

DM001

Plaintiff

versus

DF001

Defendant

SECTION 1 : PAYMENT OF THE CLAIM

CHOOSE ONE OF THE FOLLOWING METHODS OF PAYMENT :

1.1 **PAYMENT TO THE PLAINTIFF**

I paid **directly** to the Plaintiff the whole of the sum claimed, including costs,
that is, \$ _____ .

Please attach the receipt given by the Plaintiff.

1.2 **PAYMENT IN PERSON AT THE OFFICE OF THE CLERK**

I paid the amount claimed, including costs, that is, \$ _____ .

1.3 **PAYMENT MAILED TO THE CLERK**

I have enclosed the whole of the sum claimed, including costs, that is, \$ _____

(*check the method of payment*) :

certified cheque or postal or bank money order **made to the Minister of Finance.**

cheque or postal or bank money order **made to the Plaintiff.**

Signed at _____

On _____

Defendant

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SECTION 2 : SETTLEMENT

The parties agree to settle the dispute in the following manner :

The Defendant will pay the Plaintiff \$ _____ under the following terms and conditions :

number of payments : _____
amount of each payment : \$ _____
date of first payment : _____
frequency (weekly or other) : _____

Other terms and conditions :

Signed at :

On :

Signature of Defendant

Signed at :

On :

Signature of Plaintiff

Note : *This agreement must be signed by the parties and deposited at the office of the clerk within 20 days of the notification of this action.*

CONFIRMATION
(For use by the clerk only)

I confirm the settlement reached between the parties and order them to comply with it.

At : _____

On : _____

Signature of the clerk of the Court of Québec

CANADA
PROVINCE OF QUÉBEC
District of «**DISTRICT**»
Locality «Locality»
File No. **XXX-32-**

COURT OF QUÉBEC
Civil Division
Small Claims Division

DM001

Plaintiff

versus

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Defendant

SECTION 3 : CONTESTATION

You disagree with the Plaintiff's action and wish to contest it: ***you must state the grounds for your contestation and attach the documents supporting your allegations.*** If you do not have enough space to state your grounds or list your exhibits, attach a separate sheet.

This form, duly filled out and signed, must be sent to the court office of the Small Claims Division ***within 20 days of receipt of the action***, along with the contestation fees of \$ _____. **Your contestation will be rejected if you do not pay the fees.**

You may **pay the fees** in cash, by certified cheque or postal or bank money order made to the Minister of Finance or by bank debit card. Payment in cash or by debit card must be made in person at the office of the clerk.

You will be exempted from paying the fees if you are receiving benefits under a social welfare program provided for in the *Act respecting income support, employment assistance and social solidarity*. You must provide a copy of the document showing your eligibility for the program.

SECTION 3.1 CONTESTATION

I am contesting the merits of the action, on the following grounds :

(State your grounds briefly but precisely.)

EXHIBITS (documents, contracts, bills, etc.)

- I have no exhibits to file.**
 I have attached the following exhibits as evidence.

D-1 _____ D- _____

D- _____ D- _____

Keep a copy of each exhibit you filed for reference purposes during the hearing.

At : _____ on _____

Tel. : _____

Signature of Defendant or mandatary

INFORMATION ABOUT YOUR WITNESSES

Indicate how many witnesses you want to be heard. If you want the clerk to summon them, state their names and addresses :

SECTION 3.2 APPLICATION FOR REFERRAL

I am applying to have this case heard in the Small Claims Division of the judicial district of _____ for the following reasons :

I am applying for this case to be heard in another court, that is, _____, for the following reasons :

You will subsequently be notified of the court's decision on this application.

