

The “People’s Court”: Now By Online Civil Resolution Tribunal?

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The Ontario Small Claims Court is often referred to as the “People’s Court”. The colloquial title has even been adopted by Ontario’s Ministry of the Attorney General. The People’s Court is designed to be just that, a straightforward avenue and judiciary for individual litigants to commence a proceeding without legal representation. The general hallmark of the People’s Court was to be an effective, efficient, and streamlined approach to providing self-represented litigants with access to justice and adjudicate proceedings.

As it stands, approximately 50,000 new claims are commenced each year in the People’s Court and the number is increasing every year. In order to facilitate the sheer volume of proceedings, the People’s Court is governed by only twenty-two (22) Rules, and litigants are restricted to claims of a maximum value of \$25,000.00. In addition, generally speaking, the quantum of costs to be recovered by a successful party in the People’s Court is limited to 15% of the value of the claim.

It has been roughly seven years since the monetary jurisdiction of the Ontario Small Claims Court was increased from \$10,000.00 to \$25,000.00, a change recommended in 2007 by the Civil Justice Reform Project Report. However, with the increase in the monetary jurisdiction, and the ever increasing number of claims, the People’s Court is becoming an overloaded judiciary, with a large portion of lawyers now becoming routine advocates in the People’s Court, often against self-represented litigants. Contrary to the People’s Court goal of efficiency, it can often take up to a year to have a matter set down for trial and adjudicated by a Deputy Judge.

However, there appears to be a new Deputy Judge in town. One that the Province of British Columbia (“BC”) has utilized in other legal forums, known as the Civil Resolution Tribunal (“CRT”). On 1 June 2017, all civil small claims disputes under \$5,000.00 in British Columbia will be adjudicated by the CRT. For those unfamiliar, the CRT was the world’s first online tribunal, and it currently presides over disputes relating to bylaw fees, fines, unfair actions, and condo owner issues. The CRT was designed for the average person who was seeking to resolve disputes and receive an enforceable court order all from the comfort of their own home. In fact, claims made to the CRT are currently filed by individuals through their smart phones.

The BC government has now expanded the CRT’s jurisdiction, and they will now be presiding over claims involving debts, contracts, personal injury, personal property and other issues under \$5,000.00. While this may appear to be a more nominal consideration compared to the \$25,000.00 limit in the People’s Court, it is a novel approach to an over-burdened civil justice system. The Ontario Small Claims Court does have a procedure in which a Deputy Judge has the authority to decide an entire case at a settlement conference (pre-trial), however, this procedure is usually limited in its capacity, as it is only for claims under \$2,500.00 and the parties must execute a written consent to that effect.

With the ever increasing integration of smartphones and technology into the routines and lifestyles of individuals, it is no surprise that claims can now be filed through an iPhone, akin to ordering your favourite designer coffee, except without the hassle of having your name spelt incorrectly.

While BC’s new approach appears innovative and streamlined, it will be interesting to observe how effective the CRT will be in adjudicating matters and providing access to justice for individuals. It is clear that the other provinces will be watching closely, in particular with an eye on whether this process will alleviate the overwhelmed People’s Court, or if it will increase appeals and prompt individuals to be more litigious filling numerous claims from the comfort of their couch, or better yet, while ordering their designer coffee.

(This blog is provided for educational purposes only, and does not necessarily reflect the views of Gardiner Roberts LLP).

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