

NOTICE OF CLAIM



PROVINCIAL COURT OF BRITISH COLUMBIA

MAKING A CLAIM

Step 1

COMPLETE the NOTICE OF CLAIM. To complete the form, use a typewriter or print clearly and firmly. There are 5 copies, so be sure all copies are legible. If you accessed this form from the Ministry of Attorney General website, you may also complete it at the computer and then print it. For more help there is a booklet called "Making a Claim".



Step 2

FILE the NOTICE OF CLAIM by taking or mailing it to the small claims registry. If you are making a claim against a company or a society, you must attach a printout of a company search showing the most recent address of the registered office of the company or society on file with the Registrar of Companies. The fee for filing is \$100 for claims up to and including \$3,000, or \$156 for claims over \$3,000. The staff will check the form and, when it is accepted for filing, apply the registry stamp, add on filing and service fees, and assign a file number. Then they will return the copies you need for your records and for serving on the defendant.



Step 3

SERVE each defendant named in the NOTICE OF CLAIM with a copy of the document and a blank copy of the REPLY form. The purpose is to be sure the defendants know they are being sued, and what the case is about. For more help with service there is a booklet called "Serving Documents".



AND THEN if the defendants file a reply, the court registry will send you a copy, and set a date for a settlement conference. If no Reply is filed at the court registry within the time limit on the NOTICE OF CLAIM, you may apply for a DEFAULT ORDER. You will have to file a certificate of service to prove the NOTICE OF CLAIM has been served.

FROM:

You must be sure that the address you give is correct because this is where the registry will send any further notices or information to you. If your address changes at any time please notify the small claims registry and all parties to the lawsuit.



TO:

Are you sure you have used the proper name? If you wish to sue a company or a society, you can get the legal name from the printout of the company search.



Is there more than one defendant? If so, put both names (side by side) in the space given. Are you sure the claim(s) are a result of the same transaction or event?



WHAT HAPPENED?

You do not need to tell everything about your case here. You must tell just enough to let the defendant know what the case is about. Keep your description brief. You will have a full opportunity to present all the facts and provide supporting documents at a settlement conference or trial.



WHERE? WHEN?

A notice of claim must be filed at the small claims registry nearest to where

- a) the defendant lives or carries on business, OR
- b) where the transaction or event that resulted in the claim took place.

If the case is about a breach of contract (overdue credit account for example), tell where the contract was made or account opened or where the payments were to be made or sent.



HOW MUCH?

If your claim is made up of several parts, separate them here and show the amount you are claiming for each part.

For example:

- | | | |
|---|--------------------------------|------------------|
| a | Amount owing on unpaid invoice | \$\$\$\$\$\$\$\$ |
| b | Interest under the contract | \$\$\$\$\$\$\$\$ |

The defendant might agree with part of your claim if you show its separate parts.

The most you may claim in Provincial Court of British Columbia (Small Claims Court) is \$25,000.00, including the amount of money claimed AND the value of any goods or services claimed. This does not include interest and expenses.

If your claim is for more than \$25,000.00 and you wish to file in this court, just say in this section "I am abandoning the amount over \$25,000.00". Otherwise, you should file your claim in Supreme Court. If you choose to abandon part of your claim you cannot sue for that part later.

Are you asking for something besides money (eg. recovery of goods)? If so, fill that in and show the value but do not add the dollar amount for that part to the Total Claimed.

NOTICE OF CLAIM

IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

Print Copies

REGISTRY FILE NUMBER

Court File No. **ROB-P-C-1552686**

REGISTRY LOCATION

Vancouver

NOTICE OF CLAIM

FROM:

Fill in the name, address and telephone number of the person(s) or business(es) making the claim.

NAME **Calum Coupland** CLAIMANT(S)
ADDRESS **7276 209A Street**
CITY, TOWN, MUNICIPALITY **Langley** PROV. **BC** POSTAL CODE **V2Y-2E4** TEL. # **604 532-1923**

TO:

Fill in the name, address and telephone number of the person(s) or business(es) the claim is against.

