

# **TARIFF OF COSTS**

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## Tariff of Costs

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## TARIFF OF COSTS

### SCHEDULE I

#### Fees Payable to Lawyers in the Following Courts and Matters

“A”

#### In the Court of Appeal

(effective April 1st, 2006)

Tariff Items	Fees			
	Column 1 not exceeding \$50,000	Column 2 \$50,000 to \$100,000	Column 3 100,000 to \$300,000	Column 4 300,000 or more
1. Motion for Leave to Appeal (including brief and argument)	\$1,000	\$1,500	\$2,000	\$2,500
2. Notice of Appeal (appellant or cross-appellant only)	300	400	500	600
3. Fee to Respondent on receipt of Notice of Appeal	100	125	150	200
4. Simple Motions	250	375	500	625
5. Complex Motions (a) opposed (b) unopposed	1,000 500	1,500 750	2,000 1,000	2,500 1,250
6. Agreement as to Contents of Appeal Book	100	200	300	400
7. Preparation of Appeal Book	250	500	750	1,250
8. Preparation of Factum	1,000	2,000	3,500	5,000
9. All Other Preparation for Hearing	500	750	1,000	1,250

Tariff Items	Fees			
	Column 1 not exceeding \$50,000	Column 2 \$50,000 to \$100,000	Column 3 100,000 to \$300,000	Column 4 300,000 or more
<b>10.</b> Appearance to Present Argument on Appeal before Court of Appeal (for each ½ day)	300	400	500	600
Second Counsel (when allowed by the Court, for each ½ day)	150	200	250	300
<b>11.</b> Preparing Formal Judgment or Order	100	200	300	400
<b>12.</b> Correspondence	100	200	300	400
<b>13.</b> Preparation of Bill of Costs	100	150	200	250
<b>14.</b> Taxation of Bill of Costs	50/hour	75/hour	100/hour	125/hour
<b>15.</b> For all other services, not otherwise provided for the same fees as are authorized by the tariff of lawyers' fees in the Court from which the appeal is brought				
<b>16.</b> All necessary disbursements for which there are proper vouchers				

## SCHEDULE I

### “B” – General

#### In the Court of Queen’s Bench

**What this Schedule is about:** This is the Schedule that is referred to in Part 11, Rule 11-18(1). Part 11 generally refers to how the Court may make an order or direction with respect to the costs in a proceeding, and this Schedule outlines the basic cost structure between the parties to the litigation.

Whether this Schedule is used in any given case, either in whole or in part, is subject to the discretion of the Court. In the event that an item is not referred to in this Schedule, the matter of costs for that item will be in the discretion of the Court.

The Schedule is divided into 3 columns; Column 1 is to apply in every case unless the Court directs otherwise.

The appropriate column is based upon the complexity of the matter. Column 1 represents the least complex matter and Column 3 represents the most complex matter.

The parties may agree upon the column to be applied failing which this must be decided by the Court.

Some judicial processes have their own Tariff of Costs and, in matters falling within those processes, this Tariff will not apply.

Tariff Items		Fees		
		Column 1	Column 2	Column 3
<b>PART 3: COURT ACTIONS</b>				
<b>Division 2: Actions Started by Statement of Claim</b>				
<b>1</b>	<b>Rule 3-9 Statement of Claim</b>	\$750	\$1,500	\$3,000
<b>2</b>	<b>Rule 3-15 Statement of Defence</b>	\$500	\$1,000	\$2,000
<b>3</b>	<b>Rules 3-15, 3-16 and 3-43 Defence with Counterclaim</b>	\$750	\$1,500	\$3,000
<b>4</b>	<b>Rule 3-17 Reply to Defence</b>	\$150	\$300	\$600
<b>5</b>	<b>Rules 3-16, 3-32 and 3-33 For each Third Party Claim or Cross-Claim</b>	\$500	\$1,000	\$2,000

Tariff Items		Fees		
		Column 1	Column 2	Column 3
<b>Division 3: Actions Started by Originating Application and Judicial Review</b>				
6	<b>Rules 3-49 and 3-56 Originating Applications and Judicial Review Applications, including supporting affidavits</b>	\$1,000	\$2,000	\$4,000
7	<b>Rule 3-50 Briefs of Law and Attendance on Application</b>	\$1,000	\$2,000	\$4,000
8	<b>Rule 3-52 Response to an Application</b>	\$1,000	\$2,000	\$4,000
9	<b>Rule 3-54 Cross-examination on Affidavits (per ½ day of 2 ½ hours or part of 2 ½ hours)</b>	\$150	\$300	\$600
<b>Division 4: Request for Particulars</b>				
10	<b>Rule 3-71 Request for Particulars</b>	\$150	\$300	\$600
11	<b>Rule 3-71 Response to Request for Particulars</b>	\$150	\$300	\$600
<b>PART 4: MANAGING LITIGATION</b>				
<b>Division 2: Court Assistance in Managing Litigation</b>				
12	<b>Rule 4-4(2) Request for Case Conference</b>	\$50	\$50	\$50
13	<b>Rule 4-5 Request for Case Management</b>	\$100	\$100	\$100
14	<b>Rule 4-8 Preparation for and appearance at case management conference</b>	\$100	\$200	\$400
<b>Division 3: Dispute Resolution</b>				
<b><i>Subdivision 1: Mandatory Mediation</i></b>				
15	<b>Rule 4-10 Mandatory Mediation Preparation for and attendance at Mandatory Mediation (per ½ day of 2 ½ hours or part of 2 ½ hours)</b>	\$150	\$300	\$600



