

The Small Claims Regulations, 2017

being

Chapter S-50.12 Reg 1 (effective January 1, 2018) as
amended by [Saskatchewan Regulations 43/2018](#).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER S-50.12 REG 1
The Small Claims Act, 2016

Title

1 These regulations may be cited as *The Small Claims Regulations, 2017*.

Definitions

2 In these regulations:

“**Act**” means *The Small Claims Act, 2016*; (« *Loi* »)

“**claim**” means a claim to which the Act applies, and includes a counterclaim and a third party claim, where applicable; (« *demande* »)

“**Form**” means the form set out in the Appendix. (« *formule* »)

1 Sep 2017 cS-50.12 Reg 1 s2.

Monetary limit

3(1) For the purposes of subsection 4(1) of the Act, the monetary limit is \$30,000.

(2) A party may apply to the court to amend his or her claim to increase the amount claimed, or the value of the personal property or services with respect to which relief is sought, up to the amount set out in subsection (1) if:

(a) at the time the claim was commenced, the monetary limit was below the amount set out in subsection (1); and

(b) the court has not issued a judgment in the matter or otherwise resolved or disposed of the claim.

(3) A judge may take into account any factors that the judge considers appropriate when determining whether to allow a claim to be amended on an application made pursuant to subsection (2).

1 Sep 2017 cS-50.12 Reg 1 s3.

Fees

4(1) The following fees are payable:

(a) \$100 for the issuance of a summons;

(b) \$50 for the issuance of a notice of third party claim;

(c) \$50 for filing a reply;

(d) \$50 for filing a notice of counterclaim, in addition to any other fee payable in accordance with this subsection.

(2) The fee payable for an application to issue a subpoena pursuant to subsection 23(1) of the Act is \$10.

(3) The fee payable for filing any notice or application in an ongoing action that is not otherwise addressed by this section is \$10.

(4) The fee payable for filing a judgment, or any other order, from another court is \$10.

6 Jly 2018 SR 43/2018 s2.

Witness fees

- 5(1)** The fee payable to a witness on being served with a subpoena is:
- (a) for a professional witness or a consultant within the meaning of Schedule IV of the Tariff of Costs to *The Queen's Bench Rules*, \$40;
 - (b) for a witness other than a witness mentioned in clause (a), \$15.
- (2) A witness who resides more than 20 kilometres from the location where the witness is attending in court is entitled to be paid his or her expenses for necessary travel, accommodation and meals at the rate approved for similar expenses incurred by members of the public service of Saskatchewan.

1 Sep 2017 cS-50.12 Reg 1 s5.

Costs

- 6(1)** Except in exceptional circumstances, costs awarded pursuant to clause 36(2)(a) of the Act shall not exceed \$200 for each instance in which a party, without reasonable excuse, fails to attend or prepare for any stage of a proceeding before the court.
- (2) Costs awarded pursuant to clause 36(2)(b) of the Act shall not exceed \$500 for each instance in which a party takes any step for the purpose of delaying a proceeding or increasing costs of another party.
- (3) The total costs awarded in favour of a party pursuant to subsection 36(3) of the Act shall not exceed the greater of the following amounts:
- (a) \$200;
 - (b) 10% of the amount of the claim.
- (4) If a matter involves a counterclaim or a third party claim, the judge may choose the claim of the highest amount or value to determine the maximum costs that may be awarded pursuant to subsection (3).

1 Sep 2017 cS-50.12 Reg 1 s6.

Costs on appeal

- 7** On an appeal, a judge of the Court of Queen's Bench may grant the successful party the costs of the appeal in accordance with the Tariff of Costs to *The Queen's Bench Rules*.

1 Sep 2017 cS-50.12 Reg 1 s7.

Forms

- 8(1)** A summons issued pursuant to section 7 or 12 of the Act must be in Form A.
- (2) A reply served and filed by a defendant pursuant to section 9 of the Act must be in Form B.
- (3) A notice of third party claim issued pursuant to section 10 of the Act must be in Form C.

- (4) A reply served and filed by a third party pursuant to sections 9 and 10 of the Act must be in Form D.
- (5) If a document is served by personal service, an affidavit of service prepared pursuant to clause 19(1)(a) of the Act must be in Form E.
- (6) If a document is served by registered mail, the post office acknowledgment of receipt filed pursuant to clause 19(1)(b) of the Act may be accompanied by an affidavit of service in Form F.
- (7) If a document is served by regular mail, an affidavit of service prepared pursuant to clause 19(1)(d) of the Act must be in Form G.
- (8) If a document is served by email, the copy of the email filed pursuant to clause 19(1)(e) of the Act may be accompanied by an affidavit of service in Form H.
- (9) If a document is served by fax, the transmission record or journal filed pursuant to clause 19(1)(f) of the Act may be accompanied by an affidavit of service in Form I.
- (10) A certificate of service by a sheriff, deputy sheriff or sheriff's bailiff prepared pursuant to clause 19(1)(g) of the Act must be in Form J.
- (11) A subpoena issued pursuant to section 23 of the Act must be in Form K.
- (12) A certificate of judgment prepared pursuant to section 38 of the Act must be in Form L.
- (13) A notice of appeal served and filed pursuant to section 44 of the Act must be in Form M.

