

Where a contract is awarded following a call for tenders, the amount of the contract specified in Schedules 1 and 2 shall be construed as the estimated amount of the contract.”.

2. The following is substituted for section 10:

“**10.** In the case of a call for bids, the contract shall be awarded to the supplier who submitted the lowest qualifying bid, as calculated in accordance with the method provided for in the tender documents, or to the supplier who becomes such a supplier in accordance with the provisions of section 82.3 of the Regulation respecting services contracts of government departments and public bodies. If equivalent bids are submitted, the contract shall be awarded by drawing lots among the suppliers concerned. The amount of the contract shall not exceed the price tendered.”.

3. Schedule 1 to the Regulation is amended

(1) by inserting the following category after the category “Soil and materials engineering” under the “Construction and physical sciences” group:

“Category — Environment:

11645 — Characterization of potentially contaminated sites	≥\$10 000	96 10 01	ISO 9002
11646 — Restoration of contaminated sites”; and	≥\$10 000	96 10 01	ISO 9001

(2) by inserting the following at the end:

“Auxiliary services:

— Cheque form printing	≥\$1	96 10 01	ISO 9002
— Document printing and reproduction			
• Quality level “Fine” or “Prestige”	≥\$1	96 10 01	ISO 9002
• Quality level “Information” or “Office”	≥\$50 000	96 12 31	ISO 9003

4. The following is added after Schedule 1:

“SCHEDULE 2

LIST OF THE SPECIALTIES FOR WHICH A SUPPLIER MUST BE ACCREDITED BY THE MINISTER OF THE ENVIRONMENT AND WILDLIFE

(s. 7.1)

Specialty	Amount of contract into force	Date of coming
Professional services:		
Group — Construction and physical sciences:		
Category — Environment:		
11610 — Microbiological analysis	≥\$10 000	96 10 01
11642 — Inorganic chemical analysis	≥\$10 000	96 10 01
11643 — Organic chemical analysis	≥\$10 000	96 10 01
11644 — Inorganic and organic chemical analysis”.	≥\$10 000	96 10 01

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

9942

Draft Regulation

Legal Aid Act
(R.S.Q., c. A-14; 1996, c. 23)

Conditions of practice, procedure for the settlement of disputes and tariff of fees of advocates under the legal aid plan

Notice is hereby given, in accordance with section 10 of the Regulations Act (R.S.Q., c. R-18.1) and paragraph 3 of section 59 of the Act to amend the Legal Aid Act (1996, c. 23), that 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, the text of which appears below, may be made by the Government upon the expiry of 15 days following this publication.

The purpose of the Draft Regulation is to replace the Regulation ratifying the Agreement entered into by the Minister of Justice and the Barreau du Québec on 5 June 1990, made by Order in Council 785-90 dated 6 June 1990, given the failure to reach a new agreement with the Barreau du Québec.

Further information may be obtained by contacting Mr. Yvon Routhier, 1200, route de l'Église, 9^e étage, Sainte-Foy (Québec), G1V 4M1; tel.: (418) 644-7665; fax: (418) 643-4224.

Any interested person having comments to make concerning this matter is asked to send them to the undersigned, 1200, route de l'Église, Sainte-Foy (Québec), G1V 4M1, before the expiry of the 15-day period commencing on the date of publication.

PAUL BÉGIN,
Minister of Justice

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

Legal Aid Act
(R.S.Q., c. A-14, ss. 80 and 81;
1996, c. 23, s. 43, par. 2)

Preliminary

1. For the purposes of this Regulation, 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 Regulation governs, for the purposes of the legal aid plan, any advocate who agrees to render professional services to a legal aid recipient, excluding an advocate who is employed on a full-time basis 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 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, 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 on a full-time basis 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 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 Act and this Regulation.

DIVISION II PROFESSIONAL FREEDOM

8. 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 mandate includes recourse to any expert's 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's reports. The general manager shall fix a maximum amount for fees for expert's reports.

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

10. 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.

11. 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.

DIVISION III REMUNERATION

12. Every legal service rendered in accordance with the provisions of the Act and this Regulation shall be remunerated according to the tariff appearing in Schedule I to this Regulation.

