

# Gazette officielle du Québec

## Part 2 Laws and Regulations

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### Summary

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## Regulations and other acts

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Gouvernement du Québec

### **O.C. 1433-97**, 5 November 1997

An Act respecting the reduction of labour costs in the public sector and implementing the agreements reached for that purpose (1997, c. 7)

#### **Termination of the application of sections 12 and 13 of the Act**

Termination of the application of sections 12 and 13 of the Act respecting the reduction of labour costs in the public sector and implementing the agreements reached for that purpose

WHEREAS the Act respecting the reduction of labour costs in the public sector and implementing the agreements reached for that purpose (1997, c. 7) was assented to on 22 March 1997;

WHEREAS under section 62 of the Act, the Government may terminate the application of the provisions of sections 12, 13, 16 to 18 and 20 on the date or dates fixed by order of the Government;

WHEREAS it is expedient to terminate the application of sections 12 and 13 of the Act;

IT IS ORDERED, therefore, upon the recommendation of the Chairman of the Conseil du trésor:

THAT sections 12 and 13 of the Act respecting the reduction of labour costs in the public sector and implementing the agreements reached for that purpose (1997, c. 7) cease to apply on the day following the date of the making of this Order in Council.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### **O.C. 1453-97**, 5 November 1997

Legal Aid Act  
(R.S.Q., c. A-14)

#### **Regulation — Amendments**

Regulation to amend the Regulation respecting the application of the Legal Aid Act

WHEREAS subparagraphs *c*, *e*, *g*, *j*, *k*, *m* and *n* of the first paragraph and the fourth and fifth paragraphs of section 80 of the Legal Aid Act (R.S.Q., c. A-14), amended by section 42 of Chapter 23 of the Statutes of 1996, confer upon the Commission des services juridiques the power to make regulations on the matter described therein and prescribe that every regulation made by the Commission is subject to the approval of the Government, which may approve it with or without amendments;

WHEREAS at its meeting of 20 June 1997, the Commission des services juridiques made the Regulation to amend the Regulation respecting the application of the Legal Aid Act;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation was published in the *Gazette officielle du Québec* of 13 August 1997 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Justice:

THAT the Regulation to amend the Regulation respecting the application of the Legal Aid Act, attached to this Order in Council, be approved.

MICHEL CARPENTIER  
*Clerk of the Conseil exécutif*

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## Regulation to amend the Regulation respecting the application of the Legal Aid Act (\*)

### Legal Aid Act

(R.S.Q., c. A-14, s. 80, 1st par., subpars. *c, e, g, j, k, m* and *n*, 4th and 5th pars.; 1996, c. 23, s. 42)

**1.** The title of Division I of the Regulation respecting the application of the Legal Aid Act is amended by substituting “PRELIMINARY” therefor.

**2.** The following section is inserted in Division I after section 1:

“**1.1 Form of documents:** The documents necessary for performing the functions and duties of the Commission des services juridiques and the legal aid centres, including the books, registers, reports, financial reports, budget estimates, accounts and statistics which, under the Act and this Regulation, must be transmitted to the Commission by the regional centres and to the regional centres by the local centres, may be drafted in electronic form. They shall then be transmitted in that form.”.

**3.** The following section is substituted for section 5:

“**5. Summons:** A summons to a general meeting shall be sent to each member by the secretary of the Commission at least 5 days before the date fixed for the meeting.”.

**4.** The following is substituted for the second sentence of section 6: “In such case, a summons shall be sent to each member by the secretary of the Commission at least 24 hours before the date fixed for the meeting.”.

**5.** The following section is inserted after section 6:

“**6.1 Summons:** A summons to a meeting of the members may be sent by regular mail, by fax, by electronic mail or by any other communications medium, to the last known address of the member or, if the member so chooses, to his place of work.”.

**6.** The words “employed by any” are substituted for the words “who are full-time employees of the” in section 9.

**7.** Section 10 is amended

(1) by adding the words “or vice-chairman” at the end of paragraph 2; and

(2) by adding the following after paragraph 2:

“(3) Sections 5 to 7 apply, *mutatis mutandis*, to the meetings of the administrative committee.”.

**8.** Section 18 is deleted.

**9.** The following section is inserted after section 26:

“**26.1 Applicable provisions:** Sections 5 to 7 apply, *mutatis mutandis*, to the meetings of the board of directors and of the administrative committee of the regional centre.”.

**10.** The word “Management” is substituted for the words “Appointment of the director” in the title of section 32.

**11.** The words “, within 15 days of a request by the Commission to that effect,” are substituted for the words “before 15 September” in section 33.

**12.** Section 37 is deleted.

**13.** The following section is inserted after section 47:

“**47.1 Applicable provisions:** Sections 5 to 7 apply, *mutatis mutandis*, to the meetings of the board of directors and of the administrative committee of the local centre.”.

**14.** The words “, within 10 days of a request by the regional centre to that effect,” are substituted for the words “before 1 September,” in section 48.

**15.** The following section is substituted for section 53:

“**53. Accounts:** Every legal aid centre and office shall maintain, through its director general or the person to whom the powers of the director general have been delegated in accordance with the second paragraph of section 50 of the Act, as the case may be, a trust account for all the sums of money received from a recipient for a third party or from a third party for a recipient. Administration and remittal of those sums shall be subject to the provisions of the By-law respecting accounting and trust accounts of advocates (R.R.Q., 1981, c. B-1, r. 3) or the Regulation respecting trust accounting by notaries approved by Order in Council 823-95 dated 14 June 1995 as it reads at the time it applies.”.

\* The Regulation respecting the application of the Legal Aid Act (R.R.Q., 1981, c. A-14, r. 1) was last amended by the Regulation made by Order in Council 1211-96 dated 25 September 1996 (1996, *G.O.* 2, 4098). For previous amendments, refer to the “Tableau des modifications et Index sommaire”, Éditeur officiel du Québec, updated to 1 September 1997.

Every centre shall also maintain, through the director general, an account at a financial institution into which it shall deposit the contributions received from recipients eligible for contributory legal aid, excluding the administrative expenses referred to in section 26 of the Regulation respecting legal aid made by Order in Council 1073-96 dated 28 August 1996 as it reads at the time it applies. The sums deposited into that account may be withdrawn only progressively as legal services are dispensed to the recipient.”

**16.** The following is inserted in Division III before Subdivision 1 of that Division:

“**§0.1 Exercise of free choice**

**56.1 Free choice:** The rules of eligibility for legal aid and for the issue of certificates of eligibility for such aid provided for in the Act and the regulations thereunder shall be applied without distinction to every applicant, regardless of whether he chooses an advocate or notary in private practice or an advocate or notary employed by a legal aid centre.”

**17.** Sections 58 and 59 are deleted.

**18.** The words “or to the number of proceedings he is prepared to accept” are struck out at the end of section 60.

**19.** The number “57” is substituted for the number “59” in section 61.

**20.** The number “57” is substituted for the number “59” in section 62.

**21.** The following sections are substituted for sections 63 and 64:

“**63. Register of applications:** The director general shall keep a register indicating, in particular, the name of the persons who apply for legal aid, the date on which the application is received and, where applicable, the date fixed for a meeting to fill out the application, the nature of the application and the disposition of the application.

**64. Register of mandates:** The director general shall keep a register indicating, in particular, the nature of the mandates delegated to advocates and notaries not employed by a legal aid centre, the date on which the mandate was delegated, the disposition of the mandate and the date on which the mandate was terminated.”

**22.** The words “not employed by a centre on files” are substituted for the words “not engaged full time, on the progress of legal and proceedings” in section 65.

**23.** The following section is inserted after section 69:

“**69.1 Applications concerning youth:** In the judicial districts of Montréal and Québec, the legal aid centres in question must, in the matters lying within the jurisdiction of the Court of Québec, Youth Division, be able to analyze applications for legal aid pertaining thereto and make rulings in such matters on the eligibility of applicants at the actual premises where that Division sits, during the office hours of the office of the Court in the district of Montréal and from 9:00 a.m. to 3:00 p.m. in the district of Québec, unless the applicant elects to make his application either at the local centre or at the legal aid bureau nearest his place of residence, or at any other centre or bureau in accordance with section 69.

In the other judicial districts, the legal aid centres that provide legal aid eligibility services on 1 April 1997, in the matters lying within the jurisdiction of the Court of Québec, Youth Division, at the actual premises where that Division sits, shall maintain those services.”

**24.** Section 72 is amended

(1) by substituting the word “recipient’s” for the word “applicant’s” in paragraph *b*;

(2) by striking out the words “made by Order in Council 1073-96 dated 28 August 1996” in paragraph *b.1*; and

3) by adding the following paragraph at the end:

“Where contributory legal aid is granted, the certificate of eligibility shall also indicate that in case of failure by the recipient to make the contribution payable, the aid may be suspended or withdrawn and reimbursement of the costs of legal aid may be required of the recipient.”

**25.** The following is substituted for the first sentence of section 76:

“The recipient may choose an advocate or notary who is not employed by a centre among those who have agreed to be entered on the list mentioned in section 57.”

**26.** The following section is substituted for sections 77 and 78:

“**77. Notice and report:** An advocate or notary who is not employed by a centre shall notify the director general in writing when he refuses a mandate. He shall give such notice within 15 days of the date on which the

mandate is received. The director general shall then notify the recipient that he may choose another advocate or notary.

If he accepts the mandate, the advocate or notary shall, as soon as the mandate is executed and even where no amount is payable to him, transmit, at his option, either a statement of fees including a summary description of his manner of proceeding and the outcome as well as a detailed statement of his fees and expenses, or a report on the legal services that he has rendered within the scope of the mandate in which he indicates the fees and expenses that he intends to claim.

The statement of fees or the report shall indicate, in particular, the services rendered according to the nomenclature of the tariff established under section 81 of the Act and the numbers of the sections of the tariff corresponding to the services rendered and the fees entailed thereby.

The statement of fees or the report shall be transmitted to the centre or to the Commission, as the case may be.”.

**27.** Section 81 is amended

(1) by inserting the following at the beginning: “**Replacement of advocate or notary:** Subject to section 81.1.”; and

(2) by adding the following at the end: “The advocate or notary, if he is not employed by a centre, shall then transmit his statement of fees or report, in accordance with section 77, as soon as he is informed that the recipient’s file has been delegated to another advocate or notary.”.

