Court of King's Bench of Alberta

Citation: PRA Group Canada Inc v Wylie, 2026 ABKB 512

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Date: 20260715
Docket: 2503 17926
Registry: Edmonton

Between:

PRA Group Canada Inc.

Applicant

- and -

Steeven Wylie also known as Steven Dougald Wylie also known as Steve D. Wylie

Respondent

Reasons for Decision
of the
Honourable Applications Judge S. Wanke

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[1] This is a consumer debt claim arising from a modest loan ($6,285.90). It has come before me as a desk application for an order for substitutional service and to extend the time to serve the statement of claim. It is one of many similar applications received over time from the applicant, PRA Group Canada Inc (**PRA Group**), in other collections actions.

[2] I direct the clerk of the Court of King's Bench to transfer this action to the Court of Justice. I extend the time for service by three months. The application for substitutional service is dismissed.

I. Facts

[3] The claim arises from a 2023 loan from Easyfinancial Services Inc (Easyfinancial) to Mr. Wylie, presumably sold to PRA Group, a collection agency. The Affidavit of Shameeza Yonas (**Yonas Affidavit**) includes loan documents showing $6,285.90 disbursed to Mr. Wylie, who was to repay a total of $22,703.89 over 48 months, made up of:

(a) $7,944.60 of interest at 47.8160% APR;

(b) $1,300.49 for a 24-month "home and auto benefit plan" (optional);

(c) $6,153.60 for a "loan protection plan"; and

(d) $955.20 for a "creditoptimizer" program.

[4] With respect to the service application, the Yonas Affidavit sets out:

(a) A process server attempted to serve Mr. Wylie at the address shown on his credit report in November 2025 and was advised that Mr. Wylie no longer lived there. The credit report was pulled April 4, 2025 and December 1, 2025;

(b) An undefined "Plaintiff Representative" conducted a "skip trace" on May 9, 2025 that revealed no new information.

(c) Veripost, a third party email tracking service, showed that an email sent to the email used to disburse the loan in 2023 was delivered with no recorded openings of that email.

II. Jurisdiction to Direct a Court of King's Bench Action to the COJ

[5] Historically, this Court has deferred to the plaintiff's choice of court for civil actions where this Court and the COJ have concurrent jurisdiction. That deference reflects the ordinary principle that a plaintiff may choose among appropriate forums in which to commence an action. That choice, however, is not immune from the Court's responsibility to manage its proceedings.

[6] The principles of proportionality, access to justice and the fair and cost-effective resolution of disputes are the foundation of civil practice and procedure (r 1.2, *Alberta Rules of Court*, Alta Reg 124/2010 (*Rules*), ***Hryniak v Mauldin***, 2014 SCC 7, para 30). If those interests favour having the matter proceed in the COJ, this Court should, on application or on its own initiative, transfer the action accordingly.

A. Statutory Authority

[7] There is no rule or statute that explicitly addresses this Court ordering a transfer to the COJ. The COJ is empowered by the *Court of Justice Act*, RSA 2000, c C-30.5 (***CJA***) to transfer actions that exceed the COJ's jurisdiction into this Court (s 56, *CJA*). Parties to an action in this Court may also, by consent, have a clerk of this Court transfer an action from the COJ to this Court (s 57, *CJA*).

[8] Although the *CJA* is silent on the ability of this Court to transfer matters to the COJ without the consent of the parties, the *CJA* is not the act that sets out the powers of this Court.

[9] The jurisdiction to transfer a matter to the COJ comes from r 1.4(1) of the *Rules*, which broadly empowers this Court to, subject to specific provisions of other rules, make any order

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with respect to practice or procedure to implement and advance the purpose and intention of the foundational rules.

B. Inherent Jurisdiction

[10] The inherent jurisdiction of this Court and its broad power to control its own process is an alternative, residual source of jurisdiction (paras 60-62, ***Endean v British Columbia***, 2016 SCC 42 (**Endean**)).

C. Limits to Jurisdiction

[11] As the jurisdictional basis stems from broad and general language, I must consider whether any clear common law, statutory, or constitutional barriers limit that interpretation: ***Endean***, at para 40. I specifically address constitutionality because I understand there is a concern that directing a transfer to the COJ may impair access to a superior court protected by s 96 of the *Constitution Act, 1867*.

