

**Provincial Court of Saskatchewan
Judicial Centre of Saskatoon
*The Small Claims Act***

BETWEEN

Any Snow Removal Ltd.

PLAINTIFF

and

John Smith

DEFENDANT

DEFENCE AND NOTICE OF COUNTERCLAIM

(This sample is in response to S5.3 Sample Statement of Claim – services.)

To: Any Snow Removal Ltd. of Saskatoon, Saskatchewan, Plaintiff

You are hereby notified that on the _____ day of _____, 20_____, at _____ am / pm;
(date & time of next court date)

You will be required to answer to the counterclaim of John Smith, Defendant, as set out below.

At that time and place you will be given the opportunity to present any defence or set-off to the counterclaim to which you are by law entitled.

If you do not appear at that time and place, judgment with costs may be made against you in your absence. If judgment is made against you, you may apply under section 34 of *The Small Claims Act*, for an order that the amount of the judgment be paid in installments.

STATEMENT OF DEFENCE

1. The Defendant admits paragraphs 1 and 2 of the Statement of Claim.
2. The Defendant denies agreeing that the Plaintiff was to clear the snow according to a schedule, unless cancelled. The parties agreed that the Plaintiff would clear the snow, only if confirmed in advance of the scheduled time by phone. I was in hospital during this time and did not call the Defendant to clear the driveway at any time.
3. The Defendant is aware that the Plaintiff attended only twice during this time frame and that on one or both occasions, he caused damage to perennials which were adjacent to the driveway.

NOTICE OF COUNTERCLAIM

4. The Defendant paid \$300.00 to replace the damaged perennials. Demand for reimbursement has been made but the Plaintiff neglects or refuses to pay this sum to the Defendant.

5. THE DEFENDANT THEREFORE CLAIMS:

- a) Judgment in the sum of \$300.00,
- b) Interest pursuant to *The Pre-Judgment Interest Act*,
- c) Costs of \$20.00 for issuance of this claim, and costs incidental to this claim.

Dated at Saskatoon, Saskatchewan, the _____ day of _____, 20_____.

Defendant's signature

John Smith
My address for service is:
123 Anywhere St. Saskatoon,
Saskatchewan A1A 1A1