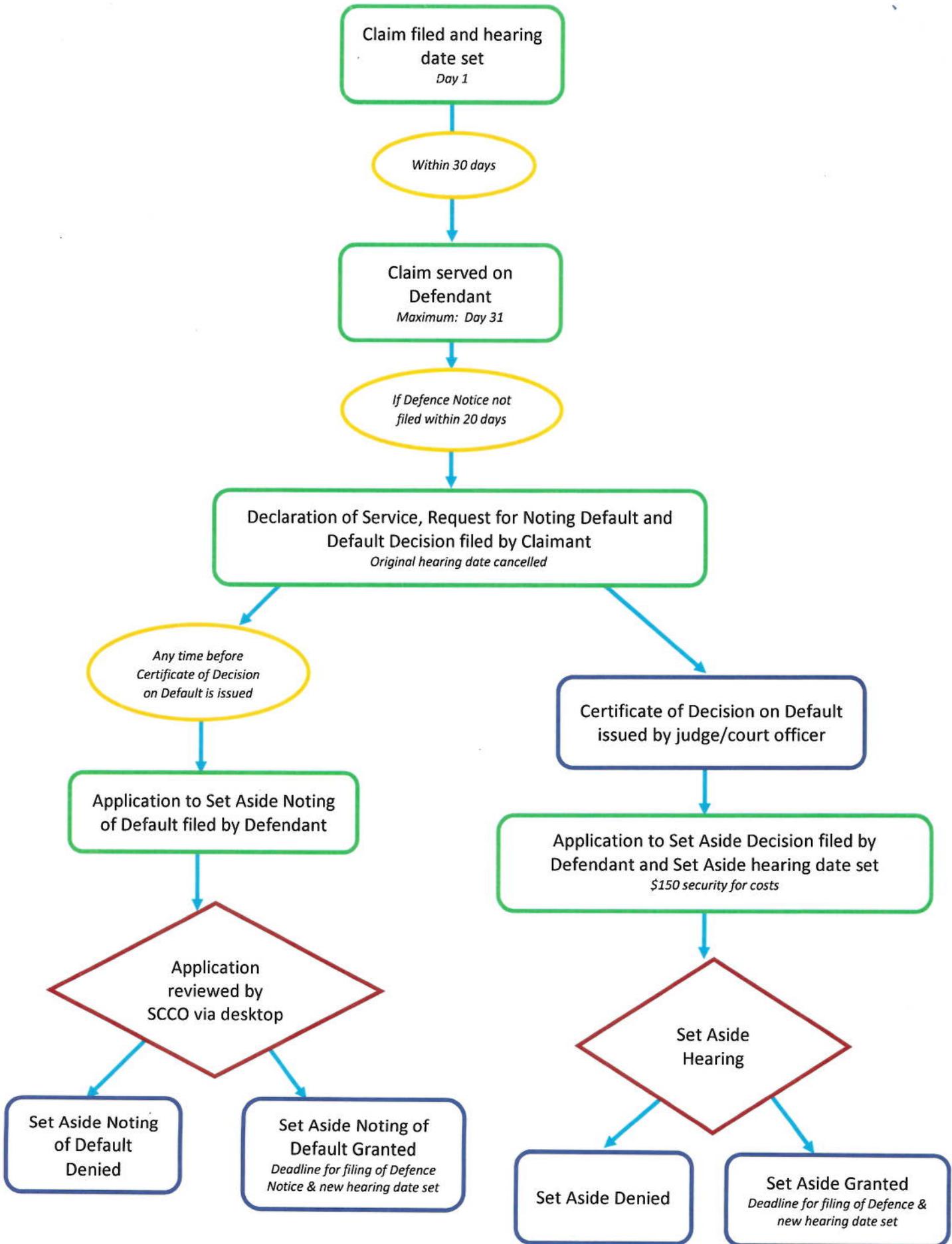


**MANITOBA BAR ASSOCIATION
YOUNG LAWYERS SECTION**

**SMALL CLAIMS
FORMS & MATERIALS**

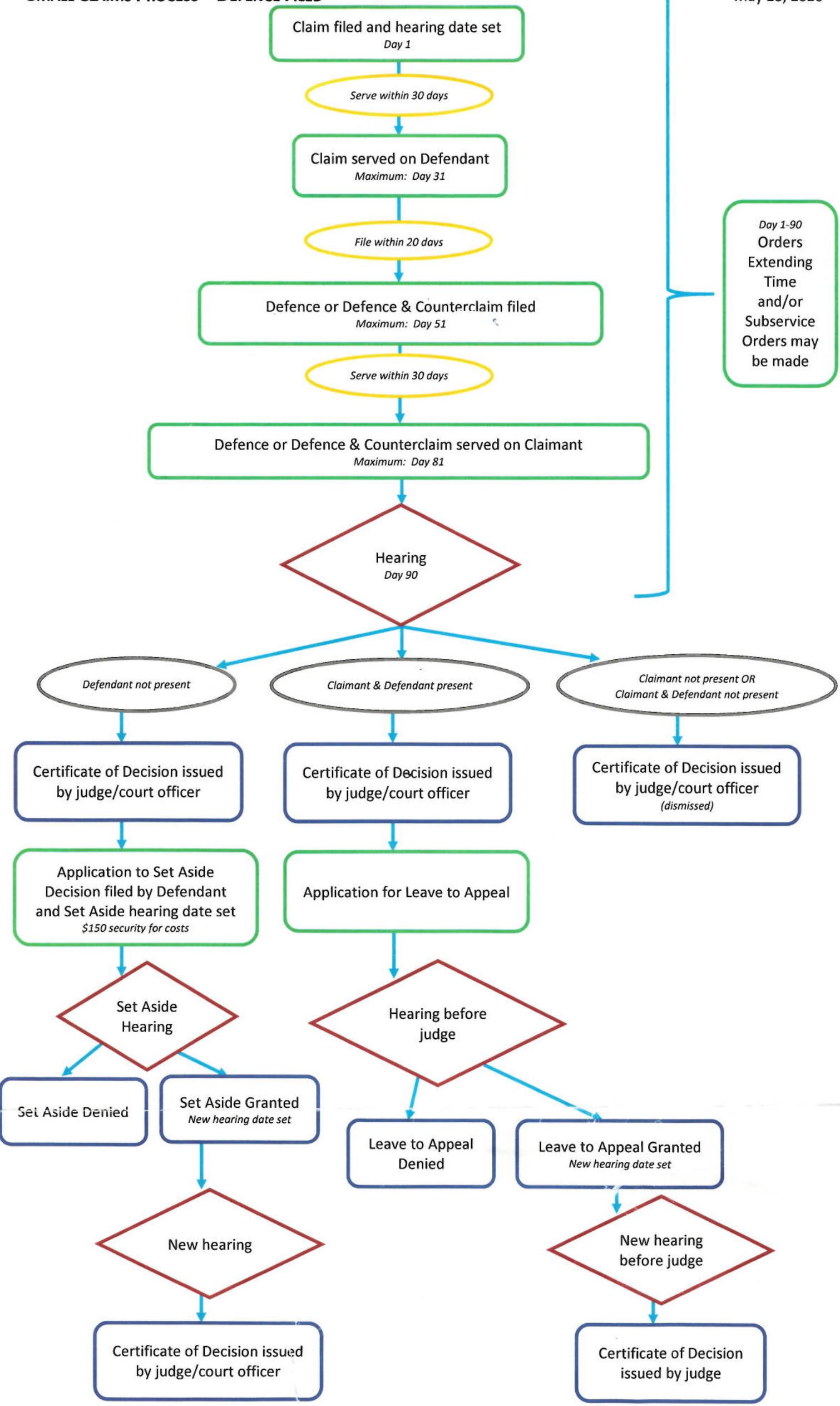
SMALL CLAIMS PROCESS – NO DEFENCE FILED

May 28, 2020



SMALL CLAIMS PROCESS – DEFENCE FILED

May 28, 2020



Day 1-90
Orders
Extending
Time
and/or
Subservice
Orders may
be made

THE QUEEN'S BENCH
FILL IN Centre

BETWEEN:

FILL IN

claimant
(address)

– and –

FILL IN

defendant
(address)

SMALL CLAIM

NOTICE TO DEFENDANT

If you wish to dispute this claim, **you must file** a Defence (Form 76D) or a Defence and Counterclaim (Form 76E) within 20 days of being served. If you file a Defence and do not appear at the hearing, a decision may be issued against you.

If you do not file a Defence or a Defence and Counterclaim, you may be noted in default, in which case the hearing date is cancelled and a default decision may be issued.

TYPE OF CLAIM (check one):

- Unpaid account *The Parental Responsibility Act* Promissory Note N.S.F. Cheque Contract
- Services rendered Motor vehicle accident Damage to property Lease Other _____

The claimant claims from the defendant the sum of \$ **FILL IN**, plus costs, disbursements and interest (if applicable). The details of the claim are set out in Schedule A, attached.

