

Basics

Where to File

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Where to File

BC Supreme Court can hear many different types of issues, but it still might not be the right place to start your claim. Different issues must be heard in different places. If you start a court proceeding in the wrong venue, this can lead to cost, and delay, and possibly mean that a limitation period is missed (see **Limitation Periods**). Therefore, it is important to think at the outset carefully about where you need to go. If you are not certain where you should file your case, you should seek legal advice from a lawyer.

If you've determined the BC Supreme Court is the right venue for your claim, you must then decide in which court registry to file your documents.

Generally, claims are started in the registry most convenient to the person starting the proceeding. If you live in Langley, don't forget that if you start the proceeding in Vancouver, you are going to be traveling to Vancouver to file your documents and attend court hearings. A court in New Westminster or Chilliwack might be more convenient.

Is BC Supreme Court Right for Me?

The British Columbia Supreme Court (sometimes referred to as the BCSC or simply the Supreme Court) is the highest-level trial court in the province. It also hears most appeals from Provincial Court and judicial reviews from administrative tribunals.

Litigation in the Supreme Court can be complicated, time-consuming, and expensive. Though you do not need a lawyer to be heard at the Supreme Court, the process was not designed with self-represented people in mind.

Supreme Court Jurisdiction

For civil claims, the BC Supreme Court will hear claims valued \$35,000 and up. Claims valued between \$5,001 to \$35,000 must usually be started in Small Claims Court, a division of the BC Provincial Court. Most claims for \$5,000 or less should be started in the Civil Resolution Tribunal (the “CRT”). There are some very important exceptions!

In addition to hearing claims for more than \$35,000, the Supreme Court also hears:

- **Injunctions:** An injunction is where a Court orders that someone does something, or not do something
- **Family Law Matters:** The Supreme Court hears cases involving divorce, adoption, the division of family property, and parenting arrangements resulting from a separation. More information on family law proceedings in the Supreme Court can be found [here](#)
- **Certain Criminal Matters:** The Supreme Court hears some of the most serious criminal cases, including murder, manslaughter, aggravated assault, bank robbery, contempt of court, and major drug cases. More information on criminal proceedings in the Supreme Court can be found [here](#)
- **Appeals from Provincial Court:** Appeals from the Provincial Court are heard in BC Supreme Court. For example, a party unsuccessful in a small claims matter may ask the BC Supreme Court to review the decision. Information on appealing a small claims decision can be found [here](#). See also [Appeals to the BC Supreme Court](#)

Judicial Review of decisions from Provincial decision-makers: Decisions affecting rights and interests are made by many government officials. For example, issues around housing rental are made by the Residential Tenancy Branch. Decisions about workers’ compensation are made by WorkSafe BC. The Supreme Court provides oversight of those bodies and can hear “judicial review” applications challenging such decisions. More information about judicial review applications is found in the [Judicial Review](#)

Exceptions:

CRT Jurisdiction: Some issues are under the jurisdiction of the Civil Resolution Tribunal such as many strata issues, societies and cooperatives issues, and vehicle accident claims. Be sure to review the Civil Resolution tribunal's [website](#) to learn more about the types of cases they deal with.

Tribunal Jurisdiction: There are some issues that are under the jurisdiction of an administrative tribunal and must be brought there first, such and most disputes between a landlord and tenant (the Residential Tenancy Branch).

Abandoning part of a claim: If you want to take advantage of the simpler rules and processes of Small Claims Court, you can abandon the amount of your claim over \$35,000. You will not be able to make a later claim for the amount abandoned.



Learn More

[SmallClaimsBC.ca - Is Small Claims Court for me?](#)

Courthouses & Registries

The British Columbia Supreme Court has courthouses all over the province. A map showing court locations can be found [here](#).

Each courthouse has a registry where documents can be filed. Each court registry maintains its own files for each action begun in that registry. They are the official record keepers of pleadings and all other documents that are filed in relation to each case. Their staff also reviews documents to ensure that they are in the correct form before accepting them for filing.

Court registry staff are helpful and may be able to point out small errors in the form of the document before you file it, but remember that they cannot give you legal advice. When you submit your completed documents, court registry staff will check to make sure they meet the standards before accepting them for filing. You are responsible for including all other information required by the court and ensuring that it is correct.

The courts and registries are extremely busy. Matters may not move as quickly through the courts as you would expect.

