

## Guide to Fees in Divisional Court Appeals

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### About this guide:

The information contained in this guide is simply an overview of the relevant legislation and rules of procedure. It is not intended to be a substitute for the *Rules of Civil Procedure*, which should be examined for specific information. Nothing contained, expressed or implied in this guide is intended as, or should be taken or understood as, legal advice. If you have any legal questions, you should see a lawyer.

Special thanks to the Divisional Court, whose Appeal Information Package provided valuable information for this series of Guides.

*Ce guide est également disponible en français.*

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### Where to get more information:

The Ministry of the Attorney General has a series of **guides** to Divisional Court procedures which are available at court offices and the Ministry of the Attorney General website at [www.ontario.ca/attorneygeneral](http://www.ontario.ca/attorneygeneral):

#### **What is Divisional Court?**

#### **Guide to Appeals in Divisional Court**

#### **Guide to Serving Documents in Divisional Court Appeals**

#### **What can I do if my appeal to the Divisional Court is dismissed for delay or dismissed as abandoned?**

#### **Guide to Fees in Divisional Court Appeals**

The guide entitled "What is Divisional Court?" includes a helpful overview of Divisional Court services, as well as a glossary of legal terms you may find helpful when reading the other guides.

Content of forms under the *Rules of Civil Procedure* is available at the following website: [www.ontariocourtforms.on.ca](http://www.ontariocourtforms.on.ca). Please note the forms must be formatted in accordance with the *Rules of Civil Procedure*. You can find tips on completing forms at the end of this guide.

The staff behind the counter at any Divisional Court office are helpful. They will answer your questions about Divisional Court procedures, but keep in mind they cannot give legal advice and they cannot fill out your forms for you.

For more detailed information, you should refer to the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194. It is a regulation made under the authority of the *Courts of Justice Act*. To view the *Rules* on-line, go to [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca) and follow these steps:

- Choose English or French
- Click on "Search or Browse Current Consolidated Law"
- Click on the letter "C"
- Click on the plus sign to the left of "Courts of Justice Act"
- Click on "Rules of Civil Procedure"

## Part One: Introduction

You must pay a fee to file a Notice of Appeal and for most steps in a Divisional Court appeal, such as filing a motion or filing a cross appeal. The number of steps in an appeal varies from case to case.

Court fees are set out in regulations made under the [Administration of Justice Act](#). In Part Two of this guide, an excerpt of the [Superior Court of Justice and Court of Appeal - Fees](#) regulation is reproduced. In addition to these fees, there are also fees for preparing a transcript and required copies. Those fees are listed in the [Court Reporters and Court Monitors](#) fees regulation, an excerpt of which is set out in Part Three of this guide. Remember, you should always refer to the actual regulations.

The fee schedules in this guide are current as of the date of the guide. To be sure you have the current fee schedules, always refer to the regulations. The current regulations are available at the court office or at the Ontario government's e-laws website at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca). Once you are on the site, follow these steps:

- Choose English or French
- Click on "Current Consolidated Law"
- Click on the letter "A"
- Click on the plus sign to the left of "Administration of Justice Act"
- Click on the title of the regulation

Fees are payable in Canadian funds, and may be paid by cash, cheque or money order payable to the Minister of Finance.

(Note that in addition to these fees, you may have other costs such as lawyers' fees. This guide addresses court and transcript fees only.)

### What court fees will I have to pay if I bring an appeal in the Divisional Court?

The fees that must be paid in a proceeding vary from case to case depending on what steps you take.

#### Example 1

Meera sues Norman for a debt he owes to her in Small Claims Court. Meera wins at trial but Norman disagrees with the judge and appeals the decision. In this situation, the total fees Norman would pay are as follows:

Fee to file Notice of Appeal	\$104
Fee to file Certificate of Perfection	\$201
Transcript from Trial (e.g. 80 pages x \$3.75)	\$300
<b>Total Fees:</b>	<b>\$605</b>

#### Example 2

In the course of a trial for wrongful dismissal, the plaintiff tries to introduce evidence to which the defendant objects. The judge rules the evidence inadmissible so the plaintiff cannot use it. The plaintiff disagrees with the judge and seeks leave to appeal the decision. In this situation, the fees the plaintiff would pay are as follows:

Fee to file Notice of Motion for Leave to Appeal	\$127
Fee to file Notice of Appeal	\$181
Fee to file Certificate of Perfection	\$201
Transcript from Trial (e.g. 52 pages x \$3.75)	\$195
<b>Total Fees:</b>	<b>\$704</b>

### What if I cannot afford to pay the fees?

If you cannot afford to pay court or enforcement fees, you may request a fee waiver. The fee waiver applies to most fees in Divisional Court proceedings but not to fees for transcripts or copies of transcripts. More information about fee waiver is available at any court office and on the Ministry of the Attorney General website at: [www.ontario.ca/attorneygeneral](http://www.ontario.ca/attorneygeneral).

