

## Draft Regulations

### Draft Regulation

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

#### **Agreement between the Minister of Justice and the Barreau du Québec — Conditions of practice, procedure for the settlement of disputes and tariff of fees of advocates**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan entered into on 4 April 2008, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation replaces the Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan entered into on 14 December 2000, made by Order in Council 539-2001 dated 9 May 2001.

In accordance with the first paragraph of section 81 of the Legal Aid Act, the Minister of Justice negotiated with the Barreau du Québec an agreement pertaining in particular to the tariff of fees payable to advocates in private practice under the legal aid plan. An agreement to that effect was reached on 4 April 2008.

The purpose of the draft Regulation is to ratify the agreement.

The draft Regulation has an impact on advocates in private practice who accept to provide professional services under the legal aid plan, since the agreement establishes the fees payable and certain conditions of practice for the mandates that are given to them.

Further information may be obtained by contacting Yvon Routhier, Bureau du sous-ministre, Ministère de la Justice, 1200, route de l'Église, 9<sup>e</sup> étage, Québec (Québec) G1V 4M1; telephone: 418 643-4090; fax: 418 643-3877; e-mail: yrouthier@justice.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments to the Minister of Justice, 1200, route de l'Église, 9<sup>e</sup> étage, Québec (Québec) G1V 4M1, within the 45-day period.

JACQUES P. DUPUIS,  
*Minister of Justice*

#### **Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan entered into on 4 April 2008**

Legal Aid Act  
(R.S.Q., c. A-14, s. 81)

**1.** The Agreement attached hereto, between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan entered into on 4 April 2008 is hereby ratified.

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

#### **SCHEDULE**

##### **AGREEMENT PRELIMINARY**

1. For the purposes of this Agreement, 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 Agreement governs, for the purposes of the legal aid plan, any advocate who agrees to render professional services to a legal aid recipient, with the exception of an advocate who is employed 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 Legal Aid 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 to which section 81 of the Regulation respecting the application of the Legal Aid Act applies, the legal aid centre shall notify 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 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 legal aid 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 Legal Aid Act and the Regulations thereunder.

#### **DIVISION II**

##### **PROFESSIONAL FREEDOM**

8. The legal aid plan shall respect an advocate's professional freedom; in particular, the plan shall recognize the advocate's professional autonomy and shall preserve the personal and privileged nature of his relationship with the recipient.

9. Under the legal aid plan an advocate shall maintain his professional autonomy. It is his responsibility to determine which services he must render within the context of a legal aid mandate, while acting in the best interests of the recipient.

An advocate shall comply with the mandate he receives from the legal aid body on behalf of the recipient; the conditions of the mandate are intended to identify the type of legal aid required by the recipient.

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

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

12. He may terminate any mandate in accordance with recognized standards of practice; in such case, he shall so notify the legal aid body and the recipient in writing.

13. 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.

In communicating with the Commission or a legal aid body, the advocate shall respect professional secrecy.

#### **DIVISION III**

##### **REMUNERATION**

14. Every legal service rendered in accordance with the provisions of the Legal Aid Act and this Agreement by an advocate or to the extent provided for in section 52 of the Act, by an articling student under his supervision, shall be remunerated according to the tariff appearing in Schedule II to this Agreement.

A professional service related to the exercise of a right consequential to a statute or a regulation and for which this Agreement does not prescribe a rate or the payment of a special consideration is subject to 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.

15. The advocate shall forward his statement of fees to the legal aid body from which he received his mandate within 3 years following the end of that mandate. That deadline is mandatory. When the mandate ends with a judgment, the 3-year period runs from the 30th day following the date of the judgment. Payment shall be made within 30 days following receipt of the statement of fees.

In the cases determined by regulation, the statement of fees shall be forwarded to the Commission and shall be paid by it within the same deadline.

Where there is a replacement of advocate under section 81.1 of the Regulation respecting the application of the Legal Aid Act, the statement of fees shall be sent by the advocate who received the mandate and the payment of fees and disbursements is made as if there had been no replacement.

16. A statement of fees may be an interim or final account. Statements shall be submitted electronically or on the form provided by the legal aid bureau.

An interim account covers professional services rendered in a case ready for hearing at 30 June of a given year. Professional services rendered for the preparation of the personal information forms referred to in section T219 of Schedule II may be covered by an interim account.

An interim account also covers professional services rendered in the preceding 12 months.

17. Any amount due and unpaid on a statement of fees drawn up in accordance with the Act and this Agreement shall commence to bear annual interest 30 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 1.5%. The rate thus fixed shall be in force for the following 6 months.

18. A statement of fees is complete when it mentions the services rendered according to the nomenclature in the tariff in Schedule II.

19. Disbursements include fees for expert reports and other fees pertaining to proceedings incidental to the legal aid mandate, including expenses for subpoena by bailiff or by registered or certified mail.

Disbursements may appear on a separate statement. They shall be paid by the legal aid body which gave the mandate or by the Commission within 30 days of the receipt of a statement of disbursement.

20. An advocate shall receive no reimbursement for travel and parking within a radius of 25 km from his office.

The advocate is entitled to the maximum reimbursement for travel expenses fixed by the Règles sur les frais de déplacement des fonctionnaires pour l'utilisation d'un véhicule automobile personnel, as made by the Conseil du trésor under the Public Administration Act (2000, c. 8),

(1) according to the distance actually travelled, in the case of a trip beyond a 25-km radius from his office and within the boundaries of the judicial district where he has his office;

(2) according to the distance actually travelled up to a maximum of 200 km, in the case of a trip beyond a 25-km radius from his office and within the boundaries of the judicial district where he has his office;

(3) according to the distance actually travelled, in the case of an attendance at the Supreme Court of Canada, at the Court of Appeal of Québec or at the Federal Court, made beyond a 25-km radius from his office and outside the boundaries of the judicial district where he has his office, or of an attendance at a court or body which carries out its jurisdiction outside the boundaries of the judicial district where the advocate has his office; notwithstanding the preceding, where the advocate has his office in a judicial district other than the one where the legal aid centre which issued the mandate is located, he shall elect to receive either the reimbursement established in subparagraph 2 or a reimbursement established according to the distance between the place where the mandate was issued and that where the court in question sits;

(4) according to the distance actually travelled by the advocate, in the case of a trip made with the authorization of the director general of the legal aid centre, outside the boundaries of the judicial district where he has his office, where the nature or complexity of the matter requires that the mandate be given to that advocate.

An advocate who is entitled to a reimbursement under the provisions of this section is also entitled to the reimbursement of any parking expenses he incurs.

The travelling and parking expenses may not exceed the actual travelling expenses paid by the advocate.