1 Sep 2017 cS-50.12 Reg 1 s8.

RRS c S-50.11 Reg 1 repealed

- 9** *The Small Claims Regulations, 1998* are repealed.

1 Sep 2017 cS-50.12 Reg 1 s9.

Coming into force

10(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Small Claims Act, 2016* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 1 of *The Small Claims Act, 2016* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

1 Sep 2017 cS-50.12 Reg 1 s10.

Appendix
FORM A

[Sections 7 and 12 of the Act]
[Subsection 8(1) of the Regulations]

Summons

Province of Saskatchewan

To _____ of _____, defendant.

A claim has been made against you by the plaintiff, _____.

(See attached claim.)

You must appear before the presiding Provincial Court Judge at _____

on the _____ day of _____, 20____, at _____ o'clock _____ .m.

(state whether a.m. or p.m.)

The purpose of your court attendance is _____.

At least 10 days before your court appearance, you must file a Reply with a clerk at the Provincial Court location set out above, and serve a copy of the Reply on the other parties to this claim. Please review the attached material regarding how to proceed with your Reply.

If you do not file and serve a Reply and appear at the time and place stated above, judgment with costs may be made against you in your absence.

If you are required to attend court for a first appearance or a case management conference, please review the attached material regarding how to proceed and what options are available to you.

If you are required to attend court for a trial, please review the attached material regarding preparation for a trial.

If you and the plaintiff settle this claim on your own terms before the court date AND if the plaintiff has advised the court clerk of the settlement, you are not required to attend court.

Dated at _____, Saskatchewan, this ____ day of _____, 20 ____.

(Signature of Judge)

(print name of Judge and judicial centre)

Statement of Plaintiff's Claim

- 1.
- 2.
- 3.

(Signature of Plaintiff)

(Plaintiff's address for service) (please print)

FORM B
 [Section 9 of the Act]
 [Subsection 8(2) of the Regulations]

Reply by Defendant

Province of Saskatchewan

To _____ of _____, plaintiff.

1. Agreement with the Claim

I admit all or part of the Statement of Claim: Yes _____ No _____
 (If yes, describe below the parts of the plaintiff's claim with which you agree.)

- 1.
- 2.
- 3.

I agree to pay \$_____ to the plaintiff to settle all of the claim/the portion of the claim admitted above [please select one]. (Fill out this portion if you agree to settle all or part of the plaintiff's claim.)

2. Dispute

I dispute all or part of the Statement of Claim: Yes _____ No _____ (If yes, describe below the parts of the plaintiff's claim that you dispute.)

- 1.
- 2.
- 3.

3. Counterclaim *(Fill out this section if you are making a counterclaim against the plaintiff.)*

You are hereby notified that on the _____ day of _____, 20____, at _____ o'clock _____ .m. *(state whether a.m. or p.m.; date and time are the same as date and time appearing in the summons)* you will be required to answer to the counterclaim of _____ of _____, defendant, as set out below.

At that time and place you will be given the opportunity to present any defence or set-off to the counterclaim to which you are entitled by law.

If you do not appear at that time and place, judgment with costs may be made against you in your absence.

Statement of Defendant's Counterclaim

- 1.
- 2.
- 3.

Dated at _____, Saskatchewan, this _____ day of _____, 20 ____..

(Signature of Defendant)

(Defendant's address for service) (please print)

FORM C
 [Section 10 of the Act]
 [Subsection 8(3) of the Regulations]

Notice of Third Party Claim

Province of Saskatchewan

To _____ of _____, third party.

A third party claim has been made against you by _____,
(plaintiff or defendant)
 as set out below.

You must appear before the presiding Provincial Court Judge at _____
 on the _____ day of _____, 20____, at _____ o'clock ____ .m.
(state whether a.m. or p.m.)

The purpose of your court attendance is _____.

At least 10 days before your court appearance, you must file a Reply with a clerk at the Provincial Court location set out above, and serve a copy of the Reply on the other parties to this matter. Please review the attached material regarding how to proceed with your Reply.

If you do not file and serve a Reply and appear at the time and place stated above, judgment with costs may be made against you in your absence.

If you are required to attend court for a first appearance or a case management conference, please review the attached material regarding how to proceed and what options are available to you.

If you are required to attend court for a trial, please review the attached material regarding preparation for a trial.

