

Queen's Park is considering raising the limit in small claims court from \$1,000 to \$3,000 according to a Toronto radio station, and at least 11 Halton Hills residents are aware of the full impact of this decision.

The story broke in Toronto just 12 hours after 11 people gathered in the Acton YMCA to hear Bob Benner, an articling student with a Georgetown law firm, discuss small claims court. Mr. Benner had hinted the limit might be raised, but at that time he said he did not know by how much or when.

The evening was sponsored by the Halton Hills Community Legal Clinic and the Ontario Community Legal Education.

Mr. Benner explained that in Halton Hills, small claims cases are heard in the Milton court house with Judge Roberts presiding. Bruce McNabb is the clerk.

The guest speaker told the

people present that there are four limitations to bringing a case before small claims court. The first is monetary, he said. At the present time, any cases over \$1,000 will not be dealt with in this court. He explained if someone owes the plaintiff \$1,900 it would be more advantageous for the plaintiff if he was willing to give up the \$100 and take the case to this court, rather than going to a higher court, and perhaps having to hire a lawyer and pay higher court costs.

The second limitation is the type of case. Mr. Benner pointed out the small claims court does not have jurisdiction in land matters or will disputes. Both these matters come under a different court. There is also a geographic limit on the small court. Action may be taken in the area where the mishap occurred, or in the defendant's home territory. However, if something happens in Toronto, and the

defendant lives in Hamilton, action cannot be taken in Halton, he explained.

A time limit is also imposed. Various types of injustices are covered by various time limits. Mr. Benner noted, a dentist for example must have action taken against him within six months, compared to a highway traffic violation which has a two year limit.

Anyone under 18 cannot be sued. Mr. Benner pointed out. Even if this minor has a business, he is still not responsible, in the eyes of the law. However, if his company is limited or incorporated, in this case, he can be liable.

In turn, a minor cannot sue. This can be worked around, Mr. Benner said, if the minor gets a "next friend" an adult who is willing to go to court on his behalf. However, the adult is responsible for any costs, should the case be lost, and the minor does not pay.

The first step in bringing a case to court is for the plaintiff to fill out a "claim" statement giving his version of the story. On this he must list his name and address and that of the defendants. If it is a large corporation, the name of the president, vice president, the owner of the business, and his or her address etc., must be mentioned.

In the pre-trial state, the plaintiff must take the statement to the clerk and pay a fee, the amount depending on the type of claim. The clerk will then serve the defendant with the claim, with the plaintiff paying \$10 a mile for the distance travelled. This is one way only and does not apply if the clerk cannot serve the claim and there is evidence the defendant is trying to avert the meeting, the plaintiff can send the claim by registered mail.

The defendant has ten days to do something about the claim, Mr. Benner explained. He used the case of back rent as an example. "If your landlord is suing you for two months back rent, and you say you only owe one month, you can file a dispute. If you do this, the plaintiff must decide whether to forget the other month's rent, or sue you for the whole thing. If he loses his case, he must pay the court costs."

And if the defendant does not act within ten days of being served, the plaintiff is issued a "default judgement." However, if the plaintiff does get a default judgement, he does not necessarily get what he wants. He still has to prove that his case is reasonable and justifiable.

Counter claims are not usual, Mr. Benner said. He explained that if A and B were in a car accident and no one could prove whose fault it was, the two people would together forget the incident. However, if A later decides to sue B, B could countersue. Both cases would be heard at the same time, and the judge would be the one to decide who is guilty. A counterclaim according to Mr. Benner "is a

good way to give the plaintiff a chance to drop the charges and come to his senses." All claims can be dropped anytime before the case is brought to court.

Mr. Benner noted that only 5 per cent of charges are actually brought to court. The remainder are usually settled out of court. "Even with this small percentage of court cases, there is still a backlog. If you were to start actions against someone in Halton Hills tomorrow, your case would not be heard until January."

At the trial, only one witness is necessary, Mr. Benner pointed out. Witnesses should be subpoenaed, although it is not necessary. He explained, however, that if a witness agrees to be in court without a subpoena, and does not show up, the plaintiff automatically loses the case. However, if a subpoena has been served and the witness does not show up, the judge can send a police officer to get him, and bring him to court.

The witness can sometimes just send an affidavit and it is up to the judge whether or not to accept it as evidence.

