

Commencing an action

Proceedings in a court of law can be complicated and as such, if you are a self-represented litigant, you may wish to [seek legal advice](#). There are many ways to start proceedings before the Court and a variety of exceptions may apply depending on the facts and particular circumstances of your case. If you decide to pursue your case in the form of an action in the Federal Court, as permitted by the [Federal Courts Act](#) or another Act of Parliament, your first step will be to prepare and file a Statement of Claim with the Registry.

Rules 169 to 299 of the [Federal Courts Rules](#) will give you information about which documents to file with the Registry, serve on the other parties and when to do this. It is important that you use the forms corresponding to the Rules as these contain the minimum mandatory information and notices to be included in your documents.

IMPORTANT: If your action is solely against the Crown, as described in section 48 of the [Federal Courts Act](#), you must use the form found at Schedule 1 of the *Act*.

Start by using form 171 A to draft your Statement of Claim.

Your Statement of Claim must be divided into consecutively numbered paragraphs and should set out:

- a concise statement of the material facts on which you rely to make your claim
- the nature of any damages claimed
- if you seek monetary relief, whether the amount claimed exceeds \$50,000.00
- the value of any property you wish to recover
- any other specific relief being claimed
- the proposed location where the trial is to be held
- whether the action is to proceed as a simplified action

You must provide an address for service

All documents prepared for use in a proceeding before the Federal Court must contain an address in Canada to which all future documents and orders may be served or sent to.

The filing fee

The fee for filing a Statement of Claim with the Registry depends on the type of action.

Action against His Majesty the King as sole Defendant (s. 48 of Federal Courts Act)	\$2.00
Simplified action - relief claimed is only monetary and each claim is \$50,000.00 or less	\$50.00
Any other type of action	\$150.00

payment of the filing fee may be made

- by credit card (VISA, MasterCard or American Express)
- in cash or with a debit card
- by personal cheque or money order payable to the Receiver General of Canada

Service of your Statement of Claim and number of copies

The original Statement of Claim is kept by the Registry. You should prepare as many copies of your Statement of Claim as there are Defendants for certification (stamping) by the Registry.

The Statement of Claim is an originating document that you will need to serve personally by delivering a certified copy to all defendant(s) you have identified in your document, within 60 days of its filing with the Registry. (Personal service may be made in the various ways described in Rules 128 to 135).

If your claim is directed against the Crown or any of its Minister's or the Attorney General of Canada, service of the Statement of Claim (**only**) will be performed by the Registry. You will need to supply the Registry with two additional copies of your document for this purpose.

Filing your proof of service of your Statement of Claim

Proof that you have served the Defendant(s) (other than the Crown or any of its Ministers or the Attorney General of Canada) with a certified copy of your Statement of Claim must be filed with the Registry within the following timelines:

- 30 days, if the defendant was served in Canada;
- 40 days, if the defendant was served in the United States; or

- 60 days, if the defendant was served outside Canada and the United States.

Next steps

There are a variety of steps to be taken once the Statement of Claim has been filed and served, all of which must be done within the time limits provided by the Rules. Here are some of the main steps.

Statement of Defence

The defendant(s) must serve and file a Statement of Defence (form 171 B), following service of the statement of claim, within:

- 30 days, if the defendant was served in Canada;
- 40 days, if the defendant was served in the United States; or
- 60 days, if the defendant was served outside Canada and the United States.

Reply

You are entitled to serve and file a Reply to the Statement of Defence within 10 days of being served with the Statement of Defence (form 171C).

Close of pleadings

The close of pleadings occurs on the expiration of the period for filing a defence where no defence is filed, on the filing of a reply, or on the expiration of time for filing a reply.

Affidavits of documents

Every party must disclose documents relevant to the issues in the action by serving on every other party an affidavit of documents (form 223) within 30 days after the close of pleadings. Each party will have the right to examine a representative of the other party on discovery.

Settlement discussions

Parties shall discuss the possibility of settling any or all the issues in the action within 60 days after the close of pleadings.

Requisition for pre-trial conference

A party who is ready for trial may serve and file a requisition for a pre-trial conference accompanied by a pre-trial conference memorandum. The requisition will need to confirm that all examinations for discovery have been completed and settlement discussions have taken place.

Filing fee

There is a fee to be paid at the time of filing the Requisition for the pre-trial conference

Requisition for a pre-trial conference – simplified action	\$100.00
Requisition for a pre-trial conference – any other type of action	\$300.00

Pre-trial conference

The Court will fix a time and place for the pre-trial conference. When you receive the notice of pre-trial conference, you will be required to confirm your attendance.

At the pre-trial conference, you must be prepared to address various issues in relation to your claim, namely, the possibility of settlement of any or all of the issues, the amount of damages, the estimated duration of the trial and suitable dates for a trial. For a complete list of things you should be prepared to discuss, see rule 263.

The pre-trial will be conducted either by a judge or prothonotary. The court may make an order with respect to any further steps that you or the other party may need to take. If the Court is satisfied that your case is ready for trial, a date and place for the trial of your action will then be set.

Trial record

Plaintiff must serve and file a Trial record that contains the pleadings, any particulars, any orders and directions regarding the trial and any other document required for the trial.

Other fees and costs

The complete list of registry fees is contained in Tariff A and the list of costs is found in Tariff B. It is also recommended that you read Part 11 of the Rules, which deals with the awarding of costs between the parties related to the proceeding.