

Manitoba Small Claims Court Checklist – The Hearing

Getting Ready for Court

- Dress appropriately for court.
- Arrive at least 5 minutes before the hearing and arrange for sufficient parking.
- Come prepared with all your documents, calculations, questions, and arguments.
- Make sure your witnesses are ready to come to court.
- Do not bring your child to court, unless the child is a witness.
- Bring paper and a pen so you can take notes and write down questions during the hearing.
- Turn off your cell phone, pager etc. before you enter the courtroom.
- No food or beverages, except water, is permitted in the courtroom.
- You are not allowed to make an audio or video recording of the hearing.

At the Hearing

- You may refer to the Court Officer as “Sir” or “Madam”.
- The Court Officer will call out the list of claims that are scheduled to be heard at that time. This list may be lengthy and your claim may not be heard right away or in the order shown on the list.
- Come to court prepared to talk to the other side, to show the other side your documents, and to discuss settling the claim.
- The claimant goes first with his or her witnesses and documents.
- The claimant presents the Court Officer with any documents one at a time and tells the Court Officer what is important about the document.
- The defendant may then ask questions of the claimant or the claimant’s witnesses.
- The defendant then presents his or her information and witnesses in response.
- Even if the defendant fails to appear, the claimant still has to prove his or her claim.
- Listen carefully to the information and make notes; write down questions.
- The Court Officer may ask questions of the parties and any witnesses.
- Give a closing summary explaining how you have proven/defended the claim. If you have any copies of legal cases or legislation to give to the court, bring them with you and discuss them at this point.
- Show the Court Officer how you have calculated your Small Claim/Counterclaim and the interest you are claiming.
- After the parties’ summaries, the Court Officer usually gives his or her decision and reasons for decision. However, the Court Officer may give his or her decision at a later date.
- If successful, ask for your costs and disbursements; bring receipts for your disbursements (for example, receipts for service of the documents).

NOTE: You and your witnesses are required to give evidence under oath or affirmation. A Bible is available in the courtroom, or you may affirm to tell the truth without swearing an oath on the Bible. If you or your witnesses wish to make an oath on another sacred object or sacred book, please bring it with you to court.

After the Hearing

- The court registry will mail all the parties a Certificate of Decision that sets out the judgment of the court, who was or was not successful, and the amount owing, if any.
- The Court Officer's notes or tape recordings from the hearing are for their purposes only and are not available to the parties.
- Either party may appeal the Court Officer's decision to a Queen's Bench judge. The hearing of that appeal is a new hearing. Both parties can present new or additional information at that hearing.