NOTE:

Claims <\$5,000.00 - filing fee \$50

Claims >\$5,000.00 - filing fee \$75

Signature of claimant or authorized agent

Phone number

Email address

The hearing of this claim is set for _____, at _____ a.m./p.m.,
(month/day/year)
at _____, Manitoba.
(court address)

The call-in number for this hearing is toll-free 1-855-342-6455 Conference ID _____

Filing Date: _____

Deputy Registrar

SMALL CLAIMS COURT IMPORTANT INFORMATION

What can a defendant do in replying to a claim?

- You may contact the claimant and arrange payment. If you do this, obtain a statement signed by the claimant indicating that the matter is settled and file it in the court office. If partial payment is made, the claimant must contact the court to postpone the hearing date.
- If you intend to dispute the claim, you must file a Defence* (Form 76D) within 20 days of being served with the claim.
- If you also have a claim you wish to make against the claimant, you must file a Defence and Counterclaim* (Form 76E) within 20 days and serve a copy on the claimant.
- If you do not have a claim you wish to make against the claimant but the claimant owes you money, state this in your Defence* and be prepared to raise this at the hearing and this may result in a set off to the amount claimed by the claimant.
- If you ignore the claim, the claimant may obtain judgment against you.

*forms are available at the Court of Queen's Bench Office or online at:

http://web2.gov.mb.ca/laws/rules/form_2e.php?form=76D

http://web2.gov.mb.ca/laws/rules/form_2e.php?form=76E

Getting ready for court

- A small claim is decided on the evidence presented at the hearing. Make sure all evidence and witnesses are brought to the hearing. It is no use saying they can be brought later.
- Examples of evidence to be brought to the hearing:
 - (1) Contracts, letters, invoices, statements of account, plans, drawings, cancelled cheques;
 - (2) Printed photographs that will help the court understand your case.
- Arrange for the attendance of your witnesses and have important papers, documents and other relevant evidence available **in triplicate** at the hearing.
- Witnesses are people who can directly clarify or support your case. If necessary, you may obtain subpoena forms at the court office or go online at:
http://web2.gov.mb.ca/laws/rules/form_2e.php?form=53A
- Affidavit or written statements of witnesses are not sufficient.

At the Hearing

Both sides will have the opportunity to present their case and evidence and have their witnesses testify.

To the Claimant:

If you fail to appear at the hearing, your claim may be dismissed or adjourned to another date.

If I win my case, am I guaranteed to get my money?

Unfortunately, no. The court can give you tools you can use to collect your money – such as a Notice of Garnishment (garnishing order). Some people are judgment proof, which means they haven't any money or assets.

How can I get more information?

Visit, phone or email the nearest Court of Queen's Bench office or go online at:

<http://www.manitobacourts.mb.ca/court-of-queens-bench/court-proceedings/>

This information is of a broad and general nature. *The Court of Queen's Bench Small Claims Practices Act* and its accompanying rules should be consulted for interpretation and application.

MOTOR VEHICLE ACCIDENTS

Form 76A – page 1/3

File # SC _____

THE QUEEN'S BENCH FILL IN Centre

BETWEEN:

Jane Doe (Owner) and John Doe (Driver)

claimant
(address)

– and –

Joe Doe (Owner/Driver)

defendant
(address)

SMALL CLAIM

NOTICE TO DEFENDANT

If you wish to dispute this claim, **you must file** a Defence (Form 76D) or a Defence and Counterclaim (Form 76E) within 20 days of being served. If you file a Defence and do not appear at the hearing, a decision may be issued against you.

If you do not file a Defence or a Defence and Counterclaim, you may be noted in default, in which case the hearing date is cancelled and a default decision may be issued.

TYPE OF CLAIM (check one):

- | | | | | |
|--|---|---|--|--------------------------------------|
| <input type="checkbox"/> Unpaid account | <input type="checkbox"/> <i>The Parental Responsibility Act</i> | <input type="checkbox"/> Promissory Note | <input type="checkbox"/> N.S.F. Cheque | <input type="checkbox"/> Contract |
| <input type="checkbox"/> Services rendered | <input checked="" type="checkbox"/> Motor vehicle accident | <input type="checkbox"/> Damage to property | <input type="checkbox"/> Lease | <input type="checkbox"/> Other _____ |

The claimant claims from the defendant the sum of \$ _____, plus costs, disbursements and interest (if applicable). The details of the claim are set out in Schedule A, attached.

