SPECTRUM PARALEGAL

Guide to Ontario Small Claims Court Procedure

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I. REGISTERING PLEADINGS

Pleadings are the documents that begin a court process. A claim is a pleading prepared by the plaintiff (the person suing) that describes why he or she thinks the defendant (the person being sued) owes money. The defence is the pleading of the defendant in response to the claim. To begin, the plaintiff registers the claim in the court office and then serves it on the defendant. Then, the defendant has 20 days to register a defence with the court if he or she were served with the claim personally, and 25 days if he or she were served with the claim by mail. To register pleadings:

1. Make copies of the claim or defence, including the form, the content, and attachments. You will need:
    - One copy for you
    - One copy for the court
    - One copy for **each** plaintiff or defendant. If, for example, three defendants are listed in the claim, then you will need three additional copies of the claim.
2. Sign and date each copy of the claim where appropriate.
3. Prepare $40.00 to be paid to the court for registering your defence, and $75.00 for registering your claim.
4. Register the defence or claim in person or by mail

In Person

If you are a defendant, attend the court office where the claim against you was registered. If you are a plaintiff, attend the court office where the cause of action arose, or where the defendant lives (more here). You will first see a clerk who reviews everyone's documents and gives out numbers to mark their place in line until they are called.

Once your number is called, you will approach the clerks who process documents. Have your documents and payment ready. In person, payment can be made in cash, by cheque or money order payable to "the Minister of Finance," by debit, or with major credit cards. The clerk will accept payment and sign and date every copy of the claim or defence, signifying that the defence or claim has been "issued" (registered).

If you are filing a defence, the clerk will then return one copy of the defence to you, and keep the remaining copies, leaving one with the court and mailing the rest to each of the plaintiffs.

If you are filing a claim, the clerk will keep one copy and return the rest to you so you can serve them on each of the defendants, and keep one for yourself.

By mail

Alternatively, you can mail the court the required number of defences or claims (see above), together with:

- a cheque or money order for $40.00 payable to "the Minister of Finance"
- a self-addressed envelope with enough postage for the clerk to mail back copies of the pleadings to you
- a cover letter addressed from you to the court office, asking the clerk to process the defence or claim and return copies to you

The clerk will then process the defence or claim, undertaking the same steps as if you were to file it in person.

For defendants:

Processing by mail will, of course, take extra time, so, if you are a defendant, only take this route if you are sure that the defence will be processed within 20 days from the time you received the claim. Give the court at least 10 days to process the defence.

Tip: If you wanted to file the defence in person but see that the line is, perhaps, too long, you can clip all copies of your defence together with a cheque or money order for $40.00 payable to "the Minister of Finance," and ask to simply leave the package with the clerk who gives out numbers as you enter the court office. The package will be placed with mail to be processed, and the registration process will continue as if you had sent the defence by mail. As with registration by mail, be sure that you are allowing the court ample time to process your defence before the permitted time for its registration runs out.

II. SERVICE OF PLEADINGS

Service means providing a document to the other party. Defendant's don't need to serve their defence – the court office will mail your defence to the plaintiff. Plaintiffs, however, must serve their claim on each of the defendants once the claim is registered with the court. Here are some important questions and answers:

Why is proper service of the plaintiff's claim is so important in small claims court?

When a claim is served, the defendant has a set amount of time to respond to it and file a defence. If no defence is filed within that time, the

assumption is that the defendant does not want to dispute the claim. Therefore, the plaintiff can then go ahead and obtain a "default judgment," or a judgment in favour of the plaintiff, granted without the defendant's input. With a default judgment, the plaintiff can begin collecting on the debt.

However, the defendant's obligation to answer the small claim and file his or her defence depends on whether the defendant was properly served. You will need to show that you served the defendant properly in order to receive a default judgment. If you do receive a default judgment and it later turns out that the service wasn't proper, the default judgment will be easy enough for the defendant to set aside (reverse, simply speaking), by filing a motion stating that he or she did not receive the plaintiff's claim. In most cases, if such a motion is considered by the court, the judgement will not stand and the defendant will be allowed to file a defence and have his day in court.

