

Gouvernement du Québec

**O.C. 1509-2002, 18 December 2002**

Civil Code of Québec  
(1991, c. 64)

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

Courts of Justice Act  
(R.S.Q., c. T-16)

**Tariff of Court Costs in Civil Matters and Court Office Fees**  
— Amendments

Regulation to amend the Tariff of Court Costs in Civil Matters and Court Office Fees

WHEREAS the second paragraph of article 376 of the Civil Code (1991, c. 64), replaced by section 25 of chapter 6 of the Statutes of 2002, provides that clerks and deputy clerks collect the duties fixed by regulation of the Government from the intended spouses, on behalf of the Minister of Finance;

WHEREAS article 659.10 of the Code of Civil Procedure (R.S.Q., c. C-25) provides that in such cases as it may determine, the Government may, by regulation, impose on the debtor the payment of costs connected with the application of Division IV.2, which deals with the suspension of seizure by garnishment of salary or wages, and establish the tariff thereof;

WHEREAS the first paragraph of section 224 of the Courts of Justice Act (R.S.Q., c. T-16) prescribes that, except in penal matters, the Government shall fix the tariff of court costs and court office fees and it may, in a tariff, prescribe costs and fees varying according to whether they are payable by a natural person or a legal person, or determine what persons, departments or bodies are exempt from the payment of costs or fees or which proceedings, documents or services are covered by an exemption;

WHEREAS, in accordance with sections 10, 12 and 13 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 23 October 2002, on page 5603, with a notice that it could be made by the Government upon the expiry of 20 days following that publication;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* or within a period shorter

than that applicable under section 17 of the Act where the authority that is making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under that section, the reason justifying such coming into force shall be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies such coming into force:

— under section 181 of the Act to reform the Code of Civil Procedure (2002, c. 7), the Act comes into force on 1 January 2003; it is therefore expedient that the Regulation to amend the Tariff of Court Costs in Civil Matters and Court Office Fees come into force on the same date to ensure the implementation of the reform of the Code of Civil Procedure;

WHEREAS it is expedient to make the Regulation;

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

THAT the Regulation to amend the Tariff of Court Costs in Civil Matters and Court Office Fees, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

**Regulation to amend the Tariff of Court Costs in Civil Matters and Court Office Fees\***

Civil Code of Québec  
(1991, c. 64, a. 376)

Code of Civil Procedure  
(R.S.Q., c. C-25, a. 659.10)

Courts of Justice Act  
(R.S.Q., c. T-16, s. 224)

**1.** Section 1 of the Tariff of Court Costs in Civil Matters and Court Office Fees is amended by substituting the following for paragraph 6:

\* The Tariff of Court Costs in Civil Matters and Court Office Fees, made by Order in Council 256-95 dated 1 March 1995 (1995, *G.O.* 2, 918), was last amended by the Regulation made by Order in Council 916-2002 dated 21 August 2002 (2002, *G.O.* 2, 4551) and has not been amended since.

“(6) Class VI: applications for separation as to bed and board, for divorce or for dissolution of a civil union.”.

**2.** Section 2 is amended

(1) by substituting “834.1 to 846” for “834 to 850” in the second paragraph; and

(2) by striking out “whether they are applied for by action or by motion and” in the second paragraph.

**3.** The following is substituted for section 4:

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

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

(a) for actions and applications introductive of suit governed by Book II of the Code of Civil Procedure, except the applications referred to in section 6, or for the issue of the first writ and for an opposition or an intervention, one of the amounts fixed in the following table, according to the class of the action or application and according to whether the amount is payable by a natural person or a legal person:

Class of Action or Application	Natural Person	Legal Person
Class I	\$50	\$59
Class II	\$98	\$114
Class III	\$184	\$224
Class IV	\$295	\$352
Class V	\$583	\$698
Class VI	\$141	

(b) for a cross demand, \$84 or, where the amount is payable by a legal person, \$105, for any class of action or application; and

(c) for any proceeding introductive of suit or any proceeding in non-contentious matters not specified in this Tariff, \$42 or, where the amount is payable by a legal person, \$50, for any class of action or application.

(2) Stage II: Appearance and any similar proceeding:

for a written appearance or any proceeding of a like nature and for the revocation of a judgment or an opposition by a third party, one of the amounts fixed in the following table, according to the class of the action or application and according to whether the amount is payable by a natural person or a legal person:

Class of Action or Application	Natural Person	Legal Person
Class I	\$32	\$38
Class II	\$50	\$59
Class III	\$97	\$114
Class IV	\$149	\$178
Class V	\$295	\$352
Class VI	\$77	

(3) Stage III: Execution:

one of the amounts fixed in the following table, according to the class of the action or application and according to whether the amount is payable by a natural person or a legal person:

Class of Action or Application	Natural Person	Legal Person
Class I	\$42	\$50
Class II	\$77	\$94
Class III	\$142	\$168
Class IV	\$222	\$263
Class V	\$438	\$528
Class VI	\$105	

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 stages I and III.

Despite clause *a* of subparagraph 1 of the first paragraph, no costs are payable for an application to cause a person to undergo a psychiatric examination where the person refuses to submit to such examination or for a person to be kept against his or her will by an institution covered by the laws respecting health services and social services.”.

