



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

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## **PLAINTIFF CHECKLIST - 6 STEPS - CLAIMS OVER \$5,000.00**

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### **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 Defendant 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 – DEMAND LETTER - Sample S1.1 attached**

- Prepare and send a Demand Letter to the person(s) for payment. Keep a copy.
- Wait at least 14 clear days (not counting date sent) for a reply.
- If no reply, or an unsatisfactory reply, is made, you may prepare your claim.

*See III B. 1) of the Saskatoon Small Claims Practice Guide for further details.*

### **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 by date, 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 - ISSUANCE OF CLAIM**

- Type or print a Statement of Claim. **Form F4.1 & Samples S5.2 to S5.7 attached.** If a party is a corporation, obtain a Corporate Registry Profile Report.
- Complete an Intake Form. **Form F1 attached.**
- Take to the Small Claims Office: demand letter, document list with documents, statement of claim, corporate registry profile report if applicable, and completed Intake Form for issuance of the Statement of Claim and Summons. **Be prepared to pay a fee for issuance of the claim.** (The fee ranges from \$20.00 & \$100.00.)
- If you have provided all of the documents listed in Step 4, you will be given a first appearance / case management court date.

*See III B. 2) to 6), 9) and 10) of the Saskatoon Small Claims Practice Guide for further details.*

### **STEP 4 - SERVICE ON DEFENDANT(S)**

- Serve the following documents on the Defendant(s):
  - a) Summons (Court Office provides)
  - b) Statement of Claim
  - c) Document List with attached documents
  - d) Defendant's Checklist (Court Office provides)
  - e) Order to File. (Court Office provides)
- To serve a Statement of Claim, use personal service or service by registered mail.
- 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.
- Complete and file an Affidavit of Service. **Form F7.6 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 in the Summons and bring your personal diary.
- Take all of your printed material concerning the claim to the case management.
- Be prepared to discuss trial readiness (witnesses and evidence) and settlement. If the Defendant has been served and does not appear, you may apply for judgment.
- 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**

F1 Intake Form, F2 Document List, F4.1 Statement of Plaintiff's Claim – General Use, F7.6 Affidavit of Service - Personal or Registered Mail.

### **Samples**

S1.1 Demand Letter - General, S2 Document List, S5 Statements of Claim: S5.2 - Goods, S5.3 – Services, S5.4 – Loan, S5.5 – NSF Cheque, S5.6 – Workmanship, S5.7 – House Transaction.