Tariff Items		Fees		
		Column 1	Column 2	Column 3
<i>Subdivision 2: Pre-trial Conference</i>				
16	<b>Rules 4-11(1) to 4-15</b> All steps necessary for request, preparation and attendance (per ½ day of 2 ½ hours or part of 2 ½ hours)	\$1,000	\$2,000	\$4,000
<b>PART 5: DISCLOSURE OF INFORMATION</b>				
17	<b>Rule 5-5</b> For all attendances and steps required to complete the Affidavit of Documents, including all negotiations and discussions that are required pursuant to the e-Discovery Guidelines. Base amount plus \$0.50 for each additional document or bundle of documents after 50	\$500	\$1,000	\$2,000
18	<b>Rule 5-10</b> For the preparation and swearing of any Supplementary Affidavit of Documents. Base amount plus \$0.50 for each additional document or bundle of documents after 50	\$100	\$200	\$400
19	<b>Rule 5-18</b> Conducting the Questioning of any party (per ½ day of 2 ½ hours or part of 2 ½ hours)	\$300	\$600	\$1,200
20	<b>Rule 5-23</b> Procuring and serving the Appointment for Questioning	\$50	\$50	\$50
21	<b>Rule 5-25</b> Attendance at Questioning by Other Counsel (per ½ day of 2 ½ hours or part of 2 ½ hours)	\$150	\$300	\$600
22	<b>Rule 5-32</b> For all steps necessary to prepare and serve written questions on another party	\$150	\$300	\$600

Tariff Items		Fees		
		Column 1	Column 2	Column 3
23	<b>Rule 5-32(3) Responding to written questions of another party</b>	\$150	\$300	\$600
24	<b>Rule 5-33 Responding to any Undertakings</b>	\$150	\$300	\$600
<b>Division 3: Experts and Expert Reports</b>				
25	<b>For all steps necessary to prepare and instruct an expert witness in connection with the preparation of the expert's report where the expert testifies or the report is tendered in evidence or where the preparation of the report was necessary in the opinion of the trial judge</b>	\$500	\$1,000	\$2,000
<b>PART 6: RESOLVING ISSUES AND PRESERVING RIGHTS</b>				
26	<b>Rules 6-5 and 6-6 Notices of Application a. Uncontested Matter: for the preparation and attendance on the Application, including all affidavits and material filed in support or in response</b>	\$300	\$300	\$300
	<b>b. Contested Matter: for the preparation and attendance on the Application, including all affidavits and material filed in support or in response</b>	\$500	\$1,000	\$2,000
27	<b>Rule 6-24 Appearance Day Applications: for the preparation and attendance on the Appearance Day Application</b>	\$200	\$200	\$200
28	<b>Rule 6-51 Each Notice to Admit Facts or Admission of Facts</b>	\$300	\$600	\$1,200

Tariff Items		Fees		
		Column 1	Column 2	Column 3
<b>PART 7: RESOLVING CLAIMS WITHOUT A FULL TRIAL</b>				
<b>Division 2: Summary Judgment</b>				
29	Rules 7-2 and 7-3 Application for Summary Judgment, including preparation of affidavits and attendance on Application	\$1,000	\$2,000	\$4,000
30	Rule 7-3(2) Cross-Examination, per affidavit	\$200	\$400	\$800
31	Rule 7-4 Preparation of Briefs required for Summary Judgment	\$500	\$1,000	\$2,000
32	Rule 7-5(3) Presenting Oral Evidence, if directed by the Judge (per ½ day of 2 ½ hours or part of 2 ½ hours)	\$500	\$500	\$500
<b>PART 9: TRIAL</b>				
<b>Division 4: Procedure at Trial</b>				
33	Rule 9-12 Notice to Produce Documents	\$100	\$100	\$100
34	Preparation for Trial, including written Brief, if any	\$1,000	\$2,000	\$3,000
35	Counsel Fee at Trial to First Counsel (per ½ day of 2 ½ hours or with proportionate allowance for part of 2 ½ hours)	\$1,000	\$2,000	\$3,000
36	Counsel Fee at Trial to Second Counsel – in discretion of the Trial Judge, not to exceed ½ of the counsel fee to First Counsel, if considered necessary			
37	Written Argument – in discretion of the Trial Judge, if considered necessary	\$1,000	\$2,000	\$3,000

Tariff Items		Fees		
		Column 1	Column 2	Column 3
<b>MISCELLANEOUS ITEMS</b>				
38	<b>Preparation and Issuance of each Court Order or Formal Judgment</b>	\$100	\$100	\$100
39	<b>Entry of Judgment in default for a liquidated demand in ordinary cases, in full satisfaction of all other fees</b>	\$200	\$200	\$1,000
40	<b>Preparation of Bill of Costs</b>	\$100	\$200	\$400
41	<b>Fee on Assessment of Bill of Costs, per hour</b>	\$100	\$100	\$100
42	<b>All necessary disbursements properly vouched for</b>			

New. Gaz. 10 Jly. 2015; Amended. Gaz. 22 Feb. 2019.

## “SCHEDULE I

### “B” – Family

#### In the Court of Queen’s Bench Family Law Division

**What this Schedule is about:** This is the Schedule that is referred to in Part 11, Rule 11-18(1). Part 11 generally refers to how the Court may make an order or direction with respect to the costs in a proceeding, and this Schedule outlines the basic cost structure between the parties to the litigation.

Whether this Schedule is used in any given case, either in whole or in part, is subject to the discretion of the Court. In the event that an item is not referred to in this Schedule, the matter of costs for that item will be in the discretion of the Court.

The Schedule is divided into 3 columns; Column 1 is to apply in every case unless the Court directs otherwise.

The appropriate column is based upon the complexity of the matter. Column 1 represents the least complex matter and Column 3 represents the most complex matter.

The parties may agree upon the column to be applied failing which this must be decided by the Court.

Some judicial processes have their own Tariff of Costs and, in matters falling within those processes, this Tariff will not apply.

