

Increase Small Claims Court limit

Small Claims Court is governed by the *Provincial Court Act*, R.S.A. 2000, c. P-31. Section 9(1) (i) of the *Act* allows the Lieutenant Governor in Council to make regulations prescribing the jurisdictional limits of the court. Presently, the limit referred to in the act is “not to exceed \$50,000.00.” Present regulations have the jurisdictional limit set at \$25,000.00.

In Small Claims Court, litigation is a more expeditious court-driven process and does a superior job in handling civil disputes between parties, as opposed to a more lengthy and expensive process through the Court of Queen’s Bench, which is by design a lawyer/rules of court-driven process.

In Small Claims Court, upon the filing of a Dispute Note (Statement of Defence), the Clerk of the Court is required by law to set a time, date and place, either for a hearing, pre-trial conference or mediation session. There is no requirement for examinations for discovery, expert reports or other time-consuming and expensive legal procedures. Most, if not all, Small Claims actions are processed through mediation, or pre-trial conferences before trial. These processes are focused on settling the dispute by a series of court initiated processes rather than the “discovery process” favoured by the higher courts. Further, at trial, the court is not bound by applicable laws of evidence.

Increasing the monetary jurisdiction of Small Claims Court would recognize a superior court-driven process model, and in doing so, would provide greater access to justice for ordinary Albertans and business (most notably small business) to a more efficient and cost-effective means of resolving civil disputes.

The Alberta Chambers of Commerce recommends the Government of Alberta:

1. Implement a change in regulation of the *Provincial Court Act* to increase the present jurisdictional limit of \$25,000.00 in Small Claims Court to the maximum allowed under Section 9 (1) (i) of the *Provincial Court Act*, R.S.A. 2000, c. P-31 of \$50,000.00.