

FORM 9—STATEMENT OF DEFENCE TO THIRD PARTY NOTICE

DEFENDING AGAINST A THIRD PARTY NOTICE

(Paragraphs 7(4)(b) and (7)(a))

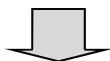
What are a third party’s options?

A person who receives a THIRD PARTY CLAIM may do any one or more of the following:

- a. oppose all or part of the third party 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.

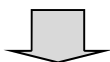
STEP 1

COMPLETE the STATEMENT OF DEFENCE TO THIRD PARTY NOTICE. To complete this form, type or print clearly.



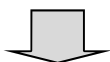
STEP 2

FILE the STATEMENT OF DEFENCE TO THIRD PARTY NOTICE 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 TO THIRD PARTY NOTICE must be filed in the registry within the time limit shown on the THIRD PARTY NOTICE.



STEP 3

The Territorial Court registry will send a copy of the STATEMENT OF DEFENCE TO THIRD PARTY NOTICE to the parties. You will receive a notice telling you the date and location of the settlement conference if one is set and you did not receive a notice with the THIRD PARTY CLAIM. 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.

ADDRESSES:

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

State your address. 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 third party claim. You do not need to tell everything about your defence here. You must tell just enough to indicate to the parties and the Territorial Court what parts of the claim you dispute and why. Look at the “How Much” section of the THIRD PARTY NOTICE. 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 THIRD PARTY NOTICE that you agree with, be sure to include that here.

AGREEMENT WITH THE THIRD PARTY NOTICE:

If you admit all or part of the THIRD PARTY NOTICE, 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 against the plaintiff, 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 TO THIRD PARTY NOTICE
 IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

REGISTRY FILE NO.
REGISTRY LOCATION

STATEMENT OF DEFENCE TO THIRD PARTY NOTICE

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

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

CITY, TOWN, COMMUNITY TERRITORY/PROVINCE POSTAL CODE TELEPHONE

FROM: NAME **THIRD PARTY**
 Fill in the name, address and telephone number of the third party from the THIRD PARTY NOTICE.
 ADDRESS

CITY, TOWN, COMMUNITY TERRITORY/PROVINCE POSTAL CODE TELEPHONE

DISPUTE: a.
 Using the "HOW MUCH" section of the THIRD PARTY NOTICE as a guide, tell why you disagree with each part (eg. a-d). If you agree with parts of the claim say so.
 b.
 c.
 d.

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

AGREEMENT WITH THIRD PARTY NOTICE: 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.		\$
	TOTAL	
	+ FILING FEES	
	+ SERVICE FEES	
	= TOTAL CLAIMED	\$

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

The STATEMENT OF DEFENCE TO COUNTERCLAIM regarding a counterclaim contained in a 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 STATEMENT OF DEFENCE TO THIRD PARTY NOTICE is outside the Northwest Territories), unless the defendant by counterclaim settles this claim directly with the third party. **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 Third Party

Date