



# 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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### How do I find a lawyer or paralegal?

If you wish to consult an Ontario lawyer or licensed paralegal, you may contact the Law Society Referral Service. You may submit a request to the Referral Service by completing an online request form at [lsrs.lso.ca](http://lsrs.lso.ca)

The Service will provide you with the name of a lawyer or paralegal in your area, who will provide a free initial consultation of up to 30 minutes to help you determine your rights and options.

A crisis line is available Monday to Friday, 9:00 am to 5:00 pm at **416-947-5255** or **1-855-947-5255** (toll free). It is intended for people who are unable to use the online service.

#### IMPORTANT NOTE

It is important to remember that a judgment is an order of the court; it is not a guarantee of payment. If you obtain a judgment in your favour, and the debtor fails to pay you as required, you may have to take steps to enforce (collect) the payment.

### What if I need an interpreter?

Small Claims Court provides interpretation services for all court proceedings from English to French and French to English. Interpretation from English or French to any other language must be arranged for, and paid by, the party who requires the interpretation. The court office will pay for “in-court” interpretation in any language for individuals who qualify for a fee waiver.

### What if I need visual language interpretation because I am hearing impaired?

If you have a hearing impairment and need an interpreter, you can make a request at the Small Claims Court office. You can either bring an interpreter with you or ask to have one arranged for you. The court will pay visual language interpreters the standard Ministry interpreter rate or a requested fee (whichever is less).

What if I need a guide or form in a different format?

According to Section 7 of *the Ontarians with Disabilities Act*, If you want to request a publication in a different format, please contact Service Ontario Publications at:

Service Ontario Publications  
50 Grosvenor Street  
Toronto, ON  
M7A 1N8

Toll Free: **1-800-668-9938**  
TTY Toll Free: **1-800-268-7095**

For more information on Small Claims Court, visit: [attorneygeneral.jus.gov.on.ca](http://attorneygeneral.jus.gov.on.ca)