Action or Petition

There are two main types of proceeding in the British Columbia Supreme Court: **actions** and **petitions**.

Whether you start an action or a petition is not a matter of choice. Rather, some types of claims have to be brought by actions while others have to be brought by petition. It is important to read the rule and get legal advice if you are not sure which type of proceeding is correct for your situation.



Read the Rules

Rule 2-1 Choosing the correct form of proceeding.

What Are Actions and What Are Petitions?

An action: Is started with a form called a *notice of civil claim*. This is the most common form of a lawsuit between two or more parties. Unless there is a rule that says otherwise, you are to start your lawsuit with a notice of civil claim. For more information on preparing a notice of civil claim, see **Preparing Your Documents**.

Actions covers cases such as financial debt, motor vehicle accidents, construction disputes, wrongful termination of employment, malpractice, and numerous other types of cases. Generally speaking, if you want to “sue” someone for money, you will start an action.

A petition proceeding: In very general terms, covers matters such as judicial review, wills and estates, guardianship, adoption, bankruptcy, and foreclosure. **Rule 2-1** sets out the particular actions that must be commenced by petition. Further information on petition proceedings is covered in Rule **16-1**. For more information about preparing a petition, see **Petitions**.

You may be familiar with court proceedings and trials, but proceedings commenced by petition are different in several ways. First, the person starting the action is



called the petitioner, and the person defending the action is called the petition respondent. If a proceeding is started with a petition, there is no trial with witnesses. Instead, the matter is heard by a judge, and the evidence is presented by affidavits only.

If in doubt about which type of proceeding to file, you should seek legal advice to answer this key question. If you make a mistake and start the wrong kind of process, the Court can correct that error. If you are up against a Limitation Period (see **Limitation Periods**) then you should make sure you get something filed by the limitation date even if you are not certain whether it should be a petition or an action.

This chart sets out the major differences between the two types of court proceedings:

	Actions	Petition
Start the claim using:	Notice of civil claim (Form 1)	Petition to the court (Form 66)
Parties are called:	The person or business starting the case is called the plaintiff and the person or business being sued is called the defendant.	The person or business starting the case is called the petitioner and the person or business being sued is called the petition respondent. (Note that in some cases, there may only be a petitioner, and no respondent.)
Type of hearing:	Full or summary trial	Hearing before a judge
Type of evidence to support the claim:	Witnesses come to court to testify in person and the court also considers documentary evidence.	Witnesses do not give evidence in person. All evidence is given in the form of affidavits.
Process:	More complicated. The notice of civil claim is usually used when the facts of the claim are in dispute. Because the court may need to determine the	Less complicated. The petition is usually used in cases where the facts are not in serious dispute so that they can be determined by a judge reading the evidence set out in

Facts are presented:	<p>facts so it can make a decision about the claim, a trial is often necessary.</p> <p>The notice of civil claim (Form 1) is used to present the facts supporting your claim. It also sets out the relief that you want the court to grant against each defendant.</p>	<p>affidavits. In some cases, a petition must be used to start a claim.</p> <p>The petition includes a short statement of facts supporting the claim. Instead of a notice of civil claim, a sworn affidavit is filed with the petition. The person swearing the affidavit swears that the facts in the petition are true.</p>
Discovery of documents and people:	<p>Before the trial, the plaintiff and defendant are both entitled to see the evidence of the other party (document discovery) as well ask questions of the other side in a meeting called an examination for discovery.</p>	<p>Before the hearing, the petitioner cannot ask for documents from the petition respondent or ask them questions. All evidence is presented in the form of affidavits.</p>

Forms

In order to move your case forward in BC Supreme Court, you will need to use standard court forms. You can find information about using BC Supreme Court Civil forms under the **Court Forms** tab on this website.

You can also find a complete list of forms on the **Supreme Court Civil Rules Forms** BC Government website.



Learn More

Supreme Court Civil Rules Forms also provides you with a troubleshooting guide if you are having issues opening or using the online forms.

Get Help



Please refer to these **instructions** for saving and opening the forms. If you are not familiar with how Supreme Court forms work, you may want to read the government's **user guide**. If you continue to have difficulty using the forms after reading the guide, please contact: AGCSBSmartforms@gov.bc.ca.

Filing

Once your documents are completed, it is time to file them at the court registry. You will need:

- One copy for the court registry
 - One copy for your file
 - One copy for each of the other parties and
 - The appropriate number of copies for affidavits of service, if required.
- See **Serving Documents**

The documents can be filed with some court registries by fax (see **Rule 23-2**).



