
Civil litigation

Overview

Civil law is private law. It deals with disputes between private parties about their rights and duties, such as disputes between individuals, businesses, groups, and organizations, including lawsuits against government.

Examples:

- lawsuits claiming damages for negligence such as personal injury
- contract disputes
- consumer protection claims.

Objectives

To understand the basics of civil law, out-of-court ways to solve disputes, and the courts that deal with civil lawsuits, remedies, and enforcement.

Agenda

Welcome and group discussion, questions on previous topics.

Presentation on: Civil Law

- Before going to court
- Which court, timelines, remedies
- After court.

Activities: Discussion

1. Structure of the court system in Nova Scotia
2. Where to find court forms and help with forms
3. Ways to solve conflict without court.

Activities: How would you answer

Together or individually, research the questions below and explain your answer.

1. How do I file a claim in Small Claims Court?
2. How do I present my evidence in Small Claims Court?
3. What is the standard of proof in a civil lawsuit?

Torts

Credit and Debt

Consumer protection

Key Resources

- [Courts.ns.ca](https://courts.ns.ca)
- [Civil Procedure Rules](#)
- [Consumer, Dealing with Debt \(legalinfo.org\)](https://legalinfo.org)
- [Financial Consumer Agency of Canada \(canada.ca\)](https://canada.ca)
- [Small Claims Court and Supreme Court](#)
- [Service Nova Scotia](#)
- [Free Legal Clinics](#) (Truro, Yarmouth, Sydney, Halifax)
- Representing Yourself: courts.ns.ca/Self_Reps/self_rep_home.htm and legalinfo.org/representing-yourself/representing-yourself-intro
- [Representing Yourself \(legalinfo.org\)](https://legalinfo.org)
- [Self Advocacy Guide \(ALIS\)](#)

Activities: How would you answer?

4. What can the creditor do to enforce the Small Claims Court order against me?
5. I am representing myself in Supreme Court. Where can I get free legal advice?
6. Can I sue for defamation in Small Claims Court?
7. What is the minor injury cap?
8. Where can I start to solve a dispute with my insurance company?
9. How long do I have to sue?
10. Is my lawyer's bill reasonable?

Case example:

I bought a new car from a dealership a few months ago. My partner and I financed it through the dealership and now we have a car loan via a bank. The car has been no end of trouble and we've had to take it back to the dealership several times to have repairs to the electrical system. Now the dealership is saying they will cover replacement parts but not labour. We paid them \$1000 but they did not completely fix the car and now they will not return any of the money even though we will have to take it somewhere else. It is still under warranty. Can they do that?

Also, my partner and I just separated. Am I responsible to keep paying on the financing for the vehicle? It is a lemon anyway. I was recently contacted by the business manager from the bank stating that I owed the money for two payments, which payments happened after I broke up with my partner. I told them to contact my partner, who has the car. The bank said they would put it in collections but they did not give me an invoice and a reason for the outstanding balance. It seems to me they have made a mistake in their own bookkeeping and are trying to make me pay for their mistake. I'm not sure what to do next as this is quite demoralizing for someone that always pays their debts, and I do not have the money to pay for the car.

Finally, my former partner just told me that my partner was in a single vehicle crash with the car and was injured - there is Third Party Liability insurance - can my partner get compensation?

Key Laws

- [Occupiers' Liability Act](#)
- [Insurance Act](#)
- [Consumer Protection Act](#)
- [Limitation of Actions Act](#)
- [Sale of Goods Act](#)
- [Collection Agencies Act](#)
- [Consumer Creditors' Conduct Act](#)
- [Defamation Act](#)
- [Personal Property Security Act](#)
- [Small Claims Court Act](#)
- [Judicature Act](#)

Legal Question	Where would you start? Answer key
How do I file a claim in Small Claims Court?	Small Claims Court - http://www.courts.ns.ca/Small_Claims_Court/nsscc_home.htm
How do I present my evidence in Small Claims?	Guide to Representing Yourself - ALIS http://www.nsalis.com/wp-content/uploads/2017/09/Self-Advocacy-Guide-Edition-1-05-19-2015-v.3-1.pdf
What is the standard of proof in a civil lawsuit?	Representing yourself - legalinfo.org https://www.legalinfo.org/i-have-a-legal-question/representing-yourself/
What can the creditor do to enforce the Small Claims Court order against me?	Enforcing a Small Claims Court Order: Guide for Creditors courts.ns.ca
I am representing myself in Supreme Court. Where can I get free legal advice?	Free Legal Clinics, Supreme Court Yarmouth, Truro, Halifax, Sydney Volunteer lawyer, 1 hour, free, no income criteria By appointment only http://www.courts.ns.ca/Self_Reps/NSCA-NSSC_Free_Legal_Clinic.htm
Can I sue for defamation in Small Claims Court?	Small Claims Court Act Small Claims Court Information brochure No!
What is the minor injury cap?	Personal injury - soft tissue, minor strains and sprains, whiplash https://www.legalinfo.org/accidents-injuries-and-suing/personal-injury-claims Superintendent of Insurance NS
Where can I start to solve a dispute with my insurance company?	Internal insurance company process Superintendent of Insurance NS Insurance Bureau of Canada: http://www.ibc.ca/ns/ Life & Health Insurance OmbudService: https://www.olhi.ca/ General Insurance OmbudService: https://www.giocanada.org/
How long do I have to sue?	
Is my lawyer's bill is reasonable?	Small Claims Court - taxations - https://novascotia.ca/just/regulations/regs/scctax.htm Complaints about a lawyer's bill - https://www.legalinfo.org/lawyers-legal-help/complaints-about-a-lawyer

Case example:

Possible referrals: Canadian Motor Vehicle Arbitration Plan, Better Business Bureau, Small Claims Court, Financial Consumer Agency of Canada (understanding joint borrowing, dealing with bank), lawyer, credit counselling.

Combination of family law, and creditor/debtor law. In family law there may be an agreement or court order to share family debts. Creditor/debtor it is about who is on the debt. Joint and several liability.

Service Nova Scotia - regarding rules for collections under the consumer creditor conduct act, and Financial Consumer Agency of Canada.

Insurance question - provide legal information regarding Third Party Liability Insurance, which protects the insured Nova Scotia driver and/or the registered vehicle owner in the event they cause injury, death or property damage to a third-party resulting from the driver's negligence in operating the motor vehicle. There might be a Section B (no fault) claim.