

Notice

An Act respecting legal aid and the provision of certain legal services
(chapter A-14)

Agreement between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates under the legal aid plan and the dispute settlement procedure

Notice is hereby given that the Agreement between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates under the legal aid plan and the dispute settlement procedure, appearing below, was entered into on 19 March 2013.

In accordance with section 83.21 of the Act respecting legal aid and the provision of certain legal services (chapter A-14), the Agreement has force of law and takes effect on the date of its publication in the *Gazette officielle du Québec*.

BERTRAND ST-ARNAUD,
Minister of Justice

Agreement between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates under the legal aid plan and the dispute settlement procedure

An Act respecting legal aid and the provision of certain legal services
(chapter A-14, s. 83.21)

PRELIMINARY

1. This Agreement establishes the tariff of fees applicable to advocates in private practice to whom a legal aid mandate is entrusted, except for services rendered in criminal and penal matters.

This Agreement also provides rules concerning expenses as well as a dispute settlement procedure.

PART I TARIFF OF FEES

CHAPTER I GENERAL

2. A day may comprise a maximum of 3 work periods, 1 in the morning, 1 in the afternoon and 1 in the evening. Morning ends at 1:00 p.m. and evening starts at 6:00 p.m.

A period of participation in a conference and a hearing period are considered work periods.

3. Unless otherwise provided, a flat fee includes 2 work periods in the same day, that is, one in the morning and one in the afternoon.

If, once under way, the hearing, conference or conciliation or mediation session may not end before 6:00 p.m. in the same day, the advocate is entitled, for the evening and for each additional work period, to fees of:

- (1) at first instance: \$275;
- (2) in appeal: \$285.

4. Where a flat-rate remuneration is prescribed for all services and more than 1 advocate have rendered services, each advocate, if in private practice, is entitled to the part of the flat rate corresponding to the services rendered by the advocate, subject to section 81.1 of the Regulation respecting the application of the Act respecting legal aid and the provision of certain other legal services (chapter A-14, r. 1, as amended).

5. Where the legal aid of a recipient is suspended or withdrawn or where a recipient is no longer eligible for or waives legal aid, the advocate is remunerated for the services rendered until receipt of the notice provided for in section 74 of the Regulation respecting the application of the Act respecting legal aid and the provision of certain other legal services and for legal services subsequently rendered for the delivery of conservatory measures necessary to safeguard the recipient's rights or requested by the court.

6. The Commission des services juridiques determines the fees applicable to a service not included in the tariff by taking into account the fees provided for in this Agreement for similar proceedings, if applicable.

7. Where the mandate is of an exceptional nature owing to the circumstances of the work or the complexity of the case, the advocate may submit an application for special consideration so that the Commission determines the excess fees.

8. Where the advocate must, at the director general's request, justify in writing an application for a legal aid mandate, fees in the amount of \$75 are payable if the mandate is granted.

9. The fees for all the services rendered under a consultation mandate are \$65. If the advocate's mandate is to write a formal demand, a letter or a notice, the fees are \$90.

10. The following fees apply to the services rendered by an advocate:

(1) if the court refuses or is unable to proceed in the presence of the parties on the day fixed for the hearing: \$100;

(2) for a notice to appoint another advocate: \$75;

(3) if the advocate must submit or file a notice of substitution of attorney, a notice of withdrawal of mandate, or a statement or motion to cease representing: \$60.

11. Where an advocate pleads in writing, at the court's request or under its authorization, fees of \$160 are payable.

12. For every participation of the advocate in a settlement conference, a special case management conference or a pre-trial conference provided for in article 279 of the Code of Civil Procedure (chapter C-25) (C.C.P.), the fees are \$275 per period.

CHAPTER II TARIFF IN CIVIL MATTERS

DIVISION I GENERAL

13. For the purposes of this Chapter, unless the context indicates otherwise, a settlement is considered to be reached when there is a discontinuance of the action, when a transaction takes place or when there is a total acquiescence in the demand. Cases that come to an end following a bankruptcy proceeding are also considered settled.

14. For an application to intervene under article 210 of the C.C.P., the fees are \$300 if there is no contestation and \$350 if there is contestation.

15. Where 2 or more defendants file separate contestations, the advocate of the plaintiff receives for each additional contestation half of the fees prescribed in section 39 or section 44, according to the stage of the proceedings.

For the purposes of this provision, the intervenor, the impleaded party and the defendant on warranty, if they ask for dismissal of the initial action, are each considered to be a defendant filing a separate contestation.

16. Where 2 or more incidental applications can be framed in a single proceeding, the fees are payable only once despite the multiplicity of proceedings.

