

Draft Regulation

Charter of the city of Québec
(1929, 19 Georges V, c. 95)

Tariff of court costs in civil matters and court office fees applicable before the Municipal Court of the City of Québec

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Tariff of court costs in civil matters and court office fees applicable before the Municipal Court of the City of Québec, adopted by the Municipal Court of the City of Québec and whose text appears below, may be submitted to the Government for approval upon the expiry of 45 days following this publication.

The main purpose of this draft regulation is to fix the tariff of court costs in civil matters and court office fees applicable before the Municipal Court of the City of Québec.

Further information may be obtained by contacting Mr. Michel Vézina, lawyer, Boutin, Roy & Associés, 2, Des Jardins, bureau 444, Québec (Québec), G1R 4S9, tel: (418) 691-6807, fax:(418) 691-7622.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Chief Judge of the Municipal Court of the City of Québec, 275, rue de la Maréchaussée, Québec (Québec), G1K 2L3. Comments will be forwarded to the Minister of Justice.

LAURENT COSSETTE,
Chief Municipal Judge

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Charter of the City of Québec
(1929, 19 Georges V, c. 95, s. 594)

1. Applications are classed as follows:

Class of application

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| Class 1 | applications in which the value of the right in dispute is from \$0.01 to \$999.99 inclusively |
| Class 2 | applications in which the value of the right in dispute is from \$1 000 to \$9 999.99 inclusively |

Class of application

- | | |
|---------|---|
| Class 3 | applications in which the value of the right in dispute is from \$10 000 to \$99 999.99 inclusively |
| Class 4 | applications in which the value of the right in dispute is from \$100 000 to \$999 999.99 inclusively |
| Class 5 | applications in which the value of the right in dispute is \$1 000 000 or more |

2. Any application in which the value of the right in dispute is undetermined is included in Class 3.

3. The value of the principal right claimed determines the class of the application.

4. Where several defendants file separate contestations, the court costs prescribed in section 6 are exigible from each of them.

5. For the purposes of section 4, the intervenant, the respondent and the defendant in warranty, if they conclude that the principal application should be dismissed, are considered as defendants filing separate contestations.

6. This Tariff groups proceedings into 3 stages and the following fees are payable for such proceedings:

(1) Stage 1: Proceedings introductive of suit and similar proceedings:

(a) for the issue of the first writ or the first declaration in an action and for an opposition or for an intervention, one of the following amounts, according to the class of the application:

Class of application

Class 1	\$38
Class 2	\$71
Class 3	\$138
Class 4	\$219
Class 5	\$434

(b) for any proceeding introductive of suit not specified in this Tariff, \$31, for any class of application;

(c) for a cross demand, \$64, for any class of application.

(2) Stage 2: Defence and similar proceedings:

(a) for a defence or contestation of a like nature and for a revocation of a judgment or an opposition by a third party, one of the following amounts, according to the class of the application:

Class of application

Class 1	\$24
Class 2	\$38
Class 3	\$71
Class 4	\$111
Class 5	\$219

(b) for a contestation of any proceeding introductive of a suit not specified in this Tariff, \$31, for any class of application;

(c) for a defence against a cross demand, \$45, for any class of application.

(3) Stage 3: Execution: For any writ of execution, one of the following amounts, according to the class of application:

Class of application

Class 1	\$31
Class 2	\$58
Class 3	\$105
Class 4	\$165
Class 5	\$327

The value of the right that the opposition referred to in clause a of subparagraph 1 of the first paragraph is intended to protect determines the class if that value is stated in the opposition or in the affidavit in support thereof; otherwise, the amount set by the judgment determines the class of the proceeding.

In cases referred to in subparagraph 3 of the first paragraph, the class is determined according to the value of the obligation in respect of which application has been made for compulsory execution.

Costs are payable only for the first proceeding included in a stage referred to in this section.

7. Costs of \$55 are payable for the inscription for proof and hearing of a contested action.

8. Costs of \$25 are payable for costs, upon presentation of a bill of costs by the party entitled thereto.

9. For any judgment of distribution, a fee equal to 3 % of the aggregate of the amounts levied or deposited shall be collected.

10. For a claim to a seizure by garnishment, the costs are \$24 and they are the only costs payable until the claim is fully satisfied.

11. Sections 6, 8 and 10, as the case may be, do not apply to proceedings instituted by the collector of a sum recoverable under the Code of Penal Procedure (R.S.Q., c. C-25.1).

12. Where an amount of money is deposited, the following costs are payable:

(1) if the amount deposited is \$10 000 or less, 3.8 % thereof;

(2) if the amount deposited is more than \$10 000, 3.8 % of the first \$10 000 thereof and 0.3 % of the amount in excess of \$10 000.

This section also applies where the object of the deposit is a security rather than a sum of money and in such case, the fees shall be calculated on the basis of the value declared by the depositor in the proceeding or other document in which he states that he is depositing the security.

This section also applies where a person furnishes security. In such case, the costs shall be calculated on the basis of the amount of security that must be furnished.

Notwithstanding the foregoing, this section does not apply to amounts deposited following a seizure by garnishment nor to the amounts referred to in section 9.

13. The following court office fees are payable:

(1) for the registration or filing of a document where such procedure is required by a statute or regulation and where that statute or regulation does not fix the fee payable for that procedure, \$31;

(2) for a copy of any document, \$2.50 per page.

Subparagraph 2 of the first paragraph does not apply to the first copy of a judgment requested by each of the parties.

14. The indemnity paid to witness shall be fixed in accordance with the Regulation respecting indemnities payable to witnesses summoned before courts of justice (R.R.Q., 1981, c. C-25, r. 2), as amended.

15. In addition to court costs, the costs for serving any proceeding and the costs for executing any judgment are payable to bailiffs in accordance with the Tariff of fees and transportation expenses of bailiffs (R.R.Q., 1981, c. H-4, r. 3), as amended.

16. The amount of the costs and fees prescribed in this Tariff shall be indexed on 1 April 1997, and on 1 April of every year thereafter, in the following manner:

(1) where the amount of the costs or fees payable on 31 March preceding the annual indexing is equal to or greater than \$35, it shall be indexed according to the rate of increase in the general Consumer Price Index for Canada, as determined by Statistics Canada for the period ending on 31 December of the year preceding the indexing;

(2) where the amount of the costs or fees payable on 31 March preceding the annual indexing is less than \$35, it shall be indexed by applying the cumulative rate of increase in the general Consumer Price Index for Canada, as determined by Statistics Canada for the period commencing on 31 December 1994 and ending on 31 December of the year preceding the indexing, to the amount of the costs or fees payable on *(insert here the date of coming into force of this Tariff)*.

The costs or fees indexed in the prescribed manner shall be reduced to the nearest dollar where they contain a fraction of a dollar less than \$0.50; they shall be increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than \$0.50.

The Chief Judge of the Municipal Court shall publish the results of the annual indexing in Part 1 of the *Gazette officielle du Québec*. He may also employ any other means to ensure that the results of the indexing are more widely publicized.

17. The costs and fees established in this Tariff apply to proceedings or documents filed or issued from the date of its coming into force, even if the matter was commenced before that date.

The costs and fees as indexed on 1 April in accordance with section 16 apply to proceedings or documents filed or issued from that date, even if the matter was commenced before that date.

18. Any dispute over this Tariff shall be submitted to a judge of the Municipal Court of the City of Québec.

19. This Tariff replaces the Tariff, approved by Order in Council No. 2151 dated 20 August 1941.

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

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