



**Provincial Court of Saskatchewan
Judicial Centre of Saskatoon
The Small Claims Act**

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DEFENDANT CHECKLIST - 6 STEPS - CLAIMS OVER \$5,000.00

CHECKLIST USE

This Checklist, the forms and samples attached, are designed to help you prepare your case. Before going to trial, you must attend a Case Management Conference where settlement and trial readiness will be discussed. To ensure good preparation, disclosure and fairness, you must prepare a Document List to serve on the Plaintiff and file with the Court. Note references to the Saskatoon Small Claims Practice Guide which may be obtained at the office and on the website above noted.

STEP 1 - SERVED WITH A SUMMONS AND STATEMENT OF CLAIM

- The Summons contains the date for first appearance and case management.
- Read all documents carefully. Note the requirements in the Court Order and the deadlines for sending your documents to the Plaintiff and filing them with the Court.

STEP 2 - DOCUMENT LIST - Form F2 & Sample S2 attached

- Put all relevant documents that you intend to use or the other party may seek to use in the claim, in order, by date, if possible. If not dated, use the date created, e.g. "Diagram made June 10, 2011", "Photo(s) dated June 15, 2011".
- Number the documents in order of occurrence, placing a number in pencil at the top right hand corner of each document, circling the number. If there are several photos; use a number for the group of photos and a letter for each photo, e.g. 10(a), 10(b), etc.
- With the attached Document List form, list your documents in numerical order, using the numbers you put on the documents. Provide the date and a brief description of the document. Attach the documents, in numerical order, to the Document List.

See III B. 7) of the Saskatoon Small Claims Practice Guide for further details.

STEP 3 - DISPUTING THE CLAIM

- Type or print a Statement of Defence. **Form F5 & Samples S6.1 & S6.2 attached.**
- If you wish to make a Counterclaim, type or print a Statement of Defence and Counterclaim. **Form F6.1 & Sample S7 attached.**
- You must prepare a Document List. **See STEP 2 above.**
- Send your documents to the Plaintiff(s) and file copies with the Court.
See V of the Saskatoon Small Claims Practice Guide for further details.

STEP 4 - SERVICE ON PLAINTIFF(S)

- Send the following documents to the Plaintiff(s):
 - a) Statement of Defence (Statement of Defence and Counterclaim if applicable)
 - b) Document List with attached documents
- Service must be completed at least 10 clear days before the date on the Summons or the first upcoming court date. 20 clear days service is recommended to allow sufficient response time. (Clear days do not include the day on which the document is served or the court date.) Advise the Office immediately if you are unable to serve in time.
- You may send the documents by mail or other means to the Plaintiff's address, found in the Summons. An Affidavit of Service may be needed if the Plaintiff indicates not receiving the documents. **Form F7.7 attached.**
See IV of the Saskatoon Small Claims Practice Guide for further details.

STEP 5 - FIRST APPEARANCE AND CASE MANAGEMENT

- Attend Court on the date specified and bring your personal diary. If you do not appear the Plaintiff may apply for judgment against you.
- Take all of your material concerning the claim to the case management.
- Be prepared to discuss potential settlement as well as the witnesses and type of evidence that you plan to produce if a trial is directed.
- If you live over 100 km from the City you may ask the Court about appearing by phone.
See VI of the Saskatoon Small Claims Practice Guide for further details.

STEP 6 - TRIAL

- As soon as you receive a trial date, confirm with your witnesses that they are available.

- Consider serving your witnesses with subpoenas and whether you will present an expert witness. The Court provides the subpoena on request. The Judge may decide that a witness is not necessary.
- Begin trial preparation early. Make sure that all relevant documents have been disclosed and are included in your Document List.
- On the day of the trial, make sure that your witnesses attend at the beginning of the trial unless you have made other arrangements with the Court.

See VII of the Saskatoon Small Claims Practice Guide for further details.

ADJOURNMENTS

- If you need an adjournment, seek the other party's agreement and contact the Court Office immediately.

See X of the Saskatoon Small Claims Practice Guide for details.

NOTE ABOUT COMPLIANCE

This Checklist and Court documents contain information about your obligations. Failure to comply with requirements within the time frames specified may result in postponement of proceedings, costs, disallowance of pleadings, documents or evidence, and potential dismissal of your action.

Pay close attention to the Court Order to File.

ATTACHMENTS:

Forms

F2 Document List, F5 Statement of Defence, F6 Counterclaim, F6.1 Statement of Defence and Counterclaim, F7.7 Affidavit of Service - Ordinary or Registered Mail.

Samples

S2 Document List, S6 Statements of Defence, S6.1 – General, S6.2 – Workmanship, S7 Statement of Defence and Counterclaim.