

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

**PART IV**  
MISCELLANEOUS, TRANSITIONAL AND FINAL

**81.** This Agreement replaces the Agreement between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates rendering services in criminal and penal matters and the dispute settlement procedure (chapter A-14, r. 5.2).

It comes into force on the day of its publication in the *Gazette officielle du Québec* and applies to services rendered in connection with legal aid mandates assigned since 1 June 2019.

**82.** For mandates assigned between 1 October 2017 and 31 May 2019, the fees applicable are those set out in the Agreement between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates rendering services in criminal and penal matters and the dispute settlement procedure (chapter A-14, r. 5.2), increased by 5%

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

**84.** This Agreement ends on 30 September 2022. It remains in force after that date until it is replaced by a new agreement or by a regulation.

104754

**Notice**

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

**Agreement dated 4 December 2020 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 4 December 2020.

In accordance with section 83.21 of the Act respecting legal aid and the provision of certain other 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*.

SIMON JOLIN-BARRETTE,  
*Minister of Justice*

**Agreement dated 4 December 2020 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 other legal services  
(chapter A-14, s. 83.21)

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

The Agreement also establishes rules dealing with expenses and dispute settlement.

**PART I**  
TARIFF OF FEES

**CHAPTER I**  
GENERAL

**2.** A day comprises a maximum of three work periods, one in the morning, one in the afternoon and one in the evening. Morning ends at 1:00 p.m. and evening starts at 6:00 p.m.

Work periods are periods spent participating in prevention and dispute resolution processes and hearing periods.

**3.** Unless provided otherwise, a flat fee includes up to two work periods on the same day, one in the morning and one in the afternoon.

If, once under way, the hearing, conference or conciliation or mediation session is unable to end before 6:00 p.m. the same day, an advocate is entitled, for the evening and for each additional work period, to fees of,

- (1) in first instance: \$290; and
- (2) in appeal: \$300.

**4.** Where flat-rate fees are set for services and more than one advocate has rendered services, each advocate, if in private practice, is entitled to the part of the flat rate corresponding to the services personally rendered, 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. 4).

**5.** Where legal aid of a recipient is suspended or withdrawn or where a recipient is no longer eligible for or waives legal aid, an advocate is remunerated for the services rendered up to receipt of the notice referred to in section 74 of the Regulation respecting the application of the Act respecting legal aid and the provision of certain other legal services (chapter A-14, r. 4) and for the legal services subsequently rendered for the performance of conservatory acts necessary to safeguard the recipient's rights or required by the court.

**6.** The Commission des services juridiques determines the fees applicable to services not included in the tariff taking into account, if applicable, the fees set in this Agreement for similar services.

**7.** Where the mandate is of an exceptional nature owing to the circumstances of the work or the complexity of the matter, an advocate may submit an application for special consideration to have the Commission determine the excess fees.

**8.** Where an advocate must, at the director general's request, justify in writing an application to obtain a legal aid mandate, fees in the amount of \$80 are payable to the advocate if the mandate is assigned.

**9.** The fees for all services rendered under a consultation mandate are \$70. If the advocate's mandate is to prepare a formal notice, a letter or a notice, the fees are \$106.

**10.** The fees applicable to services rendered by an advocate are as follows:

(1) if the court refuses or is unable to proceed in the presence of the parties on the very day set for the hearing: \$106;

(2) for a formal notice to appoint a new advocate: \$80;

(3) if the advocate must submit or file a notice of substitution of attorney or withdrawal of mandate, or a statement or an application to cease representing: \$65.

**11.** Where an advocate pleads in writing, at the court's request or under its authorization, fees of \$290 are payable.

**12.** For an advocate's participation in a settlement conference, a special case management conference or a pre-trial conference referred to in article 179 of the Code of Civil Procedure (chapter C-25.01) (C.C.P.), the fees are \$290 per period.

For any participation of the advocate in other case management proceedings, convened by the court or requested by a party, the fees are \$70 per period.

**13.** The fees of an advocate who renders services in a region or locality served on an itinerant basis in the judicial district of Abitibi or Mingan are increased by 5%.