21. Where the tariff in Schedule II provides for a flat-rate remuneration for a series of services and the mandate is carried out by more than one advocate, each advocate, if he is in private practice, is entitled, subject to the provisions of the third paragraph of section 15, to the part of the flat-rate fee corresponding to the services that he rendered.

22. Where the mandates issued in the name of an advocate during a given fiscal period have generated fees for a total exceeding \$140,000, 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%.

23. An advocate representing a recipient in respect of whom legal aid is suspended or withdrawn or a recipient who ceases to be eligible for such aid shall be remunerated according to the provisions of this Agreement for the services rendered before 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 provision also applies where the recipient chooses to dispense with legal aid.

24. In a case where legal aid ceases to be provided, the advocate may nevertheless include in his statement of fees legal services that were rendered after receipt of the notice from the legal aid body, for the delivery of conservatory measures necessary to safeguard the person's rights or requested by the court.

25. 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.

26. A refusal to pay fees shall be founded upon the non-compliance of the fees asked under the provisions of the Act and this Agreement.

## **CHAPTER II PROCEDURE FOR THE SETTLEMENT OF DISPUTES**

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

28. A dispute may not be founded on a matter within the disciplinary jurisdiction of the Barreau du Québec.

29. Before submitting a dispute according to section 32, an 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.

30. 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.

31. 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.

31.1. The regional centre and the section of the Barreau du Québec concerned shall hold at least one conciliation session per semester, where applicable.

32. 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 6 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.

33. Referral for conciliation interrupts the prescription of 6 months.

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

35. If the advocate is dissatisfied with the answer, or if no answer is forwarded to him within 30 days following 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 6 months. A copy of the letter shall be sent by the advocate to the regional centre or the Commission, as the case may be, and to the Barreau du Québec. 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.

36. 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.

After giving at least 30 days' notice to the Commission, the Barreau du Québec may either intervene, or take up the defence of an advocate who submits a dispute.

37. The arbitrator has jurisdiction, to the exclusion of any court, to rule on a dispute within the meaning of this Agreement. 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.

However, the arbitrator may not modify the provisions of this Agreement. The arbitrator's award is final and binding on the parties.

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

39. Stenography fees and fees to reproduce a recording of the judicial hearings, if any, shall be borne by the regional centre or the Commission, as the case may be.

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

### **CHAPTER III MISCELLANEOUS**

#### **DIVISION I COORDINATION COMMITTEE**

41. The Minister of Justice, the Barreau du Québec and the Commission des services juridiques shall form a committee that is entrusted with the supervision of the uniform application of this Agreement and of the Legal Aid Act throughout the legal aid network.

42. The committee shall be made up of a maximum of 3 representatives of the Minister of Justice, of a maximum of 3 representatives of the Barreau du Québec and of a maximum of 3 representatives of the Commission des services juridiques.

43. Upon request, the Commission des services juridiques and the legal aid centres shall provide the committee with the documents, statistics and information that it requires in the conduct of its mandate.

44. The committee shall take the minutes of its meetings. Copies thereof shall be sent to the Minister of Justice, to the Bâtonnier du Québec and to the chair of the Commission des services juridiques. The committee is to determine the nature of its mandate at its first meeting.

#### **DIVISION II CONSULTATION AND INFORMATION**

45. The Minister shall consult the Barreau du Québec concerning any regulation that the Commission submits to the Minister for approval by the Government.

46. The Minister shall consult the Barreau du Québec concerning the draft of any regulation respecting the exclusivity of services referred to in section 52.1 of the Legal Aid Act that the Minister intends to propose to the Government for adoption. He shall also inform the Bar of the facts that warrant the making of such regulation.

47. The Commission shall consult the Barreau du Québec concerning the draft of any directive respecting an application for or the granting of a certificate of qualification or the services of an advocate.

48. The Commission shall consult the Barreau du Québec when implementing necessary administrative mechanisms to ensure the exercise of the free choice of an advocate.

49. The Commission shall consult the Barreau du Québec where it intends to draft or modify the forms that an advocate must fill out for the purposes of the legal aid plan.

50. In accordance with section 22.1 of the Legal Aid Act, the Commission des services juridiques and the legal aid centres shall send to the Barreau du Québec a copy of any guide for the administration of the Legal Aid Act and the regulations made thereunder, as well as of any directive related thereto and dealing with financial eligibility or services for which legal aid is granted and with written directives respecting the payment of statement of fees. The Commission and the legal aid centres shall also send to the Barreau du Québec any updating of such guide or directives.

51. Schedule I reproduces the directive of the Commission des services juridiques respecting the procedure for the application of section 69 of the Legal Aid Act.

52. This Agreement replaces the Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan entered into on 14 December 2000, made by Order in Council 539-2001 dated 9 May 2001.

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

It applies to mandates given from 1 April 2007, except sections T201.1 to T201.2 for which it applies to mandates given from 1 January 2008.

This Agreement terminates on 31 March 2010. Despite its expiry, it shall continue to apply until replaced. The parties agree that the next negotiations must be entered into early enough so that a negotiated agreement is ready at the expiry of this Agreement.

## SCHEDULE I

(s. 51)

### DIRECTIVE OF THE COMMISSION DES SERVICES JURIDIQUES RESPECTING THE APPLICATION OF SECTION 69 OF THE LEGAL AID ACT

To all general managers of legal aid centres:

The purpose of the Legal Aid Act is to allow financially eligible persons access to legal services. However, the legal aid plan does not have to pay costs that an applicant can pay from the amount that he is likely to receive upon settlement of his case. Therefore, where an agreement can be reached between an applicant and an advocate in private practice regarding extrajudicial fees in cases where such fees are warranted, the general manager or his representative shall refer the applicant to the advocate in private practice.

This directive also applies to family matters in which the state and faculties of the spouse are such that it is reasonable to anticipate the granting to the applicant of support in excess of the eligibility criteria for legal aid or of a compensatory benefit or of a benefit equivalent to his share of the family patrimony which would normally make that person ineligible for legal aid.

*The Chair of the Commission*

## SCHEDULE II

(s. 14)

### PART 1

#### GENERAL RULES OF INTERPRETATION AND APPLICATION

T1. The fees of an advocate mandated by a legal aid body as a consultant shall be subject to an application for special consideration.

T2. In a case warranting assistance by junior counsel, the junior counsel shall receive fees in the amount of \$200 a day, 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.

T3. For any motion to cease representing ..... \$60

T4. For any notice to appoint a new attorney, the fee prescribed by section T32(a) applies.

T5. The hearing includes a hearing by telephone, by videoconference or any other electronic means.

T6. If the court refuses or is unable to proceed in the presence of the parties on the day fixed for the hearing ..... \$100

T7. Where the court requests or authorizes to plead in writing, additional fees of \$160 are payable.

