

RULE 66 – TRANSFER OF PROCEEDINGS TO AND FROM SMALL CLAIMS COURT

Definition

- (1) In this rule, "transfer order" includes an order of the Small Claims Court of Yukon to transfer a proceeding to the Supreme Court of Yukon and an order by the Supreme Court of Yukon to transfer a proceeding to the Small Claims Court of Yukon.

Transfer order to Supreme Court

- (2) If a proceeding has been commenced in the Small Claims Court of Yukon and a judge of that court orders that the proceeding be transferred to the Supreme Court of Yukon, these rules apply to the proceeding as if it had been commenced in the Supreme Court of Yukon.

Pleadings

- (3) If a proceeding is transferred to the Supreme Court of Yukon in the manner referred to in subrule (2):
 - (a) the claim filed in the Small Claims Court of Yukon is deemed to be the statement of claim filed in the Supreme Court of Yukon; and
 - (b) the reply filed in the Small Claims Court of Yukon is deemed to be the statement of defence filed in the Supreme Court of Yukon.

Case Management Conference

- (4) When a proceeding is transferred to the Supreme Court of Yukon, a case management conference shall be scheduled to promptly give directions to the parties, which may include the filing of new pleadings.

Filing fees

- (5) Despite any other provision of these rules, the fees payable in respect of the statement of claim and the statement of defence are the same fees payable in the Supreme Court of Yukon less any amount previously paid in the Small Claims Court of Yukon.

Transfer order to Small Claims Court of Yukon

- (6) If a proceeding has been commenced in Supreme Court of Yukon, a clerk may transfer the proceeding to the Small Claims Court of Yukon pursuant to the *Small Claims Court Act*, RSY 2002, c. 204