Tariff Items		Fees		
		Column 1	Column 2	Column 3
<b>PART 15: FAMILY LAW PROCEEDINGS</b>				
<b>Originating Pleadings</b>				
1	<b>Rule 15-6 Petition</b>	\$500	\$1,000	\$2,000
2	<b>Rule 15-14 Answer</b>	\$200	\$400	\$800
3	<b>Rule 15-15 Answer and Counter-Petition</b>	\$500	\$1,000	\$2,000
4	<b>Rule 15-17 Reply to Answer and Counter-Petition</b>	\$150	\$300	\$600
5	<b>Rule 15-48 Application for corollary relief</b>	See "Motions and Applications"		
6	<b>Rule 15-49 Application for Variation, including the preparation and attendance on the application with affidavits and material filed in support</b>	\$1,000	\$2,000	\$4,000
<b>Division 3: Disclosure of Information</b>				
7	<b>Rule 15-26 Financial Statement</b>	\$500	\$1,000	\$2,000
8	<b>Rule 15-26 Property Statement</b>	\$500	\$1,000	\$2,000
9	<b>Rule 15-26 Notice to File Income Information</b>	\$200	\$200	\$200
10	<b>Rule 15-26 Reply to Notice to File Income Information</b>	\$200	\$200	\$200
11	<b>Rule 5-5 For all attendances and steps required to complete the Affidavit of Documents, including all negotiations and discussions that are required pursuant to the e-Discovery Guidelines. Base amount plus \$0.50 for each additional document or bundle of documents after 50</b>	\$500	\$1,000	\$2,000

Tariff Items		Fees		
		Column 1	Column 2	Column 3
12	<b>Rule 5-10</b> <b>For the preparation and swearing of any Supplementary Affidavit of Documents. Base amount plus \$0.50 for each additional document or bundle of documents after 50</b>	\$100	\$200	\$400
13	<b>Rule 15-33</b> <b>Notice to Disclose</b>	\$150	\$300	\$600
14	<b>Rule 15-33</b> <b>Reply to Notice to Disclose</b>	\$150	\$300	\$600
15	<b>Rule 15-34</b> <b>Notice to Reply to Written Questions</b>	\$150	\$300	\$600
16	<b>Rule 15-34</b> <b>Reply to Notice to Reply to Written Questions</b>	\$150	\$300	\$600
17	<b>Rule 5-18</b> <b>Conducting the Questioning of any party (per ½ day of 2 ½ hours or part of 2 ½ hours)</b>	\$300	\$600	\$1,200
18	<b>Rule 5-23</b> <b>Procuring and serving the Appointment for Questioning</b>	\$50	\$50	\$50
19	<b>Rule 5-25</b> <b>Attendance at Questioning by Other Counsel (per ½ day of 2 ½ hours or part of 2 ½ hours)</b>	\$150	\$300	\$600
<b>Expert Witnesses</b>				
20	<b>Rules 5-37 to 5-46</b> <b>For all steps necessary to prepare and instruct an expert witness in connection with the preparation of the expert's report where the expert testifies or the report is tendered in evidence or where the preparation of the report was necessary in the opinion of the trial judge</b>	\$500	\$1,000	\$2,000

Tariff Items		Fees		
		Column 1	Column 2	Column 3
<b>Court Assistance in Managing Litigation</b>				
21	<b>Rule 4-4(2) Request for Case Conference</b>	\$50	\$50	\$50
22	<b>Rule 4-5 Request for Case Management</b>	\$100	\$100	\$100
23	<b>Rule 4-8 Preparation for and appearance at case management conference</b>	\$100	\$200	\$400
24	<b>Rule 15-21 Joint Request for Pre-trial Conference</b>	\$50	\$50	\$50
25	<b>Rules 4-11(1) to 4-15 All steps necessary for request, preparation and attendance at pre-trial (per half day of 2 ½ hours or part of 2 ½ hours)</b>	\$1,000	\$2,000	\$4,000
<b>Motions and Applications</b>				
26	<b>Rules 6-5 and 6-6 Notices of Application</b>			
	<b>a. Uncontested Matter: for the preparation and attendance on the Application, including all affidavits and material filed in support or in response</b>	\$300	\$300	\$300
	<b>b. Contested Matter: for the preparation and attendance on the Application, including all affidavits and material filed in support or in response</b>	\$500	\$1,000	\$2,000
27	<b>Rule 6-24 Appearance Day Applications: for the preparation and attendance on the Appearance Day Application</b>	\$200	\$200	\$200
28	<b>Rule 6-51 Each Notice to Admit Facts or Admission of Facts</b>	\$300	\$600	\$1,200

Tariff Items		Fees		
		Column 1	Column 2	Column 3
<b>Resolving Claims Without a Full Trial</b>				
<b>Summary Judgment</b>				
29	Rules 7-2 and 7-3 Application for Summary Judgment, including preparation of affidavits and attendance on Application	\$500	\$1,000	\$2,000
30	Rule 7-3(2) Cross-Examination on Affidavits, per affidavit	\$300	\$600	\$1,200
31	Rule 7-4 Preparation of Briefs required for Summary Judgment	\$500	\$1,000	\$2,000
32	Rule 7-5(3) Presenting Oral Evidence, if directed by the Judge (per half day of 2 ½ hours or part of 2 ½ hours)	\$500	\$1,000	\$2,000
	Note: This part does not apply to uncontested family law proceedings in accordance with Rule 15-23 nor uncontested divorce proceedings in accordance with Rule 15-41			
<b>Uncontested Family Law Proceeding (Rule 15-23)</b>				
33	For each Petition and Notice of Application for Judgment in Form 15-23A or Application for Judgment in Form 15-23B with supporting affidavits and material filed in support and, if necessary, in the opinion of the Court, oral evidence	\$1000	\$1000	\$1000



Tariff Items		Fees		
		Column 1	Column 2	Column 3
<b>Uncontested Divorce Proceeding (Rule 15-41)</b>				
34	For each Petition and Notice of Application for Judgment in Form 15-23A or Application for Judgment in Form 15-23B with supporting affidavits and material filed in support, and, in addition, all reasonable disbursements properly vouched for	\$500	\$500	\$500
<b>Trial</b>				
<b>Procedure at Trial</b>				
35	Rule 9-12 Notice to Produce Documents	\$100	\$100	\$100
36	Preparation for Trial, including written Brief, if any	\$1,000	\$2,000	\$3,000
37	Counsel Fee at Trial to First Counsel (per ½ day of 2 ½ hours or with proportionate allowance for part of 2 ½ hours)	\$1,000	\$2,000	\$3,000
<b>MISCELLANEOUS ITEMS</b>				
38	Preparation and Issuance of each Court Order or Formal Judgment	\$100	\$100	\$100
39	Preparation of Bill of Costs	\$100	\$200	\$400
40	Fee on Assessment of Bill of Costs, per hour	\$100	\$100	\$100
41	All necessary disbursements properly vouched for			

