

SUMMARY OF PROCEDURE FOR RULE 76 ACTION

Generally, this simplified procedure is mandatory for claims involving \$100,000.00 or less and optional for other claims. This summary does not detail the steps which are the same as those in an ordinary action and which are not affected by Rule 76.

Who Does It	What To Do	When
Plaintiff	Issue statement of claim	Before expiry of limitation period.
Defendant	Object to use of simplified procedure if appropriate.	When statement of defence is delivered
Plaintiff	Abandon excess claim	When reply is delivered.
All parties	Disclose witness list	When affidavit of documents is delivered.
All parties	Forego examinations	Always.
All solicitors	Conduct settlement conference by meeting or by telephone call	Within 60 days after first statement of defence or notice of intent to defend.
Any party	May move for summary judgment	After close of pleadings.
Any party	Set down for trial by delivering a notice of readiness for pre-trial conference with a solicitor's certificate there has been a settlement conference.	Within 90 days after first statement of defence or notice of intent to defend.
Registrar	Place on trial list	After pre-trial conference.
All parties	File pre-trial materials	At least 5 days before pre-trial.
Pre-trial judge	Fix trial date	A pre-trial conference.
Party who set down trial	Deliver trial record	At least 10 days before action for trial
All parties	Conduct summary trial	When parties agree or court orders.