Learn More

For more information on filing by fax, see **how to file by fax**

The registry will stamp each document with the date it was filed. The original documents will be placed in the court file. The registry will return the copies to you to deliver to the plaintiff. You should bring along an extra copy of all your documents so the registry can stamp and return a copy for your file.

Court registry staff are helpful and may be able to point out small errors in the form of the document before you file it, but remember that they cannot give you legal advice. When you submit your completed documents, court registry staff will check to make sure they meet the standards before accepting them for filing. You are responsible for including all other information required by the court and ensuring that it is correct.

Once you have paid the filing fees or have an order from the court waiving the fees, the registry:

- Opens a file
- Gives your case a registry file number (this is the permanent identification number for your case that is stamped at the top of your document)
- Stamps and returns the copies of the document to you

Fees

You will need to pay the applicable registry filing fees. The fees are listed in **Schedule 1 of Appendix C to the Rules**.

Appendix C sets out the court fees payable:

- To the court registry for:
 - Filing documents
 - Scheduling a trial date
 - Copying court documents
 - Renting rooms for examinations for discovery
- To witnesses for:
 - A daily witness fee
 - Travel
 - Allowances
 - Preparation
- To the sheriff for:
 - Service of documents
 - Searches
 - Various other services

These fees change from time to time, so you should check with the court registry, at the courthouse library or on the court website for the current fees payable in each case.



Read the Rules

Fees are contained **in Appendix C of the Rules of Court**

If You Can't Afford The Fees

If you can't afford the filing fee, you can file an application with the court to have the fee waived. This is called an application for "No Fee" status. You can apply by filing a requisition, a draft order, and an affidavit and following the steps set out in [Rule 20-5](#).



Read the Rules

[Rule 20-5](#) Persons who are not required to pay fees



Find the Form

[Form 17](#) Requisition

[Form 79](#) Draft of the proposed order

[Form 80](#) Affidavit in support of order to waive fees

No fee status was previously called "indigent" status, and you may see it referred to by that name in earlier cases. (You can find information about filing a requisition in [Requisitions](#).)

An order for no fee status only waives the fees payable to the Crown. There are many other fees (including court reporters and the costs of transcripts) that you will still have to pay.

Serving Documents

Once your documents are filed, you must serve the other parties with a stamped copy of those documents. Serving documents has a special meaning. It means you give the documents to the other party according to the rules. Depending on the type of document you need to serve the other parties either by **personal service** or **ordinary service**. Failing to follow the right rule can cause issues with your claim and waste time so it is important you make sure you follow the right process.



Read the Rules

Rules 4-1 to 4-6 Serving documents

Personal Service

Some documents, such as the Notice of Civil Claim and Notice of Petition, which start the proceedings, require more strict rules for service for other documents. This is because the court wants to be absolutely certain that all the parties are aware of the lawsuit. It would not be fair to make an order against someone who had no chance to defend themselves! A full list of documents requiring personal service is listed in **Rule 4-3(1)**.

Personal service means having to have a person physically leave the documents with the person or organization they are serving. You can serve documents yourself or have someone else do this for you. A process server is a professional document server and if you anticipate having trouble reaching a party, you might consider using a process server. Process servers can be found online.

How to serve someone personally

Personal service looks different for different types of other parties. Be sure to read the rules but generally documents must be personally served on the other party, as follows:

- **Individuals:** Leave a copy of the document with them
- **Corporations:** Leave a copy of the document with the president, chair, or other chief officer of the corporation
- **Other corporations:** Leave a copy of the document with the manager, cashier, superintendent, treasurer, secretary, clerk or agent of the corporation or any branch or agency of the corporation in BC
- **Cities and municipalities:** Leave a copy with the city clerk or municipal clerk
- **Unincorporated associations:** Leave a copy of the document with any officer of the association
- **Trade unions:** Leave a copy of the document with any officer of the trade union or with a business agent

- **Government bodies:** By following the rules that explain how to serve that body (check the government website or the courthouse library for more complete information)



Read the Rules

Rule 4-3 Personal service

Ordinary Service of Other Documents

In general you can serve other documents (that do not require personal service) in your court case by:

- Leaving the document at the person's address for service
- Mailing the document by ordinary mail to the person's address for service
- Sending the document by fax **if** a fax number is provided as an address of service (see the provisions of Rule 4-2(5), which say when the document can be faxed, depending on its length) or
- Sending it by email **if** an email is provided as an address for service



Read the Rules

Rule 4-2 Ordinary service

How to Prove That the Documents Were Served

It is important to be able to prove that the party you are suing has been served with the notice of civil claim or petition. Otherwise, the party could deny that they have any knowledge of the claim against them.



