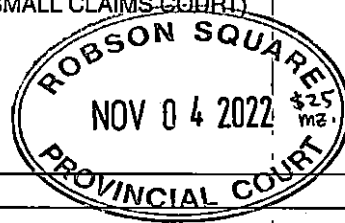


# APPLICATION FOR DEFAULT ORDER

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

REGISTRY FILE NUMBER 2271754
REGISTRY LOCATION Vancouver



In the case between

Playbook Logistics Inc. CLAIMANT(S)  
NAME

and

Mountain Edge Nursery Ltd., Jordan Kurtis Daigle and Breanne Maria Daigle DEFENDANT(S)  
NAME

Fill in the names of the parties, copying them from the Notice of Claim or Notice of Civil Resolution Tribunal Claim.

The registry staff will fill in this section.

- No hearing is required as the claim is for a debt. **OR**
- A hearing is required before a judge of the Provincial Court because the claim is not for a debt. At the hearing, the judge will determine the amount the claimant is entitled to (if any), and other terms of an appropriate order.

**A HEARING WILL BE HELD ON**

\_\_\_\_\_ at \_\_\_\_\_ or as soon after this time as the court schedule allows  
date time am/pm

- in person at \_\_\_\_\_ court location
- by another method of attendance, as specified
- The registry will send within 24 hours before the hearing date noted above the link to connect by MS Teams, including a dial-in conferencing number to be used by any party that is unable to use MS Teams or has problems with their video connection. If you have not provided your email address or telephone number to the registry on your Address for Service (Form 38), you must contact the registry to obtain the telephone conference or MS Teams conference information.

If you cannot attend this hearing please notify the Court Registry. If you do not attend at the time set for the default hearing, the judge may cancel it.

## DEFAULT ORDER

Indicate the name of the defendant, and select the applicable reason for the application.

This section is to be completed as follows:  
1) If no hearing is required (as the claim is for debt), set out the terms of the order that were requested on your claim.  
2) If a hearing was required, set out the amounts ordered by the Court and any terms other than the payment of money that the judge ordered.

As Mountain Edge Nursery Ltd., Jordan Kurtis Daigle and Breanne Maria Daigle defendant

- has not filed a Reply and the claimant has proved the defendant has been served with the Notice of Claim or Notice of Civil Resolution Tribunal Claim,
- has not made a response under s. 7 of the *Civil Resolution Tribunal Act* and the claimant has proved the defendant has been served with the Notice of Civil Resolution Tribunal Claim,
- has not complied with an order to make a deposit.

**THIS COURT ORDERS THE DEFENDANT TO PAY DIRECTLY TO THE CLAIMANT THE SUM OF**

AND	\$	31,640.00	amount of claim granted by court
See Schedule "A" and Schedule "B"	+	\$ 176.00	expenses
	+	\$ 131.89	interest
	=	\$ 31,947.89	AMOUNT
	+	\$ 25.00	Filing Fee
	=	\$ 31,972.89	TOTAL AMOUNT

NOV 04 2022  
date

\_\_\_\_\_  
by the Court

**THE DEFENDANT IS ORDERED TO CARRY OUT THE TERMS OF THE ORDER IMMEDIATELY.**

This will be signed and dated by the Court.

APPLICATION FOR DEFAULT ORDER

court copy

court copy



**SCHEDULE "A"**  
**IN THE PROVINCIAL COURT OF BRITISH COLUMBIA**  
**(SMALL CLAIMS COURT)**

**BETWEEN:**

**PLAYBOOK LOGISTICS INC.**

**CLAIMANT**

**AND:**

**MOUNTAIN EDGE NURSERY LTD., JORDAN KURTIS DAIGLE,**  
**and BREANNE MARIA DAIGLE**

**DEFENDANTS**

**PART 1: ORDERS SOUGHT**

1. That the claimant Playbook Logistics Inc. be awarded judgment against the defendants in the amount of \$31,640.00;
2. That the claimant's costs and disbursements herein are fixed at \$176.00;
3. That the defendants shall pay to the claimant the sum of \$31,816 plus interest of \$131.89 as calculated under the *Court Order Interest Act*, RSBC 1996, c. 79; and
4. Such other relief as this Honourable Court deems just.

**PART 2: FACTUAL BASIS**

**Overview**

5. The claimant Playbook Logistics Inc. ("**Playbook**") seeks to recover a debt of \$31,640.00, plus disbursements and interest, which is due and owing to it by the defendants. The debt arose further to services Playbook rendered in full to the defendants in June and July 2022.

