

# NOTICE

## COURT OF QUEEN'S BENCH OF MANITOBA

### **RE: *THE COURT OF QUEEN'S BENCH SMALL CLAIMS PRACTICES AMENDMENT ACT***

*The Court of Queen's Bench Small Claims Practices Amendment Act* was given royal assent on June 12, 2014. The *Act* comes into force on a day to be fixed by proclamation. A key change to *The Court of Queen's Bench Small Claims Practices Act* is that a party may appeal a decision made by a court officer to a judge of the Court of Queen's Bench only on a question of law or jurisdiction and only with leave of a judge. If a judge grants leave to appeal, the judge must direct the parties as to the following matters with respect to the appeal:

- (a) whether the appeal will be heard by oral argument or by a new hearing of the evidence;
- (b) what written materials must be filed and served and the time periods for doing so; and
- (c) whether a transcript of the proceedings before the court officer will be required for the appeal.

The judge hearing the appeal may:

- (a) confirm the court officer's decision; or
- (b) set aside the court officer's decision and make any decision that the court officer could have made.

A decision of a Court of Queen's Bench judge, on appeal from a court officer, is final and not subject to a further appeal.

These amendments are part of the court's broader access to justice initiatives. In particular, having regard to the principle of proportionality and the reality of the court's finite resources, these amendments will:

- reduce the time and judicial resources that are currently devoted to *de novo* appeal hearings;
- permit the court to adjudicate other, more substantive matters on a more timely basis;

- ensure that those matters requiring further scrutiny are the subject of review while eliminating the duplication of time and expense to the parties associated with *de novo* appeals; and
- bring the Manitoba scheme in line with the large majority of other Canadian superior courts.

In due course, the Statutory Rules Committee will advise of the date on which the *Act* comes into force as fixed by proclamation.

**ISSUED BY:**

***"Original signed by Chief Justice Joyal"***

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**The Honourable Chief Justice Glenn D. Joyal  
Court of Queen's Bench (Manitoba)**

**DATE: October 14, 2014**