T7.1 Where the legal aid body requests the advocate to justify in writing an application for a legal aid mandate, fees in the amount of \$75 are payable if the mandate is granted.

T8. Payment for the professional services of an advocate may exceed the fees prescribed by 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 special consideration with his statement of fees or within 6 months of sending his statement of fees.

T9. 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 the Agreement.

T10. In reviewing a decision concerning the expediency of granting a special consideration, the arbitrator 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.

T11. In reviewing a decision concerning the amount of the excess fees, the arbitrator shall be guided by the precedents in the application of section 15 of the Tariff of judicial fees of advocates (R.R.Q., 1981, c. B-1, r.13) relating to special fees.

T12. Sections T8 to T11 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**

T13. The words “application”, “case”, “proceeding” and “action” mean a proceeding, whether it is commenced by a writ of seizure before judgment, a motion, or any other originating document.

T13.1 The words “incidental proceeding”, “incidental application” and “incidental measure” mean a proceeding accessory to a proceeding introductory of suit provided for in particular in articles 152 to 171, 199 to 273.2, 482 to 490 of the Code of Civil Procedure of Québec.

T14. 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. The terms “settlement” and “settled action” mean the termination of proceedings or the end of a mandate for any reason including discontinuance of suit or a notice of suspension. Where the attorney is replaced, the legal aid mandate terminated or if the advocate ceases to represent, the advocate shall be paid for the services rendered up to that stage of the proceedings.

T15. The word “contestation” includes any opposition to an application by another party.

T16. An advocate who accepts a mandate from a legal aid body shall apply for costs in his statement of claim.

T17. 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 the advocate received his mandate, in accordance with this Schedule.

T18. 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 the advocate 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 duly taxed.

T19. An advocate shall receive a fixed amount of \$11 as a reimbursement of his cost of photocopies, facsimile copies, messenger services and stamps.

T19.1 An advocate who participates in a settlement conference or a special case management conference is entitled to \$165 per half-day.

## **PART 3**

### **GENERAL CIVIL TARIFF**

#### **Classes of actions**

T20. I. An application in which the amount or value in dispute is less than \$3,000;

II. An application in which the amount or value in dispute is between \$3,000 and \$10,000 exclusively;

III. An application in which the amount or value in dispute

(a) is between \$10,000 and \$25,000 exclusively;

(b) is between \$25,000 and \$50,000 exclusively;

IV. An application in which the amount or value in dispute is \$50,000 or more.

T21. For proceedings or actions not provided for specifically by the tariff but governed by the Code of Civil Procedure, the fees are fixed according to the provisions of the Agreement in respect of similar proceedings or actions. Such proceeding or action in which the amount or value in dispute is indeterminable or inexistent falls under Class II.

T22. For proceedings related to filiation, disavowal or the deprivation of parental authority, the fees are those prescribed for Class IIIA.

T23. Hypothecary actions are considered to be purely personal actions and the value in dispute is determined by the balance of the obligation.

T24. 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 value of the immovable.

T25. 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.

T26. Where two or more defendants file separate contestations, the advocate of the plaintiff receives for each additional contestation one-half of the fee prescribed by section T35 or section T36 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.

T27. Where two or more incidental applications can be framed in a single proceeding, the fees are payable only once despite the multiplicity of proceedings.

T28. In the matter of a declaratory judgment and a decision on a question 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.

T29. 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.

T30. There are no separate amounts of 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.

T31. If a settlement is reached between the parties 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 such settlement reached after the issue of the originating process and before the serving of any defence or contestation on the merits.

#### First instance

I 0-3 \$	II 3-10 \$	III(a) 10-25 \$	III(b) 25-50 \$	IV 50 or more \$
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T32. (a) For every notice or putting in default preceding the originating process and required by law

\$75	\$75	\$75	\$75	\$75
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(b) For every notice or putting in default preceding the originating process and not required by law, only one amount of fees is payable

\$50	\$50	\$50	\$50	\$50
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T33. For every action settled after the originating process and before service of a defence or contestation

(a) to the plaintiff's attorney

\$170	\$205	\$275	\$375	\$475
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(b) to the defendant's attorney

\$105	\$170	\$240	\$375	\$440
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T34. For judgment on the merits, by default to appear or to plead:

To the plaintiff's attorney(a) without proof

\$190	\$240	\$340	\$440	\$540
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(b) with proof

\$240	\$310	\$400	\$510	\$610
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To the defendant's attorney

(c) if the attorney is not present at the proof or if there is no proof

\$70	\$110	\$140	\$180	\$240
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(d) if there is a proof and the attorney is present

\$140	\$205	\$275	\$375	\$475
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T35. 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 C.C.P.

\$340	\$475	\$610	\$750	\$880
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#### First instance

I 0-3 \$	II 3-10 \$	III(a) 10-25 \$	III(b) 25-50 \$	IV 50 or more \$
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T36. For judgment on the merits of the case in a contested action

\$475	\$680	\$950	\$1,085	\$1,360
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T37. (a) On every contested incidental proceeding

\$100	\$100	\$100	\$100	\$100
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(b) Where the incidental proceeding puts an end to the dispute, the fees applicable are those of section T34(a).

T38. For the examination of a party before or after the defence is filed, excluding an examination during an incidental measure or the trial

\$100	\$100	\$100	\$100	\$100
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T39. (a) For registration at the registry office of the judgment or any other act for the preservation of real rights

\$50	\$50	\$50	\$50	\$50
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(b) For the preparation and registration at the registry office of a prior claim or legal hypothec or a demand under article 1743 of the Civil Code of Québec

\$100	\$100	\$100	\$100	\$100
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(c) For the preparation and registration of an application for the cancellation of the registration of a right

\$50	\$50	\$50	\$50	\$50
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(d) For the filing of a declaration of voluntary deposit and for a claim on seizure of salary or wages or on voluntary deposit

\$50	\$50	\$50	\$50	\$50
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T40. (a) For the issue of all writs of executions, whatever their nature or number, only one amount of fees

\$50	\$50	\$50	\$50	\$50
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(b) Examination under article 543 C.C.P.

\$75	\$75	\$75	\$75	\$75
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T41. For any judgment by default against a garnishee or on the garnishee's declaration

\$50	\$50	\$50	\$50	\$50
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### First instance

I	II	III(a)	III(b)	IV
0-3	3-10	10-25	25-50	50 or more
\$	\$	\$	\$	\$

T42. For any seizure before judgment, the following additional fees

\$100	\$100	\$100	\$100	\$100
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T43. Where a case lasts more than one day, for each additional half-day

\$165	\$165	\$165	\$165	\$165
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T44. 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 by section T38.