**14.** No fees set under this Agreement are payable to an advocate who instigated a judicial application or any other pleading that has been declared abusive, in particular pursuant to articles 51 *et seq.* of the C.C.P.

## CHAPTER II TARIFF IN CIVIL MATTERS

### DIVISION I GENERAL

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

**16.** For a declaration of intervention referred to in article 186 of the C.C.P., the fees are \$315 if there is no opposition and \$370 if there is opposition.

**17.** Where two or more defendants file separate contestations, the advocate of the plaintiff receives, for each additional contestation, half of the fees set in section 40 or section 43, according to the stage of the proceedings.

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

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

**19.** An advocate must apply for costs in the application.

**20.** Where legal costs are owed to the recipient by an adverse party who is not a recipient, the advocate prepares a bill of costs and sends it to the legal aid body from which

the advocate received the mandate, which is subrogated to the rights of the recipient up to the amount appearing in the bill of costs.

The advocate is entitled to fees of \$53, unless the bill of costs is contested, in which case the fees are \$122.

## DIVISION II CLASSES OF ACTIONS

**21.** Actions are classed as follows:

Class I: actions whose amount or value in dispute is \$85,000 or less, or whose amount or value in dispute is undeterminable or inexistent;

Class II: actions whose amount or value in dispute is greater than \$85,000 but less than \$200,000;

Class III: actions whose amount or value in dispute is \$200,000 or greater and applications for judicial review under the C.C.P.

**22.** The Class II tariff applies for the following actions and proceedings:

- (1) actions for declaration or denial of a servitude;
- (2) proceedings relating to filiation, including adoption;
- (3) proceedings relating to disavowal and deprivation of parental authority;
- (4) boundary delimitation, possessory and petitory proceedings;
- (5) proceedings provided for in the C.C.P. relating to legal persons.

**23.** In the matter of a determination of an issue 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 set for Class II actions.

**24.** An injunction applied for with no conclusion other than that of article 509 of the C.C.P. is considered to be a Class III action in first instance and a Class II action in appeal.

If other conclusions are sought, the tariff is that of Class III in first instance and Class II in appeal.

**25.** For the procedure governing the sale of the property of another referred to in article 307 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 indemnity.

Contestation of the right to expropriation is a separate proceeding and the tariff set 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 matters of judicial partition and licitation, the class of action is determined by the value of the matter in dispute.

**29.** In an action in which a creditor exercises 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 classed 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.** Where a cross-application is presented, an advocate receives only one amount of fees and the class of action is determined by the highest of the amounts granted.

## DIVISION III TARIFF FOR NON-CONTENTIOUS PROCEEDINGS, FOR PRIVATE DISPUTE PREVENTION AND RESOLUTION PROCESSES AND FOR PROCEEDINGS IN FIRST INSTANCE

**32.** For an application to have a change entered in the register of civil status, the fees are \$122.

For other applications dealt with under non-contentious proceedings, the fees are \$200, with the exception of the procedure governing the sale of property of another, for which the class is determined in accordance with section 25.

**33.** For a notice or formal notice preceding service of the originating application:

- (1) required by law: \$80;
- (2) not required by law: \$53.

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

**34.** For services rendered within a collaborative law process, the fees are \$290 per period, for a maximum of two periods.

Collaborative law means participation in negotiation in view of a settlement before the filing of an originating application, governed by a protocol and where the advocates discontinue the matter if there is no settlement.

If there is a settlement, additional fees of \$106 are payable.

**35.** For services rendered at a mediation session in which the advocate assists the recipient, the fees are \$290, for a maximum of two periods.

**36.** For a seizure before judgment: \$106.

**37.** Where a settlement is reached before or after an originating application but before notification of an answer or a contestation, the fees are as follows:

(1) to the advocate representing the applicant:

Class I: \$290;

Class II: \$475;

Class III: \$575.

(2) to the advocate representing the defendant:

Class I: \$250;

Class II: \$460;

Class III: \$560.