**SCHEDULE I****“C”****In The Court of Queen’s Bench in Probate and  
Administration of Estates Matters**

- 1** For the purposes of this Schedule, the value of the estate is the total of all assets of the estate being administered. Property not handled by the personal representative, such as joint property, insurance, annuities and pensions not payable to the estate, is not included in the value of the estate and the lawyer shall charge separately for services respecting that property.
- 2** For all necessary core services rendered, the fee allowed to the lawyer is:
- (a) \$1,500 plus 1% of the first \$500,000 of the value of the estate;
  - (b) 3/4% on the next \$500,000 of the value of the estate; and
  - (c) 1/2% on the remaining value of the estate.
- 3** For non-core services or other services rendered for the estate and for the passing of accounts, the additional fee allowed to the lawyer is the fee provided for in subrule 16-58(3).

**SCHEDULE I****“D”****In The Court of Queen’s Bench Small Claims and  
Rentalsman Appeals Tariff**

<b>Tariff Items</b>	<b>Fees</b>			
	<b>Column 1 Under \$5,000.00</b>	<b>Column 2 \$5,000.00 – \$9,999.99</b>	<b>Column 3 \$10,000.00 – \$14,999.99</b>	<b>Column 4 \$15,000.00 or more</b>
Preparing, serving and filing appeal	\$25	\$50	\$75	\$100
Attending at hearing of appeal, including any brief	50	100	150	200
Entry of judgment	15	30	45	60

## Appendix

### SCHEDULE II

#### Fees Payable to the Registrars, Local Registrars, and Official Administrators of the Court

“A”

#### Registrar’s Fees in the Court of Appeal

(Prescribed pursuant to *The Court of Appeal Fees Regulations, 2019*)

Item	Service	Fee (\$)
1	Filing a notice of appeal	200
2	Filing an appellant’s appeal book and factum	100
3	Issuing a formal judgment or order	20
4	Filing a notice of motion	25
5	Filing a cross-appeal	80
6	Certified copy of a document	10
7	Appointment for taxation of costs	20
8	Issuing a certificate of taxation of costs	20
9	Name search of a civil file by a non-party	20
10	Issuing a search certificate respecting a search of a civil file (in addition to the fee required by item 9)	20
11	Civil file inspection	\$20 flat fee for the first file, plus \$1 per file for bulk inspections
12	Photocopies	\$1 per page
13	Sending or receiving an electronic copy of a court document	\$1 per page
14	Record suspension application	100
15	United States waiver application	75

PART II  
Tables

SCHEDULE II

“B”

**Registrar’s and Local Registrars’ Fees Registrar’s and Fees in Civil  
Matters in the Court of Queen’s Bench**

(Prescribed pursuant to *The Queen’s Bench Regulations* – section 9  
and Table 1 of the Appendix)

Item	Service	Fee (\$)
1	Commencement of: (a) an action or matter requiring mediation (section 42 of the Act and section 5 of these regulations) (b) an action or matter not requiring mediation (section 42 of the Act and section 5 of these regulations) except item 17 (c) a petition for divorce (DIV) (d) a petition in any other family law proceeding (FLD)	300  200  300 200
2	Filing a defence or answer (including counterclaim, cross-claim, third party claim) respecting: (a) an action or matter requiring mediation (section 42 of the Act and section 5 of these regulations) (b) an action or matter not requiring mediation (section 42 of the Act and section 5 of the regulations) (c) a petition for divorce (DIV) (d) a petition in any other family law proceeding (FLD)	150  80  150 80
3	Amending pleadings	35
4	Transfer of action or matter to another judicial centre	20
5	Noting an action in default of defence	30
6	Filing an interim application with or without notice	20
7	Late filing of affidavit or other document in support of chambers application	20
8	Payment into and out of court (excluding maintenance and jury deposits)	20

Item	Service	Fee (\$)
9	Setting case conference or case management conference	75
10	Setting pre-trial conference or post-pleading conference	75
11	Late filing of pre-trial brief	20
12	Setting trial (jury or judge alone)	100
13	Filing a demand for a jury	100
14	Issuing a subpoena	10
15	Hearing fee at trial after first day	100 per day or part of a day
16	Entering an order or judgment	20
17	Filing a judgment, decree, or any other order, from another court or pursuant to statutory authority	20
18	Filing notice of application for judgment in contested family law proceeding	95
19	Filing application for judgment in uncontested family law proceeding	95
20	Examining bond or affidavit, settling judgment or order, inquiry or taking accounts pursuant to an order (including a certificate or report required)	100 per day or part of a day
21	Issuing notice of appointment for assessment of costs	10
22	Assessment of costs (except a default judgment)	100 per day or part of a day
23	Assessment of estate accounts	200
24	Name search of a civil file by a non-party	20 per judicial centre
25	Civil file inspection	20 flat fee for first file, plus \$1 per file for bulk inspections
26	Assessment of lawyer's bill of fees or disbursements pursuant to <i>The Legal Profession Act, 1990</i>	300
27	Electronic transfer of court hearing	20 for first day and \$10 for each additional day
28	Certified copy of a document	10 per copy
29	Any certificate not otherwise provided for	10
30	Photocopies	1 per page
31	Sending or receiving electronic copy of a court document	1 per page
32	Record suspension application	100
33	United States waiver application	75

## SCHEDULE II

### “C”

#### Registrar’s Fees – Administration of Estates

(Prescribed pursuant to *The Administration of Estates Regulations, 2020* –  
Table 2 of the Appendix)

Item	Service	Fee (\$)
1	Each search	20 per judicial centre
2	Each certificate	10
3	Examining copies of instruments on file, when prepared by a lawyer, in addition to the fee for a certificate	1.00 per page
4	Photocopy of documents, in addition to the fee for a certificate	1.00 per page

New. A-4.1 Reg 2. Gaz. 4 Dec. 2020.