1. Constitutionality

[12] Section 96, which grants the federal government the power to appoint judges to the superior courts, does include a right to access those courts (***Trial Lawyers Association of British Columbia v British Columbia (Attorney General)***, 2014 SCC 59, para 36).

[13] There is no constitutional right, however, to have lower value civil claims heard in a superior court, by federally appointed judges. Superior courts and provincial / territorial courts shared jurisdiction over lower value civil claims at the time of confederation (***In the matter: Reference to the Court of Appeal of Quebec pertaining to the constitutional validity of the provisions of article 35 of the Code of Civil Procedure which set at less than $85,000 the exclusive monetary jurisdiction of the Court of Québec and to the appellate jurisdiction assigned to the Court of Québec***, 2019 QCCA 1492, paras 146-148)

[14] Confirming the discretion of this Court to transfer a matter that is subject to concurrent jurisdiction does not remove jurisdiction from this Court and does not engage s 96 (***Reference re An Act to Amend Chapter 401 of the Revised Statutes, 1989, the Residential Tenancies Act, S.N.S. 1992, c. 31***, [1996] 1 S.C.R. 186, para 75).

[15] The conclusion that this Court may direct a lower-value civil claim to the COJ is consistent with practice elsewhere in Canada, discussed in more detail below.

2. Common law or Statutory Limits

[16] Rule 1.4 grants broad procedural powers to the Court, provided the orders advance the purposes of the *Rules*:

> **1.4(1)** To implement and advance the purpose and intention of these rules described in rule 1.2 the Court may, subject to any specific provision of these rules, make any order with respect to practice or procedure, or both, in an action, application or proceeding before the Court.

[17] The purpose and intention of the *Rules* is set out in r 1.2:

> **1.2(1)** The purpose of these rules is to provide a means by which claims can be fairly and justly resolved in or by a court process in a timely and cost-effective way.

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[18] Accordingly, the power to transfer a matter to the COJ is limited to transfers that advance the purposes and intentions of the *Rules*.

[19] Otherwise, I am aware of no common law or statutory limits that would deny this Court the power to transfer an action to the COJ.

[20] The *Rules* are enacted under *Judicature Act*, RSA 2000, c J-2, which establishes this Court as a superior court of inherent jurisdiction, and grants this Court correspondingly broad powers (Part 1, *Judicature Act*, c J-2).

[21] The jurisdiction of applications judges includes the same power as a justice sitting in chambers, subject to specific exceptions that do not apply here (s 9, *Court of King's Bench Act*, RSA 2000, c C-31).

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III. Canadian Practice

[22] Provincial and territorial practice for dealing with lower value civil claims varies in the specifics but consistently, as the survey below demonstrates, through common law or statute, supports the ability of a superior court to transfer a matter down to a lower court sharing jurisdiction:

(a) **Ontario:** The Small Claims Court, which is a branch of the Superior Court of Justice of Ontario, hears civil claims up to $50,000. Claims are largely heard by deputy judges, appointed by the province, hearing matters on a per-diem basis. Since 2023, actions within the jurisdiction of the Small Claims Court may not be commenced in the Superior Court of Justice without leave.

Prior to 2023, when plaintiffs could elect to bring lower value civil claims before the Superior Court of Justice, the Court used both inherent and statutory jurisdiction to, on its own initiative, transfer actions to Small Claims Court when that was in the interest of justice: ***Canaccede Credit LP v Schulz-Hallihan***, 2021 ONSC 4851 (***Canaccede***).

(b) **British Columbia:** The Supreme Court of British Columbia has concurrent jurisdiction with the Provincial Court of British Columbia over lower value civil claims. Claims up to $5,000 can be heard by Civil Resolution Tribunal. Provincial Court can adjudicate claims up to $35,000. The Supreme Court has explicit authority to transfer matters to the Provincial Court on application by a party or if the judge or associate judge considers it appropriate to do so. (s 15, *Supreme Court Act*, RSBC 1996, c 443, ***Singh v Nicholson***, 2010 BCSC 537 at para 15)

(c) **Saskatchewan:** The Provincial Court of Saskatchewan hears civil claims up to $50,000. Much like Alberta, the Provincial Court has concurrent jurisdiction with the Court of King's Bench of Saskatchewan for these claims and the statutory rules around transfer only explicitly address transfer from Provincial Court to the Court of King's Bench or transfer to the Provincial Court by consent of the parties (ss 14 and 15, *The Small Claims Act, 2016* SS 2016, c S-50.12).

