

**ALERT: Please note this document does not reflect the October 3, 2022 changes to the Small Claims Rules.**

## **PREPARING FOR YOUR SMALL CLAIMS TRIAL**

The judge must decide the case based on the law and the evidence presented in court. You are responsible for knowing the Rules and for preparing and presenting your case. Here are some suggestions:

1. Read the booklets "Getting Ready For Court" and "Civil Rules" on the internet at [http://www.ag.gov.bc.ca/courts/small\\_claims/index.htm](http://www.ag.gov.bc.ca/courts/small_claims/index.htm) (follow links to Small Claims, procedural guides and Rules) or pick them up at the court registry.
2. It may be to your advantage to make a formal "Offer to Settle". See **Rule 10.1**.
3. Review the Notice of Claim, the Reply and the Settlement Conference Record.
4. List the points you need to prove, and consider how you will prove each one. What documents and witnesses will you need?
5. Gather your documents (including photographs) and organize them in logical order. Send a copy to the opposing party within the time ordered by the settlement conference judge. Be sure to bring them **and 2 extra copies** to your trial.
6. Be sure to comply with the Court Orders and directions that were made at the Settlement Conference. If you fail to send a copy of your documents to the opposing party, you may not be allowed to use them in court. See **Rule 7(15)**.
7. Your witnesses must be present in court to testify. You may need to serve a "Summons to Witness" on them to ensure they attend. (**Rule 9**) A letter or affidavit will NOT be allowed, unless you have obtained the opposing party's agreement, well before the trial date.
8. You may need an "expert witness" to prove your case. (E.g. an independent expert in auto mechanics or the construction industry.) If so, you must send the other party the expert's opinion or report at least 30 days before the trial unless a judge orders differently - **Rule 10(3)&(4)**.
9. Find out what the law is relating to your case, and be prepared to make an argument on the law. There are many resources for such information. Try: [British Columbia Courthouse Library Society](#) or [www.clicklaw.bc.ca](http://www.clicklaw.bc.ca) or the "[Lawyer Referral Service](#)".
10. Present your case in a logical, organized manner. See **Organizing your Documents for Small Claims Court** for suggestions. The courts are very busy, and your efforts to be concise will be appreciated.