**The Shipments**

- 6. In June and July 2022, Playbook delivered two shipments (together, the “Shipments”) according to the requirements, set and agreed to between Playbook on the one hand and the Daigles and Mountain Edge on the other, of Purchase Requisition Orders #15898 and #15976.
- 7. In particular, the Daigles and Mountain Edge agreed to pay \$14,000 for the delivery of each Shipment (as well as taxes of \$1820 for each Shipment). This price was calculated and pre-agreed to between Playbook on one hand, and the Daigles and Mountain Edge on the other hand.

Affidavit #1 of Gurjeet Basi, paras. 6-11

- 8. The Shipments were delivered in late June and early July 2022.
- 9. On delivery of the Shipments, Playbook fulfilled its obligations to the Daigles and to Mountain Edge thereby entitling it to the previously agreed-upon payment amounts totalling \$31,640.00. Upon fulfillment of each Shipment, Playbook issued an invoice (together, the “Invoices”). Details in respect of the Invoices and the agreed upon amounts owing under each Invoice are set out below:

Invoice No.	Invoice Date	Due Date	Amount
#15898	July 4, 2022	Aug 3, 2022	\$15,820.00
#15976	July 11, 2022	Aug 10, 2022	\$15,820.00
<b>TOTAL:</b>			<b>\$31,640.00</b>

- 10. Despite Playbook’s delivery of the Shipments and repeated demands for payment of the agreed upon amounts due and owing, the Daigles and Mountain Edge have withheld payment in breach of their obligations to Playbook.

Affidavit #1 of Gurjeet Basi, paras. 12-13

### **Service of the Claim**

11. Playbook filed this claim on August 19, 2022. Service was validly effected on each of the defendants between September 23, 2022 and October 6, 2022. Certificates of service were filed on October 13, 2022.

Affidavit #1 of Tomomi Gohji, paras. 3-5

12. None of the defendants have delivered a reply to the claim.

Affidavit #1 of Tomomi Gohji at para. 6

13. Playbook has incurred fees and disbursements as set out in the affidavit of Ms. Gohji.

Affidavit #1 of Tomomi Gohji, para. 7 and Exs. A-C

### **PART 3: LEGAL BASIS**

14. Playbook relies upon *Small Claims Rules* 3-(4), 6-(1), 6-(3), 6-(4), and 20-(2).
15. Rules 6-(1) and 6-(3) allow a claimant to ask the Registrar for a default order against defendants, if those defendants do not reply within the time limit prescribed in Rule 3-(4) (within 14 days after service in British Columbia). Here, the defendants have not filed a reply, and the 14-day time limit has expired.
16. Since the claim against the defendants is a claim for a debt, Playbook relies on Rule 6-(4) in seeking that the Registrar make a default order requiring the defendants to pay immediately the amount claimed (\$31,640.00) plus expenses under Rule 20(2) and interest.
17. Rule 20(2) allows a successful party to receive filing, service and other fees from an unsuccessful party.
18. It is appropriate in the circumstances that this Court make an order awarding Playbook \$31,640.00, its fees and disbursements totalling \$176.00, as well as

interest calculated in accordance with the *Court Order Interest Act*, RSBC 1996, c. 79, as set out in Schedule "B" to this application.

**PART 4: MATERIAL TO BE RELIED ON**

19. Affidavit #1 of Gurjeet Basi, affirmed November 2, 2022.
20. Affidavit #1 of Tomomi Gohji, affirmed October 31, 2022.
21. The pleadings and proceedings filed herein.
22. Such further and other materials as counsel may advise and this Honourable Court permit.

**SCHEDULE "B"**

**PRE-JUDGMENT INTEREST**

Start Date	End Date	# of days	Approved %	Interest	(\$ x % x Days / Days In Year)
August 3, 2022	November 4, 2022	93	1.70%	\$68.52	$\$15,820.00 \times 1.70\% \times 93 / 365$
August 10, 2022	November 4, 2022	86	1.70%	\$63.37	$\$15,820.00 \times 1.70\% \times 86 / 365$
				Total Pre-Judgment Interest:	\$131.89
				Total Amount:	\$31,771.89

**TOTAL:**

<b>Amount (\$31,640.00)</b>
<b>+</b>
<b>Pre-Judgment Interest (\$131.89)</b>
<b>=</b>
<b>\$31,771.89</b>