How can the claim be served?

This depends on whether the defendant is an individual or a corporation.

Individuals can be served by registered mail or personally. While registered mail is acceptable, personal service is generally the most reliable to serve a plaintiff's claim. Personal service means delivery of the claim directly into the defendant's hands. If the claim is delivered personally, it is hard for the defendant to deny delivery stating that the claim did not come to his or her attention due to a mistake of the Post office or for another such reason. Plaintiff's small claims can also be served on an individual by leaving a copy of the claim with an adult member of the individual's household, and sending another copy by regular mail on the same or the following day.

A Corporation must be served personally at its place of business, with the claim left with a director, agent or officer of the corporation, or the manager of the place of business. If the corporation can't be found at its place of business as it is recorded with the Ministry of Government Services (on the corporate profile report), it can be served by mailing a copy of the claim to each of the directors, and the place of business, at the addresses recorded with the Ministry of Government Services (on the corporate profile report).

How can the service of the plaintiff's claim be proven in court?

It is a common misconception that the court requires a witness of service or a photograph of the service in progress. The small claims court rules prescribe that service of claim should be proven by an affidavit of service sworn by the person who performed service.

A common misconception is that the affidavit must be sworn by the plaintiff. This is only the case if it is the plaintiff who performed the service. The affidavit must include a statement of that person about the date, place and way of service. If service was made by registered mail, the signature of the recipient confirming the receipt of the registered letter should be attached to the affidavit.

What if the defendant refuses to accept personal service?

The court rules do not require signature of the defendant to confirm service. It is not uncommon for the defendant to refuse to take the claim. If this happens, the person serving the claim can just notify the defendant that the plaintiff claim is being served on him or her, and leave the document in the vicinity of the defendant, where the defendant can easily pick it up. Generally, the claim can just be dropped on the ground at the defendant's feet.

II. SETTLEMENT CONFERENCE

What It Is

A settlement conference is the next step after the claim is served and the defence is filed. A settlement conference is a mandatory step of the procedure. It is a relatively informal meeting between the parties in the presence of a judge. The conference serves several purposes. It helps to:

- Clarify the issues to address during the trial. The judge may, for example, advise the parties on what the most important points in the case are, and what the parties should focus on proving at trial
- Help the parties reach a settlement of the action without trial
- Have the parties provide each other with full disclosure, i.e. exchange the evidence that each party intends to use at triaL

What It is Not

Most importantly, keep in mind that a settlement conference is not a trial. The judge will not review anyone's evidence in any detail, or discuss witness testimony. For this reason, you shouldn't try to structure the settlement conference around proving your case. At the same time, you need to know what elements of your case are most important and which evidence you have to support them.

Role of the Judge

At the settlement conference, the judge is more of a facilitator, who will try to help the parties negotiate. The judge may point out issues that the parties agree on, or express an opinion on the weaker or stronger points of each sides of the case in an effort to find common ground. Occasionally (and this does not happen very often), but some people may feel as if the judge is "siding" with the other party. This is usually unintended on the part of the judge, but if you do feel that way, keep in mind that:

- The settlement conference judge cannot make a decision in your case
- If you go to trial, you will never get the same judge for trial as the settlement conference
- Everything that is discussed at the settlement conference is confidential, and neither party or the court has the right to bring it up in front of the trial judge. If this happens for any reason, the trial will be adjourned to be heard by another judge.

In short, what happens at the settlement conference cannot affect the ultimate outcome of your case at trial, so do not get discouraged about your case if you feel like the judge was dismissive of your position.

