



# FIELD LAW

## Insurance Alert

July 14, 2014

### Provincial Court Expected to Increase Financial Limits

The Minister of Justice and Solicitor General has recommended a change in the Provincial Court financial maximum from the current limit of \$25,000 to \$50,000 effective on August 1, 2014. The *Provincial Court Civil Division Regulation* (AR 329/89) has been amended by this regulation and Section 1.1 has been amended by striking out “\$25,000” and substituting “\$50,000”. You can find a link to the Order in Counsel here: [O.C. 271/2014](#).

This increase will hopefully make it more viable for persons to advance claims in the \$25,000-\$50,000 range. These claims exceed the current limit of the Provincial Court but usually do not provide significant enough settlements to offset the increased costs associated with filing in the Court of Queen’s Bench.

This amendment makes no other changes to the legislation; as such, any claims below \$25,000 should proceed as usual. However, those with claims hovering in the \$25,000-\$50,000 range are now faced with a decision. The three main options are:

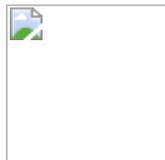
- If your claim does not expire before August 1, you can consider waiting until after this deadline for the changes to occur and the option of filing in Provincial Court for your full claim becomes available
- You can file your claim in Provincial Court; by doing this you will abandon any portion of your claim above the current \$25,000 limit
- You can file in the Court of Queen’s Bench, with the possibility that the increased costs may significantly reduce your potential net recovery

If you have already filed in Provincial Court and waived your entitlement to a claim in excess of \$25,000 it is not likely you will be permitted to increase the amount claimed after August 1, 2014. Likewise, if you have already filed in the Court of Queen’s Bench it is not likely you will be allowed to transfer the matter to Provincial Court once the limit has been increased.

The increase in the financial limit is not likely to have any effect on the Provincial Court’s jurisdiction to hear only certain types of cases. Thus, only claims dealing with the following types of matters will be able to make use of the increase:

- Damages, including breach of contract;
- A debt;
- Return of personal property; and/or
- Specific performance or rescission of a contract

If you have any questions please feel free to contact:



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