



# Orientation to Ontario

## SMALL CLAIMS COURT

In Ontario, the Small Claims Court deals with civil disputes of a monetary value of up to CAD 35,000.00, excluding interest and costs such as court fees. This includes the value of all goods that the complainant (i.e. plaintiff) is asking for in total.

### What kind of cases go to Small Claims Court?

Examples of claims that can be filed in the Small Claims Court include:

Claims for money owed under an agreement, such as:

- unpaid accounts for goods or services sold and delivered
- unpaid loans
- unpaid rent
- Non-sufficient funds (NSF) cheques.

Claims for damages, such as:

- property damage
- clothes damaged by a dry cleaner
- personal injuries
- breach of contract

### How much will it cost me?

You must pay a fee to file a claim or defence in Small Claims Court and for most steps in a proceeding. There are also fees that you must pay to witnesses you have summoned (requested to appear in a court) for their attendance and travel to court. In addition, you will have to pay for any interpreters you might require and for visual language interpretation. The successful party can ask the other party be ordered to pay his/her costs, such as court fees.

### IMPORTANT NOTE

The Ontario Government introduced a fee waiver certificate for persons who may be denied access to justice because of their financial circumstances.

### How long do I have to start a claim?

There may be a time limit to how long you can wait before making a claim. If you are uncertain about what period of time applies in your case, you should consult a lawyer or paralegal.

### What proof do I need to support a claim?

You will have to prove your case. Consider what witnesses and/or documents (e.g. contracts, NSF cheques, records or payments) you have to support your claim. If you do not have supporting documents or witnesses, your claim may still be successful. However, if it is just your word against the other person's, it may be more difficult to prove your case.

### Who can represent me in Small Claims Court?

Many claimants in Small Claims Court represent themselves. However, you may also be represented by a lawyer or by a person authorized under the Law Society Act, such as a law student or a paralegal.

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