At : _____

On : _____

Signature of Defendant or mandatary

SECTION 3.3 IMPEADED PARTY

I wish to implead another party (natural or legal person) to permit a complete resolution of the dispute, on the following grounds :

Indicate the name and address of each person impleaded :

At : _____

On : _____

Signature of Defendant or mandatary

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SECTION 3.4 CROSS DEMAND

I wish to file a demand against the Plaintiff related to the principal action, on the following grounds:

(You must state the grounds for the demand and the amount claimed (\$7000 or less) and have the demand sworn. If you do not have enough space, attach a separate sheet. You must submit the evidence supporting your allegations, along with the fees for filing your cross demand plus the contestation fees. You may ask the clerk about the amount of the contestation fees.)

I am also claiming the costs, the interest at the rate of _____ % and the additional indemnity.

EXHIBITS (documents, contracts, bills, etc.)

I have no exhibits to file.
 I have attached the following exhibits as evidence.

D- _____ D- _____

D- _____ D- _____

OATH

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

- 1- I am the Defendant and Cross Plaintiff, or the latter's mandatary.
 or
 I represent the Defendant and Cross Plaintiff in my capacity as :
 officer person bound exclusively to the Cross Plaintiff/Defendant 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

 Defendant and Cross Plaintiff
 or mandatary

Sworn before me

At _____, on _____

 Clerk or Commissioner for oaths

Amount of court fees for a cross demand (from April 1 st , 2010 till March 31, 2011)								
ACCORDING TO THE AMOUNT OF THE CLAIM	0,01 \$ à 999,99 \$		1000 \$ à 2999,99 \$		3000 \$ à 4999,99 \$		5000 \$ à 7000 \$	
	NATURAL PERSON	LEGAL PERSON	NATURAL PERSON	LEGAL PERSON	NATURAL PERSON	LEGAL PERSON	NATURAL PERSON	LEGAL PERSON
	59 \$	70 \$	64 \$	77 \$	70 \$	83 \$	77 \$	89 \$

MEDIATION BY THE SMALL CLAIMS DIVISION

You are involved in a dispute and the Plaintiff wishes to submit it to the Service de médiation of the Small Claims Division. If you choose to contest the merits of the action, you may use the mediation service of the Small Claims Division; this service is at no extra cost, as you pay only for the contestation. You are free to accept or refuse mediation.

However, should you choose to resolve the dispute in this way, you should know :

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.

**FILL OUT AND RETURN THE DETACHABLE PORTION OF THIS NOTICE
WITH YOUR CONTESTATION WITHIN TWENTY (20) DAYS.**

DETACH AND ENCLOSE WITH YOUR CONTESTATION

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File number : XXX-32-

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

Date

Signature

IMPORTANT

Enter your name, addresses and phone numbers in the spaces provided.

Name :	_____
Address :	_____

Postal code :	_____
Home phone number :	_____
Office phone number :	_____
Fax :	_____
Courriel :	_____

CANADA
PROVINCE DE QUÉBEC
District de «**DISTRICT**»
Localité «Locality»
N° dossier **XXX-32-**

COUR DU QUÉBEC
Chambre civile
Division des petites créances

Partie demanderesse

contre

Partie défenderesse

JUGEMENT

par défaut après contestation

Motifs du jugement :

PAR CES MOTIFS :

- REJETTE** la demande sans frais avec frais de _____ \$.
- CONDAMNE** la partie défenderesse solidairement conjointement
à payer à la partie demanderesse la somme de _____ \$ en capital,
avec les intérêts au taux de _____ % l'an,
 à compter de la signification de la demande, le _____
 à compter de la mise en demeure, le _____
 à compter du _____
 plus l'indemnité additionnelle prévue à l'article 1619 du *Code civil du Québec*, à
compter du _____

 et les frais judiciaires au montant de _____ \$.

