



Steps to Sue in **Small Claims Court** in Ontario: A Complete Guide

A plain-language, step-by-step walkthrough of the **Ontario Small Claims Court** process — from assessing your claim to enforcing a judgment. Written by our Toronto lawyers.



Written by Ontario Lawyers



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18 min read



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KEY TAKEAWAYS

- ✓ Ontario Small Claims Court handles disputes up to **\$50,000**, excluding interest and costs.
- ✓ There are **15 steps** from assessing your claim to receiving payment.
- ✓ Filing must occur within **two years** of discovering your claim under Ontario's Limitations Act.
- ✓ Proper service of the Plaintiff's Claim is mandatory — improper service is one of the most common causes of delay.
- ✓ Most defended cases are resolved at or before the **settlement conference** stage.
- ✓ Winning a judgment does not guarantee payment — separate enforcement steps may be required to collect.
- ✓ You can represent yourself in Small Claims Court, but legal advice can help you avoid costly mistakes.

What Is Small Claims Court in Ontario?

Small Claims Court is a branch of the Ontario Superior Court of Justice that handles civil disputes involving claims up to the monetary limit established by the province. It is designed to provide a faster and less formal process than traditional court proceedings.

Common disputes heard in Small Claims Court include:

- Unpaid invoices and outstanding accounts
- Breach of contract claims
- Construction and renovation disputes
- Property damage claims
- Personal loans between friends, family members, or former business partners
- Unpaid services and wages
- Collection matters
- Landlord and tenant issues not within the jurisdiction of the Landlord and Tenant Board

Many people represent themselves in Small Claims Court. However, parties are also free to retain a lawyer or licensed paralegal to assist with any stage of the process.

QUICK REFERENCE

Ontario Small Claims Court is an accessible venue for resolving civil disputes without the expense of Superior Court litigation. The court is governed by the *Courts of Justice Act* and the *Rules of the Small Claims Court*, O. Reg. 258/98.

The 15-Step Process at a Glance



9DEFENDANT
RESPONDS**10**

DEFAULT JUDGMENT

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SETTLEMENT CONF.

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TRIAL

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ENFORCE

1

Determine Whether Your Case Belongs in Small Claims Court

Before filing a lawsuit, confirm that your dispute falls within the jurisdiction of Ontario Small Claims Court.

Monetary Limit

Small Claims Court currently handles claims up to **\$50,000**, excluding interest and costs.

If your claim exceeds \$50,000, you may:

- Reduce your claim to \$50,000 and proceed in Small Claims Court; or
- Start an action in the Superior Court of Justice.



CALCULATE YOUR CLAIM

Use our free [Ontario Small Claims Court Calculator](#) to estimate your total claim, including pre-judgment interest and filing fees before you file.

Common Types of Cases

UNPAID INVOICES



PRACTICAL EXAMPLE

A contractor completes renovations worth \$12,500, but the homeowner refuses to pay the balance. The contractor may commence a Small Claims Court action seeking payment of

the outstanding amount.

BREACH OF CONTRACT

When one party fails to fulfill the terms of an agreement, the injured party may seek damages. Examples include:

- Failure to perform services
- Failure to deliver goods
- Breach of a written agreement
- Breach of an oral agreement

PROPERTY DAMAGE CLAIMS

Claims involving motor vehicles, property damage, or negligence may also be pursued in Small Claims Court, provided the amount sought falls within the monetary limit.

PERSONAL LOANS

Many disputes involve money loaned to family members, friends, or former business partners. Even informal loans may be enforceable with adequate evidence.

Is Small Claims Court the Right Option?

FACTOR	SMALL CLAIMS COURT	SUPERIOR COURT
Claim Limit	Up to \$50,000	Any amount
Cost	Lower	Higher
Speed	Generally faster	Slower
Formality	Less formal	More formal
Self-Representation	Common	Less common
Discovery Process	Limited	Full discovery

Identify the Correct Defendant

One of the most common mistakes is suing the wrong person or company. Naming the incorrect defendant can delay your case and, in some situations, result in dismissal.

COMMON MISTAKE

Using a trade name instead of a corporation's full legal name is one of the most frequent errors in Small Claims Court. Always confirm the exact legal name through a corporate search before filing.

Suing an Individual

Use the person's full legal name — for example, *John Michael Smith* rather than simply *John Smith*.