A professional service related to the exercise of a right consequential to a statute or a regulation and for which this Regulation 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.

13. 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 this Regulation, the statement of fees shall be forwarded to the Commission and shall be paid by it within that same deadline.

14. 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.

15. Any amount due and unpaid on a statement of fees drawn up in accordance with the Act and this Regulation 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.

16. A statement of fees is complete when it mentions the services rendered according to the nomenclature in the tariff provided for in Schedule I and is supported by all the vouchers.

17. Disbursements are a part of the statement of fees and include fees for expert's reports and other fees

pertaining to proceedings incidental to the legal aid mandate.

18. An advocate shall receive no reimbursement for travel and parking within a radius of 50 km from his office.

For travel beyond that radius, he shall receive \$0.34 per kilometre exceeding 50 km as well as reimbursement for the cost of parking.

Notwithstanding the foregoing, the legal aid body shall reimburse the real cost of travel where it is less than what is provided for in the preceding paragraph.

For the purposes of this section, the office of an advocate who accepts a mandate to be conducted outside his judicial district is deemed to be situated in the chief town of that other district.

19. Where the tariff in Schedule I provides for a flat-rate fee for a series of services and a part of the mandate is carried out by an advocate employed by a legal aid body, the advocate in private practice is entitled to the part of the flat-rate fee corresponding to the services that he has rendered.

20. 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 %.

21. An advocate representing a recipient in respect of whom legal aid is suspended or withdrawn shall be remunerated according to the provisions of this Regulation for the services rendered before the 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 disposition also applies where the recipient chooses to dispense with legal aid.

22. In a case where legal aid ceases, the advocate may nevertheless include in his statement of fees services that were rendered after receipt of the notice from the legal aid body but were necessary to safeguard the person's rights or were required by a court.

23. 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.

24. Any refusal to pay fees shall be founded upon the non-compliance of the fees claimed under the provisions of the Act and this Regulation.

CHAPTER II PROCEDURE FOR THE SETTLEMENT OF DISPUTES

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

26. A dispute may not be founded on a matter within the disciplinary jurisdiction of the Bar.

27. Before submitting a dispute according to section 30, the 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.

28. 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.

29. 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.

30. 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.

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

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

33. If the advocate is dissatisfied with the answer, or if no answer is forwarded to him within 30 days follow-

ing 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.

34. 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.

35. The arbitrator has jurisdiction, to the exclusion of any court, to rule on a dispute within the meaning of this Regulation. 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 Regulation. The arbitrator's award is final, mandatory and binding on the parties.

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

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

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

39. This Regulation replaces the Regulation ratifying the Agreement entered into on 5 June 1990, made by Order in Council 785-90 dated 6 June 1990.

40. Mandates begun before (*enter here the date of the coming into force of this Regulation*) continue to be governed by the Regulation ratifying the Agreement entered into on 5 June 1990.

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

SCHEDULE 1

(s. 21)

PART 1**GENERAL RULES OF INTERPRETATION
AND APPLICATION****CONDUCT OF THE MANDATE****Advice**

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

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

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.

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 this Regulation.

5. In reviewing a decision concerning the expediency of granting a special consideration, the arbitration tribunal 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.

6. In reviewing a decision concerning the amount of the excess fees, the arbitration tribunal 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).

7. Sections 3 to 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**

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

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.

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

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

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.

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.

PART 3**GENERAL CIVIL TARIFF****Classes of actions**

14. 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.

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

16. Hypothecary actions are considered to be purely personal actions.

17. 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.

18. 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.

19. 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 29 or section 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.

20. Where a flat-rate remuneration is prescribed for professional services and a part of such services is rendered by one advocate and a part by one or more other advocates, the remuneration is paid jointly to those various advocates.

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.

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.

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.

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.

25. If a settlement is reached 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 a settlement reached after the issue of the originating process and before the serving of any defence or contestation on the merits.