Read the Rules

Rule 4-6 Proving service

If the other party responds to your notice of civil claim or petition by filing a reply, that proves that they were properly served with your court documents. In all other situations, you can prove that you served the documents properly by filing an affidavit of personal service in **Form 15**.



Find the Form

Form 15 Affidavit of Personal Service

If other court documents were served by ordinary service, you can prove that they were served by filing an affidavit of ordinary service in **Form 16**. You can also file a requisition in **Form 17** and attached a written acknowledgment of receipt, signed by the party or lawyer on whom the document was served. You can find information about filing a requisition in **Requisitions**.

When Do You Have to Serve the Court Documents?

You must serve the notice of civil claim or petition and supporting affidavits within 12 months of when it was filed in the court registry. If it is not served within 12 months, it will expire and that could be a very serious matter if a limitation period is involved, including the loss of your ability to bring your case to court. So, you could file your notice of civil claim or petition on March 1, 2022 and serve it any time before March 1, 2023.

You might want to delay serving the notice of civil claim or petition as soon as it is filed if, for example, you are close to negotiating a settlement of your claim.

If you cannot serve your notice of civil claim or petition within 12 months, you must apply to the court to extend the time before it expires.

If You Have Problems Serving a Document

There will be times when you have difficulty personally serving a notice of civil claim or petition. The defendant or respondent may be avoiding you or you may not be able to find them after making a diligent search. In this situation, you can get a court order giving you permission to use an alternate method of service. **Rule 4-4** sets out the information that you need to consider.



Read the Rules

Rule 4-4 Alternative methods of service

NOTE: These options are not available if you are trying to serve documents in a family law case.

You can get a court order for substituted service, which means that you may be able to mail the document to the person's last known address, leave it at their home, leave it with another adult at that address, or publish an advertisement in the newspaper (to get an order allowing you to serve through publication, use **Form 10**).

When you apply to the court for an alternate method of service, you must prepare an affidavit stating:

- When, how, and where you tried to serve the person, what happened and how many times you tried to serve the document
- What happened when you tried to serve the person (the following are some examples of teething's that might happen):
 - There was no answer when you knocked on the door
 - Someone appeared to be at home when you knocked, but wouldn't come to the door or
 - The house looked deserted

You can find information about preparing an affidavit see **Affidavits.**)

If the court grants an order for an alternate method of service, you must serve a copy of the entered order permitting that alternate method with the document you are serving, unless the alternate method of service is by newspaper advertisement (**Rule 4-4(2)**).

Service Outside of British Columbia

If one of the defendants lives outside of British Columbia, **Rule 4-5** states that you need to include in your notice of civil claim an endorsement (**Form 11**), which specifies the circumstances under which service is permitted.

The circumstances under which service outside of BC is allowed are outlined ***in s. 10 of the Court Jurisdiction and Proceedings Transfer Act***. In general, you must show that there is a real and substantial connection between BC and the facts of the case. A typical example would be if you were involved in a motor vehicle accident in BC and the defendant resides outside of the province.

You do not need to personally serve the petitioner with your petition response and affidavits. If the address for delivery is the residential or business address of the petitioner and they do not have a lawyer acting on their behalf, you can deliver your document:

- By leaving the documents with any adult at that address; or if that is not possible
- By placing the documents into a mailbox or mail slot at that address; or if that is not possible
- By affixing the documents to a door of the residence or business

You want to be sure that the petitioner gets your petition response and affidavits. The easiest way to do this is to:

- Attach your documents to a letter (whether you mail, fax, or deliver the document) to the petitioner
- Include an extra copy of the letter and ask the petitioner to acknowledge receipt on the copy of the letter and return it to you
- Keep a copy of the letter in your file with the acknowledgment of receipt in case you need it in the future
- If the other party does not acknowledge receipt of the documents, you will need to file an affidavit of delivery setting out how, when, and where you delivered the documents

For further information about the service and delivery of documents, see Rules **Rules 4-1 to 4-6**.



Read the Rules

Rules 4-1 to 4-6 Service of documents