**28.** The following section is inserted after section 81:

“**81.1 Replacement of advocate or notary:** An advocate or notary in private practice may at any time replace, within the scope of the same mandate, another advocate or notary in the same practice to whom the mandate has been entrusted. Such replacement shall be effected by means of a notice signed by the recipient and transmitted by mail or by telecommunications to the director general who entrusted the mandate. The notice shall indicate the legal services for which the replacement is made and the period during which it applies. The director general is bound by such notice.”.

**29.** The following section is substituted for section 88:

“**88. Minutes:** The committee charged with conducting the reviews provided for in sections 74 and 75 of the Act shall keep minutes of its meetings.”.

**30.** Schedule A is deleted.

**31.** In the English text of the Regulation,

(1) the words “director general” are substituted for the words “general manager” everywhere they occur in sections 1, 22, 26, 29, 31, 32, 54, 57, 61, 62, 65, 69, 72, 74, 76, 81 and 92;

(2) the words “directors general” are substituted for the words “general managers” in section 9;

(3) the words “legal aid” are substituted for the words “legal and” everywhere they occur in sections 46 and 50;

(4) the word “eligibility” is substituted for the word “qualification” everywhere it occurs in sections 72 and 92; and

(5) the words “is eligible” are substituted for the word “qualifies” in section 72.

**32.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

**O.C. 1454-97, 5 November 1997**

Legal Aid Act  
(R.S.Q., c. A-14)

**Legal aid**  
— **Amendments**

Regulation to amend the Regulation respecting legal aid

WHEREAS subparagraphs *a.1* to *a.8*, *b* to *b.2*, *h* to *h.3*, *q* and *s* of the first paragraph and the second and third paragraphs of section 80 of the Legal Aid Act (R.S.Q., c. A-14), amended by section 42 of Chapter 23 of the Statutes of 1996, empower the Government to make regulations on the matters referred to therein;

WHEREAS in accordance with these provisions, the Government made the Regulation respecting legal aid, according to Order in Council 1073-96 dated 28 August 96;

WHEREAS it is expedient to amend the Regulation;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation to amend the Regulation respecting legal aid was published in the *Gazette officielle du Québec* of 23 July 1997 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments in order to take into account the comments received following its publication in the *Gazette officielle du Québec*;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Justice:

THAT the Regulation to amend the Regulation respecting legal aid, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting legal aid<sup>(1)</sup>

Legal Aid Act  
(R.S.Q., c. A-14, s. 80, 1<sup>st</sup> par., subpars. *a.1* to *a.8*, *b* to *b.2*, *h* to *h.3*, *q* and *s*, and 2<sup>nd</sup> and 3<sup>rd</sup> pars; 1996, c. 23, s. 42)

**1.** Section 1 of the Regulation respecting legal aid is amended

(1) by deleting at the end the words “and, if there is a recovery in accordance with Division VI.1 of that Act, the recovery expenses incurred”; and

(2) by adding the following paragraph at the end:

“Where the adverse party is condemned to pay the costs, the costs taxed against and recovered from that party shall be deducted from the costs of legal aid.”

**2.** The following is substituted for section 6:

“6. Financial eligibility for legal aid shall be determined by taking into consideration the income for the taxation year preceding the year of the application for

legal aid. Notwithstanding the foregoing, eligibility shall be determined by taking into consideration the estimated income for the taxation year in which the application for aid is made where such income is liable to affect the applicant’s financial eligibility or to influence the amount of the contribution exigible from him.

Financial eligibility shall be determined by also taking into consideration the value of the assets, including property and liquidities, owned on the date of the application.

**6.1** For the purposes of determining financial eligibility, the income and assets of the applicant and those of his spouse shall be taken into consideration.

Notwithstanding the foregoing, where the legal services are applied for in respect of a child or for his benefit, the following shall be taken into consideration:

(1) the child’s income and liquidities; and

(2) the income and the value of the assets, including property and liquidities, of the father or mother who has custody of the child or, as the case may be, those of the person referred to in section 2.”

**3.** Section 7 is amended

(1) by substituting “section 6.1” for “section 6” in the part preceding paragraph 1; and

(2) by substituting the following for paragraph 2:

“(2) by taking into consideration only the income and the value of the liquidities of the minor where legal aid is required by that person or for his benefit:

(*a*) for proceedings under the Youth Protection Act (R.S.Q., c. P-34.1) or the Young Offenders Act (R.S.C., 1985, c. Y-1); or

(*b*) in the context of any other case or recourse, if the interests of the minor are opposed to those of his father or mother or, as the case may be, those of the persons referred to in section 2.”

**4.** The words “income from business” are substituted for the words “income from self-employment” in the first and second paragraphs of section 9.

**5.** The words “this Regulation” are substituted for “section 6” wherever that reference appears in paragraphs 1, 2 and 3 of section 18.

<sup>1</sup> The Regulation respecting legal aid, made by Order in Council 1073-96 dated 28 August 1996 (1996, *G.O.* 2, 3949), has not been amended since its making.

**6.** The words “this Regulation” are substituted for “section 6” wherever that reference appears in clauses *a* and *b* of subparagraph 1 of the second paragraph of section 19.

**7.** The words “this Regulation” are substituted for “section 6” in section 20.

**8.** The words “the income considered for eligibility purposes pursuant to section 20” are substituted for the words “his income within the meaning of section 20” in section 21.

**9.** The following is inserted after section 21:

“**21.1** An applicant who is a group of persons or a non-profit legal person is financially eligible for gratuitous legal aid if the annual income of that group or legal person, within the meaning of section 9, does not exceed the level established in section 18 for a single person, if the value of its assets, including property and liquidities, does not exceed \$90 000 and if at least 50 % of its members are financially eligible for gratuitous legal aid.

**21.2** A group of persons or a non-profit legal person who is financially ineligible for gratuitous legal aid under section 21.1 is financially eligible for contributory legal aid if the following 2 conditions are met:

(1) the group or the legal person meets the conditions of eligibility for gratuitous legal aid under section 21.1 or the conditions of eligibility for contributory legal aid applicable to a single person under section 20; and

(2) at least 50 % of its members are financially eligible for gratuitous or contributory legal aid.

**21.3** For the purposes of the second paragraph of section 63 of the Legal Aid Act, an applicant who institutes or intends to institute a class action is financially eligible for gratuitous legal aid if the following 3 conditions are met:

(1) the applicant, in the case of a natural person, is financially eligible for gratuitous legal aid or, in the case of a legal person, a cooperative or an association referred to in article 1048 of the Code of Civil Procedure (R.S.Q., c. C-25), its annual income, within the meaning of section 9, does not exceed the level established in section 18 for a single person and the value of its assets, including property and liquidities, does not exceed \$90 000;

(2) at least 50 % of the members in the group that the applicant represents or intends to represent have made themselves known; and

(3) at least 50 % of the members in the group who have made themselves known are financially eligible for gratuitous legal aid.

**21.4** An applicant who institutes or intends to institute a class action and who does not meet the conditions of eligibility for gratuitous legal aid is financially eligible for contributory legal aid if the following 3 conditions are met:

(1) the applicant, in the case of a natural person, is financially eligible for gratuitous or contributory legal aid or, in the case of a legal person, a cooperative or an association referred to in article 1048 of the Code of Civil Procedure, it meets the conditions of eligibility for gratuitous legal aid applicable to that category of applicants under paragraph 1 of section 21.3 or the conditions of eligibility for contributory legal aid applicable to a single person under section 20;

(2) at least 50 % of the members in the group that the applicant represents or intends to represent have made themselves known; and

(3) at least 50 % of the members in the group who have made themselves known are financially eligible for gratuitous or contributory legal aid.

**21.5** The financial eligibility of the members of a group or of a non-profit legal person and that of the members of a group for which a class action is instituted shall be determined by taking into consideration the financial condition of the members of their families whose income and assets are considered under this Regulation.

**21.6** Subject to the provisions of section 23, any contribution exigible from a group of persons, a non-profit legal person or a person who institutes or intends to institute a class action is \$800.”

**10.** The following is substituted for section 22:

“**22.** Subject to the provisions of section 23, the contribution exigible from an applicant financially eligible for legal aid under section 4.3 of the Legal Aid Act is \$800.”

**11.** The words “Any exigible contribution” are substituted for the words “The contribution exigible under section 21 or 22 “ in section 23.

**12.** The words “or, in the case of a legal person, has had its head office,” are inserted after the words “has resided” in the second paragraph of section 24.

**13.** The following is substituted for section 27:

“27. The recipient is required to pay the contribution indicated on the certificate of eligibility to the legal aid centre that issued the certificate.”

**14.** Section 28 is revoked.**15.** The following is substituted for section 29:

“29. Not later than 15 days following the date of issuance of the certificate of eligibility, the recipient shall pay to the legal aid centre an amount equal to the actual foreseeable costs of legal aid for the legal services covered by the certificate of eligibility, up to the amount of the maximum contribution exigible from the recipient.

Notwithstanding the foregoing, the director general may, within that period, agree with the debtor to such amount being paid in instalments. Such agreement may be concluded only if the legal services must be rendered without delay and if the debtor has no liquidities, other than those required to support himself and meet his basic needs and those of his family, to pay the exigible contribution in one instalment but is financially able to pay it in regular instalments.

The agreement shall state the terms and conditions for repaying the contribution and the total period over which the instalments will be spread. That period may not exceed 6 months from the date on which the agreement is concluded.

**29.1** Where a recipient fails to pay all or part of the exigible contribution, the director general shall without delay so notify him and shall inform him that, in accordance with the third paragraph of section 70 of the Legal Aid Act, the default may entail the suspension or withdrawal of the legal aid. A copy of that notice and, where applicable, of any notice of suspension or withdrawal of legal aid, as well as of any formal demand, shall be forwarded to the advocate or notary in charge of the recipient's record.”

**16.** The following is substituted for the heading of Division V:

“APPLICATION FOR LEGAL AID AND CERTIFICATE OF ELIGIBILITY”.

**17.** Section 30 is amended

(1) by inserting the words “or review” after the word “institution” and the words “or revocation” after the word “homologation” in the second paragraph; and

(2) by striking out the third paragraph.

**18.** Section 31 is amended

(1) by substituting the words “An applicant shall, in the manner prescribed in sections 34 to 34.2, describe” for the words “An applicant shall describe” in the first paragraph; and

(2) by substituting the following for subparagraph 6 of the second paragraph:

“(6) establish his income, assets and liabilities, as well as those of the members of his family whose financial condition is considered under this Regulation.”.

