**FORM 10C
THIRD PARTY 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)

(PLAINTIFF(S) BY THIRD PARTY CLAIM)

AND:

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

THIRD PARTY(IES)

**THIRD PARTY CLAIM**

TO THE THIRD PARTY(IES):

A THIRD PARTY CLAIM HAS BEEN COMMENCED AGAINST YOU BY THE DEFENDANT(S).

A claim was commenced by the plaintiff(s) against the defendant(s) for the relief claimed in the statement of claim served with this third party claim. The defendant(s) has/have defended the action on the grounds set out in the statement of defence served with this third party claim. The defendant’s(s’) claim against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS THIRD PARTY 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 crossclaim 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.

**THIRD PARTY CLAIM**

AMOUNT OF THE CLAIM AGAINST THE THIRD PARTY(IES) (including interest accrued to date, if any)

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REASON FOR CLAIM AND DETAILS

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

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

DOCUMENTS

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

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

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| 🞏 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 defendant(s) (plaintiff(s) by third party claim) or the defendant(s) lawyer/agent |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Signature of court clerk) |

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| **INSTRUCTIONS FOR MAKING A THIRD PARTY CLAIM****RULE 10****DO NOT FILE THIS PAGE – DETACH BEFORE FILING** |
| As a defendant, you can also make a claim of your own against someone else. This is called a Third Party Claim. For example, you may believe someone else caused the plaintiff’s loss and that person should have to pay. To make your claim against the other party, take the following steps:  |
| **Step 1:**  Completethe Third Party Claimform (Form 10C). Either complete the fillable pdf form or word document and print it, or print a blank form and complete it with clear, legible handwriting. You are now the "plaintiff by third party claim." Be sure to get the third party’s name correct. Explain what happened in detail. Include dates and places. State how much money is owed or what should be 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.  |
| **Step 2:** Filethe Third Party Claim form and related documents by delivering them or mailing them to the court office where the Statement of Claim was filed. You must file your claim no later than 20 days after you file your Statement of Defence, unless you have leave of the court. There is a fee and the court clerk will advise you of the amount. The clerk will return a stamped copy of the Third Party Claim form and documents to you.  |
| **Step 3:** Serve the Third Party Claim**.** You must deliver a copy of the filed Third Party Claim, together with your copy of the Statement of Claim and your Statement of Defence to each of the persons you are claiming against. This is “serving” your claim. There are rules about how this must be done. See Rule 8. Each party will have 20 days to file a Statement of Defence to your Third Party Claim after receiving it.  |
| **PLEASE REMEMBER TO DETACH THIS SHEET BEFORE FILING YOUR CLAIM** |