Requirements for Certification of a Class Action



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KNOW THE LAWS: Requirements for Certification of a Class Action Here are the requirements for certification of a class action under the primary statutes in each jurisdiction on class action lawsuits:	
FED	Doesn’t have a general class action statute

AB	*Class Proceedings Act*: 1) In order for a proceeding to be certified as a class proceeding on an application made under Sec. 2 or 3, the Court must be satisfied as to each of the following: a) the pleadings disclose a cause of action; b) there's an identifiable class of two or more persons; c) the claims of the prospective class members raise a common issue, whether or not the common issue predominates over issues affecting only individual prospective class members; d) a class proceeding would be the preferable procedure for the fair and efficient resolution of the common issues; and e) there's a person eligible to be appointed as a representative plaintiff who, in the opinion of the Court, i) will fairly and adequately represent the interests of the class, ii) has produced a plan for the proceeding that sets out a workable method of advancing the proceeding on behalf of the class and of notifying class members of the proceeding, and iii) doesn't have, in respect of the common issues, an interest that's in conflict with the interests of other prospective class members [Sec. 5(1)]. 2) In determining whether a class proceeding would be the preferable procedure for the fair and efficient resolution of the common issues, the Court may consider any matter that it considers relevant to making that determination, but in making that determination it must consider at least the following: a) whether questions of fact or law common to the prospective class members predominate over any questions affecting only individual prospective class members; b) whether a significant number of the prospective class members have a valid interest in individually controlling the prosecution of separate actions; c) whether the class proceeding would involve claims that are or have been the subject of any other proceedings; d) whether other means of resolving the claims are less practical or less efficient; and e) whether the administration of the class proceeding would create greater difficulties than those likely to be experienced if relief were sought by other means [Sec. 5(2)].

BC	*Class Proceedings Act:* 1) The court must certify a proceeding as a class proceeding on an application under Sec. 2 or 3 if all of the following requirements are met: a) the pleadings disclose a cause of action; b) there's an identifiable class of two or more persons; c) the claims of the class members raise common issues, whether or not those common issues predominate over issues affecting only individual members; d) a class proceeding would be the preferable procedure for the fair and efficient resolution of the common issues; and e) there's a representative plaintiff who: i) would fairly and adequately represent the interests of the class, ii) has produced a plan for the proceeding that sets out a workable method of advancing the proceeding on behalf of the class and notifying class members of the proceeding, and iii) doesn't have, on the common issues, an interest that's in conflict with the interests of other class members [Sec. 4(1)]. 2) In determining whether a class proceeding would be the preferable procedure for the fair and efficient resolution of the common issues, the court must consider all relevant matters including the following: a) whether questions of fact or law common to the members of the class predominate over any questions affecting only individual members; b) whether a significant number of the members of the class have a valid interest in individually controlling the prosecution of separate actions; c) whether the class proceeding would involve claims that are or have been the subject of any other proceedings; d) whether other means of resolving the claims are less practical or less efficient; and e) whether the administration of the class proceeding would create greater difficulties than those likely to be experienced if relief were sought by other means [Sec. 4(2)].

MB	*The Class Proceedings Act*: The court must certify a proceeding as a class proceeding on a motion under Sec. 2 or 3 if: a) the pleadings disclose a cause of action; b) there's an identifiable class of two or more persons; c) the claims of the class members raise a common issue, whether or not the common issue predominates over issues affecting only individual members; d) a class proceeding would be the preferable procedure for the fair and efficient resolution of the common issues; and e) there's a person who is prepared to act as the representative plaintiff who: i) would fairly and adequately represent the interests of the class, ii) has produced a plan for the class proceeding that sets out a workable method of advancing the class proceeding on behalf of the class and of notifying class members of the class proceeding, and iii) doesn't have, on the common issues, an interest that conflicts with the interests of other class members [Sec. 4].

NB	*Class Proceedings Act*: 1) The court shall certify a proceeding as a class proceeding on a motion under Sec. 3 or 4 if, in the opinion of the court, a) the pleadings disclose or the Notice of Application discloses a cause of action; b) there's an identifiable class of two or more persons; c) the claims of the class members raise a common issue, whether or not the common issue predominates over issues affecting only individual members; d) a class proceeding would be the preferable procedure for the fair and efficient resolution of the dispute; and e) there's a person seeking to be appointed as representative plaintiff for the class who: i) would fairly and adequately represent the interests of the class, ii) has produced a plan for the class proceeding that sets out a workable method of advancing the class proceeding on behalf of the class and of notifying class members of the class proceeding, and iii) doesn't have, with respect to the common issues, an interest that is in conflict with the interests of other class members [Sec. 6(1)]. 2) In determining whether a class proceeding would be the preferable procedure for the fair and efficient resolution of the dispute, the court shall consider: a) whether questions of fact or law common to the class members predominate over any questions affecting only individual members; b) whether a significant number of the class members have a valid interest in individually controlling the prosecution of separate proceedings; c) whether the class proceeding would involve claims that are or have been the subject of any other proceedings; d) whether other means of resolving the claims are less practical or less efficient; e) whether the administration of the class proceeding would create greater difficulties than those likely to be experienced if relief were sought by other means; and f) any other matter the court considers relevant [Sec. 6(2)].