**19.** The following is substituted for section 32:

“**32.** An applicant that is a group of persons or a non-profit legal person shall, in the manner prescribed in sections 34 to 34.2, give an account of the financial statement of the group or non-profit legal person and of at least 50 % of its members who are financially eligible for legal aid. The person making the application on behalf of the group or legal person shall

(1) provide its instrument of incorporation in the case of a legal person or, in the case of a group, demonstrate that it is not a profit-seeking group and describe the objectives of the group or legal person and the territory served or to be served;

(2) indicate the number of members and the accounting system used;

(3) establish the income, assets and liabilities of the group or legal person, as well as those of at least 50 % of its members who are financially eligible for legal aid; and

(4) describe the facts justifying the application for legal aid.

**32.1** Where the applicant institutes or intends to institute a class action, he shall, in the manner prescribed in sections 34 to 34.2, describe his financial condition and that of at least 50 % of the members who, among the group that the applicant represents or intends to represent, have made themselves known and are financially eligible for legal aid.

For that purpose, the applicant shall

(1) indicate the number of members who have made themselves known and the estimated number of members likely to be represented;

(2) establish

(a) his income, assets and liabilities, as well as those of the members of his family whose financial condition is considered under this Regulation;

(b) the income, assets and liabilities of at least 50 % of the members of the group that he represents or intends to represent, who have made themselves known and are financially eligible for legal aid; and

(3) describe the facts justifying the application for legal aid.”.

**20.** Section 33 is amended:

(1) by substituting the words “, or that of the other persons whose financial condition is considered,” for the words “or that of his family” in paragraph 1;

(2) by inserting the following after paragraph 2:

“(2.1) to inform without delay the director general who issues the certificate of eligibility for legal aid of any change in his place of residence;

(2.2) if legal aid is granted to him in respect of a claim to refugee status, to inform without delay the director general who issues the certificate of eligibility to him of the date on which he will be heard by the Convention Refugee Determination Division of the Immigration and Refugee Board instituted under the Immigration Act (R.S.C., 1985, c. I-2).”.

**21.** The following is substituted for sections 34 and 35:

“**34.** The income of the applicant and of the other persons whose financial condition is considered under this Regulation shall be established, for the taxation year preceding the date of the application for legal aid, by means of the fiscal return, for that year, of the persons concerned and the notice of assessment related thereto. If those documents are not filed, the applicant shall provide a statement of that income.

Where eligibility is established by considering the estimated income for the taxation year in which the application for aid is filed, that income shall be established by filing a statement of the income of the applicant and of the other persons whose financial condition is considered.

**34.1** An applicant shall, to the extent prescribed by this Regulation, file with his application a statement of the assets, including property and liquidities, he owns on the date of the application, as well as a statement of his liabilities.

The applicant shall also file a statement of the assets, including property and liquidities, owned on the date of the application for legal aid by the other persons whose financial condition is considered, as well as a statement of their liabilities.

**34.2** An applicant shall provide documentary evidence of his income, assets and liabilities and shall attach to his application his authorization in writing for the legal aid centre to verify that data with the taxation authorities concerned, a financial institution, an agency, an educational institution, a government department or an employer.

The applicant shall also provide documentary evidence of the income, assets and liabilities of the other persons whose financial condition is considered. Failing that, those other persons shall attach to the application their authorization in writing for the legal aid centre to verify that data with the taxation authorities concerned, a financial institution, an agency, an educational institution, a government department or an employer.

**35.** When requested to do so by the legal aid centre, an applicant or, as the case may be, a recipient shall file or arrange for the filing of any other document necessary for determining whether he is eligible for legal aid or for re-examining his eligibility.”.

**22.** The following is substituted for the second paragraph of section 36:

“Where the other persons whose financial condition is considered cannot file documentary evidence of their income, assets and liabilities, they shall attach to the application a declaration, duly signed by them, indicating that the information provided by them is accurate.”.

**23.** The following section is inserted after section 37:

“**37.1** The period for which a certificate of eligibility is issued under section 66 of the Legal Aid Act begins on the date of the application for legal aid.

For the purposes of this section, an application for legal aid is supposed to be made on the earliest of the following dates:

— the date on which the application, duly completed and signed, is received by the local legal aid centre or bureau; or

— the date on which an appointment is arranged with the local legal aid centre or bureau, either by the applicant or the advocate or notary acting for him, for the purpose of completing the application.”.

**24.** The following is inserted before Division VI:

**“DIVISION V.1  
SUSPENSION AND WITHDRAWAL OF LEGAL AID  
AND CESSATION OF FINANCIAL ELIGIBILITY**

**37.2** Suspension or withdrawal of legal aid entails the cessation of the legal services covered by the certificate of eligibility, from the receipt by the recipient or the advocate or notary in charge of the record of a notice informing them of the suspension or withdrawal, as the case may be.

Notwithstanding the suspension or withdrawal of legal aid, the advocate or notary in charge of the record shall render any legal services required to perform conservatory acts necessary for preserving the rights of the person subject to the suspension or withdrawal.

**37.3** Subject to section 71 of the Legal Aid Act, cessation of the recipient’s financial eligibility terminates the legal aid *pleno jure*.

The provisions of section 37.2 apply, adapted as required, where the recipient ceases to be financially eligible.”.

**25.** The following is inserted in Division VI, before section 38:

“**37.4** Where the costs of legal aid are recovered, those costs include, in addition to what is listed in section 1, the costs of the formal demand provided for in section 73.3 of the Legal Aid Act and incurred by the legal aid centre.”.

**26.** Section 38 is amended

(1) by deleting subparagraph 3 of the third paragraph; and

(2) by adding the following paragraph at the end:

“The recipient’s financial eligibility shall also be re-examined within 15 days following receipt by the recipient of a notice of hearing before the Convention Refugee Determination Division of the Immigration and Refugee Board.”.

**27.** The following is inserted after section 38:

“**38.1** The provisions of Division V shall apply, *mutatis mutandis*, where, in accordance with the fourth and fifth paragraphs of section 38, the recipient’s financial eligibility shall be re-examined.”.

**28.** The following is substituted for subparagraph 2 of the second paragraph of section 39:

“(2) legal aid was granted, in proceedings under the Youth Protection Act or the Young Offenders Act, in order to ensure representation of or assistance to a minor.”.

**29.** The words “to the legal aid centre in the same matter” are substituted for the words “and including, in the case provided for in section 26, the administrative expenses collected by the legal aid centre” in section 40.

**30.** Paragraph 4 of section 41 is deleted.

**31.** The following section is inserted in Division VII, before section 44:

“**43.1** In addition to the legal services for which legal aid is granted under section 4.5 of the Legal Aid Act, that aid shall be granted, in first instance, in any of the following cases:

(1) to ensure the defence of a person who, being the subject of a conditional sentence order under section 742.1 of the Criminal Code (R.S.C., 1985, c. C-46), appears before the court under section 742.6 of that Code for a breach of a condition of that order; or

(2) to ensure the defence of a person who, in any of the following cases, is prosecuted before a court for an offence described in paragraph 3 of section 4.5 of the Legal Aid Act:

(a) the person is detained at the time of his appearance, unless the detention results from his failure to be present in court when required to appear;

(b) the person is prosecuted for sexual assault or for an offence that consists in having mistreated his spouse or children;

(c) the person will be brought before the court in the presence of a child under 14 years of age.

Section 4.6 of the Legal Aid Act applies, adapted as required, to appeals lodged and extraordinary recourses exercised in a matter referred to in this section.”.

**32.** The word “suppléent” is substituted for the words “suppléent à” in the French version of paragraph 5 of the statutes of Québec listed in section 44.

**33.** The following is inserted at the end of Division VII:

“45.1 Legal advice for which legal aid may be granted under section 4.4 and the second paragraph of section 32.1 of the Legal Aid Act shall be given either by advocates or notaries in the employ of a legal aid centre, or by advocates or notaries in private practice.”.

**34.** The provisions of this Regulation will come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

1842

Gouvernement du Québec

### **O.C. 1455-97, 5 November 1997**

Legal Aid Act  
(R.S.Q., c. A-14)

#### **Legal aid plan — Conditions of practice procedure for the settlement of disputes and tariff of fees of advocates**

Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec entered into on 4 April 1997 respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan

WHEREAS under the first paragraph of section 81 of the Legal Aid Act (R.S.Q., c. A-14), the Minister of Justice shall negotiate with the bodies authorized to represent the notaries, advocates, bailiffs or stenographers, the tariffs of fees applicable for the purposes of that Act as well as a procedure for the settlement of disputes, and to what matters the procedure may apply;

WHEREAS under the second paragraph of that section, the Government may make regulations to ratify an agreement respecting the tariffs of fees applicable for the purposes of the Act or, failing such an agreement, to establish such tariffs and such regulations may also prescribe which person may determine the fees applicable to services for which no tariff is fixed and, moreover, they may provide a procedure for the settlement of disputes and to what matters the procedure may apply;

WHEREAS the Minister of Justice negotiated with the Barreau du Québec an agreement respecting, in particular, the tariff of fees of advocates in private practice under the legal aid plan and such agreement was entered into on 4 April 1997;

WHEREAS it is expedient to replace the Regulation respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan, made by Order in Council 1171-96 dated 18 September 1996;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Draft Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec entered into on 4 April 1997 was published in the *Gazette officielle du Québec* of 23 July 1997 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments in order to take into account the comments received following that publication in the *Gazette officielle du Québec*;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec entered into on 4 April 1997 respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### **Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec entered into on 4 April 1997 respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan**

Legal Aid Act  
(R.S.Q., c. A-14, s. 81; 1996, c. 23, s. 43, par. 2)

**1.** The Agreement attached hereto entered into on 4 April 1997 between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan is hereby ratified.

**2.** This Regulation comes into force on the fifteenth day following the date of its publication and of the publication of the Agreement it ratifies in the *Gazette officielle du Québec*.

It has effect since 1 April 1997.

## AGREEMENT

### PRELIMINARY

1. For the purposes of this Agreement, the term “legal aid body” means a legal aid centre, a legal aid bureau or the Commission des services juridiques; it includes any organization or person that issues certificates of eligibility for legal aid.

2. This Agreement governs, for the purposes of the legal aid plan, any advocate who agrees to render professional services to a legal aid recipient, with the exception of an advocate who is employed by a legal aid centre.

## CHAPTER I CONDITIONS OF PRACTICE

### DIVISION I FREE CHOICE OF AN ADVOCATE

3. A person who is financially eligible may consult an advocate in private practice before submitting an application for legal aid under section 62 of the Legal Aid Act.

4. An application for legal aid may be submitted by the advocate himself on behalf of a person in favour of whom a conditional certificate of eligibility may be issued under the Act. In such case, the application shall be verbal.