17. An advocate must apply for costs in the application.

18. 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 or her costs from the adverse party or claim payment from the legal aid body from which the advocate received the mandate.

19. 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 the mandate.

Where the advocate chooses to claim payment from the legal aid body, the advocate subrogates that body in its rights up to the amount of the advocate's bill of costs duly taxed.

DIVISION II CLASSES OF ACTIONS

20. Actions are classified according to the amount or value in dispute:

Class I: Less than \$3,000;

Class II: From \$3,000 to \$9,999.99;

Class III: From \$10,000 to \$24,999.99;

Class IV: From \$25,000 to \$49,999.99;

Class V: \$50,000 or more.

21. The tariff prescribed for Class II is applicable to the following actions, proceedings and matters:

(1) action for declaration or denial of a servitude;

(2) adoption;

(3) boundary delimitation, possessory or petitory proceedings;

(4) proceeding or action governed by the C.C.P., but not provided for in the tariff if the amount or value in dispute is indeterminable or inexistent;

(5) proceedings for legal persons provided for in the C.C.P.;

(6) extraordinary recourses provided for in the C.C.P.;

(7) sequestration.

22. In the matter of a decision on a question of law and a declaratory judgment, 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 actions.

23. An injunction applied for without other conclusions than those of article 751 of the C.C.P. is considered to be an action of Class III at first instance and Class II in appeal.

If other conclusions are sought, the tariff is that of the class prescribed for such conclusions, but is not less than that prescribed in the first paragraph.

24. For proceedings related to filiation, disavowal or the deprivation of parental authority, the tariff prescribed for Class III actions applies.

25. The procedure governing the sale of the property of others, provided for in Chapter X of Book VI of the C.C.P., the class of action is determined by the value of the property.

26. In expropriation proceedings, the class of action is determined by the amount of the compensation.

Contestation of the right to expropriation is a separate proceeding and the tariff prescribed for Class II actions applies.

27. Hypothecary actions are considered to be purely personal actions and the class of action is determined by the balance of the obligation.

28. In proceedings for judicial partition and licitation, the class of action is determined by the value of the matter in dispute.

29. In an action by a creditor to enforce a right to become the absolute owner of an immovable, the class of action is determined by the value of the immovable.

30. 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 class of action is determined by the total value of the application.

31. In the case of a review of taxation of a bill of costs, the class of action is determined by the amounts in dispute.

32. Where a cross demand is filed, an advocate receives only one amount of fees and the class of action is determined by the highest of the amounts that is granted.

DIVISION III **TARIFF FOR PROCEEDINGS AT FIRST INSTANCE** **AND FOR NON-CONTENTION PROCEEDINGS**

33. For any application to amend the register of civil status, the fees are \$115.

For other non-contentious proceedings, the fees are \$100, with the exception of the procedure governing the sale of the property of others, for which the class is determined in accordance with section 25.

34. For every notice or putting in default preceding the service of the originating process:

(1) required by law: \$75;

(2) not required by law: \$50.

The fees in subparagraph 2 are payable only once per mandate.

35. For every seizure before judgment: \$100.

36. Where a settlement is reached before the service of the originating process, or after the originating process but before the service of a defence or contestation, the fees are as follows:

(1) to the advocate representing the applicant:

Class I: \$170;

Class II: \$205;

Class III: \$275;

Class IV: \$375;

Class V: \$475;

(2) to the advocate representing the defendant:

Class I: \$105;

Class II: \$170;

Class III: \$240;

Class IV: \$375;

Class V: \$440.

37. Where a judgment on the merits, by default to appear or to plead is rendered, the fees are as follows:

(1) to the advocate representing the applicant:

(a) without proof:

Class I: \$190;

Class II: \$240;

Class III: \$340;

Class IV: \$440;

Class V: \$540;

(b) with proof:

Class I: \$240;

Class II: \$310;

Class III: \$400;

Class IV: \$510;

Class V: \$610.

(2) to the advocate representing the defendant:

(a) if there is no proof or the advocate is not present:

Class I: \$70;

Class II: \$110;

Class III: \$140;

Class IV: \$180;

Class V: \$240;

(b) if there is proof and the advocate is present:

Class I: \$140;

Class II: \$205;

Class III: \$275;

Class IV: \$375;

Class V: \$475.

38. For the examination on discovery of a party before or after the defence is filed, excluding an examination during an incidental measure or the trial: \$100.

39. Where a settlement is reached after the service of a defence or contestation on the merits, or where an application is dismissed following a motion for dismissal, the fees are as follows:

Class I: \$340;

Class II: \$475;

Class III: \$610;

Class IV: \$750;

Class V: \$880.

