

Small Claims Court

Claim No.

Address

Phone number

Plaintiff No. 1

Additional plaintiff(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	Email address	
Representative		Law Society of Ontario no.
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal code	Email address	

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	Email address	
Representative		Law Society of Ontario no.
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal code	Email address	

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.

Complete Part A or Part B below, then complete the affidavit in support of motion on page 3.

A. THIS COURT WILL HEAR A MOTION on _____, 20____, at _____,
(Time)

or as soon as possible after that time.

This motion will be made by _____,
(Name of party)

(choose one of the following)

by videoconference: _____
(Video conference details)

by teleconference: _____
(Telephone conference details)

in person, at: _____
(Address of court location and courtroom number)

for the following order:

the court's permission to extend time to (Specify) _____.

set aside default judgment and noting in default.

set aside noting in default.

permission to file a Defence.

permission to file a Defendant's Claim.

set aside order dismissing claim as abandoned.

terminate garnishment and/or withdraw writ(s).

other:

ADDITIONAL PAGES ARE ATTACHED BECAUSE MORE ROOM WAS NEEDED.

DOCUMENTS ARE ATTACHED.

NOTE: IF YOU FAIL TO ATTEND A MOTION, an order may be made against you, with costs, in your absence.

B. This motion in writing is made by

.....
(Name of party(ies))

for the following order: (select one)

assessing damages against

.....
(Name of defendant(s))

who have/has been noted in default.

substituted service of a plaintiff's claim or defendant's claim on

.....
(For a plaintiff's claim, name(s) of defendant(s); for a defendant's claim, name(s) of defendant(s) by defendant's claim)

other:

.....
AFFIDAVIT IN SUPPORT OF MOTION

My name is
(Full name)

I live in
(Municipality & province)

I swear/affirm that the following is true:

Set 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 believe that fact to be true.

AFFIDAVIT IN SUPPORT OF MOTION, continued

If more space is required, attach and initial extra pages.

Sworn/Affirmed before me (select one): in person **OR** by video conference

Complete if affidavit is being sworn or affirmed in person:

at the of , in the
(city, town, etc.) (County, Regional Municipality, etc.)
of , on
(date)

.....
Signature of Commissioner (or as may be)

.....
Signature of Deponent

.....
Claim No.

Complete if affidavit is being sworn/affirmed by videoconference and deponent and commissioner are in same city or town:

by at the
(deponent's name) (city, town, etc.)

of in the
(County, Regional Municipality, etc.)

of , before me on
(date)

in accordance with [O. Reg. 431/20](#), Administering Oath or Declaration Remotely.

Commissioner for Taking Affidavits (or as may be)

.....
Signature of Commissioner (or as may be)

.....
Signature of Deponent

Complete if affidavit is being sworn/affirmed by videoconference and deponent and commissioner are not in same city or town:

by at the
(deponent's name) (city, town, etc.)

of in the
(County, Regional Municipality, etc.)

of , before me at the
(city, town, etc.)

of in the
(County, Regional Municipality, etc.)

of , on in accordance
(date)

with [O. Reg. 431/20](#), Administering Oath or Declaration Remotely.

Commissioner for Taking Affidavits (or as may be)

.....
Signature of Commissioner (or as may be)

.....
Signature of Deponent

WARNING: IT IS AN OFFENCE UNDER THE CRIMINAL CODE TO KNOWINGLY SWEAR OR AFFIRM A FALSE AFFIDAVIT.



For information on accessibility of court services for people with disability-related needs, contact:



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

Instructions for Making a Motion in Small Claims Court

You can file your Notice of Motion online. Please visit: www.ontario.ca/page/file-small-claims-online.

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, 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 Procedure in the Small Claims Court – Serving Documents**" at the court office or online at www.ontario.ca/page/civil-law-information-and-resources. 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 proof of service (**either** an **Affidavit of Service** (Form 8A) **or** a **Lawyer or Paralegal's Certificate of Service** (Form 8B)) 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 Procedure in the Small Claims Court – Motions and Clerk's Orders**" at the court office or online at www.ontario.ca/page/civil-law-information-and-resources.

DO NOT FILE THIS PAGE.



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