



# Provincial Court of Alberta: Increase to Small Claims Court Limit and Review of Resources

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## Issue

In Alberta, criminal charges are most often resolved at the Provincial Court. Unfortunately, outside of Alberta's metropolitan centers of Edmonton, Calgary, and Red Deer, Alberta Provincial Courts generally lack sufficient resources to ensure that Criminal charges are resolved in timely manner. The lack of resources is not confined to one particular area. In some jurisdictions the Court lacks appropriate infrastructure; in others, the Court lacks Crown Prosecutors, Justice of the Peace, Judges and support staff. In any jurisdiction where resources are lacking, an Albertan facing a Criminal Charge and victims of criminal acts are at risk of being denied timely access to Justice.

The lack of resources is also felt in the context of civil disputes. Due to the cost and time required to navigate the lawyer/rules of court driven process found in the Alberta Court of Queen's Bench, the majority of Albertans attempt to resolve civil disputes in Provincial Court. Partially for this reason, the Provincial Government recently increased the provincial Court small claims limit to \$50,000.00. While perhaps not accurately termed an issue of access to Justice, the same insufficient resource issues that affect the Provincial Court in the criminal context, also put Albertan's access to timely resolution of Civil Matters at risk and threaten to undermine the intent of the recent small claims Court increase. Given that the concerns over resource allocation engage the discussion regarding the Small Claims Limit, it is also timely to consider a further increase in the Small Claims limit to \$100,000.00 since, theoretically, resource allocation issues aside, an increase in the small claims limit should facilitate Court access for Albertans.

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## Background

Our court system is critical to the functioning of our democratic society and the well-being of Alberta communities. As our province's population grows, insufficient infrastructure, and insufficient judicial and support staff within the Courts are impacting the effectiveness of our judicial system. While the system pressures are felt both internally and by the public, accessing data on resourcing, caseload types and caseload increases/decreases is not easily accessible to the public.

Compounding the problem of insufficient resources are increasing crime rates across the province, putting pressure on an already taxed court system. Despite most Canadian provinces and territories seeing reduced crime levels, Alberta's crime rate continues to rise.<sup>1</sup> Rates vary across the province; some areas are experiencing reductions, others are seeing moderate increases, while some – such as Grande Prairie, which has the highest crime and violent crime severity rates in Canada – are facing

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<sup>1</sup> See Notes Below

surging rates. As caseloads and demand for justice services increases, additional resources are not being allocated to meet growing pressures on the system.

In addition, Grande Prairie (which serves other northern communities) is the only jurisdiction with no full-time sitting Court of Queen’s Bench; as such, judges must travel to the north from Edmonton and Calgary, putting additional restraints on resourcing across the system.

Recently, the Small Claims Court limit, which is governed by the Provincial Court Act, R.S.A. 2000, c. P-31, Section 9(1)(i), was increased to \$50,000.00. It is assumed that the motivating factor behind this increase was that it allowed Albertans better access to Court intervention. For information purposes the Sherwood Park and District Chamber of Commerce’s previous policy recommending the aforementioned increase is attached as schedule “A”.

However, a lack of resources and infrastructure are also proving to be an impediment to the average Albertans’ ability to resolve disputes in small claims court. The greater the Provincial Court limit, the more cases that are before the Court, the greater the backlog of cases to be heard. No matter what the Small Claims limit is increased to it will allow access to Court guided resolution only if it is balanced with a commitment on behalf of the government to provide adequate resources to ensure that there is enough space and personnel to allow resolution of civil matters in a timely fashion. However, regardless of practical realities and concerns, theoretically, a further increase in the jurisdictional limit to \$100,000.00 will further aid the ordinary Albertan in being able to settle civil matters in cost effective and timely manner.

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**The Alberta Chambers of Commerce recommends the Government of Alberta:**

1. Implement a change in regulation of the Provincial Court Act to increase the maximum jurisdictional limit in Small Claims Court under Section 9 (1) (i) of the Provincial Court Act, R.S.A. 2000, c. P-31 to \$100,000.
2. Implement a review of the current resource allocation, including infra structure, number of Crown Prosecutors, and Judges of each of the Provincial Court Judicial Districts particularly whether the facilities of each jurisdiction support access to the criminal and civil functions of the Provincial Court, and then addressing the issues of resource allocation raised in the review.
3. Improve access to data on caseloads and resourcing to improve transparency and demonstrate public accountability.

Notes:

1. Statistics Canada Crime Severity Index and Violent Crime Severity Index by province and territory 2014  
<http://www.statcan.gc.ca/tables-tableaux/sum-som/I01/cst01/legal51a-eng.htm>

Overall Crime Severity Index		
	2013	2014
Calgary	60.4	59.9
Edmonton	84.5	87.1
Grande Prairie*	154.4	172.9
Lethbridge*	79.8	97.1
Medicine Hat*	65.3	52.0

Statistics Canada  
 \*Municipal

Violent Crime Severity Index		
	2013	2014
Calgary	62.0	63.0
Edmonton	89.7	93.3
Grande Prairie*	114.1	142.1
Lethbridge*	74.8	91.1
Medicine Hat*	69.8	55.2

Statistics Canada