

Actions Against the "Crown"

The purpose of this fact sheet is to provide information on making a claim against the **Government of New Brunswick** or a **New Brunswick Crown Corporation (the "Provincial Crown")**. This information is in addition to the content of the Small Claims Court guide. For general information about how to file a small claim, please refer to the guide.

Can I sue a department of the provincial government or a Crown Corporation in Small Claims Court?

Yes, you can sue a department of the provincial government or a Crown Corporation in Small Claims Court. In general, the provincial government, its departments, and Crown Corporations, are as legally responsible for debt, damages and the return of personal property as private individuals or corporations.

Who do I name as the defendant when I sue a provincial government department or a Crown Corporation?

- **Provincial Government:** In the case of a claim against a department of the provincial government, the claimant names "The Province of New Brunswick" as the defendant.
- **Crown Corporations:** In the case of a claim against a Crown Corporation, the claimant names the Crown Corporation as though it were an ordinary private corporation, i.e. "The New Brunswick Lotteries and Gaming Corporation".

Please note: If you feel you have an action against the federal government, you should contact a lawyer.

How do I proceed in an action against the provincial government or Crown Corporation?

You must serve written notice of your action on the government or Crown Corporation at least two months before filing the claim. This notice does not have to be personally served; it may be sent either by prepaid registered mail to the government at the address below or to the Crown Corporation at its registered address. The written notice must include the name and address of the claimant, the court the action will be brought in and the cause of action (the nature of your claim: negligence, breach of contract, etc.) Once written notice is given and the two months have passed, you may proceed by filing a claim and serving it on the government or Crown Corporation.

Crown Corporations are owned by the provincial government and operate at arm's length under the governance of a Board of Directors. A few examples:

- The New Brunswick Liquor Corporation
- The New Brunswick Lotteries and Gaming Corporation
- WorkSafeNB
- Service New Brunswick
- The Agricultural Development Board

The written notice is very important because if it is not given, the claim may be dismissed.



How do I serve documents on the provincial government?

A claimant must serve documents, including the Claim (Form 1) and Response (Form 2), on the provincial government (See Form 20, *Affidavit of Service*) by:

(a) leaving a copy of the documents with one of the following people in the office of the Attorney General:

- o The Attorney General;
- o The Deputy Attorney General;
- o A barrister or solicitor employed in the office of the Attorney General;
- o A solicitor designated for the purpose by the Attorney General;

Or

(b) sending the documents by prepaid registered mail (be sure to include a self-addressed acknowledgment of receipt card that the government can sign and send back to you as proof your documents have been received).

The address of the Attorney General is:

Attorney General of New Brunswick
675 King Street, P.O. Box 6000
Fredericton, NB E3B 1E9

How do I serve documents on a Crown Corporation?

A claimant can serve documents, including the Claim, on a Crown Corporation in the same way one serves a private corporation (see Form 20, *Affidavit of Service*). For more information on how to serve a private corporation, refer to the Small Claims Court Fact Sheet: **Serving Documents**.