#### Local Registrars’ Fees – The Administration of Estates

(Prescribed pursuant to *The Administration of Estates Regulations, 2020* –  
Table 1 of the Appendix)

Item	Service	Fee (\$)
1	Application pursuant to section 7 of the Act	300
2	Application for grant of letters probate, letters of administration or letters of administration <i>de bonis non</i> , for double probate, for a cessate grant, or for resealing	200
3	Application pursuant to section 9 of the Act	100
4	Filing a caveat	20
5	Depositing a will	50
6	Certified copy of letters - if will attached	10 additional 1.00 per page
7	Certificate that no minors are interested in the deceased person’s estate	25

New. A-4.1 Reg 2. Gaz. 4 Dec. 2020.

**Official Administrator Fees – Administration of Estates**

(Prescribed pursuant to *The Administration of Estates Regulations* – section 4)

**1** The fee payable to the official administrator for administering an estate, acting as an administrator *ad litem* or in any other way managing the affairs of a deceased person is an amount equal to the greater of:

- (a) \$1,500; and
- (b) if the value of the gross assets of the estate is:
  - (i) \$50,000 or less, 7% of that value;
  - (ii) more than \$50,000 but \$100,000 or less, \$3,500 plus 5% of the value in excess of \$50,000; or
  - (iii) more than \$100,000, \$6,000 plus 4% of the value in excess of \$100,000.

**2** In addition to the fee payable pursuant to item 1, the official administrator may charge, with respect to an estate file that has been open for 24 months or more:

- (a) a monthly fee in an amount equal to 1/12 of 1% of the gross assets of the estate; and
- (b) a fee equal to 5% of income received after the estate file has been open for 24 months.

**3** The official administrator, where he or she considers it appropriate, may require an interim payment of a fee mentioned in this section during the administration of the estate.

**4** Where, in the opinion of the official administrator, the work performed by him or her warrants a fee that is less than the fees mentioned in this section, the official administrator may charge a lesser fee.

**Official Administrator Fees – Sale of Real Property**

(Prescribed pursuant to *The Administration of Estates Regulations* – section 5)

The following fees are payable to the official administrator for handling a real estate transaction on behalf of a deceased person's estate:

- (a) where a real estate agent is involved in the transaction, 1% of the purchase price, with a minimum fee of \$200 and a maximum fee of \$1,000;
- (b) where no real estate agent is involved in the transaction, 3% of the purchase price, with a minimum fee of \$200 and a maximum fee of \$1,000.

### **Official Administrator Fees – Legal Services**

(Prescribed pursuant to *The Administration of Estates Regulations* – section 6.1)

The official administrator may charge one or more of the following fees in relation to legal services performed by the official administrator or any lawyer employed by the official administrator:

- (a) a fee for each hour spent on the matter at an hourly rate set by the official administrator, not to exceed \$200 per hour;
- (b) a fee for the legal service:
  - (i) if the legal service is identified in the Tariff, at a rate set out in the Tariff; and
  - (ii) if the legal service is identified in the tariff suggested by the Law Society of Saskatchewan, at a rate set out in that tariff;
- (c) any fee approved or ordered by the Court.

### **Official Administrator Fees – Income Tax Returns**

(Prescribed pursuant to *The Administration of Estates Regulations* – sections 6, 7 and 8)

- 1** The official administrator may charge:
  - (a) a fee of \$100 for each return of income prepared and filed by the official administrator on behalf of a deceased individual pursuant to paragraph 150(1)(b) of the *Income Tax Act* (Canada); and
  - (b) a fee of \$100 for each return of income prepared and filed by the official administrator on behalf of an estate or trust pursuant to paragraph 150(1)(c) of the *Income Tax Act* (Canada).
- 2** Where, in the opinion of the official administrator, the work involved in preparing and filing a return of income warrants a fee that is greater than the fee mentioned in paragraph 1, the official administrator may charge a greater fee, to a maximum of \$300.
- 3** The official administrator may recover any actual and reasonable disbursement made on behalf of a deceased person's estate from that deceased person's estate.
- 4** Subject to items 5 and 6, the value of an estate is the value of all the real and personal property of a deceased person at the time of death.
- 5** In calculating the value of the property of a deceased person, there shall be deducted from the value the actual amount owed by the deceased person at the date of death on any loan, mortgage or agreement for sale relating to any real property in excess of any amount of insurance payable to discharge the loan, mortgage or agreement for sale.



**6** The following assets are not to be considered as property of the deceased person in calculating the value of an estate:

- (a) real property held jointly by the deceased person and another person;
- (b) insurance payable to a named beneficiary;
- (c) *Canada Pension Plan* payments to a surviving spouse or child;
- (d) pensions and annuities payable to a spouse, child or any other named beneficiary;
- (e) joint deposit accounts;
- (f) personal property outside Saskatchewan, if the deceased person was domiciled outside Saskatchewan on the date of death;
- (g) real property outside Saskatchewan.

### SCHEDULE III

#### Fees Payable to Sheriffs

##### “A”

#### Sheriffs’ Fees in the Court of Queen’s Bench

(Prescribed pursuant to *The Queen’s Bench Regulations* – Table 4 of the Appendix)

**1** Service:

- (a) receiving, filing and serving on one person and returning any process together with an affidavit of service or attempted service ..... \$25
- (b) each additional party served ..... \$10

**2** Arrest or execution on goods and chattels or land:

- (a) each arrest, execution or similar writ or order and return and for services provided pursuant to *The Land Titles Act, 2000* with respect to:
  - (i) an application for the registration or discharge of a writ in the Land Titles Registry; or
  - (ii) an application for the registration or removal of a writ in the Saskatchewan Writ Registry ..... \$10