For MVA Claims - MPI must be served

Service can be done at:

- Any MPI Service Centre
- MPI Legal Department (CityPlace)

Signature of claimant or authorized agent

Phone number

Email address

The hearing of this claim is set for _____, at _____ a.m./p.m.,
(month/day/year)

at _____, Manitoba.
(court address)

The call-in number for this hearing is toll-free 1-855-342-6455 Conference ID _____

Filing Date: _____

Deputy Registrar

SMALL CLAIMS COURT IMPORTANT INFORMATION

What can a defendant do in replying to a claim?

- You may contact the claimant and arrange payment. If you do this, obtain a statement signed by the claimant indicating that the matter is settled and file it in the court office. If partial payment is made, the claimant must contact the court to postpone the hearing date.
- If you intend to dispute the claim, you must file a Defence* (Form 76D) within 20 days of being served with the claim.
- If you also have a claim you wish to make against the claimant, you must file a Defence and Counterclaim* (Form 76E) within 20 days and serve a copy on the claimant.
- If you do not have a claim you wish to make against the claimant but the claimant owes you money, state this in your Defence* and be prepared to raise this at the hearing and this may result in a set off to the amount claimed by the claimant.
- If you ignore the claim, the claimant may obtain judgment against you.

*forms are available at the Court of Queen's Bench Office or online at:

http://web2.gov.mb.ca/laws/rules/form_2e.php?form=76D

http://web2.gov.mb.ca/laws/rules/form_2e.php?form=76E

Getting ready for court

- A small claim is decided on the evidence presented at the hearing. Make sure all evidence and witnesses are brought to the hearing. It is no use saying they can be brought later.
- Examples of evidence to be brought to the hearing:
 - (1) Contracts, letters, invoices, statements of account, plans, drawings, cancelled cheques;
 - (2) Printed photographs that will help the court understand your case.
- Arrange for the attendance of your witnesses and have important papers, documents and other relevant evidence available **in triplicate** at the hearing.
- Witnesses are people who can directly clarify or support your case. If necessary, you may obtain subpoena forms at the court office or go online at:
http://web2.gov.mb.ca/laws/rules/form_2e.php?form=53A
- Affidavit or written statements of witnesses are not sufficient.

At the Hearing

Both sides will have the opportunity to present their case and evidence and have their witnesses testify.

To the Claimant:

If you fail to appear at the hearing, your claim may be dismissed or adjourned to another date.

If I win my case, am I guaranteed to get my money?

Unfortunately, no. The court can give you tools you can use to collect your money – such as a Notice of Garnishment (garnishing order). Some people are judgment proof, which means they haven't any money or assets.

How can I get more information?

Visit, phone or email the nearest Court of Queen's Bench office or go online at:

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This information is of a broad and general nature. *The Court of Queen's Bench Small Claims Practices Act* and its accompanying rules should be consulted for interpretation and application.

THE QUEEN'S BENCH

FILL IN Centre

BETWEEN:

FILL IN claimant

– and –

FILL IN defendant

DECLARATION OF SERVICE

I, _____ of _____, Manitoba,
(name) *(address)*

DO SOLEMNLY DECLARE THAT I did on _____, serve the
(month/day/year)

defendant/claimant _____ with the NOTE: for registered mail
(name) fill in date of SIGNATURE

- Small Claim (Form 76A) and a blank Defence (Form 76D)
- Defence (Form 76D)
- Defence and Counterclaim (Form 76E)
- Application to Set Aside Decision (Form 76I)
- Application for Leave to Appeal and Notice of Appeal (Form 76K)
- Order Extending Time for Service (Form 76C) dated _____
(month/day/year)
- Other document: _____
(specify)

Pick which is applicable

that is filed in this claim, by

- delivering a copy to the defendant/claimant personally. Pick which is applicable
- handing a copy to, and leaving it with _____, a person
(name)
who appears to be at least 16 years old, at the residence of the defendant/claimant.
- enclosing a copy in an envelope addressed to the defendant/claimant at

(address)

and mailing the envelope with the copy enclosed by registered mail with Canada Post Corporation tracking number _____ attached to the envelope.

Attached is confirmation of delivery provided by Canada Post Corporation for tracking number _____ showing the envelope was delivered to

_____ on _____
(name of person served) *(month/day/year)*

The tracking number on the confirmation of delivery is identical to the tracking number on the registered mail receipt received from Canada Post Corporation for the envelope sent to

(address)

I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath or affirmation.

Declared before me at

(city, town, etc.)