5. A legal aid body shall, according to the criteria set forth in the Act, distribute equitably among the advocates the mandates for which recipients wish to be represented by an advocate registered in the legal aid plan but have not chosen a particular advocate.

6. Where there is a substitution of attorney to which section 81 of the Regulation respecting the application of the Legal Aid Act applies, the legal aid centre shall inform the advocate of record in writing that the recipient has requested a substitution of attorney and shall inform him of the name of the new attorney.

The preceding provision applies in like manner where the advocate of record or the new attorney is an advocate employed by a legal aid body.

7. An advocate representing a person for the exercising of a right in respect of which the person becomes a legal aid recipient shall retain his mandate, subject to the provisions of the Act.

In such case, the legal aid body issuing the certificate of eligibility shall so inform the advocate of record and shall request his consent to continue the mandate, on the terms set forth by the Legal Aid Act and the Regulations thereunder.

### DIVISION II PROFESSIONAL FREEDOM

8. The legal aid plan shall respect an advocate’s professional freedom; in particular, the plan shall recognize the advocate’s professional autonomy and shall preserve the personal and privileged nature of his relationship with the recipient.

9. Under the legal aid plan an advocate shall maintain his professional autonomy. It is his responsibility to determine which services he must render within the context of a legal aid mandate, while acting in the best interests of the recipient.

An advocate shall comply with the mandate he receives from the legal aid body on behalf of the recipient; the conditions of the mandate are intended to identify the type of legal aid required by the recipient.

10. The legal aid body shall refrain from intervening in the conduct of the advocate’s mandate; however, it may satisfy itself that the mandate is fulfilled. The conduct of the advocate’s mandate includes recourse to any expert reports that, according to recognized professional practices, may be justified by the nature and scope of the case, in conformity with the Act and the Regulations. The advocate shall obtain the authorization of the general manager of the legal aid centre before having recourse to expert reports. The general manager shall fix a maximum amount for the advocate’s fees and the fees for expert reports.

11. An advocate is at liberty to accept a legal aid mandate.

12. He may terminate any mandate in accordance with recognized standards of practice; in such case, he shall so inform the legal aid body and the recipient in writing.

13. The advocate shall render an account to the recipient of the conduct of his mandate and shall report to the legal aid body from which he received the mandate concerning the professional services that he has rendered.

In communicating with the Commission or a legal aid body, the advocate shall respect professional secrecy.

### **DIVISION III REMUNERATION**

14. Every legal service rendered in accordance with the provisions of the Legal Aid Act and this Agreement by an advocate or to the extent provided for in section 52 of the Act, by an advocate in training under his supervision, shall be remunerated according to the tariff appearing in Schedule II to this Agreement.

A professional service related to the exercise of a right consequential to a statute or a regulation and for which this Agreement does not prescribe a rate or the payment of a special consideration is subject to a remuneration.

In such case, the legal aid body shall evaluate the advocate's statement of fees and fix the amount of remuneration. Such decisions may be the subject of a dispute.

15. The advocate shall forward his statement of fees to the legal aid body from which he received his mandate within three years following the end of that mandate. That deadline is mandatory. Payment shall be made within 45 days following receipt of the statement.

In the cases determined by regulation, the statement of fees shall be forwarded to the Commission and shall be paid by it within that same deadline.

Where there is a replacement of advocate under section 81.1 of the Regulation respecting the application of the Legal Aid Act, the statement of fees shall be sent by the advocate who received the mandate and the payment of fees and disbursements is made as if there had been no replacement.

16. A statement of fees may be an interim or final account. Statements shall be submitted on the form provided by the Commission.

An interim account covers professional services rendered in a case ready for hearing at 30 June of a given year. Professional services rendered for the preparation of the personal information forms referred to in section T 193 of Schedule II may be covered by an interim account.

17. Any amount due and unpaid on a statement of fees drawn up in accordance with the Act and this Agreement shall commence to bear annual interest 45 days after it is received by the legal aid body or the Commission, as the case may be.

The interest rate shall be equal to the discount rate of the Bank of Canada in force on 1 April and 1 October each year, plus one and one-half percent (1.5 %). The rate thus fixed shall be in force for the following six months.

18. A statement of fees is complete when it mentions the services rendered according to the nomenclature in the tariff in Schedule II.

19. Disbursements are a part of the statement of fees and include fees for expert reports and other fees pertaining to proceedings incidental to the legal aid mandate, including expenses for subpoena by bailiff or by registered or certified mail.

Notwithstanding the foregoing, disbursements may appear on a separate statement. They shall be paid by the legal aid body which gave the mandate or by the Commission within 45 days of the receipt of a statement of disbursement.

20. An advocate shall receive no reimbursement for travel and parking within a radius of 25 km from his office.

The advocate is entitled to the maximum reimbursement for travel expenses for the use of a personal car, fixed by the rules respecting civil servants travelling expenses made by the Conseil du trésor under the Financial Administration Act (R.S.Q., c. A-6),

(1) according to the distance actually travelled, in the case of a trip beyond a 25-km radius from his office and within the boundaries of the judicial district where he has his office;

(2) according to the distance actually travelled, up to 200 km, in the case of a trip beyond a 25-km radius from his office and outside the boundaries of the judicial district where he has his office;

(3) according to the distance actually travelled, in the case of an attendance at the Supreme Court of Canada, at the Court of Appeal of Québec or at the Federal Court, made beyond a 25-km radius from his office and outside the boundaries of the judicial district where he has his office, or of an attendance at a court or body which carries out its jurisdiction outside the boundaries of the judicial district where the advocate has his office; notwithstanding the preceding, where the advocate has his office in a judicial district other than the one where the legal aid centre which issued the mandate is located, he shall receive, as he chooses, either the reimbursement established in subparagraph 2 or a reimbursement estab-

lished according to the distance between the place where the mandate was issued and that where the court in question sits;

(4) according to the distance actually travelled by the advocate, in the case of a trip made with the authorization of the director general of the legal aid centre, outside the boundaries of the judicial district where he has his office, where the nature or complexity of the matter requires that the mandate be given to that advocate.

An advocate who is entitled to a reimbursement under the provisions of this section is also entitled to the reimbursement of any parking expenses he incurs.

The travelling and parking expenses may not exceed the actual travelling expenses paid by the advocate.

21. Where the tariff in Schedule II provides for a flat-rate fee for a series of services and the mandate is carried out by more than one advocate, each advocate, if he is in private practice, is entitled, subject to the provisions of the third paragraph of section 15, to the part of the flat-rate fee corresponding to the services that he rendered.

22. Where the mandates issued in the name of an advocate during a given fiscal period have generated fees for a total exceeding \$125 000, the fees payable to him for the services that he renders within the scope of those mandates and exceeding that amount shall be reduced by 35 %.

23. An advocate representing a recipient in respect of whom legal aid is suspended or withdrawn or a recipient who ceases to be eligible for such aid shall be remunerated according to the provisions of this Agreement for the services rendered before receipt of a notice from the legal aid body, sent by mail or by telecommunications, informing him of the cessation of legal aid and the reasons for the decision.

The preceding provision also applies where the recipient chooses to dispense with legal aid.

24. In a case where legal aid ceases to be provided, the advocate may nevertheless include in his statement of fees legal services that were rendered after receipt of the notice from the legal aid body, for the delivery of conservatory measures necessary to safeguard the person's rights or requested by the court.

25. Where a legal aid body refuses to pay a statement of fees, it shall, within the period allotted for payment of the statement, so notify the advocate in writing, and that notice shall state the reasons for its refusal.

The preceding provision governs the Commission in cases where it assumes the payment of fees.

26. A refusal to pay fees shall be founded upon the non-compliance of the fees claimed under the provisions of the Act and this Agreement.

## CHAPTER II PROCEDURE FOR THE SETTLEMENT OF DISPUTES

27. A dispute means any disagreement concerning the interpretation or the application of this Agreement, including any disagreement concerning a statement of fees.

28. A dispute may not be founded on a matter within the disciplinary jurisdiction of the Barreau du Québec.

29. Before submitting a dispute according to section 32, an advocate may refer the matter for conciliation by means of a notice in writing to the body refusing payment of his statement of fees and to the section of the Barreau du Québec to which he belongs.

30. Within 15 days following receipt of the notice, the general manager of the regional centre and the bâtonnier of the section shall each designate an advocate.

31. Within 30 days following their designation, the advocates so appointed and the advocate who is the claimant shall meet, examine one another's claims and endeavour to reach an agreement.

32. A dispute shall be submitted by the advocate by means of a notice addressed to the regional centre or the Commission, as the case may be. The notice shall contain a summary statement of the facts and the relief sought.

A dispute concerning contested fees shall be submitted within six months following receipt of a notice of refusal to pay or the claim for a reimbursement; in such case, a copy of the notice of dispute shall be forwarded to the regional centre.

33. Referral for conciliation interrupts the prescription of six months.

34. Upon receipt of a notice of dispute, the regional centre or the Commission, as the case may be, shall give its answer in writing.

35. If the advocate is dissatisfied with the answer, or if no answer is forwarded to him within 30 days following submission of the notice of dispute, the advocate

shall submit the dispute for arbitration by means of a letter addressed to the Chief Justice of the Court of Québec within six months. A copy of the letter shall be sent by the advocate to the regional centre or the Commission, as the case may be. The Chief Justice or the Senior Associate Chief Justice of the Court of Québec, as the case may be, shall designate one of the judges of that Court to act as arbitrator.

36. The Barreau du Québec may directly submit any dispute of general interest for arbitration; in such case, it shall so notify the Commission.

In particular, any alleged infringement of the provisions relating to the free choice of an advocate or professional freedom may be the subject of a dispute of general interest.

37. The arbitrator has jurisdiction, to the exclusion of any court, to rule on a dispute within the meaning of this Agreement. He may uphold, modify or rescind the disputed decision and, by the terms of his award, order a payment or a reimbursement, assess compensation, restore a right or make any other order he considers fair in the circumstances.

Notwithstanding the foregoing, the arbitrator may not modify the provisions of this Agreement. The arbitrator's award is final and binding on the parties.

38. The arbitrator may issue an interim award at any time.

39. Stenography and tape recording fees, if any, shall be borne by the regional centre or the Commission, as the case may be.

40. The arbitrator shall forward any award by registered letter to the parties and to the Barreau du Québec.

### **CHAPTER III MISCELLANEOUS**

#### **DIVISION I STANDING COMMITTEE**

41. The Minister of Justice and the Barreau du Québec shall form a committee that is entrusted with the supervision of the application of this Agreement and of the Legal Aid Act; they shall determine the committee's mandate.

