

3. COMMENTS ON CERTAIN COMPETENCIES

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| Comments on at least one of the following four competencies: <i>exercises critical judgment / organizes his/her work / communicates effectively / works in a team</i> | |
| Term 1 | Term 2 |
| | |

4. OTHER COMMENTS (COMPLETE IF APPLICABLE)

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| Various comments, such as regarding other learning that has taken place during class or school projects |
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Notice

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

Agreement between the Minister of Justice and the Chambre des notaires du Québec respecting the tariff of fees and expenses of notaries for services rendered under the Act respecting legal aid and the provision of certain other legal services as well as the procedure for the settlement of disputes

Notice is hereby given that the Agreement between the Minister of Justice and the Chambre des notaires du Québec respecting the tariff of fees and expenses of notaries for services rendered under the Act respecting legal aid and the provision of certain other legal services as well as the procedure for the settlement of disputes, appearing below, was entered into on 30 August 2021.

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 between the Minister of Justice and the Chambre des notaires du Québec respecting the tariff of fees and expenses of notaries for services rendered under the Act respecting legal aid and the provision of certain other legal services as well as the procedure for the settlement of disputes

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

1. This Agreement establishes the fees applicable to professional services rendered by notaries in private practice under the legal aid plan.

It also establishes rules on expenses and dispute settlement.

**PART I
TARIFF OF FEES**

**CHAPTER I
GENERAL RULES**

2. This tariff establishes flat fees, which include all the acts and services required to perform the mandate, unless provided otherwise.

3. Where a recipient's legal aid is suspended or withdrawn or where a recipient is no longer eligible for or waives legal aid, a notary is remunerated for the services rendered up to receipt of the notice referred to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 for the preservation of the recipient's rights or required by the court.

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

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

6. Where a notary 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 notary if the mandate is assigned.

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

8. For each copy or extract of acts or attached exhibits furnished by a notary at the request of a third person within the framework of legal aid, except copies or extracts already included in the remuneration under this Agreement, the fees are \$55. The fees include the signing and sending of the copy.

CHAPTER II ACTS AND SERVICES RELATING TO MOVABLE OR IMMOVABLE PROPERTY

9. For the preparation and receipt of every notarial act pertaining to movable or immovable property, the fees are \$300 per act.

The fees include the fees for the preparation of the notice of address, the verification and adjustment of taxes, the assignment of insurance, attendances, the documents attached, the assumption of a previous obligation, the necessary copies and the fees for the inclusion in the act of the usual warranty clauses for the payment of the remainder of the sale price or for the performance of the obligations of one or more of the parties.

10. For the preparation and receipt of every notarial indivision agreement relating to any act pertaining to movable or immovable property, the fees are \$300 per act.

11. For the preparation and receipt of every notarial act of servitude, the fees are \$300 per act.

The fees include fees for describing the servient land, the dominant land and the site of the servitude, the necessary interventions and 2 copies of the act.

12. For a full examination of titles, the fees are \$300 per immovable.

A full examination includes what is required in that respect by generally accepted practice.

13. For a summary examination of titles and for a search at the registry office, the fees are \$110 per immovable.

14. For the procedure governing the sale of the property of another, the fees are as follows, where the value of the property is:

- (1) less than \$85,000: \$400;
- (2) \$85,000 or more, but less than \$200,000: \$540;
- (3) \$200,000 and more: \$640.

15. For every discharge, release of hypothec and other acts entailing cancellation, the fees are \$200.

The fees include any verification of the amounts or accounts as well as 2 copies of the act.

CHAPTER III WILLS AND LIQUIDATION OF SUCCESSIONS

16. For the preparation and receipt of every notarial will, the fees are \$225. The fees include a copy to the testator.

Where a notary prepares and receives the wills of spouses, the fees are \$425 for both.

17. For a will search in the registers of testamentary dispositions of the Barreau du Québec and the Chambre des notaires du Québec, the fees are \$60.

18. For the probate of a will, the fees are \$400.

Where a case proceeds before a notary, additional fees of \$100 are payable for the drafting and filing of the minutes of the operations.

19. For the liquidation of a succession, the fees are as follows:

(1) for the drafting of a statement of assets and liabilities of the succession: \$325;

(2) for the declaration of heredity: \$300;

(3) for renunciation of the succession: \$325;

(4) for the notice of transmission:

(a) immovable: \$450;

(b) movable: \$300;

(5) for all services entailed to designate the liquidator, including entry in the register of personal and movable rights: \$300;

(6) for the notice of closure of the succession: \$120.

CHAPTER IV ACTS AND SERVICES WITH REGARD TO PERSONAL LAW AND FAMILY LAW

20. For the preparation and receipt of every contract of marriage or civil union, including inter vivos gifts or gifts mortis causa, the fees are \$235.

The fees include 2 or 3 copies of the contract and registration in the appropriate registers.

21. For the preparation and receipt of every notarial cohabitation agreement for de facto spouses, the fees are \$370.

22. For the solemnization of a marriage or civil union, the fees are \$200.

23. For all services related to a joint application based on a draft agreement that provides a complete settlement of the consequences of the spouses' separation as to bed and board, divorce or dissolution of a civil union, the fees are \$925.

