

**Provincial Court Act** Chapter P-31

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*Small Claims & Collections Boot Camp*

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# PROVINCIAL COURT ACT

## Chapter P-31

### Rules of Court

8(1) The practice and procedure of the Court shall be as provided in this Act and the regulations.

(2) Where this Act or the regulations do not provide for a specific practice or procedure of the Court that is necessary to ensure an expeditious and inexpensive resolution of a matter before the Court, the Court may

- (a) apply the Alberta Rules of Court, and
- (b) modify the Alberta Rules of Court as needed.

1996 c28 s37

### Part 1.2

#### General Judicial Matters

### Jurisdiction

9.6(1) The Court has, subject to this Act, the following jurisdiction:

- (a) for the purposes of Part 4,
  - (i) to hear and adjudicate on any claim or counterclaim
    - (A) for debt, whether payable in money or otherwise, if the amount claimed or counterclaimed, as the case may be, exclusive of interest payable under an Act or by agreement on the amount claimed, does not exceed the amount prescribed by the regulations,
    - (A.1) for unjust enrichment, including a claim or counterclaim for the recovery of the value of services provided or goods supplied, if the amount claimed or counterclaimed, as the case may be, does not exceed the amount prescribed by the regulations,
    - (B) for damages, including damages for breach of contract, if the amount claimed or counterclaimed, as the case may be, exclusive of interest payable under an Act or by agreement on

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the amount claimed, does not exceed the amount prescribed by the regulations,

(C) for the return of personal property if the value of the personal property does not exceed the amount prescribed by the regulations, and

(D) for specific performance or rescission of a contract if the value of the rights in issue does not exceed the amount prescribed by the regulations;

(ii) to grant an equitable remedy in respect of a claim or counterclaim referred to in subclause (i);

(b) where provided for or directed under any enactment, and subject to that enactment, to hear and adjudicate on any matter, provide any relief, carry out any duty or perform any function assigned to the Court under that enactment or in respect of which the Court is empowered to undertake or provide under that enactment;

(c) for the purposes of the Mobile Home Sites Tenancies Act and the Residential Tenancies Act, without limiting the jurisdiction of the Court provided for under those Acts, to grant

(i) an order terminating a tenancy;

(ii) an order for the recovery of possession of premises;

(iii) an order to vacate premises.

(2) The Court does not have jurisdiction to hear and adjudicate on a claim or counterclaim

(a) in which the title to land is brought into question,

(b) in which the validity of any devise, bequest or limitation is disputed,

(c) for malicious prosecution, false imprisonment, defamation, criminal conversation or breach of promise of marriage,

(d) against a judge, justice of the peace or peace officer for anything done by that person while executing the duties of that office, or

(e) by a local authority or school board for the recovery of taxes, other than taxes imposed in respect of the occupancy of or an interest in land that is itself exempt from taxation.

(3) Where an amount is prescribed by the regulations for the purposes of subsection (1), that amount applies with respect

(a) to civil claims issued, or

(b) subject to clause (a), to matters that arose,