Suing a Corporation

Confirm the exact legal name through an Ontario corporate search. For example:

- ✓ **Correct:** ABC Construction Inc.
- ✗ **Incorrect:** ABC Construction

Sole Proprietorships

The owner should generally be named personally, together with the business name. For example: *Jane Doe carrying on business as Doe Landscaping*.

Multiple Defendants

In some cases, more than one defendant may be responsible — for example, contractors and subcontractors, business partners, or multiple property owners. Identifying all responsible parties at the outset can prevent complications later.

PRO TIP

Ontario's ServiceOntario website allows you to search corporation names and confirm exact legal entity names before you file. This simple step can save significant time and money.

3

Gather Your Evidence

Strong evidence is often the difference between winning and losing. Before filing, organize all documents that support your position.

Evidence Checklist

EVIDENCE TYPE	WHAT IT PROVES	PRIORITY
Written Contracts	Terms of the agreement, obligations, amounts	Essential
Invoices & Receipts	Amount owing, dates, payment history	Essential
Emails & Text Messages	Admissions, promises, arrangements, breaches	Essential
Photographs	Property damage, defective workmanship	Situational
Witness Information	Corroborates events, conversations, performance	Situational
Bank Records	Payment history, transfers, outstanding amounts	Situational
Expert Reports	Deficiencies, valuations, technical opinions	Complex cases



PRO TIP

Create separate labelled folders for each document category. Organize everything chronologically. Judges appreciate well-organized evidence — it strengthens your credibility and makes your case easier to follow.

4

Attempt to Resolve the Matter Before Filing

Although many disputes end up in court, parties should attempt to resolve disagreements before commencing legal proceedings. Judges generally appreciate parties who make reasonable efforts to settle.

Send a Demand Letter

A well-written demand letter outlines:

- What happened and when
- The amount owing
- Why the other party is responsible
- A clear deadline for payment or response

Many disputes are resolved after receiving a properly worded demand letter — often without the need for court proceedings at all.

PRACTICAL EXAMPLE

A freelance graphic designer sends an unpaid client a demand letter requesting \$4,800 within 14 days. The client, now aware that legal action is imminent, arranges payment. Court proceedings are avoided entirely.

Document All Settlement Attempts

Retain copies of all emails, letters, text messages, and payment proposals. These records may become relevant later in the process — including at the settlement conference stage.

IMPORTANT: LIMITATION PERIODS

Ontario's *Limitations Act, 2002* generally requires lawsuits to be commenced within **two years** of discovering the claim. Do not delay settlement discussions so long that you miss the deadline to sue. Once the limitation period expires, your right to sue may be lost entirely.

5

Complete the Plaintiff's Claim (Form 7A)

To begin an action, the plaintiff must complete **Form 7A – Plaintiff's Claim**. This document sets out the names of the parties, the amount claimed, the supporting facts, and the relief being requested.

Describe the Facts Clearly

Avoid emotional language. Focus on:

- What occurred
- When it occurred
- Why the defendant is responsible
- How much money is owed

What You Can Claim

- Principal amounts owing
- Prejudgment interest (calculated under the *Courts of Justice Act*)
- Post-judgment interest
- Certain costs, including filing fees

CALCULATE YOUR PREJUDGMENT INTEREST

Ontario courts award **prejudgment interest** based on rates set quarterly by the Attorney General. Use our **Small Claims Court Calculator** to automatically calculate interest amounts and total damages before filing.

COMMON MISTAKES ON THE PLAINTIFF'S CLAIM

- Suing the wrong party or using the wrong legal name
- Failing to provide sufficient factual detail
- Miscalculating damages or forgetting interest
- Using vague or conclusory allegations without facts
- Attaching too many documents to the claim itself

6

File the Plaintiff's Claim

Once you have completed Form 7A, file your claim with the Ontario Small Claims Court. Claims may be filed:

- Online through the Small Claims Court E-Filing Service
- At the courthouse serving the area where the defendant resides or carries on business
- In person at a Small Claims Court office

Filing Fees

CLAIMANT TYPE	FILING FEE
Infrequent claimant (most people)	\$108.00
Frequent claimant (10+ claims filed at the same court office in the same year)	\$228.00

The fee to file a Plaintiff's Claim is a flat rate under O. Reg. 332/16 — it does not change with the amount you are claiming, up to the \$50,000 limit. Fees are subject to change. Successful parties may recover filing costs from the defendant.

Choosing the Proper Court Location

Generally, claims should be filed where the defendant lives, where the defendant carries on business, or where the events giving rise to the dispute occurred. Filing in the wrong location

can create delays and additional expense.