List of Proposed Witnesses

The list of proposed witnesses is just that – a list of witnesses that you intend to call at trial and their contact information (address and phone number). Here is what you need to know:

- You can find the List of Proposed Witnesses form online
- If you are a plaintiff, you must list yourself and all other plaintiffs as witnesses, since you will be testifying at trial
- Particularly if the witness is an employee of the corporation, you don't have to provide the person's personal phone number and residential address – workplace contact information is sufficient
- The witnesses do not need to attend the settlement conference with you – they will only be needed on the day of trial
- Provide the list to the other party and the court no later than 14 days before the date of the settlement conference.
- You can send the list to the other party by any means. Regular mail, fax or e-mail is sufficient – you do not need to use registered mail or personal service.

- If you are sending the list by regular mail, send it a few days early to ensure that the other party receives it 14 days before the settlement conference

Tip: We recommend serving the other party by fax where possible, so in case he or she raises the issue that the document was not received, you have a fax transmission report to confirm that the document was successfully transmitted to a certain number at a certain time. You also avoid the risk that mail is lost or an e-mail ends up in a spam folder. It is usually easiest to provide the form to the court by regular mail.

Exchanging Documents

In addition to the List of Proposed Witnesses, you must provide documents you will be relying on at trial to the other party and the court, if these were not attached to your pleading. For example, it may be that after you registered the defence, you got a new expert report regarding the poorly installed tile in your house. You must provide this report and any other new documents to the plaintiff(s) and court no later than 14 days before the date of the settlement conference.

As with the list of proposed witnesses, you can serve documents by any means most convenient for you, though we recommend service by fax. Note that if you will be sending more than 16 pages by fax, you must do so in the evening or nighttime – between 5 pm and 8 am. Regular mail is often easiest to send documents to the court.

The Order & Endorsement Record

The Endorsement Record is a form on which the judge writes out his or her order after the settlement conference. There are several types of orders that can be issued.

- *An order to proceed to trial.* If no settlement was reached and no other actions are necessary, the judge will simply say that the matter should go to trial.

- *Endorsement of a settlement.* If a settlement is reached between the parties, the judge will write out its terms and conditions so it can be enforced in the future.

- *An order to exchange documents* within some prescribed period of time. If the judge sees that the parties did not exchange all the relevant documents in their possession before the settlement conference, he or she may order that

one or both parties do so, and set a time limit on when this should be done.

- *An order for a defendant's claim to be registered* within a particular period of time. This is done if the judge believes that the defendant may have a related claim against the plaintiff that should be considered to address all issues.

- *An order for a second settlement conference* to be scheduled often accompanies an order to exchange documents or register a defendant's claim. This way, the parties can meet again and try to settle given the new information they will receive and new issues that will be raised.

- *An order for cost* requires one party to pay another a certain sum of money. The most common reason for this order is if one of the parties is not ready to proceed with the settlement conference. Usually this means the party either does not show up, or shows up but says it's not ready for a settlement conference at this time because, for example, documents were not reviewed or legal advice not obtained in time. In this case, the party that is ready to go on the date of settlement will generally be awarded a cost of about $100 - $300 to compensate for their wasted efforts in preparing for and appearing at the conference.

You will receive a copy of the endorsement record after the settlement conference if you appear for it in person. Sometimes, however, the person conducting the settlement conference will not be judge, but a mediator. A mediator does not have the authority to issue orders, so he or she will recommend an order which will later be reviewed by a judge. If that's the case, you will receive a copy of the endorsement record by mail after it has been reviewed and agreed with by a judge.

Settlement Conference by Telephone

Sometimes, extraordinary circumstances may prevent you from attending the settlement conference in person. The small claims court may allow you to conduct the settlement conference by telephone.
If you will be unable to appear but will be accessible by telephone, you need to fill out a Request for a Telephone Conference form (available online) and send it to the court as soon as you find out that you will not be able to appear in person.

Note that you need to have a compelling reason for your request in order for the court to grant it. For example, the court may allow you to appear by

telephone if you live far away from the court and travel time and expenses are prohibitive, or if you will be away on an unexpected business trip.