If you and the third party claimant settle this claim on your own terms before the court date AND if the third party claimant has advised the court clerk of the settlement, you are not required to attend court.

Dated at _____, Saskatchewan, this _____ day of _____, 20 ____.

(Signature of Judge)

(print name of Judge and judicial centre)

Statement of Third Party Claim

- 1.
- 2.
- 3.

(Signature of Plaintiff/Defendant)

(Plaintiff's/Defendant's address for service)
(please print)

FORM D
[Sections 9 and 10 of the Act]
[Subsection 8(4) of the Regulations]

Reply by Third Party

Province of Saskatchewan

To _____ of _____, third party claimant.

1. Agreement with the Claim

<p>I admit all or part of the Statement of Third Party Claim: Yes ____ No</p> <p><i>(If yes, describe below the parts of the third party claim with which you agree.)</i></p> <p>1.</p> <p>2.</p> <p>3.</p> <p>I agree to pay \$ _____ to the third party claimant to settle <u>all of the claim / the portion of the claim admitted above</u> [please select one]. <i>(Fill this portion out if you agree to settle all or part of the third party claim).</i></p>

2. Dispute

<p>I dispute all or part of the Statement of Third Party Claim: Yes _____ No</p> <p><i>(If yes, describe below the parts of the third party claim that you dispute.)</i></p> <p>1.</p> <p>2.</p> <p>3.</p>
--

Dated at _____, Saskatchewan, this _____ day of _____, 20 ____.

(Signature of Third Party)

(Third Party's address for service) (please print)

FORM E
[Clause 19(1)(a) of the Act]
[Subsection 8(5) of the Regulations]

Affidavit of Personal Service

I, _____ of _____,
(name) *(address)*

Make Oath and Say/Affirm as follows:

1. On the ___ day of _____, 20___, I personally served
_____ with a true copy of the
(name of person served)
_____ attached to this affidavit by
(name of document served)
leaving a true copy with (him/her) at _____.
(address)

2. My knowledge as to the identity of _____
(name of person served)
is as follows: _____
_____.

3. To effect service, I travelled _____ kilometres.

SWORN (OR AFFIRMED) BEFORE ME
at _____, Saskatchewan,
this _____ day of _____, 20___.

A Commissioner for Oaths for Saskatchewan
being a solicitor, or
My appointment expires _____

(Signature)

FORM F
[Clause 19(1)(b) of the Act]
[Subsection 8(6) of the Regulations]

Affidavit of Service by Registered Mail

I, _____ of _____,
(name) *(address)*

Make Oath and Say/Affirm as follows:

1. I served _____ with a true copy
(name of person served)

of _____ attached to this affidavit
(name of document served)

by mailing it by registered mail addressed as follows:

2. Attached to this affidavit is the post office acknowledgment of receipt for it, claiming to be signed by or on behalf of the addressee on the _____ day of _____, 20 ____ (or, if the receipt is undated: which was returned on the _____ day of _____, 20 ____).

3. The basis of my information and belief as to the postal address of the addressee is:

SWORN (OR AFFIRMED) BEFORE ME
at _____, Saskatchewan,
this _____ day of _____, 20 ____.

A Commissioner for Oaths for Saskatchewan
being a solicitor, or
My appointment expires _____

} _____
(Signature)

FORM G
[Clause 19(1)(d) of the Act]
[Subsection 8(7) of the Regulations]

Affidavit of Service by Regular Mail

I, _____ of _____,
(name) *(address)*

Make Oath and Say/Affirm as follows:

1. I served _____ with a true copy
(name of person served)

of _____ attached to this affidavit
(name of document served)

by mailing it by regular mail addressed as follows:

2. The basis of my information and belief as to the postal address of the addressee is:

_____.

SWORN (OR AFFIRMED) BEFORE ME
at _____, Saskatchewan,
this _____ day of _____, 20 _____.

A Commissioner for Oaths for Saskatchewan
being a solicitor, or
My appointment expires _____



(Signature)

FORM H
[Clause 19(1)(e) of the Act]
[Subsection 8(8) of the Regulations]

Affidavit of Service by Email

I, _____ of _____ ,
(name) *(address)*

Make Oath and Say/Affirm as follows:

- I served _____ with a true copy
(name of person served)
of _____ attached to this affidavit
(name of document served)
by sending it by email to the following email address: _____ .
- Attached to this affidavit is a copy of the email, dated the _____ day
of _____ , 2 _____ , that was sent to the addressee.
- The basis of my information and belief as to the email address of the addressee is:

SWORN (OR AFFIRMED) BEFORE ME
at _____, Saskatchewan,
this _____ day of _____ , 20 _____ .