40. For all services rendered in matters of incidental proceedings:

(1) if there is contestation: \$100;

(2) if the incidental proceeding terminates the dispute:

Class I: \$190;

Class II: \$240;

Class III: \$340;

Class IV: \$440;

Class V: \$540.

41. For registration in the appropriate register of the judgment or any other deed for the preservation of real rights: \$50.

42. For the preparation and registration in the land register of a prior claim, legal hypothec or demand, as prescribed in article 1743 of the Civil Code: \$100.

43. For the preparation and registration of an application for the cancellation of a registered right: \$50.

44. Where a judgment on the merits is rendered in a contested action, the fees are as follows:

Class I: \$475;

Class II: \$680;

Class III: \$950;

Class IV: \$1,085;

Class V: \$1,360.

Those fees are also applicable to a judgment on a motion for an interlocutory injunction that terminates the action or to a judgment on a motion for a permanent injunction that was not preceded by a judgment on an interlocutory injunction.

45. The fees provided for in section 44 are increased by 50% where a judgment on a motion for a permanent injunction is rendered following a judgment on an interlocutory injunction.

46. Where the recipient, acting as the plaintiff or the defendant, succeeds in a contested action where the amount claimed is greater than \$100,000, the following additional fees are payable to the advocate:

(1) 1% of the amount in excess of \$100,000, up to a \$1,000,000 conviction;

(2) where the amount of the judgment exceeds \$1,000,000, 1/10 of 1% of the amount in excess of \$1,000,000 is added to the amount provided for in subparagraph 1.

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

47. In an action referred to in section 46, the advocate of the recipient is entitled to 1/3 of the additional fees prescribed in that section where a settlement is reached before the filing of a defence, and 2/3 of those fees where the settlement is reached after the filing of a defence.

48. For the filing of a declaration of voluntary deposit and for a claim on seizure of salary or wages or on voluntary deposit: \$50.

49. For services rendered to obtain the issue of all writs of execution, regardless of their nature: \$50.

50. For the examination of the debtor after judgment: \$75.

51. For every judgment by default against a garnishee or on the garnishee's declaration: \$50.

52. For the taxation of a bill of costs:

(1) \$50 if not contested;

(2) \$115 if contested.

53. In adoption proceedings, 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 fees payable for each additional application are \$100.

54. In expropriation proceedings, the fees are

(1) for any proceeding commenced under the Expropriation Act (chapter E-24) before a court other than the Administrative Tribunal of Québec, immovable property division: \$100;

(2) for any uncontested proceeding respecting payment of the money awarded: \$100.

Additional fees of 1% of the compensation are added to the fees prescribed in the first paragraph where it is demonstrated to the satisfaction of the Administrative Tribunal of Québec, on a motion accompanied by an affidavit of the advocate, that the advocate's services during the preparation of the case or at proof and hearing, or during the negotiations leading to a transaction so justify.

55. Where an advocate represents a minor following an order made pursuant to article 394.1 of the C.C.P., the fees are \$300 if not contested and \$350 if contested.

Those fees are applicable for every judgment ruling on the minor's rights and privileges and that required the intervention or presence of the advocate.

By exception, in the case of a judgment extending the application of the measures ordered by the preceding judgment or renewing it, the fees are \$85, for a maximum of 2 judgments in a same case.

56. For the purposes of section 55, if an advocate represents 2 or more minors in the same case, the fees for representing a minor are increased by the following percentage according to the number of minors represented:

(1) 2 minors: 50%;

(2) 3 minors or more: 100%.

57. In matters concerning confinement in an establishment or psychiatric evaluation:

(1) \$85 if there is discontinuance of suit;

(2) \$190 if a judgment on the merits is rendered.

DIVISION IV TARIFF FOR PROCEEDINGS IN APPEAL

58. For an application for leave to appeal, an application for dismissal of appeal or any other contested incidental proceeding, the fees are \$190.

59. For services rendered in 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 judgment on the merits, according to the class of action determined by the amount in dispute.

60. After the inscription in appeal for any action settled or appeal abandoned or dismissed, the fees are as follows:

Class I: \$190;

Class II: \$525;

Class III: \$560;

Class IV: \$750;

Class V: \$950.

61. For an application for extension of the time allowed to file the factum:

(1) \$100, if not contested;

(2) \$170, if contested.

62. For the filing of an additional factum on request by the court: \$280.

63. Where the action is settled or the appeal is abandoned, after filing of the factum of the appellant, the fees are as follows:

(1) to the advocate representing the appellant:

Class I: \$560;

Class II: \$850;

Class III: \$1,050;

Class IV: \$1,320;

Class V: \$1,600;

(2) to the advocate representing the respondent:

Class I: \$280;

Class II: \$560;

Class III: \$660;

Class IV: \$850;

Class V: \$1,050.