How to Approach the Settlement Conference

A bad settlement is better than a good trial." We recommend that you keep this in mind as you prepare for the settlement conference. Before you come to the settlement conference, think about what you would be able to accept as a settlement. As you try to zero in on the acceptable amount, consider the following costs and risks you would need to incur if you do not settle and must proceed with trial:

- time, resources, energy and stress associated with preparing for and conducting a trial
- the risk of partially or completely losing the trial – this risk exists in even the most straightforward case: unexpected things can happen, and judges are people, too.
- Costs over and above the amount of the claim which you may have to pay if you lose the trial, as compensation for the other party's legal and court expenses and interest.

In the settlement conference room, make sure that all the documents you have related to the matter are organized and easily accessible, so you can produce them on request. Communicate calmly and constructively. There is no need for formal wear; dressing business casual is most appropriate.

Possible Exceptions if your Claim is under $2,500

If your claim is under $2,500, the Rules of the Small Claims Court permit that the judge issue a binding judgment at the settlement conference if the parties consent to this. This way, even if you don't reach a settlement at the settlement conference, you would not have to go to trial – the judge would review evidence as necessary and issue a judgment. You would not have a trial.

If you would like for the settlement conference judge to issue a judgment, you must get the other party's consent. To do this, you must both sign a Consent form (available online), which would indicate that the parties consent to "have the settlement conference judge issue a binding judgment at the settlement conference on [Date], should the parties not reach a settlement prior to or at the settlement conference."

You can correspond with the party about whether they would be agreeable to receiving such a judgment. If they are:

- Fill out and sign the consent form in the presence of a witness

- Send the signed consent form to the other party
- Have the other party sign and return the consent form to you
- Forward the consent form to the court
- Confirm to the other party that the consent form had been filed with the court

Please note that some courts accept facsimile copies of consent forms, in which case the entire exchange can be done by fax. If the court requires consent forms signed in the original, you must plan accordingly – original signatures must be exchanged, and the original consent form mailed or delivered to the court office.

Adjournments

Since the court is not able to consult the parties when scheduling dates, it sometimes happens that the settlement conference or trial is scheduled for a date or time on which you just cannot attend.

In this situation, it is best to obtain an "adjournment on consent." That is, it is best for you to get the other side to agree to reschedule. To do this, explain the reason you need to reschedule to the other party and ask whether they would be agreeable to an adjournment. If they are, fill out the consent form (found online), stating that the parties agree to "an adjournment of the currently scheduled settlement conference/trial, to the nearest available date, given the availability of all parties." Then:

- On the consent form, list the dates on which you are unavailable for a new hearing, if any.
- sign the consent form in the presence of a witness
- send the signed consent form to the other party asking them to add dates on which they are unavailable, as well. This will help avoid scheduling conflicts in the future.
- Have the other party sign and return the consent form to you
- Forward the consent form to the court
- Confirm to the other party that the consent form had been filed with the court
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Please note that some courts accept facsimile copies of consent forms, in which case the entire exchange can be done by fax. If the court requires consent forms signed in the original, you must plan accordingly – original signatures must be exchanged, and the original consent form mailed or delivered to the court office. At this time, only the Brampton Small Claims Court requires originals, while the Toronto and Richmond Hill locations accept faxes.

If the other party is not agreeable to an adjournment, the other option is to file a motion to adjourn. You should only opt for this if the other party does not consent to a rescheduling. A motion is an application to the court, whereby you explain your reasons for an adjournment to the court, the other party has a chance to oppose an adjournment, and the judge decides whether to grant it. You can contact us for more guidance in the rare event that you would have to file such a motion.

The judge will almost always grant an adjournment for reasons such as important previously scheduled appointments or travel arrangements. If you had previously asked the other party to adjourn the matter, were refused, had to file a motion, and were granted an adjournment, you may be entitled to costs to compensate you for having to file a motion.

By the same token, if the other party is requesting an adjournment for a sensible reason, it is in your best interest to consent and not spend resources on going through the motion process. If the other party is requesting an adjournment, it will be his or her responsibility to prepare and file the consent form with the court – you will just need to sign and return it to the other side.

