

Draft regulation

Civil Code of Québec

Courts of Justice Act
(chapter T-16)

Tariff of judicial fees in civil matters

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Tariff of judicial fees in civil matters, appearing below, may be made by the government on the expiry of 45 days following this publication.

The draft regulation specifies the judicial fees and court fees payable for the filing or issue of pleadings or other documents under the Code of Civil Procedure (chapter C-25.01) established by the Act to establish the new Code of Civil Procedure (2014, chapter 1). It replaces the Tariff of court costs in civil matters and court office fees (chapter T-16, r. 9).

The draft regulation introduces the necessary changes to the judicial fees charged in civil cases. The fees are comparable to those charged under the current Tariff, but adapted to the terminology and spirit of the new Code of Civil Procedure.

The draft regulation also introduces new judicial fees, including fees for a request for setting down for trial and judgment and hearing fees that apply from the third day of a trial. The judicial fees are likely to have an impact on enterprises and small and medium-sized businesses that apply to the courts to settle a dispute.

Further information about the draft regulation may be obtained by contacting Mtre. Marc Lahaie, advocate, Ministère de la Justice, at the following address: 1200, route de l'Église, 7^e étage, Québec (Québec) G1V 4M1; telephone: 418 644-7700, extension 20174; fax: 418 644-9968; E-mail: marc.lahaie@justice.gouv.qc.ca

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

STÉPHANIE VALLÉE,
Minister of Justice

Tariff of judicial fees in civil matters

Civil Code of Québec
(Civil Code, a. 376)

Courts of Justice Act
(chapter T-16, s. 224)

1. This Tariff prescribes the judicial fees and court fees payable for the filing, production or issue of the pleadings or documents mentioned in the Tariff, regardless of the medium in which the pleadings or documents are filed, produced or issued.

This Tariff does not apply to applications and other pleadings filed, produced or issued under Title II of Book VI of the Act to establish the new Code of Civil Procedure (2014, chapter 1) on the recovery of small claims.

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

(1) Class I: applications in which the value of the right in dispute or the amount claimed is from \$0.01 to \$15,000 inclusively;

(2) Class II: applications in which the value of the right in dispute or the amount claimed is from \$15,000.01 to \$85,000 inclusively;

(3) Class III: applications in which the value of the right in dispute or the amount claimed is from \$85,000.01 to \$300,000 inclusively;

(4) Class IV: applications in which the value of the right in dispute or the amount claimed is \$300,000.01 or more;

(5) Class V: applications for separation from bed and board, for divorce, for annulment of a marriage or civil union or for dissolution of a civil union.

When, pursuant to article 35 of the Act to establish the new Code of Civil Procedure (2014, chapter 1), the monetary jurisdiction limit of the Court of Québec is increased by \$5,000, the upper limit of Class II and the lower limit of Class III are increased by the same amount.

The Minister of Justice informs the public of these increases by publishing a notice in the *Gazette officielle du Québec* not later than 1 August of the year in which they take effect.

3. Unless otherwise provided for in this Tariff, the fee payable for an originating application for which the value of the subject-matter of the dispute or the amount claimed cannot be determined is, before the Court of Québec, \$170 when payable by a natural person and \$200 when payable by a legal person.

Before the Superior Court, the fee is \$340 when payable by a natural person and \$400 when payable by a legal person.

4. When several amounts are claimed in the same application, the total of all the amounts, excluding those appearing in the subsidiary conclusions, determines the class of the application for the purposes of section 2.

5. Unless otherwise indicated, the fee payable for a pleading under this Tariff is as follows:

(1) originating applications and similar pleadings:

(a) for a judicial review governed by articles 529 to 535 of the Act to establish the new Code of Civil Procedure (2014, chapter 1) or a similar pleading, \$255 when payable by a natural person and \$300 when payable by a legal person. The same applies for injunctions, whether or not they seek other conclusions;

(b) for an application for authorization to institute a class action, \$1,700 when payable by a natural person and \$2,000 when payable by a legal person;

(c) for an originating application or a cross-application governed by Book II of the Act to establish the new Code of Civil Procedure (2014, chapter 1) or similar pleadings, except applications mentioned in subparagraphs *a* and *b* and those provided for in section 7, one of the amounts in the following table, depending on the class of each application:

Class of application	Natural person	Legal person
Class I	\$200	\$300
Class II	\$340	\$400
Class III	\$510	\$600
Class IV	\$680	\$800
Class V	\$300	N/A