**38.** Where a judgment on the merits, by default to answer the summons or to plead is rendered, the fees are as follows:

(1) to the advocate representing the applicant:

Class I: \$400;

Class II: \$540;

Class III: \$640.

(2) to the advocate representing the defendant:

Class I: \$200;

Class II: \$240;

Class III: \$290.

**39.** 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, the fees are \$290.

**40.** Where a settlement is reached after notification of an answer or contestation on the merits, or where an application is dismissed following an application for dismissal, the fees are as follows:

Class I: \$625;

Class II: \$880;

Class III: \$980.

**41.** For all services rendered in matters of incidental proceedings if there is contestation, the fees are \$115.

If the incidental proceedings terminate the dispute, the following additional fees are payable:

Class I: \$400;

Class II: \$540;

Class III: \$640.

**42.** For the preparation and registration in the land register of a prior claim, legal hypothec or formal demand, as required by article 1743 of the Civil Code: \$115.

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

Class I: \$750;

Class II: \$1,565;

Class III: \$1,725.

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

**44.** The fees set in section 43 are increased by 50% if a judgment on an application for a permanent injunction is rendered following a judgment on an interlocutory injunction.

**45.** For the filing of a declaration of voluntary deposit and for a claim on seizure of salary or wages or on voluntary deposit, the fees are \$53.

**46.** For services rendered to obtain the issue of a writ of execution, whatever its nature, the fees are \$53.

**47.** For examination of the debtor after judgment, the fees are \$80.

**48.** For a judgment by default against a garnishee or on the garnishee's declaration, the fees are \$53.

**49.** In adoption proceedings, an application for a declaration of eligibility for adoption, an application for placement of 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 various applications are identical, the fees payable for each additional application are set at \$106.

**50.** In expropriation proceedings, the fees are as follows:

(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: \$106;

(2) for any uncontested proceeding relating to payment of the money awarded: \$106.

Additional fees of 1% of the indemnity are added to the fees under the first paragraph if 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 the hearing, or during the negotiations leading to a transaction, so justify.

**51.** Where an advocate represents a minor following an order made pursuant to article 90 of the C.C.P., the fees are \$315 if not contested and \$370 if contested.

Those fees apply 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 measures ordered by the preceding judgment or renewing it, the fees are \$90, for a maximum of two judgments in a same case.

**52.** For the purposes of section 51, if an advocate represents two or more minors in the same case, the fees set for representing a minor are increased by the following percentage according to the number of minors represented:

- (1) two minors: 50%;
- (2) three minors or more: 100%.

**53.** In matters concerning confinement in an establishment and psychiatric evaluation, the fees are:

- (1) \$100 if there is discontinuance of suit;
- (2) \$310 if a judgment on the merits is rendered.

#### DIVISION IV TARIFF FOR PROCEEDINGS IN APPEAL

**54.** For an application for leave to appeal, an application for dismissal of an appeal or any other contested incidental proceeding, the fees are \$315.

**55.** For services rendered in appeal from any judgment rendered in the course of a proceeding, excluding an injunction, judicial review and habeas corpus, the fees applicable are one-half of the fees set for a judgment on the merits, according to the class of action determined by the amount in dispute.

**56.** For all services rendered when an appeal is not heard following the filing of a notice of appeal, the fees are as follows:

Class I: \$560;

Class II: \$950;

Class III: \$1,050.

**57.** For an application for extension of the time limit for filing a brief, the fees are \$180.

**58.** For the filing of an additional brief on request by the court, the fees are \$295.

**59.** For all services rendered when an appeal is not heard following the filing of the appellant's brief, including when a settlement is reached, the fees are as follows:

(1) to the advocate representing the appellant:

Class I: \$1,050;

Class II: \$1,320;

Class III: \$1,600;

(2) to the advocate representing the respondent:

Class I: \$660;

Class II: \$850;

Class III: \$1,050.

**60.** For all services rendered when an appeal is not heard following the filing of the respondent's brief, including when a settlement is reached, the fees are as follows:

Class I: \$1,120;

Class II: \$1,400;

Class III: \$1,700.