42. The committee shall be made up of a maximum of 3 representatives of the Ministère de la Justice and of a maximum of 3 representatives of the Barreau du Québec. The chairman of the Commission des services

juridiques or his representative shall take part in the meetings of the committee in an advisory capacity.

43. Upon request, the Commission des services juridiques and the legal aid centres shall provide the committee with the documents, statistics and information that it requires in the conduct of its mandate.

44. The committee shall take the minutes of its meetings. Copies thereof shall be sent to the Minister of Justice and to the Bâtonnier du Québec.

#### **DIVISION II CONSULTATION AND INFORMATION**

45. The Minister shall consult the Barreau du Québec concerning any regulation that the Commission submits to him for approval by the Government.

46. The Minister shall consult the Barreau du Québec concerning the draft of any regulation respecting the exclusivity of services referred to in section 52 of the Legal Aid Act that he intends to propose to the Government for adoption. He shall also inform the Bar of the facts that warrant the adoption of such regulation.

47. The Commission shall consult the Barreau du Québec concerning the draft of any directive respecting an application for or the granting of a certificate of qualification or the services of an advocate.

48. The Commission shall consult the Barreau du Québec when implementing necessary administrative mechanisms to ensure the exercise of the free choice of an advocate.

49. The Commission shall consult the Barreau du Québec where it intends to draft or modify the forms that an advocate must fill out for the purposes of the legal aid plan.

50. In accordance with section 22.1 of the Legal Aid Act, the Commission des services juridiques and the legal aid centres shall send to the Barreau du Québec a copy of any guide for the administration of the Legal Aid Act and the regulations made thereunder, as well as of any directive related thereto and dealing with financial eligibility and services for which legal aid is granted. The Commission and the legal aid centres shall also send to the Barreau du Québec any updating of such guide or directives.

51. Schedule I reproduces the directive of the Commission des services juridiques respecting the procedure for the application of section 69 of the Legal Aid Act.

52. This Agreement replaces the Regulation respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan, made by Order in Council 1171-96 dated 18 September 1996.

53. Mandates issued between 17 October 1996 and 1 April 1997 continue to be governed by the Regulation respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan, made by Order in Council 1171-96 dated 18 September 1996.

54. This Agreement comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

It applies to mandates given from 1 April 1997, except section T-87 of Schedule II, which applies to mandates given from 17 October 1996.

This Agreement terminates on 1 April 1999. Notwithstanding its expiry, it shall continue to apply until replaced.

## **SCHEDULE I** (s. 51)

### **DIRECTIVE OF THE COMMISSION DES SERVICES JURIDIQUES RESPECTING THE APPLICATION OF SECTION 69 OF THE LEGAL AID ACT**

To all general managers of legal aid centres:

The purpose of the Legal Aid Act is to allow financially eligible persons access to legal services. Notwithstanding the preceding, the legal aid plan does not have to pay costs that an applicant can pay from the amount that he is likely to receive upon settlement of his case. Therefore, where an agreement can be reached between an applicant and an advocate in private practice regarding extrajudicial fees in cases where such fees are warranted, the general manager or his representative shall refer the applicant to the advocate in private practice.

This directive also applies to matrimonial proceedings in which the state and faculties of the spouse are such that it is reasonable to anticipate the granting to the applicant of support in excess of the eligibility criteria for legal aid or of a compensatory benefit or of a benefit equivalent to his share of the family patrimony which would normally make that person ineligible for legal aid.

*Chairman*

## **SCHEDULE II** (s. 14)

### **PART 1**

#### **GENERAL RULES OF INTERPRETATION AND APPLICATION**

##### **Advice**

T 1. The fees of an advocate mandated by a legal aid body as a consultant shall be subject to an application for a special consideration.

#### **PROFESSIONAL ASSISTANCE**

T 2. In a case warranting assistance by junior counsel, the junior counsel shall receive fees equivalent to one-fifth of the fees of the advocate assuming the mandate, for the services in respect of which his assistance was required.

An advocate wishing to be so assisted shall obtain prior authorization from the legal aid body.

This section does not apply in cases where this Schedule provides for professional assistance and fixes the applicable fees.

#### **SPECIAL CONSIDERATION**

T 3. Payment for the professional services of an advocate may exceed the fees prescribed in the tariff where the legal aid mandate is of an exceptional nature owing to the circumstances of the work or the complexity of the case.

In such case, the advocate shall submit an application for a special consideration with his statement of fees, according to the form provided by the Commission.

T 4. The Commission shall examine the application and shall fix the amount of the excess fees. Such decisions may be subject to dispute in accordance with Chapter II of the Agreement.

T 5. In reviewing a decision concerning the expediency of granting a special consideration, the arbitrator shall verify whether the legal aid mandate is of an exceptional nature owing to the circumstances of the work or the complexity of the case.

T 6. In reviewing a decision concerning the amount of the excess fees, the arbitrator shall be guided by the precedents in the application of section 15 of the Tariff of judicial fees relating to a special fee (R.R.Q., 1981, c. B-1, r. 13).

T 7. Sections T 3 to T 6 apply *mutatis mutandis* in respect of professional services for which this Schedule expressly prescribes the payment of a special consideration.

## PART 2

### SPECIAL RULES OF INTERPRETATION AND APPLICATION IN CIVIL MATTERS

T 8. The words “application”, “case” or “action” mean a proceeding, whether it is commenced by a statement, writ, motion, joint factum or any other originating document.

T 9. The word “proof” means the examination of a party or a witness as well as the presentation before the court of any document containing an admission of facts, followed by an address.

T 10. The word “contestation” includes any opposition to an application by another party.

T 11. An advocate who accepts a mandate from a legal aid body shall apply for costs in his statement of claim.

T 12. Where the advocate of a recipient is entitled to costs awarded against an adverse party who is not a recipient, the advocate may either collect his costs from the adverse party or claim payment from the legal aid body from which he received his mandate, in accordance with this Schedule.

T 13. The collecting of costs from an adverse party has the effect of a discharge by the advocate in favour of the legal aid body from which he received his mandate.

Where the advocate chooses to claim payment from the legal aid body, he shall subrogate that body in his rights up to the amount of his bill of costs.

T 14. An advocate shall receive a fixed amount of \$10 as a reimbursement of his cost of photocopies, facsimile copies, messenger services and stamps.

## PART 3

### GENERAL CIVIL TARIFF

#### Classes of actions

T 15. I. An application in which the amount or value in dispute is less than \$1 000;

II. An application in which the amount or value in dispute

(a) is \$1 000 or more but less than \$3 000;

(b) is \$3 000 or more but less than \$10 000;

III. An application in which the amount or value in dispute

(a) is \$10 000 or more but less than \$25 000;

(b) is \$25 000 or more but less than \$50 000;

IV. An application in which the amount or value in dispute is \$50 000 or more.

T 16. For proceedings or actions not provided for specifically by the tariff but governed by the Code of Civil Procedure, the fees are fixed according to the provisions of the Agreement in respect of similar proceedings or actions. Such proceeding or action in which the amount or value in dispute is indeterminable or inexistent falls under Class II-A.

T 17. Hypothecary actions are considered to be purely personal actions.

T 18. In an action by a creditor to enforce a right to become the absolute owner of an immovable, the class of the action is determined according to the balance due on the claim.

T 19. Unless otherwise provided by law, every action to set aside a contract or a will is classified according to the value of the contract or the succession; if in addition a sum of money is claimed, the total amount determines the class of the action.

T 20. Where two or more defendants file separate contestations, the advocate of the plaintiff receives for each additional contestation one-half of the fee prescribed in section T-29 or section T-30 of this Schedule, according to the stage of the proceedings. For the purposes of this rule, the intervenor, the impleaded party and the defendant on warranty, if they ask for dismissal of the main action, are each considered to be a defendant filing a separate contestation.

		I	II	III	IV	
		1-3	3-10	10-25	25-50	50
		A	B	A	B	
		\$	\$	\$	\$	\$
T 21.	Where two or more incidental applications can be framed in a single proceeding, the fees are payable only once notwithstanding the multiplicity of proceedings.					
T 22.	In the matter of a declaratory judgment and a decision on a point of law, the interest in dispute, if it can be evaluated in money, determines the class of the action; otherwise, the fees are those prescribed for Class II-B.					
T 23.	In the case of a review of taxation of a bill of costs, the costs are based on the class of action corresponding to the amount of the costs in dispute.					
T 24.	There are no separate fees in the case of a cross demand, but the class of action corresponds to the highest of the amounts for which judgment is recovered.					
T 25.	If a settlement is reached between the parties or proceedings are withdrawn before the issue of the originating process, the advocate is entitled to the fees prescribed for an action of that class in the case of such settlement reached after the issue of the originating process and before the serving of any defence or contestation on the merits.					
	<b>First instance</b>					
		I	II	III	IV	
		1-3	3-10	10-25	25-50	50
		A	B	A	B	
		\$	\$	\$	\$	\$
T 26.	(a) For every notice or putting in default preceding the originating process and required by law	18	30	30	30	30
	(b) For every notice or putting in default preceding the originating process and not required by law, only one fee is payable	18	24	24	24	24
T 27.	For every action settled after the originating process and before service of a defence or contestation on the merits:					
	(a) to the plaintiff's attorney	90	150	180	240	330
	(b) to the defendant's attorney	36	90	150	210	330
T 28.	For judgment on the merits, by default or <i>ex parte</i> , to the plaintiff's attorney:					
	(a) without proof	108	168	210	300	390
	(b) with proof	120	210	270	360	450
	to the defendant's attorney:					
	(c) if he is not present at the proof or if there is no proof	36	60	96	120	162
	(d) if there is a proof and he is present	90	120	180	240	330
T 29.	For an action settled after service of a defence or contestation on the merits, or for an application dismissed on a motion under article 165 C.C.P	120	300	420	540	660
						780

