

SMALL CLAIMS COURT OF NOVA SCOTIA



1. COMPLETE THE NOTICE OF CLAIM FORM

Review the brochure, “Small Claims Court”, available at the Small Claims Court office or online at the Nova Scotia Courts website.

Fill out the Notice of Claim form attached here.

You will need to provide the following information in the form:

- The full name, street address, mailing address, phone number, and email address for each claimant and defendant. If a claimant or defendant is a registered business or society or club, use the correct business or society or club name. For assistance contact the Registry of Joint Stock Companies <https://beta.novascotia.ca/programs-and-services/registry-joint-stock-companies>
- The amount of money you are claiming or a description of the goods you want to recover.
- The reason(s) for your claim. Be brief but include all the important details of your claim. Answer questions like – Why do you think the defendant is responsible to pay you or return goods to you?

Examples of Reasons for a Claim

These are examples only. You must decide what information to include in your reasons for your claim:

- Unpaid account
The claim is for an account for a chesterfield sold to the defendant on April 1, 2004 for \$1000.
- Work not completed
The claim is for carpentry work to build a desk. The job was not completed, and it will cost \$100 to complete.
- Claim for damages from an automobile accident
The claim is for damage done to a car in an accident on April 1, 2004. The cost of repairs is \$100.

Sign your name and write the date at the bottom of area 1.4 of the Notice of Claim form (Form 1).

2. FILE THE COMPLETED NOTICE OF CLAIM WITH THE SMALL CLAIMS COURT OFFICE

File the original, along with the filing fee, with the clerk of the court. The clerk will only make copies of the original claim. You must file your claim at the justice centre in, or designated for:

- The county where you suffered the loss or damage, or
- The county where the defendant resides or carries on business

3. YOUR CLAIM IS REGISTERED

The court clerk will register your claim, set a date for the hearing, and give two copies back to you. Use one to serve to the defendant and keep one for yourself.

4. DELIVER A COPY TO THE DEFENDANT

Serve the defendant with a copy of the Notice of Claim form by personal service.

5. COMPLETE THE AFFIDAVIT OF SERVICE

There is an Affidavit of Service on the reverse side of these instructions. To prove personal service, the server must swear or affirm and sign an Affidavit of Service in front of a Commissioner of Oaths. It is recommended that you file the sworn Affidavit of Service before the hearing OR bring it with you to the hearing.

More information about the Small Claims Court is available from the court administration office.

You can also get information online at the Nova Scotia Courts website

SMALL CLAIMS COURT OF NOVA SCOTIA
NOTICE OF CLAIM – FORM 1

CLAIM NUMBER (FOR COURT USE ONLY)

WILL THIS MATTER TAKE LONGER THAN TWO HOURS?

YES

NO

CAUTION TO THE DEFENDANT:

This claim has been filed against you in Small Claims Court.

- 1. If you do not agree with this claim, you MUST file a Defence. Fill in Form 2 (Defence) within 20 days and return it to the court. Then you must serve the Defence upon the claimant, by registered mail or personally.**
- 2. If you do not file your Defence by returning this form to the court within 20 days after receiving the claim, the court may make an order against you without further notice to you and award a judgment against you.**

Read the "Additional Information for Defendant" with this form

1.1 CLAIMANT(S) (*your information*)

Additional Claimant(s) listed on the attached page

Full Legal Name: _____

Street Address: _____ Postal Code _____

Mailing Address (if different): _____ Postal Code _____

Phone: _____ Fax or Email Address: _____

1.2 LEGAL REPRESENTATION (*leave blank if you are representing yourself*)

Lawyer's Name: _____ Address: _____

Lawyer's Phone Number: _____ Email Address: _____

1.3 DEFENDANT(S) (*the person you are claiming against*)

Additional Defendant(s) listed on the attached page

Full Legal Name: _____

Street Address: _____ Postal Code _____

Mailing Address (if different): _____ Postal Code _____

Phone: _____ Fax or Email Address: _____

1.4 ABOUT YOUR CLAIM

CLAIM FROM THE DEFENDANT(S)

PAYMENT OF MONEY RETURN OF GOODS GENERAL DAMAGES INTEREST COSTS CLAIM AMOUNT: \$ _____

REASON FOR THIS CLAIM (*What happened? Where?*) (*If you need more space, attach another sheet of paper*)

DATE

SIGNATURE OF CLAIMANT(S) OR THE LAWYER(S) FOR CLAIMANTS

1.5 FOR COURT USE ONLY

This claim must be served on the defendant within _____ days.