Manitoba, on _____
(month/day/year)

Deputy Registrar for Queen's Bench or
A Commissioner for Oaths in and for the
Province of Manitoba
My commission expires: _____

Signature _____

THE QUEEN'S BENCH

FILL IN Centre

BETWEEN:

FILL IN

claimant

– and –

FILL IN

defendant

ORDER EXTENDING TIME FOR SERVICE

Upon the motion of the claimant/defendant _____ to extend the time for service;
 (name)

IT IS ORDERED that the time for service of the

- Small Claim (Form 76A) and a blank Defence (Form 76D)
- Defence (Form 76D)
- Defence and Counterclaim (Form 76E)
- Application to Set Aside Decision (Form 76I)
- Application for Leave to Appeal and Notice of Appeal (Form 76K)
- Other document: _____
 (specify)

Check which is applicable

and a copy of this Order is extended to _____
 (month/day/year)

The time set for hearing this matter is (changed to/confirmed as) _____
 (month/day/year)

at _____ a.m./p.m., at _____, Manitoba.
 (court address)

The call-in number for this hearing is toll-free 1-855-342-6455 Conference ID _____

Date

Deputy Registrar

THE QUEEN'S BENCH
FILL IN Centre

BETWEEN:

FILL IN

claimant

– and –

FILL IN

defendant

DEFENCE

The defendant _____ will appear at
(name)
the hearing to dispute the claim made by the claimant for the reasons set out below:

Fill out here or state "See Attached" and attach additional information

OR

The defendant _____ does not dispute the claimant's
(name)
claim but wishes to appear at the hearing to request time for payment.

Date

Signature of defendant or authorized agent

Address

Phone number

Email address

THE QUEEN'S BENCH
FILL IN Centre

BETWEEN:

FILL IN

claimant

– and –

FILL IN

defendant

DEFENCE AND COUNTERCLAIM

DEFENCE

The defendant _____ will appear at the hearing
(name)

to dispute the claim made by the claimant for the reasons set out below:

OR

The defendant _____ does not dispute the claimant's
(name)

claim but wishes to appear at the hearing to request time for payment.

COUNTERCLAIM

The defendant _____ makes a counterclaim against the
(name)

claimant _____ for the sum of \$ _____, plus
(name)

costs, disbursements and interest (if applicable). The details of the counterclaim are set out in Schedule A, attached.

File # _____

Date

Signature of defendant or authorized agent

Address

Phone number

Email address

NOTICE

If you do not appear at the hearing of the counterclaim, judgment may be given against you.

HOW TO SERVE SMALL CLAIMS DOCUMENTS

TIMELINES:

- The claimant must serve the **Small Claim** on the defendant within thirty (30) days of the date of filing.
- The defendant must serve the **Defence or Defence and Counterclaim** on the claimant within thirty (30) days of the date of filing.
- The defendant must serve the **Application to Set Aside Decision** on the claimant within twenty (20) days of the date of filing.

INDIVIDUALS:

- **PERSONALLY** hand the document(s) to the person at any location. Do **not** place the document(s) in an envelope. The person being served is not required to sign anything. Leave the document(s) with the person at the place of delivery. Make note of the date of delivery.
- **OR** Leave the document(s) **WITH AN ADULT AT THE PERSON'S CURRENT RESIDENTIAL ADDRESS**. Do **not** place the document(s) in an envelope. The person is not required to sign anything. Leave the document(s) with the person at the place of delivery. Make note of the date of delivery and the name or physical appearance of the person with whom you leave the document(s).
- **OR** Send by **REGISTERED MAIL**. Place the document(s) in envelope addressed to each party, **exactly** as named, to the address provided on the Small Claim (see additional REGISTERED MAIL INFORMATION below). Do not send by Express Post through Canada Post; it is not the same as registered mail.
- Where a person's address is "care of" a place of business, the document(s) must be delivered **personally**.

BUSINESSES/CORPORATIONS:

- **PERSONALLY** present the document(s) to the owner of the business (sole proprietor), a partner (partnership) or to an officer or director of the corporation. Do **not** place the document(s) in an envelope. A signature is not required. Leave the document(s) with the person at the place of delivery. Make note of the date of delivery and the **name and position** of the person with whom you leave the document(s).
- **OR** Send by **REGISTERED MAIL**. Place the document(s) in an envelope addressed to the business/corporation as shown on the Small Claim to the business address. Be sure to mark **ATTENTION: name of owner/partner/officer/director of the business/corporation** on the envelope (ex: John Doe, officer) (see additional REGISTERED MAIL INFORMATION below). Do not send by Express Post through Canada Post; it is not the same as registered mail.