		I					II					III					IV					
		1-3		3-10		10-25		25-50		50		1-3		3-10		10-25		25-50		50		
		A		B		A		B				A		B		A		B				
		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	
T30	For judgment on the merits of the case in a contested action	240	420	600	840	960	1200															(b) For the preparation and registration, at the registry office, of a prior claim or legal hypothec or a demand under article 1743 of the Civil Code of Québec
T31	(a) On every contested incidental proceeding	24	60	60	60	60	60															(c) For the preparation and registration of an application for the cancellation of the registration of a right
	(b) Where the incidental proceeding puts an end to the dispute, the fees applicable are those of section T 28a																					
T32	For the examination of a party before or after the defence is filed, excluding an examination during an incidental measure or the trial	24	36	36	36	36	36															(d) For the filing of a declaration of voluntary payment into court of salary or wages and claim on seizure by garnishment
																						T35 (a) For the issue of all writs of execution, whatever their nature or number, only one fee according to the class of the amount claimed
T33	When the judge requests or permits arguments in writing, additional fees of	36	60	60	120	120	120															(b) Examination under article 543 C.C.P.
T34	(a) For registration, at the registry office, of the judgment or any other act for the preservation of real rights	18	30	30	30	30	30															T36 For any judgment by default against a garnishee or on his declaration

		I	II		III		IV	
		1-3	3-10	10-25	25-50	50		
		A	B	A	B			
		\$	\$	\$	\$	\$	\$	
T37	For any seizure before judgment, additional fees according to the class of the main action	24	48	48	48	48	48	T 42. In proceedings for judicial partition and licitation, the class of actions is in accordance with the value of the matter in dispute.
T38	(a) Where a case lasts more than one day, for each additional half-day	50	100	100	100	100	100	T 43. In proceedings respecting legal persons, for extraordinary recourses and for <i>habeas corpus</i> under Titles V, VI and VII of Book V of the Code of Civil Procedure, the fees are those prescribed for Class II-B.
	(b) Where the court declines to proceed and so declares in the presence of the parties on the day fixed for the hearing	24	60	60	60	60	60	T 44. In non-contentious proceedings, the fees are those of section 31a, Class II, with the exception of the procedure governing the sale of the property of others provided for in Chapter X of Book VI of the Code of Civil Procedure, the class being determined by the value of the property.
T 39.	In the case of any pre-trial conference held according to the provisions of article 279 C.C.P. and prior to the day fixed for proof and hearing, the fees are those prescribed in section T-32.							T 45. In adoption proceedings, the fees are those prescribed for Class II-A.  An application for a declaration of eligibility for adoption, an application for placing a child and an application for adoption constitute separate proceedings. Any other application constitutes an incidental proceeding and is remunerated as such.
T 40.	An injunction applied for without other conclusions that those of article 751 C.C.P. is considered to be an action of Class II-B. If other conclusions are sought, the fees are those of the class prescribed for such conclusions, but are not less than those prescribed in Class II-B. The fees shall be calculated in the following manner: when the judgment on the motion for an interlocutory injunction terminates the case or the judgment on the motion for a permanent injunction is not preceded by a judgment on a motion for an interlocutory judgment, the advocate is entitled to the fees taxable on a judgment on the merits of the case. Where the judgment on the motion for a permanent injunction follows a judgment on a motion for an interlocutory injunction, the advocate is entitled to the fees taxable on a judgment on the merits increased by one-half.							Where an advocate submits separate applications for two or more children in the same family and the grounds for the applications are identical, the fee payable for each additional application after the first is \$33.
T 41.	In proceedings for boundary delimitation, possessory or petitory proceedings, proceedings for appointment of a receiver, and in actions for declaration or denial of a servitude, the fees are those prescribed for Class II-B.							T 46. In property assessment proceedings, including the quashing or contesting of a role, the fees both before the Bureau de révision d'évaluation foncière and in appeal before the Court of Québec are those prescribed for Class II-A of the tariff at first instance; section T-48 does not apply thereto and the cost of expert reports is not included in the bill of costs.
								T 47. In expropriation proceedings, the class of the action is determined by the amount of the compensation.  Additional fees of 1 % of the compensation are added to the fees when, upon a motion accompanied by an affidavit of the advocate, it is demonstrated to the satisfaction of the Court of Québec, Expropriation Division, that the advocate's services during the preparation of the case or at proof and hearing, or during the negotiations leading to a compromise, so justify.

Contestation of the right to expropriation is a separate proceeding. The fees applicable are those prescribed for Class II-B.

(a) uncontested \$198

(b) contested \$227

For any proceeding commenced under the Expropriation Act before a court other than the Court of Québec, Expropriation Division, the fees applicable are those prescribed for Class II-B, section T-31a.

For any uncontested proceeding respecting payment of the money awarded, the fees are those prescribed in section T-34b.

T 48. Upon judgment in a contested case ordering the defendant to pay an amount greater than \$100 000 in principle, the following additional fees are taxable in favour of the plaintiff:

— 1 % of the amount in excess of \$100 000, up to a judgment of \$1 000 000;

— plus, where the amount of the judgment exceeds \$1 000 000, 1/10 of 1 % of the amount in excess of \$1 000 000.

Upon judgment dismissing an action in which the amount claimed is greater than \$100 000, the following additional fees are taxable in favour of the defendant:

— 1 % of the amount in excess of \$100 000, up to an amount claimed of \$1 000 000;

— plus, where the amount claimed in the action exceeds \$1 000 000, 1/10 of 1 % of the amount in excess of \$1 000 000.

Where there is an out-of-court settlement before a defence has been filed, the advocate is entitled to only one-third of the additional fees prescribed in this section.

Where there is an out-of-court settlement after a defence has been filed, the advocate is entitled to only two-thirds of the additional fees prescribed in this section.

The additional fees are payable to an advocate once only, regardless of the number of plaintiffs or defendants.

#### REPRESENTATION OF CHILDREN IN SUPERIOR COURT

T 49. All services rendered up to and including a final decision for representing a child within the scope of article 394.1 C.C.P.

#### SPECIAL TARIFF FOR MATRIMONIAL PROCEEDINGS

The rules of Part I, Part II and Part III of this Schedule apply *mutatis mutandis* to matrimonial proceedings.

#### Principal proceedings

T 50 (a) Upon reconciliation or withdrawal of proceedings after the issue of the originating process; to the plaintiff's attorney \$150

(b) Upon reconciliation or withdrawal of proceedings after appearance or before service of a contestation; to the defendant's attorney \$150

(c) Upon reconciliation or withdrawal of proceedings for separation by consent or for divorce by consent before judgment; to the attorney representing both parties \$252

T 51 On reconciliation or withdrawal of proceedings after service of a contestation and before judgment on the merits; to the plaintiff's attorney \$336  
to the defendant's attorney \$224

T 52 For judgment *ex parte* or by default; to the plaintiff's attorney \$401

T 53 For judgment *ex parte* or by default; to the defendant's attorney \$285

T 54 (a) For judgment on the merits in a contested case with or without a cross demand by the defendant; to each attorney \$489

(b) For judgment on the merits granting a separation or divorce by consent; to the attorney representing both parties \$580

**Provisional measures, interim orders and incidental proceedings in matrimonial proceedings**

T 55	For the first judgment for measures applicable during the proceedings, whether a judgment for provisional measures or an interim order, to each attorney, one fee only	
	(a) after settlement or transaction	\$200
	(b) after proof	\$227
T 56	For every judgment rendered under sections T-50 to T-62, following a judgment referred to in section T-55 and	
	(a) extending the application of the measures ordered by the preceding judgment or repelling the preceding judgment: to each attorney, one fee only	\$58
	Each advocate is entitled to such fee for a maximum of two of these judgments in each case.	
	(b) amending the measures ordered or extended by the preceding judgment: to each attorney, one fee only	
	(a) after settlement or compromise	\$200
	(b) after proof	\$227
T 57	(a) For any contested incidental proceeding not governed by sections T-55 and T-56	\$58
	(b) For examination of a party, before or after the filing of a defence, excluding an examination during an incidental measure or the trial	\$35
	(c) Where the judge requests or authorizes written arguments	\$58
	(d) If the hearing lasts more than one day, for each additional half-day	\$58
	(e) Where the court declines to proceed at the hearing on the merits and so declares in the presence of the parties on the day fixed for the hearing	\$58

T 58. Where a separate motion is presented by each party regarding the same provisional or interim measure, one fee only is payable regardless of the number of motions.

T 59. Where a new mandate is issued for one or more new proceedings for separation from bed and board or for divorce within 12 months of the issue of the first mandate, only one-half of the above fees is payable where the same attorney represents the same plaintiff on each occasion; in every other case where a new mandate is issued within that same period, the fees are payable in full.

**Execution of judgment**

T 60	(a) For an examination under article 543 C.C.P.	\$18
	(b) For a requisition for a writ of seizure before judgment	\$29
	(c) For a requisition for a writ of seizure after judgment of movables or immovables or both together	\$29
	(d) For a requisition for a writ of seizure by garnishment after judgment	\$29
	(e) For a judgment for seizure by garnishment after judgment	\$58
	(f) Only one of the two fees prescribed in paragraphs <i>d</i> and <i>e</i> may be claimed.	
	(g) For registration of the judgment at the registry office	\$29

**Motions subsequent to final judgment**

T 61	(a) Designation of practitioner	\$12
	(b) Homologation of practitioner's report	\$12
	(c) Inscription following homologated report	\$12
	(d) For any judgment on a motion for variation of support, custody of children, right of access, without proof of an issue; to each attorney, one fee only	\$200

		I	II	III	IV			
		1-3	3-10	10-25	25-50	50		
		A	B	A	B			
		\$	\$	\$	\$	\$		
	(e) For a judgment after proof of an issue with respect to all measures described in paragraph d; to each attorney, one fee only					\$227		
	Paragraphs d and e apply subject to the provisions of section T-56.							
<b>Motions under article 813.8 C.C.P.</b>								
T 62	(a) For any judgment without proof of an issue relating to a motion under article 813.8 C.C.P.; to each attorney					\$200		
	(b) For any judgment in a contested case after proof of an issue and concerning a motion under article 813.8 C.C.P.; to each attorney					\$227		
	This section applies subject to the provisions of section T-56.							
<b>Declaration of family residence</b>								
T 63	Drafting and registration, at the registry office, of a declaration of family residence					\$75		
		(a) to the appellant	300	360	540	660	840	1020
		(b) to the respondent	150	180	360	420	540	660
<b>General provision</b>								
T 64	The fact that an advocate files evidence by affidavit without being present at the proof does not change the fee payable under sections T-50 to T-62.							
		After filing of the factum of the respondent and before the hearing; for every case terminated or appeal abandoned	360	420	600	720	900	1080
<b>Courts of appeal</b>								
		For judgment on the merits of the case	540	600	900	1020	1200	1440
		For a motion for leave to appeal, a motion for dismissal of the appeal or any other contested incidental proceeding	120	120	120	120	120	120
T 65	Disbursements incurred for the preparation of the joint record and the printing of factums are added to the statement of fees							
		For an appeal from any interlocutory judgment, excluding the injunction, extraordinary recourses and <i>habeas corpus</i> , the fees applicable are one-half of the fees prescribed for a final judgment, according to the class of action determined by the amount in dispute.						

