



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

220 – 19th Street East
Saskatoon, SK S7K 0A2
www.sasklawcourts.ca

Ph: 306-933-7054 Fax: 306-933-5769
3rd Floor, 357 – 3rd Ave. S.
Kilborn entrance (corner 3rd & 19th)

PLAINTIFF CHECKLIST - 7 STEPS - MOTOR VEHICLE COLLISION CLAIMS

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 ensure good preparation, disclosure and fairness, you must prepare a Document List and Trial Statement to serve on the Defendant and file with the Court. Note references to the Saskatoon Small Practice Guide which may be obtained at the office and soon on the website above noted.

STEP 1 - DEMAND LETTER - Sample S1.2 attached

- Prepare and send a Demand Letter to the person(s), seeking acceptance of responsibility for the accident and payment of your deductible. 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 S3, attached

- Put all relevant documents that you intend to use or that the Plaintiff 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 placing a number in pencil in 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 & Sample S3.3, 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 750 words (3 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 claim. 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 - ISSUANCE OF CLAIM

- Type or print a Statement of Claim. **Form F4.2 & Sample S5.1, attached.** If a party is a corporation, obtain a Corporate Registry Profile Report.
- Complete an Intake Form. **Form F1 attached.**
- Take the completed material to the Small Claims Office for issuance of the Statement of Claim and Summons.
- Take to the Small Claims Office: demand letter, document list with documents, trial statement, 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) & 10) of the Saskatoon Small Claims Practice Guide for further details.

STEP 5 - SERVICE ON DEFENDANT(S)

- Serve the following documents on the Defendant(s):
 - a) Summons (Court Office provides)
 - b) Statement of Claim
 - c) Trial Statement
 - d) Document List
 - e) Defendant's Checklist (Court Office provides)
 - f) Court 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 an Affidavit of Service. **Form F7.6 attached.**

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

STEP 6 – FIRST APPEARANCE AND CASE MANAGEMENT DATE

- Attend Court on the date specified in the Summons. Bring your diary to set a trial date.
- Bring all of your printed materials concerning the claim to this first appearance.
- Be prepared to discuss the witnesses and evidence that you plan to produce at trial. If the Defendant has been served and does not appear, you may apply for judgment.
- If you live more than 100 km from the City you may ask the Court to appear by phone.

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. 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.

See VII & XIV B. Simplified Trial Project 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 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

F1 Intake Form, F2 Document List, F3 Trial Statement, F4.2 Statement of Claim, F7.6 Affidavit of Service – Personal or Registered Mail.

Samples

S1.2 Demand Letter, S3.3 Trial Statement, S5.1 Statement of Claim.