

Reply Checklist

If you have received a filed Notice of Claim or Notice of Civil Resolution Tribunal (CRT) Claim you may wish to follow this checklist to help you make your reply. **DO NOT IGNORE** - if you do nothing you will not be able to defend yourself and the other party may get a default order against you

If you received a Notice of CRT Claim

You do not need to make a reply as the response to the claim made in the CRT will continue as the reply in Small Claims Court ONLY IF

A response was filed and served in the CRT

- The response is attached to the Notice of CRT claim

If you receive a Notice of CRT Claim where a reply is necessary, you can do any of the options available to a defendant served with a Notice of Civil Claim EXCEPT counterclaim or add another party without permission of a judge. See steps below.

Making a reply

- Read instructions** on blank reply form (Form 2) which should have been provided to you when you were served
- Act quickly:** If you received a Notice of Claim or Notice of CRT Claim, file your reply within **14 days** or within **30 days** if you were outside of BC when you were served.
- Decide** whether you
 - Agree with all or part of the claim and want to pay,
 - Disagree with all or part of the claim and want to dispute it
 - Want to make a claim against the claimant (counterclaim)
 - Want to add another party to the claim as you believe they are the ones who actually owe the money (third party claim)
- Complete form and file.** Complete form according to instructions. File at the same registry the claim was made. Be sure to include an address where the registry and claimant can serve you documents. The registry will send your reply to the claimant.
- Pay filing fees:** If you cannot afford filing fees, file an Application to the Registrar and ask for an exemption
- Keep negotiating.** You can try to negotiate a solution at any point during the process up until a judge makes a final decision.

If you agree with all of the claim and want to pay:

- ❑ **Pay right away.** Contact the claimant and make arrangements to pay right away (be sure to get a receipt and contact the court to tell them the claim has been paid in full) ask the claimant to then withdraw the claim, or pay the money in to the court registry and they will send the money to the claimant, or
- ❑ **Propose a payment plan:** If you can't pay the whole amount right away, fill out the "Agreement with the claim" section on the reply form or contact the claimant and agree to a schedule. You may then file a consent order detailing the payment plan. As long as you follow the payment plan, the lawsuit will be over. If the only thing you cannot agree on is a payment plan you may need to go to a payment hearing so that a judge can help you work out an appropriate plan.

If you disagree with all or part of the claim:

- ❑ **Get legal advice:** To find out if you have a legal basis to dispute the claim it is usually best to get legal advice.
- ❑ **Dispute the claim:** Go through the "How Much" section of the Notice of Claim or Notice of CRT Claim and say what you disagree with and why. You might say that the claimant has the facts wrong or that there is no legal basis for the claim. Also say if there is any part you do agree with.
- ❑ **Counterclaim:** If you think you have a claim against the claimant, you can add a counterclaim. If your counterclaim is for more than \$35,000 (not including interest or expenses) you must either file in Supreme Court or abandon the amount over \$35,000.
- ❑ **Add a third party:** If you think that it is actually another person who is responsible for paying the claim you can file and serve a Third Party Notice form.