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

Class I: \$800;

Class II: \$950;

Class III: \$1,120.

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

Class I: \$1,600;

Class II: \$1,900;

Class III: \$2,240.

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

**63.** For an appeal to the Supreme Court, the fees are as follows:

(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: \$3,150;

(2) for preparation of the factum: \$3,150;

(3) for the appeal hearing: \$4,200.

### CHAPTER III

#### SPECIAL TARIFF FOR CERTAIN PROCEEDINGS IN FAMILY MATTERS

**64.** The tariff in civil matters provided for in Chapter II applies to the proceedings to which this Chapter applies, subject to the special provisions set forth therein.

### DIVISION I

#### APPLICATIONS BASED ON THE DIVORCE ACT (R.S.C., 1985, c. 3 (2ND SUPPL.)) OR ON TITLES 1 AND 1.1 OF BOOK 2 OF THE CIVIL CODE

**65.** An advocate who files evidence by affidavit without being present at the evidence stage is entitled to the fees set in subdivisions 1 to 4.

#### §1. Originating applications

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

(1) after the filing of the originating application with the Court, to the advocate representing the applicant: \$250;

(2) after notification of the answer to the summons and before notification of a contestation, to the advocate representing the defendant: \$250;

(3) in an action by agreement, to the advocate representing both parties: \$400.

**67.** Where there is reconciliation, abandonment or discontinuance of proceedings after notification of a contestation and before judgment on the merits, the fees are as follows:

(1) to the advocate representing the applicant: \$450;

(2) to the advocate representing the defendant: \$400.

**68.** Where a judgment by default to answer a summons or to plead is rendered, the fees are as follows:

(1) to the advocate representing the applicant: \$650;

(2) to the advocate representing the defendant: \$400.

**69.** Where a judgment confirms an agreement filed in a joint application, the fees to the advocate representing both parties are \$925.

**70.** Where a judgment on the merits is rendered in a contested action or an agreement is concluded, the fees are \$925.

#### §2. Safeguard orders and provisional measures

**71.** For the first judgment on the measures applicable during the proceedings, whether a safeguard order or a judgment on provisional measures, and for every judgment that amends those measures, the fees are \$350.

Those fees also apply if the special clerk refuses to confirm an agreement or a transaction and refers the parties to the judge.

**72.** For a judgment rendered on measures applicable during the proceedings that extends application of the measures ordered by the preceding judgment, or renewing the preceding judgment, an advocate is entitled to the following fees for a maximum of two judgments in a single case: \$90.

**73.** If, for the same provisional measure or safeguard order, a separate application is filed by each party, a single amount of fees is payable regardless of the number of applications.

**74.** The fees of an advocate to whom a mandate is assigned to represent an applicant in proceedings for separation from bed and board or for divorce are reduced by half if the advocate has previously represented the party in similar proceedings in the course of the previous year.

### *§3. Execution of judgments*

**75.** For a seizure of movables and immovables after judgment, the fees are \$80.

**76.** For a judgment for seizure by garnishment after judgment, the fees are \$106.

**77.** For registration of a judgment at the registry office, the fees are \$53.

### *§4. Applications subsequent to judgment on merits*

**78.** The fees applicable for the appointment of a practitioner, the homologation of a practitioner's report or for inscription following a homologated report are \$53.

**79.** For every judgment

(1) relating to an application for variation of support, child custody rights, visiting and outing rights, if there is no hearing, the fees are \$350; and

(2) relating to an application to vary the measures referred to in subparagraph 1, if there is a hearing, the fees are \$475.

This provision applies subject to section 72.

**80.** For drafting and registration of a declaration of family residence in the land register, the fees are \$106.

## **DIVISION II** OTHER PROCEEDINGS IN FAMILY MATTERS

**81.** For a judgment ordering measures applicable during the proceedings:

- (1) after an agreement or transaction, the fees are \$350;
- (2) after presentation of evidence, the fees are \$475.

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

- (1) without presentation of evidence: \$470;
- (2) after presentation of evidence: \$620.

