

Instructions for Making a Defendant's Claim

As a defendant, you can also make a claim of your own against the plaintiff or someone else. This is called a **defendant's claim**. For example, the plaintiff may owe you money. Or you may believe someone else caused the plaintiff's loss and that person should have to pay. To make your claim against the plaintiff or another party take the following steps:

Step 1: COMPLETE the **Defendant's Claim** form. Fill in the claim number from the Plaintiff's Claim form in the top right hand corner. You are the "plaintiff by defendant's claim." 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 website 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 defendant'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 defendant's claim form and related documents with the court office where the plaintiff's claim was filed. You must file your claim no later than 20 days after you file your defence, unless you have leave of the court. There is a filing fee. The clerk will return a stamped copy of the defendant's claim form and documents to you.

Step 3: SERVE the defendant's claim. You must deliver a copy of the filed defendant's claim and your documents to each of the persons you are claiming against. This is "serving" your claim. 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. Each party will have 20 days to file a defence to your claim after receiving it.

DO NOT FILE THIS PAGE.

ONTARIO
Superior Court of Justice

Defendant's Claim
Form 10A Ont. Reg. No.: 258/98

Small Claims Court

Claim No.

Seal

Address

Phone number

Plaintiff by Defendant's Claim 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 by Defendant's Claim 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 by defendant's claim 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 BY DEFENDANT'S CLAIM: **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 Defendant's Claim, judgment may be obtained by Defendant's Claim 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