64. Where the action is settled or the appeal is abandoned, after filing of the factum of the appellant and before the hearing, the fees are as follows:

Class I: \$660;

Class II: \$950;

Class III: \$1,120;

Class IV: \$1,400;

Class V: \$1,700.

65. Where a judgment of the Court of Appeal on a motion for a permanent injunction is rendered after a judgment from that Court on a motion for an interlocutory injunction, the fees are as follows:

Class I: \$475;

Class II: \$700;

Class III: \$800;

Class IV: \$950;

Class V: \$1,120.

66. Where a judgment on the merits is rendered, the fees are as follows:

Class I: \$950;

Class II: \$1,400;

Class III: \$1,600;

Class IV: \$1,900;

Class V: \$2,240.

Those fees are also applicable to a judgment of the Court of Appeal rendered on a motion for an interlocutory injunction that terminates the action or to a judgment from that Court on a motion for a permanent injunction that was not preceded by a judgment on an interlocutory motion that it would have rendered.

67. During appeal to the Supreme Court, the fees are the following:

(1) for the preparation of all proceedings preliminary to the appeal, including drafting and filing of the notice of appeal or application for leave to appeal: \$3,000;

- (2) preparation of factum: \$3,000;
- (3) hearing of appeal: \$4,000.

CHAPTER III
SPECIAL TARIFF FOR CERTAIN FAMILY
PROCEEDINGS

68. The tariff in civil matters provided for in Chapter II applies to proceedings referred to in this Chapter, subject to the special provisions prescribed therein.

DIVISION I
APPLICATIONS BASED ON THE DIVORCE
ACT (REVISED STATUTES OF CANADA (1985),
CHAPTER 3, 2ND SUPPLEMENT) OR ON TITLES I
AND 1.1 OF BOOK II OF THE CIVIL CODE

69. For every seizure before judgment: \$75.

70. An advocate who files evidence by affidavit without being present at the proof is entitled to the fees prescribed in subdivisions 1 to 3.

§1. Applications to institute proceedings

71. Where there is reconciliation, abandonment or discontinuance of proceedings, the fees are as follows:

- (1) after the filing of the originating process with the Court, to the advocate representing the applicant: \$220;
- (2) after appearance and before service of a contestation, to the advocate representing the defendant: \$220;
- (3) in an action by agreement, to the advocate representing both parties: \$380.

72. Where there is reconciliation, abandonment or discontinuance of the proceedings after service of a contestation and before judgment on the merits, the fees are as follows, to the advocate representing

- (1) the applicant: \$430;
- (2) the defendant: \$325.

73. Where a judgment by default to appear or to plead is rendered, the fees are as follows, to the advocate representing

- (1) the applicant: \$550;
- (2) the defendant: \$380.

74. Where a judgment confirms an agreement filed in a joint application, to the advocate representing both parties: \$850.

75. Where a judgment on the merits is rendered in a contested action: \$850.

§2. Orders to safeguard rights and provisional measures

76. For the first judgment on the measures applicable during the proceedings, whether an order to safeguard rights or a judgment on provisional measures, the fees are as follows:

- (1) after agreement or transaction: \$275;
- (2) after proof: \$325.

77. For every judgment rendered on the measures applicable during the proceedings that amends the measures ordered or extended by the preceding judgment:

- (1) after agreement or transaction: \$275;
- (2) after proof: \$325.

If the special clerk refuses to confirm an agreement or transaction and refers the parties to the judge, the fees are \$325

78. For every judgment rendered on the measures applicable during the proceedings that extends the application of the measures ordered by the preceding judgment or that renews it, the advocate is entitled to the following fees for a maximum of 2 judgments in a single case: \$85.

79. If, for a same provisional measure or order to safeguard rights, a separate motion is filed by each party, a single amount of fees is payable regardless of the number of motions.

80. The fees of an advocate to whom a mandate is entrusted for the representation of an applicant in proceedings for separation from bed and board or for divorce are reduced by half where the advocate has already represented that party in similar proceedings during the previous year.

§3. Execution of judgment

81. For every seizure of movables and immovables after judgment: \$75.

82. For a seizure by garnishment, only one of the following fees may be claimed:

(1) for a requisition for a writ of seizure by garnishment after judgment: \$75;

(2) for a judgment for seizure by garnishment after judgment: \$100.

83. For registration of the judgment at the registry office: \$50.

§4. Applications subsequent to judgment on merits

84. The fees applicable for the appointment of a practitioner, the homologation of a practitioner's report or for inscription following an homologated report are \$50.