À _____ le _____

DM001

Partie demanderesse

contre

DF001

Partie défenderesse

PROCÈS-VERBAL

Date	Salle	Heure	Cassette	Heure	Cassette						
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%; text-align:center;"> </td> <td style="width:33%; text-align:center;"> </td> <td style="width:33%; text-align:center;"> </td> </tr> <tr> <td style="text-align:center;">Année</td> <td style="text-align:center;">Mois</td> <td style="text-align:center;">Jour</td> </tr> </table>				Année	Mois	Jour		Début 1 S-	2 S-	S-	S-
Année	Mois	Jour									
		Fin 1 S-	S-	S-	S-						

Juge	Code	Greffier	Code

Jugement

- Rendu par défaut
 Rendu ex-parte
 Rendu à l'audience en présence des parties
 Pris en délibéré

<p>Partie demanderesse</p> <p> <input type="checkbox"/> Présente <input type="checkbox"/> Propose un arrangement <input type="checkbox"/> Absente <input type="checkbox"/> Accepte un arrangement <input type="checkbox"/> Présente un(des) témoin(s) </p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	<p>Partie défenderesse</p> <p> <input type="checkbox"/> Présente <input type="checkbox"/> Propose un arrangement <input type="checkbox"/> Absente <input type="checkbox"/> Accepte un arrangement <input type="checkbox"/> Présente un(des) témoin(s) </p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
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<p>Personne <input type="checkbox"/> appelée <input type="checkbox"/> mise en cause</p> <p> <input type="checkbox"/> Présente <input type="checkbox"/> Propose un arrangement <input type="checkbox"/> Absente <input type="checkbox"/> Accepte un arrangement </p>	<p> <input type="checkbox"/> Fait valoir ses moyens de défense <input type="checkbox"/> Présente un(des) témoin(s) </p> <hr/> <hr/> <hr/>
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NOTES _____

Suite

OPTIONS AVAILABLE TO DEFENDANT AFTER NOTIFICATION OF ACTION

(article 964 C.C.P.)

The Plaintiff has filed this action with the office of the Small Claims Division of the Civil Division of the Court of Québec.

Note that the following options are available to you and that, if you fail to indicate an option to the clerk within 20 days of the notification of this action, judgment may be rendered against you without further notice or extension :

You may pay the amount claimed and the Plaintiff's disbursements, either to the clerk or to the Plaintiff, in the latter case forwarding proof of payment or the acquittance obtained from the Plaintiff to the clerk.

You may make a settlement with the Plaintiff, and send a copy of the agreement signed by the Plaintiff and yourself to the clerk.

- You may contest the merits of the action, and so advise the clerk, specifying the grounds for the contestation. If you choose to do so, you may request that the dispute be referred to mediation; apply for the referral of the case to another judicial district or before another court, specifying the grounds for the request; request that another person be impleaded to allow a complete resolution of the dispute, in which case you must inform the clerk of the person's name and last known address; and make a counter-claim against the Plaintiff provided it arises out of the same source as the Plaintiff's claim or from a related source and is admissible under the Book on small claims.

ADDITIONAL INFORMATION

If you choose **to pay the claim**, fill out section 1 of this form.

If you choose to **settle**, fill out section 2 of this form.

If you decide to **contest**, fill out section 3.1 of this form.

If you decide to **apply for referral**, fill out section 3.2 of this form.

If you wish to **implead another party**, fill out section 3.3 of this form.

If you wish to file a **cross demand**, fill out section 3.4 of this form.

IF YOU FAIL TO RESPOND TO THE ENCLOSED ACTION WITHIN 20 DAYS OF RECEIVING IT, JUDGMENT MAY BE RENDERED AGAINST YOU WITHOUT FURTHER NOTICE OR EXTENSION.

ATTENTION

If your address changes, notify the clerk by regular mail, e-mail or fax. To do so, use the *Notice of Change of Address* form, available at the office of the clerk or 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.

ADDRESS OF THE COURT OFFICE

GREFFIER DE LA DIVISION DES PETITES CRÉANCES

Adresse 1

Adresse 2

Adresse 3

Téléphone : «Téléphone»

Télécopieur : «Télécopieur»

Courriel : Courriel