T45. For the taxation of a bill of costs ..... \$50

For the taxation if contested ..... \$115

T46. An injunction applied for without other conclusions than those of article 751 C.C.P. is considered to be an action of Class IIIA. 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 IIIA. 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 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.

T47. 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.

T48. In proceedings for judicial partition and licitation, the class of actions is in accordance with the value of the matter in dispute.

T49. In proceedings respecting legal persons, for extraordinary recourses in particular judicial review and evocation (a. 846 C.C.P.) and *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.

T50. In non-contentious proceedings, the fees are those of section T37(a), Class II, with the exception of the procedure governing the sale of the property of others provided for in Chapter X of Book VI of the Code of Civil Procedure, the class being determined by the value of the property.

T51. In adoption proceedings, the fees are those prescribed for Class II.

An application for a declaration of eligibility for adoption, 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 \$100.

T52. Motion for rectification of the registers of civil status ..... \$115

T53. In property assessment proceedings, including the quashing or contesting of a role, the fees both before the Administrative Tribunal of Québec and in appeal before the Court of Québec are those prescribed for Class II of the tariff at first instance; section T55 does not apply thereto and the cost of expert reports is not included in the bill of costs.

T54. 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 fees when, upon a motion accompanied by an affidavit of the advocate, it is demonstrated to the satisfaction of the Administrative Tribunal of Québec, 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.

For any proceeding commenced under the Expropriation Act (R.S.Q., c. E-24) before a court other than the Administrative Tribunal of Québec, immovable property division, the fees applicable are those prescribed for Class II, section T3(a).

For any uncontested proceeding respecting payment of the money awarded, the fees are those prescribed by section T39(b).

T55. Upon judgment in a contested case ordering the defendant to pay an amount greater than \$100,000 in principal, the attorney of the plaintiff is entitled to the following additional fees:

— 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 attorney of the defendant is entitled to the following additional fees:

— 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 by 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 by this section.

The additional fees are payable to an advocate only once, regardless of the number of plaintiffs or defendants.

#### REPRESENTATION OF CHILDREN IN SUPERIOR COURT

T56. All services rendered, to obtain any judgment in the course of representing a child within the scope of article 394.1 C.C.P.

(a) uncontested ..... \$300

(b) contested ..... \$350

However, an advocate is entitled to those fees for no more than two judgments in the same case.

#### SPECIAL TARIFF FOR MATRIMONIAL PROCEEDINGS

The rules of Part 1, Part 2 and Part 3 of this Schedule apply *mutatis mutandis* to matrimonial proceedings.

### Principal proceedings

T57. (a) Upon reconciliation or withdrawal of proceedings after the issue of the originating process; to the plaintiff's attorney ..... \$220

(b) Upon reconciliation or withdrawal of proceedings after appearance or before service of a contestation; to the defendant's attorney ..... \$220

(c) Upon reconciliation, withdrawal or deemed discontinuance of proceedings for separation from bed and board by consent or for divorce by consent before judgment; to the attorney representing both parties.....\$380

T58. Upon reconciliation, withdrawal or deemed discontinuance of proceedings after service of a contestation and before judgment on the merits to the plaintiff's attorney ..... \$430

to the defendant's attorney ..... \$325

T59. For judgment by default to appear or to plead; to the plaintiff's attorney ..... \$550

T60. For judgment by default to appear or to plead; to the defendant's attorney ..... \$380

T61. (a) For judgment on the merits in a contested case with or without a cross demand by the defendant; to each attorney ..... \$850

(b) For judgment on the merits granting a separation or divorce by consent; to the attorney representing both parties ..... \$850

### Judgments for provisional measures, interim orders and incidental proceedings in family matters

T62. For the first judgment for measures applicable during the proceedings, whether a judgment for provisional measures or an interim order, to each attorney, one amount of fees only

(a) after settlement or compromise ..... \$275

(b) after proof ..... \$325

T63. For every judgment rendered under sections T57 to T68 inclusively, following a judgment referred to in section T62 and

1. extending the application of the measures ordered by the preceding judgment or repelling the preceding judgment:

To each attorney, one amount of fees only ..... \$85

Each advocate is entitled to such fee for a maximum of two of these judgments in each case.

2. amending the measures ordered or extended by the preceding judgment:

To each attorney, one amount of fees only

(a) after settlement or compromise ..... \$275

(b) after proof ..... \$325

If the special clerk refuses to confirm an agreement or compromise and refers the parties to the judge, the tariff in section T63(2)(b) applies.

If the special clerk refuses to confirm an agreement or compromise and refers the parties to the judge, the tariff in section T63(2)(b) applies.

T64. (a) For any contested incidental proceeding not governed by sections T62 and T63 ..... \$100

(b) For examination of a party, before or after the filing of a defence, excluding an examination during an incidental measure or the trial ..... \$100

(c) If the hearing lasts more than one day, for each additional half-day ..... \$165

T65. Where a separate motion is presented by each party regarding the same provisional or interim measure, one amount of fees only is payable regardless of the number of motions.

T66. 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

T67. (a) For an examination under article 543 C.C.P ..... \$75

(b) For a requisition for a writ of seizure before judgment ..... \$75

(c) For a requisition for a writ of seizure after judgment of movables or immovables or both together ..... \$75

(d) For a requisition for a writ of seizure by garnishment after judgment ..... \$75

(e) For a judgment for seizure by garnishment after judgment ..... \$100

(f) Only one of the two fees prescribed by paragraphs *d* and *e* may be claimed.

(g) For registration of the judgment at the registry office ..... \$50

**Motions subsequent to final judgment**

T68. (a) Appointment of a practitioner ..... \$50

(b) Homologation of practitioner’s report ..... \$50

(c) Inscription following homologated report ..... \$50

(d) For any judgment on a motion for variation of support, custody of children, visitation and outing rights, without proof of an issue; to each attorney, one amount of fees only ..... \$325

(e) For a judgment after proof with respect to all measures described in paragraph *d*; to each attorney, one amount of fees only ..... \$425

Paragraphs *d* and *e* apply subject to the provisions of section T63.

**Recourse in family matters not provided for in sections T57 to T68 (a. 813.8 C.C.P. as it read before January 2003)**

T69. (a) For any judgment ruling on the recourse on the merits, without proof of an issue;

to each attorney ..... \$400

Each advocate is entitled to those fees only once in the same case.

(b) For any judgment ruling on the recourse on the merits in a contested case after proof of an issue;

to each attorney ..... \$500

Each advocate is entitled to those fees only once in the same case.