MOTOR VEHICLE ACCIDENT CLAIMS:

- Claims and Counterclaims involving a car accident **must** be served on **MPI** at their legal department, or at any MPI Service Centre in Manitoba. The person you leave the document(s) with will sign a slip to confirm receipt.

REGISTERED MAIL INFORMATION:

- Each party must be mailed a separate envelope, even if they have the same address. You must write the party's full name and address on the envelope.
- When sending by **REGISTERED MAIL**, the post office will give you a registered mail receipt with a tracking number for each envelope.
- After the registered mail has been delivered, you must print a confirmation of delivery from the Canada Post website (www.canadapost.ca), showing the date it was delivered and the name and signature of the person who signed for the package, if available.
- Sending by Express Post through Canada Post is not acceptable as it is not the same as registered mail.

PROOF OF DELIVERY

- After the document has been delivered to the party/parties, the person who delivered the document(s) or the person who sent the document(s) by registered mail must complete a Declaration of Service (**Form 76B**), sign it in front of a Deputy Registrar or a Commissioner for Oaths, and file it at the court office where the file is located.
- If the document was served by registered mail, you must bring the registered mail red stub and the printout showing delivery, along with your Declaration of Service, to the court office.
- If the document was served on the MPI Legal Department, you must bring the confirmation slip, along with your Declaration of Service, to the court office.

For more information regarding Small Claims, visit www.manitobacourts.mb.ca.

THE QUEEN'S BENCH

FILL IN _____ **Centre**

BETWEEN:

FILL IN

claimant

-and-

FILL IN

defendant

REQUEST FOR NOTING DEFAULT AND DEFAULT DECISION

TO THE DEPUTY REGISTRAR:

I require you to note default against _____
(name of defendant(s))

and issue a Certificate of Decision on Default.

Attach all supporting documents to this Form (emails, receipts, invoices, photos, etc...)

(Name, address, email and telephone of party filing)

To be completed by Deputy Registrar:

Default Noted

Deputy Registrar

Date

THE QUEEN'S BENCH

FILL IN Centre

BETWEEN:

FILL IN

claimant

– and –

FILL IN

defendant

APPLICATION FOR LEAVE TO APPEAL AND NOTICE OF APPEAL

APPLICATION:

TAKE NOTICE that _____ applies for leave to appeal to a
(name of party appealing)
judge of the Court of Queen's Bench and if leave is granted, to appeal the decision made in this claim
by the court officer at _____, Manitoba,
(court address)
on **Date Certificate was generated**
(month/day/year)

REASONS FOR APPEAL (state concisely):

Note: filing fee is \$35.00. You will need to bring certified cheque, trust cheque or cash for this fee.

Signature of party appealing

(or)

Signature of authorized agent for party appealing

Address of responding party:

Address and phone number of party appealing
or authorized agent:

File # _____
Formerly File # SC _____

APPOINTMENT: *(to be completed by the Deputy Registrar)*

The application for leave to appeal will be heard on _____, at _____ a.m./p.m.,
(month/day/year)
at _____, Manitoba.
(court address)

Filing Date: _____

Deputy Registrar

NOTICE

Upon the filing of an Application for Leave to Appeal and Notice of Appeal (Form 76K), all proceedings to enforce the decision made by a court officer are stayed as of the date the application is filed. The stay continues to be in effect until the application for leave to appeal is dismissed or if the leave to appeal is granted, until further order of the court.

Guide to Appealing a Small Claims Decision

Can I appeal a decision of a Small Claims Court Officer?

An appeal of a Small Claims Court Officer's decision is only available in limited situations. In order to appeal, you must get "leave" (permission) from a judge of the Court of Queen's Bench by satisfying them that the Court Officer made an "error of law" or an "error of jurisdiction", not an "error of fact" or a "mixed error of law and fact".

Most people want to appeal because they think the Court Officer should have decided things differently. But you cannot appeal for that reason. In other words, you will not get "leave to appeal" (i.e. permission from the judge) just because:

- you do not agree with the Court Officer's decision
- you did not bring all the documents the Court Officer needed to decide the case properly
- you did not bring witnesses that would have helped the Court Officer make a decision
- the Court Officer thought the evidence of the other side was more believable than yours

An "error of law" or "error of jurisdiction" is a very hard thing to prove. It requires you to know what the correct law is to apply to your case. It is a good idea to be represented by a lawyer or to ask a lawyer whether such a mistake was made before you file an appeal.

