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Provincial Court Civil Practice

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Jurisdiction of the Provincial Court of Alberta

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JURISDICTION OF THE PROVINCIAL COURT OF ALBERTA

The Provincial Court is a statutory court and derives its jurisdiction from the *Provincial Court Act*¹ (the “Act”). As a result, the Court can only exercise the powers conferred upon it by the Act and other enactments which specifically grant jurisdiction to the Court.²

Although a statutory court, the Provincial Court has inherent power to control its own processes.³ In *Cunningham v Lilles*,⁴ Justice Rothstein described the inherent power of a statutory court in the following terms at paragraph 19:

Likewise, in the case of statutory courts, the authority to control the court's process and oversee the conduct of counsel is necessarily implied in the grant of power to function as a court of law. This Court has affirmed that courts can apply a "doctrine of jurisdiction by necessary implication" when determining the powers of a statutory tribunal:

... the powers conferred by an enabling statute are construed to include not only those expressly granted but also, by implication, all powers which are practically necessary for the accomplishment of the object intended to be secured by the statutory regime

(ATCO Gas & Pipelines Ltd. v. Alberta (Energy & Utilities Board), 2006 SCC 4 (CanLII), [2006] 1 S.C.R. 140 (S.C.C.), at para. 51)

Although Bastarache J. was referring to an administrative tribunal, the same rule of jurisdiction, by necessary implication, would apply to statutory courts.

Pursuant to section 9.6(1) of the Act, the Provincial Court has, with respect to civil claims, the following jurisdiction:

- (a)(i) to hear and adjudicate on any claim or counterclaim
 - (A) for debt, whether payable in money or otherwise, if the amount claimed or counterclaimed, as the case may be, exclusive of interest payable under an Act or by agreement on the amount claimed, does not exceed the amount prescribed by the regulations,

¹ RSA 2000 c P-31

² See, for example, commentary in footnote 6 - *Weidenfeld v Alberta Minister of Transportation* 2018 ABCA 44 (CanLII); see also 705589 *Alberta Ltd. v Cameron* 2005 APBC 150 (CanLII); see also section 8 of the Act which allows the Provincial Court to apply or modify the *Rules of Court* “where the Act or the Regulations do not provide for a specific practice or procedure . . . that is necessary to ensure an expeditious and inexpensive resolution of a matter before the Court.”

³ *Northmont Resort Properties Ltd. v Reid* 2017 ABPC 249 (CanLII); upheld on appeal 2018 ABQB 1002 (CanLII)

⁴ 2010 SCC 10 (CanLII)