III. CORRESPONDENCE AND FORMS

You may have to correspond with the other party or their representatives, such as when you ask for or consent to adjournments or send documents. Make sure to sign and date every letter and include the file reference in the "re" section of every letter, listing the court file number and the parties in the format "name of plaintiff(s) v name of defendant(s)." We recommend sending letters by fax where possible, so you have transmission confirmation to ascertain the time sent and the fact of receipt.

Fillable Ontario Small Claims Court forms are available at http://www.ontariocourtforms.on.ca/english/scc. We will provide tips to filling out these forms throughout this guide. Most forms also have filling instructions preceding them. As a rule, make sure that every form has the court name, address and phone number at the top, and the file number in the top right corner. If there is more than one plaintiff and/or more than one defendant, make sure to include the "Additional Parties" in any form that requires you to provide the parties' contact information.

IV. OFFERING SETTLEMENTS

You can offer the other party to settle the matter at any time. You can do so either in letters, or by using the "Offer to Settle" form available online. If the defendant agrees, he or she would respond using the "Acceptance of Offer to Settle" form. If she does not, she will probably not respond and the offer will simply expire at the time outlined in the offer. If you decide to withdraw the offer to settle before its expiration time, you would use the "Notice of Withdrawal of Offer to Settle" form.

These forms can be exchanged between the parties by any means that are most convenient. As usual, we recommend fax where possible. It is very important, however, that neither of these forms is filed with the court office. If any of these forms reach the trial judge, he or she will not be able to conduct the trial because knowledge of settlement attempts will be prejudicial to one or both parties. The trial will be adjourned to be heard by another judge, and the party that filed the settlement-related documents with the court may face significant costs for causing the situation.

If the offer is accepted, you will then fill out the "Terms of Settlement" form, which will outline the settlement terms and conditions and confirm that the case is settled. The original of this form must be filed with the court. To this end:

- sign three copies of the "Terms of Settlement"
- Forward them to the other party and have him or her sign all copies and return two original copies to you
- File one original copy with the court and leave one for your records

The court will process the Terms of Settlement and close the case. As outlined in the Terms of Settlement form, if either party does not comply with the settlement, the claim can proceed as if no settlement had been reached.

V. DEFENDANT'S CLAIMS

In some cases, you may choose to file a defendant's claim. This is done in situations when you believe that it is actually the plaintiff who owes you some sum of money for a reason related to the cause of action outlined in the plaintiff's claim.

Once the defendant's claim and defence to it had been filed with the court, they will be considered together with the plaintiff's claim at the settlement conference and trial. The judge will then consider both claims and offset any amounts due for each claim against each other.

VI. TRIAL

Though reaching a settlement is always encouraged, sometimes it just does not work. If you are the defendant, this would usually mean that the plaintiff would request a trial and you would receive a Notice of Trial in the mail that would explain where and when you need to appear. If you are a plaintiff, you would need to file a Request to Clerk form with the court office, requesting a trial. There is $100.00 court fee for this action.

Adjourning Trials

As with settlement conferences, the court does not consult the parties before scheduling a trial date, so the trial may be set for a date which you, your witnesses, or the other party might not be able to attend. In this event, the same considerations and process applies to adjourning trials as settlement conferences.

Preparing Evidence

All evidence you may rely on, whether it is documentary, photo, or video, must be in a form that is legible and organized. Photos must be printed, preferably in colour for ease of reference, and videos must be burned to a DVD playable in common DVD-players.

Before the trial, for ease of use and reference, it is often a good idea to put all the evidence together into a single Book of Exhibits. This is most useful if you have lots of evidence, or if the evidence is visually similar (e.g. 15 invoices from the same company that only differ in dates). To make a Book of Exhibits, simply:

- Put all the evidence together into a book
- Number the pages
- Separate the different pieces of evidence with numbered tab dividers
- Make a table of contents, noting the name and date of each document, as well as its page and tab number
- Include a title page that would list the names of the parties to the case, the court in which the matter is heard, and the file number
- Then, provide the Book of Exhibits to all parties and the court, in accordance with rules for exchanging evidence (as below).