Be aware: if the judge rejects your request for "leave to appeal", or dismisses your actual appeal, you might be ordered to pay costs (money) to the other parties.

What is an "error of law"?

An "error of law" is when the Court Officer makes a mistake when interpreting the law, uses the wrong legal test or fails to consider a relevant issue when applying the correct legal test.

- **Example:** You were 16 years old when you suffered an injury in an accident. You did not file your claim until you were 19 years old. The Court Officer dismisses your claim because it was not filed within 2 years after your injury as required by *The Limitation of Actions Act*. You can appeal because the Court Officer applied the law incorrectly - she did not consider the exception in the *Act*, which excludes the time period you were under 18 years old when calculating the time to file a claim.

What is an "error of jurisdiction"?

An "error of jurisdiction" is when the Court Officer makes a mistake about their legal authority or power to make the decision. *The Court of Queen's Bench Small Claims Practices Act* (Manitoba) states what is, and what is not, within the jurisdiction of the Small Claims Court to decide.

- **Example:** You sue the contractor for unfinished renovations on your home that you paid for in full. The Court Officer decides that you win and awards you \$15,000 for your claim, plus interest and costs. The contractor can appeal this decision because the Court Officer ordered an amount of money which was not within his power to order as *The Court of Queen's Bench Small Claims Practices Act* limits claims to \$10,000, plus interest and costs.

What is an "error of fact"?

An "error of fact" is different and occurs when the Court Officer has the wrong facts or interprets them incorrectly, but applies the correct law to those facts. You cannot appeal for an "error of fact".

- **Example 1:** You sue your mechanic because he didn't do the repairs on your vehicle properly. After listening to both sides, the Court Officer rules for the mechanic, deciding that the evidence shows that repairs were completed and done properly and something else was wrong with your car. You disagree because you feel the mechanic really did mess up the job. You cannot appeal because this is a factual disagreement.
- **Example 2:** You file a claim for money owed to you under a verbal agreement. There was a witness, but on the day of the hearing, the person who heard you make the deal did not show up. You also told the Court Officer there were calls and texts afterwards that proved the agreement but you did not bring copies. The Court Officer decided you did not have enough evidence to prove there was an agreement, and dismissed your claim. You cannot appeal because the Court Officer applied the law correctly and decided the facts you presented to the Court did not prove your claim.

What is a "mixed error of fact and law"?

A "mixed error of fact and law" occurs when the facts are admitted or proven and the rule of law is undisputed but the Court Officer applies the legal test incorrectly to your set of facts. You cannot appeal for a "mixed error of fact and law".

- Example: You sue your local grocery store for slipping and falling in the aisle. At the hearing, it is admitted by the store owner that you fell on the wet floor that day and that a "Wet Floor" sign had not been put out. Although the legal test of *negligence* was correctly chosen by the Court Officer, he decides that the store is not responsible because the mop had been left out in the aisle so people could see that it had just been cleaned. You cannot appeal the decision even though you feel the store did not do enough to warn its customers and did not satisfy the appropriate *standard of care*.

How to Appeal?

If you think you can prove an "error in law" or "error of jurisdiction":

- Fill out an "Application for Leave to Appeal and Notice of Appeal" (Form 76K) and file it at the Court of Queen's Bench court office within 30 days from the filing date on your *Certificate of Decision*.
- Pay the filing fee of \$35.00.
- When you file your application, the court will schedule an appointment (including the date, time and place) for the hearing of your *leave application*.
- Serve a copy of your application (with the date, time and place indicated), on all the other parties involved within 20 days of filing the application.
- Once you have served all parties, file a "Declaration of Service" (Form 76B) with the court for each party that was served so that the Court knows they have been notified of the application.
- After filing your application, all steps taken to enforce the decision of the Court Officer are "stayed" (stopped) and the "stay" continues until your application for *leave to appeal* is dismissed or, if your *leave to appeal* is granted, until the Court makes a decision on your appeal. In other words, nobody has to pay any amount owing until a final decision is made.

What happens next?

- Show up at Court at the time, date and location you were told. Your hearing will be in a courtroom where the judge is dealing with a list of *applications for leave to appeal*, including yours.
- At the hearing of your *application for leave to appeal*, you will be required to set out before the judge how, in your view, the Court Officer made an "error of law" or an "error of jurisdiction".
- If your *leave to appeal* is granted, the judge will set another date and time for the actual hearing of your appeal and may also give directions as to how the appeal will be conducted.
 - You must go to the hearing of your appeal. The appeal judge may agree with the decision of the Court Officer, or make any decision the Court Officer could have made.
 - A Certificate of Decision will be mailed to all of the parties that shows the Judge's decision- it is a judgment of the Court and may be enforced.
 - The appeal decision is final and cannot be appealed further.