(b) executing any replevin, writ of delivery or other order, either in whole or in part, including approving a bond or other security and assigning the same and return:	
(i) up to \$5,000 .....	\$50
(ii) over \$5,000 .....	\$50 plus 1% on the amount in excess of \$5,000
(c) attending, investigating, inventorying, cataloguing, taking possession and preparing for sale, per hour or fraction of an hour for each person involved .....	
	\$25
(d) poundage on the sum realized following sale:	
(i) when that sum is less than \$2,000 .....	10%
(ii) when that sum is \$2,000 or more but less than \$5,000.....	\$200 plus 5% on the amount in excess of \$2,000
(iii) when that sum is \$5,000 or more but less than \$100,000.....	\$350 plus 2½% on the amount in excess of \$5,000
(iv) when that sum is \$100,000 or more.....	\$2,725 plus 1% on the amount in excess of \$100,000
(e) when payment is received from or on behalf of a debtor or a settlement is made by reason of the coercive effect of the writ, following seizure but prior to sale by the sheriff, the sheriff is entitled to receive poundage at the rate of:.....	
	50% of the amount provided in clause (d)
<b>3</b> Executing a writ of possession of land, in part or in whole, delivery and return.....	
	\$75 and for each succeeding day, per day, \$25

- 
- 4 Fee for sheriff's services with respect to judicial sales of land pursuant to court order:
- (a) for adjourned, cancelled or aborted sales or when the realized value does not exceed \$25,000 ..... \$250
  - (b) when the realized value is \$25,000 or more but less than \$200,000 ..... \$250 plus 1% on the amount in excess of \$25,000
  - (c) when the realized value is \$200,000 or more ..... \$2,000 plus one quarter of 1% on the amount in excess of \$200,000 to a maximum of \$5,000
- 5 Each interpleader application, including preparation and service of documents on one party and attendance in chambers..... \$50
- 6 Each additional party served ..... \$10
- 7 Each search made by sheriff and certificate of result..... \$20
- 8 Each affidavit made (other than of service) including oath ..... \$10
- 9 Each letter written as requested by a party or his or her lawyer respecting original writ, statement of claim or process ..... \$5
- 10 Transportation Fee: For each kilometre travelled from the sheriff's office at twice the rate for persons using a privately owned automobile on government business established by the Public Service Commission pursuant to *The Public Service Regulations, 1999*, with a minimum charge of \$5.00 in each case.
- 11 Disbursements: In every case, sheriffs are entitled to payment for all disbursements properly incurred.

All fees are payable in advance unless other arrangements are made with the official to whom the fees are payable.

**SCHEDULE IV****Fees Payable to Witnesses, Interpreters, Jurors, Physicians and Surgeons****“A”****Fees Payable to Witnesses and Interpreters in Civil Proceedings**

(Prescribed pursuant to Rule 11-18 of *The Queen’s Bench Rules*)

**“professional witness”** means a witness who is called to give evidence in consequence of professional services rendered by him or her and who is:

- (i) a lawyer;
- (ii) a physician or surgeon;
- (iii) a professional engineer;
- (iv) a surveyor;
- (v) a chartered accountant;
- (vi) a certified public, accredited or general public accountant;
- (vii) an architect;
- (viii) a dentist;
- (ix) a veterinary surgeon; or
- (x) if the judge hearing the cause directs, a person who is:
  - (A) a member of a profession not mentioned in subclauses (i) to (ix); or
  - (B) a person called to give expert evidence; (« *témoign professionnel* »)

**“witness”** means a person called on to give evidence in a cause before a court who is:

- (i) not a party of that cause; or
- (ii) if a corporation is a party, not an officer of that corporation. (« *témoign* »)

1(1) The fee payable to a witness other than a professional witness or consultant for each day or part thereof that he or she travels to, from, or attends in Court is \$50.00.

(2) The fee payable for each half-day or part of a half-day for travel to, from, or attendance in Court:

- (a) to a professional witness is \$100.00,
- (b) to a consultant called to give expert testimony is \$200.00 subject to increase at the discretion of the assessment officer.

(3) A reasonable fee for preparation time and reasonable fee in the event of adjournment or settlement of the action prior to testimony in Court allowed at the discretion of the assessment officer.

**2** If a medical report arising out of an examination is admitted in evidence pursuant to *The Evidence Act* and the physician or surgeon who made the report does not personally attend to give evidence, the fee payable to the physician or surgeon who made the report is \$200.00.

**3** The fee payable to an interpreter for each day of five hours that he or she attends in Court is \$100.00 subject to a proportionate reduction for each hour less than the said five hours.

**4** A witness or interpreter is entitled on submission of receipts to be paid his or her expenses for necessary travel, accommodation and meals at the rate that is approved for similar expenses incurred by members of the public service.

**5** A reasonable fee for expenses actually paid for preparation of a plan, model, video tape, film, or photograph reasonably necessary for the conduct of a proceeding may be paid, notwithstanding that the preparer of the item does not attend and testify at the proceedings.

## SCHEDULE IV

### “B”

#### Fees Payable to Jurors

(Prescribed pursuant to *The Jury Regulations, 2000*)

**1** The fee payable to a person:

(a) who is summoned to attend as a juror for the purposes of civil jury selection is \$15 for each day or part of a day that the person attends; and

(b) who is sworn to serve as a juror in a civil trial is \$25 for each day or part of a day that the person serves as a juror.

**2(1)** Subject to subsection (2), the fee payable to a person who is sworn to serve as a juror in a criminal proceeding is \$80 for each day or part of a day that the person serves as a juror.

(2) No fee is payable to a person serving as a juror in a criminal proceeding if that person is receiving income from his or her employer while serving as a juror.

**3** A juror or prospective juror is entitled to be paid the following for his or her travel expenses that the sheriff considers reasonable:

(a) where he or she uses a private vehicle, at the rate established for travel expenses incurred by members of the public service when using a private vehicle;

(b) where he or she uses public transportation, at the rate established for travel expenses incurred by members of the public service when using public transportation.

4 A juror or prospective juror is entitled to be paid for his or her accommodation expenses that the sheriff considers reasonable at a rate equal to the rate established for accommodation expenses incurred by members of the public service.

5 A juror or prospective juror is entitled to be paid for his or her actual meal expenses that the sheriff considers reasonable.