If a witness is ill, or the plaintiff has not yet gathered enough information, he (the plaintiff) can notify the defendant and ask if he would consent to an adjournment. If he does not, Mr. Benner told the audience, "go to court anyway and tell the judge you phoned the defendant and asked for an adjournment, give him the reason for a postponement, and the judge will give you one anyway."

When the case is called, and only one party is present, in most cases, the judge will rule in favor of the person who is there. At the trial, the plaintiff has the conduct of the action. He calls his wit-

nesses first, with the defendant having a chance to cross-examine them. The judge may also ask questions he feels were missed by both rounds of questioning.

Witnesses are not allowed to read from notes while on the stand, Mr. Benner said. Policemen however are allowed to read from their statements, as they would have been written up at the time of the accident and not the night before the court date. Another reason is because they deal with hundreds of accidents in a month, and might not remember the particulars of a specific accident. Mr. Benner also told the group it is always best to make a traffic claim in the area the policeman works. He explained this way, the plaintiff can almost be assured the officer will be a witness.

After the trial, the judgement is made. If the plaintiff wins the case, the judge will give him a "Judgement" paper, which merely states the defendant owes the plaintiff money, or whatever. It does not necessarily mean the plaintiff will receive what is coming to him.

The defendant may have to return to court several times before he will receive what is his, Mr. Benner said. If the defendant has not paid up, he will have to tell a judge why not.

A plaintiff, if he has insufficient money, can apply for instalment payments, or the judge can order a freeze on his payments until he can pay.

Another way to get the money from the defendant is the garnishment of wages, bank account, or any debtor to the defendant. Mr. Benner explained that the judgement creditor (Plaintiff) can go to

the defendant's employer and arrange to have a portion of his wages taken away.

Appeals can also be made if the plaintiff or defendant was unable to make it to court. "There would have to be good merit for an appeal" Mr. Benner said, "such as if the man's wife was having a baby the morning he was due into court and he forgot. That is a reasonable reason for not showing up!"

The Ministry of the Attorney General has put out a Small Claims Court booklet which could be a good help to anyone planning on going to court.

The next and final seminar will be held tonight (Wednesday) at Knox Presbyterian Church hall in Georgetown, dealing with the Family Law Reform Act.

The Credit Valley Conservation Authority (CVCA) passed the trimmed \$52,500 Information and Education (I and E) Advisory Board budget during last Thursday's meeting at Meadowdale.

It was the second time up for the budget and the CVCA full authority meeting confirmed the postponement of the moving of the education centre from Terra Cotta to Vaughn House on the 9th Line of Esquesing.

I and E chairman, R. K. Harrison, claimed the putting off of the move saves the authority \$5,000 when his committee is being taxed by special expenses. The Vaughn House move is to be shelved until 1980.

