

THE QUEEN'S BENCH
_____ **Centre**

BETWEEN:

claimant
(address)

- and -

defendant
(address)

SMALL CLAIM

THE CLAIMANT CLAIMS from the defendant the sum of \$ _____, plus prejudgment interest and costs, for the following reasons or the reasons attached:

TYPE OF CLAIM:

- | | | | | |
|--|---|---|--|-----------------------------------|
| <input type="checkbox"/> Unpaid account | <input type="checkbox"/> <i>The Parental Responsibility Act</i> | <input type="checkbox"/> Promissory Note | <input type="checkbox"/> N.S.F. Cheque | <input type="checkbox"/> Contract |
| <input type="checkbox"/> Services rendered | <input type="checkbox"/> Motor vehicle accident | <input type="checkbox"/> Damage to property | <input type="checkbox"/> Lease | <input type="checkbox"/> Other |

Reasons for claim and details (unless given on attached document):

Signature and phone number of claimant

(or)

Signature and phone number of authorized agent

I HEREBY SET _____, at _____ a.m./p.m.,
(month/day/year)

at _____, Manitoba, as the time and
(court address)

place for the hearing of this claim.

Filing Date: _____

Deputy Registrar

NOTICE TO DEFENDANT

If you intend to appear at the hearing of this claim, whether to dispute the claim or to request time for payment of the claim, you may file a Notice of Appearance (Form 76D) at the court office, not less than 7 days before the date set for the hearing of the claim. If you do not appear at the hearing, judgment may be given against you.

If you wish to file a counterclaim, you are required to file a Counterclaim (Form 76E) at the court office and to serve it immediately upon the claimant against whom the counterclaim is made.

SMALL CLAIMS COURT IMPORTANT INFORMATION

What can a defendant do in replying to a claim?

- May contact the claimant and arrange payment. If you do this, obtain a statement signed by the claimant indicating that the matter is settled and file it in the court office.
- If you intend to contest the claim, file a Notice of Appearance* (Form 76D) as soon as possible and no later than 7 days before the hearing.
- If you also have a claim you wish to make against the claimant, you can file a Counterclaim* (Form 76E) with the court and serve a copy on the claimant.
- If you do not have a claim you wish to make against the claimant but the claimant owes you money, be prepared to raise this at the hearing and this may result in a set off to the amount claimed by the claimant.
- If you ignore the claim, the claimant may obtain judgment against you.

*forms available at the Court of Queen's Bench Office or a printable version is available online at:
http://web2.gov.mb.ca/laws/rules/form_2e.php?form=76D
http://web2.gov.mb.ca/laws/rules/form_2e.php?form=76E

Getting ready for court

- A small claim is decided on the evidence presented at the hearing. Make sure all evidence and witnesses are brought to the hearing. It is no use saying they can be brought later.
 - Arrange for the attendance of your witnesses and have important papers, documents and other relevant evidence available **in triplicate** at the hearing.
- Examples of evidence to be brought to the hearing:
- (1) Contracts, letters, invoices, statements of account, plans, drawings, cancelled cheques;
 - (2) Photographs that will help the court understand your case.

- Witnesses are people who can directly clarify or support your case. If necessary, you may obtain subpoena forms at the court office or go online at:
http://web2.gov.mb.ca/laws/rules/form_2e.php?form=53A
- Affidavit or written statements of a witness are not sufficient.

At the Hearing

Both sides will have the opportunity to present their case and evidence and have their witnesses testify.

To the Claimant:

If you fail to appear at the hearing, your claim may be dismissed or adjourned to another date.

If I win my case, am I guaranteed to get my money?

Unfortunately, no. The court can give you tools you can use to collect your money - such as a Notice of Garnishment (garnishing order). Some people are judgment proof which means they haven't any money or assets.

How can I get more information?

Go to a Court of Queen's Bench office or phone the nearest court office. They are listed in the phone directory under "Government Listings Sections" Government of Manitoba, "Courts".

Or go online at:

<http://www.manitobacourts.mb.ca/court-of-queens-bench/court-proceedings/small-claim-information-claims-filed-after-january-1-2015/#introduction>

This information is of a broad and general nature and *The Court of Queen's Bench Small Claims Practices Act* and its accompanying rules should be consulted for interpretation and application.