

## NOTICE

### COURT OF QUEEN'S BENCH OF MANITOBA

#### RE: AMENDMENT TO COURT OF QUEEN'S BENCH RULES

**The following amendments will come into force on October 1, 2012:**

#### **1. Rule 76 - Small Claims**

- (a) Subrules 76.07.1(1) to 76.07.3(2) and 76.14.1 to 76.14.4(2) have been added to deal with small claims and small claims appeals which have been adjourned *sine die*. These subrules provide for bringing back on for hearing claims and appeals adjourned for two years or less and automatic dismissal of claims and appeals adjourned for more than two years (subject to an absolute right, upon request, to have the dismissal set aside).

For the past several months, hearing officers and judges have adopted a practice of no longer adjourning claims or appeals *sine die*. And, effective June 14, 2012, s. 9(1) of *The Court of Queen's Bench Small Claims Practices Act*, C.C.S.M. c. C285 has been amended to require that claims be adjourned to a fixed date.

Therefore, these Rule amendments will affect only claims and appeals previously adjourned *sine die*, when such adjournments were permitted.

- (b) Form 76J, Certificate of Decision - Decision of Judge, has been amended to more clearly reflect the types of orders made by judges. These amendments include the addition of a specific reference to apportionment of liability on motor vehicle claims and security for costs.

**ISSUED BY:**

*Original signed by*

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**The Honourable Justice Karen I. Simonsen  
Chair, Queen's Bench Statutory Rules Committee  
(Manitoba)**

**DATE: June 25, 2012**