

What Is Small Claims Court?

Small Claims Court Self-Help Guide



Information Resources – Yukon

Yukon Government

Consumer Protection

867-667-5111; toll free (in Yukon) 1-800-661-0408, ext. 5111

Email: inquiry.plra@gov.yk.ca

Web site: www.community.gov.yk.ca/consumer/cp.html

Location: 307 Black Street, Whitehorse, Yukon

Mail: Box 2703 C-5, Whitehorse, YT Y1A 2C6

Corporate Affairs

867-667-5314; toll free (in Yukon) 1-800-661-0408, ext. 5314

Email: corporateaffairs@gov.yk.ca

Web site: www.community.gov.yk.ca/corp/index.html

Location: 307 Black Street, Whitehorse, Yukon

Mail: Box 2703 C-6, Whitehorse, YT Y1A 2C6

Employment Standards

867-667-5944; toll free (in Yukon) 1-800-661-0408, ext. 5944

Email: employmentstandards@gov.yk.ca

Web site: www.community.gov.yk.ca/es/index.html

Location: 307 Black Street, Whitehorse, Yukon

Mail: Box 2703 C-7, Whitehorse, YT Y1A 2C6

Residential Tenancies Office

867-667-5944 (in Yukon) 1-800-661-0408, ext. 5944

Email: rto@gov.yk.ca

Web site: www.community.gov.yk.ca/consumer/rto.html

Location: 307 Black Street, Whitehorse, Yukon

Mail: Box 2703 C-7, Whitehorse, YT Y1A 2C6

Small Claims Court Registries

867-667-5619; toll free (in Yukon) 1-800-661-0408, ext. 5619

Email: courtservices@gov.yk.ca

Web site: www.justice.gov.yk.ca/prog/cs/registries.html

Whitehorse: Ground Floor Law Courts, 2134 – 2nd Avenue Mail: Box 2703 Y1A 2C6
Dawson City: 595 Fifth Ave (in the Museum building), 867-993-5070 Mail: Box 651 Y0B 1G0
Watson Lake: 820C Adela Trail (Pejest Building), 867-536-7551 Mail: Box 192 Y0A 1C0

Non-Government

Law Line – Yukon Public Legal Education Association (YPLEA)

867-668-5297; toll free (in Yukon) 1-866-667-4305

Email: ypleayt@gmail.com

Web site: www.yplea.com

Location: #102-2131 Second Avenue (Tushi Building), Whitehorse, Yukon Y1A 1C3

Law Society of Yukon (Lawyer Referral Service)

867-668-4231

Email: info@lawsocietyyukon.com

Web site: www.lawsocietyyukon.com

Location: Suite 304 Elliott Street, Whitehorse, Yukon Y1A 0M2

Lawyer Referral Service – half-hour consultation with a lawyer – \$30 incl. GST

Lawyers

To contact a lawyer, go to
www.lawsocietyyukon.com/membership.php
or contact the Law Society of Yukon

IMPORTANT!

This guide is intended to be used as a guide only and is not considered a comprehensive legal resource.

The information provided does not replace a lawyer's advice and cannot teach you everything you need to know. Even if you decide to proceed without a lawyer, you should consult a lawyer for interpretation of the law that applies to your case and for other legal advice.

The information provided in this guide is believed to be correct as of its date of publication.

What Is Small Claims Court?

What is the maximum amount that I can claim in Small Claims Court?

The limit for small claims is \$25,000.

If your claim is for more than \$25,000 and you do not think it is worth the cost or the trouble of going to the Supreme Court, you can reduce the total to \$25,000 to have it filed in Small Claims Court. If you choose to reduce your claim to meet the Small Claims limit, you must give up any part of your claim which is over \$25,000. You cannot divide a larger claim and sue more than once in Small Claims Court for different parts of the same debt.

What kind of claim may I file in Small Claims Court?

You may open a file in Small Claims Court to sue for: NSF cheques, unpaid accounts, unpaid bills for services you provided, unpaid loans, unpaid rent, costs due to motor vehicle accidents and property damage. You may also sue to recover goods taken or kept without permission. Claims for libel or slander, and disputes about land or wills and estates cannot be filed in Small Claims Court.

Can I use Small Claims Court when the cause of my claim began outside Yukon?

In most cases, the event that resulted in your claim must have taken place in Yukon. For example, if you pay for goods through the mail from another province or territory and don't receive them, you may have to sue in the courts in the other area.

How long do I have to sue in Small Claims Court?

The time limit for filing a claim depends on the type of claim. You must file a claim within six years of the date when you could have first made a claim for unpaid accounts, promissory notes, personal loans, NSF cheques, or damage to property. Claims for personal injury (such as from vehicle accidents), assault, breach of a lease, or failure to return property, must be made within two years of the event.