NAME **British Columbia Hydro & Power Authority** DEFENDANT(S)
ADDRESS **333 Dunsmuir Street**
CITY, TOWN, MUNICIPALITY **Vancouver** PROV. **BC** POSTAL CODE **V6B-5R3** TEL. # **604 224-9376**

WHAT HAPPENED?

Tell what led to the claim.

See attached pages.



☒ If you need more space to describe what happened, attach another page, mark it "Page 2 of the Notice of Claim" and check this box. A copy of the attached page must accompany each copy of the Notice of Claim

WHERE?

Tell where this happened.

CITY, TOWN, MUNICIPALITY **Vancouver**
PROV. **BC**

WHEN?

Tell when this happened.

April 1 2014 to September 18 2014

HOW MUCH?

Tell what is being claimed from the defendant(s). If the claim is made up of several parts, separate them here and show the amount for each part. Add these amounts and fill in the total claimed.

| | | | |
|---|--------------------------------------|------------------------|-------------------|
| a | Payment of Electrical Power Refunded | \$ | 862.93 |
| b | | \$ | |
| c | | \$ | |
| d | | \$ | |
| <input type="checkbox"/> I am abandoning the amount of my claim that is over \$25,000 | | TOTAL | \$ 862.93 |
| TIME LIMIT FOR A DEFENDANT TO REPLY | | | |
| The defendant must complete and file the attached reply within 14 days from being served with this notice, unless the defendant settles this claim directly with the claimant. If the defendant does not reply, a court order may be made against the defendant without any further notice to the defendant. Then the defendant will have to pay the amount claimed plus interest and further expenses. | | + FILING FEES | 100.00 |
| | | + SERVICE FEES | 80.00 |
| | | = TOTAL CLAIMED | \$ 1042.93 |

The Court Address for filing documents is:

Robson Square Provincial Court
100 - 800 Hornby Street
Vancouver
British Columbia V6Z 2C5

☐ DEBT
☒ OTHER THAN DEBT



NOTICE OF CLAIM - ATTACHMENT PAGE

IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

What Happened? - Other

What led to this claim:

Re: Account 9136917 Calum S Coupland, 5172 Mar St, Port Alberni, BC, V9Y 1P5, BC Hydro invoice of November 24, 2014 to me of \$862.93.

The circumstances of this property are as follows. I brought this property in 2007, and at no time has the Hydro bill been in my name. Most of the times it is rented, thus Hydro in tenants name. However on March 30th, 2014 my existing tenant moved out. Hydro was told by the tenant that they are moving and no longer need the Hydro. This was confirmed by BC Hydro on March 6, 2015 in my complaint to the Better Business Bureau, where BC Hydro states (A review of the account indicates that on March 31, 2014 an account at 5172 Mar Street, Port Alberni was closed and new application was not received).

BC Hydro decided to keep the power on till late September when they disconnected.

In doing a check on this property in October 2014, I decided that it is time to update the bathroom, clean yard etc. Due to this I had to phone in to hook up the power. On November 3rd at 8:20 a.m. I phoned in, to hook up the power. I was told the following. BC Hydro did not disconnect the power when the tenant moved out in late March, but it was only disconnected in September 18, 2014. Due to this as the owner I had to pay the hydro for this time period.

In reading BC Hydro Terms and Conditions, the following are reasons on why I should not be charge from April 1, 2014 till September 18, 2014.

5.2. Billing 1., Bills will be rendered on the basis of actual consumption (referred to as Regular Billing) and, where applicable, the demand, registered by a meter or meters, in accordance with the Rate Schedule under which the Customer takes service, except: BC Hydro did no billing to me for over 7 months. For that reason I should not be responsible for paying from April 1, 2014 till September 18, 2014.

