Changes to the Code of Civil procedure (Quebec) - Small claims: From $7,000 to $15,000

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On January 1, 2015, the jurisdictional threshold of the Small Claims Court will be raised from $7,000 to $15,000. This constitutes a first step toward the modernization of civil procedure, explained the Minister of Justice, which will be followed by the coming into force of the new Code of Civil Procedure in January 2016.

On February 28, 2014, the National Assembly passed Bill no. 28, An Act to establish the new Code of Civil Procedure, the product of 15 years of reflection on the reform of civil procedure in Quebec.

With a view to increasing access to justice, this bill, amongst other measures, would significantly raise the jurisdictional threshold of the Small Claims Division of the Court of Québec. Indeed, the coming into force of the new Code, set for January 2016, was to bring the cap from $7,000 to $15,000.

The increase was accelerated however by the recent adoption of Bill no. 14 [1] by which the National Assembly amends the current Code of Civil Procedure to raise the jurisdictional threshold at the Small Claims Division on January 1, 2015.

According to Stéphanie Vallée, Minister of Justice, [TRANSLATION] “[t]he increase will provide Quebeckers with better access to this tribunal where citizens represent themselves, without a lawyer.”

Lavery is of the view that this legislative amendment may have a significant short-term impact on the business community as regards the management of these litigation files where representation by a lawyer is generally prohibited.

The change has no retroactive effect on matters currently pending nor on their execution.

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Lavery will keep you apprised on a regular basis on the evolution of this civil procedure reform.

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[1] *An Act to amend the Code of Civil Procedure and other provisions, SQ 2014 c 10.*

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