

## HOW TO APPLY TO TRANSFER A SUPREME COURT ACTION TO SMALL CLAIMS COURT

1. A defendant to a Supreme Court Action may elect to have the proceeding determined by the Small Claim Court. In such cases, where the claim is within the jurisdiction of the Small Claims Court (specific damages of \$25,000 or less and no claim for general damages) the Prothonotary must transfer the case.
2. A plaintiff to a Supreme Court action may request that the proceeding be transferred for determination to the Small Claims Court. In these cases, the Prothonotary will make a determination of whether or not the file can be transferred.
3. In both situations noted above, pursuant to the Small Claims Court regulations, a Notice of Election to Transfer (Form 4) must be filed with the Prothonotary to request the transfer.
4. If the action in the Supreme Court names the Province of Nova Scotia or a department of the Province of Nova Scotia as a defendant, it cannot be considered for transfer pursuant to Section 10 of the *Proceedings Against the Crown Act* - "Nothing in this Act authorizes proceedings against the Crown except in the Supreme Court".
5. Read the attached Notice of Election to Transfer in the Small Claims Court (Form 4) carefully. Retype the Notice of Election with your own information. Each party named in the Supreme Court proceeding must be noted on the document.
6. You must file two copies of the Notice of Election to Transfer with the Supreme Court. Each party named in the proceeding must be served a copy of the Notice of Election to Transfer.
7. The Court filing fee is \$99.70.