INDEX

ABANDONMENT OF ACTION, 35, 36

ACTION

Amendment, 18 Commencing Action, 1 Discontinuance, 23 Stay or Dismissal of Action, 21, 46 Set Down Action for Trial, 36 Types of, 10, 11

ADMINISTRATIVE DISMISSAL OF CLAIM, 17, 22

AFFIDAVIT OF SERVICE, 20, 23 31, 32, 43, 63, 69

APPEALS, 42, 44, 61, 63, 64

ASSESSMENT HEARING, 4, 7, 18, 32, 33, 44, 61

BAILIFF, 2, 14, 72, 73, 74, 78, Appendix VII

BUSINESS NAMES ACT, 15

CAUSES OF ACTION, 10, 11, 17

CLAIMANT, 4

CLAIM FORM, 14

CLERKS Automatic dismissal of action, 22 Orders, 41

COLLECTION OF ACCOUNTS, 11, 14

CONSOLIDATION ORDER, 82, 83

CONTEMPT, Hearing, 6, 54, 70, 71 Identification Form, 57, 71 Notice of, 70 Committal Order, 71

334 BENNETT ON SMALL CLAIMS COURT

COSTS, 44, 58, 61 Fees and Disbursements, 62 Court authority to award, 61

COUNTERCLAIM, 28, 34, 56

COURTS OF JUSTICE ACT, 1, 2, 3, 23, 57, 61, Appendix III

DAMAGES, 11, 33

DEBTOR, 15

DEFAULT JUDGMENT, 26,31

Against Third Party, 34 Setting Aside, 35 Noting in default, 4

DEFENCE, 25, 26, 27, 34 Amendment, 27

DEFENDANT, 6, 7, 8, 9

DEMAND LETTER, 13

DISABILITY, 6, 15, 16, 18, 22, 23, 31, 32, 43, 45, 73, 81

DISCONTINUANCE OF ACTION, 21, 23

DISCOVERY, 37 Oral, 39 Documentary, 38

DISMISSAL OF ACTION, 13, 17, 21, 22, 45, 46

DISPUTE, 25, 26, 27, 34

ELECTRONIC FILINGS, 6, 7, 17, 18, 33

ENFORCEMENT OF ORDERS, 65 Types of Orders, 65, 66

ENFORCEMENT REQUEST, 69, 72, 75, 78, 79

INDEX 335

EQUITY, 5 Debtor's, 73, 74, 77

EVIDENCE, 15, 38, 45, 47, 55, 56, 58

Documentary, 33, 38, 39, 40, 42 Expert Reports, 55, 57 Hearsay Evidence, 48, 55 Oral, 37, 39, 42, 57

EXAMINATION IN AID OF EXECUTION, 68, 69

EXEMPTIONS FROM SEIZURE, 72, 73

Execution Act, 72 Corporate, 73

FEES, Appendix V

User system, 17, 21 Fee waiver, 2, 21 Legal Fees, 2

FREQUENT PLAINTIFF, 17, 21 Higher fees, 17

GARNISHMENT, 78

Bank accounts, 68 Wages subject to *Wages Act*, 78 Co-owner of an Account, 78

GLOSSARY OF TERMS, Appendix VIII

GUIDES, 6

INSPECTION OF PROPERTY, 42

JUDGE Referees, 26, 34, 48, 49, 50, 68, 69, 70, 82, 83 Presiding at the Settlement Conference, 55 Presiding at the Trial, 50

JUDGMENT, 58 Orders, 65

JURISDICTION, 1, 2, 4, 9, 11

LEGISLATION AFFECTING CLAIMS, 24, 66, 67

LIBERAL INTERPRETATION, 1, 3

LIMITATIONS ACT, 2002, 14, 17, 24

LIQUIDATED SUM, 4, 11, 13, 31, 32

LITIGATION GUARDIAN, 15, 16

MINISTRY OF ATTORNEY GENERAL, 2, 5, 6, 19

MINORS, 16, 19

MONETARY JURISDICTION, 1, 2, 9, 10, 32

MOTIONS, 41

Amend Claim or Defence, 41 Extension of Time, 41 In Writing, 33, 44 Procedure, 41 Set aside Noting in Default, 35 Summary Judgment, 42