85. For every judgment

(1) relating to a motion for variation of support, custody of children, visitation and outing rights after proof and hearing: \$425;

(2) relating to a motion for change in the measures provided for in subparagraph 1, settled without proof and hearing: \$325.

This provision applies subject to the provisions of section 76.

86. For the drafting and registration in the land register of the declaration of family residence: \$100.

DIVISION II
OTHER PROCEEDINGS IN FAMILY MATTERS

87. For any judgment that orders measures applicable during the proceedings:

(1) after agreement or transaction: \$300;

(2) after proof: \$400.

88. For a judgment ruling on the action on the merits, the advocate is entitled to the following fees, only once per case:

(1) without proof: \$400;

(2) after proof: \$500.

89. For a judgment extending the application during the proceedings of the measures ordered by the preceding judgment, or renewing the preceding judgment without amending it, an advocate is entitled to the following fees for a maximum of 2 judgments in a single case: \$85.

DIVISION III
PROCEEDINGS IN APPEAL IN FAMILY MATTERS

90. For an application for leave to appeal, for dismissal of appeal or any other contested incidental proceeding: \$270.

91. For an appeal from any interlocutory judgment: \$657.50.

92. Where an action is settled or an appeal is abandoned or deemed abandoned after inscription in appeal: \$270.

93. For the filing of an additional factum on request by the court: \$270.

94. After the filing of the appellant's factum for any action settled, appeal abandoned or deemed abandoned, the fees are as follows:

(1) to the advocate representing the appellant: \$620;

(2) to the advocate representing the respondent: \$350.

95. Where an action is settled, the appeal abandoned or deemed abandoned after the filing of the respondent's factum and before the hearing: \$800.

96. Where a judgment on the merits is rendered: \$1,315.

CHAPTER IV
TARIFF FOR MISCELLANEOUS PROCEEDINGS

DIVISION I
GENERAL

97. Where an advocate represents two or more recipients who are joined in law or *de facto* and are parties to a dispute 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 fees of the advocate are limited to those prescribed for professional services rendered to one recipient.

98. When an appeal is heard in the Court of Québec, the fees are based on those prescribed for Class II of the civil tariff at first instance.

99. Where an appeal is heard in Superior Court, the fees are based on those prescribed for Class III of the civil tariff at first instance.

100. When an appeal is heard in the Court of Appeal, the fees are based on those prescribed for Class II of the civil tariff for appeal proceedings.

DIVISION II PROCEEDINGS IN MATTERS OF YOUTH PROTECTION

101. For the presence of the advocate for an intervention with the Director of Youth Protection, including an intervention to reach an agreement on the voluntary measures prior to intervention in court: \$100.

102. For any participation in a conciliation or mediation procedure, the fees are:

- (1) \$410 where the procedure settles the dispute;
- (2) \$275 per period if the procedure does not settle the dispute.

103. Where the court hears together the case of several children concerned by the proceedings of the Director of Youth Protection, the advocate who represents more than one child from a same parent or who represents a party is entitled to the remuneration prescribed for representing a person, increase by the following percentage if there are:

- (1) 2 children: 50%;
- (2) 3 children or more: 100%.

This provision also applies to the advocate of a person who is interested or intervenes.

104. The following fees apply where the presence of the advocate is required:

- (1) for a postponement: \$25;
- (2) for the rendering of a judgment: \$50.

105. For all services related to a motion for intervention provided for in section 81 of the Youth Protection Act (chapter P-34.1), the fees are \$140 if the judgement is rendered without contestation and \$300 if there is contestation.

106. For all services related to a motion for provisional measures or foster care or services related to a motion for the extension of immediate protective measures provided for in sections 47, 76.1 and 79 of the Youth Protection Act, the fees are as follows:

- (1) if there is discontinuance: \$80;
- (2) if a final decision is rendered: \$140.

107. For all services rendered, including in connection with measures on an application to have a child declared endangered under section 74.1 of the Youth Protection Act or an application for the review or extension of a decision or order under section 95 of that Act, the fees are as follows:

- (1) if there is discontinuance: \$175;
- (2) if the final decision is rendered by consent without witnesses being heard: \$205;
- (3) if a final decision is rendered: \$410.

DIVISION III PROCEEDINGS IN MATTERS OF HOUSING

108. This Division applies solely to proceedings in matters of housing undertaken under the Act respecting the Régie du logement (chapter R-8.1).

109. For any participation in a conciliation procedure, the fees are:

- (1) \$450 where the procedure settles the dispute;
- (2) \$275 per period, if the procedure does not settle the dispute.

110. For an incidental application: \$80.

111. For all the other services rendered:

(1) if there is discontinuance, conclusion of an agreement or where the decision is rendered without contestation: \$225;

(2) if a final decision is rendered after contestation: \$450.