## SCHEDULE IV

### “C”

#### **Fees Payable to Witnesses and Interpreters in Criminal Proceedings**

(Prescribed pursuant to *The Queen’s Bench Regulations*)

In Items 1 to 4:

“**professional witness**” means a witness who is called to give evidence in consequence of professional services rendered by him or her and who is:

- (a) a lawyer;
- (b) a professional engineer;
- (c) a surveyor;
- (d) a chartered accountant, a certified general accountant or a certified management accountant;
- (e) an architect;
- (f) a dentist;
- (g) a veterinary surgeon; or
- (h) if the judge hearing the action directs, a person who is:
  - (i) a member of a profession not mentioned in clauses (a) to (g); or
  - (ii) a person called to give expert evidence; (« *témoign professionnel* »)

“**witness**” means a person called to give evidence in a criminal proceeding before a court who is not:

- (a) an accused in the proceeding; or
- (b) an officer of a corporation that is an accused in the proceeding. (« *témoign* »)

- 
- 1(1) No fee is payable to a witness other than a professional witness, consultant or physician or surgeon.
- (2) On the application of a professional witness, the Executive Director of Public Prosecutions, in his or her discretion, may authorize payment of a fee to a professional witness in an amount set out in Schedule IV "D" as a result of attending a criminal proceeding.
- 2 The fee payable for each  $\frac{1}{2}$  day or part of a  $\frac{1}{2}$  day of attendance in Court:
- (a) to a professional witness is \$52.50;
  - (b) to a consultant called to give expert testimony is \$72.50.
- 3 If a medical report is prepared at the request of a Crown prosecutor for use as evidence in a criminal proceeding, the fee payable to the physician or surgeon who prepared the report is:
- (a) \$100 for a letter that is a factual report based on a review of office and hospital records that summarizes a patient's history, symptomatology, present condition and any investigation or therapy and the results of any intervention;
  - (b) \$250 for a report that expresses an expert opinion concerning cause and effect, long-term consequences, possible complications, extent of or degree of disability, or other similar matters.
- 4 The fee payable to an interpreter for each half-hour or part of a half-hour that the interpreter spends travelling to and from Court, and in attendance at Court, in a criminal proceeding is \$17.50.
- 5(1) A witness or interpreter:
- (a) is entitled to be paid for meal expenses at the rates approved for members of the public service; and
  - (b) on submission of his or her receipts, is entitled to be paid for accommodation at the rate approved for members of the public service.
- (2) A witness or interpreter who submits receipts for his or her travel expenses is entitled to be paid for those expenses in an amount equal to:
- (a) 50% of the rate approved for those expenses incurred by members of the public service, if the witness or interpreter uses a private vehicle; or
  - (b) 100% of the rate approved for those expenses incurred by members of the public service, if the witness or interpreter uses public transportation.
- (3) On the application of a witness, the Deputy Minister of Justice may, in his or her discretion, authorize payment of a fee to the witness in an amount not exceeding:
- (a) the amount of wages lost by the witness as a result of attending a criminal proceeding;
  - (b) the cost incurred by the witness as a result of attending a criminal proceeding for hiring temporary labour or for child care; or
  - (c) subject to subsection (1), the actual amount of other expenses incurred as a result of attending a criminal proceeding.

## SCHEDULE IV

### “D”

#### **Tariff of Fees for Physicians and Surgeons in Criminal Proceedings** (Prescribed pursuant to *The Queen’s Bench Regulations* – Table 6 of the Appendix)

Item	Service	Fee (\$)
		General Practitioner/ Specialist
<b>1</b>	Testimony (includes preparation, pretrial briefing and waiting time): <ul style="list-style-type: none"> <li>(a) for the first hour or part of the first hour</li> <li>(b) if testimony is more than one hour, for each subsequent quarter hour or major portion of a quarter hour</li> </ul>	250  60
<b>2</b>	Cancellation Notice – for failure to give notification of adjournment or cancellation to the practitioner’s office at least 2 business days before the date of the scheduled court appearance	200

New. SR 3/2019, Gaz. 1 Feb. 2019.



## SCHEDULE V

### Fees Payable to Court Reporters

“A”

#### Court Reporters’ Fees

(Non-employees of the Government of Saskatchewan)

(Prescribed pursuant to *The Court Officials Regulations* – Table 1 of the Appendix)

The fees payable to court reporters who are not employees of the Government of Saskatchewan:

- |          |   |          |
|----------|---|----------|
| <b>1</b> | Attendance at a trial by court reporter, maximum fee per hour.....  | \$ 35.00 |
| <b>2</b> | Trial transcript preparation, maximum fee per page for:   |          |
|          | (a) Original .....  | 2.75     |
|          | (b) Copy .....  | 0.30     |
| <b>3</b> | In the absence of one clear day’s notice of cancellation of trial there may be charged a cancellation fee as follows: |          |
|          | (a) 1-day trial .....   | 50.00    |
|          | (b) 2-day trial .....   | 75.00    |
|          | (c) 3-day trial or more.....  | 100.00   |

All fees are payable in advance unless other arrangements are made with the court reporter to whom the fees are payable.

**SCHEDULE V**

**“B”**

**Fees for Transcript Services**

(Government of Saskatchewan)

(Prescribed pursuant to *The Queen’s Bench Regulations* – Table 5 of the Appendix)

<b>Item</b>	<b>Service</b>	<b>Fee (\$)</b>
<b>1</b>	Trial transcript preparation, maximum fee per page or portion of page:	
	(a) original (electronic or paper format)	3
	(b) expedited original prepared in:	
	(i) 2-4 business days	7.50
	(ii) 5-9 business days	6.75
	(iii) 10-19 business days	6.15
	(c) copy (electronic or paper format)	.30
<b>2</b>	If trial transcript is provided on computer disc	20

**SCHEDULE VI**

**Fees Payable in Matters Pursuant to *The Small Claims Act, 2016***

**“A”**

**Registrar’s and Local Registrar’s Fees in Matters Tried Pursuant to  
*The Small Claims Act, 2016***

(Prescribed pursuant to *The Queen’s Bench Regulations* – section 9 and Table 2 of the Appendix)