(c) For any judgment ordering measures applicable during the proceedings to each attorney, one amount of fees only:

i. after settlement or compromise ..... \$300

ii. after proof ..... \$400

(d) For any judgment extending the application during the proceedings of measures ordered by the preceding judgment or repelling the preceding judgment without amending it;

to each attorney, one amount of fees only ..... \$85

Each advocate is entitled to those fees for no more than two extension or renewal judgments in the same case.

**Declaration of family residence**

T70. Drafting and registration at the registry office of a declaration of family residence ..... \$100

T71. The fact that an advocate files evidence by affidavit without being present at the proof does not change the fee payable under sections T57 to T69.

**Court of appeal**

T72. Disbursements incurred for the preparation and printing of factums are added to the statement of fees.

T73. Sections T47 to T49 of the tariff at first instance apply to the Court of Appeal.

I 0-3 \$	II 3-10 \$	III(a) 10-25 \$	III(b) 25-50 \$	IV 50 or more \$
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T74. After filing of the inscription; for every case terminated or appeal abandoned or dismissed

\$190	\$525	\$560	\$750	\$950
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T75. After filing of the factum of the appellant; for every case terminated or appeal abandoned

(a) to the appellant

\$560	\$850	\$1,050	\$1,320	\$1,600
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(b) to the respondent

\$280	\$560	\$660	\$850	\$1,050
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T76. Motion for extension of the time allowed to file the factum

without contestation ..... \$100

with contestation ..... \$170

T77. After filing of the factum of the respondent and before the hearing: for every case terminated or appeal abandoned

\$660      \$950      \$1,120      \$1,400      \$1,700

T78. For judgment on the merits of the case

\$950      \$1,400      \$1,600      \$1,900      \$2,240

T79. For a motion for leave to appeal, a motion for dismissal of the appeal or any other contested incidental proceeding

\$190      \$190      \$190      \$190      \$190

T80. 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.

T81. An injunction applied for without other conclusions than those of article 751 C.C.P. is considered to be an action of Class II. 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. 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.

T82. In proceedings for extraordinary recourses and *habeas corpus* 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</b>	<b>II</b>	<b>III(a)</b>	<b>III(b)</b>	<b>IV</b>
<b>0-3</b>	<b>3-10</b>	<b>10-25</b>	<b>25-50</b>	<b>50 or more</b>
\$	\$	\$	\$	\$

T83. For the filing of an additional factum at the request of the court.

\$280      \$280      \$280      \$280      \$280

T84. Where the hearing of a case lasts more than one day, for each additional half-day

\$285      \$285      \$285      \$285      \$285

**SPECIAL TARIFF FOR MATRIMONIAL PROCEEDINGS ON APPEAL**

T85. The disbursements incurred for the preparation and printing of the factum including the argumentation plan and appendixes are added to the statement of fees.

T86. After filing of the inscription;

for any case terminated, appeal abandoned or deemed to be abandoned ..... \$270

T87. After filing of the appellant's factum,

for any case terminated, appeal abandoned or deemed to be abandoned

(1) to the appellant ..... \$620

(2) to the respondent ..... \$350

T88. After filing of the respondent's factum and before hearing; for any case terminated, appeal abandoned or deemed to be abandoned ..... \$800

T89. For judgment on the merits of the case .... \$1,315

T90. For a motion for leave to appeal, a motion for dismissal of the appeal or any other contested incidental proceeding ..... \$270

T91. For an appeal from an interlocutory judgment, the fees are one-half of the fees prescribed for a final judgment.

T92. For the filing of an additional factum at the request of the court ..... \$270

T93. Where the hearing of a case on the merits lasts more than one day, for each additional half-day .... \$285

**SUPREME COURT OF CANADA**

T94. Services rendered in a proceeding before the Supreme Court of Canada are subject to an application for special consideration.

**PART 4**  
**TARIFF IN CRIMINAL AND PENAL**  
**PROCEEDINGS UNDER THE YOUTH**  
**CRIMINAL JUSTICE ACT**

**Special interpretation and application rules**

T95. Where a flat-rate remuneration is prescribed by this Part for professional services, the advocate who receives the mandate during the proceedings and who sees the case through is entitled to the full flat-rate remuneration, if no other legal service was rendered to the recipient in the same case, within the framework of the Legal Aid Act or not, by an advocate employed by a legal aid centre or by another advocate in private practice.

T96. 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 the advocate may be entitled under the preceding sections.

T97. 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.

T98. Where an advocate represents a client indicted by more than one information and the trial or a hearing during which the accused pleads guilty to the various charges is held in the same court and on the same day, the advocate is entitled to the full remuneration for the best paid information and to one-half of the prescribed tariff for each other information.

T99. 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.

T100. At first instance, subject to any provision to the contrary, the remuneration prescribed by this tariff applies only to the professional services rendered to the accused.

On appeal, subject to any provision to the contrary, the remuneration prescribed by this tariff applies only to the professional services rendered to the person who, at first instance, was the accused.

T101. An advocate is entitled to reimbursement of his cost of photocopies when proceedings are made in writing or to reproduce authorities, at the rate of \$0.10 a page.

T102. Appearance before a justice of the peace 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.

T103. All professional services related to an application for an extension concerning the execution of a sentence or order of the court ..... \$80

T104. All professional services related to an application for the transfer of a case to another judicial district resulting in the loss of the case ..... \$80

T104.1 To attend the appearance of a person arrested under a warrant issued in another judicial district ... \$100

T104.2 To participate in a penal facilitation conference, the advocate is entitled to \$215 per half-day.

T104.3 For any telephone appearance under the Criminal Code and the Courts of Justice Act (s. 174), an amount of \$150.

**FIRST INSTANCE**

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

T105. 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) ..... \$270

T106. All services rendered on a preliminary objection presented aside from the preliminary inquiry or the trial, where the judgment granting it terminates the prosecution ..... \$800

T107. Preparation for trial, including interviews with the accused and witnesses, visits to the scene of the crime and legal research (between preliminary inquiry and sentence if any) ..... \$800

That fee shall be payable only where the trial is actually held and judgment delivered.

T108. Appearance and all stages of proceedings completed on the same day ..... \$75

The above amount includes the remuneration for the preparation work on those stages of proceedings.

T109. When the prosecution objects to release, for the bail hearing actually held ..... \$160

T110. Waiver of preliminary inquiry under section 549(1) of the Criminal Code (Canada) ..... \$100

T111. Preliminary inquiry, per day ..... \$430

T112. Attendance for order on preliminary inquiry or for voluntary examination (where witnesses are not heard) \$60

T113. Trial, per day ..... \$800

In long trials, those fees may appear on interim statement of fees for services rendered during the preceding 30 days

T114. Junior counsel at trial, per day ..... \$200

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.