**83.** 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 two judgments in a single case: \$90.

## **DIVISION III** PROCEEDINGS IN APPEAL IN FAMILY MATTERS

**84.** For an application for leave to appeal, for dismissal of an appeal or any other contested incidental proceeding, the fees are \$300.

**85.** For an appeal from a judgment in the course of a proceeding, the fees are \$850.

**86.** For all services rendered where an appeal is not heard following the filing of the appellant's brief, including when a settlement is reached, the fees are \$425.

**87.** For the filing of an additional brief on request by the court, the fees are \$295.

**88.** For all services rendered where an appeal is not heard after the appellant's brief has been filed, the fees are as follows:

- (1) to the advocate representing the appellant: \$1,050;
- (2) to the advocate representing the respondent: \$660.

**89.** For all services rendered where an appeal is not heard after the respondent's brief has been filed and before the hearing, the fees are \$1,120.

**90.** Where a judgment on the merits is rendered, the fees are \$1,600.

## CHAPTER IV TARIFF FOR MISCELLANEOUS MATTERS

### DIVISION I GENERAL

**91.** Where an advocate represents two or more recipients who are judicially or de facto joined 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 set for the services rendered to a recipient.

**92.** For an appeal heard in the Court of Québec, the fees are based on those set for Class I of the tariff in civil matters in first instance.

**93.** For an appeal heard in Superior Court, the fees are based on those set for Class II of the tariff in civil matters in first instance.

**94.** For an appeal heard in the Court of Appeal, the fees are based on those set for Class I of the tariff in civil matters for appeal proceedings.

### DIVISION II PROCEEDINGS IN MATTERS OF YOUTH PROTECTION

**95.** For the presence of an advocate during an intervention with the director of youth protection, including an intervention with a view to reaching an agreement on the voluntary measures prior to the judicial intervention: \$106.

**96.** For participation in a conciliation or mediation procedure, the fees are

- (1) \$500 if the procedure settles the dispute; and
- (2) \$290 per period if the procedure does not settle the dispute.

**97.** Where the court hears together the cases of two or more children concerned by the proceedings of the director of youth protection, an advocate who represents more than one child from the same parent or who represents a party is entitled to the remuneration set for representing one person, increased by the following percentage:

- (1) if there are two children: 50%;
- (2) if there are three children or more: 100%.

This provision also applies to the advocate of an interested person or intervenor.

**98.** The following fees apply when the presence of an advocate is required:

- (1) for a postponement, after being called by a party: \$27;
- (2) for the rendering of a judgment: \$53.

**99.** For all services related to an application for intervention provided for in section 81 of the Youth Protection Act (chapter P-34.1), the fees are \$148 if the judgement is rendered without contestation and \$315 if there is contestation.

**100.** For all services related to an application for provisional measures or foster care, or related to an application to extend immediate protective measures under section 47 or 76.1 of the Youth Protection Act (chapter P-34.1), the fees are as follows:

- (1) if there is discontinuance: \$84;
- (2) if a final decision is rendered: \$175.

**101.** For all services rendered, including in connection with measures on an application to have a child declared to be in danger under section 74.1 of the Youth Protection Act (chapter P-34.1) 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: \$190;
- (2) if a final decision is rendered: \$450.

### DIVISION III PROCEEDINGS IN MATTERS OF HOUSING

**102.** This Division applies solely to proceedings in matters of housing undertaken pursuant to the Act respecting the Administrative Housing Tribunal (chapter T-15.01).

**103.** For participation in a conciliation procedure, the fees are

- (1) \$475 if the procedure settles the dispute;
- (2) \$290 per period, if the procedure does not settle the dispute.



**104.** For an incidental application, the fees are \$100.

**105.** For all the other services rendered,

(1) if there is discontinuance, conclusion of an agreement or the decision is rendered without contestation, the fees are \$290;

(2) if a final decision is rendered after contestation, the fees are \$475.

**106.** For an application for provisional execution of a decision of the Administrative Housing Tribunal, the fees are \$130.

