

MODEL ESTABLISHED BY THE MINISTER OF JUSTICE

**NOTICE SETTING OUT THE OPTIONS
AVAILABLE TO THE DEFENDANT IN THE
SMALL CLAIMS DIVISION**
(articles 546 and following, C.C.P.)

The plaintiff has filed this application at the office of the Small Claims Division at the Court of Québec.

The options available to you are the following:

- to pay the amount claimed and the costs borne by the plaintiff to the court office or pay them directly to the plaintiff and send the proof of payment or acquittance obtained from the plaintiff to the court office;
- to reach a settlement with the plaintiff and send a document recording the settlement agreement to the court office; or
- to defend on the merits and so inform the court office, specifying the grounds of defence, which may include prescription, and submitting the exhibits in support of your contention.

You must indicate the option chosen to the court clerk within 20 days after this notification, or judgment may be rendered against you without further notice or extension.

If you choose to defend the application, you may

- ask that the dispute be referred to mediation;
- ask, specifying the reasons:
 - that the application be dismissed;
 - that the case be referred to another judicial district;
 - that the case be referred to the competent court or administrative tribunal; or
 - that the case be tried by the same court but under the general rules of civil procedure;
- ask that a third person be forced to intervene as a co-defendant or an impleaded party:
 - in order to assert a recourse in warranty against that person; or
 - to allow full resolution of the dispute.

You must inform the court clerk of the person's name and last known address;

- assert your own claim against the plaintiff, provided
 - it arises from the same source as the application or from a related source; and
 - the amount claimed would make it recoverable before the Small Claims Division;
- ask for the resolution, rescission or annulment of the contract on which the application is founded;
- make a tender and deposit the amount tendered with the court office or with a trust company.