Harrison said the I and E is

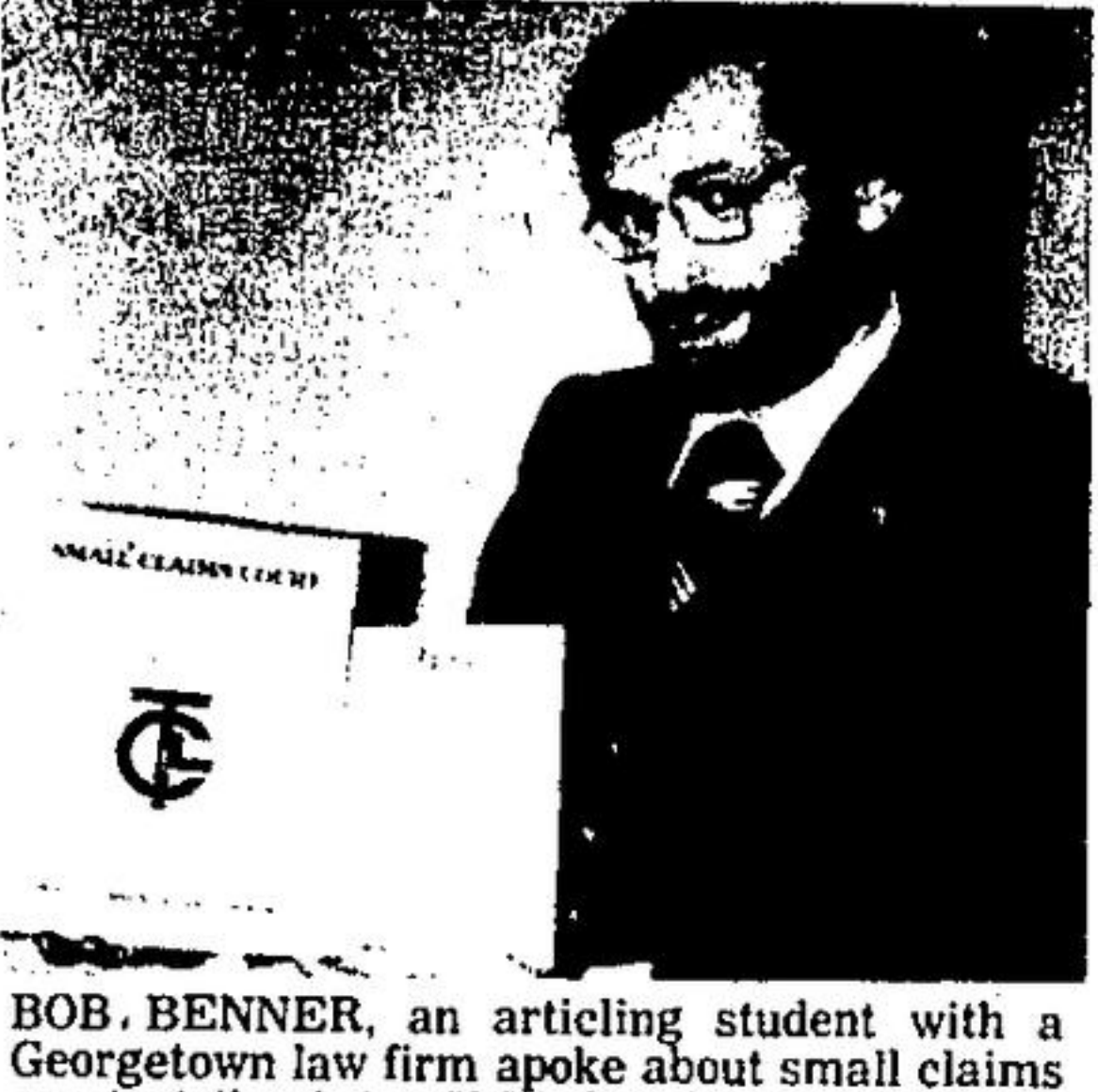
producing a 25th anniversary report, and is setting aside \$2,000 for special events marking the CVCA's first quarter century. Also, the Authority's general brochure is to be updated this year. That is "another large item," according to Harrison.

The I and E budget with these extra expenses appears out of step with other CVCA committees indicated Harrison. In addition to the above, he told authority members there is a general six per cent

increase in expenses. "And also for the first time there are things that were formerly covered elsewhere and now they are reflected in the specific advisory board budget," said Harrison.

The I and E advisory board is expected to generate about \$18,000 in revenue while facing costs of \$70,528. This is a \$27,416 increase above the previous budget.

Most of the CVCA's advisory board budgets were OK'd at a previous meeting.



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There was a class of 10 dogs some of them giving owners plenty of problems. In fact, two of the three graduates were "real characters" Laura Treble said.

Object of the course is to train people to train their dogs and the students who graduated worked hard to achieve graduation.

Graduates were Barry Bell of Terra Cotta with Trooper, a mixed breed; Diane Halton with Shep, another mixed breed who stood at the head of the class; and John Day with Harry, another mixed breed.