The Saskatchewan Court of King's Bench has, however, also confirmed that it has jurisdiction to order a transfer of a matter to Provincial Court: ***Korol v Richardson International Ltd,*** 2023 SKKB 64 at para 24.

(d) **Nova Scotia:** A provincially created Small Claims Court hears claims up to $25,000, exclusive of interest. For claims within the jurisdiction of the Small Claims Court, either party can elect or a judge of the Supreme Court can order that a proceeding commenced in the Supreme Court be transferred to the Small Claims Court (ss 9 and 19, *Small Claims Court Act*, RSNS 1989, c 430).

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IV. Analysis of Transfer

[23] As a threshold issue, this claim is clearly within the subject matter and financial limit of the jurisdiction of the COJ. A transfer allows this claim to be resolved in or by a court process.

[24] The second question is whether a transfer advances the purpose of the *Rules*.

[25] The nature of the claim informs that analysis. The initial loan advance is very modest. The very low amount advanced militates in favour of the COJ. This is also not a routine liquidated debt claim. The loan documents show financial and insurance add-ons ballooning an advance of $6,285.90 to a total repayment obligation of $22,703.89 over 48 months. If this claim is defended, it merits judicial scrutiny. The analysis is, accordingly, not limited to comparing default judgment procedures.

[26] For this action, the COJ process appears more proportionate, fair and cost-effective for the following reasons:

(a) This Court's default robust pre-trial discovery process is likely neither warranted nor cost-effective. Similarly, a trial before this Court would be neither cost-effective nor timely.

(b) The COJ has a mediation process that may well assist the parties here. This Court does not. The COJ also has a variety of resolution tracks that can be employed depending on the circumstances.

(c) The COJ has a Payment Hearing process that allows the COJ to set a payment plan on application by the defendant and disclosure of their financial situation. Lower value collection matters may be ideally suited to payment hearings. This Court has no equivalent process.

(d) The COJ process is designed to be easier for self-represented litigants to navigate and allows for the use of agents, who may be able to provide cost-effective assistance.

(e) Cost consequences for the Defendant are more proportionate before the COJ:

(i) Filing fees are higher for this Court than the COJ. That makes a Defendant liable for higher disbursements if the action is brought before this Court. It also makes it harder to defend as the costs to file a defence are higher ($100 for a Statement of Defence here compared to $50 for a Dispute Note before the COJ).

(ii) Costs awards are also higher for this Court. The COJ's approach to costs recognizes that lawyers aren't required. Where lawyers are used, the COJ's Tariff of Recoverable Costs is lower than the equivalent amount in Schedule

> C of the *Rules*, even after discount set out in Rule 10.42 for matters brought in this Court that could have been brought before the COJ.

[27] Judicial economy also favours transferring this action to the COJ, particularly, when, as in this case, judicial time has already been spent dealing with a plainly deficient service application.

[28] The applications judges sitting in morning chambers regularly hear summary judgment applications for liquidated debt claims within the jurisdiction of the COJ. When those matters are efficiently brought, this Court may be the appropriate venue. Here, however, the claim appears to merit scrutiny, is for a very modest amount, and has inefficiently used judicial time for a deficient desk application.

[29] In short, I am satisfied that transferring this action to the COJ advances the purposes of the *Rules*, without depriving the parties of a court process for resolution.

V. Procedural Matters

[30] I have raised the issue of the proper forum for this claim on my own initiative. The Defendant has not yet been served.