112. For an application for provisional execution of a decision of the Régie du logement: \$120.

113. For an application for revocation of a decision of the board: \$160.

114. For all services related to an application for a review under section 90 of the Act respecting the Régie du logement:

(1) if there is discontinuance or conclusion of an agreement or if the decision is rendered without contestation: \$160;

(2) where a final decision is rendered after contestation: \$300.

115. For all the services related to an application for leave to appeal to the Court of Québec under section 91 of the Act respecting the Régie du logement:

(1) if an agreement is concluded before the hearing: \$160;

(2) where judgment is rendered: \$215.

116. For an application to suspend the execution of a decision of the board: \$120.

DIVISION IV PROCEEDINGS RELATED TO ADMINISTRATIVE DECISIONS

117. This Division applies to the services for which legal aid is granted pursuant to section 44 of the Regulation respecting legal aid (chapter A-14, r. 2) and to property assessment proceedings.

118. For all the services related to an application for review of the decision of an administrative officer, until the final decision, the fees are \$235, except for a decision rendered pursuant to the Act respecting industrial accidents and occupational diseases (chapter A-3.001), in which case the fees are \$270.

119. For all services related to a recourse before an administrative tribunal of last instance, where there is discontinuance or conclusion of an agreement before proof and hearing, the fees are as follows:

(1) following a conciliation procedure: \$500;

(2) in the absence of a conciliation procedure: \$270.

120. For all services related to a recourse before an administrative tribunal of last instance where there is proof and hearing, the fees are as follows:

(1) following a conciliation procedure: \$500, plus \$275 per hearing period from the first period;

(2) in the absence of a conciliation procedure: \$500.

121. For all services related to an application for leave to appeal to the Court of Québec:

(1) where an agreement is reached before the hearing, the fees are \$165;

(2) where a judgment is rendered: \$220.

DIVISION V BANKRUPTCY PROCEEDINGS

122. For all services related to an application for discharge until the judgment on the merits, the fees are as follows:

(1) uncontested: \$110;

(2) contested: \$325.

123. For an incidental application: \$60.

124. For all services related to the contestation of an application for an order requiring payment of a part of salary to the trustee, until the judgment on the merits: \$110.

125. For all the services related to an application to withdraw property from the assets assigned to the creditors: \$110.

DIVISION VI ASYLUM AND IMMIGRATION PROCEEDINGS

§1. Department of Citizenship and Immigration Canada and Canada Border Services Agency

126. For the meeting with the claimant and preparation of the asylum claim: \$100.

127. For all services rendered during the interview concerning the eligibility of the asylum claim with an immigration officer: \$200.

128. For the preparation of the form to apply for permanent residence on humanitarian and compassionate or public policy grounds: \$200.

For the filing of additional written submissions: \$200.

§2. Immigration and Refugee Board

129. For the preparation of the Personal Information Form, the fees are \$200 for the refugee status claimant and \$75 for each other member of the family in the same file.

130. For all other services rendered, until the final decision: \$330.

131. For all services rendered before the Immigration Division during a hearing concerning detention: \$200.

132. For all services rendered before the Immigration Appeal Division, the fees are:

- (1) if there is discontinuance: \$285;
- (2) if there is a final decision: \$550.

133. For any participation in a conciliation or mediation procedure, the fees are:

- (1) those of section 129 or 131, as the case may be, where the procedure settles the dispute;
- (2) \$275 per period, where the procedure does not settle the dispute.

§3. Federal Court

134. For the preparation of the application for authorization to institute judicial review proceedings: \$500.

135. For the preparation of the hearing on the merits: \$585.

136. For an application for stay: \$400.

137. For any contested incidental proceeding: \$120.

138. For the hearing on the merits, per period: \$275.

§4. Federal Court of Appeal

139. For all the services rendered when the appeal is heard: \$1,130.

If there is no hearing after the notice of appeal has been filed, the fees are \$425.

DIVISION VII PAROLE PROCEEDINGS

§1. Commission québécoise des libérations conditionnelles

140. For all the services related to an application for examination of conditional release, an application for review of a condition or an application for re-examination (post suspension), until the final decision:

- (1) rendered following a standard hearing:
 - (a) for preparation: \$125;
 - (b) for the hearing, per period: \$275;
- (2) rendered following a hearing on record: \$225.

141. For all services rendered during a review: \$415.

142. For the application for the judicial review of a decision of the Commission québécoise des libérations conditionnelles, the fees are based on those of Class II prescribed in the civil tariff at first instance.

§2. National Parole Board

143. For all the services related to an application for the examination of parole or an application for the review of a condition, until the final decision:

- (1) rendered following a standard hearing:
 - (a) for preparation: \$375;
 - (b) for the hearing, per period: \$275;
- (2) rendered following a hearing on record: \$475.

