**FORM 7A
STATEMENT OF CLAIM**

Court File No. S\_\_\_ SC \_\_\_\_\_\_\_\_\_\_
*(The number assigned by the court)*

SUPREME COURT OF PRINCE EDWARD ISLAND
(SMALL CLAIMS SECTION)

BETWEEN:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PLAINTIFF(S)

AND:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DEFENDANT(S)

**STATEMENT OF CLAIM**

TO THE DEFENDANT(S):

A SMALL CLAIM HAS BEEN COMMENCED AGAINST YOU BY THE PLAINTIFF.

The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS SMALL CLAIM, you or a lawyer acting for you must prepare a statement of defence (Form 9A) and a designation of address for service (Form 8A), and file it with the clerk of the small claims section of the Supreme Court of Prince Edward Island WITHIN TWENTY DAYS after this claim is served on you, if you are in Prince Edward Island, or WITHIN FORTY DAYS, if you are served outside Prince Edward Island.

IF YOU DO NOT FILE A STATEMENT OF DEFENCE WITHIN THE REQUIRED TIME, JUDGMENT MAY BE ENTERED AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

ADDRESSES OF COURT OFFICES

|  |  |
| --- | --- |
| CharlottetownSir Louis Henry Davies Law Courts42 Water StreetCharlottetown, PE C1A 7N8902-368-6000 | SummersideSummerside Law Courts108 Central StreetSummerside, PEI C1N 3L4902-888-8125 |

**CLAIM**

AMOUNT OF THE CLAIM (including interest accrued to date, if any)

|  |
| --- |
|  |

REASON FOR CLAIM AND DETAILS

Explain what happened, including where and when, and the amount involved.

|  |
| --- |
|  |
| 🞏 ADDITIONAL PAGES ARE ATTACHED BECAUSE MORE ROOM IS NEEDED. |

DOCUMENTS

*(If the plaintiff is relying on any documents to support the claim, the plaintiff must attach a copy of the documents to the claim. If any documents are lost or unavailable, the plaintiff must explain why in the following space.)*

|  |
| --- |
|  |

I CLAIM PRE-JUDGMENT INTEREST: (CHECK **ONLY ONE** OF THE FOLLOWING)

|  |
| --- |
| 🞏 Pursuant to a contract at the contract rate of \_\_\_\_ percent (please attach proof of this rate); or |
| 🞏 Pursuant to the *Judicature Act* |

I ALSO CLAIM POST-JUDGMENT INTEREST, AND COURT COSTS.

|  |  |
| --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Signature of plaintiff or plaintiff’s lawyer/agent |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Signature of court clerk |

TO: (Name and address of each defendant)

**INSTRUCTIONS FOR MAKING A STATEMENT OF CLAIM**

**RULE 7**

**DO NOT FILE THIS PAGE – DETACH BEFORE FILING**

**Step 1:** Complete the Statement of Claim form (Form 7A). Either complete the fillable pdf form or word document and print it, or print a blank form and complete it with clear, legible handwriting.

Be sure to get the defendant’s name correct. If the defendant is doing business in the name of a partnership, or is an incorporated company, you may use the online PEI Corporate Business Directory to determine the proper information**.** Explain what happened in detail. Include dates and places. State the amount 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 the amount 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 *Judicature Act* interest rate posted quarterly in the Royal Gazette.

**Step 2:** Complete a Designated Address for Service form (Form 8A). This is necessary and important so you can receive documents from the opposite party and the court**.**

**Step 3:** File the Statement of Claim and related documents by delivering them or mailing them to the Small Claims Court office at the address indicated on the front of the claim. You must also file an additional copy for every defendant. There is a fee and the court clerk will advise you of the amount.

The clerk will keep the original of the Statement of Claim Statement of Claim and Designation of Address for Service in the court file, and return stamped copies to you to serve (deliver) **both documents** on each defendant. Service may be done in person, by regular mail, certified mail, or courier.

**Before you file:** Consider whether making a small claim is practical. It is important to consider that the defendant may not be able to pay if they:

are unemployed;

are bankrupt;

have no ability to pay;

have no property and have nothing else of value belonging to them;

have stopped carrying on business; or

have other debts to pay or judgments registered against them.

**PLEASE REMEMBER TO DETACH THIS SHEET BEFORE FILING YOUR CLAIM STATEMENT OF CLAIM**