 PRO TIP

Always retain certified copies of the Plaintiff's Claim, your filing receipt, and all supporting documents. You will need these for service and throughout the rest of the process.

7 Serve the Defendant

Filing the claim is only the beginning. The defendant must also receive proper notice of the lawsuit. This process is known as **service**.

 CRITICAL STEP

Improper service is one of the most common reasons for delays in Small Claims Court. Even a valid claim can be derailed if service is not completed correctly and on time.

Methods of Service

DEFENDANT TYPE	ACCEPTED METHODS OF SERVICE
Individual	Personal service, leaving with adult at residence, mail, courier, email (where permitted)
Corporation	Director, officer, person apparently in charge, registered office
Partnership	Any one partner, person apparently in charge of business
Sole Proprietor	Individual personally or at place of business

 PRACTICAL EXAMPLE

A plaintiff attempts to serve a numbered corporation by emailing the owner. The defendant later argues service was improper. The court requires re-service, causing a several-month delay. Always follow the prescribed rules.

8 File an Affidavit of Service (Form 8A)

After serving the defendant, proof of service must be filed with the court using **Form 8A – Affidavit of Service**. This document explains who served the documents, how they were served, when service occurred, and upon whom the documents were delivered.

COMMON ERRORS ON THE AFFIDAVIT OF SERVICE

- Missing or incorrect dates of service
- Incorrect names of the person served
- Incomplete description of how service was completed
- Failing to file the affidavit with the court altogether

NOTE

Without a properly filed Affidavit of Service, your case cannot move forward. The court will not schedule a settlement conference or trial until proof of service is on file.

9 Wait for the Defendant's Response

After being served, the defendant generally has **twenty days** to respond. The defendant may:

File a Defence

The defendant may deny the allegations and dispute liability. If a defence is filed, the case will proceed to a settlement conference.

File a Defendant's Claim

The defendant may also make claims against the plaintiff.

PRACTICAL EXAMPLE

A contractor sues a homeowner for \$8,000 in unpaid invoices. The homeowner files a Defendant's Claim alleging defective workmanship worth \$6,000. Both claims will be heard at the same trial.

Ignore the Claim

If the defendant fails to respond within the required time, the plaintiff may be entitled to seek default judgment — covered in the next step.

10 Request Default Judgment

When a defendant fails to file a defence within the prescribed time, the plaintiff may request **default judgment**. This means the court may award damages without a trial.

IMPORTANT DISTINCTION

Default judgment means the defendant did not defend — it does not automatically mean you will receive payment. Winning a judgment and collecting money are two separate matters. Enforcement steps may still be required. See [Step 15: Enforcing a Judgment](#).

When Default Judgment May Not Be Automatic

The court may require additional information where damages are uncertain, interest calculations are disputed, multiple defendants are involved, or evidence supporting the amount claimed is insufficient.

11 Attend the Settlement Conference

Most defended Small Claims Court cases proceed to a **settlement conference** before trial. These conferences are designed to encourage resolution without the need for a full hearing.

Purpose of the Settlement Conference

- Allow parties to discuss settlement in a structured setting
- Narrow the issues in dispute
- Review and organize the evidence
- Address procedural matters

The Judge's Role

The judge does not decide the case at this stage. Instead, the judge helps the parties explore resolution options and may provide comments on the strengths and weaknesses of each side's position.

PRO TIP

Come to the settlement conference fully prepared with organized documents. Judges notice — and appreciate — prepared parties. Failing to comply with pre-conference document disclosure requirements can have serious consequences, including costs being awarded against you.

Why Settlement Makes Sense

- ✓ Certainty — you know the outcome rather than leaving it to the judge

- ✓ Reduced legal costs and time commitment
- ✓ Faster payment compared to waiting for trial and enforcement
- ✓ Reduced stress and disruption to your business or personal life

12 Prepare for Trial

If settlement is unsuccessful, the matter proceeds to trial. Proper preparation is essential and often has a significant impact on the outcome.

- Organize documents chronologically: contracts, invoices, emails, photographs, receipts, text messages
- Prepare and brief your witnesses — they should understand the issues, their role, and the importance of honesty
- Label and organize your exhibits clearly
- Review your key arguments: What facts are you trying to prove? Which documents support your position? What evidence will the other side rely on?

DO NOT OVERLOOK THIS

Under the Rules of the Small Claims Court, you are required to provide copies of all documents you intend to rely on at trial to the other parties and the court in advance. Failure to disclose documents may result in them being excluded at trial.