**107.** For an application for revocation of a decision of the Administrative Housing Tribunal, the fees are \$170.

**108.** For all services related to an application for review under section 90 of the Act respecting the Administrative Housing Tribunal (chapter T-15.01):

(1) if there is discontinuance or an agreement is concluded, the fees are \$170;

(2) if a final decision is rendered, the fees are \$315.

**109.** For all services related to an application for leave to appeal to the Court of Québec under section 91 of the Act respecting the Administrative Housing Tribunal (chapter T-15.01):

(1) if an agreement is concluded before the hearing, the fees are \$175;

(2) if a final decision is rendered, the fees are \$230.

**110.** For an application to suspend the execution of a decision of the Administrative Housing Tribunal, the fees are \$130.

#### **DIVISION IV** PROCEEDINGS RELATED TO ADMINISTRATIVE DECISIONS

**111.** 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.

**112.** For all services related to an application for review of a decision of an administrative officer, until the final decision, the fees are \$300.

**113.** For all services related to a recourse exercised before an administrative tribunal of last instance, if there is discontinuance or conclusion of an agreement before the hearing, the fees are \$600 following a conciliation procedure and \$300 in the absence of a conciliation procedure.

**114.** For all services related to a recourse exercised before an administrative tribunal of last instance if there is a hearing, the fees are as follows:

(1) following a conciliation procedure: \$600, plus \$290 per period of hearing as of the first period;

(2) in the absence of a conciliation procedure: \$600.

**115.** For all services related to an application for leave to appeal to the Court of Québec, the fees are as follows:

(1) if an agreement is concluded before the hearing: \$175;

(2) if a judgment is rendered: \$235.

#### **DIVISION V** BANKRUPTCY PROCEEDINGS

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

(1) if not contested: \$116;

(2) if contested: \$343.

**117.** For an incidental application, the fees are \$63.

**118.** For all services related to the contestation of an application for an order requiring payment of a part of salary to the trustee, until judgment on the merits, the fees are \$116.

**119.** For all services related to an application to withdraw property from the assets assigned to the creditors, the fees are \$116.

#### **DIVISION VI** ASYLUM AND IMMIGRATION PROCEEDINGS

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

**120.** For a meeting with the claimant and preparation of the asylum claim, the fees are \$200.

Additional fees of \$100 per person in the same family if Schedules A and 12 are filled out for that person.

**121.** For preparation of the form to apply for permanent residence on humanitarian and compassionate or public policy grounds, the fees are \$225.

For the filing of each additional written submission, the fees are \$290.

### *§2. Immigration and Refugee Board*

**122.** For preparation of the pre-removal risk assessment form and danger opinions, the fees are \$225 per person covered by the form.

For the filing of additional written submissions, the fees are \$200.

**123.** For preparation of the Personal Information Form, the fees are \$250 for the refugee status claimant and \$150 for each other member of the family in the same file.

**124.** For all other services rendered, until the final decision, the fees are \$425.

**125.** For services rendered before the Immigration Division during a hearing concerning detention, the fees are \$225.

**126.** For all services rendered before the Immigration Appeal Division, the fees are as follows:

- (1) if there is discontinuance: \$300;
- (2) if there is a final decision: \$600.

**127.** For participation in a conciliation or mediation procedure, the fees are \$290 per period.

### *§3. Federal Court*

**128.** For preparation of an application for authorization to institute judicial review proceedings, the fees are \$550.

**129.** For preparation of the hearing on the merits, the fees are \$615.

**130.** For an application for stay, the fees are \$500.

**131.** For a contested incidental proceeding, the fees are \$127.

**132.** For the hearing on the merits, the fees are \$290 per period.

### *§4. Federal Court of Appeal*

**133.** For all services rendered if the appeal is heard, the fees are \$1,190.

If there is no hearing after the notice of appeal has been filed, the fees are \$450.

## **DIVISION VII** **PAROLE PROCEEDINGS**

### *§1. Commission québécoise des libérations conditionnelles*

**134.** For all 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, the fees are \$165;

(b) for the hearing, the fees are \$290 per period;

(2) rendered following a hearing on the record, the fees are \$238.

