

Gouvernement du Québec

## O.C. 881-2023, 24 May 2023

Code of Civil Procedure  
(chapter C-25.01)

### Mediation of small claims — Amendment

Regulation to amend the Regulation respecting the mediation of small claims

WHEREAS, under the first paragraph of article 556 of the Code of Civil Procedure (chapter C-25.01), the court clerk informs the parties at the earliest opportunity that they may at no additional cost submit their dispute to mediation, if the parties consent to mediation, they may request the court clerk to refer them to the mediation service and, in that case, the mediation session is presided over by a lawyer or a notary, certified as a mediator by their professional order;

WHEREAS, under paragraph 2 of article 570 of the Code, the Government, by regulation, may establish a tariff of professional fees payable to certified mediators by the mediation service, and the maximum number of sessions for which a mediator may be paid fees in relation to the same application;

WHEREAS, under paragraph 3 of article 570 of the Code, the Government, by regulation, may establish special rules and obligations with which certified mediators must comply in the exercise of their functions, as well as the sanctions applicable for non-compliance;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the mediation of small claims was published in Part 2 of the *Gazette officielle du Québec* of 25 January 2023 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 Regulation respecting the mediation of small claims, attached to this Order in Council, be made.

YVES OUELLET  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting the mediation of small claims

Code of Civil Procedure  
(chapter C-25.01, arts. 556 and 570)

**1.** Section 4 of the Regulation respecting the mediation of small claims (chapter C-25.01, r. 0.6) is amended by replacing “to a mediator” in the first paragraph by “to only one mediator”.

**2.** Section 5 is amended by inserting “or mediation sessions” after “mediation session” in the first paragraph.

**3.** Section 7 is amended by replacing “wait a minimum of 30 minutes after the scheduled time for the mediation session to begin before cancelling” in the first paragraph by “cancel”.

**4.** Section 9 is amended by replacing “session was held” in the first paragraph by “session or sessions were held”.

**5.** Section 13 is replaced by the following:

“**13.** The fees payable to a mediator for the carrying out of a mediation mandate are \$121 per hour for a maximum of 3 hours, including any work performed outside the sessions in connection with the mediation.”

**6.** The following is added after section 13:

“**13.0.1.** Where a mediation session cannot be held by reason of a failure by one party, the mediator is entitled to fees for the work performed outside the sessions.”

**13.1.** The mediator may work additional hours to carry out a mediation mandate, including any work performed outside the sessions in connection with the mediation, at the parties’ expense. In such a case, the fees payable to a mediator are \$121 per hour.”

**7.** Section 14 is replaced by the following:

“**14.** A mediator who goes to a courthouse at the court’s request and to whom no mediation mandate is assigned is entitled to fees equal to 1 hour of mediation.”

**8.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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