13 What Happens During Trial

Trials in Small Claims Court are more formal than settlement conferences, but still significantly less formal than Superior Court proceedings. Both sides have the opportunity to present evidence and make submissions.

#	STAGE	WHAT HAPPENS
1	Opening Statements	Each party briefly explains their position and what they intend to prove
2	Plaintiff's Evidence	Documents, witness testimony, and exhibits are presented by the plaintiff
3	Cross-Examination	The defendant questions the plaintiff and their witnesses
4	Defendant's Evidence	The defendant presents their case, documents, and witnesses
5	Closing Arguments	Each side summarizes why they should succeed based on the evidence
6	Decision	Judge decides immediately or reserves judgment and provides written reasons

 PRO TIP

Stay calm, professional, and focused on the facts. Judges assess credibility closely. Parties who remain composed and stick to the evidence tend to present more persuasively than those who become emotional or argumentative.

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Receiving Judgment

After hearing the evidence, the judge will determine whether the plaintiff has proven their case, the amount of damages (if any), and whether costs should be awarded.

Costs

The successful party may recover certain costs, including filing fees, service costs, and limited representation expenses. Small Claims Court does not typically award full legal fees.

Interest

The court may award prejudgment interest (from the date the cause of action arose to the date of judgment) and post-judgment interest (from the date of judgment until payment).

AFTER JUDGMENT

A judgment from Ontario Small Claims Court is a legally enforceable order. However, if the debtor does not pay voluntarily, further enforcement steps will be required — see Step 15 below.

15 Enforcing a Judgment

Winning a lawsuit does not automatically mean you will receive payment. If the debtor fails to pay voluntarily, enforcement proceedings may become necessary.

Enforcement Options

METHOD	HOW IT WORKS	BEST WHEN
Wage Garnishment	A portion of the debtor's wages are redirected to you through their employer	Debtor is employed
Bank Garnishment	Funds in the debtor's bank account are seized and paid to you	Bank account known
Writ of Seizure and Sale	Personal or real property may be seized and sold to satisfy the debt	Debtor owns property
Debtor Examination	Debtor is required to disclose assets, income, employment, and bank accounts under oath	Assets unknown

Practical Challenges

Some debtors have no assets, are unemployed, have declared bankruptcy, or cannot be located. For this reason, collecting a judgment can sometimes be more difficult than obtaining one. Understanding the debtor's financial situation before starting proceedings is always worthwhile.

CHECK BEFORE YOU SUE

Before commencing an action, consider whether the defendant has the financial ability to satisfy a judgment. A judgment against an insolvent or bankrupt defendant may be worth very little in practice.

Ontario Small Claims Court: Timeline Overview

How long does a Small Claims Court case take? The answer depends on many factors — whether the defendant files a defence, court scheduling, and the complexity of the dispute. Here is a general timeline for a typical defended matter:

01

PRE-FILING

Assess Your Claim & Send Demand Letter

Determine jurisdiction, identify defendant, gather evidence, send demand letter.

 Week 1–4

02

FILING

File Plaintiff's Claim (Form 7A)

Complete and file your claim at the courthouse or online. Pay the filing fee.

