



When a small claims court trial may take longer than one day (a half day in some court locations), a judge may meet with the parties after the settlement conference and before the trial, to make sure everyone is ready for trial. This meeting is called a trial conference.

Attending

You attend a trial conference remotely. That means you do not go to the courthouse. Usually, everyone attends on a computer or smart phone, using Microsoft Teams for an audio conference or video conference. If you have a lawyer, they should attend the trial conference remotely as well. Be sure to read the rules and guide for attending remotely before your conference.

To ask to attend the trial conference in person you must complete an application and file it at the court registry before the trial conference.

[Participating remotely](#)

[*Notice 21 Remote Attendance in the Provincial Court*](#)

[*SM CL 02 Default Method of Attendance for Court Appearances Under the Small Claims Rules*](#)

Changing the date

Either the settlement conference judge or the court registry will notify you if you must attend a trial conference. Once you have been notified, you must attend. If you do not, the judge may dismiss your claim if you are a claimant, or make a payment order against you if you are a defendant.

If you want to change the date of your conference, you need to do one of two things:

1. If the other party agrees to change the date, you need to file a form at the court registry
2. If the other party does not agree, you must file an application at the court registry to change the date at least seven days before the conference

[Form 16 request to attend in person or change the date](#)

[Consent to adjourn trial conference form](#)

Filing the Trial Statement Form

Do not forget to file a Trial Statement Form!

All parties must file a Trial Statement Form at the court registry at least 14 days before the trial conference. Then you must deliver a copy of the filed Trial Statement Form to the other party or parties at least 7 days before the trial conference.

In your Trial Statement Form put:

- A summary of the facts of your case
- Your calculation of the amount you are claiming, disputing or counterclaiming
- Copies of all relevant documents
- A list of all witnesses who will attend the hearing and a short summary of what they will say

[Form 33 Trial Statement Form](#)

What may happen at a trial conference

A trial conference is less formal than a trial. The judge may be wearing business clothes instead of court robes.

Discussing settlement

If a lawyer or representative attends the trial conference instead of a party, they must have the party's authority to settle the claim. The judge may agree to discuss a possible settlement, even though that is not the main purpose of a trial conference. In that discussion the judge might give an opinion on the likely outcome of a trial, based on the information they have. However, the trial judge might reach a different decision after hearing all the evidence.

Helping the parties get prepared for trial

The trial conference judge is likely to ask what your evidence will be and how you will prove your claim or defend the claim against you. The judge will ask how many witnesses you will be presenting in the trial. They need to know this in order to estimate how long the trial will take.

At a trial conference the judge may make orders, including:

- For the parties to exchange copies of documents, expert reports, photographs or other evidence
- For one of the parties to be examined by a medical doctor if the claim is for damages for personal injury
- For the parties to exchange lists of witnesses with a short summary of what each witness will say (often referred to as a “Will Say” statement)
- For the parties to exchange any case law that may support their position
- To set deadlines for anything to be done

In certain situations, a judge at a trial conference may dismiss a claim, counterclaim, reply or third party notice. The judge has a duty to ensure that court time is not spent on a trial when a party has no prospect of success.

What may happen after a trial conference

If the judge decides that you and the other party are not prepared well enough for a trial, they may have you return for another trial conference. If your trial will take a lot of court time, the judge may set another trial conference to deal with any pre-trial issues and ensure everyone is ready for trial.

At the end of the trial conference, the judge will send you to the judicial case manager to set a date for a trial or another conference, or else the judicial case manager will contact you later about the next court date.

Copies of evidence needed for trial

Even when you have filed a Trial Statement Form, you still need to bring to the trial itself three extra copies of any documents or photographs you wish the trial judge to consider as evidence. The copies should be page numbered for easier reference.

Next step

If you do not settle all of the issues in your case at a trial conference the next step may be a trial.

[Small claims trials](#)

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