

# STEPS TO FILING IN SMALL CLAIMS COURT

If you've been wrongfully/constructively dismissed without adequate notice/pay in lieu of notice, you may consider taking legal action against your employer at small claims court if the amount that you are claiming is **less than \$25,000**.

## 1. COMPLETE YOUR NOTICE OF CLAIM FORM

[Click here](#). You (the claimant) will need to identify the amount you are claiming, the contact information of your employer (the defendant), and the reason(s) for your claim. You have **two years** from the date the injury occurred to file. **Don't forget to sign and date it!**

## 2. FILE YOUR CLAIM

Submit the original notice of claim form to the court, along the filing fee. Ensure that you file at the appropriate justice centre (contact the court directly if you are unsure).

## 3. YOUR CLAIM WILL BE REGISTERED

The court clerk will provide **two** copies of your notice of claim and set a date for your hearing.

## 4. SERVE YOUR EMPLOYER

Personally serve the defendant with **one** of the two copies of your notice of claim forms provided by the court clerk and keep the other for yourself.

## 5. COMPLETE THE AFFIDAVIT OF SERVICE

To prove that you served your employer, you must swear/affirm and sign an Affidavit of Service in front of a Commissioner of Oaths. This should be done **before** your hearing or you can bring it with you to the hearing. The affidavit is included in the notice of claim form.

If you have questions about court processes, contact the court directly at (902) 424-8718. [Click here](#) for more information.

To learn more about your workplace rights, contact the Halifax WAC.

