



- Claims against a party who unlawfully has your property.
- This list is not complete.

### **What cases do not go to Small Claims Court?**

There are some kinds of cases that cannot be handled in Small Claims Court, no matter how little money is involved. Landlord and tenant cases, for example, as well as libel and slander suits, cases involving the title to land, family law, probate or bankruptcy cannot be tried in Small Claims Court.

### **How do I make a claim?**

To make a claim in Small Claims Court you must let the Court know about your claim, and the Notice of Claim is the document you will use.

### **What is the Notice of Claim?**

The Notice of Claim is the key to the whole lawsuit. This document tells:

- **WHO** you are
- **WHO** you are suing
- **WHAT** happened that led to this lawsuit, and
- **WHAT** you are asking for.

You may get a Notice of Claim form from the Nunavut Court of Justice or online at [www.nucj.ca](http://www.nucj.ca). If you can't go there yourself, you may telephone or write and ask them to send you one. For instruction on how to fill out the Notice of Claim form go to booklet #2 Making a claim.

### **What if I am under the age of majority?**

If you are under 19 years of age, you must start the claim through an adult who lives in the territory and is willing to act as your litigation guardian. (This person must file at the registry a signed form titled "Authority of Next Friend".)

If you cannot find an adult willing to assist in this case, you may contact the Public Guardian and Trustee. You may contact their office by calling their toll free number at 1-866-294-2127 or 1-867-975-6338. You may also reach them by fax at 867-975-6343 or by email at [publictrustee@gov.nu.ca](mailto:publictrustee@gov.nu.ca).

It is important to know that as a minor, if your claim is for personal injury, the adult assisting you must use a lawyer if your claim goes to trial.

### **What if my claim is for more than \$20,000?**

You might have a claim for something more than \$20,000, but still want to make it in Small Claims Court. You may do that if you are willing to reduce the amount you are claiming to \$20,000. Just say on the Notice of Claim, in the "How Much?" section, "I am abandoning the amount of my claim that is over \$20,000."

The \$20,000 limit applies to the total of everything you are claiming, including the value of any goods you might be asking for. But it does not include interest and expenses. So, if your claim was for a debt of \$20,500, you could abandon the \$500 and claim \$20,000 plus interest and expenses. (The expenses you may claim in Small Claims Court are very limited - generally, they amount to no more than the filing fee.)

If you do abandon part of your claim, to bring it under the \$20,000 limit, you may not sue for it in another court, or another small claims action. Once you have abandoned it, that part of your claim is gone and you can't sue for it again.

(There are two possible exceptions:

**IF** the defendant makes a counterclaim against you in the Nunavut Court of Justice, or **IF** the judge in the Small Claims Court transfers your claim to the Nunavut Court of Justice, you would then have the chance to make your claim there in the higher amount.)

### **What will it cost me for my case?**

That will depend on how you handle your case, how the defendant responds to your claim and how you choose to proceed if you win your case.

The fee for filing and serving documents is \$75.00. As a defendant there is no fee to reply to a claim.

In most situations the filing fees and expenses may be added to the total amount the losing party has to pay. This means the costs the defendant had to pay may be charged against the claimant if the defendant is successful with a counterclaim.

If you do end up hiring a lawyer to represent you, the lawyer's fees you pay to the lawyer **cannot** be added to your judgment.

Anyone who cannot afford the registry fees may make an application to the Registrar to be exempted from paying the fees.

### **How may I get more information?**

This is one in a series of booklets available online or from the Small Claims Court Registry. The titles in the series are:

**A ( pages 1- 4 ) WHAT IS SMALL CLAIMS COURT?**

**B ( pages 1-7 ) MAKING A CLAIM**

**C ( pages 1-4 ) SERVING DOCUMENTS**

**D ( pages 1 – 5 ) REPLYING TO A CLAIM**

**E (pages 1 – 4 ) GETTING READY FOR COURT - PART 1 - MEDIATION**

**F ( pages 1 – 3 ) GETTING READY FOR COURT – PART 2 - THE TRIAL**

**G ( pages 1 – 3 ) DEFAULT**

**H ( pages 1 – 3 ) WITNESSES**

**CIVIL RULES** - For more detailed information you may want to look at the small claims court rules themselves. The rules have been written for non-lawyers.

The people behind the counter at the Small Claims Registry are helpful. They cannot give legal advice and they cannot fill out your forms for you, but they will gladly answer your questions about Small Claims Court procedures.

The information contained in this booklet is simply an overview of the significant provisions of the Small Claims Rules. The information is not intended to be legal advice. If you have any legal questions, you should see a lawyer.

**Nunavut Legal Aid Offices:**

Maliiganik Tukisiinaikvik (Iqaluit) – (867) 979-5377

Keewatin Legal Services (Rankin Inlet) – (867) 645-2536

Kitikmeot Law Centre (Cambridge Bay) – (867) 983-2906

High Arctic Law Office (Pond Inlet) – (867) 899-8707

**Civil Registry of the Nunavut Court of Justice:**

Main line – (867) 975-6102

Toll free – 1-866-286-0546