For more information on the Small Claims Appeal Process, please see: <http://www.manitobacourts.mb.ca/court-of-queens-bench/court-proceedings/small-claim-information-claims-filed-after-january-1-2015/fs>

Appealing a Decision of a Judge of the Court of Queen's Bench

- If your Small Claim hearing was with a judge of the Court of Queen's Bench (not a Court Officer) and you want to appeal, you must get permission from a judge of the Manitoba Court of Appeal. But again, you may only do so on an "error of law" or an "error of jurisdiction" as set out above.
- For further information on the Court of Appeal process see: http://www.manitobacourts.mb.ca/court_appeal.html or call the Court of Appeal at 204-945-2647.

Need more help?

If you need more information or help deciding if you should file a Leave to Appeal Application, you can contact Legal Help Centre (LHC) for assistance. LHC provides free information to people who have a household income under \$50,000 at their drop-in clinics at 202-393 Portage Avenue (in Portage Place Mall) on Tuesdays or Thursdays from 1:00pm-4:30pm. Call 204-258-3096 or visit <http://legalhelpcentre.ca/> for more information.

SC File _____

THE QUEEN'S BENCH
WINNIPEG CENTRE

BETWEEN:

CLAIMANT (S)

AND

DEFENDANT (S)

TO:

THIRD PARTY

THIRD PARTY ORDER

This matter having come on for hearing, and it appearing that a party from whom relief is sought may be entitled to contribution or indemnity from a person not a party to these proceedings;

1. IT IS ORDERED THAT _____
be added as a Third Party to these proceedings pursuant to Section 9(2) of The Court of Queen's Bench Small Claims Practice Act.
2. IT IS FURTHER ORDERED THAT the Defendant in this action serve the Claimant and Third Party a copy of this Order and the Claimant's claim within 30 days of the date hereof.
3. IT IS FURTHER ORDERED THAT the all parties appear on _____, the _____ day of _____, 20____, at _____ a.m./p.m., at 3rd floor 373 Broadway, Winnipeg, MB for the summary hearing and disposition of the attached claim.

DATED the _____ day of _____, 20_____.

Deputy Registrar

S/C _____

**THE QUEEN'S BENCH
WINNIPEG CENTRE**

BETWEEN:

(Claimant)

-AND-

(DEFENDANT)

--AND--

(THIRD PARTY)

CONSENT THIRD PARTY ORDER

(Name of defendant)

(Address of defendant)

(City and postal code)

(Phone number to contact)

**THE QUEEN'S BENCH
Winnipeg Centre**

BETWEEN:

WESLEY D GIESBRECHT,

CLAIMANT(S),

-AND-

CHARLOTTE SHINDRUK,

DEFENDANT(S).

CERTIFICATE OF DECISION - CLAIMANT NOT AT HEARING

THIS IS TO CERTIFY that this Small Claim came before a judge or court officer under *The Court of Queen's Bench Small Claims Practices Act* on April 1, 2021, and the claim was dismissed because the claimant did not appear and no one appeared on the claimant's behalf.

The claim of WESLEY D GIESBRECHT *who failed to appear* was dismissed with costs of \$500.00 in favour of CHARLOTTE SHINDRUK.

Filing Date: April 12, 2021

BIMA, E.
Judge/Deputy Registrar

SAMPLE

THE QUEEN'S BENCH Winnipeg Centre

BETWEEN:

NISBY HOME RENOVATIONS LTD,

CLAIMANT(S),

-AND-

PATRICIA LAVIOLETTE,

DEFENDANT(S).

CERTIFICATE OF DECISION - CLAIMANT NOT AT HEARING

THIS IS TO CERTIFY that this Small Claim came before a judge or court officer under *The Court of Queen's Bench Small Claims Practices Act* on June 30, 2020, and the claim was dismissed because the claimant did not appear and no one appeared on the claimant's behalf.

The claim of PATRICIA LAVIOLETTE was dismissed without costs

The counterclaim was granted in favour of PATRICIA LAVIOLETTE against NISBY HOME RENOVATIONS LTD. *who failed to appear*, for the sum of \$10,000.00, plus costs of \$100.00, for a total judgment of \$10,100.00.

Filing Date: July 24, 2020

BIMA, E.
Judge/Deputy Registrar