**135.** For all services rendered during a review, the fees are \$436.

**136.** For an application for judicial review of a decision of the Commission québécoise des libérations conditionnelles, the fees are based on those set for Class II of the tariff in civil matters in first instance.

### *§2. National Parole Board*

**137.** For all 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, the fees are \$400;

(b) for the hearing, the fees are \$290 per period;

(2) rendered following a hearing on the record, the fees are \$500.

**138.** 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, the fees are \$135;

(b) for the hearing, the fees are \$290 per period;

(2) rendered following a hearing on the record, the fees are \$240.

**139.** For a postponement,

(1) if the National Parole Board has not begun to hear the case, the fees are \$33;

(2) if the Board has begun to hear the case, the fees are \$290 per hearing period.

**140.** For all services rendered during an appeal, the fees are \$910.

**141.** 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, the fees are \$1,050;

(2) for any presence required before the Court, including to present the file, the fees are \$290 per period;

(3) for the examination or cross-examination of a declarant, the fees are \$158.

**142.** For all services related to an application for judicial review concerning a reduction in the number of years of imprisonment without eligibility for parole made pursuant to subsection 745.6(1) of the Criminal Code, the fees are \$263.

For all services related to a proceeding under section 745.61 of the Criminal Code, the fees are \$580.

If applicable, additional fees of \$420 apply per period of additional hearing.

#### **DIVISION VIII** PROCEEDINGS IN CORRECTIONAL LAW

**143.** For a disciplinary hearing, the fees are as follows:

(1) for preparation: \$150;

(2) for the hearing: \$150.

However, if an 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 as of the second file if the hearings take place during the same period and before the same administrative authority.

**144.** The postponement rules set out in section 139 apply, with the necessary modifications.

**145.** For contestation of a detainee's transfer, the fees are \$210.

#### **DIVISION IX** OTHER PROCEEDINGS

**146.** For a hearing before the review committee of the Commission des services juridiques, if the advocate is successful, the fees are \$116.

**147.** For an administrative application for a change of name, the fees are \$116.

#### **PART II** EXPENSES

**148.** Expenses include travel allowances and costs authorized by the director general, in particular expert fees and other costs pertaining to the cases and proceedings incidental to the mandate.

The services of legal counsel are treated as expert fees. The same applies to fees for the professional services of an advocate assisting during the hearing referred to in section 142, which are limited to \$185 per hearing period.

**149.** For each mandate assigned to an advocate, an amount of \$11 is paid as reimbursement of photocopy, fax, courier and postage expense.

**150.** At the end of the mandate, an advocate who sees a case through receives \$50 as reimbursement of administrative overhead costs, except for consultation and formal demand mandates and those that end with a consultation.

**151.** An advocate is entitled to a travel allowance only if the destination is farther than a radius of 25 km from the advocate's office.

When using a 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. 216155 dated 22 March 2016) as established under the Public Administration Act (chapter A-6.01), subject to the following special rules:

(1) based on the distance actually travelled, if the travel is within the boundaries of the judicial district of the advocate's office;

(2) based on the distance actually travelled up to a maximum of 200 km, if the travel is outside the boundaries of the judicial district of the advocate's office;

(3) based on the distance actually travelled if the travel is to the Supreme Court of Canada, the Court of Appeal of Québec, the Federal Court or to any court, tribunal or body having jurisdiction outside the boundaries of the judicial district of the advocate's office. If an advocate's office is in a judicial district other than the district where the legal aid centre that issued the mandate is located, the advocate receives either the allowance under subparagraph 2, or an allowance established on the basis of the distance between the place where the mandate was issued and the place where the relevant court, tribunal or body sits, at the advocate's option; and

(4) based on the distance actually travelled, with the authorization of the director general of the legal aid centre, if the travel is outside the boundaries of the judicial district of the advocate's office and the nature or complexity of the matter requires that the mandate be assigned to that advocate.

An advocate entitled to a kilometric allowance is also entitled to reimbursement of any parking expenses incurred.