NL	*Class Actions Act*: 1) On an application made under Sec. 3 or 4 , the court shall certify an action as a class action where: a) the pleadings disclose a cause of action; b) there's an identifiable class of two or more persons; c) the claims of the class members raise a common issue, whether or not the common issue is the dominant issue; d) a class action is the preferable procedure to resolve the common issues of the class; and e) there's a person who: i) is able to fairly and adequately represent the interests of the class, ii) has produced a plan for the action that sets out a workable method of advancing the action on behalf of the class and of notifying class members of the action, and iii) doesn't have, on the common issues, an interest that is in conflict with the interests of the other class members [Sec. 5(1)]. 2) In determining whether a class action would be the preferable procedure for the fair and efficient resolution of the common issues, the court may consider all relevant matters including whether: a) questions of fact or law common to the members of the class predominate over questions affecting only individual members; b) a significant number of the members of the class have a valid interest in individually controlling the prosecution of separate actions; c) the class action would involve claims that are or have been the subject of another action; d) other means of resolving the claims are less practical or less efficient; and e) the administration of the class action would create greater difficulties than those likely to be experienced if relief were sought by other means [Sec. 5(2)].
NT/NU	Don't have a general class action statute

NS	*Class Proceedings Act*: 1) The court shall certify a proceeding as a class proceeding on an application under Sec.4, 5 or 6 if, in the opinion of the court: a) the pleadings disclose or the notice of application discloses a cause of action; b) there's an identifiable class of two or more persons that would be represented by a representative party; c) the claims of the class members raise a common issue, whether or not the common issue predominates over issues affecting only individual members; d) a class proceeding would be the preferable procedure for the fair and efficient resolution of the dispute; and e) there's a representative party who: i) would fairly and adequately represent the interests of the class, ii) has produced a plan for the class proceeding that sets out a workable method of advancing the class proceeding on behalf of the class and of notifying class members of the class proceeding, and iii) doesn't have, with respect to the common issues, an interest that is in conflict with the interests of other class members [Sec. 7(1)]. 2) In determining whether a class proceeding would be the preferable procedure for the fair and efficient resolution of the dispute, the court shall consider: a) whether questions of fact or law common to the class members predominate over any questions affecting only individual members; b) whether a significant number of the class members have a valid interest in individually controlling the prosecution of separate proceedings; c) whether the class proceeding would involve claims or defences that are or have been the subject of any other proceedings; d) whether other means of resolving the claims are less practical or less efficient; e) whether the administration of the class proceeding would create greater difficulties than those likely to be experienced if relief were sought by other means; and f) any other matter the court considers relevant [Sec. 7(2)].

ON	*Class Proceedings Act*: The court shall certify a class proceeding on a motion under Sec. 2, 3 or 4 if: a) the pleadings or the notice of application discloses a cause of action; b) there's an identifiable class of two or more persons that would be represented by the representative plaintiff or defendant; c) the claims or defences of the class members raise common issues; d) a class proceeding would be the preferable procedure for the resolution of the common issues; and e) there's a representative plaintiff or defendant who, i) would fairly and adequately represent the interests of the class, ii) has produced a plan for the proceeding that sets out a workable method of advancing the proceeding on behalf of the class and of notifying class members of the proceeding, and iii) doesn't have, on the common issues for the class, an interest in conflict with the interests of other class members [Sec. 5(1)].
PE	Doesn't have a general class action statute
QC	*Code of Civil Procedure*: The court authorizes the bringing of the class action and ascribes the status of representative to the member it designates if of the opinion that: a) the recourses of the members raise identical, similar or related questions of law or fact; b) the facts alleged seem to justify the conclusions sought; c) the composition of the group makes the application of Article 59 or 67 difficult or impracticable; and d) the member to whom the court intends to ascribe the status of representative is in a position to represent the members adequately [Sec. 1003].

SK	*The Class Actions Act*: Subject to subsections (2) and (3), the court shall certify an action as a class-action on an application pursuant to section 4 or 5 if the court is satisfied that: a) the pleadings disclose a cause of action; b) there's an identifiable class; c) the claims of the class members raise common issues, whether or not the common issues predominate over other issues affecting individual members; d) a class action would be the preferable procedure for the resolution of the common issues; and e) there's a person willing to be appointed as a representative plaintiff who: i) would fairly and adequately represent the interests of the class; ii) has produced a plan for the class action that sets out a workable method of advancing the action on behalf of the class and of notifying class members of the action; and iii) doesn't have, on the common issues, an interest that's in conflict with the interests of other class members [Sec. 6(1)].
YT	Doesn't have a general class action statute