<b>Item</b>	<b>Service</b>	<b>Fee (\$)</b>
<b>1</b>	Transfer of action from Small Claims Court: (a) commencement of an action (b) filing a defence or answer if no fees have been paid to Small Claims Court (c) filing a defence or answer if fee for filing a reply has been paid to Small Claims Court	200 150 100
<b>2</b>	Filing a certificate of judgment of Small Claims Court	20
<b>3</b>	Filing a notice of appeal to the court or filing an application to set aside judgment	100
<b>4</b>	Filing an application for an extension of time within which to appeal or to file a transcript of evidence heard in Small Claims Court	20

**SCHEDULE VI****“B”****Fees Payable to Sheriffs  
Pursuant to *The Small Claims Act, 2016***

(Prescribed pursuant to *The Queen’s Bench Regulations* – section 10)

**1** The fees payable to sheriffs with respect to matters tried in the Provincial Court of Saskatchewan pursuant to *The Small Claims Act, 2016* are 50% of the fees set out in **SCHEDULE III “A” – Sheriffs’ Fees in the Court of Queen’s Bench.**

**2** Notwithstanding item 1, sheriffs are entitled to payment in every case:

- (a) for each kilometre travelled from the sheriff’s office at twice the rate for persons using a privately owned automobile on government business established by the Public Service Commission pursuant to *The Public Service Regulations, 1999*, with a minimum charge of \$5.00 in each case;
- (b) for all disbursements properly incurred.

All fees are payable in advance unless other arrangements are made with the sheriff to whom the fees are payable.

New. Gaz. 27 Apr. 2018.

**SCHEDULE VI****“C”****Fees for Issuance of a Summons or a Notice of Third Party Claim  
Pursuant to *The Small Claims Act, 2016***

(Prescribed pursuant to *The Small Claims Regulations, 2017* – section 4)

**1** The fee payable for the issuance of a summons or a notice of third party claim is:

- (a) in the case of a claim for an amount equal to or less than \$2,000, \$20;
- (b) in the case of a claim for an amount greater than \$2,000 but equal to or less than \$30,000, 1% of the claim rounded to the nearest whole dollar, to a maximum of \$100; and
- (c) in the case of a claim for unliquidated damages, \$30.

**2** The fee payable pursuant to subsection 15(2) of *The Small Claims Act, 2016* is \$75, less the amount paid pursuant to subsection (1) for the issuance of the summons.

New. Gaz. 27 Apr. 2018.

**SCHEDULE VI****“D”****Fees Payable to Witnesses  
Pursuant to *The Small Claims Act, 2016***

(Prescribed pursuant to *The Small Claims Regulations, 2017* – section 5)

- 1 The fee payable to a witness on being served with a subpoena is:
  - (a) for a professional witness or a consultant within the meaning of Schedule IV of the Tariff to *The Queen’s Bench Rules*, \$40;
  - (b) for a witness other than a witness mentioned in clause (a), \$15.
- 2 A witness who resides more than 20 kilometres from the location where the witness is attending in court is entitled to be paid his or her expenses for necessary travel, accommodation and meals at the rate approved for similar expenses incurred by members of the public service of Saskatchewan.

New. Gaz. 27 Apr. 2018.

**SCHEDULE VII****Fees Payable in Matters Pursuant to *The Residential Tenancies Act, 2006*****“A”****Local Registrars’ Fees in Matters Pursuant to  
*The Residential Tenancies Act, 2006***

(Prescribed pursuant to *The Queen’s Bench Regulations* – sections 9 and 10 and Table 3 of the Appendix)

<b>Item</b>	<b>Service</b>	<b>Fee (\$)</b>
<b>1</b>	Filing an order of a hearing officer or the Director of Residential Tenancies pursuant to <i>The Residential Tenancies Act, 2006</i>	20
<b>2</b>	Filing a notice of appeal to the court	100

New. SR 3/2019. Gaz. 1 Feb. 2019.

### Sheriffs' Fees

Item	Service	Fee (\$)
1	Service (a) receiving, filing and serving on one person and returning any process together with an affidavit of service or attempted service, whether service is by mail or in person (i) in the event of personal service, for any time spent by the sheriff to effect service (b) each additional party served, whether service is by mail or in person, at the same location as service is made pursuant to item (a)	100  50 per sheriff per hour or part of an hour  50
2	Arrest or execution on goods and chattels or land: (a) each arrest, writ of replevin, writ of delivery or similar writ or order and return (i) if the sheriff's time exceeds 1 hour  (b) attending, investigating, inventorying, cataloguing, taking possession and preparing for sale	150  50 per sheriff per additional hour or part of an hour  50 per sheriff per hour or part of an hour
3	Executing a writ of possession, delivery and return, including any order made pursuant to <i>The Residential Tenancies Act, 2006</i> (a) if the sheriff's time exceeds 1 hour	150  50 per sheriff per additional hour or part of an hour
4	Services with respect to judicial sales of land pursuant to a court order (a) plus a fee for time spent executing the sale, whether sale proceeds or not	500  50 per sheriff per hour or part of an hour
5	Interpleader application, including preparation and service of documents on one party and attendance in chambers	400

Item	Service	Fee (\$)
6	Sheriff's file inspection	20 flat fee for first file, plus \$1 for each additional file
7	Preparing certificate of search result	20
8	Preparing affidavit (other than of service) or letter written as requested by a party	50
9	Summoning of a jury	500
10	Cancellation of a jury trial if a demand for jury is withdrawn after a jury has been summoned by the sheriff	250

New. SR 3/2019. Gaz. 1 Feb. 2019.

### SCHEDULE VIII

#### Provincial Court Copying Fees

#### “A”

(Prescribed pursuant to *The Provincial Court Fees Regulations* – section 3)

**1** Every person who requests a copy of file documents from the court shall pay a fee equal to the product of:

- (a) the number of pages requested; and
- (b) 50¢ per page.

**2** The clerk of the court may refuse to provide a copy of file documents to any person who has not paid the fee prescribed in item 1.

