

Regulations and other Acts

Gouvernement du Québec

O.C. 135-2019, 20 February 2019

Code of Civil Procedure
(chapter C-25.01)

Court Bailiffs Act
(chapter H-4.1)

Tariff of fees of court bailiffs — Amendment

Regulation to amend the Tariff of fees of court bailiffs

WHEREAS, under paragraph 1 of article 570 of the Code of Civil Procedure (chapter C-25.01), the Government, by regulation, may establish a tariff of professional fees payable to bailiffs by debtors;

WHEREAS, under section 13 of the Court Bailiffs Act (chapter H-4.1), a bailiff may not charge, in particular to execute judicial decisions that are executory, fees and costs other than those fixed in the tariff established by regulation of the Government;

WHEREAS the Government made the Tariff of fees of court bailiffs (chapter H-4.1, r. 13.1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Tariff of fees of court bailiffs was published in Part 2 of the *Gazette officielle du Québec* of 18 July 2018 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Tariff of fees of court bailiffs, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Tariff of fees of court bailiffs

Code of Civil Procedure
(chapter C-25.01, art. 570, par. 1)

Court Bailiffs Act
(chapter H-4.1, s. 13)

1. The Tariff of fees of court bailiffs (chapter H-4.1, r. 13.1) is amended by adding the following after section 45:

“**§16.** *Execution of a judgment relating to a modest debt*

45.1. Despite what is provided for in this Regulation, the bailiff who, for the purpose of executing a judgment rendered by the Small Claims Division of the Court of Québec and ordering payment of \$2,000 or less for the benefit of a natural person who does not operate an enterprise or a partnership, seizes movable property or sums of money in the hands of a third person, other than income, is entitled to only \$200 as professional fees and expenses when there is no property to seize.

Those fees and expenses are payable only once per case and are paid by the Minister.

45.2. The bailiff who claims the fees and expenses provided for in section 45.1 may not require other professional fees or expenses, except, where applicable, those provided for in sections 18 and 27 of this Regulation.”

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* and subdivision 16, as introduced by section 1, ceases to have effect on 20 September 2020.

103847