**4.** Section 5 is revoked.

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

“6. Costs of \$103 are payable for any application for review of accessory measures ordered by a judgment granting a separation as to bed and board, a divorce, the dissolution of a civil union or nullity of a marriage or civil union as well as any application introductive of suit relating to child custody or support obligations or for any application for review of a judgment concerning child custody or support obligations.”.

**6.** Section 7 is amended by substituting “\$33” for “\$28” and “\$40” for “\$34”.

**7.** The following is substituted for section 8:

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

(1) for the performance of the sheriff’s duties from receipt of the record until the sale, \$125 or, where the amount is payable by a legal person, \$147, for any class of action or application;

(2) for the performance of the clerk’s duties from receipt of the record until the judgment of homologation inclusively, one of the amounts fixed in the following table, determined according to the class of the action or application and according to whether the amount is payable by a natural person or a legal person:

<b>Class of Action or Application</b>	<b>Natural Person</b>	<b>Legal Person</b>
Class I	\$125	\$147
Class II	\$177	\$214
Class III	\$229	\$277
Class IV	\$366	\$436
Class V	\$725	\$870
Class VI	\$212	

(3) in the case of a contestation of a scheme of collocation, one of the amounts fixed in the following table, determined according to the class of the action or application and according to whether the amount is payable by a natural person or a legal person:

<b>Class of Action or Application</b>	<b>Natural Person</b>	<b>Legal Person</b>
Class I	\$32	\$38
Class II	\$50	\$59
Class III	\$98	\$114
Class IV	\$149	\$178
Class V	\$295	\$352
Class VI	\$77	

Payment of costs prescribed in subparagraph 2 of the first paragraph entitles each interested party to obtain a copy of the judgment of homologation.

In the case referred to in subparagraph 2 of the first paragraph, the class of the action or application is determined according to the selling price.

In the case referred to in subparagraph 3 of the first paragraph, the class of the action or application is determined according to the amount claimed by the contesting party.”.

**8.** Section 11 is amended by substituting “\$32” for “\$27” and “\$38” for “\$32”.

**9.** Section 14 is amended by substituting “\$84” for “\$71” in paragraphs 1 and 2.

**10.** Section 15 is amended

(1) by substituting “\$165” for “\$139” in paragraph 1; and

(2) by substituting “\$84” for “\$71” in paragraphs 2 and 3.

**11.** Section 16 is amended

(1) by substituting “\$94” for “\$79” in paragraph 1; and

(2) by substituting “\$84” for “\$71” in paragraph 2.

**12.** Section 17 is amended by substituting “\$84” for “\$71” and “\$93” for “\$90”.

**13.** Section 18 is amended by substituting “\$58” for “\$49”.

**14.** Section 19 is amended

(1) by substituting “tout acte de procédure assimilé” for “toute procédure assimilée” in paragraph 1 of the French text;

(2) by substituting “\$256” for “\$215” and “\$310” for “\$261” in subparagraph *a* of paragraph 1;

(3) by substituting “\$184” for “\$155” and “\$224” for “\$188” in subparagraph *b* of paragraph 1; and

(4) by substituting “\$125” for “\$105” and “\$147” for “\$124” in paragraph 2.

**15.** Section 20 is amended

(1) by substituting “\$42” for “\$35” and “\$50” for “\$42” in paragraph 1; and

(2) by substituting “\$32” for “\$27” and “\$38” for “\$32” in paragraph 2.

**16.** Section 23 is amended

(1) by substituting “\$42” for “\$35” in subparagraph 1 of the first paragraph; and

(2) by substituting “\$19” for “\$16” and “\$4” for “\$3” in subparagraph 3 of the first paragraph.

**17.** Section 24 is amended by substituting the following for the first paragraph:

“**24.** The fee payable for the solemnization of a civil marriage or civil union is \$212, to which is added a fee of \$70 when the marriage or civil union is solemnized at a place other than the courthouse.”

**18.** The costs and fees fixed in this Regulation apply to proceedings or documents filed or issued from 1 January 2003, including matters commenced before that date.

**19.** This Regulation comes into force on 1 January 2003.

Gouvernement du Québec

## O.C. 1510-2002, 18 December 2002

Code of Civil Procedure  
(R.S.Q., c. C-25; 2002, c. 7)

### Tariff of Court fees Recovery of small claims

Tariff of Court Fees applicable to the Recovery of Small Claims

WHEREAS, under paragraph *a* of article 997 of the Code of Civil Procedure (R.S.Q., c. C-25), replaced by section 148 of chapter 7 of the Statutes of 2002, the Government may make a regulation establishing a tariff of court fees payable for the filing or presentation of statements of claim or other pleadings under Book VIII of the Code, which deals with actions involving small claims;

WHEREAS, in accordance with sections 10, 12 and 13 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Tariff attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 23 October 2002, on page 5607, with a notice that it could be made by the Government upon the expiry of 20 days following that publication;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* or within a period shorter than that applicable under section 17 of the Act where the authority that is making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under that section, the reason justifying such coming into force shall be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies such coming into force:

— under section 181 of the Act to reform the Code of Civil Procedure (2002, c. 7), the Act comes into force on 1 January 2003; it is therefore expedient that the Tariff of Court Fees applicable to the Recovery of Small Claims come into force on the same date to ensure the implementation of the reform of the Code of Civil Procedure;