
THE SERVICE DE MÉDIATION OF THE SMALL CLAIMS DIVISION

You can choose to submit your dispute to the Service de médiation of the Small Claims Division. This service is at no extra cost. However, should you choose to resolve the dispute in this way, you should know that:

- Accepting mediation does not mean an acknowledgement of responsibility on your part.
- The mediation session is private and without formalities, making it easier for participants to express themselves.
- The parties are summoned to appear before a mediator (attorney or notary), at a time that is convenient for the parties, for about an hour.
- The mediator hears each of the parties and provides them with legal information with regard to their situation. He or she will suggest possible leads in order to encourage a settlement of the dispute.
- When a settlement cannot be reached, the mediator writes and signs a report summarizing the parties' positions.

ATTENTION

It is very important that you give your and the Defendant's exact address. During the legal proceedings, if your address changes or if you learn that the Defendant's address has changed, notify the clerk by regular mail, e-mail or fax. To do so, use the *Notice of Change of Address* form, available on the Website of the ministère de la Justice, at www.justice.gouv.qc.ca.

For more information on small claims, you may consult the *Small Claims* leaflet published by the ministère de la Justice in the *Justice at a glance* collection. This leaflet is available at the office of the clerk and on the Website of the ministère de la Justice. More information is also available on the Educaloï Website, at www.educaloï.qc.ca

You may communicate with the clerk of the Small Claims Division, Monday through Friday from 8:30 a.m. to 4:30 p.m. Ask your clerk whether the office of the court closes during the lunch hour.

AFTER FILING AN ACTION WITH THE SMALL CLAIMS DIVISION

The Defendant will be notified of your action within days of its being filed, and the Defendant will have 20 days in which to respond. The options available to the Defendant are as follows:

1. The Defendant may pay the amount claimed directly to you. If such is the case, notify the clerk by regular mail, e-mail or fax. The clerk will then close your file.
2. The Defendant may send the amount to the Small Claims Division. If so, the clerk will send you the payment and close your file.
3. The Defendant may also contest your action. The clerk will mail you a copy of the contestation and a list of the exhibits filed at the office of the court. You will be formally summoned to a hearing in order to demonstrate the merits of your action. The Defendant will also be summoned. If you have witnesses you want to be heard, inform them of the date, time and room of the hearing. If you need the clerk to notify your witnesses in writing that they are summoned to a hearing, send the clerk the list of your witnesses with their complete addresses by regular mail, e-mail or fax. To do so, use the *List of Witnesses to be Summoned by the Clerk* form on the Website of the ministère de la Justice.
4. The Defendant may wish to reach a settlement with you. You are free to accept or refuse it. Should you accept, all parties must sign the settlement and send it to the clerk.

If the Defendant fails to respond to your action within the time allotted, judgment may be rendered without further notice. Depending on the nature of your action, you may not need to attend the hearing. You will then receive the judgment by mail. If you must present your evidence before the court, you will be informed by mail of the date and time of the hearing.

CANADA
PROVINCE OF QUÉBEC
District of
Locality
File No.

COURT OF QUÉBEC
Civil Division
Small Claims Division

Although given formal notice, the Defendant has not paid or refuses to pay.

The cause of action arose in the district of

CONCLUSIONS SOUGHT:

To sentence the Defendant to pay the Plaintiff the sum of \$ _____,
solidarily, plus interest at the annual rate of _____ %,
and the additional indemnity provided for by article 1619 of the *Civil Code of Québec*, as of _____,

To sentence the Defendant to pay the judicial fees of \$ _____ to the Plaintiff.

LIST OF EXHIBITS FILED

The Plaintiff files the following exhibits:

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Additional list attached

Signature of Plaintiff or mandatory

OATH

I, the undersigned, _____, declare under oath that:

1- I am the Plaintiff or the Plaintiff's mandatory.

or

I represent the Plaintiff in my capacity as:

officer person bound exclusively to the Plaintiff under a contract of employment

At all times during the 12-month period preceding this action, the Plaintiff, i.e. a partnership, an association or a legal person, had under its direction or control not more than five persons bound to it by a contract of employment.

2- The sum claimed is due and payable.

3- All the facts alleged herein are true.

And I have signed

Plaintiff or mandatory

Sworn before me

At _____, on _____

Clerk or Commissioner for oaths

MEDIATION OFFER

I wish to submit this dispute to the Service de médiation of the Small Claims Division

Signature of Plaintiff
(Tel.: _____)

FOR USE BY THE CLERK ONLY

I agree with the institution of this action.

I refuse the institution of this action, on the grounds given in the attached document.

Nature of action: _____

Place of mediation: _____

At _____, on _____

Clerk of the Court of Québec