T 73. An injunction applied for without other conclusions than those of article 751 C.C.P. is considered to be an action of Class II-B. If other conclusions are sought, the fees are those of the class prescribed for such conclusions, but are not less than those prescribed for Class II-B. The fees are calculated in the following manner: when the judgment of the Court of Appeal on the motion for an interlocutory injunction terminates the case or the judgment of the Court of Appeal on the action for a permanent injunction is not preceded by a judgment of the Court of Appeal on a motion for an interlocutory injunction, the advocate is entitled to the fees taxable for a judgment on the merits by the Court of Appeal. Where the judgment of the Court of Appeal on the action for an injunction follows a judgment of the Court of Appeal on a motion for an interlocutory injunction, the amount of the fees for the judgment on the merits is equal to one-half of the fees of the class which applies thereto.

T 74. In proceedings for extraordinary recourses and *habeas corpus* under Titles VI and VII of Book V C.C.P., the fees for a judgment on the merits are those prescribed for Class II-B.

	I	II	III	IV	
	1-3	3-10	10-25	25-50	50
	A	B	A	B	
	\$	\$	\$	\$	\$

T75 For the filing of an additional factum at the request of the court 120 180 180 180 180 180

T76 Where the hearing of a case lasts more than one day, for each additional half-day 120 120 120 120 120 120

#### SPECIAL TARIFF FOR MATRIMONIAL PROCEEDINGS ON APPEAL

T77 The disbursements incurred for preparation of the joint record and printing of the factums are added to the statement of fees.

T78 After filing of the inscription; for any case terminated or appeal abandoned \$168

T79 After filing of the appellant's factum; for any case terminated or appeal abandoned:

(1) to the appellant \$392  
(2) to the respondent \$224

T80 After filing of the respondent's factum and before hearing; for any case terminated or appeal abandoned \$504

T81 For judgment on the merits of the case \$672

T82 For a motion for leave to appeal, a motion for dismissal of the appeal or any other contested incidental proceeding \$112

T83 For an appeal from an interlocutory judgment, the fees are one-half of the fees prescribed for a final judgment.

T84 For the filing of an additional factum at the request of the court \$168

T85 Where the hearing of the case on the merits lasts more than one day, for each additional half-day \$112

#### SUPREME COURT OF CANADA

T 86. Services rendered in a proceeding before the Supreme Court of Canada are subject to an application for a special consideration.

#### PART 4

#### TARIFF IN CRIMINAL AND PENAL PROCEEDINGS UNDER THE YOUNG OFFENDERS ACT

##### Special interpretation and application rules

T 87. Where a flat-rate remuneration is prescribed by this Part for professional services, the advocate who receives the mandate during the proceedings and who sees the case through is entitled to the full flat-rate remuneration, if no other legal service was rendered to the recipient in the same case, within the framework of the Legal Aid Act or not, by an advocate employed by a legal aid centre or by another advocate in private practice.

T 88.	Where the tariff prescribes a <i>per diem</i> remuneration for professional services, the advocate is entitled to only one-half of the fees prescribed where his presence in Court was not required for more than one half-day.	T 94.	Appearance before a justice and appearance before a judge for the purpose of entering a plea of not guilty or making an election and adjournment are not considered to be essential aspects of the advocate's mandate.
	For the purposes of this section, 1:00 p.m. is the middle of the day.		
	Professional services rendered by an advocate at a hearing held in the evening (after 7:00 p.m.) entitle him to remuneration equivalent to one half-day in addition to any remuneration to which he may be entitled under the preceding sections.		
T 89.	Remuneration payable for professional services rendered by an advocate on a finding or a plea of guilty to a lesser and included offence is that which would have been payable in respect of the offence charged.		
T 90.	Where an advocate represents a client who has been charged under more than one count and the proceedings on the various counts are held in the same court at or about the same time, the advocate is entitled only to the remuneration prescribed for a single count, except in the case of a special consideration.		
	The remuneration which applies in such case is that prescribed for the highest paid professional service.		
T 91.	Where an advocate represents two or more recipients charged with the same offence or with a like offence arising from the same course of events, and where the proceedings are held in the same court at or about the same time, the advocate is entitled to one-half of the remuneration prescribed for the professional services rendered to each of the other recipients, except in the case of a special consideration.		
T 92.	At first instance, subject to any provision to the contrary, the remuneration prescribed in this tariff applies only to the professional services rendered to the accused.		
	On appeal, subject to any provision to the contrary, the remuneration prescribed in this tariff applies only to the professional services rendered to the person who, at first instance, was the accused.		
T 93.	An advocate is not entitled to reimbursement of his cost of photocopies, facsimile copies, messenger services and stamps and case-law research.		
		FIRST INSTANCE	
		<b>Indictable offences within the exclusive jurisdiction of the Superior Court of criminal jurisdiction, under section 469 of the Criminal Code (Canada)</b>	
		T95	Preparation of the preliminary inquiry, including interviews with the accused and witnesses, visits to the scene of the crime and legal research (up to and including preliminary inquiry) \$228
		T96	All services rendered on a preliminary objection presented aside from the preliminary inquiry or the trial, where the judgment granting it terminates the prosecution \$300
		T97	Preparation for trial, including interviews with the accused and witnesses, visit to the scene of the crime and legal research (between preliminary inquiry and sentence if any) \$456
			That fee shall be payable only where the trial is actually held and judgement delivered.
		T98	Appearance and all stages of proceedings completed on the same day \$58
			The fee prescribed above includes the remuneration for the preparation work for those stages of the proceedings.
		T99	Bail hearing (if held after the day of appearance) \$94
		T100	Waiver of preliminary inquiry under section 549 of the Criminal Code (Canada) \$35
		T101	Preliminary inquiry, per day \$181
		T102	Attendance for order on preliminary inquiry or for voluntary examination (where witnesses are not heard) \$20

T103	Trial, per day	\$364	(a) trial before judge and jury	\$250
T104	Junior counsel at trial, per day	\$117	(b) trial before judge only	\$190
	The fee prescribed above applies only in cases of first-degree or second-degree murder and with the express prior consent of the general manager. The junior counsel is not entitled to preparation fees.			
			<b>Indictable offences under section 553 of the Criminal Code (Canada)</b>	
			T 113 All professional services rendered up to the final disposition of the case at first instance	\$215
T105	Attendance for the purpose of entering a plea of guilty	\$117	T 114 Notwithstanding section T-113, where the case requires a trial lasting more than one day, per additional half-day of trial	\$190
T106	Withdrawal of plea of guilty	\$117		
T107	Submissions as to sentence or submissions and sentence	\$117		
			<b>Summary convictions (charges brought under Part XXVII of the Criminal Code of Canada)</b>	
T108	Sentence only	\$20	T 115 All professional services rendered up to the final disposition of the case at first instance	\$215
	The fees prescribed in section T-107 or T-108 apply only to attendance for sentence on a day other than the day on which the client was found guilty or on which he entered a plea of guilty.		T 116 Notwithstanding section T-115, where the case requires a trial lasting more than one day, per additional half-day of trial	\$190
T109	Attendance for adjournment before the Superior Court of criminal jurisdiction or before a court of criminal jurisdiction	\$20		
	The advocate may not claim fees for more than two adjournments obtained at his request.			
			<b>Hearings under section 742.6 of the Criminal Code</b>	
			T 117 All professional services rendered up to the final disposition of the case	\$200
			<b>Preventive detention</b>	
			T 118 Preparation of the record for a contestation of an application for preventive detention under Part XXIV of the Criminal Code (Canada), including interviews and other necessary services	\$760
T110	All professional services rendered up to the final disposition of the case at first instance	\$465	T 119 Hearing of a motion for preventive detention, per day	\$228
			<b>Extraordinary remedies (Habeas Corpus, Certiorari, Prohibition, Mandamus)</b>	
T111	Notwithstanding section T-110 and if applicable, where the prosecution objects to release, for a bail hearing actually held	\$100	T 120 Preparation and service of the proceeding	\$250
T112	Notwithstanding section T-110, where the case requires a trial lasting more than one day, per additional half-day of trial:		T 121 Hearing on the merits	\$190

**Application for bail or for review of bail for an accused charged with an indictable offence**

T 122 For all services related to a motion addressed to a judge of the Superior Court of criminal jurisdiction \$152

**Special provisions applicable to young offenders**

T 123 All services rendered up to and including a final decision on an application for transfer under section 16 of the Young Offenders Act \$400

T 124 All services rendered up to and including a final decision on an application for review under sections 28 to 32 of the Young Offenders Act \$175

**APPEALS****Appeal by way of trial *de novo* (before a judge of the Superior Court of criminal jurisdiction)**

T 125 Drafting of all proceedings prior to the hearing, including attendances \$91

T 126 Hearing on appeal from a judgment, per day \$273

T 127 Hearing on appeal from a sentence only \$140

T 128 Hearing on appeal from a judgment and a sentence, per day \$322

**Appeal by way of case stated**

T 129 Drafting and preparation of an application for a case stated \$182

T 130 Attendance necessary before the trial court judge for the preparation of a case stated \$91

T 131 Preparation of all other proceedings including attendance \$91

T 132 Preparation and drafting of notice of appeal \$28

T 133 Hearing of appeal \$273

**Appeal to Court of Appeal on questions of law in summary conviction proceedings**

T 134 Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances \$91

T 135 Hearing of application for leave to appeal \$182

T 136 Preparation of argument and factum \$273

T 137 Hearing of appeal \$273

**Appeal to Court of Appeal****(A) After verdict by jury**

T 138 Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances \$182

T 139 Hearing of application for leave to appeal \$182

T 140 Preparation of argument and factum, where applicable \$364

T 141 Hearing of appeal \$273

**(B) Appeal from a judgment delivered by a judge without jury, a judge of the Court of Québec, Criminal Division, or a judge of the Court of Québec, Youth Division, under the Young Offenders Act**

T 142 Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances \$182

T 143 Hearing of application for leave to appeal \$182

T 144 Preparation of argument and factum, where applicable \$273

T 145 Hearing of appeal \$273

**(C) Appeal from sentence only**

T 146	Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances	\$182
T 147	Hearing of application for leave to appeal	\$182
T 148	Preparation of argument and factum, where applicable	\$182
T 149	Hearing of appeal	\$182

