



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

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## **DEFENDANT CHECKLIST - 7 STEPS - CLAIMS FOR \$5,000.00 OR LESS**

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### **SIMPLIFIED TRIAL PROJECT APPLIES**

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 insure good preparation, disclosure and fairness, you must prepare a Document List and Trial Statement, to serve on the Plaintiff and file with the Court. Note references to the Saskatoon Small Claims Practice Guide Package which may be obtained at the office and at 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 the 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 - TRIAL STATEMENT - Form F3 & Samples 3.2 attached**

- The Trial Statement will become the basis of your evidence at the trial.
- Typed or printed in point form, it should not be over 1,500 words (6 pages) long. Refer to witnesses by name and documents by number where they fit in with the statement.
- You will be asked to adopt your Trial Statement at the trial so be careful to be accurate and include information which is important to your defence. You may amend it or be permitted to provide additional information at trial, on request.

*See III B. 8) of the Saskatoon Small Claims Practice Guide for further details.*

### **STEP 4 - 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.**
- You must prepare a Trial Statement. **See STEP 3 above.**

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

### **STEP 5 - SERVICE ON PLAINTIFF(S)**

- Send the following documents to the Plaintiff(s):
  - a) Statement of Defence (Statement of Defence and Counterclaim if applicable)
  - b) Trial Statement
  - c) 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 6 – FIRST APPEARANCE AND CASE MANAGEMENT**

- Attend Court on the date specified in the Summons and bring your personal diary. If you do not appear the Plaintiff may apply for judgment against you.
- Bring 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 7 - TRIAL**

- As soon as you receive a trial date, confirm with your witnesses that they are available.
- Consider serving your witnesses with subpoenas and if you will present an expert witness. The Court provides the subpoena upon 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. S

*See VII & XIV A. Simplified Trial Project of the Saskatoon Small Claims Practice Guide for further details.*

## **ADJOURNMENTS**

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

*See X of the Saskatoon Small Claims Practice Guide for further 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 Order to File.**

## **ATTACHMENTS**

### **Forms**

F2 Document List, F3 Trial Statement, F5 Statement of Defence, F6 Counterclaim, F6.1 Statement of Defence and Counterclaim, F7.7 Affidavit of Service – Ordinary or Registered Mail.

### **Samples**

S1.1 Demand Letter, S2 Document List, S3.1 to S3.3 Trial Statements, S6.1 Statement of Defence - General, S6.2 - Statement of Defence - Workmanship, S7 Statement of Defence and Counterclaim - Services, F7.3 Service by Fax, F7.5 Service by Ordinary Mail.