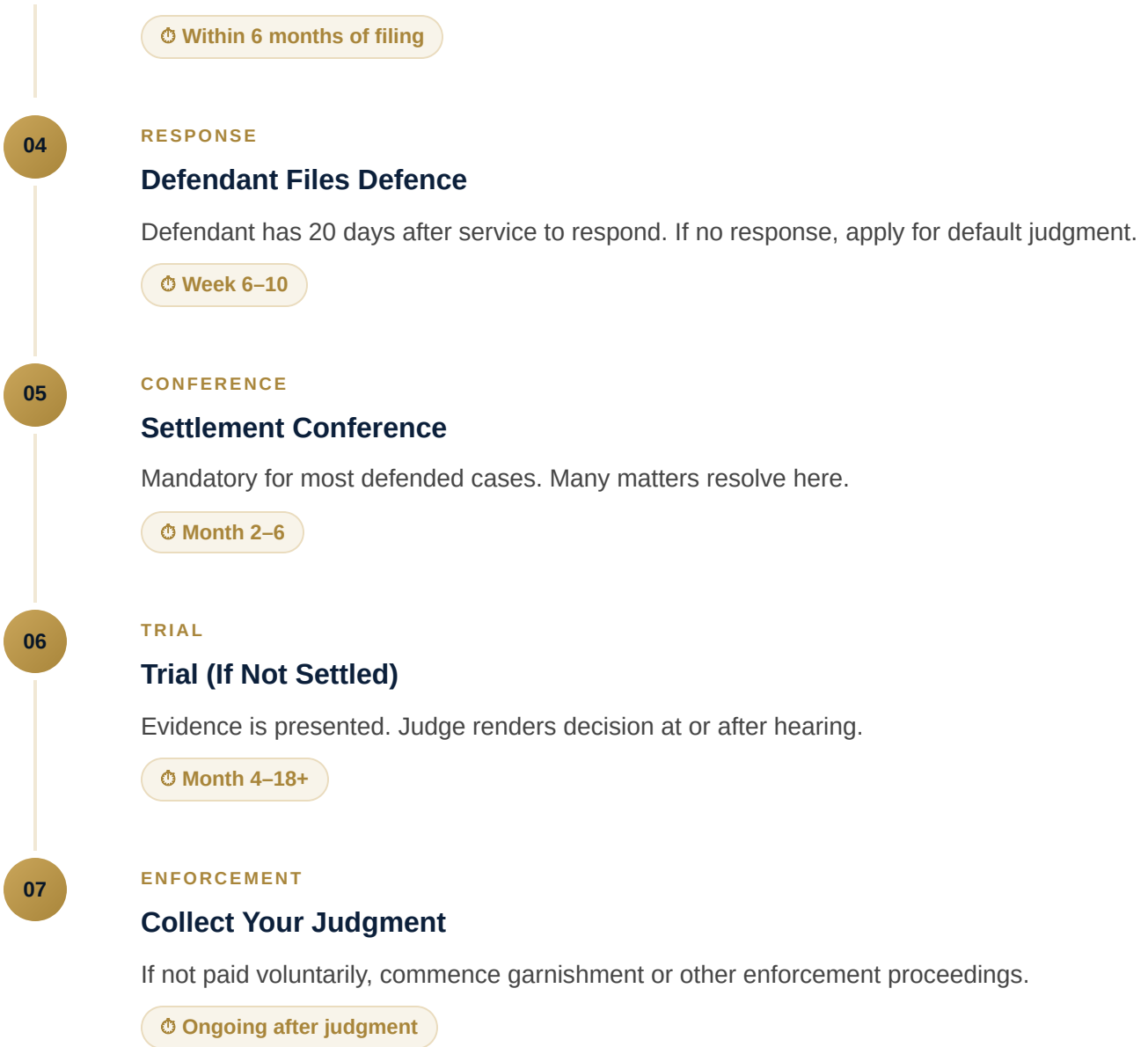
 Week 2–6

03

SERVICE

Serve the Defendant

Serve the claim and file your Affidavit of Service (Form 8A).



What Does It Cost to Sue Someone in Small Claims Court?

While Small Claims Court is generally more affordable than Superior Court litigation, parties should still consider the full range of potential expenses before commencing an action.

EXPENSE	APPROXIMATE COST	RECOVERABLE IF YOU WIN?
Filing Fee (infrequent claimant)	\$108.00	Yes

EXPENSE	APPROXIMATE COST	RECOVERABLE IF YOU WIN?
Filing Fee (frequent claimant, 10+ claims/year)	\$228.00	Yes
Process Server / Service Fees	\$75–\$250+	Often
Witness Fees	Varies	Partial
Paralegal / Lawyer Fees	Varies widely	Partial — limited
Enforcement Fees	Varies by method	Often

USE OUR FREE CALCULATOR

Before you file, use our [Ontario Small Claims Court Calculator](#) to estimate your total claim, pre-judgment interest, and filing fees — all in one place, at no cost.

Common Mistakes People Make When Suing in Small Claims Court

Many cases are lost not because the claim lacks merit, but because procedural mistakes were made. Understanding these common errors can significantly improve your chances of success.

NAMING THE WRONG DEFENDANT

Using a trade name instead of the corporation's legal name, suing an employee instead of the company, or failing to include all responsible parties can delay or defeat an otherwise valid claim.

WAITING TOO LONG

Ontario's Limitations Act generally requires lawsuits to be commenced within two years of discovering the claim. Missing this deadline may permanently extinguish your right to sue.

FAILING TO PRESERVE EVIDENCE

Deleting text messages, not retaining invoices, or failing to photograph damage can undermine a legitimate claim. Preserve all evidence as soon as a dispute arises.

 IMPROPER SERVICE

Failing to follow the Rules of the Small Claims Court when serving documents is one of the most common procedural errors. It causes delays and can result in motions by the other side.