T115. Attendance for the purpose of entering a plea of guilty ..... \$150

T116. Withdrawal of plea of guilty ..... \$250

T117. Submissions as to sentence or submissions and sentence ..... \$165

T118. Sentence only ..... \$80

The fees prescribed by section T117 or T118 apply only to attendance for sentence on a day other than the day on which the client was found guilty or on which the client entered a plea of guilty.

T119. Attendance for adjournment before the Superior Court of criminal jurisdiction or before a court of criminal jurisdiction ..... \$25

The advocate may not claim fees for more than two adjournments obtained at his request.

**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 provincial court under section 553 of the Criminal Code (Canada)**

T120. All professional services rendered up to the final disposition of the case at first instance ..... \$550

T121. Notwithstanding section T120 and if applicable, where the prosecution objects to release, for a bail hearing actually held ..... \$150

T122. Notwithstanding section T120, where the case requires a preliminary inquiry lasting more than one day, per additional half-day: ..... \$215

T123. Notwithstanding section T120, where the case requires a trial lasting more than one day, per additional half-day:

(a) trial before judge and jury ..... \$400

(b) trial before judge only ..... \$215

**Indictable offences under section 553 of the Criminal Code (Canada)**

T124. All professional services rendered up to the final disposition of the case at first instance ..... \$330

T125. Notwithstanding section T124, where the case requires a trial lasting more than one day, per additional half-day of trial ..... \$215

T126. Notwithstanding section T124 and if applicable, where the prosecution objects to release, for a bail hearing actually held ..... \$150

**Summary convictions (charges brought under Part XXVII of the Criminal Code of Canada)**

T127. All professional services rendered up to the final disposition of the case at first instance ..... \$330

T128. Notwithstanding section T127, where the case requires a trial lasting more than one day, per additional half-day of trial ..... \$215

T129. Notwithstanding section T127 and if applicable, where the prosecution objects to release, for a bail hearing actually held ..... \$150

**Diversion**

T130. The remuneration for all professional services rendered in the course of the diversion process will be the subject of specific negotiations when the terms and conditions will be known. That remuneration will not be lower than that paid for the judicial process as provided for in section T120, T124 or T127, as the case may be.

**Hearings under section 742.6 of the Criminal Code**

T131. All professional services rendered up to the final disposition of the case ..... \$200

Hearings under sections 110, 111, 112, 810.01 (5) and 810.2 (5) of the Criminal Code

T131.1 All professional services rendered up to the final disposition of the case ..... \$200

**Preventive detention**

T132. Preparation of the record for a contestation of an application for preventive detention under Part XXIV of the Criminal Code of Canada, including interviews and other necessary services ..... \$1,000

T133. Hearing of a motion for preventive detention, per day ..... \$430

**Extraordinary remedies**

(*Habeas Corpus, Certiorari, Prohibition, Mandamus*)

T134. Preparation and service of the proceeding .. \$300

T135. Hearing on the merits ..... \$215

**Application for bail or for review of bail for an accused charged with an indictable offence**

T136. For all services related to a motion addressed to a judge of the Superior Court of criminal jurisdiction .... \$200

**Special provisions applicable under the Youth Criminal Justice Act**

T137. All services rendered up to and including a final decision on an application under section 64(1) of the Youth Criminal Justice Act ..... \$425

T138. All services rendered up to and including a final decision on an application for review under the Youth Criminal Justice Act ..... \$185

**APPEALS****Appeal by way of trial *de novo* (before a judge of the Superior Court of criminal jurisdiction)**

T139. Drafting of all proceedings prior to the hearing, including attendances ..... \$110

T140. Hearing on appeal from a judgment, per day .. \$430

T141. Hearing on appeal from a sentence only ..... \$170

T142. Hearing on appeal from a judgment and a sentence, per day ..... \$430

**Appeal by way of case stated**

T143. Drafting and preparation of an application for a case stated ..... \$210

T144. Attendance necessary before the trial court judge for the preparation of a case stated ..... \$110

T145. Preparation of all other proceedings including attendance ..... \$110

T146. Preparation and drafting of notice of appeal \$100

T147. Hearing of appeal ..... \$430

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

T148. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances ..... \$110

T149. Motion for extension of the time to appeal .... \$200

T150. Hearing of application for leave to appeal ... \$220

T151. Preparation of argument and factum ..... \$325

T152. Hearing of appeal ..... \$325

**Appeal to Court of Appeal****(A) After verdict by jury**

T153. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances ..... \$600



T154. Hearing of application for leave to appeal ...	\$220
T155. Motion for extension of the time to appeal ....	\$200
T156. Preparation of argument and factum, where applicable .....	\$800
T157. Hearing of appeal .....	\$800

**(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 Youth Criminal Justice Act**

T158. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances .....	\$220
T159. Hearing of application for leave to appeal ..	\$220
T160. Motion for extension of the time to appeal .....	\$200
T161. Preparation of argument and factum, where applicable .....	\$335
T162. Hearing of appeal .....	\$335

**(C) Appeal from sentence only**

T163. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances .....	\$220
T164. Hearing of application for leave to appeal ...	\$220
T165. Motion for extension of the time to appeal ....	\$200
T166. Preparation of argument and factum, where applicable .....	\$200
T167. Hearing of appeal .....	\$220

**(D) Appeal from verdict or judgment and sentence**

T168. The fees prescribed by A or B are added to those prescribed by C .....	\$220
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**(E) Bail**

T169. Application for bail pending appeal (all proceedings, including hearing) .....	\$270
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**Appeal to the Supreme Court of Canada**

T170. Services rendered in a proceeding before the Supreme Court of Canada are subject to an application for special consideration.

**Appeal from a judgment in respect of preventive detention**

T177. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances .....	\$225
T178. Preparation of argument and factum, where applicable .....	\$535
T179. Hearing of appeal .....	\$335

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

T180. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances .....	\$225
T181. Preparation of argument and factum, where applicable .....	\$535
T182. Hearing of appeal .....	\$335
T183. The preparation and hearing of an incidental motion, in appeal, such as a motion to be discharged from a judgment declaring the appeal abandoned .....	\$225

**Proceedings under section 732.2(5) of the Criminal Code of Canada**

T184. All services rendered for an application for a change .....	\$150
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**Proceedings under section 734.7 of the Criminal Code of Canada and article 346 of the Code of Penal Procedure**

T186. All professional services rendered for an application for the issue of an order of imprisonment for default of payment of fines .....	\$220
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**PART 5****TARIFF FOR MISCELLANEOUS PROCEEDINGS****Special interpretation and application rules**

T187. 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 court or the same 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.

T188. Where a hearing does not terminate before 7:00 p.m. on the day on which it begins, the advocate is entitled for the evening and for each additional half-day to an additional fee of ..... \$165

For the purposes of this rule, 1:00 p.m. is the middle of the day.