144. For all services related to an application for re-examination (post suspension), until the final decision:

- (1) rendered following a standard hearing:
 - (a) for preparation: \$125;
 - (b) for the hearing, per period: \$200;
- (2) rendered following a hearing on record: \$225.

145. For a postponement

- (1) where the National Parole Board has not begun to hear the case: \$30.
- (2) where the Board has begun to hear the case: \$275 per hearing period.

146. For all services rendered during an appeal: \$865.

147. For services related to an application for judicial review by the Federal Court of a decision of the National Parole Board or Correctional Service Canada, including its disciplinary tribunal:

- (1) for preparation: \$1,000;
- (2) for any presence required before the Court, including the presentation of the file, per period: \$275;
- (3) for the examination or cross-examination of a declarant: \$150.

148. For all services related to an application for judicial review, concerning the reduction in the number of years of imprisonment without eligibility for parole, made pursuant to subsection 745.6(1) of the Criminal Code: \$250.

For all services related to a proceeding under section 745.61 of the Criminal Code: \$550.

The fees are \$400 for any additional hearing period.

DIVISION VIII PROCEEDINGS IN CORRECTIONAL LAW

149. For a disciplinary hearing:

- (1) for the preparation: \$130;
- (2) for the hearing: \$20.

However, when the advocate represents a recipient in respect of offences that are related to each other, the fees for the services rendered during the hearings, in each file, are reduced by half from the second file if the hearings take place during the same period and before the same administrative authority.

150. The postponement rules prescribed in section 145 apply with the necessary modifications.

151. For the contestation of a detainee's transfer: \$200.

DIVISION IX OTHER PROCEEDINGS

152. For the hearing before the review committee of the Commission des services juridiques if the advocate succeeds: \$110.

153. For an administrative application for a change of name: \$110.

PART II EXPENSES

154. Expenses include travel allowances and fees authorized by the director general, in particular fees for expert reports and other fees pertaining to proceedings incidental to the mandate.

The services of a counsel are treated as fees for expert reports. The foregoing also applies to the fees for the professional services of an advocate assisting during the hearing provided for in section 148, which are limited to \$175 per hearing period.

155. For each mandate entrusted to the advocate, the advocate receives \$11 as reimbursement of photocopy, fax, courier and postage expenses.

156. At the end of his or her mandate, an advocate who sees a case through receives \$25 as reimbursement of administrative overhead costs, except consultation and formal demand mandates or those ending with a consultation.

This provision applies only to mandates entrusted as of 1 April 2012 and the amount will be increased to \$50 for mandates entrusted as of 1 April 2014.

157. An advocate is entitled to a travel allowance only if the destination is farther than a radius of 25 km from his or her office.

When using his or her personal motor vehicle, an advocate is entitled to the travel allowance per kilometre provided for in section 8 of the Directive sur les frais remboursables lors d'un déplacement et autres frais inhérents (C.T. 202754 dated 30 August 2005) as established under the Public Administration Act (chapter A-6.01), subject to the following special rules:

(1) according to the distance actually travelled, in the case of a trip made within the boundaries of the judicial district where the advocate has his or her office;

(2) according to the distance actually travelled up to a maximum of 200 km, in the case of a trip made within the boundaries of the judicial district where the advocate has his or her office;

(3) according to the distance actually travelled, in the case of a trip to the Supreme Court of Canada, the Court of Appeal of Québec, the Federal Court or to any court or body, made outside the boundaries of the judicial district where the advocate has his or her office; despite the preceding, where the advocate's office is in a judicial district other than the district where the legal aid centre which issued the mandate is located, the advocate elects 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, 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 the advocate has his or her office, where the nature or complexity of the matter requires that the mandate be entrusted to that advocate.

The advocate who is entitled to a travel allowance is also entitled to the reimbursement of the parking expenses incurred.

158. Subject to sections 155 and 156, expenses may not exceed the actual expenses actually incurred by the advocate and are paid on presentation of supporting documents.

PART III DISPUTE SETTLEMENT PROCEDURE

CHAPTER I SUBMISSION OF A DISPUTE AND CONCILIATION

159. A dispute means any disagreement concerning the interpretation or application of this Agreement, including any disagreement concerning a statement of fees or expenses submitted pursuant to the Regulation respecting the report relating to the services rendered by certain advocates and notaries (chapter A-14, r. 8).

A dispute must be submitted within 6 months of receiving the notice provided for in section 8 of the Regulation.

160. A dispute is submitted by an advocate by means of a notice addressed to the regional centre or, as the case may be, to the Commission. The notice must contain a summary of the facts and the relief sought.