First instance

	I	II	III	IV
	1-3	3-10	10-25	25-50 50
	A	B	A	B
	\$	\$	\$	\$ \$
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
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	240 330 420
(b) to the defendant's attorney	36	90	150	210 330 390
28. For judgment on the merits, by default or <i>ex parte</i> , to the plaintiff's attorney:				
(a) without proof	108	168	210	300 390 480
(b) with proof	120	210	270	360 450 540

	I	II		III		IV		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		
	\$	\$	\$	\$	\$	\$		\$	\$	\$	\$	\$	\$
to the defendant's attorney:							(b) For the preparation and registration of a privilege or notice under article 1743 of the Civil Code of Québec	36	90	90	90	90	90
(c) if he is not present at the proof or if there is no proof	36	60	96	120	162	210	(c) Preparation and discharge of registration of a privilege	18	30	30	30	30	30
(d) if there is a proof and he is present	90	120	180	240	330	420	(d) Filing of a declaration of voluntary payment into court of salary or wages and claim on seizure by garnishment	18	30	30	30	30	30
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 of the Code of Civil Procedure	120	300	420	540	660	780	35. (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	18	30	30	30	30	30
30. For judgment on the merits of the case in a contested action	240	420	600	840	960	1200	(b) Examination under article 543 C.C.P.	12	18	18	18	18	18
31. (a) On every contested incidental proceeding	24	60	60	60	60	60	36. For any judgment by default against a garnishee or on his declaration	18	30	30	30	30	30
(b) Where the incidental proceeding puts an end to the dispute, the fees applicable are those of section 28a							37. For any seizure before judgment, additional fees according to the class of the main action	24	48	48	48	48	48
32. 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	38. (a) Where a case lasts more than one day, for each additional half-day	50	100	100	100	100	100
33. When the judge requests or permits arguments in writing, additional fees of	36	60	60	120	120	120	(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
34. (a) For registration of the judgment or any other act for the preservation of real rights	18	30	30	30	30	30	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 32.						

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.

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.

42. In proceedings for judicial partition and licitation, the class of actions is in accordance with the value of the matter in dispute.

43. In proceedings respecting corporations, for extraordinary recourses and for *habeas corpus* under Titles V, VI and VII of Book V of the Code of Civil Procedure, the fees are those prescribed for Class II-B.

44. In non-contentious proceedings, the fees are those of section 31a, Class II, with the exception of the voluntary sale of property belonging to incapables and of inventoried property under Chapters VII and XI of Book VI of the Code of Civil Procedure, the class being determined by the value of the property.

45. In adoption proceedings, the fees are those prescribed for Class II-A.

An application for a declaration of adoptability, 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.

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.

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 48 does not apply thereto and the cost of expert's reports is not included in the bill of costs.

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 judicial 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.

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 31a.

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

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

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.

- (a) uncontested \$198
 (b) contested \$227

Special tariff for matrimonial proceedings

The rules of Part I, Part II and Part III of Schedule 1 apply *mutatis mutandis* to matrimonial proceedings.

Principal proceedings

50. (a) Upon reconciliation after the issue of the originating process; to the plaintiff's attorney \$150
 (b) Upon reconciliation 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 before judgment; to the attorney representing both parties \$252
51. On reconciliation after service of a contestation and before judgment on the merits; to the plaintiff's attorney \$336
 to the defendant's attorney \$224
52. For judgment *ex parte* or by default; to the plaintiff's attorney \$401
53. For judgment *ex parte* or by default; to the defendant's attorney present at the proof \$285
54. For judgment *ex parte* or by default; to the defendant's attorney not present at the proof \$227

55. (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

The fees prescribed in sections 52, 53, 54 and 55 include the recovery of a decree absolute of divorce.

Provisional measures and incidental proceedings

56. (a) For every judgment for provisional measures after agreement or compromise, but without proof; to each attorney, one fee only \$197
 (b) For every judgment, after proof, on any motion for provisional measures; to each attorney, one fee only \$227

For the purposes of this section, an interim judgment or order is not a judgment.

57. (a) For any contested incidental proceeding not governed by section 56 and for any interim judgment or order related to a provisional measure \$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 a case 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

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

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

- 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 *d* and *e* may be claimed.
- (g) For the registration of the judgment \$29

Motions subsequent to final judgment

- 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 \$198
 - (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
- For the purposes of paragraphs *d* and *e* of this section, an interim judgment or order is not a judgment.

