

Manitoba Small Claims Court Checklist – Appealing the Decision

If you Appeared at the Hearing

- ☐ Prepare and file a Notice of Appeal (**Form 76H**) within 30 days from the date on the Certificate of Decision.
- ☐ The cost to file a Notice of Appeal is \$35.
- ☐ Deliver the Notice of Appeal to the other party within 20 days of filing.
- ☐ Please review **Service of Documents** for detailed information on how to serve the Notice of Appeal.
- ☐ File a Declaration of Service (**Form 76B**) at least 10 days before the hearing.
- ☐ See **Preparing for the Hearing** and **At the Hearing** for tips on how to present information to a judge.
- ☐ Consider any new or additional evidence you may wish to present at the appeal hearing.

If you did not Appear at the Hearing

- ☐ If you did not appear at the Small Claim hearing before a Court Officer, you must first ask a judge of the Court of Queen's Bench for leave, or permission, to appeal.
- ☐ Prepare and file an Application for Leave to Appeal and Notice of Appeal (**Form 76I**) within 30 days of the date on the Certificate of Decision.
- ☐ At the time that you file an Application for Leave to Appeal and Notice of Appeal and pay the \$35 filing fee, you must also pay security for costs of \$150 in guaranteed funds (certified cheque or money order).
- ☐ Deliver the Application for Leave to Appeal and Notice of Appeal to the other party within 20 days of filing.
- ☐ Please review **Service of Documents** for detailed information on how to serve the Application for Leave to Appeal and Notice of Appeal.
- ☐ File a Declaration of Service (**Form 76B**) at least 10 days before the hearing.
- ☐ If leave to appeal is granted, the appeal hearing may proceed on the same day.
- ☐ See **Preparing for the Hearing** and **At the Hearing** for tips on how to present information to the judge.

NOTE: You should address the judge as "My Lord" or "My Lady".

Appeal to the Manitoba Court of Appeal

- ☐ If you are unsuccessful in your Small Claim appeal before a judge of the Court of Queen's Bench, you may consider a further appeal to the Manitoba Court of Appeal, but it can only be taken on a question of law.
- ☐ You must ask for leave, or permission, of the Court to Appeal to file your appeal. You may wish to have the assistance of a lawyer.
- ☐ For further information on the Court of Appeal process, please see http://www.manitobacourts.mb.ca/ca/court_appeal.html or contact the Court of Appeal office in Winnipeg at (204) 945-2647.