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 <u>www.attorneygeneral.jus.gov.on.ca</u>. Copies of documents attached to the form must also be served.

Step 3: FILE the <u>Notice of Motion and Supporting Affidavit</u> form at the court at least 3 days before the hearing date. There is a filing fee. Also file an <u>Affidavit of Service</u> (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 <u>www.attorneygeneral.jus.gov.on.ca</u>

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			
	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		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 #		
Address (street number, apt., unit)		1		
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	/I 15A	PAGE 2			
					Claim No.
THIS	COUR	T WILL HEAR A MOTION on	, 20	, at	,
					(Time)
or as s	soon as	possible after that time, at(Addres	s of court location	and courtroom	number)
Com page	-	Part A <u>or</u> Part B below, then complete t	the affidavit	: in suppo	ort of motion on
А. Т	his mo	otion will be made in person by			,
			(Nam	e of party)	
fe	or the t	following order:			
		the court's permission to extend time to (Specify)			
		act acide default indement and paties is default			
		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:			
_					
_		IONAL PAGES ARE ATTACHED BECAUSE MO	RE ROOM WA	AS NEEDED).
	DOCU	MENTS ARE ATTACHED.			
NOTE	:	IF YOU FAIL TO ATTEND AN IN-PERSON N costs, in your absence. If you want to attend t complete and file a Request for Telephone or it, the clerk will make the necessary arrangem	he motion by to Video Confere	elephone or ence (Form	video conference, 1B). If the court permits

B. This motion in writing for an assessment of damages is made by

(Name of plaintiff) who asks the court for an order assessing damages against (Name of defendant(s))

who have/has been noted in default.

Claim No.

AFFIDAVIT IN SUPPORT OF MOTION	AFFIDAVIT	IN SUPPORT	OF MOTION
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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.				

Claim No.

AFFIDAVIT IN SUPPORT OF MOTION, continued

If more space is required, attach and in	tial extra pages.	
Sworn/Affirmed before me at		
	(Municipality)	
in		
in		
(Prov	vince, state or country)	Signature
		(This form is to be signed in front of a
on 00		lawyer, justice of the peace, notary public or
on , 20		commissioner for taking affidavits.)
	Commissioner for taking affidavits	
	(Type or print name below if signature is illegible.)	
		-

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