

## Small claims court limit raised to \$50,000

**Court: Okotoks civil litigation lawyer agrees with Province's changes**

By: Darlene Casten | Posted: Wednesday, Jul 30, 2014 12:08 pm



Lawyer Terrance Taylor, with Southern Alberta Law Offices, is supportive of the new increase in the small claims court limit to \$50,000.

Jordan Verlage

The Province and lawyers alike agree changes to Alberta's civil litigation system that will now see small claims as high as \$50,000 will allow more people to access justice when it comes to business deals gone bad.

Alberta's Justice Minister Jonathon Denis announced changes to Alberta's civil legal system July 21.

The changes include raising the claim limit from \$25,000 up to \$50,000 and introducing a quick trial for less complicated claims that will take half-an-hour. The move will free up time in Court of Queen's Bench, where case involving disputes involving more than \$50,000 are heard. It also means fewer people will need to hire a lawyer as more cases will be heard in Provincial court, sometimes by a mediator or in some situations in front of a judge.

"Increasing access to justice for Albertans is a priority," Dennis said in a press release. "This is why the civil claims limit in the Provincial Court is being increased, and why more options for dispute resolution are being introduced."

Okotoks civil litigation lawyer Terrance Taylor said he believes the Province is right in saying the changes will allow more people to seek justice for civil claims.

"I think it will allow more people to get into court and get some kind of resolution without having a lawyer," he said.

Taylor said he often talks to people who can't afford a lawyer to represent them in a civil claim or find out a lawyer will cost more than what they are seeking in compensation.

Under the new rules less complicated cases will go to a mediator. If mediation does not work a case flow management judge will designate where it goes next. Options include the expedited trial or in front of a provincial judge.

Taylor said under the old system all cases that failed at mediation went before a judge and said he likes what the province has done to try to make the system move faster.

"I believe in giving Provincial court and litigants more avenues and more remedies," he said.

However, he said the Province should also be looking at increasing the number of judges and support staff to handle the influx of cases that will now be seen in Provincial court.

## Rental dispute changes

The Province also moved landlord/tenant disputes out of court. They will now be heard by a Residential Tenancy Dispute Resolution Service.

Andrew Fulcher is owner of Prairie Management and is landlord for about 20 properties in Okotoks. He said moving disputes between landlords and tenants out of provincial court is the right thing to do.

“Ninety per cent of disputes between landlords and tenants are over damage deposits,” he said, adding it’s usually over how much of the damage deposit should be returned to the tenant. “To have that go before a provincial court justice – they have far better things to do.”

Fulcher said he rarely has had to use the provincial court dispute process and have never used the resolution service.

“We screen our tenants very thoroughly,” Fulcher said. “When this becomes useful is for single landlords on his own, renting out his basement. This will be a way easier way to resolve things.”

All of the changes will take affect Aug. 1 and will start out as pilot projects in Calgary and Edmonton.

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