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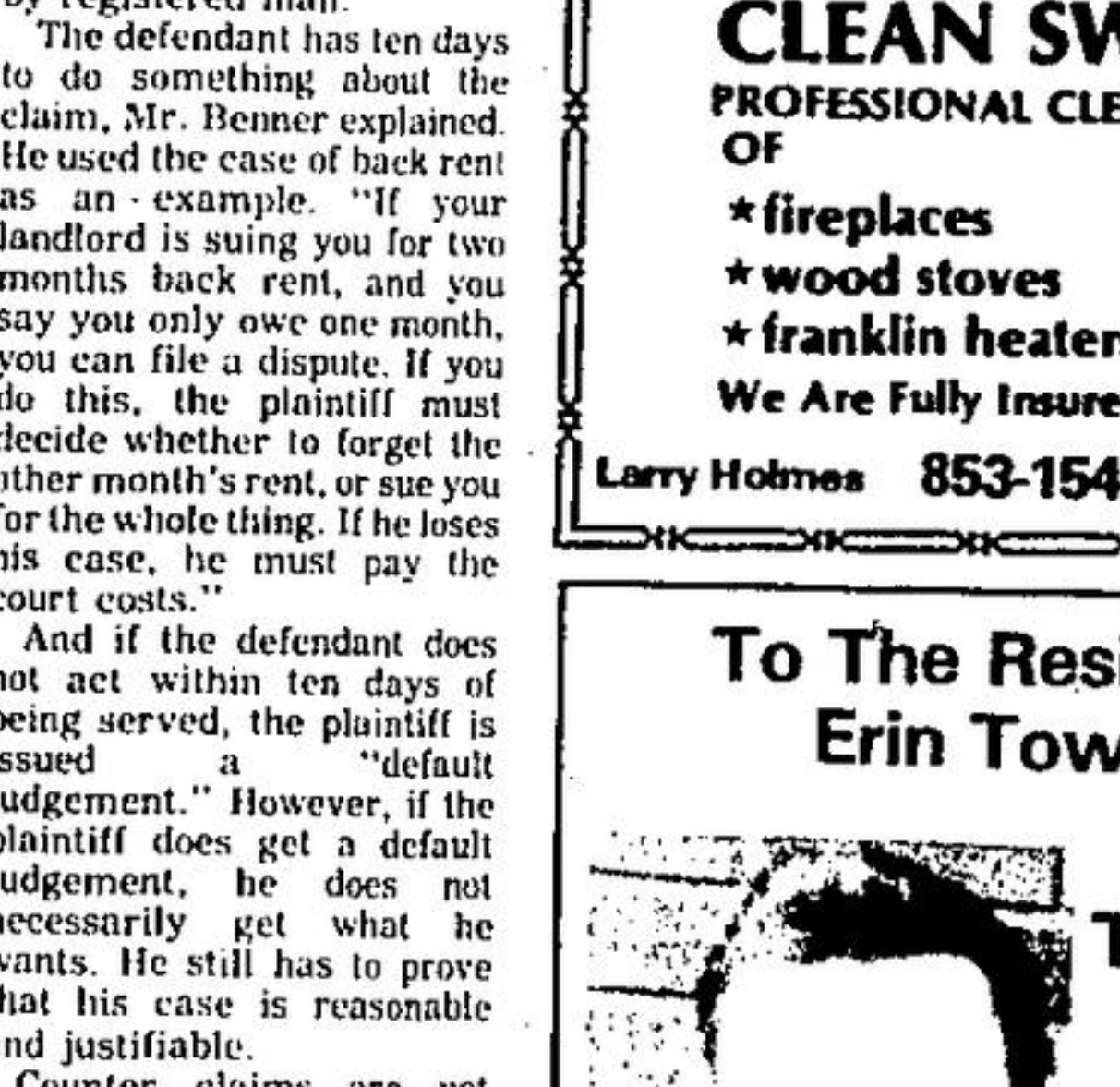
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To The Residents Of Erin Township



**THANK YOU**  
For re-electing me to Erin Township Council. I am here to serve you. If you have concerns please contact me.  
RR 1 Orton  
Phone 855-4572

Sincerely **GEORGE ROOT**

To the Citizens of Acton


A very special Thanks to all who supported me at the polls during the past 12 years.

Congratulations to the mayor and council of Halton Hills.

