Alberta Small Claims Court Adds New Forms and Procedure Regulations

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On January 1, 2019, an amendment to the Alberta *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). The monetary jurisdiction of the Provincial Court in Alberta remains at $50,000 for now, 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 the following: (a) mediation; (b) pre-trial conference, (c) simplified trial, or (d) a trial. Alternatively, if all parties consent, they may participate in a binding judicial dispute resolution of the matter.

The new simplified trial process is reserved for less complex matters. The 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 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 try to limit this practice. There are also specified prescribed forms depending on what type of claim is being filed, 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.

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 more quickly and in a more cost-effective manner, then that might be the next step.

By

Laura Poppel

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BLG Offices

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

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