24. For all services related to an application concerning a tutorship to a minor, the fees are 400\$ where the procedure before a court is followed.

Where services are rendered according to the procedure before a notary, the fees for the application are \$400 and additional fees of \$290 are payable for the calling and holding of a meeting of relatives, persons connected by marriage or civil union, or friends, and for the drafting and filing of the minutes of the operations and the conclusions.

25. For all services rendered relating to an adoption procedure, the fees are \$540.

An application for a declaration of eligibility for adoption, an application for placement of a child and an application for adoption are considered to be distinct procedures.

Where a notary submits applications for 2 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.

26. For the preparation and receipt of a notarial protection mandate, the fees are \$180.

27. For the preparation and receipt of every power of attorney, authorization, concurrence or consent by separate act, and for their revocation, the fees are \$135.

28. For all services rendered relating to an application for homologation of a protection mandate, the fees are \$400 where the procedure before a court is followed.

Where services are rendered according to the procedure before a notary, the fees are as follows:

(1) for the processing of the application: \$400;

(2) for the calling and holding of a meeting at the request of an interested person: \$100;

(3) for the examination of the person concerned by the application and the minutes of the operations and the conclusions: \$290.

29. For all services rendered relating to the institution of protective supervision, the fees are \$400 where the procedure before a court is followed.

Where services are rendered according to the procedure before a notary, the fees are as follows:

(1) for the processing of the application: \$400;

(2) for the examination of the person concerned by the application: \$290;

(3) for the calling and holding of a meeting of relatives, persons connected by marriage or civil union, or friends, and for the drafting and filing of the minutes of the operations and the conclusions: \$200.

30. For the inventory of an administrator provided for in article 1326 of the Civil Code of Québec and made by notarial act, the fees are \$300.

CHAPTER V OTHER SERVICES

31. For services rendered at a mediation session in which the notary assists the recipient, the fees are \$290 per session, for a maximum of 2 sessions.

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

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

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

PART II EXPENSES

35. Expenses include notification costs, public register registration fees, travel allowances and costs authorized by the director general, in particular expert fees and other costs pertaining to the cases and procedures incidental to the mandate.

36. For the reimbursement of photocopy, fax, courier and postage expenses, a notary receives a fixed amount of \$11.

37. At the end of the mandate, a notary who sees a case through receives \$50 as reimbursement of administrative overhead costs, except for consultation mandates and those that end with a consultation.

38. A notary is entitled to a travel allowance only if the destination is farther than a radius of 25 km from the notary's office.

When using a personal motor vehicle, a notary 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 notary'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 notary's office;

(3) 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 notary's office and the nature or complexity of the matter requires that a mandate be assigned to that notary.

A notary entitled to a travel allowance per kilometre is also entitled to reimbursement of any parking expenses incurred.

39. Subject to sections 36 and 37, expenses cannot exceed the actual amount incurred by the notary; they are paid on presentation of supporting documents.

PART III FOLLOW-UP OF THE AGREEMENT AND DISPUTE SETTLEMENT PROCEDURE

CHAPTER I FOLLOW-UP OF THE AGREEMENT

40. Once a year at the request of the Chambre des notaires du Québec, the Ministère de la Justice du Québec and the Commission des services juridiques make themselves available to discuss the application of this Agreement, assess the situation and document and resolve any difficulties.

CHAPTER II SUBMITTING OF A DISPUTE AND CONCILIATION

41. 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 6 months after receipt of the notice referred to in section 8 of that Regulation.

42. A dispute is submitted by a notary 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.

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

44. Before submitting a dispute, a notary may resort to conciliation by means of a written notice to the director general of the regional centre, to the Commission and to the Chambre des notaires du Québec.

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

46. Within 15 days after receiving the notice referred to in section 44, the director general of the regional centre and the president of the Chambre des notaires du Québec each designate a notary.

47. Within 30 days of their designation, the notaries so appointed and the notary who applied for conciliation meet and endeavour to come to an agreement.

CHAPTER II ARBITRATION

48. The notary who submitted a dispute may, if no reply is received within 30 days after sending the notice, or the notary is dissatisfied with the reply, refer the dispute to arbitration.

Resorting to arbitration is prescribed by 6 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, the Commission and the Chambre des notaires du Québec.

The chief judge designates 1 of the judges of that court to act as arbitrator.

49. After giving at least 30 days' notice to the Commission, the Chambre des notaires du Québec may either intervene or take up the defence of a notary who refers a dispute to arbitration.

50. 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.

51. 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.

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

53. The arbitrator sends every arbitration award to the parties and the Chambre des notaires du Québec.

PART IV FINAL

54. This Agreement replaces the Regulation to ratify the agreement entered into on 11 October 2003 between the Minister of Justice and the Chambre des notaires du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of notaries for services rendered under the Act respecting legal aid and the provision of certain other legal services (chapter A-14, r. 5).

It comes into force on the date of its publication in the *Gazette officielle du Québec* and applies to services rendered under legal aid mandates assigned as of that date.

55. This Agreement expires 5 years after it comes into force. It remains in force after that date until it is replaced by a new agreement or a regulation.

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