Best wishes to everyone.  
"Pat" McKenzie

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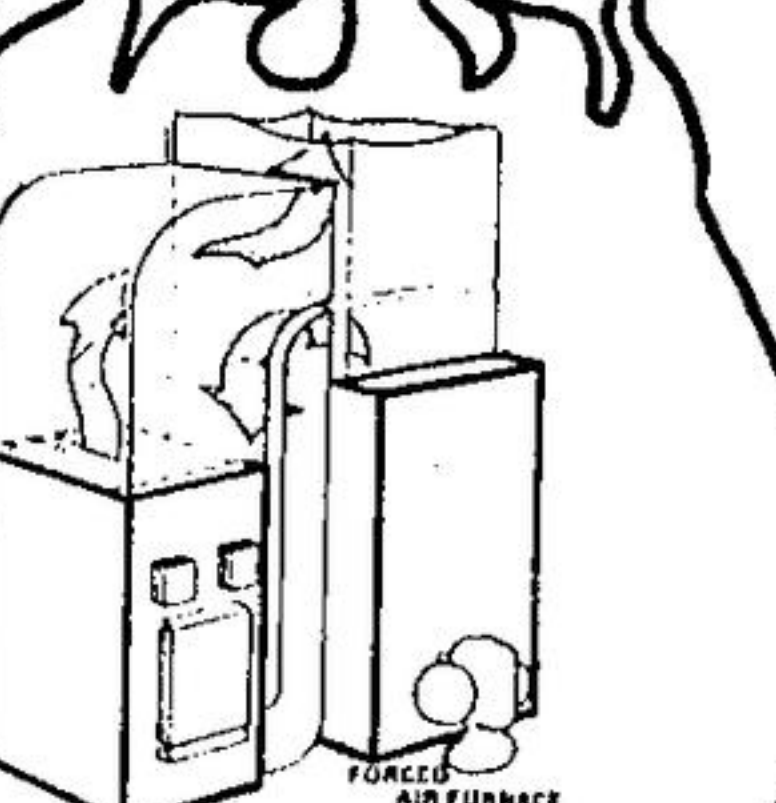
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**NOTICE TO FRENCH-SPEAKING RATEPAYERS**  
OF THE REGIONAL MUNICIPALITY OF HALTON

**Election of Members of the French Language Advisory Committee for Secondary Schools**  
Notice is given that meetings of the French-speaking ratepayers will be held by the Halton Board of Education on Monday, December 11, 1978, to elect six French-speaking ratepayers to an Advisory Committee of the Halton Board of Education.

The Committee will also include representatives from the Board of Education. The Committee's purpose will be to make recommendations to the Halton Board of Education on ways of meeting the needs of French-speaking students in the Regional Municipality of Halton.

Two of the members will be elected by the French-speaking ratepayers residing in Halton Hills and Milton.

Three of the members will be elected by the French-speaking ratepayers residing in Burlington.

One of the members will be elected by the French-speaking ratepayers residing in Oakville.

**Election Meetings**

Halton Hills and Milton Monday, December 11, 1978 8:00 p.m. Georgetown District High School 70 Guelph Street Georgetown, Ontario	Burlington Monday, December 11, 1978 8:00 p.m. Central Administration Building 2050 Guelph Line Burlington, Ontario
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**Oakville**  
Monday, December 11, 1978  
8:00 p.m.  
G.E. Perdue High School  
124 Margaret Drive  
Oakville, Ontario

**D.G. Morton**  
Chairman

**E.S. Lavender**  
Director

**CONSEIL D'EDUCATION DE HALTON**  
AVIS AUX CONTRIBUABLES FRANCOPHONES DE LA MUNICIPALITE REGIONALE DE HALTON

**Election des Membres du Comité Consultatif de Langue Française pour les Ecoles Secondaires**  
Avis est par les présentes donné que des réunions de contribuables d'expression française du conseil d'éducation de Halton auront lieu le lundi 11 décembre 1978 dans le but d'élire six contribuables francophones à un comité consultatif du conseil scolaire. Ce comité comprendra aussi des membres du conseil scolaire de Halton. Le comité consultatif est chargé de mettre au point des propositions visant à répondre aux besoins des étudiants francophones de la Municipalité Régionale de Halton.

Des six membres, deux seront élus par les contribuables francophones qui habitent les villes de Halton Hills et de Milton.

Trois membres seront élus par les contribuables francophones qui habitent la ville de Burlington. Un membre sera élu par les contribuables francophones qui habitent la ville d'Oakville.

**Assembles Electorales**

Pour les contribuables qui habitent les villes de Halton Hills et de Milton le lundi 11 décembre 1978 à 8 h du soir Georgetown District High School, 70 Guelph Street, Georgetown.	Pour les contribuables qui habitent la ville de Burlington le lundi 11 décembre 1978 à 8 h du soir Central Administration Building 2050 Guelph Line Burlington.
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Pour les contribuables qui habitent la ville d'Oakville le lundi 11 décembre 1978 à 8 h du soir  
Gordon E. Perdue High School  
124 Margaret Drive Oakville

**D.G. Morton**  
Président de la commission scolaire

**E.S. Lavender**  
Directeur d'éducation