**(D) Appeal from verdict or judgment and sentence**

T 150	The fees prescribed in A or B are added to those prescribed in C with the exception of	
	(1) Hearing of applications for leave to appeal (T-139, T-147)	\$182
	(2) Hearing of appeals (T-141, T-149)	\$364

**(E) Bail**

T 151	Application for bail pending appeal (all proceedings, including hearing)	\$224
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**Appeal to the Supreme Court of Canada**

T 152	Application for leave to appeal, including preparation of notice of application for leave to appeal, memorandum of discussion and all other necessary preliminary proceedings, including attendances	\$140
T 153	Preparation prior to hearing of application for leave to appeal	\$182
T 154	All proceedings for bail, including the hearing of the application for leave to appeal	\$455
T 155	All proceedings for bail, including hearing and any other attendance	\$224
T 156	Drafting, service and filing of the notice of appeal and preparation of joint record	\$140

T 157	Preparation of the case and factum	\$546
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T 158	Hearing of appeal	\$546
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**Appeal from a judgment in respect of preventive detention**

T 159	Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances	\$182
T 160	Preparation of argument and factum, where applicable	\$364

T 161	Hearing of appeal	\$273
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**Appeal in respect of extraordinary remedies (Habeas Corpus, Certiorari, Prohibition, Mandamus)**

T 162	Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances	\$182
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T 163	Preparation of argument and factum, where applicable	\$364
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T 164	Hearing of appeal	\$273
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**Breach of condition (Under section 738(4) of the Criminal Code of Canada)**

T 165	Appearance and all stages of the proceedings completed on the same day	\$23
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The fee prescribed above comprises remuneration for preparation work for those stages of the proceedings.

T 166	All professional services rendered after the day of appearance, including the hearing	\$76
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**PART 5****TARIFF FOR MISCELLANEOUS PROCEEDINGS****Special interpretation and application rules**

T 167. Where an advocate represents two or more recipients who are joined in law or in fact and are parties to one or more issues based on a cause of action of the same nature and heard before the same court or the same administrative body at or about the same time, the advocate is entitled only to the remuneration prescribed for the professional services rendered to one recipient, except in the case of a special consideration.	T 176 All services rendered before the Court of Québec, Youth Division, up to and including a final decision upon a motion for review of a decision or order	\$330
T 168. Where a hearing does not terminate before 7:00 p.m. on the day on which it begins, the advocate is entitled to an additional fee of \$98 for the evening and for each additional half-day. For the purposes of this rule, 1:00 p.m. is the middle of the day.	T 177 Notwithstanding the foregoing, where the final decision under sections T-175 and T-176 is delivered without any substantial contestation at the hearing on the merits, an advocate is entitled to only half of the fees, specifically	\$165
T 169. Where an appeal is heard in the Court of Québec, the fees are those prescribed for Class II-A of the civil tariff at first instance <i>mutatis mutandis</i> .	T 178 Where the recourse under section T-175 or T-176 is terminated by discontinuance:	
T 170. Where an appeal is heard in Superior Court, the fees are those prescribed for Class II-B of the civil tariff at first instance <i>mutatis mutandis</i> .	(a) before the hearing	\$110
T 171. Where an appeal is heard in the Court of Appeal, the fees are those prescribed for Class II-B of the tariff of the Court of Appeal.	(b) at the hearing	\$165
T 172. Discontinuance at the hearing means discontinuance in open court in the presence of the adverse party.	T 179 (a) All services rendered up to and including a final decision upon a motion for temporary shelter	\$115
T 173. An advocate receives a fixed amount of \$10 as a reimbursement of his cost of photocopies, facsimile copies, messenger services and stamps.	(b) Where the recourse is terminated by discontinuance	\$70
	T 180 (a) All services rendered up to a final decision upon a motion for extension of an emergency order	\$115
	(b) Where the recourse is terminated by discontinuance	\$70
	T 181 Attendance for adjournment or judgment	\$22

**Régie du logement****Youth Protection Act**

T 174 Intervention with the Director of Youth Protection, including any voluntary measures prior to intervention in court; per attendance	T 182 All services rendered before the commissioner where resiliation or eviction is not sought:	
\$50	(a) Upon a final decision in uncontested proceedings, including an agreement reached at the hearing or upon a final decision embodying a discontinuance at the hearing	\$98
T 175 All services rendered before the Court of Québec, Youth Division, up to a final decision, including any order on a motion to declare the safety or development of a child to be endangered	(b) Upon a final decision in contested proceedings	\$131
\$330	(c) Upon filing of an out-of-court settlement reached before the hearing or upon filing of a discontinuance made before the hearing	\$65

T 183	All services rendered before the commissioner where resiliation or eviction is sought:		(a) before the hearing	\$125
			(b) at the hearing	\$300
	(a) Upon a final decision in uncontested proceedings, including an agreement reached at the hearing or upon a final decision embodying a discontinuance at the hearing	\$197		
	(b) Upon a final decision in contested proceedings	\$262		
	(c) Upon filing of an out-of-court settlement reached before the hearing or upon filing of a discontinuance made before the hearing	\$65		
T 184	(a) All services rendered upon a motion for review before the Board up to and including a final decision	\$262	(a) uncontested	\$98
	(b) Upon filing of an out-of-court settlement or upon filing of a discontinuance	\$130	(b) contested	\$262
T 185	Incidental motion	\$66		
<b>Proceedings in respect of work accidents and occupational diseases, crime victims compensation income security, unemployment insurance or employment insurance, pensions or automobile insurance or proceedings under the Act to secure the handicapped in the exercise of their rights</b>				
<b>(A) Review of the decision of an administrative officer</b>				
T 186	All services rendered upon a motion for review in a matter of work accident or occupational disease	\$250		
T 187	All services rendered upon a motion for review in a matter other than the one governed by section T-186 up to and including a final decision	\$220		
<b>(B) Application before an administrative tribunal of last instance</b>				
T 188	All services rendered up to and including a final decision	\$459		
	Where the appeal terminates by discontinuance or an out-of-court settlement:			
<b>Motion for clinical psychiatric examination</b>				
T 189	(a) All services rendered up to and including a final judgment	\$164		
	(b) Upon filing of a discontinuance	\$66		
<b>Bankruptcy</b>				
<b>(A) Application for discharge</b>				
T 190	All services rendered up to and including a final judgment:			
	(a) uncontested			\$98
	(b) contested			\$262
<b>(B) Contestation of the application for an order requiring payment of a part of salary to the trustee</b>				
T 191	All services rendered up to and including a final judgment	\$98		
<b>(C) Motion to withdraw property from the assets assigned to creditors</b>				
T 192	All services rendered up to and including a final judgment	\$98		
<b>Immigration Act</b>				
<b>(A) Immigration and Refugee Board</b>				
T 193	Preparation of the Personal Information Form:			
	(a) main claimant form	\$150		
	(b) form of each other member of the family in the same file	\$50		
T 194	(a) All the other services rendered up to and including a final decision before the adjudication division, the refugee determination division or the appeal division of the Immigration and Refugee Board	\$250		
	(b) Services rendered during a hearing concerning detention before the Immigration and Refugee Board	\$100		

**(B) Federal Court (trial division)**

T 195 Preparation of the application for authorization to institute judicial review proceedings \$304

T 196 Hearing on the merits, per half-day \$136.50

**(C) Federal Court (appeal division)**

T 197 After filing of the notice of appeal, for any case terminated or appeal abandoned \$300

T 198 Hearing of the appeal on the merits \$900

**Tariff in parole proceedings****Before the Commission québécoise des libérations conditionnelles****Application for review of parole, application for review of a condition and post-suspension application**

T 199 All services rendered up to and including a final decision, whether the decision is made after examination of the record based on the written submissions or after the hearing \$200

**Appeal before the National Parole Board**

T 200 Standard application

(a) Preparation of standard hearing \$304

(b) Standard hearing, per day \$273

(c) Standard hearing, per half-day \$136.50

(d) Hearing on record and written submissions \$76

T 201 "Post Suspension" hearing

(a) Preparation of "post suspension" hearing \$100

(b) "Post suspension" hearing, per day \$273

(c) "Post suspension" hearing, per half-day \$136.50

(d) "Hearing on record and written submission \$76

T 202 Adjournment

Attendance for adjournment \$20

**Appeal before the National Parole Board or the Commission judiciaire des libérations conditionnelles**

T 203 Same advocate at the hearing for parole

(a) Meeting(s) with the recipient \$91

(b) Preparation of the appeal factum \$182

T 204 New advocate for appeal

(a) Meeting(s) with the recipient \$91

(b) Preparation of the appeal factum \$273

**Correctional law in disciplinary proceedings**

T 205 (a) Preparation for hearing \$100

(b) Hearing \$91

**Coroner's inquest**

T 206 Preparation for coroner's inquest, including interviews with all witnesses, any visit to the scene of the death and legal research \$76

T 207 Attendance at coroner's inquest, per day \$181

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Gouvernement du Québec

**O.C. 1456-97, 5 November 1997**

An Act respecting the Ministère de la Métropole (1996, c. 13)

**Signing of certain documents — Amendment**

Rules to amend the Rules respecting the signing of certain documents of the Ministère de la Métropole

WHEREAS under the second paragraph of section 16 of the Act respecting the Ministère de la Métropole (1996, c. 13), no deed, document or writing is binding on the Minister or may be attributed to him unless it is

signed by him, the Deputy Minister, a member of the personnel of the department or the holder of a position and, in the latter two cases, only so far as determined by the Government;

WHEREAS it is expedient to amend the Rules respecting the signing of certain documents of the Ministère de la Métropole;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for Metropolitan Montréal;

THAT the Rules to amend the Rules respecting the signing of certain documents of the Ministère de la Métropole, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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### **Rules to amend the Rules respecting the signing of certain documents of the Ministère de la Métropole \***

An Act respecting the Ministère de la Métropole (1996, c. 13, s. 16, 2<sup>nd</sup> par.)

**1.** Sections 3 and 5 of the Rules respecting the signing of certain documents of the Ministère de la Métropole are amended by substituting the words “director of administration” for the words “secretary of the Department and responsible for administration”, wherever they appear in sections 3 and 5.

**2.** These Rules come into force on the date of their making.

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\* The Rules respecting the signing of certain documents of the Ministère de la Métropole, made by Order in Council 969-96 dated 7 August 1996 (1996, *G.O.* 2, 3806) have not been amended since their making.



## Index Statutory Instruments

Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified

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Legal aid . . . . . (Legal Aid Act, R.S.Q., c. A-14)	5478	M
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