A Commissioner for Oaths for Saskatchewan
being a solicitor, or
My appointment expires _____

}

(Signature)

FORM I
[Clause 19(1)(f) of the Act]
[Subsection 8(9) of the Regulations]

Affidavit of Service by Fax

I, _____ of _____,
(name) *(address)*

Make Oath and Say/Affirm as follows:

1. I served _____ with a true copy
(name of person served)

of _____ attached to this affidavit
(name of document served)

by sending it by fax to the following email number: _____.

2. Attached to this affidavit is the transmission record or journal generated by the fax machine that indicates that:

(a) the date of transmission was the ____ day of _____, 20 ____; and

(b) the transmission was successful.

3. The basis of my information and belief as to fax number of the person served is:

SWORN (OR AFFIRMED) BEFORE ME
at _____, Saskatchewan,
this _____ day of _____, 20 ____.

A Commissioner for Oaths for Saskatchewan
being a solicitor, or
My appointment expires _____

} _____
(Signature)

FORM J
[Clause 19(1)(g) of the Act]
[Subsection 8(10) of the Regulations]

Certificate of Service

I, _____, certify that on the ____ day of _____, 20 __,

I served _____ at _____ with a copy of this document.

Dated at _____, Saskatchewan, this ____ day of _____, 20 __.

*(Signature of Sheriff, Deputy Sheriff or
Sheriff's Bailiff)*

Judicial Centre of _____

FORM K
[Section 23 of the Act]
[Subsection 8(11) of the Regulations]

Subpoena

Province of Saskatchewan

To:

You must appear before a judge at _____
*(state urban centre at which trial is to be held and the location
or description of the building in which the trial is to be held)*

on the _____ day of _____, 20_____, at _____ o'clock _____.m.
(state whether a.m. or p.m.)

and, if the trial is adjourned, to appear on the date to which it is adjourned, to give
evidence on behalf of _____.
(plaintiff, defendant or third party)

Optional: And you must bring with you and produce at the trial (specify books, papers,
documents or other thing to be produced): _____

If you fail to appear and testify, a judge may issue a warrant for your arrest.

Dated at _____, Saskatchewan, this _____ day of _____, 20____.

(Signature of Judge or Clerk)

FORM L
[Section 38 of the Act]
[Subsection 8(12) of the Regulations]

BETWEEN:

_____, Plaintiff

- and -

_____, Defendant

Certificate of Judgment

(judgment following a trial)

In an action brought under *The Small Claims Act, 2016* and tried before the Honourable Judge _____ on the _____ day of _____, 20_____, judgment was given on the _____ day of _____, 20 _____ in favour of _____ for the sum of:

Claim \$ _____

Interest _____

Costs _____

TOTAL \$ _____

This amount is to be paid *(immediately or in accordance with the following payment schedule:)*

_____.

OR

(default judgment)

In an action brought under *The Small Claims Act, 2016*, the [plaintiff/ defendant/third party] having failed to appear [or file a Reply, if applicable] and proof of service of the summons having been filed, judgment was given by the Honourable Judge _____

on the _____ day of _____, 20 _____,

in favour of _____

for the sum of:

Claim \$ _____

Interest _____

Costs _____

TOTAL \$ _____

This amount is to be paid *(immediately or in accordance with the following payment schedule:)*

_____.

OR

(judgment for specific property)

<p>In an action brought under <i>The Small Claims Act, 2016</i> and tried before the Honourable Judge _____</p> <p>on the _____ day of _____, 20 _____</p> <p>it is ordered that the [successful party] recover from the [other party's] possession:</p> <p>_____.</p> <p style="text-align: center;"><i>(describe goods or chattels)</i></p>

Dated at _____, Saskatchewan, this _____ day of _____, 20 ____.

(Signature of Judge or Clerk)

Take notice that any party may appeal from this judgment within 30 days after the date of the judgment.

FILING OF JUDGMENT IN COURT OF QUEEN'S BENCH

This judgment was entered as a judgment of the Court of Queen's Bench this ____ day of _____, 20 _____ in the amount of:

Judgment	\$ _____
Queen's Bench filing fee	+ _____
TOTAL	\$ _____

(Local Registrar)

FORM M
 [Section 44 of the Act]
 [Subsection 8(13) of the Regulations]

COURT FILE NUMBER _____

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE _____

APPELLANT _____

RESPONDENT _____

NOTICE OF APPEAL

Take notice that _____, the appellant, is appealing to the Court of Queen's Bench from the judgment of the Honourable Judge

_____ dated the _____ day of _____, 20 _____.

The grounds of the appeal are:

- 1.
- 2.
- 3.

(continue on another page if necessary)

Dated at _____, Saskatchewan, this _____ day of _____, 20 ____.

(Signature of Appellant)

(Appellant's address for service) (please print)

1 Sep 2017 cS-50.12 Reg 1.