



There are many steps to take between starting or replying to a claim and getting a result. Knowing the process will help you prepare.

Some procedures may differ, depending on the type of case and the court location.

## **Claims from \$5,001 to \$10,000 in Vancouver and Richmond**

In Vancouver and Richmond, justice of the peace adjudicators may hold one-hour simplified trials for cases with a monetary value of \$5,001 to \$10,000.

In a simplified trial, you or your lawyer will be asked to state the facts, file any documents you rely on and respond to the other party. The justice of the peace adjudicator may ask you questions, ask you to swear to the truth of your statement, permit witnesses, and allow you or your lawyer to ask the other party questions. They will provide their decision immediately or within 30 days.

In all Provincial Court locations other than Vancouver and Richmond, claims for \$5001 to \$10,000 are dealt with in the same way as claims for up to \$35,000.

## **Steps in claims from \$5001 to \$35,000**

### **1. Claimant files Notice of Claim**

A small claims court case starts when the claimant, the person suing, fills out a *Notice of Claim* form and files it in a court registry. In the form, the claimant describes what happened and states the amount they are suing for.

[Small claims - making a claim for proceedings initiated in small claims court \(Government of BC\)](#)

### **2. Claimant serves defendant**

After filing a *Notice of Claim*, the claimant must serve it on the defendant. This means they must give it to the person, people or company they are suing. There are specific rules about how and when you can serve a *Notice of Claim*.

[Serving documents \(Government of BC\)](#)

### **3. Defendant files a reply and may make a counterclaim or third party claim**

After receiving the *Notice of Claim*, the defendant must fill out and file a *Reply* form. The defendant can choose how to respond. They can agree to pay the amount claimed, agree to pay part of it, or oppose all or part of the claim. A defendant served in BC has only 14 days to file a *Reply* in the court registry. The court registry sends the *Reply* to the claimant.

The defendant can also make:

- A counterclaim (a claim against the claimant)
- A third party claim (a claim against someone else if the defendant thinks they are responsible for the claimant's damages)

[Replying to a claim \(Government of BC\)](#)

### **4. Mediation (if requested)**

Mediation is a process where a trained mediator helps parties reach an agreement. Both parties can agree to hire a mediator to help them resolve their conflict. Under *Small Claims Rule 7.3*, one party can require the other party to attend mediation for claims between \$10,000 and \$35,000.

[Mediation for claims between \\$10,000 and \\$35,000 \(Government of BC\)](#)

[Small Claims Rule 7.3](#)

### **5. Settlement conference**

After court forms are filed, the next step will usually be a settlement conference. Parties attend remotely using a computer or phone and the Microsoft Teams platform. A judge meets with the parties to explore ways to settle the claim.

If settlement isn't possible, the judge will usually make orders to help the parties prepare for trial. This includes making orders to exchange all relevant documents and summaries of what witnesses will say.

The court registry sets the date of the settlement conference and notifies the parties. If they have lawyers, their lawyers may attend.

[Small claims settlement conferences](#)

## **6. Trial conference (in some cases)**

If a case is not settled at the settlement conference, the parties may need to attend a trial conference. This is a short video conference to make sure everyone is ready for the trial. At the trial conference a judge reviews the claim and may make orders to prepare for the trial. Either the settlement conference judge or the court registry will notify you if you must attend a trial conference.

[Small claims trial conferences](#)

## **7. Trial**

If parties don't agree on all issues at a settlement or trial conference, they will be given a date for a trial. At the trial each party presents their case to a judge in a courtroom. The parties (or their lawyers, if they have them) can question witnesses, present evidence and make legal arguments.

[Small claims trial](#)

## **8. Decision and orders**

After considering the evidence and the law, the trial judge will make a decision. They may dismiss the claim, make a payment order or make another type of order.

The judge's orders may use the wording in the Small Claims Picklist. This is a list showing

standard wording for common court orders.

[Small Claims Orders Picklist](#)

## 9. After a trial

Even when a judge makes a payment order, the debtor sometimes does not pay immediately. A judge can order the debtor to make payments on a payment schedule. Either party may ask for a “payment hearing” to get a payment schedule. If a debtor continues not paying, there are other steps a creditor can take.

[Getting results \(Government of BC\)](#)

[Enforcing small claims orders](#)

## BC Supreme Court

A Provincial Court judge cannot award more than \$35,000 plus interest and expenses. If you have a claim for more than \$35,000 in small claims court, you must abandon the amount over that limit. People sometimes choose to give up part of their claim in order to use the simpler procedures in small claims court.

If your claim is for more than \$35,000, you may decide to go to the BC Supreme Court. That court offers a Fast Track Litigation process for claims over \$35,000 that is intended to streamline the process and reduce the cost of suing in that court.

## Notices, policies, practice directions

Find notices (including Notice 28 Current Court Operations), policies and small claims practice directions.



## Small Claims Forms

Small claims forms and small claims filing assistant to help you complete your forms.  
(Government of BC)



## **Finding a lawyer or getting legal advice**

Information about getting a lawyer and how to get legal advice and legal assistance.



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