(2) answer, opposition and similar pleadings:

(a) for the filing of an answer, opposition, application for annulment, application for intervention or similar pleading, if a fee is not otherwise provided for in this Tariff, one of the amounts in the following table, depending on the class of the originating application:

Class of application	Natural person	Legal person
Class I and II	\$85	\$100
Class III and IV	\$170	\$200
Class V	\$150	N/A

(b) if the value of the subject-matter of the dispute or the amount claimed in the originating application is not determined, the fee payable for the production or filing of a pleading mentioned in subparagraph *a* is, before the Court of Québec, \$85 when payable by a natural person and \$100 when payable by a legal person. Before the Superior Court, the fee is \$170 when payable by a natural person and \$200 when payable by a legal person.

(3) setting down for trial and judgment:

(a) for a request for setting down for trial and judgment by the parties, or, if the request is not made by way of a joint declaration, by the plaintiff or another party, one of the amounts in the following table, depending on the class of the originating application:

Class of application	Natural person	Legal person
Class I	\$170	\$200
Class II	\$340	\$400
Class III	\$510	\$600
Class IV	\$680	\$800
Class V	\$300	N/A

(b) if the value of the subject-matter of the dispute or the amount claimed in the originating application is not determined, the fee payable for a request for setting down for trial and judgment is, before the Court of Québec, \$170 when payable by a natural person and \$200 when payable by a legal person. Before the Superior Court, the fee is \$340 when payable by a natural person and \$400 when payable by a legal person;

(4) contestation, application for annulment or opposition with respect to execution:

(a) for the filing of a contestation, an application for annulment or an opposition with respect to execution, or for the filing of such a pleading with respect to a seizure before judgment, one of the amounts in the following table, depending on the class determined by the value of the application, where the value of the subject-matter of the dispute or the amount claimed as indicated in section 2 corresponds to the value of the right the pleading seeks to protect:

Class of application	Natural person	Legal person
Class I and II	\$85	\$100
Class III and IV	\$170	\$200
Class V	\$150	N/A

(b) if the value of the right the pleading seeks to protect is not determined, the fee payable for the filing of a pleading mentioned in subparagraph *a* is, before the Court of Québec, \$85 when payable by a natural person and \$100 when payable by a legal person. Before the Superior Court, the fee is \$170 when payable by a natural person and \$200 when payable by a legal person;

(c) for the filing at the court office of a notice of execution or amended notice of execution, \$43 when payable by a natural person and \$50 when payable by a legal person;

(5) revocation of judgment:

(a) for an application for revocation of judgment, one of the amounts in the following table, depending on the class determined by the value of the subject-matter of the dispute or the amount to which the judgment applies:

Class of application	Natural person	Legal person
Class I and II	\$170	\$200
Class III and IV	\$340	\$400
Class V	\$150	N/A

(b) if the value of the subject-matter of the dispute or the amount to which the judgment applies is not determined, the fee payable for an application for revocation of judgment is, before the Court of Québec, \$85 when payable by a natural person and \$100 when payable by a legal person. Before the Superior Court, the fee is \$170 when payable by a natural person and \$200 when payable by a legal person;

(6) provisional measures:

a fee of \$85 is payable by a natural person for the filing of a provisional measure governed by articles 516 to 528 of the Act to establish the new Code of Civil Procedure (2014, chapter 1), if a fee is not otherwise provided for in this Tariff. If payable by a legal person, the fee is \$100.

6. For the hearing of a case on the merits, a fee of \$255 per day or \$128 per half-day of hearings is payable by a natural person, beginning on the third day of the hearing. A fee of \$300 per day or \$150 per half-day of hearings is payable by a legal person.

The fee is payable on the basis of the number of hearing days announced by each party and must be paid not later than 45 days before the date set for the trial, unless a settlement or discontinuance is filed or produced at the clerk's office within the same time limit.

If the trial continues beyond the days of hearing initially scheduled, each party is required to pay for each additional day or half-day of hearings that it requires.

For the purpose of calculating the fees payable pursuant to this section, a half-day is a period of not more than three hours within the same day.

7. A fee of \$150 is payable for any application for review of accessory measures ordered by a judgment granting a separation from bed and board, a divorce, the dissolution of a civil union or the annulment of a marriage or civil union, as well as any originating application relating to child custody or support obligations or any application for review of a judgment concerning child custody or support obligations.