5.8. Back-Billing 1. Back-billing means the re-billing by BC Hydro for services rendered to a Customer Because the original billings were discovered to be either too high (over-billed) or too low (under-billed). The discovery may be made by either the Customer or BC Hydro, and may result from the conduct of an inspection under provisions of the federal statute, the Electricity and Gas Inspection Act ("EGI Act"). The cause of the billing error may include any of the following non-exhaustive reasons or combination thereof: (a) stopped meter (b) metering equipment failure (c) missing meter now found (d) switched meters (e) double metering (f) incorrect meter connections (g) incorrect use of any prescribed apparatus respecting the registration of a meter (h) incorrect meter multiplier (i) the application of an incorrect rate (j) incorrect reading of meters or data processing (k) tampering, fraud, theft or any other criminal act.

BC Hydro cannot back bill me, because it is stippled the reasons you can. Your failure to do any billing for 7 months is no fault of mine.

Following are reasoning that should void this bill for that 7 month period. (A) At no times when this rental suite has been vacant since 2007, has BC Hydro felt they had to invoice me. And it has been vacant as Port Alberni is a slow rental market. (B) To not invoice me while the electricity is on for seven months, is not fair and normal practice. Any reasonable person, mediator, or judge would see it in the same light. (C) I did not ask for the Hydro to be on, nor was I told by your billing department that is was on, from the period April 1, 2014 till September 18, 2014; for a total of 7 months.

What I want is the sum of Money I paid from April 1, 2014, to September 18, 2014 refunded. As I explained when I sent in full payment, I disagree with it, but I cannot have any outstanding bill payments on my credit report.

CERTIFICATE OF SERVICE

I certify that

I _____

served _____

on _____

at _____

with _____

by ☐ mailing a copy by ordinary mail to that person's address on _____

Date

☐ leaving a copy of it with him or her.

☐ mailing a copy of it by registered mail to him or her.

☐ mailing a copy of it by registered mail to the registered office of the company.

☐ leaving a copy of it ☐ at the registered office of the company.

☐ at the place of business of the company, with a receptionist or a person who appears to manage or control the company's business there.

☐ with a director, officer, liquidator, trustee in bankruptcy or receiver manager of the company.

☐ mailing a copy of it by registered mail to the attorney shown in the corporate registry.

☐ leaving a copy of it with the attorney shown in the corporate registry.

☐ leaving a copy of it at the head office shown in the corporate registry if that head office is in British Columbia.

☐ mailing a copy of it by registered mail to the head office shown in the corporate registry if that head office is in British Columbia.

☐ mailing a copy of it by registered mail to a partner.

☐ leaving a copy of it ☐ with a partner.

☐ at the place of business of the partnership, with a person who appears to manage or control the partnership business there.

☐ with a receptionist who works at a place of business of the partnership.

☐ giving a copy to the clerk, deputy clerk or a similar official.

☐ leaving a copy of the notice with the defendant's mother, father or guardian.

☐ mailing a copy of it by registered mail to the address for service on file with the Registrar of Companies.

☐ leaving a copy of it ☐ at the address for service on file with the Registrar of Companies.

☐ with a director, officer, receiver manager or liquidator of the society.

☐ mailing a copy of it by registered mail to the attorney of the society appointed under section 77 of the *Society Act*.

☐ leaving a copy of it with an attorney appointed under section 77 of the *Society Act*.

☐ mailing a copy of it by registered mail to the registered office of the association.

☐ leaving a copy of it with an officer of the association or, in the case of a trade union, with a business agent.

☐ mailing a copy of it by registered mail to a place of business or registered office of the corporation outside British Columbia.

☐ leaving a copy of it ☐ at a place of business or registered office of the corporation outside British Columbia with a receptionist or a person who appears to manage or control the corporation's business, or

☐ with a director, officer, liquidator, trustee in bankruptcy or receiver manager of the corporation.

☐ (fill in any instructions given by a judge or registrar for service)

NOTE: You must give proof of service by REGISTERED MAIL by attaching one of the following:

1. a copy, produced by fax or otherwise, of the signature obtained by Canada Post at the time the document was delivered.
2. a print-out of the delivery confirmation made available on the Internet by Canada Post (<http://www.canadapost.ca>).

Date

Signature of person who served the document

CERTIFICATE OF SERVICE