where necessary]**

I, **[set out name, address and occupation of interpreter]**,  
certify that:

1. I have a knowledge of the English and **[set out the language the affidavit has been translated into]** languages and I am competent to interpret from one to the other.
2. I am advised by the deponent and verily believe that the deponent understands the **[set out the language used by the deponent]** language.
3. Before the affidavit on which this endorsement appears was made by the deponent I correctly interpreted it for the deponent from the English language into the **[set out the language used by the deponent]** language and the deponent appeared to fully understand the contents.

Dated \_\_\_\_\_

**[signature of interpreter]**

**(1) The first paragraph of every affidavit should set out relevant information about the person swearing the affidavit. This is a standard form of this first paragraph.**

**(2) Each paragraph of an affidavit should deal with one item and should be set out in an organized way, (e.g., chronologically. Use headings and sub-headings if necessary).**

**(3) Insert the type of location (e.g., city, town, village, etc.).**

**(4) The full name of the person swearing the affidavit goes under the signature line. Use capital letters.**

(5) The full name of the commissioner should be typed or legibly printed below their signature.