

## Legal Issues Resolvable Within Small Claims Court



Significant debate among legal practitioners often arises as to whether the Small Claims Court holds jurisdiction for claims brought seeking equitable relief. Although the debate arises regularly, the answer to this question appears as well addressed. Per [s. 23\(1\)](#) of the *Courts of Justice Act, R.S.O. 1990, c. C.43, as below, it appears clear that the Small Claims Court holds jurisdiction over any Action, rather than Application, where the relief sought is for payment of money or the return of personal property, for the amount claims, or value of the property for return, is \$25,000.00 or less per the currently prescribed amount.*

23 (1) The Small Claims Court,

- (a) has jurisdiction in any action for the payment of money where the amount claimed does not exceed the prescribed amount exclusive of interest and costs; and
- (b) has jurisdiction in any action for the recovery of possession of personal property where the value of the property does not exceed the prescribed amount.

As for the breadth of possible issues that may arise and the jurisdiction of deputy judges in the Small Claims Court to address the broad range of issues, per at was said in *Ontario Deputy Judges Association v. Ontario*, [2005 CanLII 42263](#) ("*ODJA*") that:



[18] Deputy judges can hear a wide range of cases and have broad jurisdiction over proceedings involving the [Canadian Charter of Rights and Freedoms](#), defamation, creditors' rights, intellectual property claims, estate litigation, and medical malpractice, among others. Deputy judges also exercise a form of equitable jurisdiction, which adds to their role and responsibilities as judicial officers. The Small Claims Court can hear and determine all questions of law and fact and may make orders considered just and agreeable to good conscience.

As for the capacity to address claims in equity, the same view stated in *ODJA* was very well reasoned and articulated by the Division Court in *936464 Ontario Ltd. v. Mungo Bear Ltd.*, [2003 CanLII 72356](#) at paragraphs 9 to 40 and by the Court of Appeal in *Grover v. Hodgins*, [2011 ONCA 72](#) at paragraphs 13 to 50.