Motions under article 813.8 C.C.P.

- 62. For any judgment without proof of an issue relating to a motion under article 813.8 C.C.P.; to each attorney \$198

- 63. 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

Declaration of family residence

- 64. Drafting and registration of a declaration of family residence \$75

Court of appeal

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

- 65. Disbursements incurred for the preparation of the joint record and the factums are taxable against the defaulting party upon the filing of vouchers

66. Sections 41, 42 and 43 of the tariff at first instance apply to the Court of Appeal

- 67. After filing of the inscription; for every case terminated or appeal abandoned
- | | | | | | | |
|--|-----|-----|-----|-----|-----|-----|
| | 120 | 120 | 300 | 360 | 480 | 600 |
|--|-----|-----|-----|-----|-----|-----|

68. After filing of the factum of the appellant; for every case terminated or appeal abandoned:

- (a) to the appellant
 - (b) to the respondent
- | | | | | | | |
|--|-----|-----|-----|-----|-----|-------|
| | 300 | 360 | 540 | 660 | 840 | 1 020 |
| | 150 | 180 | 360 | 420 | 540 | 660 |

- 69. After filing of the factum of the respondent and before the hearing; for every case terminated or appeal abandoned
- | | | | | | | |
|--|-----|-----|-----|-----|-----|-------|
| | 360 | 420 | 600 | 720 | 900 | 1 080 |
|--|-----|-----|-----|-----|-----|-------|

- 70. For judgment on the merits of the case
- | | | | | | | |
|--|-----|-----|-----|-------|-------|-------|
| | 540 | 600 | 900 | 1 020 | 1 200 | 1 440 |
|--|-----|-----|-----|-------|-------|-------|

- 71. 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 |
|--|-----|-----|-----|-----|-----|-----|

72. For an appeal from any interlocutory judgment excluding the injunction, extraordinary recourses and *habeas corpus*, 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.

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.

74. In proceedings for extraordinary recourses 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				
	\$	\$	\$	\$	\$	\$	\$	\$

75. For the filing of an additional factum at the request of the court

	120	180	180	180	180	180
--	-----	-----	-----	-----	-----	-----

76. For every trip from any other district to Montréal or Québec made especially for the hearing, the advocate is entitled to an allowance equal to the allowance payable to a judge by law

77. 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

- 78. The disbursements incurred for preparation of the joint record and printing of the factums are included in the bill of costs.
- 79. After filing of the inscription; for any case terminated or appeal abandoned \$168
- 80. After filing of the appellant's factum; for any case terminated or appeal abandoned:
 - (1) to the appellant \$392
 - (2) to the respondent \$224
- 81. After filing of the respondent's factum and before hearing; for any case terminated or appeal abandoned \$504
- 82. For judgment on the merits of the case \$672
- 83. For a motion for leave to appeal, a motion for dismissal of the appeal or any other contested incidental proceeding \$112
- 84. For an appeal from an interlocutory judgment, the fees are one-half of the fees prescribed for a final judgment.
- 85. For the filing of an additional factum at the request of the court \$168
- 86. For every trip from any other district to Montréal or Québec made especially for the hearing, the advocate is entitled to an allowance equal to the allowance payable to a judge by law.
- 87. Where the hearing of the case on the merits lasts more than one day, for each additional half-day \$112

SUPREME COURT OF CANADA

88. 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 rules**

89. Where a flat-rate remuneration is prescribed for professional services and a part of such services is rendered by one advocate and a part by one or more other advocates, the remuneration is paid jointly to those various advocates.

90. Where the tariff prescribes a *per diem* 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.

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.

91. 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.

92. 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.

93. 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.

94. 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.

95. An advocate is not entitled to reimbursement of his photocopy costs.

96. 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.

FIRST INSTANCE

**Indictable offences within the exclusive jurisdiction
of the Superior Court of criminal jurisdiction,
under section 469 of the Criminal Code (Canada)**

97. 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

98. 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

99. 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.

100. 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.

