

FORM 27B

Courts of Justice Act

COUNTERCLAIM (AGAINST PLAINTIFF AND PERSON NOT ALREADY PARTY TO MAIN ACTION)

(Where all defendants to the counterclaim are already parties to the main action, use Form 27A.)

(General heading)

(Add a second title of proceeding, as follows:)

AND BETWEEN:

(name)

(Court seal)

Plaintiff by counterclaim

and

(name)

Defendants to the counterclaim

STATEMENT OF DEFENCE AND COUNTERCLAIM

TO THE DEFENDANTS TO THE COUNTERCLAIM

A LEGAL PROCEEDING has been commenced against you by way of a counterclaim in an action in this court. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS COUNTERCLAIM, you or an Ontario lawyer acting for you must prepare a defence to counterclaim in Form 27C prescribed by the Rules of Civil Procedure, serve it on the plaintiff by counterclaim's lawyer or, where the plaintiff by counterclaim does not have a lawyer, serve it on the plaintiff by counterclaim, and file it, with proof of service, in this court, WITHIN TWENTY DAYS after this statement of defence and counterclaim is served on you.

If you are not already a party to the main action and you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

If you are not already a party to the main action, instead of serving and filing a defence to counterclaim, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your defence to counterclaim.

IF YOU FAIL TO DEFEND THIS COUNTERCLAIM, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

(Where the counterclaim is for money only, include the following:)

IF YOU PAY THE AMOUNT OF THE COUNTERCLAIM AGAINST YOU, and \$..... for costs, within the time for serving and filing your defence to counterclaim, you may move to have the counterclaim against you dismissed by the court. If you believe the amount claimed for costs is excessive, you may pay the amount of the counterclaim and \$400 for costs and have the costs assessed by the court.

Date

Issued by

Local registrar

Address of
court office

.....

TO *(Name and address of defendant to the counterclaim who is not already a party to the main action)*

(Name and address of lawyer for other defendant to the counterclaim or of other defendant to the counterclaim)

(The counterclaim is to follow the last paragraph of the statement of defence. Number the paragraphs in sequence commencing with the number following the number of the last paragraph of the statement of defence.)

COUNTERCLAIM

The defendant *(name if more than one defendant)* claims: *(State here the precise relief claimed.)*

(Then set out in separate, consecutively numbered paragraphs each allegation of material fact relied on to substantiate the counterclaim.)

(Where a defendant to the counterclaim who is not already a party to the main action is to be served outside Ontario without a court order, set out the facts and the specific provisions of Rule 17 relied on in support of such service.)

(Date of issue)

(Name, address and telephone number of plaintiff by counterclaim's lawyer or plaintiff by counterclaim)