 ALLOWING EMOTIONS TO TAKE OVER

Judges assess credibility and focus on facts. Parties who argue, interrupt, or become emotional often undermine their own case — regardless of whether their position has merit.

 IGNORING SETTLEMENT OPPORTUNITIES

Trials are time-consuming and expensive. A reasonable settlement often provides a better outcome than years of litigation. Always evaluate settlement offers seriously.

Do You Need a Lawyer for Small Claims Court in Ontario?

No — many people represent themselves successfully in Ontario Small Claims Court. However, legal representation may be beneficial in certain situations.

SITUATION	SELF-REP?	CONSIDER LEGAL HELP?
Simple unpaid invoice, clear documentation	Often fine	Optional
Disputed breach of contract, complex facts	Possible	Recommended
Multiple parties or counterclaims	Challenging	Strongly recommended
Corporate or contractual legal issues	Difficult	Strongly recommended
Expert evidence required	Very difficult	Strongly recommended

SITUATION	SELF-REP?	CONSIDER LEGAL HELP?
Claim near \$50,000 limit	Possible	Recommended

Lawyers and licensed paralegals can assist with drafting claims, preparing evidence, attending settlement conferences, conducting trials, and enforcing judgments. Even a single legal consultation before filing can help you avoid costly mistakes.

FREE CONSULTATION

Our Toronto lawyers offer a **free 30-minute consultation** for Small Claims Court matters. Call us at [416-274-2222](tel:416-274-2222) or [book online](#) to speak with a lawyer today.

Frequently Asked Questions

How much can you sue for in Ontario Small Claims Court?

Ontario Small Claims Court currently hears claims up to \$50,000, excluding interest and costs. If your claim exceeds this amount, you may reduce it to \$50,000 and proceed in Small Claims Court, or commence an action in the Superior Court of Justice.

Can I represent myself in Small Claims Court?

Yes. Many individuals and businesses handle their own claims without retaining a lawyer or paralegal. For more straightforward matters with clear documentation, self-representation is entirely feasible.

Q How long does a Small Claims Court case take in Ontario?

It varies. Simple matters that settle early may resolve within a few months. Defended cases that proceed to trial can take 12 to 18 months or longer, depending on court scheduling and the complexity of the dispute.

Q What happens if the defendant does not respond to the claim?

If the defendant fails to file a defence within 20 days of service, you may apply for default judgment. The court may then award damages without a trial, though you may still need to take steps to enforce the judgment.

Q What is a settlement conference in Ontario Small Claims Court?

A settlement conference is a mandatory meeting before a judge where both parties discuss the possibility of resolving the dispute without going to trial. The judge helps identify issues and encourages settlement, but does not decide the case at this stage.

Q Can wages be garnished after winning a Small Claims Court judgment?

Yes. In appropriate circumstances, a portion of the debtor's wages can be redirected to you through their employer. Bank accounts may also be subject to garnishment.

Q How do I enforce a Small Claims Court judgment in Ontario?

Options include wage garnishment, bank account garnishment, writs of seizure and sale, and judgment debtor examinations. The best method depends on the debtor's employment status, assets, and financial situation.

Q What is the limitation period for suing in Small Claims Court in Ontario?

Ontario's Limitations Act, 2002 generally requires lawsuits to be commenced within two years of discovering the claim. Missing this deadline may permanently extinguish your right to sue.

Q Can businesses use Small Claims Court?

Absolutely. Corporations, partnerships, and sole proprietors regularly use Small Claims Court to recover unpaid invoices and outstanding debts.

Q Can I appeal a Small Claims Court decision?

Certain decisions may be appealed to the Divisional Court, depending on the circumstances and amount involved. Strict deadlines apply. Legal advice should be obtained promptly if you are considering an appeal.

Q What evidence should I bring to Small Claims Court?

- Written contracts and agreements
- Invoices and receipts
- Emails and text messages
- Photographs of damage or defective work
- Witness testimony
- Bank records showing payments or non-payment
- Expert reports (where required)

Q Can I claim interest in Small Claims Court?

Yes. Prejudgment interest (from the date of the cause of action to the date of judgment) and post-judgment interest may be awarded. Rates are set quarterly under the Courts of Justice Act. Use our Small Claims Court Calculator to estimate your interest amount.

Related Articles & Resources



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How Long Does Small Claims Court Take in Ontario?

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How to Win a Small Claims Court Case

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How to Sue a Contractor in Ontario



The Biggest Small Claims Court Mistakes



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