

OFFER TO SETTLE

In the Provincial Court of British Columbia (Small Claims Court)

REGISTRY FILE NUMBER

REGISTRY LOCATION

OFFER TO SETTLE

In the case between:				CLAIMANT(S)
NAME _____				
ADDRESS _____				
CITY, TOWN, MUNICIPALITY _____	PROV. _____	POSTAL CODE _____	TEL. # _____	
and				DEFENDANT(S)
NAME _____				
ADDRESS _____				
CITY, TOWN, MUNICIPALITY _____	PROV. _____	POSTAL CODE _____	TEL. # _____	
				THIRD PARTY
NAME _____				
ADDRESS _____				
CITY, TOWN, MUNICIPALITY _____	PROV. _____	POSTAL CODE _____	TEL. # _____	

OFFER TO SETTLE:
The claimant(s) or defendant(s) or third party

NAME _____
offer to settle this claim(s) in the following terms:

Dated _____

at _____

Signature _____

<p>TIME LIMIT FOR AN OFFER An offer to settle may be made up to 30 days after the conclusion of a settlement conference or mediation session, or later if permitted by a judge. A party who receives an offer has 28 days after being served with the offer to accept the offer. No response will be considered a rejection.</p> <p>ACCEPTANCE OF OFFER To accept the offer to settle, the party must complete an Acceptance of Offer (Form 19) and serve the other party within 28 days of being served with the offer.</p> <p>FILING OFFER AND ACCEPTANCE If a party served with an acceptance of offer files the offer and the acceptance in the registry, the acceptance becomes a payment order.</p> <p>NOTICE OF PENALTY A trial judge may order a party to pay a penalty if the offer to settle has been rejected. A penalty is in addition to any other expenses and may be up to 20% of the amount of the offer to settle.</p> <p>THE COURT ADDRESS FOR FILING DOCUMENTS IS: _____</p> <p>_____</p> <p>_____</p>	<p>EXPIRY DATE OF OFFER</p> <p>_____</p> <p>REGISTRY USE ONLY</p> <p>Dated _____</p> <p>Signature _____</p>
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CERTIFICATE OF SERVICE

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I certify that

Fill in:
your name;
the name of the party or other person served;
the date service took place;
the street address or location, city and province where service took place.

I _____
served _____
on _____
Date
at _____

Name the documents that you served.

with _____

Tell how service took place by checking appropriate box(es) for:

ordinary mail and fill in the date mailed;

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

an individual;

- leaving a copy of it with him or her.
- mailing a copy of it by registered mail to him or her.

a company as defined in the *Business Corporations Act*;

- 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.

an extraprovincial company as defined in the *Business Corporations Act*;

- 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.

a partnership;

- 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.

a municipal corporation, regional district or other local government body;

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

a young person;

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

a society as defined in the *Society Act*;

- 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.

an extraprovincial society as defined in the *Society Act* (if no attorney has been appointed, check one of the 2 preceding boxes for a 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*.

an unincorporated association or trade union;

- 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.

a corporation incorporated outside British Columbia if it is not an extraprovincial company;

- 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.

alternate service method ordered by the Court.

- (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