**THE KING'S BENCH**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Centre**

BETWEEN:

claimant

(address)

– and –

defendant

(address)

**SMALL CLAIM**

**NOTICE TO DEFENDANT**

If you wish to dispute this claim, **you must file** a Defence (Form 76D) or a Defence and Counterclaim (Form 76E) within 20 days of being served. If you file a Defence and do not appear at the hearing, a decision may be issued against you.

**If you do not file a Defence or a Defence and Counterclaim, you may be noted in default, in which case the hearing date is cancelled and a default decision may be issued.**

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| TYPE OF CLAIM (check one): | |  |  |  |
| □ Unpaid account | □ *The Parental Responsibility Act* | □ Promissory Note | □ N.S.F. Cheque | □ Contract |
| □ Services rendered | □ Motor vehicle accident | □ Damage to property | □ Lease | □ Other \_\_\_\_\_\_\_\_\_\_\_\_\_\_  *(describe)* |

The claimant claims from the defendant the sum of $ , plus costs, disbursements and interest (if applicable). The details of the claim are set out in Schedule A, attached.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Name and signature of claimant or authorized agent*

*Phone number*

*Email address*

The hearing of this claim is set for  , at   a.m./p.m.,

*(month/day/year)*

by teleconference from the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Court Centre.

*(court location)*

To attend this hearing, you are required to call toll-free 1-855-342-6455, Conference ID\_\_\_\_\_\_\_\_\_\_

Filing Date:

Deputy Registrar

**SCHEDULE A**

**DETAILS OF CLAIM**

**SMALL CLAIMS COURT**

**IMPORTANT INFORMATION**

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| **For more information,** contact the nearest Court of King’s Bench office or visit [*http://www.manitobacourts.mb.ca/court-of-queens-bench/court-proceedings/*](http://www.manitobacourts.mb.ca/court-of-queens-bench/court-proceedings/) |

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| **What can a defendant do in replying to a claim?**  ‑ You may contact the claimant and arrange payment. If you do this, obtain a statement signed by the claimant indicating that the matter is settled and file it in the court office. If partial payment is made, the claimant must contact the court to postpone the hearing date.  ‑ If you intend to dispute the claim, you must file a Defence\* (Form 76D), along with the required fee\*\*, within 20 days of being served with the claim and serve a copy on the claimant.  ‑ If you also have a claim you wish to make against the claimant, you must file a Defence and Counterclaim\* (Form 76E), along with the required fee\*\*, within 20 days and serve a copy on the claimant.  - If you do not have a claim you wish to make against the claimant but the claimant owes you money, state this in your Defence\* and be prepared to raise this at the hearing and this may result in a set off to the amount claimed by the claimant.  ‑ If you ignore the claim, the claimant may obtain judgment against you.  **⃰** forms are available at Court of King’s Bench offices or online:  [*http://web2.gov.mb.ca/laws/rules/form\_2e.php?form=76D*](http://web2.gov.mb.ca/laws/rules/form_2e.php?form=76D)  [*http://web2.gov.mb.ca/laws/rules/form\_2e.php?form=76E*](http://web2.gov.mb.ca/laws/rules/form_2e.php?form=76E)  \*\*court services fees are available online:  [*https://www.gov.mb.ca/justice/courts/fees.html*](https://www.gov.mb.ca/justice/courts/fees.html) |  | **Getting ready for court**  - The first hearing will take place by phone. A Court Officer will mediate any possible settlement. If issues remain unsettled, a contested hearing date will be set.  - Contested hearings may proceed by video using Microsoft Teams. Instructions will be sent by email 30 days prior to the contested hearing date. Make sure to check your inbox and junk/spam folder for these instructions.  ‑ A small claim is decided on the evidence presented at the contested hearing. Make sure all evidence and witnesses are provided for the hearing. It is no use saying they can be provided later.  - Examples of evidence to be provided for the hearing:  (1) Contracts, letters, invoices, statements of account, plans, drawings, cancelled cheques;  (2) Printed photographs that will help the court understand your case.  ‑ Arrange for the attendance of your witnesses and provide important papers, documents and other relevant evidence **in triplicate** for the hearing.  ‑ Witnesses are people who can directly clarify or support your case. If necessary, you may obtain subpoena forms at the court office or go online at:  [*http://web2.gov.mb.ca/laws/rules/form\_2e.php?form=53A*](http://web2.gov.mb.ca/laws/rules/form_2e.php?form=53A)  ‑ Affidavit or written statements of witnesses are not sufficient.  ‑ At the contested hearing, both sides will have the opportunity to present their case and evidence and have their witnesses testify. |

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| **To the Claimant:**  If you fail to appear at the hearing, your claim may be dismissed or adjourned to another date. |  | **If I win my case, am I guaranteed money?**  Unfortunately, no. The court can give you tools you can use to collect your money, such as a Notice of Garnishment (garnishing order). Some people are judgment proof, which means they haven't any money or assets. |  | This information is of a broad and general nature. *The Court of King’s Bench Small Claims Practices Act* and its accompanying rules should be consulted for interpretation and application. |

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| **Court Locations** | |
| **Brandon** (204) 726-6240   * 100 - 1104 Princess Ave, Brandon   **Dauphin** (204) 622-2087   * 114 River Ave West, Dauphin   **Flin Flon** (204) 687-1670   * 104 - 143 Main St, Flin Flon   **Killarney** (204) 726-6240   * Filing: 100 - 1104 Princess Ave, Brandon * Hearings: 415 Broadway Ave, Killarney   **Minnedosa** (204) 867-4722   * 70 3rd Ave Southwest, Minnedosa   **Morden** (204) 822-2882   * 301 Wardrop St, Morden   **Portage la Prairie** (204) 239-3383   * Filing: 25 Tupper St North, Portage la Prairie * Hearings: 20 3rd St Southeast, Portage la Prairie   **Russell** (204) 867-4722   * Filing: 70 3rd Ave Southwest, Minnedosa * Hearings: 106 Shell River Ave South, Russell | **St. Boniface** (204) 945-8010   * 100 - 614 Des Meurons St, Winnipeg   **Selkirk** (204) 785-5122   * 101 - 235 Eaton Ave, Selkirk   **Steinbach** (204) 346-6070   * Unit A - 284 Reimer Ave, Steinbach   **Swan River** (204) 734-2252   * 201 4th Ave South, Swan River   **The Pas** (204) 627-8420   * 300 3rd St East, The Pas   **Thompson** (204) 677-6757   * 59 Elizabeth Dr, Thompson   **Virden** (204) 726-6240   * Filing: 100 - 1104 Princess Ave, Brandon * Hearings: 232 Wellington St West, Virden   **Winnipeg** (204) 945-3138   * Filing: 100 - 408 York Ave, Winnipeg * Hearings: 3rd Floor - 373 Broadway, Winnipeg |