

MAKING A THIRD PARTY CLAIM

What a defendant may do:

A defendant who files a STATEMENT OF DEFENCE and thinks that another person should pay all or part of a claim in the STATEMENT OF CLAIM may make a claim against that person by completing a THIRD PARTY NOTICE under rule 7.

If a settlement conference regarding the matter has already been held, a defendant needs to apply to a judge to be allowed to complete a THIRD PARTY NOTICE.

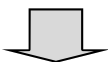
STEP 1

COMPLETE the THIRD PARTY NOTICE. To complete this form, type or print clearly.



STEP 2

FILE the THIRD PARTY NOTICE by taking or mailing it to the Territorial Court registry. You must also provide the required filing fee. The staff will check the form and if it is in order, accept it for filing, apply the registry stamp and return the copies you need for your records and for serving the third party.



STEP 3

PERSONALLY SERVE the third party with copies of all of the following:

- a. THIRD PARTY NOTICE;
- b. STATEMENT OF CLAIM;
- c. STATEMENT OF DEFENCE;
- d. NOTICE OF SETTLEMENT CONFERENCE if applicable;
- e. blank STATEMENT OF DEFENCE TO THIRD PARTY NOTICE (FORM 9).

The purpose is to be sure the third party knows they are being sued and what the case is about.



STEP 4

FILE an AFFIDAVIT OF SERVICE (Form 3) within 30 days after filing the THIRD PARTY NOTICE.

ADDRESSES:

State the address for the plaintiff and your address from the STATEMENT OF CLAIM.

State the address of the third party. Are you sure you have used the proper name?

WHAT HAPPENED?

You do not need to tell everything about your third party claim here. You must tell just enough to indicate to the third party and the Territorial Court what the claim is about. Keep your description brief.

HOW MUCH?

If your claim against the third party 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 third party might agree with part of the third party claim 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.

Is the claim 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.

THIRD PARTY NOTICE

IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

REGISTRY FILE NO.
REGISTRY LOCATION

THIRD PARTY NOTICE

TO:
Fill in the name, address and telephone number of the plaintiff from the STATEMENT OF CLAIM.

NAME
ADDRESS

PLAINTIFF(S)

CITY, TOWN, COMMUNITY

TERRITORY/PROVINCE

POSTAL CODE

TELEPHONE

FROM:
Fill in the name, address and telephone number of the defendant from the STATEMENT OF CLAIM.

NAME
ADDRESS

DEFENDANT(S)

CITY, TOWN, COMMUNITY

TERRITORY/PROVINCE

POSTAL CODE

TELEPHONE

TO:
Fill in the name, address and telephone number of the person or business that the defendant thinks should pay all or part of the claim made against the defendant.

NAME
ADDRESS

THIRD PARTY

CITY, TOWN, COMMUNITY

TERRITORY/PROVINCE

POSTAL CODE

TELEPHONE

WHAT HAPPENED?

Tell what led to the claim.

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 third party. 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.	\$
TOTAL	\$
+ FILING FEES	\$
+ SERVICE FEES	\$
= TOTAL CLAIMED	\$

TIME LIMIT FOR A DEFENDANT TO FILE STATEMENT OF DEFENCE TO THIRD PARTY NOTICE

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

The Court Address for filing documents is:

Signature for Defendant

Date