

Changes to Civil Claims Processes in Provincial Court

Effective January 1, 2019

Provincial Court Act

A number of provisions in the *Statutes Amendment Act, 2015* (SAA 2015) have been proclaimed into force **effective January 1, 2019**. These include amendments to the *Provincial Court Act* relevant to civil claims matters. The relevant sections of the SAA 2015 can be found online at:

qp.alberta.ca/documents/Acts/2015ch12_unpr.pdf

New Regulations

Accompanying the amendments to the *Provincial Court Act* are two new regulations, which also come into effect on January 1, 2019:

- **Provincial Court Civil Procedure Regulation** (AR 176/2018) (the “Procedure Regulation”), which can be found online at: qp.alberta.ca/documents/Regs/2018_176.pdf
- **Provincial Court Civil Forms Regulation** (AR 179/2018) (the “Forms Regulation”), which can be found online at: qp.alberta.ca/documents/Regs/2018_179.pdf

Civil Claims Implementation Project

To help achieve these outcomes, JSG has partnered with the Provincial Court of Alberta in implementing changes to the process for civil claims matters.

Key changes include:

- Moving the **procedural provisions** for civil matters from the *Provincial Court Act* into the new *Provincial Court Civil Procedure Regulation*. The Court will have the authority to direct the procedures to be followed in a hearing to ensure an expeditious and inexpensive resolution of a matter, and will continue to have the ability to apply the *Alberta Rules of Court* if necessary.

- Introducing additional **prescribed forms**, including forms for an Application, Affidavit, Notice to Attend as a Witness, and Third Party Claim, as well as a revised Civil Claim and Dispute Note. Fillable PDF versions of the revised forms will be made available in advance of implementation on the Provincial Court’s website at: albertacourts.ca/pc/areas-of-law/civil
- Expanding available **methods of service** of documents, including service to an address for service or electronic address provided by a party in a previously filed document.
- Introducing a **simplified trial process**, reserved for less complex matters, with documents exchanged in advance of trial by way of a Trial Statement form. In Edmonton and Calgary, the Court will identify and allocate matters to a particular resolution track – either the simplified trial resolution track or the general resolution track (i.e., the existing trial process).
- Adding **binding judicial dispute resolution** as an available option for resolving a civil claim, provided all parties agree to the process.
- Updating the **fees and allowances** payable to witnesses served with a Notice to Attend.

Grace period for new forms

Resolution and Court Administration Services intends to ensure a reasonable **grace period** is observed by the clerks’ offices around the province. This will ensure forms presented in the prior format will be **accepted for filing after January 1, 2019**. After a reasonable grace period, the requirement for compliance will be more strictly enforced. Further details regarding the grace period will be posted to the Provincial Court’s website in the coming weeks.

For future updates visit: www.albertacourts.ca/pc/areas-of-law/civil