

Starting a Claim Checklist

You may want to use this checklist to make sure you have considered all the steps in making a claim.

- **Check the limitation date for your case:** Make sure to file your Notice of Claim before it runs out.
- **Court location:** Be sure to start your lawsuit in the correct court location. It should be in the court nearest to:
 - where the defendant lives or conducts business, or
 - at the court that is nearest to where the event occurred.
- **Fill out the [Notice of Claim](#):** Be sure to use the correct form and follow the instructions. If you need help filling it out use the [Filing Assistant](#) or ask court registry staff.
- **Claimant's name and address:** Be sure to use your full name or your company's full name. Give a current address where you can be mailed documents either by the court or by the defendant.
- **[Form 38, Address For Service](#),** allows parties to indicate an email address for service, which can also be used by the registry to provide notification (eg. of a settlement conference) by email.
- **Defendant's name:** Be sure to put the correct name of the person or company who is being sued.
- **Company Name Search:** If you are suing a company, conduct a company search with BC Registry Services and attach the title search to the Notice of Claim.
- **Read the rules** for naming companies, partnerships or societies, if applicable. See [Rule 1](#) of the Small Claims Rules.
- **Describe what happened in your case:** Be sure to tell your story in a logical way by giving dates, times and the location of the events that gave rise to your lawsuit.
- **Detail what you want from the defendant:** Be sure to describe clearly what you are asking for and make it clear how you arrived at the amount you are claiming.
- **File your Notice of Claim with the registry:** Have your fees ready. The court registry staff will tell you what your total filing and service fees will be for your claim. You can pay by cash, personal or company cheque, certified cheque, money order or bank draft payable to the Minister of Finance.
- **Arrange to have your Notice of Claim and a blank Reply form served on the defendant:** You can do this by registered mail, give it to them yourself in person, or have someone else serve it (sometimes it is best to have a friend or process server – for a fee – do so).
- If someone else serves it, you will need to have that person complete the Certificate of Service that is printed on the back of the Notice of Claim. You have up to a year to serve this.

- **Read the rules** for serving defendants who are under 19 years old and for companies, partnerships or societies, if applicable. See [Rule 2](#) and [Rule 18](#) of the Small Claims Rules.
- **Wait for reply:** Wait at least 14 days (30 days if defendant is outside of BC) for the defendant's reply. Once you have the reply you will know what will happen next - either you will have a settlement conference and/or trial or the defendant will pay you. The registry will send you the defendant's reply. If the defendant does not reply, you can apply for a default judgment.
- **Gather the documents and/or photographs you need for your case:** Be sure to have originals and enough copies for yourself, the judge and the defendant(s).