

STATEMENT OF CLAIM

Provincial Court of Newfoundland and Labrador



Small Claims Division

MAKING A CLAIM

Step 1

COMPLETE the STATEMENT OF CLAIM. To complete the form, print clearly. There are 5 copies, so be sure all copies are legible.



Step 2

FILE the STATEMENT OF CLAIM by taking or mailing it to the Provincial Court (Small Claims Division). The fee for filing is noted in the schedule in The Rules. The staff will check your form and, when it is accepted for filing, stamp it, and assign a file number. Then they will return the copies you need for your records and for serving on the defendant.



Step 3

SERVE each defendant named in the STATEMENT OF CLAIM with a copy of the document and a blank copy of the REPLY form. The purpose is to be sure the defendants know they are being sued, and what the case is about.



Step 4

AND THEN if the defendant files a reply 10 days from being served in the province, 30 days where defendant resides out of the province, the defendant will serve a copy on you, and the court will set a date for a settlement conference or a trial. If no Reply is filed at the court within the time limit on the STATEMENT OF CLAIM, you may apply for a DEFAULT JUDGMENT. You will have to file a certificate of service to prove the STATEMENT OF CLAIM has been served.

NOTE: The defendant may file a reply any time before the Default Judgment has been applied for.

FROM:

You must be sure the address you give is correct because this is where the court will send any further notices or information to you. If your address changes at any time please notify the Provincial Court (Small Claims Division) and all parties to the lawsuit.

TO:

Are you sure you have used the proper name? If you wish to sue a company, you can get the legal name through the Registry of Companies and you must file the Notice of Directors and the Notice of Registered Office as provided by the Registry of Companies.

Is there more than one defendant? If so, put the names in the spaces provided. Are you sure the claim(s) are a result of the same transaction or event?

WHAT HAPPENED?

You do not need to tell everything about your case here. You must tell just enough to let the defendant know what the case is about. Keep your description brief. You will have a full opportunity to present all the facts and provide supporting documents at a settlement conference or trial.

WHERE? WHEN?

A statement of claim must be filed at the Provincial Court (Small Claims Division) nearest to where:

- a) the plaintiff lives or carries on business.
- b) the defendant lives or carries on business, or
- c) where the transaction or event that resulted in the claim took place.

If the case is about a breach of contract (overdue credit account for example), tell where the contract was made or account opened or where the payments were to be made or sent.

HOW MUCH?

If your claim is made up on several parts, separate them here and show the amount you are claiming for each part. for example:

- a. Amount owing on unpaid balance \$\$\$\$\$\$\$\$\$\$
- b. Interest under the contract \$\$\$\$\$\$\$\$\$\$

The defendant might agree with part of your claim if you show its separate parts.

The most you may claim in Small Claims Court is \$25,000.00, including the amount of money claimed and the value of any goods or services claimed. This does not include judgment interest and expenses.

If your claim is for more than \$25,000.00 and you wish to file in this court, just say in this section "I am abandoning the amount over \$25,000.00." Otherwise, you should file your claim in the Trial Division of the Supreme Court. If you choose to abandon part of your claim you cannot sue for that part later.

Are you asking for something besides money (eg. Recovery of goods)? If so, fill that in and show the value but do not add the dollar amount for that part to the Total Claimed.

