

HOW TO OBTAIN DEFAULT JUDGMENT SUPREME COURT OF NOVA SCOTIA

1. Where a defendant does not file a defence to an action commenced against him within the required time frames, the plaintiff can make a motion for a default judgment against the defendant pursuant to Civil Procedure Rule 8.
2. The prothonotary may enter a default judgment where the following criteria has been met:
 - a) the party against whom judgment is sought is notified of the claim (proved by affidavit of service);
 - b) the time for filing a defence has expired;
 - c) no defence has been filed with the court; and
 - d) the judgment is for quantified damages only.
3. The party seeking the default judgment must file the following :
 - a) proof of notification in the form of an affidavit of service (original)
 - b) Bill of Costs (2 copies)
 - c) Default Order (2copies)
 - d) Certificate of Judgment - form 46 (2 copies)
 - 3) Execution Orders (Form 79.17 A & 79.17B) (3 copies)
4. If more than one defendant is named, but you only wish to obtain default judgement against one defendant you must clearly identify the defendant you seek to enter judgment against.
5. The Bill of Costs must reflect the following:
 - a) solicitor fees as set out in Tariff D of Civil Procedure Rules determined on the amount of debt shown in the Statement of Claim
 - b) execution fee of \$25.00 allowable under Tariff D
 - c) court filing costs for commencing an action
 - d) law stamp fee including HST
 - d) bailiff fees incurred for the service of the commencing document
6. The Default Judgment Order must show in a dollar amount the debt plus interest and costs.
7. The Certificate of Judgment must be completed as per the requirements of the Land Registry Office. Please note that the court will not issue a document where a debtors social insurance number is used as information to identify that person.
8. The Execution Order consists of two forms - 79.17A and 79.17B. At Form 79.17A particular attention must be taken when naming the judgment debtor if judgment was not obtained against all defendants. Form 79.17B must show the debt including cost and pre-judgment interest as well as registration expenses. Registration expenses are those incurred when registry the judgment at the personal property registry and land registration at the Land Registry Office.
9. There is no court filing fee required when requesting the entering of a default judgment.

