# Instructions for Making a Motion in Small Claims Court

A motion is a request to a judge to make an order about a case. For example, a defendant could ask the court for more time to send in a defence or a defendant's claim. Or either party could ask for more time to serve documents.

Motions can help the parties in a case. They can also make the case take longer and cost more money. If the judge grants your motion, you can ask the judge to make the other party pay some of your costs. These costs can include court filing fees, lawyer or agent fees, and expenses for witnesses, photocopying, faxing and delivery of documents.

**Step 1: EXPLAIN** what you are asking the judge to do and why. This is done by filling out a **Notice of Motion and Supporting Affidavit** form. Contact the clerk of the court to choose a time and date when the court could hear the motion. The clerk of the court will provide a hearing date and time. Put the date and time on the form.

**Step 2: SERVE**. The form must then be served on the other parties at least 7 days before the hearing date. There are rules about how this must be done. See the Small Claims Court **"Guide to Serving Documents"** at the court office or online at <a href="www.attorneygeneral.jus.gov.on.ca">www.attorneygeneral.jus.gov.on.ca</a>. Copies of documents attached to the form must also be served.

**Step 3: FILE** the **Notice of Motion and Supporting Affidavit** form at the court at least 3 days before the hearing date. There is a filing fee. Also file an **Affidavit of Service** (Form 8A) proving that the other parties were served.

### Motion in Writing for an Assessment of Damages

If all defendants have been noted in default after failing to file a defence, you can bring a motion in writing for an assessment of damages. You do not have to attend the motion. The judge will make a decision based on the documents that you filed. If the judge thinks the documents you filed are inadequate, the court may order you to provide a further affidavit or to attend an assessment hearing. You can also request an assessment hearing.

For more information, see the "Guide to Motions and Clerk's Orders" at the court office or online at <a href="https://www.attorneygeneral.jus.gov.on.ca">www.attorneygeneral.jus.gov.on.ca</a>.

#### DO NOT FILE THIS PAGE

## ONTARIO **Superior Court of Justice**

# Notice of Motion and Supporting Affidavit Form 15A Ont. Reg. No.: 258/98

	Small Claims Court	Claim No.
		_
	Address	_
	Address	
	Phone Number	_
Plaintiff No. 1	Additional plaintiff(s) listed on attached Fo	rm 1A.
Last name, or name of company		
First Name	Second Name	Also Known as
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal Code		Fax no.
Representative		LSUC #
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal Code		Fax no.
Defendant No. 1	Additional defendant(s) listed on attached Form 1A.	
Last name, or name of company		
First Name	Second Name	Also Known as
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal Code		Fax no.
Representative		LSUC no.
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal Code		Fax no.

Les formules des tribunaux sont affichées en anglais et en français sur le site www.ontariocourtforms.on.ca. Visitez ce site pour des renseignements sur des formats accessibles.

FORM 15A		PAGE 2		Claim No.	
				Ciaim No.	
THIS COU	RT WILL HEAR A MOTION on	, 20	, at	(Time)	
or as soon	as possible after that time, at			(Time)	
or as soon	as possible after that time, at	(Address of court loca	tion and courtroo	om number)	
Complete	e Part A <u>or</u> Part B below, then com	plete the affidavit in s	support of n	notion on page 3.	
A. This mo	tion will be made in person by	(NIa	me of party)		
for the fo	ollowing order:	(IVa	me or party)		
	court's permission to extend time to (Specify	)			
		,			
set a	side default judgment and noting in default.				
set a	side noting in default.				
perm	nission to file a Defence.				
perm	nission to file a Defendant's Claim.				
□ . □ set a	side order dismissing claim as abandoned.				
	inate garnishment and/or withdraw writ(s).				
Othe					
	•				
	ONAL PAGES ARE ATTACHED BECAUSI	E MORE ROOM WAS NEE	DED.		
	IENTS ARE ATTACHED.				
NOTE:	IF YOU FAIL TO ATTEND AN IN-PERS absence. If you want to attend the motion Telephone or Video Conference (Form and potify the parties IP, 1.07(5))	on by telephone or video co	nference, comp	plete and file a Request for	
	and notify the parties [R. 1.07(5)].			_	
B. This mo	tion in writing for an assessment of dam	ages is made by			
		(Name of plaintiff)			
who ask	s the court for an order assessing damages				
		(Name of defendant(s))			

who have/has been noted in default.

#### PAGE 3

Claim	No.	

### **AFFIDAVIT IN SUPPORT OF MOTION**

ly name is	
(Full Name)	
live in	
(Municipality and Province)	
swear/affirm that the following is true:	
et out the facts in numbered paragraphs. If you learned a fact from someone else, you must give that person's name and state that you elieve that fact to be true.	

FORM 15A	PAGE 4	Claim No.
	AFFIDAVIT IN SUPPORT OF MOTIO	
	ALLIBAVII IN COLL CIN CI III CIIIC	i, commuta
If more space is required, attach	and initial extra pages.	
Sworn/Affirmed before me at	(Municipality)	
in	rovince, state or country)	Signature
·	•	Signature
on , 20 _	Commissioner for taking affidavits (Type or print name below is signature is illegible.)	(This form is to be signed in front of a lawyer, justice of the peace, notary public or commissioner for taking affidavits.)
WARNING: IT IS AN OFF	ENCE UNDER THE CRIMINAL CODE TO KNOW	WINGLY SWEAR OR AFFIRM A FALSE AFFIDAVIT.
	For information on accessibility of people with disability-related r	

Telephone: 416-326-2220 / 1-800-518-7901 TTY: 416-326-4012 / 1-877-425-0575