Exchanging Evidence

As we had mentioned before, “surprise evidence” will not be considered by the court. Any evidence, such as documents, photos or videos, must be presented to the other party in advance of the trial date, so there is time to peruse the evidence and prepare counter-arguments, if necessary. In small claims court, evidence must be exchanged between the parties and provided to the court no later than 30 days before the date of trial. It may be served by fax, regular mail or e-mail, though it is always wise to have confirmation of sending and receipt. Overall, the same rules and considerations apply to exchanging documents before the trial as before the settlement conference.

Summoning Witnesses

In most cases, your witnesses would willingly make arrangements to attend with you and give evidence. Sometimes, however, the witness may not be co-operative, as when it is a completely disinterested third party. In these cases, you may need to summon the witness, i.e. have the court oblige them to attend. In order to summon a witness:

- Fill out a “summons to witness” form, indicating the name of the witness, when and where he/she must attend, and what evidence, if any, he/she must bring to the trial
- File the summons in person with the court, so the clerk may endorse it
- Personally serve the summons on the witness at least 10 days before the trial. It is often in your best interest to do so even earlier, to ensure the witness can make arrangements to appear.
- Fill out an affidavit of service of the summons

If the witness fails to appear despite being properly served, the judge is most likely to adjourn the trial and, in extreme cases, issue a “bench

order," which is, in essence, an order for the witness to be arrested and brought to the court to testify.

It is important that you do not abuse your power to summon a witness. If the witness summoned is irrelevant to your case, the judge may order you to compensate the witness for inconvenience and expenses.

Witness Attendance

If a witness fails to attend the trial for any reason, you may have to proceed without him or her, which may be detrimental to your case. Alternatively, the trial may be adjourned, but you may be required to pay costs to the other party to compensate them for the inconvenience of attending. Therefore, it is in your best interest to check with all witnesses in advance to make sure they can attend, and if they cannot, you should adjourn the trial in advance.

Emergencies do happen, of course, in which case, explain the situation to the judge and ask for an adjournment.

Mechanics of a Trial

Trials are scheduled for 10:00 am in the morning. However, this does not mean that your trial will begin promptly at that time. Usually, the court schedules several trials and motion hearings for a single day of hearing, and begins by dealing with motion hearings first. Realistically, your trial is most likely to start around 11:00 am to 12:00 pm. However, you should always be present at 10:00 am, just in case. Matters are generally heard between 10:00 and 4:00 pm, with a recess for lunch or other breaks, as required, at the discretion of the judge.

Once the trial begins, the parties will be called forward. The plaintiff will, generally, take the right side of the area allocated to the parties and the defendant – the left. The plaintiff will have the opportunity to present his or her case first. This means that the plaintiff will call witnesses, or testify him or herself first. After each plaintiff's witness testifies, the defendant will have the opportunity to cross-examine him or her. Witnesses may be called in any order. Once the plaintiff has called all witnesses and they were cross-examined, the defendant will make his or her case, meaning call his or her witnesses. Every defendant's witness can be cross-examined by the plaintiff. After the witnesses have been examined, each party, beginning with the plaintiff, will have the opportunity to make a submission. A submission is a summary of why the party feels the judgment should be in its favour – it includes the legal arguments and a summary of the evidence the party relies on.

Unless you are disabled or otherwise incapacitated, you must stand whenever you address the court, whether you are examining or cross-examining witnesses, making a submission, or making a remark. Everything that is said will be recorded.

Once all witnesses have been called and cross-examined and submissions have been made, the judge will issue a judgment. He or she will usually take some time to prepare a decision and read the reasons for judgment aloud. Depending on the complexity of the case, the judge may

call a recess to prepare his/her decision and reasons for judgment. In very complicated cases, the judge may delay a decision, asking the parties to attend on another day to have the decision heard, or mail the parties a written copy of the decision and reasons.

Where the decision is read aloud, the actual judgment (not the reasons for it) will also be written down on an endorsement record. You should ask for a copy of the endorsement record before you leave the trial if you are not offered one, because it will contain the details of the decision for your reference, which will be important if you have to collect or pay on the judgment.