Hearing Date _____ Hearing Time _____ AM PM

Place of Hearing _____

CLERK OF THE SMALL CLAIMS COURT

DEFENCE – FORM 2

To (name of claimant or organization): _____

Reason for Disputing This Claim (if you need more space, attach another sheet of paper)

DATE SIGNATURE OF DEFENDANT(S) OR THE LAWYER(S) FOR DEFENDANTS

Street Address: _____ Postal Code _____ Email _____

Lawyer's Name: _____ Address: _____

Lawyer's Phone Number: _____ Email Address: _____

COUNTERCLAIM – FORM 3 - ABOUT YOUR COUNTERCLAIM

To (name of claimant or organization): _____

I COUNTERCLAIM FOR PAYMENT OF MONEY RETURN OF GOODS GENERAL DAMAGES INTEREST COSTS

CLAIM AMOUNT: \$ _____

DATE SIGNATURE OF DEFENDANT(S) OR THE LAWYER(S) FOR DEFENDANTS

FOR COURT USE ONLY (All Parties will appear on the date shown above to present their evidence before the Adjudicator)

This defence and/or counterclaim must be served on the claimant(s) within _____ days of the _____ day of _____, 20_____

AFFIDAVIT OF SERVICE

The person who serves the Notice of Claim will have to file an affidavit of service (form below) with the Small Claims Court, giving the details of when they served the defendant.

This affidavit of service is taken to the Small Claims Court office where the clerk will swear or affirm the affidavit. The affidavit provides important information. It tells the court the date, time, and location that the defendant was served and who delivered the Notice of claim form to the defendant.

See brochure for more information regarding service on an individual, business, or society.

File the sworn Affidavit of Service with the court before the hearing.

CLAIM INFORMATION

CLAIM NUMBER _____ COUNTY _____

CLAIMANT'S FULL LEGAL NAME _____

DEFENDANT'S FULL LEGAL NAME _____

I SWEAR THE FOLLOWING INFORMATION IS TRUE

I _____, of _____,
Nova Scotia, make oath and say that I did on _____, the _____ day
of _____, 20____, before the hour of _____ o'clock in the AM or PM,

(A) *(Complete this section if Defendant is an individual)*

serve _____

with a Notice of Claim in Small Claims Court Case number _____, issued

by the Clerk of the Small Claims Court on _____, 20____, by leaving a true

copy with him/her personally at _____

AFFIDAVIT OF SERVICE PAGE 2

Or (B) *(Complete this section if Defendant is a corporation)*

serve _____

with a Notice of Claim in Small Claims Court Case number _____, issued by the Clerk of the Small Claims Court on _____, 20_____, by leaving a true copy with the Recognized Agent for the Defendant corporation, *(insert name of recognized agent)*

_____, personally, at _____.

Or (C) Substituted Service as ordered by the Court on _____, 20_____
as follows: _____

SWORN/AFFIRMED BEFORE ME

at: _____

in the County of _____

on _____, 20_____.

A Commissioner of the Supreme Court of
Nova Scotia, Clerk of the Small Claims Court

Signature

Additional information for Defendant(s)

You may dispute this claim by explaining why you believe it is not valid. Use the space provided in DEFENCE form (Form 2). Bring the Defence form to the Small Claims Court office to have it issued. If you believe you have a claim against the claimant, you may counterclaim by filling in the appropriate portion of the COUNTERCLAIM (Form 3). There is a fee to file a counterclaim (check with court staff). Return one copy of the form to the Small Claims Court office. You must provide one copy to the claimant(s) by registered mail, personal service, or email.

You must appear at the hearing on the date shown to defend the claim or present your counterclaim.

Review the Small Claims Court brochure available at the Small Claims Court office or online at the Nova Scotia Courts website.

MORE INFORMATION ABOUT SMALL CLAIMS COURT

1. HOW TO PREPARE FOR A HEARING

You can present or defend a claim in person, or you may be represented by an agent or lawyer. You must arrange to bring witnesses and important papers, documents, and other evidence for the court. You must provide copies of your documents for the court and the other side.

Some examples of evidence that can be brought to court include: contracts, email, letters, invoices, statements, plans, drawings, photographs, written opinions, or quotations for repair work.

For example:

- For work not completed, bring a written quote of the cost to complete the work
- For work that is faulty, bring a written quote of the cost to repair/replace the work
- For goods that have been lost or damaged, bring a written quote of the cost to repair/replace the goods

If you have witnesses, make sure you arrange for them to be there voluntarily or subpoena them to court. For information about how to subpoena a witness, see the “Using a Subpoena in Small Claims Court” brochure, available at the Small Claims Court office or online at the Nova Scotia Courts website.

2. WHAT HAPPENS AT A HEARING?

Hearings are not formal. They are usually heard in a courtroom by an adjudicator, his or her role is similar to a judge.

The claimant, under oath or affirmation, will have the opportunity to tell their story and state the basis for the claim. The claimant must show the adjudicator any documents or evidence to support the claim. The adjudicator will give the defendant and other parties an opportunity to present their case, under oath or affirmation, and to ask the claimant or witnesses questions. The adjudicator may question the parties, and the parties will also be given the opportunity to question each other.

The court will provide a written order to all parties.

3. HOW DO I ENFORCE A SMALL CLAIMS ORDER?

For more information about enforcing a Small Claims Court Order, see “Enforcing a Small Claims Court Order: A Guide for Creditors” brochure, available at the court administration office or online at the Nova Scotia Courts website.

4. MORE INFORMATION

For more information about Small Claims Court see the “Small Claims Court” brochure available at the Small Claims Court office or online at the Nova Scotia Courts website.