[31] As noted by Kurz J, who transferred a small collections action on his own initiative, ordinarily, a judge adjudicates disputes raised by the parties. A judge however, remains “a guardian of the legal process” and must “safeguard [the court’s] resources”. Requiring participation of the defendant raises the “very unfairness and barriers to justice that this court is duty-bound to avoid” (***Canaccede***, paras 81-87). As a matter of control over the Court’s process, I also find it appropriate for this matter to be raised on the Court’s own initiative.

[32] I note that the Plaintiff has not been given a specific opportunity on this matter to make submissions about the appropriateness of proceeding before this Court. The ability to raise issues with counsel on desk applications is limited.

[33] On May 30, 2026, I issued desk endorsements in two other matters with the same Plaintiff (2503 15806, respecting a loan in the original amount of $3,547.85 and 2503 14357, respecting a loan in the original amount of $1,850). I asked the Plaintiff to explain why each of those actions should be in this Court and not the COJ. I have not received a response in those matters. This action is one of four desk applications assigned to me that were filed on June 30, 2026.

[34] Since then, the Plaintiff has made further desk applications, all arising from small collections claims. In some of those matters, the Plaintiff is seeking service relief along with an order transferring the matter to the Court of Justice.

[35] Although the Plaintiff has not expressly responded to the May 30, 2026 endorsements, I take the later applications asking for a transfer to the Court of Justice as a lack of opposition to such an order. I nevertheless acknowledge that the Plaintiff has not had an express chance to respond in this particular action.

[36] Accordingly, consistent with r 9.15, the Plaintiff may apply to me to have this decision set aside or varied. The application must be set down within 30 days of this decision being provided to the Plaintiff and should be before me in morning chambers.

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VI. Substitutional Service Application

[37] The substitutional service application is deficient for three primary reasons:

(a) **Use of Credit Report:** The Yonas Affidavit relies on the Defendant's credit report for his last known address. While a credit report can be useful, a current demographic search from the Registrar of Motor Vehicles is preferable. Individuals are required to update their driver's licence address, not their credit report, which is updated by lender input. I appreciate a demographic search may be more difficult for out-of-province counsel to obtain; it is still expected.

(b) **Stale information:**

The Yonas Affidavit relies on a December 1, 2025 credit report to demonstrate that the only known address of the Defendant is one where he no longer lives. That credit report was almost seven months old when this application was submitted. In contrast, the Registrar of Motor Vehicles expressly requires parties to acknowledge they will not rely on demographic searches beyond 60 days from the date of the search.

The email relied on is similarly stale. Evidence that the email has been sent and not bounced is useful, but insufficient given the lack of proper effort to obtain a current address for personal service.

(c) **Insufficient evidence on efforts to locate Defendant:** Swearing that someone called a "Plaintiff Representative" conducted a "skip trace" on May 9, 2025 is not sufficient evidence. It does not disclose who conducted the searches, their expertise or what was searched. In contrast, a typical application that relies on a failed skip trace will include a copy of the skip trace report that has sufficient detail to satisfy the court.

[38] I have raised these issues on previous substitutional service desk applications made by this Plaintiff, without any apparent change in the Plaintiff's practice.

[39] The low bar for an extension of time to serve is met and an extension of the time to serve for three months is granted. This extension is appropriate as time to transfer the action and bring a substitutional service application before the COJ is needed. The extension would not have been appropriate if I had granted the substitutional service application. Substitutional service could easily have been completed by September 3, 2026.

VII. Conclusion

[40] I direct the clerk of the Court of King's Bench to transfer this action to the COJ, however, I am staying the transfer for 30 days to allow the Plaintiff to set down an application before me for reconsideration. If no application is filed within 30 days, the stay automatically expires. PRA Group Canada Inc shall prepare an order for my review. I also extend the time to serve the Statement of Claim filed September 3, 2025 and the Amended Statement of Claim filed September 4, 2025 to December 3, 2026. The application for substitutional service is dismissed. Service should be dealt with at the Court of Justice.

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Application filed on the 30th day of June, 2026.
Dated at the City of Edmonton, Alberta this 15th day of July, 2026.

S. Wanke
A.J.C.K.B.A.

Appearances:

Mira Manoo-Choquette
TPH Law Professional Corporation
for the Plaintiff, by way of desk application

Steeven Wylie
Self-Represented Litigant, no appearance

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