

Gouvernement du Québec

O.C. 178-97, 12 February 1997

An Act respecting municipal courts
(R.S.Q., c. C-72.01)

**Tariff of court costs in civil matters
and court office fees**

Tariff of court costs in civil matters and court office fees applicable before municipal courts other than the municipal courts of the cities of Laval, Montréal and Québec

WHEREAS under paragraph 8 of section 118 of the Act respecting municipal courts (R.S.Q., c. C-72.01), the Government may, by regulation, fix the tariff of costs for all cases under the jurisdiction of the Court but not governed by the Code of Penal Procedure (R.S.Q., c. C-72.01);

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Tariff of court costs in civil matters and court office fees applicable before municipal courts other than the municipal courts of the cities of Laval, Montréal and Québec was published in Part 2 of the *Gazette officielle du Québec* of 9 October 1996, on page 4163, 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 that Tariff without amendment;

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

THAT the Tariff of court costs in civil matters and court office fees applicable before municipal courts other than the municipal courts of the cities of Laval, Montréal and Québec, attached hereto, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

**Tariff of court costs in civil matters
and court office fees applicable before
municipal courts other than the
municipal courts of the cities of Laval,
Montréal and Québec**

An Act respecting municipal courts
(R.S.Q., c. C-72.01, s. 77 and s. 118, par. 8)

1. For the purposes of this Tariff, applications are classed as follows:

(1) Class I: applications in which the value of the right in dispute is from \$0.01 to \$999.99 inclusively;

(2) Class II: applications in which the value of the right in dispute is from \$1 000 to \$9 999.99 inclusively;

(3) Class III: applications in which the value of the right in dispute is from \$10 000 to \$99 999.99 inclusively;

(4) Class IV: applications in which the value of the right in dispute is from \$100 000 to \$999 999.99 inclusively;

(5) Class V: 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 II.

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

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

(1) Stage I: 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 an intervention, one of the amounts established in the following table, according to the class of the application:

Class of application	
Class I	\$39
Class II	\$72
Class III	\$140
Class IV	\$223
Class V	\$442

(b) for a cross claim, \$65, whatever the class of application;

(c) for any proceeding introductive of suit not specified in this Tariff, \$32, whatever the class of application.

(2) Stage II: Defence and all similar proceedings:

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

Class of application

Class I	\$24
Class II	\$39
Class III	\$72
Class IV	\$113
Class V	\$223

(b) for a defence against a cross claim, \$46, whatever the class of application;

(c) for a contestation of any proceeding introductive of suit not specified in this Tariff, \$32, whatever the class of application.

(3) Stage III: Execution: One of the amounts established in the following table, according to the class of application:

Class of application

Class I	\$32
Class II	\$59
Class III	\$107
Class IV	\$168
Class V	\$333

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.

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

6. Costs of \$26 are payable for costs, upon presentation of a bill of costs by the party entitled thereto.

7. In matters concerning immovables, the following costs are payable:

(1) for the performance of the clerk's duties from receipt of the record until the judgment of homologation of a scheme of collocation inclusively, one of the amounts established in the following table, according to the class of the application:

Class of application

Class I	\$94
Class II	\$134
Class III	\$174
Class IV	\$278
Class V	\$550

(2) for a contestation of a scheme of collocation, one of the amounts established in the following table, according to the class of application:

Class of application

Class I	\$24
Class II	\$39
Class III	\$72
Class IV	\$113
Class V	\$223

Payment of the costs prescribed in subparagraph 1 of the first paragraph entitles each interested person to obtain a copy of the judgment of homologation.

In a case referred to in subparagraph 1 of the first paragraph, the class of the application is determined according to the selling price.

In a case referred to in subparagraph 2 of the first paragraph, the class of the application is determined according to the amount claimed by the contesting party.

8. Subparagraph 2 of the first paragraph of section 7 and the fourth paragraph of that section apply *mutatis mutandis* to a contestation of a scheme of collocation in respect of matters concerning movables.

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 4, 6, 7, 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 costs 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, filing or deposit 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, \$32;

(2) for a copy of any document, \$2 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. This Tariff applies to the State and its agencies.

15. 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 1995 and ending on 31 December of the year preceding the indexing, to the amount of the costs or fees payable on 13 March 1997.

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 Minister of Justice 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.

16. 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 15 apply to proceedings or documents filed or issued from that date, even if the matter was commenced before that date.

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