**FORM 9A
STATEMENT OF DEFENCE**

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 DEFENCE**

This Statement of Defence is being filed on behalf of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*Name of defendant)*.

I/We:

🞏 dispute the full claim made by the plaintiff.

🞏 admit the full claim and propose the following terms of payment:

$\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(*amount)* per \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*week/month*) commencing

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

🞏 admit part of the claim amounting to $\_\_\_\_\_\_\_\_\_\_\_\_\_(*amount)* and propose the following terms of payment:

$\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(*amount)* per \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*week/month*) commencing

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

**NOTICE TO PLAINTIFF(S):** If this Statement of Defence contains a proposal of terms of payment, the proposal will be discussed at a settlement conference. A Notice of Settlement Conference will be served on the parties by the court.

**REASONS FOR DISPUTING THE CLAIM AND DETAILS**

*(Explain what happened, including where and when. Explain why you do not agree with the claim made against you.)*

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

DOCUMENTS

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

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| --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date |  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature of defendant or defendant’s lawyer/agent |
| TO: (Name and address of each plaintiff) |  |

**Instructions for Filing a Statement of Defence**

**RULE 9**

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

**Step 1:** Complete the Statement of Defence form (Form 9A). Either complete the fillable pdf form or word document and print it, or print a blank form and complete it with clear, legible handwriting. State what is in the Statement of Claim that you disagree with, and why, and if there is anything you do agree with. Attach copies of any documents that help your case. If you want to pay all or part of the amount owing, state how much you will pay and when you will pay.

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

**Step 3:** File your Statement of Defence (Form 9A), related documents and Designated Address for Service form (Form 8A) by delivering them or mailing them to the court office where the plaintiff filed the Statement of Claim. There is a fee for filing the Statement of Defence, the amount of which may be obtained from the court clerk. You must provide an additional copy for each plaintiff, as the clerk will serve (deliver) the filed documents to the plaintiffs. You must do this within 20 days after you received the claim (40 days if you were served outside Prince Edward Island). If you miss the deadline, you can still file the Statement of Defence as long as the plaintiff has not yet asked the court to have you noted in default.

If you have been noted in default, you must make a motion to the court if you wish to file a statement of defence. Contact the court for further direction in this situation.

What if the Plaintiff owes you money or someone else is responsible for the loss?

If you wish to file a Counterclaim, Crossclaim or Third Party Claim (Forms 10A, 10B or 10C) against the plaintiff or other person, you must file it no later than 20 days after you file your Statement of Defence. There is a fee to file any of these documents, the amount of which may be obtained from the court clerk.

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