What else should I consider before I file a claim?

Besides the time and money limits, you should think about how likely you are to win. To win, your claim must have a sound legal basis (similar cases to yours must have been successful). You should also be able to show the court that you have evidence (such as copies of unpaid bills) to prove that you have a valid claim. The court will hear an oral claim, but if you have evidence, you will more likely be able to prove your case.

You should also consider whether you will be likely to collect on your claim even if you win. It will be up to you to enforce any court judgment in your favour. The court staff can't collect your money for you, although they can help you with the forms you need. In some cases you may have to pay more money to enforce your judgment. (See Guide #6, Judgments and How to Collect a Small Claim.) If you can't find the person who owes you money, if they aren't working, or if they do not have assets, you probably will not be able to collect from them.

You should also consider whether it is really worth it to you to collect on your debt. If you win your case, the court can order that you be paid for costs associated with filing your claim, but you may have to spend several hours learning what to do and going through the steps in the Small Claims process. You will not be reimbursed for the time you spend on your case, or for any wages you lose by going to court. Going to court can also be a stressful experience.

What should I do before I decide to sue?

Before you sue, you should consider sending the other party a letter by some means that will provide proof that you sent it, such as registered mail. The letter should clearly state what you are owed and that you demand payment by a specific date. The letter should also state that you will be filing a claim in Small Claims Court if you are not paid by that date. If you are willing to take part in a pre-trial conference where a Justice of the Peace or a Territorial Court Judge may mediate the dispute free of charge to help settle the matter, you should say so in your letter.

Your claim may be able to be handled by a government agency – you can check with Consumer Services if you have a problem with refunds for goods or services you purchased. If you are owed money from an employer, you can call Employment Standards and for landlord-tenant matters contact the Residential Tenancies Office. The Law Line can provide you with limited legal information. These services are free, while a half-hour consultation with a lawyer through the Lawyer Referral Service costs \$30 including GST.

SMALL CLAIMS COURT FEES

Filing a claim: Claims up to and including \$5,000 Claims over \$5,000 and not more than \$25,000	\$ 50.00 \$ 100.00
Filing a reply (except where defendant agrees to pay all of the claim and costs)	\$ 25.00
Filing a notice of trial	\$ 50.00
Search of a record of a proceeding (except a search by a party or by the party's lawyer)	\$ 2.00
Copies, per page	\$.50
Certified copy of a document on a court file	\$ 5.00
Certificate of judgment or any other certificate	\$ 5.00
Filing a copy of an order from another registry of the court	\$ 5.00

Fees and expenses for sheriff's services

See Supreme Court Rules Appendix C, Schedule 2 – Fees Payable to Sheriff (www.yukoncourts.ca/pdf/appendix_c.pdf) and pay directly to the Sheriff's Office.

Small Claims Court Forms

The following forms are available from the Small Claims Clerk and on the web site at www.yukoncourts.ca/courts/smallclaims.html

1. Claim
2. Reply
3. Counterclaim
4. Third Party Claim
5. Consent to Act as Litigation Guardian
6. Notice to Alleged Partner
7. Affidavit of Service
8. Notice of Application
9. Affidavit
10. Requisition for Order
11. Consent Order or Order Without a Hearing
12. Pre-Trial Consent Order
13. Default Judgment (for liquidated amount)
14. Default Judgment (for amount to be assessed) and Date of Hearing
15. Notice of Trial
16. Order
17. Summons to Witness
18. Warrant for Arrest of Defaulting Witness
19. Writ of Seizure and Sale
20. Writ of Delivery
21. Notice of Examination
22. Warrant of Arrest
23. Warrant of Committal
24. Notice of Intention to Proceed
25. Notice of Withdrawal
26. Response
27. Notice of Appointment or Change of Lawyer
28. Affidavit in Support of Judgment for Restitution
29. Requisition for Judgment for Restitution
30. Judgment for Restitution

NOTES

For more information, or to obtain copies
of these publications, please contact:

Whitehorse Registry
Box 2703
Ground floor, Law Courts
2134 Second Avenue (between Wood Street and Jarvis Street)
Whitehorse, Yukon Y1A 2C6
Phone: 867-667-5619
Toll free in Yukon: 1-800-661-0408, extension 5619
Fax (867) 393-6212

Dawson City Registry
Box 651
Dawson City, Yukon Y0B 1G0
595 Fifth Ave (in the Museum building)
Phone: (867) 993-5070
Fax: (867) 993-5311

Watson Lake Registry
Box 192
Watson Lake, Yukon Y0A 1C0
820C Adela Trail (Pejest Building)
Phone: (867) 536-7551
Fax: (867) 536-7564

www.yukoncourts.ca/courts/smallclaims.html
www.justice.gov.yk.ca/prog/cs/registries.html

Également disponible en français