8. A fee of \$100 is payable for an application filed in court under the Highway Safety Code (chapter C-24.2).

9. A fee of \$43 is payable by a natural person and \$50 by a legal person for an opposition or homologation relating to a bill of legal costs.

10. In matters relating to immovable property, a fee of \$170 is payable by a natural person and \$200 by a legal person for

(1) the execution of the clerk's duties, from receipt of the record to distribution of the proceeds of the sale, if any;

(2) the contestation of a collocation scheme.

The payment of the fee allows each interested party to obtain a copy of the judgment concerning the collocation scheme.

11. When a collocation scheme is prepared or for any judgment concerning distribution, a fee of 3% of all the amounts collected or deposited is charged.

12. For a claim concerning a seizure in the hands of third persons or a voluntary deposit in accordance with articles 664 to 670 of the Act to establish the new Code of Civil Procedure (2014, chapter 1), the only fee payable until the claim is fully satisfied is \$34 by a natural person and \$40 by a legal person.

13. Sections 5, 9, 10, 12, 18 and 19 do not apply to proceedings instituted by the minister responsible for the administration of the Act to facilitate the payment of support (chapter P-2.2) as the collector of support payments, or for a sum recoverable under the Code of Penal Procedure (chapter C-25.1).

14. When an amount of money is deposited, the following fees are payable:

- (1) if the amount is \$10,000 or less, 4% of the amount;
- (2) if the amount is more than \$10,000, 4% of the first \$10,000 and 0.5% of the remainder.

This section also applies where the object of the deposit is a security rather than an amount of money. In such a case, the fee is calculated on the basis of the value declared by the depositor in the pleading or other document in which the depositor states that the security is being deposited.

This section also applies where a person furnishes security. In such a case, the fee is calculated on the basis of the amount of security that must be furnished.

However, this section does not apply to amounts deposited following a seizure in the hands of third persons or a voluntary deposit, or to amounts referred to in section 11.

15. A fee of \$200 is payable for the presentation of an application dealt under the procedure for non-contentious proceedings, when the application concerns one or more of the following subject-matters or a similar subject-matter:

- (1) authorization to consent to care that is not required by the state of health of a person under 14 years of age or of a person incapable of giving consent;
- (2) authorization to consent to the alienation of a body part of a minor or an incapable person of full age;
- (3) a declaratory judgment of death;
- (4) tutorship to an absentee or to a minor, the emancipation of a minor or the protective supervision of or a protection mandate for a person of full age;
- (5) the appointment, designation or replacement of any person that is required by law to be appointed, designated or replaced by the court on its own initiative or in the absence of an agreement between the interested parties, and applications of a similar nature relating to tutorship to a minor, the protective supervision of a person of full age, a succession or the administration of the property of others;

- (6) the placement and adoption of a child and the assignment of a name to the child;

- (7) the alteration of the register of civil status;

- (8) the probate of a will, letters of verification or, in succession matters, the liquidation or the partition of a succession;

- (9) the administration of undivided property, of a trust or of the property of others;

- (10) the acquisition by prescription of ownership in an immovable;

- (11) registration in the land register or the register of personal and movable real rights or the correction, reduction or cancellation of an entry in either register;

- (12) the issue of a notarial deed or the replacement or reconstitution of a writing;

- (13) an application for an exemption from the obligation to pay support and arrears to the minister responsible for the administration of the Act to facilitate the payment of support (chapter P-2.2), or for the suspension of that obligation.

16. A fee of \$100 is payable for the presentation of any other application dealt with under the procedure for non-contentious proceedings other than those mentioned in section 15.

Notwithstanding the foregoing, no fee is payable for an application to commit a person to the care of a health service or social service institution, in particular to undergo a psychiatric examination.

17. A fee of \$50 is payable for the filing of the minutes of notarial operations and conclusions in a case dealt with under the procedure for non-contentious proceedings.

18. The fees payable to the Court of Appeal are as follows:

- (1) for the filing of a notice of appeal or a notice of incidental appeal or any similar pleading at the office of the Court of Appeal or the court of first instance, as the case may be, the examination and preparation of the record and the transmission of the file to the Court of Appeal, one of the following amounts:

- (a) in the case of a final judgment, \$340 if payable by a natural person or \$400 if payable by a legal person;

(b) in the case of an interlocutory judgment, \$255 if payable by a natural person or \$300 if payable by a legal person;

(2) for the filing of a representation statement or a statement of non-representation, \$85 if payable by a natural person or \$100 if payable by a legal person.

