Recent Changes to the Alberta Provincial Court Regulations and Forms

January 01, 2019

On January 1, 2019, an amendment to the Provincial Court Act, RSA 2000, c P-31 (the "Act") came into effect which provides the Lieutenant Governor in Council the authority to increase the monetary jurisdiction of the Provincial Court of Alberta from $50,000 to $100,000. Accompanying that amendment were two new regulations: the Provincial Court Civil Procedure Regulation, AR 176/2008 (the "Procedure Regulation") and the Provincial Court Civil Forms Regulation, AR 179/2018 (the "Forms Regulation"). It appears that, for now, the monetary jurisdiction of the Provincial Court in Alberta remains at $50,000, but these two regulations made several other notable changes to the Provincial Court process in Alberta.

In particular, after a dispute note is filed, the Court must now direct the matter to one of a: (a) pre-trial conference, (b) simplified trial, or (c) a trial. Accordingly, Court-mandated mediations no longer form part of the Provincial Court process, although, if they wish, parties can still agree to a binding judicial dispute resolution pursuant to section 64.1 of the Act and section 23 of the Procedure Regulation. The new simplified trial process, detailed in Part 8 of the Procedure Regulation, is reserved for less complex matters. That process requires parties to file and serve trial statements 14 days prior to the trial date which include, among other things, a summary of the facts and evidence the party intends to present to the Court, a list of witnesses and summaries of the evidence those witnesses are expected to provide, and copies of all relevant records. It is unclear, though, how the simplified trial process will differ from the normal trial process once the trial commences.

The Forms Regulation introduced additional prescribed forms for use in Provincial Court, including forms for an Application, Affidavit, Notice to Attend as a Witness, and Third Party Claim. The Forms Regulation also revised the previous prescribed forms for Civil Claims and Dispute Notes. Prior to January 1, 2019, the general practice when filing a civil claim or dispute note was to attach, as a Schedule to the prescribed form, a more detailed summary of the party's claim or defence. The new prescribed forms appear to eliminate, or at least try to limit, this practice. In particular, the forms direct that a party should not attach any additional material or evidence when filing the claim or defence. There are also specified prescribed forms depending on what type of claim you are filing, for example, a debt claim or a wrongful dismissal claim. The Provincial Court clerks have been directed to observe a reasonable grace period where they will

accept forms presented in the prior formats, but after that grace period, the requirement for the new prescribed forms will be more strictly enforced.

These new regulations stand to impact the decision as to whether to commence a claim in Provincial Court instead of Queen's Bench in Alberta. It is yet to be seen whether the monetary jurisdiction of the Provincial Court will ever increase to $100,000, but if the new simplified trial process is successful in resolving matters quicker and in a more cost-effective manner, then that might be the next step.

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