

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 20-day period, to the Minister of Justice, 1200, route de l'Église, 9<sup>e</sup> étage, Sainte-Foy (Québec) G1V 4M1.

PAUL BÉGIN,  
*Minister of Justice*

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### **Tariff of fees of bailiffs and advocates for a small claim**

Code of Civil Procedure  
(R.S.Q., c. C-25, a. 997, par. *a*; 2002, c. 7, ss. 148 and 172)

**1.** In addition to the amounts prescribed pursuant to section 13 of the Court Bailiffs Act (R.S.Q., c. H-4.1), a bailiff is entitled to fees of \$20.00 for the execution of charges referred to in article 966 of the Code of Civil Procedure (R.S.Q., c. C-25), replaced by section 148 of chapter 7 of the Statutes of 2002.

**2.** The fees of a bailiff or an advocate paid by the creditor, under article 993 of the Code of Civil Procedure, replaced by section 148 of chapter 7 of the Statutes of 2002, for the execution of a judgment rendered according to the provisions of Book VIII of the Code or a decision of the Régie du logement relating to an application for the recovery of a debt referred to in section 73 of the Act respecting the Régie du logement (R.S.Q., c. R-8.1) shall be limited to 25% of the amount of the judgment to be executed and of the costs awarded per judgment. Those fees shall not exceed \$100.00.

Despite any provision to the contrary, the fees referred to in the first paragraph that may be claimed from the debtor, in accordance with article 993 of the Code of Civil Procedure, shall be the only fees payable for all the proceedings referred to in this section.

**3.** The fees prescribed in section 2 shall apply to proceedings filed or issued from 1 January 2003, even in a matter commenced before that date.

**4.** This Tariff comes into force on 1 January 2003.

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### **Draft Regulation**

Code of Civil Procedure  
(R.S.Q., c. C-25)

#### **Recovery of small claims — Tariff of legal costs applicable**

Notice is hereby given, in accordance with sections 10 and 13 of the Regulations Act (R.S.Q., c. R-18.1), that the Tariff of legal costs applicable to the recovery of small claims, the text of which appears below, may be made by the Government upon the expiry of 20 days following this publication.

Under section 12 of that Act, the draft Regulation may be made within a shorter period than the 45 days provided for in section 11 of the Act, because the urgency due to the following circumstances requires it:

— the Act to reform the Code of Civil Procedure (2002, c. 7) will come into force on 1 January 2003 and a new tariff must be made before that date to take into account the amendments made by the new Book VIII entitled Actions Involving Small Claims.

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PAUL BÉGIN,  
*Minister of Justice*

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### **Tariff of legal costs applicable to the recovery of small claims**

Code of Civil Procedure  
(R.S.Q., c. C-25, a. 997, par. *a*; 2002, c. 7, s. 148)

**1.** This Tariff fixes the amount of the legal costs referred to in article 996 of the Code of Civil Procedure (R.S.Q., c. C-25) replaced by section 148 of chapter 7 of the Statutes of 2002.

**2.** The amount of legal costs to be sent or deposited by the creditor of a small claim with the proceeding introductive of suit is fixed in the following table, determined according to the amount of the claim and according to whether the costs are payable by a natural person or a legal person.

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**Costs for the Proceeding  
Introductory of Suit**


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	<b>Natural Person</b>	<b>Legal Person</b>
\$0.01 to \$999	\$60	\$100
\$1 000 to \$2 999	\$85	\$125
\$3 000 to \$4 999	\$110	\$150
\$5 000 to \$7 000	\$135	\$175

**3.** The amount of legal costs to be sent or deposited by the debtor of a small claim with the contestation is fixed in the following table, determined according to the amount of the claim and according to whether the costs are payable by a natural person or a legal person.

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**Costs for Contestation**


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	<b>Natural Person</b>	<b>Legal Person</b>
\$0.01 to \$999	\$50	\$90
\$1 000 to \$2 999	\$75	\$115
\$3 000 to \$4 999	\$100	\$140
\$5 000 to \$7 000	\$125	\$165

**4.** The amount of legal costs to be sent or deposited by the debtor of a small claim with a cross demand is fixed in the following table, determined according to the amount of the claim and according to whether the costs are payable by a natural person or a legal person.

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**Cross Demand**


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	<b>Natural Person</b>	<b>Legal Person</b>
\$0.01 to \$999	\$50	\$60
\$1 000 to \$2 999	\$55	\$65
\$3 000 to \$4 999	\$60	\$70
\$5 000 to \$7 000	\$65	\$75

**5.** The amount of legal costs to be sent or deposited by a party with the application for revocation of a judgment is fixed in the following table, determined according to the amount of the claim and according to whether the costs are payable by a natural person or a legal person.

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**Revocation of a Judgment**


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	<b>Natural Person</b>	<b>Legal Person</b>
\$0.01 to \$999	\$50	\$60
\$1 000 to \$2 999	\$55	\$65
\$3 000 to \$4 999	\$60	\$70
\$5 000 to \$7 000	\$65	\$75

**6.** The amount of legal costs to be paid by the judgment debtor as costs of execution, in addition to the bailiff's fees, is fixed in the following table, determined according to the amount of the claim and according to whether the costs are payable by a natural person or a legal person.

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**Issue of the Writ of  
Execution by the Clerk**


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	<b>Natural Person</b>	<b>Legal Person</b>
\$0.01 to \$999	\$50	\$75
\$1 000 to \$2 999	\$70	\$95
\$3 000 to \$4 999	\$90	\$115
\$5 000 to \$7 000	\$110	\$125

**7.** The amount of legal costs to be paid by a party as costs of opposition to a seizure is fixed in the following table, determined according to the value of the right that the opposition is intended to protect, which value is fixed in the notice of opposition, if not, the value of that proceeding is determined by the amount fixed in the judgment. In addition, those costs vary according to whether they are payable by a natural person or a legal person.

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**Opposition**


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	<b>Natural Person</b>	<b>Legal Person</b>
\$0.01 to \$999	\$55	\$60
\$1 000 to \$2 999	\$60	\$65
\$3 000 to \$4 999	\$65	\$70
\$5 000 and over	\$75	\$75

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**8.** The amounts of legal costs prescribed in this Tariff shall be indexed on 1 April of each year on the basis of the rate of increase in the general Consumer Price Index for Canada for the twelve-month period ending on 31 December of the year preceding the indexing, as determined by Statistics Canada.

The amounts indexed 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 inform the public, through Part 1 of the *Gazette officielle du Québec* and by such means as the Minister considers appropriate, of the indexing calculated under this section.

**9.** The amounts of legal costs fixed in this Tariff apply to proceedings filed or issued from 1 January 2003, even in a matter commenced before that date.

The amounts of legal costs fixed thereafter on 1 April of each year apply to proceedings filed or issued from that date, even in a matter commenced before that date.

**10.** This Tariff applies to the Government, its departments and its agencies.

**11.** This Tariff replaces the Tariff of legal costs applicable to the recovery of small claims made by Order in Council 1015-93 dated 14 July 1993.

**12.** This Tariff comes into force on 1 January 2003.