101. Bail hearing (if held after the day of appearance) \$94

102. Waiver of preliminary inquiry under section 549 of the Criminal Code (Canada) \$35

103. Preliminary inquiry, per day	\$181	114. Notwithstanding section 112, where the case requires a trial lasting more than one day, per additional half-day of trial:	
104. Attendance for order on preliminary inquiry or for voluntary examination (where witnesses are not heard)	\$20	(a) trial before judge and jury	\$250
105. Trial, per day	\$364	(b) trial before judge only	\$190
106. Junior counsel at trial, per day	\$117		
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.			
107. Attendance for the purpose of entering a plea of guilty	\$117	Indictable offences under section 553 of the Criminal Code (Canada)	
108. Withdrawal of plea of guilty	\$117	115. All professional services rendered up to the final disposition of the case at first instance	\$200
109. Submissions as to sentence or submissions and sentence	\$117		
110. Sentence only	\$20	Summary convictions (charges brought under Part XXVII of the Criminal Code of Canada)	
The fees prescribed in section 109 or 110 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.		116. All professional services rendered up to the final disposition of the case at first instance	\$175
111. 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.		Preventive detention	
Indictable offences other than those within the exclusive jurisdiction of the Superior Court of criminal jurisdiction, under section 469 of the Criminal Code (Canada) and other than those within the exclusive jurisdiction of a judge of the Court of Québec, Criminal Division, under section 553 of the Criminal Code (Canada)		117. Preparation of the record for a contestation of preventive detention under Part XXIV of the Criminal Code (Canada), including interviews and other necessary services	\$760
112. All professional services rendered up to the final disposition of the case at first instance	\$425	118. Hearing of a motion for preventive detention, per day	\$228
113. Notwithstanding section 112 and if applicable, where the prosecution objects to release, for a bail hearing actually held	\$100		
		Extraordinary remedies (Habeas Corpus, Certiorari, Prohibition, Mandamus)	
		119. Preparation and service of the proceeding ..	\$250
		120. Hearing on the merits	\$190
		Application for bail or for review of bail for an accused charged with an indictable offence	
		121. 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	
		122. All services rendered up to and including a final decision on an application for transfer under section 16 of the Young Offenders Act	\$400

123. 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)

124. Drafting of all proceedings prior to the hearing, including attendances \$91
125. Hearing on appeal from a judgment, per day \$273
126. Hearing on appeal from a sentence only \$140
127. Hearing on appeal from a judgment and a sentence, per day \$322

Appeal by way of case stated

128. Drafting and preparation of an application for a case stated \$182
129. Attendance necessary before the trial court judge for the preparation of a case stated ... \$91
130. Preparation of all other proceedings including attendance \$91
131. Preparation and drafting of notice of appeal \$28
132. Hearing of appeal \$273

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

133. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances \$91
134. Hearing of application for leave to appeal.. \$182
135. Preparation of argument and factum \$273
136. Hearing of appeal \$273

Appeal to Court of Appeal

A. After verdict by jury

137. Preparation of all proceedings preliminary to the hearing including drafting, filing of notice of appeal, preparation of joint record and necessary attendances \$182
138. Hearing of application for leave to appeal .. \$182
139. Preparation of argument and factum, where applicable \$364
140. 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

141. Preparation of all proceedings preliminary to the hearing including drafting, filing of notice of appeal, preparation of joint record and necessary attendances \$182
142. Hearing of application for leave to appeal.. \$182
143. Preparation of argument and factum, where applicable \$273
144. Hearing of appeal \$273

C. Appeal from sentence only

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

D. Appeal from verdict or judgment and sentence

149. 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 (138, 146) \$182
- (2) Hearing of appeals (140, 148) \$364

E. Bail

150. Application for bail pending appeal (all proceedings including hearing) \$224

Appeal to the Supreme Court of Canada

151. 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

152. Preparation prior to hearing of application for leave to appeal \$182

153. All proceedings for bail, including the hearing of the application for leave to appeal \$455

154. All proceedings for bail, including hearing and any other attendance \$224

155. Drafting, service and filing of the notice of appeal and preparation of joint record \$140

156. Preparation of the case and factum \$546

157. Hearing of appeal \$546

Appeal from a judgment in respect of preventive detention

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

159. Preparation of argument and factum, where applicable \$364

160. Hearing of appeal \$273

Appeal in respect of extraordinary remedies (Habeas Corpus, Certiorari, Prohibition, Mandamus)

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

162. Preparation of argument and factum, where applicable \$364

163. Hearing of appeal \$273

BREACH OF CONDITION

(Under section 738(4) of the Criminal Code of Canada)

164. Appearance and all stages of the proceedings completed on the same day \$23

The fee prescribed above comprises remuneration for preparation work for those stages of the proceedings.