**152.** Subject to sections 149 and 150, expenses cannot exceed the actual amount incurred by the advocate; they are paid on presentation of supporting documents.

### PART III DISPUTE SETTLEMENT PROCEDURE

#### CHAPTER I SUBMITTING OF A DISPUTE AND CONCILIATION

**153.** A dispute means any disagreement concerning the interpretation or application of this Agreement, including any disagreement concerning a claim for fees for a service not included in the tariff or an application for special consideration, and 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 six months after receipt of the notice referred to in section 8 of that Regulation.

**154.** A dispute is submitted by an advocate by means of a notice addressed to the regional centre or to the Commission, as applicable. The notice must contain a summary statement of the facts and the relief sought.

**155.** The regional centre or the Commission, as applicable, provides a written reply to the notice of dispute it receives.

**156.** Before submitting a dispute, an advocate may resort to conciliation by means of 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.

**157.** Resorting to conciliation interrupts the six-month prescription.

**158.** Within 15 days after receiving the notice referred to in section 156, the director general of the regional centre and the bâtonnier of the section each designate an advocate.

**159.** Within 30 days of their designation, the advocates so appointed and the advocate who applied for conciliation meet and endeavour to come to an agreement.

#### CHAPTER II ARBITRATION

**160.** An advocate who submitted a dispute may, if no reply is received within 30 days after sending the notice, or the advocate is dissatisfied with the reply, refer the dispute to arbitration.

Resorting to arbitration is prescribed by six months.

An application for arbitration is made by a letter addressed to the chief judge of the Court of Québec, and 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.

**161.** 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 refers a dispute to arbitration.

**162.** Stenography fees and fees to reproduce a recording of the hearings, if any, are borne by the regional centre or by the Commission, as applicable.

**163.** The arbitrator has jurisdiction, to the exclusion of any court or tribunal, to decide a dispute within the meaning of this Agreement. The arbitrator may uphold, vary or rescind the disputed decision and, under the terms of the arbitration award, order payment or determine compensation, restore a right or make any order considered by the arbitrator to be fair in the circumstances.

The arbitration award is final and binding on the parties.

**164.** The arbitrator may issue an interim award at any time.

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

#### PART IV MISCELLANEOUS, TRANSITIONAL AND FINAL

**166.** This Agreement replaces 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 (chapter A-14, r. 5.1).

It comes into force on the day of its publication in the *Gazette officielle du Québec* and applies to services rendered in connection with legal aid mandates assigned since 1 June 2019.

Subject to section 168, it does not operate to reduce fees already paid before its publication.

**167.** For mandates assigned between 1 October 2017 and 31 May 2019, the fees applicable are those set out in 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 (chapter A-14, r. 5.1), increased by 5%.

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

**169.** This Agreement ends on 30 September 2022. It remains in force after that date until it is replaced by a new agreement or by a regulation.

104751

## M.O., 2020

### Order 2020-006 of the Minister of Immigration, Francization and Integration dated 3 December 2020

Québec Immigration Act  
(chapter I-0.2.1)

Regulation to amend the Immigration Procedure  
Regulation

THE MINISTER OF IMMIGRATION, FRANCIZATION  
AND INTEGRATION,

CONSIDERING that section 41 of the Québec Immigration Act (chapter I-0.2.1) provides that the conditions relating to the filing of any application made under the Act are determined by ministerial regulation;

CONSIDERING that the first paragraph of section 104 of the Act provides, in particular, that a regulation made under section 41 is not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) and, despite section 17 of that Act, comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date set in the regulation;

CONSIDERING that the Government made the Special program for asylum seekers during COVID-19 by Order in Council 1293-2020 dated 2 December 2020;

CONSIDERING that it is expedient to make the Regulation to amend the Immigration Procedure Regulation;

ORDERS AS FOLLOWS:

The Regulation to amend the Immigration Procedure Regulation, attached to this Order, is hereby made.

Montréal, 3 December 2020

NADINE GIRAULT,  
*Minister of Immigration,  
Francization and Integration*

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