ORAL DISCOVERY, 39

ORDERS

As to Payment, 66, 71 Clerk's, 45 Committal, 71 Consolidation, 65, 82, 83 Payment Schedule, 34 72

OVERVIEW OF SMALL CLAIMS COURT, 1

PARALEGAL, 1, 20, 26, 58, 61, 75, 76, 77

PARTNERSHIPS, 1, 4, 15, 19, 68 Notice of Alleged Partner, 15

PLAINTIFF, 4

PRECEDENTS, Appendix IV Forms, 5, 6, 14 Rules of Civil Procedure, 3, 39, 42, 61, 63, 75, 76

PROCEDURE

Claim, 4 On Motions, 31, 41 Default, 31

PROCESS SERVER, 4, 20, 31

PUBLIC SEARCHES, 15

Business Name, 15, 18 Personal Property Security, 15, 74

QUANTUM MERUIT, 11

REFEREE, 26, 34, 48, 49, 50, 68, 69, 70, 82

REMEDIES AFTER JUDGMENT

Examination in Aid of Execution, 68, 69 Garnishment, 78 Statutory Remedies, 66, 67 *Assignment and Preferences Act*, 24, 66 *Bankruptcy and Insolvency Act*, 24, 81 *Business Corporations Act*, 67 *Fraudulent Conveyance Act*, 24, 67 Writ of Seizure and Sale, 7, 65, 66, 67, 68, 71, 72, 73, 74, 75, 76, 82, 83 Writ of Delivery, 65, 66, 77, 78

RULES OF CIVIL PROCEDURE, 3, 39, 42, 61, 63, 75, 76, Appendix VI. *See also* Small Claims Court Rules

SELF-REPRESENTED, 2, 5, 26, 27, 35, 55

SERVICE OF DOCUMENTS, 4, 19, 20

By personal service, 4, 19, 25, 69, 80, 81 By mail, 19 By substituted service, 20, 43, 69 Rule, 8, 19

ServiceOntario, 18

SETTING ASIDE THE DEFAULT JUDGMENT, 31, 35, 45

338 BENNETT ON SMALL CLAIMS COURT

SETTLEMENT CONFERENCE, *5*, 47, 48, 49, 50

Offer to settle, 50, 51, 52 Acceptance of offer to settle, 51, 52

SMALL CLAIMS COURT, 2 Locations, 5, Appendix I

SMALL CLAIMS COURT RULES, 3, Appendix II

STATUTORY NOTICES

Libel and Slander Act, 14 Proceedings Against the Crown Act, 14

SUMMONS

Attendance Money, 54 Contempt Proceedings, 6, 54, 70, 71 Notice of Summons, 38, 40, 54, 57

SUPERIOR COURT OF JUSTICE, 9, 23, 27, 28, 37, 39, 40 42, 43, 44, 56, 63, 65, 66, 75, 81, 82

TELECONFERENCING, 8

TERRITORIAL DIVISION, 1, 2, 9, 10

THIRD PARTY CLAIM, 28, 29

TRIAL, 5, 55 Evidence, 56 Notice of Trial, 53 Preparation, 54 Request for Trial Date, 53

UNLIQUIDATED SUM, 32, 33

VEXATIOUS PROCEEDINGS, 23

WARRANT FOR ARREST, 57, 71 Identification Form, 57, 71

WITNESSES

Arrest, 57 Contempt Proceedings, 6, 54, 70, 71 Statements, 57 Summons, 38, 40, 54, 57

WRIT OF DELIVERY, 65, 66, 77, 78 Direction to Enforce, 78

WRIT OF SEIZURE AND SALE, 7, 65, 66, 67, 68, 71, 72, 73, 74, 75, 76, 82,

83 Direction to Enforce, 73 Land, 75 Personal property, 72 Request to Renew, 74, 75