19. The fees payable for an appeal to the Superior Court or Court of Québec, where one of those courts has appellate jurisdiction, are as follows:

(1) for the filing of a notice of appeal or similar pleading at the office of the court having jurisdiction, \$85 if payable by a natural person or \$100 if payable by a legal person;

(2) for an application for the dismissal of an appeal, a contestation or a similar pleading \$43 if payable by a natural person or \$50 if payable by a legal person.

20. The fees provided for in sections 18 and 19 are the only fees payable in relation to an appeal.

21. The court fees and judicial fees provided for in sections 3, 5 to 12 and 14 to 19 may be paid in a district other than the district in which the application or notice is or must be presented.

22. The following court fees are payable:

(1) for the filing, production or registration of a document when such acts are required by a regulation or a statute other than the Act to establish the new Code of Civil Procedure (2014, chapter 1) and when this Tariff does not otherwise fix the fee payable, \$54.75;

(2) for the issue by the court office of a copy of any document not mentioned in subparagraph 4, \$3.20 per page for the ten first pages and \$0.50 per subsequent page; the fee applies to each document of which one or more pages are reproduced, except for additional copies of a document as part of the same request, for which the fee is \$0.50 per page;

(3) for the reproduction in a technological medium of any document not referred to in subparagraph 4, \$5 for the cost of the medium in addition to the fees prescribed in subparagraph 2; when the reproduction in a technological medium does not require the use of a tangible medium, only the fee prescribed in subparagraph 2 applies;

(4) for any copy, extract from or annex to a notarial deed filed with the clerk's office of the Superior Court in accordance with the Notarial Act (chapter N -2), \$20.40 and, if applicable, \$4.30 per page for the sixth and following pages.

Subparagraph 1 of the first paragraph does not apply where the registration, production or filing of a document is required for purposes of execution under the Divorce Act (R.S.C. 1985, c. 3 (2nd Suppl.)), the Act respecting reciprocal enforcement of maintenance orders (chapter E-19) or the Act respecting the Régie du logement (chapter R-8.1). In addition, subparagraph 1 of the first paragraph does not apply where the registration, production or filing of a recalculation notice is required for the purposes of the Act to promote access to justice through the establishment of the Service administratif de rajustement des pensions alimentaires pour enfants (chapter A-2.02).

No court fee is payable for the first copy of a judgment requested by each of the parties, or a copy of a judgment including a support order.

23. Notwithstanding section 22, no court fee is payable to obtain a copy of a document issued in printed format on using a technological medium for the use of one of the persons or bodies listed below or their representatives:

(1) the Ministère de la Justice and the Attorney General of Québec;

(2) an advocate acting under a legal aid mandate, and the advocate's client;

(3) an accused person or that person's counsel in a criminal case when the documents are required for a current prosecution;

(4) the Société québécoise d'information juridique (SOQUIJ);

(5) a journalist;

(6) the Director of Criminal and Penal Prosecutions in criminal and penal cases;

(7) a person holding, for the purposes of an inquiry, the powers vested in commissioners by the Act respecting public inquiry commissions (chapter C-37) who, after identifying himself or herself, presents to the clerk a duly signed certificate or other document attesting his or her capacity along with a summons or subpoena indicating the documents that must be produced.

24. The duty payable for the solemnization of a marriage or civil union by an officiant of the Ministère de la Justice is \$268. The duty payable when a marriage or a civil union is solemnized by such an officiant outside a courthouse is \$357.

The duty is payable when a file is opened at the court house or when an application for a dispensation from posting notice is made.

25. This Tariff applies to the State and its bodies.

26. The judicial fees and court fees established by this Tariff apply to any pleadings and documents filed, produced or issued on or after the date of its coming into force, even in a case commenced prior to that date.

27. This Tariff replaces the Tariff of court costs in civil matters and court office fees (chapter T-16, r.9).

However, the former Tariff continues to apply to the execution, if already under way, of a judgment, of a decision or of a juridical act that has the same force and effect as a judgment, except in the case of execution proceedings already under way in accordance with the rules governing voluntary deposit.

28. This Tariff comes into force on the date of coming into force of the Act to establish the new Code of Civil Procedure (2014, chapter 1).

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