T189. Where an appeal is heard in the Court of Québec, the fees are those prescribed for Class II of the civil tariff at first instance *mutatis mutandis*.

T190. Where an appeal is heard in Superior Court, the fees are those prescribed for Class IIIA of the civil tariff at first instance *mutatis mutandis*.

T191. Where an appeal is heard in the Court of Appeal, the fees are those prescribed for Class II of the tariff of the Court of Appeal.

T192. An advocate receives a fixed amount of \$11 as a reimbursement of his cost of photocopies, facsimile copies, messenger services and stamps.

**Intervention under the Youth Protection Act (R.S.Q., c. P-34.1)**

T193. Intervention with the Director of Youth Protection, including any voluntary measures prior to intervention in court; per attendance ..... \$100

T194. 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 ..... \$410

T195. 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 .... \$410

The tariff prescribed by this section is payable notwithstanding the provisions of section T196 if contestation on the part of a disputing party requires that a hearing be held.

T196. Notwithstanding the foregoing, where the final decision under sections T194 and T195 is delivered with consent and without hearing any witness, an advocate is entitled to only half of the fees, specifically ..... \$205

T197. Where the recourse under section T194 or T195 is terminated by discontinuance ..... \$175

T198. (a) All services rendered up to and including a final decision upon a motion for temporary shelter ..... \$140

(b) Where the recourse is terminated by discontinuance ..... \$80

T199. (a) All services rendered up to a final decision upon a motion for extension of an emergency order ..... \$140

(b) Where the recourse is terminated by discontinuance ..... \$80

(c) All services rendered up to a final decision upon a motion to be declared interested party or person

i. uncontested ..... \$140

ii. contested ..... \$300

T200. Attendance for adjournment ..... \$25

T201. Attendance for judgment ..... \$50

T201.1. Notwithstanding section T187, where an advocate represents more than one child from the same family

— the fees for the first child are increased by 50% for the second child;

— the fees for the first child are increased by 50% for all the other children.

T201.2. Where an advocate represents a parent at least two children of whom are the subject of proceedings by the Director of Youth Protection, the advocate is entitled to the fees in T120.1 *mutatis mutandis*.

T201.3. For any participation in a conciliation or mediation session that does not put an end to the dispute, an advocate is entitled to \$165 per half-day;

T201.4. For any participation in a conciliation or mediation session that puts an end to the dispute, an advocate is entitled to the fees in section T194, plus \$165 per half-day of conciliation or mediation from the third half-day.

**Régie du logement**

T202. All services rendered before the commissioner:

(a) Upon a final decision in uncontested proceedings, including an out-of-court settlement or upon a final decision embodying a discontinuance ..... \$225

(b) Upon a final decision in contested proceedings ..... \$310

T203. (a) All services rendered upon a motion for review before the Board up to and including a final decision ..... \$300

(b) Upon filing of an out-of-court settlement or upon filing of a discontinuance ..... \$160

T204. (a) Incidental motion ..... \$80

(b) Motion for revocation of judgment ..... \$160

T205. (a) For a decision on any motion filed with the Court of Québec under section 91 of the Act respecting the Régie du logement (R.S.Q., c. R-8.1); to each attorney: ..... \$215

(b) For a settlement reached before the hearing .... \$160

T206. For any motion for provisional execution or suspension of execution of a decision of the Régie du logement ..... \$120

T206.1 For any participation in a conciliation or mediation session that does not put an end to the dispute, an advocate is entitled to \$165 per half-day;

T206.2 For any participation in a conciliation or mediation session that puts an end to the dispute, an advocate is entitled to the fees in T202(b), plus \$165 per half-day of conciliation or mediation from the third half-day.

**Proceedings in respect of work accidents and occupational diseases, crime victims compensation, income security, employment insurance, pensions, automobile insurance or proceedings under the Act to secure the handicapped in the exercise of their rights (R.S.Q., c. E-20.1)**

(A) **Review of the decision of an administrative officer**

T207. (a) All services rendered upon a motion for review up to and including a final decision in a matter of work accident or occupational disease ..... \$270

(b) All services rendered upon a motion for review in a matter other than the one governed by section T207(a) up to and including a final decision ..... \$235

**(B) Application before an administrative tribunal of last instance**

**i. For all services rendered without conciliation under sections 120 and seq. of the Act respecting administrative justice (R.S.Q., c. J-3) and section 429.44 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001)**

T208. When the proceedings terminate by a discontinuance or an out-of-court settlement before proof and hearing at the Administrative Tribunal of Québec ..... \$270

T209. When there is proof and hearing before the Administrative Tribunal of Québec ..... \$500

**ii. For all services rendered with conciliation under sections 120 and seq. of the Act respecting administrative justice and section 429.44 of the Act respecting industrial accidents and occupational diseases**

T210. When the proceedings terminate by a discontinuance or an out-of-court settlement in the process of or after conciliation ..... \$500

T211. When there is proof and hearing before the Administrative Tribunal of Québec ..... \$500

Plus \$200 per half-day of proof and hearing, as of the first half-day.

**Motion for leave to appeal against a decision of an administrative tribunal of last instance to the Court of Québec**

T212. Upon judgment for any motion for leave to appeal ..... \$220

T213. Upon settlement reached before hearing .... \$165

**Confinement in an institution and psychiatric assessment**

T214. (a) All services rendered up to and including a final judgment ..... \$190

(b) Upon filing of a discontinuance ..... \$85

**Bankruptcy**

(A) **Application for discharge**

T215. All services rendered up to and including a final judgment

(a) uncontested ..... \$110

(b) contested ..... \$325

T216. All services rendered upon any incidental motion ..... \$60

**(B) Contestation of the application for an order requiring payment of a part of salary to the trustee**

T217. All services rendered up to and including a final judgment ..... \$110

**(C) Motion to withdraw property from the assets assigned to creditors**

T218. All services rendered up to and including a final judgment ..... \$110

**IMMIGRATION**

**Notification of claim**

T218.1. Preparation of the form and meeting with claimant, fees of: ..... \$100

T218.2. Attendance at interview in the office of Immigration Canada, fees of ..... \$200

**(A) Immigration and Refugee Board**

T219. Preparation of the Personal Information Form:

(a) main claimant form ..... \$200

(b) form of each other member of the family in the same file ..... \$75

**Adjudication Division or Convention Refugee Determination Division**

T220. (a) All the other services rendered up to and including a final decision before the Adjudication Division or the Convention Refugee Determination Division ..... \$330

**Appeal Division of the Immigration and Refugee Board**

(b) All the other services rendered up to and including a final division before the Appeal Division of the Immigration and Refugee Board ..... \$550

(c) If the recourse is terminated by discontinuance of appeal ..... \$285

Hearing concerning detention

(d) For services rendered during a hearing concerning detention before the Immigration and Refugee Board ..... \$200

**CONCILIATION OR MEDIATION**

(e) For any participation in a conciliation or mediation session that does not put an end to the dispute, an advocate is entitled to \$165 per half-day;

(f) For any participation in a conciliation or mediation session that puts an end to the dispute, an advocate is entitled to the fees in section T220(a) or T220(b), as the case may be, plus \$165 per half-day of conciliation or mediation from the third half-day.

