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1. Small Claims & Related Amendments

[Amendments](#) to *The Small Claims Practices Act* increasing the claims limit to \$10,000 and increasing the limit for general damages to \$2,000 take effect on February 12, 2007. Consequential changes taking effect the same day include:

- Increase claims limit under *The Parental Responsibility Act* to \$10,000.
- Increase the maximum sum of money that may be paid out of court without a court order to \$10,000 pursuant to [Queen's Bench Rule 73.03](#).

2. Media Access: C.A.

In [CTV v. R., et al.](#), 2006 MBCA 132 (CanLII) the court reaffirms the constitutional right of access to the courts and the openness principle, finding that in order for a party to successfully oppose access, it must provide the court with a sufficient evidentiary foundation to meet the heavy burden of justifying a limitation on this important constitutional right. The decision also contains an interesting review of the application of the concept of judicial notice.

3. Excess of Master's Jurisdiction: C.A.

In [Zalizniak v. Zalizniak](#), 2006 MBCA 161 (CanLII) the Court granted a motion for leave to amend the Notice of Appeal filed by the purchaser of the Zalizniaks' real property, on the basis that the purchaser had established an additional arguable ground of appeal; namely, whether the scope of a reference which took place before the Master pursuant to [Court of Queen's Bench Rule 54.02](#) regarding alleged loss and damage suffered by the purchaser exceeded the Master's jurisdiction. Although the proceeding before the Master was conducted over a period of months, and was completed in June, 2005, the court held that the possibility of the proceeding constituting an excess of jurisdiction and being rendered a nullity was an exceptional circumstance such that the amendment must be permitted and the merits of the issue argued on the appeal.

4. Upcoming Aboriginal Law CLE

The Canadian Bar Association's National Aboriginal Law Conference will take place in Winnipeg on March 9 and 10, 2007. The agenda includes a session on how the Supreme Court of Canada's recent decision in [McDiarmid Lumber Ltd. v. God's Lake First Nation](#), 2006 SCC 58 will impact First Nations and those who do business with First Nations. For complete details and to register,

visit the [CBA website](#).

5. Words of Wisdom from Justice Rothstein

The [December 14, 2006 issue](#) of Eugene Meehan, Q.C.'s SCC LawLetter includes comments from Justice Marshall Rothstein as part of a presentation on the theme of "Anatomy of Failure" in civil litigation. The comments, as summarized by Mr. Meehan, are humorous and worth review by every litigator.

6. Thanks to eLaw Volunteers

Thank you to the volunteers who help in providing the content for the *eLaw Litigation Update* each month: Lindy Choy, Robert Dawson, Candace Everard, and Grant Stefanson. If you're interested in becoming an eLaw volunteer, please contact Karen Dyck, Competence Counsel by phone at 942-5571 or by email to: kdyck@lawsociety.mb.ca.

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