165. All professional services rendered after the day of appearance, including the hearing ... \$76

PART 5**TARIFF FOR MISCELLANEOUS PROCEEDINGS****General rules**

166. 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 judicial, quasi-judicial or 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.

167. Where a flat-rate fee is prescribed for professional services and a part of such services is rendered by one advocate and a part by one or more other advocates, the remuneration is paid jointly to those various advocates.

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.

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 *mutatis mutandis*.

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 *mutatis mutandis*.

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.

172. Discontinuance at the hearing means discontinuance in open court in the presence of the adverse party.

173. An advocate shall receive a fixed amount of \$10 as a reimbursement of his photocopy costs, without having to provide vouchers.

Youth Protection Act

174. Intervention with the Director of Youth Protection including any voluntary measures prior to intervention in court; per attendance \$50

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 \$330

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

177. Notwithstanding the foregoing, where the final decision under sections 175 and 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

178. Where the recourse under section 175 or 176 is terminated by discontinuance:

(a) before the hearing \$110

(b) at the hearing \$165

179. (a) All services rendered up to and including a final decision upon a motion for temporary shelter \$115

(b) Where the recourse is terminated by discontinuance \$70

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

181. Attendance for adjournment or judgment ... \$22

Régie du logement

182. All services rendered before the commissioner where resiliation or eviction is not sought:

(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

(b) Upon a final decision in contested proceedings \$131

(c) Upon filing of an out-of-court settlement reached before the hearing or upon filing of a discontinuance made before the hearing \$65

183. All services rendered before the commissioner where resiliation or eviction is sought:

(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

184. (a) All services rendered upon a motion for review before the Board up to and including a final decision \$262

(b) Upon filing of an out-of-court settlement or upon filing of a discontinuance \$130

185. Incidental motion \$66

Proceedings in respect of income security, unemployment insurance, pensions or automobile insurance or proceedings under the Act to secure the handicapped in the exercise of their rights

A. Review of the decision of an administrative officer

186. All services rendered upon a motion for review up to and including a final decision \$200

B. Appeal before the administrative tribunal of last instance

187. All services rendered up to and including a final decision \$340

PROCEEDINGS IN RESPECT OF INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

188. All services rendered up to and including a final decision on an application for review before a review office \$200

189. All services rendered up to and including a final decision on an application before the C.A.L.P. \$459

Where the appeal terminates by discontinuance or an out-of-court settlement:

(a) before the hearing \$125

(b) at the hearing \$300

Motion for clinical psychiatric examination

190. (a) All services rendered up to and including a final judgment..... \$164

(b) Upon filing of a discontinuance \$66

Bankruptcy**A. Application for discharge**

191. All services rendered up to and including a final judgment:

(a) uncontested \$98

(b) contested \$262

B. Contestation of the application for an order requiring payment of a part of salary to the trustee

192. All services rendered up to and including a final judgment \$98

C. Motion to withdraw property from the assets assigned to creditors

193. All services rendered up to and including a final judgment \$98

Immigration Act**(A) Immigration and Refugee Board, first instance or appeal division**

194. All services rendered up to and including a final decision on an application to claim refugee status \$200

(B) Federal Court (trial division)

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

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

(C) Federal Court (appeal division)

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

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

Tariff in parole proceedings**Before the Commission québécoise des libérations conditionnelles and before the National Parole Board****Normal application and post-suspension application**

199. All services rendered up to and including a final decision \$200

Appeal before the Parole Board

200. All services rendered up to and including a final decision \$310

Coroner's inquest

201. Preparation for coroner's inquest, including interviews with all witnesses, any visit to the scene of the crime and legal research \$76

202. Attendance at coroner's inquest, per day.... \$181

9937