

Instructions for Making a Claim

Step 1: COMPLETE the **Plaintiff's Claim** form. Be sure to get the defendant's name right. Explain what happened in detail. Include dates and places. State how much money you want or what goods you want returned. Attach copies of any documents that help your case. Examples are contracts, repair bills and photographs of damaged goods. If you want interest on money you are claiming, ask for it on the claim form. You and the defendant may have a contract that sets an annual interest rate. If so, use that rate. If not, claim the *Courts of Justice Act* interest rate posted on the Ministry of the Attorney General web-site at www.attorneygeneral.jus.gov.on.ca.

If there is more than one plaintiff or defendant, complete an **Additional Parties** form (Form 1A) and put it right behind page one of your plaintiff's claim form. You can get the additional parties form from the court office or at the following website: www.ontariocourtforms.on.ca.

Step 2: FILE the plaintiff's claim and related documents by taking it or mailing it to the Small Claims Court office. You must also file a copy for every defendant. There is a fee. Cheques or money orders are payable to the Minister of Finance. The fees are listed at the court office and online at: www.attorneygeneral.jus.gov.on.ca. The clerk will return stamped copies of the plaintiff's claim to you.

Step 3: SERVE. You must deliver a copy of the filed claim and your documents to each defendant. This is called "serving" the defendants. There are rules about how this must be done. See the Small Claims Court "**Guide to Serving Documents**" at the court office or online at www.attorneygeneral.jus.gov.on.ca.

Is it worth it? It is important to consider whether the person or company you are claiming from is likely to be able to pay. If they:

- are unemployed;
- are bankrupt;
- have no money of their own;
- have no personal property and have nothing else of value belonging to them (such as a car) which is not subject to a lease agreement;
- have ceased to carry on business; or
- have other debts to pay,

the court may not be able to help you get your money. However, you may be able to get your money if you are prepared to accept small instalments over a period of time. See the Small Claims Court "**After Judgment – Guide to Getting Results**" at the court office or online at www.attorneygeneral.jus.gov.on.ca.

DO NOT FILE THIS PAGE.

Small Claims Court

Claim No.

Seal

Address

Phone number

Plaintiff No. 1

Additional plaintiff(s) listed on attached Form 1A.

Under 18 years of age.

Last name, or name of company		
First name	Second name	Also known as
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal code	Fax no.	
Representative	LSUC #	
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal code	Fax no.	

Defendant No. 1

Additional defendant(s) listed on attached Form 1A.

Under 18 years of age.

Last name, or name of company		
First name	Second name	Also known as
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal code	Fax no.	
Representative	LSUC #	
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal code	Fax no.	

Les formules des tribunaux sont affichées en anglais et en français sur le site www.ontariocourtforms.on.ca. Visitez ce site pour des renseignements sur des formats accessibles.

REASONS FOR CLAIM AND DETAILS

Explain what happened, including where and when. Then explain how much money you are claiming or what goods you want returned.

If you are relying on any documents, you **MUST** attach copies to the claim. If evidence is lost or unavailable, you **MUST** explain why it is not attached.

What happened?

Where?

When?

How much? \$ _____
(Principal amount claimed)

ADDITIONAL PAGES ARE ATTACHED BECAUSE MORE ROOM WAS NEEDED.

The plaintiff also claims pre-judgment interest from _____ under:
(Date)

(Check only one box) **the Courts of Justice Act**
 an agreement at the rate of _____ % per year

and post-judgment interest, and court costs.

Prepared on: _____, 20____
(Signature of plaintiff or representative)

Issued on: _____, 20____
(Signature of clerk)

CAUTION TO DEFENDANT: **IF YOU DO NOT FILE A DEFENCE** (Form 9A) and an Affidavit of Service (Form 8A) with the court within twenty (20) calendar days after you have been served with this Plaintiff's Claim, judgment may be obtained without notice and enforced against you. Forms and self-help materials are available at the Small Claims Court and on the following website: www.ontariocourtforms.on.ca.



For information on accessibility of court services for people with disability-related needs, contact:



Telephone: 416-326-2220 / 1-800-518-7901 TTY: 416-326-4012 / 1-877-425-0575