

**DEFENDING AGAINST A CLAIM**

*(Paragraphs 3(8)(c), 5(2)(a) and 6(1)(a))*

**What are a defendant’s options?**

A defendant who receives a STATEMENT OF CLAIM may do any one or more of the following:

- a. oppose all or part of the claim by listing reasons why the claim is opposed;
- b. admit all or part of the claim;
- c. make a counterclaim against the plaintiff under rule 6;
- d. pay the amount claimed directly to the plaintiff or into Territorial Court under subrule 22(21) and ask the plaintiff to discontinue the STATEMENT OF CLAIM under subrule 22(22);
- e. make an offer to settle under rule 14;
- f. admit all or part of the claim and propose a payment schedule.

**STEP 1**

**COMPLETE** the STATEMENT OF DEFENCE. To complete this form, type or print clearly.



**STEP 2**

**FILE** the STATEMENT OF DEFENCE by taking or mailing it to the Territorial Court registry. If you are making a counterclaim, you must also provide the required filing fee. The staff will check the form and if it is in order, accept it for filing. The STATEMENT OF DEFENCE must be filed in the registry within the time limit shown on the STATEMENT OF CLAIM.



**STEP 3**

The Territorial Court registry will send a copy of the STATEMENT OF DEFENCE to the plaintiff and in most cases set a date for a settlement conference. You will receive a notice telling you the date and location of the conference. Some cases will go directly to trial and you will receive notice telling you the date and location.



**STEP 4**

When the date is set, you can prepare for the conference or trial.

**FROM:**

This is where you identify the defendant who is filing this STATEMENT OF DEFENCE. Please give an address that is suitable for personal service. Please do not use a post office box. You must be sure that the address you give is correct because this is where the Territorial Court registry will send any further notices or information to you. If your address changes, you must submit a CHANGE OF ADDRESS (Form 4) to the registry.

**DISPUTE:**

List the reasons why you oppose the claim. You do not need to tell everything about your defence here. You must tell just enough to indicate to the plaintiff and the Territorial Court what parts of the claim you dispute and why. Look at the “How Much” section of the STATEMENT OF CLAIM. If the claim has more than one part—a, b, c, and so on—then you should defend against each part separately, using the same letters. If there is anything in the STATEMENT OF CLAIM that you agree with, be sure to include that here.

**AGREEMENT WITH THE STATEMENT OF CLAIM:**

If you admit all or part of the STATEMENT OF CLAIM, and if you are proposing a payment schedule, try to make it a reasonable one. If the plaintiff agrees with your proposal, the plaintiff may file a CONSENT ORDER. If the plaintiff agrees to the amount but not the terms for the payment, the plaintiff may request a PAYMENT HEARING to ask the Court to set a payment schedule. You will be asked about your financial circumstances and expected to provide supporting documents.

**COUNTERCLAIM:**

If you have a counterclaim, you must tell just enough to let the plaintiff know what your counterclaim is about.

If your counterclaim is made up of several parts, separate them here and show the amount you are claiming for each part.

For example,

- a. Amount owing on unpaid invoice \$ \_\_\_\_\_
- b. Interest under the contract \$ \_\_\_\_\_

The plaintiff might agree with part of your counterclaim if you show its separate parts.

The most you may claim in the Territorial Court is \$35,000.00, including the amount of money claimed AND the value of any goods or services claimed. This does not include interest and expenses.

If your counterclaim is for more than \$35,000.00 and you wish to file in Territorial Court, just say in this section “I am abandoning the amount over \$35,000.00”. If you choose to abandon part of your counterclaim you cannot sue for that part later.

Are you asking for something besides money (e.g. recovery of goods)? If so, fill that in and show the value but do not add the dollar amount for that part of the Total Claimed.

**STATEMENT OF DEFENCE**  
 IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

REGISTRY FILE NO.
REGISTRY LOCATION

**STATEMENT OF DEFENCE**

**TO:** NAME **PLAINTIFF(S)**  
 Fill in the name, address and telephone number of the plaintiff from the STATEMENT OF CLAIM.

ADDRESS  
 CITY, TOWN, COMMUNITY TERRITORY/PROVINCE POSTAL CODE TELEPHONE

**FROM:** NAME **DEFENDANT(S)**  
 Fill in the name, address and telephone number of the defendant filing this STATEMENT OF DEFENCE. Address is the address for service.

ADDRESS  
 CITY, TOWN, COMMUNITY TERRITORY/PROVINCE POSTAL CODE TELEPHONE

**DISPUTE:**  
 Using the "HOW MUCH" section of the STATEMENT OF CLAIM as a guide, tell why you disagree with each part (eg. a-d). If you agree with parts of the claim say so.

a. \_\_\_\_\_  
 b. \_\_\_\_\_  
 c. \_\_\_\_\_  
 d. \_\_\_\_\_

Check box if section is continued on an ADDITIONAL PAGE (Form 45). Be sure to attach page.

**AGREEMENT WITH STATEMENT OF CLAIM:** I, \_\_\_\_\_ agree to pay \$ \_\_\_\_\_  
(NAME) (AMOUNT)

If you agree to pay all or part of what is claimed, make a proposal. Give dates and amounts.

**COUNTERCLAIM:** (YOU SHOULD ONLY FILL OUT THIS PART OF THE FORM IF YOU WISH TO MAKE A CLAIM AGAINST THE PLAINTIFF)

**WHAT HAPPENED?**  
 Briefly tell what has led to your counterclaim.

Check box if section is continued on an ADDITIONAL PAGE (Form 45). Be sure to attach page.

**HOW MUCH?**  
 Tell what is being claimed from the plaintiff(s). If the claim is made up of several parts, separate them here and show the amount for each part. Add these amounts and fill in the total claimed.

a.	\$
b.	\$
c.	\$
d.	\$
<b>TOTAL</b>	\$
+ FILING FEES	\$
+ SERVICE FEES	\$
<b>= TOTAL CLAIMED</b>	\$

**TIME LIMIT FOR A DEFENDANT BY COUNTERCLAIM TO FILE STATEMENT OF DEFENCE TO COUNTERCLAIM**

The STATEMENT OF DEFENCE TO COUNTERCLAIM must be filed within **25 days** from being served with this notice (**30 days** if the service of the STATEMENT OF DEFENCE with counterclaim is outside the Northwest Territories), unless the defendant by counterclaim settles this claim directly with the claimant. **If the defendant by counterclaim does not file a STATEMENT OF DEFENCE TO COUNTERCLAIM within the required time**, a court order may be made against the defendant by counterclaim without any further notice to the defendant by counterclaim. Then the defendant by counterclaim will have to pay the amount claimed plus interest and further expenses.

The Court Address for filing documents is:

\_\_\_\_\_

Signature for Defendant

\_\_\_\_\_

Date