161. The regional centre or, as the case may be, the Commission answers in writing to any notice of dispute it receives.

162. Before submitting a dispute, an advocate may resort to conciliation by a written notice to the director general of the regional centre, to the Commission and to the section of the Barreau du Québec to which the advocate belongs.

163. Resorting to conciliation interrupts the 6-month prescription.

164. Within 15 days of receiving the notice provided for in section 162, the director general of the regional centre and the bâtonnier of the section each designate an advocate.

165. Within 30 days of their designation, the advocates so appointed and the advocate who applied for conciliation meet and endeavour to reach a settlement.

CHAPTER II ARBITRATION

166. An advocate who submitted a dispute may, if no answer is received within 30 days of sending the notice or if the advocate is dissatisfied with the answer, submit the dispute to arbitration.

Resorting to arbitration is prescribed by 6 months.

The application for arbitration is made by a letter addressed to the chief judge of the Court of Québec, which is also sent to the regional centre, to the Commission and to the Barreau du Québec.

The chief judge designates one of the judges of that court to act as arbitrator.

167. 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 to arbitration.

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

169. The arbitrator has jurisdiction, to the exclusion of any court, to rule on a dispute within the meaning of this Agreement. The arbitrator may uphold, modify or rescind the disputed decision and, by the terms of the arbitration award, order a payment or determine compensation, restore a right or issue any other order the arbitrator considers fair in the circumstances.

The arbitration award is final and binding on the parties.

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

171. The arbitrator sends every arbitration award to the parties and the Barreau du Québec.

PART IV MISCELLANEOUS, TRANSITIONAL AND FINAL

172. 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 (chapter A-14, r. 6) entered into on 4 April 2008, except to the extent that it applies to criminal and penal matters.

This Agreement takes effect on the date of its publication in the *Gazette officielle du Québec* and applies to services rendered under legal aid mandates entrusted as of 1 April 2010.

However, this Agreement does not have the effect of reducing the fees already paid before its publication.

173. By exception to the second paragraph of section 172, the fees provided for in sections 55, 56, 67 and 149 apply to services rendered under mandates entrusted as of the effective date of this Agreement. For the services referred to in those sections and rendered under mandates entrusted between 1 April 2010 and the effective date, 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 continues to apply despite its replacement.

That Regulation also continues to have effect for mandates entrusted between 1 April 2007 and 1 April 2010 and for mandates entrusted between 1 January 2008 and 1 April 2010 for which the fees are provided for in sections T201.1 and T201.2 of that Regulation.

174. The maximum level of the fees that may be paid to an advocate who renders services under the legal aid plan is set at \$140,000 for mandates entrusted to the advocate between 1 April and 31 March of the years covered by this Agreement. Beyond that amount, the fees paid to an advocate are reduced by 35% for each mandate.

175. This Agreement expires on 30 September 2017; it continues to apply until it is replaced.

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M.O., 2013

Order number 2013-01 of the Minister of Culture and Communications dated 15 March 2013

Cultural Heritage Act
(chapter P-9.002)

Archaeological Research

THE MINISTER OF CULTURE AND COMMUNICATIONS

CONSIDERING paragraph 2 of section 81 of the Cultural Heritage Act (chapter P-9.002), which allows the Minister of Culture and Communications to make regulations to determine conditions under which archaeological research

permits are issued or revoked and the content and manner of presentation of the annual activity report required under section 72 of the Act;

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Archaeological Research Regulation was published in Part 2 of the *Gazette officielle du Québec* of 12 December 2012 with a notice that it could be made by the Minister of Culture and Communications on the expiry of 45 days following that publication and that any interested person could submit comments within that period;

CONSIDERING that the 45-day period has expired and comments have been received and examined;

CONSIDERING that it is expedient to make the Archaeological Research Regulation with amendments;

ORDERS AS FOLLOWS:

The Archaeological Research Regulation, attached to this Order, is hereby made.

Québec, 15 March 2013

MAKA KOTTO,
Minister of Culture and Communications

Archaeological Research Regulation

Cultural Heritage Act
(chapter P-9.002, s. 81, par. 2)

DIVISION I **DEFINITIONS**

1. In this Regulation, unless otherwise indicated by the context,

(1) “ecofact” means a material relic from the animal, vegetal or mineral kingdom that was not made by man but testifies to human occupancy, including bones, seeds or coal;

(2) “archaeological operation” means the excavations and surveys for the purposes of finding archaeological property or sites, including monitoring, trial excavation and collecting activities;

(3) “person in charge of the archaeological operation” means any natural person who supervises the operation on the site and takes part in the carrying out of that operation and in the drafting of the archaeological research report.