Testifying

You and your witnesses will need to provide evidence at trial. To do so, the witness (or yourself) will be called to a special witness booth, where you will have to sit or stand. The box is equipped with a microphone, which will record the testimony. The testimony will begin by the witness swearing to tell the truth by repeating an oath read out by the clerk of the court.

If you are testifying yourself, you will simply speak and relay the evidence you want to provide, referring the judge and the other party as necessary to any relevant documents, photos or other evidence that you are speaking about. If another witness is testifying in your case, they do not speak unless they are asked a question. This means that you will have to ask the witness questions that will allow him or her to relay all the information you want them to relay. You may refer the witness to physical evidence, by showing it to them and asking them questions related to the document. Similarly, you may only ask questions of witnesses you are cross-examining.

Interpreters

In some cases, you or your witnesses may require an interpreter. If this is so, be sure to retain the services of a qualified, licensed professional

interpreter – you may not serve as an interpreter personally, or have a friend do the same. It is best to retain an interpreter if you have any doubts as to the witness's fluency. Keep in mind that the stressful conditions of the courtroom and the potential of being asked unexpected questions can make it more difficult to communicate.

Interpreters are paid by the hour, and it's a good idea to have them attend from the time the trial is scheduled and until the time they are no longer required. However, if the trial is complicated and/or lengthy, e.g. if there are a lot of witnesses, you may have the interpreter attend a bit later. For example, if you are a defendant, and you and the plaintiff each

have three witnesses in a complex matter, you may not get around to the last witness that needs an interpreter until the afternoon. However, it is always best to be safe than sorry. If there is no interpreter and you cannot proceed, you may be obliged to proceed without the witness, or pay the other party costs to have the trial adjourned to another day!

Behaviour

First, it is very important that you attend the trial. If you do not, it may be adjourned with significant costs to you, or, worse yet, your case may be dismissed altogether.

Second, behave calmly and respectfully at all times, both to the judge and to the other party, its witnesses and representative. Under no circumstances should you or your witnesses:

- Interrupt the judge
- Interrupt the other party, its witnesses or representative
- Make rude remarks (or any remarks, really) while others are speaking
- Curse

Doing the above will not only increase the stress levels of all parties and aggravate the judge. The offending individual may be removed from the courtroom, which, as you can imagine, will have highly undesirable consequences. Stay maximally calm, polite and respectful at all times. Do not become provoked by the other party if they are being rude. Do not attempt to be insulting or make remarks such as, 'liar!'
Finally, dress appropriately. As an unrepresented individual you do not have to wear a suit if you prefer not to, but look appropriately tidy and respectful – business casual is a good way to go.

II. CONTACT INFORMATION OF MAJOR GTA COURTS

Toronto
47 Sheppard Avenue East
Toronto, ON M5N 2N1
Tel: 416.326.3554
Fax: 416.326.3570*
(*trial scheduling, accepts adjournment consent forms)

Richmond Hill
Administrative Office (handles all document filing)
8500 Leslie Street, Suite 395
Markham, ON L3T 7M8
Tel: 905.731.2664

Matters are heard at:
855 Major Mackenzie Drive East
Richmond Hill, ON L4B 4X7

Brampton
7755 Hurontario Street
Brampton, ON L6W 4T1
Tel: 905.456.4700

Burlington
2021 Plains Road East
Burlington, ON L7R 4M3
Tel: 905.637.4125

ONLINE FORMS FOR ONTARIO SMALL CLAIMS COURT AVAILABLE AT:

http://www.ontariocourtforms.on.ca/english/scc

DISCLAIMER

This e-book is not intended to be comprehensive legal advice. Information contained herein may not apply to your particular case and circumstances. You are encouraged to contact a lawyer or paralegal to obtain legal advice. Additional information about procedure may be obtained from the court office. Information, court policies and procedures may change at any time and not be reflected in the present book. Contact the court office for updates on court procedure.