**(B) Federal Court (Trial Division)**

T221. Preparation of the application for authorization to institute judicial review proceedings ..... \$500

T222.1. Application for stay: ..... \$400

T222.2. Preparation of hearing on the merits ..... \$585

T222.3. For any other contested incidental proceeding \$120

T222. Hearing on the merits, per half-day ..... \$220

**(C) Federal Court (Appeal Division)**

T223. After filing of the notice of appeal, for any case terminated or appeal abandoned ..... \$425

T224. Hearing of the appeal on the merits ..... \$1,130

**Application for permanent residence in Canada (humanitarian and compassionate considerations)**

T224.1. Preparation of the form to apply for permanent residence in Canada (humanitarian and compassionate considerations) ..... \$200

T224.2. Written submissions in addition to the form may be the subject of an application for special consideration.

**Tariff in parole proceedings****Before the Commission québécoise des libérations conditionnelles****Application for review of parole, application for review of a condition or post-suspension application**

T225. All services rendered up to and including a final decision, whether the decision is made after examination of the record based on the written submissions or after the hearing ..... \$225

**Appeal before the National Parole Board****Standard application**

T226. (a) Preparation of standard hearing ..... \$375

(b) Standard hearing, per half-day ..... \$200

**Hearing on record including written submissions**

T226.1. Preparation, drafting and filing of written representations ..... \$475

**“Post Suspension” hearing**

T227. (a) Preparation of hearing ..... \$125

(b) Hearing, per half-day ..... \$200

**Hearing on record**

T227.1. Preparation, drafting and filing of written representations ..... \$225

T228. (a) For an adjournment before the Board has begun to hear the case ..... \$30

(b) For an adjournment when the case is being heard by the Board, the half-day amount of fees prescribed by section T226 is payable.

(c) The provisions of section T6 apply notwithstanding section T228(a).

**Appeal before the National Parole Board or the Commission québécoise des libérations conditionnelles**

T229. All services rendered before the National Parole Board ..... \$865

T229.1 All services rendered before the Commission québécoise des libérations conditionnelles ..... \$415

T230. (a) Preparation of an application for judicial review to the Federal Court of a decision of the National Parole Board or the Correctional Service of Canada (including its Disciplinary Court): ..... \$1,000

(b) All attendances before the Court, including the presentation of the case per half-day ..... \$220

(c) Examination or cross-examination of a declarant of the applicant or defendant ..... \$150

T230.1. Section T49 applies for any application for judicial review of a decision of the Commission québécoise des libérations conditionnelles, *mutatis mutandis*

**Correctional law in disciplinary proceedings**

T231. (a) Preparation for hearing ..... \$130

(b) Hearing ..... \$120

T232. The provisions of sections T228(a), T228(b) and T228(c) apply *mutatis mutandis*.

T232.1. Objection to transfer ..... \$200

**Application for judicial review under section 745.6 of the Criminal Code**

T232.2. All services rendered on an application to the Chief Justice of the Superior Court ..... \$250

T232.3. Sections T105 to T119 apply, *mutatis mutandis*, to the remuneration of professional services rendered before a judge and jury.

**Review Board (sections 672.38 et seq. of the Criminal Code)**

T232.2. The remuneration for professional services rendered before a Review Board under sections 672.38 et seq. of the Criminal Code is determined in accordance with sections T208 to T211 *mutatis mutandis*.

**Coroner’s inquest**

T233. Preparation for coroner’s inquest, including interviews with all witnesses, any visit to the scene of the death and legal research ..... \$100

T234. Attendance at coroner’s inquest, per day .... \$430

### Review committee of the Commission des services juridiques

T235. Hearing before the review committee of the Commission des services juridiques if the advocate succeeds ..... \$110

### Administrative application for a change of name

T236. Administrative motion for a change of name ..... \$110

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## Draft Regulation

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1)

### Scale of fees and duties related to the development of wildlife

#### — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife, appearing below, may be made by the Government on the expiry of 45 days following this publication.

Any person wishing to comment on the matter may submit written comments to Denis Gagnon, Director General, responsible for Faune Québec, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 10<sup>e</sup> étage, Québec (Québec) G1S 4X4, within the 45-day period.

CLAUDE BÉCHARD,  
*Minister of Natural Resources  
and Wildlife*

## Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife\*

An Act respecting the conservation and development of wildlife

(R.S.Q., c. C-61.1, s. 97, par. 2, s. 121, par. 1 and s. 162, pars. 10, 10.1 and 16)

**1.** The Regulation respecting the scale of fees and duties related to the development of wildlife is amended in section 2 by replacing “\$25.21” by “\$13.29”.

**2.** Sections 4 and 4.1 are replaced by the following:

“**4.** The following fees are payable on the issue of a trapping licence:

- |   |           |
|---|-----------|
| (1) resident professional trapping licence:     | \$16.60;  |
| (2) non-resident professional trapping licence: | \$298.10. |

**4.1.** The following fees are payable on the issue of a fishing licence:

- |  |          |
|--|----------|
| (1) sport fishing licences for species other than an adromous Atlantic salmon: |          |
| (a) resident 65 and over (yearly):   | \$10.81; |
| (b) resident under 65 (yearly):  | \$14.35; |
| (c) resident (3 consecutive days):   | \$7.05;  |
| (d) resident, with catch and release obligation (yearly):                      | \$9.75;  |
| (e) non-resident (yearly):   | \$52.23; |
| (f) non-resident (7 consecutive days):   | \$34.07; |
| (g) non-resident (3 consecutive days):   | \$21.22; |

\* The Regulation respecting the scale of fees and duties related to the development of wildlife, made by Order in Council 1291-91 dated 18 September 1991 (1991, *G.O.* 2, 3908), was last amended by the regulations made by Orders in Council 54-2008 dated 31 January 2008 (2008, *G.O.* 2, 619), 330-2008 dated 9 April 2008 (2008, *G.O.* 2, 1184) and 333-2008 dated 9 April 2008 (2008, *G.O.* 2, 1148). For previous amendments, refer to the *Tableau des modifications et Index Sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.