

***Manitoba Small Claims Court
Checklist – Preparing for the Hearing***

Preparing for the Hearing

- ☐ Review your evidence and arrange for the attendance of your witnesses. A letter or report from a witness may not be considered in the absence of the witness.
- ☐ It may be necessary to subpoena a witness. A subpoena is a court form that requires a witness to attend court and give evidence and to bring documents to court.
- ☐ When a subpoena has been filed, it must be served on the witness at least three days before the hearing with payment of attendance money. The amount of attendance money to be paid is set out in **Tariff B of the Queen's Bench Rules**.
- ☐ If there is a party or witness who is out of the province and cannot attend, you may write to the court asking whether the party or witness may give evidence by telephone.
- ☐ Prepare questions for witnesses – organize your questions so that your story is told in a logical way from beginning to end.
- ☐ Total up your claim or Counterclaim, including costs, disbursements (examples are witness subpoena fee and attendance monies), and calculation of interest.
- ☐ Make copies of important documents for yourself, the other party and the Court Officer who will be hearing the claim. Important documents include contracts, letters, e-mails, text messages, plans, drawings, cancelled cheques, statements of account, invoices, and photographs.
- ☐ Documents that are accepted as exhibits are not returned at the end of the hearing but are kept by the court office for two months in case of an appeal of the Court Officer's decision.
- ☐ If there is audio or video evidence, arrange for TV or DVD players in the courtroom by contacting the court office well in advance of the hearing date.
- ☐ If translation or interpretation services are needed for a party or witness, make proper arrangements for that – a friend or relative may not be accepted as a translator or interpreter.
- ☐ The Government of Manitoba provides **Interpretation Services** for both official languages (French and English).
- ☐ Obtain a litigation guardian for a claimant or defendant if the claimant or defendant is under 18 or a person under a disability.
- ☐ Come to the hearing prepared with your documents and witnesses, and be prepared to show your documents to the other party to discuss settling the claim.