## Part Two: Superior Court of Justice and Court of Appeal Fees

### EXCERPT OF ONTARIO REGULATION 293/92 Amended to O. Reg. 169/07 SUPERIOR COURT OF JUSTICE AND COURT OF APPEAL — FEES

1. The following fees are payable, except in respect of proceedings to which section 1.2 applies:

SUPERIOR COURT OF JUSTICE AND COURT OF APPEAL — FEES						
1.		On the issue of,		vi.	in a family law appeal, a notice of motion served on another party, a notice of motion without notice, a notice of motion for a consent order or a notice of return of motion	\$90.00
	i.	a statement of claim or notice of action	\$181.00	vii.	a notice of motion for leave to appeal in a family law case	\$90.00
	ii.	a notice of application	\$181.00	viii.	a requisition for signing of default judgment by registrar	\$127.00
	iii.	a third or subsequent party claim	\$181.00	ix.	a trial record, for the first time only	\$337.00
	iv.	a statement of defence and counterclaim adding a party	\$181.00	x.	a notice of appeal or cross-appeal from an interlocutory order	\$181.00
	v.	a summons to a witness	\$22.00	xi.	a notice of appeal or cross-appeal to an appellate court of a final order of the Small Claims Court	\$104.00
	vi.	a certificate, other than a certificate of a search by the registrar required on an application for a certificate of appointment of estate trustee, and not more than five pages of copies of the Court document annexed	\$22.00	xii.	a notice of appeal or cross-appeal to an appellate court of a final order of any court or tribunal, other than the Small Claims Court or the Consent and Capacity Board	\$259.00
		for each additional page	\$2.00	xiii.	a request to redeem or request for sale	\$104.00
	vii.	a commission	\$44.00	xiv.	an affidavit under section 11 of the <i>Bulk Sales Act</i>	\$75.00
	viii.	a writ of execution	\$55.00	xv.	a jury notice in a civil proceeding	\$104.00
	ix.	a notice of garnishment (including the filing of the notice with the sheriff)	\$115.00	4.	For obtaining an appointment with a registrar for settlement of an order	\$104.00
2.		On the signing of,		5.	For perfecting an appeal or judicial review application	\$201.00
	i.	an order directing a reference, except an order on requisition directing the assessment of a bill under the <i>Solicitors Act</i>	\$235.00	6.	For the making up and forwarding of papers, documents and exhibits	\$75.00 and the transportation costs
	ii.	an order on requisition directing the assessment of a bill under the <i>Solicitors Act</i>		7.	For making copies of documents,	
		A. if obtained by a client	\$75.00	i.	not requiring certification, per page	\$1.00
		B. if obtained by a solicitor	\$144.00	ii.	requiring certification, per page	\$4.00
	iii.	a notice of appointment for the assessment of costs under the Rules of Civil Procedure	\$104.00	8.	For the inspection of a court file,	
3.		On the filing of,		i.	by a solicitor or party in the proceeding	No charge
	i.	a notice of intent to defend	\$144.00	ii.	by a person who has entered into an agreement with the Attorney General for the bulk inspection of court files, per file	\$4.00
	ii.	if no notice of intent to defend has been filed by the same party, a statement of defence, a defence to counterclaim, a defence to crossclaim or a third party defence	\$144.00	iii.	by any other person, per file	\$10.00
	iii.	a notice of appearance	\$102.00	9.	For the retrieval from storage of a court file	\$61.00
	iv.	a notice of motion served on another party, a notice of motion without notice, a notice of motion for a consent order or a notice of motion for leave to appeal, other than a notice of motion in a family law appeal	\$127.00	10.	For the taking of an affidavit or declaration by a commissioner for taking affidavits	\$13.00
	v.	a notice of return of motion, other than a notice of return of motion in a family law appeal	\$127.00	11.	For a settlement conference under rule 77.14 of the Rules of Civil Procedure	\$127.00

**Note:** This is an unofficial excerpt of Ontario Government legal materials.

1.1 (1) If a minor or other person under disability is entitled to receive a payment or payments under a multi-provincial/territorial assistance program agreement between Ontario and a person who has been infected with the human immunodeficiency virus through the receipt by transfusion of blood or a blood product, no fee is payable for the issue of a notice of application under Rule 7.08 of the Rules of Civil Procedure on behalf of the minor or other person under disability, and subparagraph ii of paragraph 1 of section 1 does not apply. O. Reg. 272/94, s. 1; O. Reg. 136/04, s. 2.

(2) Where before the coming into force of this Regulation an applicant on behalf of a minor or other person under disability has paid a fee for the issue of a notice of application referred to in subsection (1), the fee shall be refunded to the applicant. O. Reg. 272/94, s. 1.

For a full version of *SUPERIOR COURT OF JUSTICE AND COURT OF APPEAL — FEES* refer to the Ontario government's e-laws website at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca).

## Part Three: Court Reporters' and Court Monitors' Fees

### EXCERPT OF ONTARIO REGULATION 587/91 Amended to O. Reg. 135/94

#### COURT REPORTERS AND COURT MONITORS

3. Court reporters and court monitors shall be paid the following fees in respect of duties performed on and after the day that this Regulation comes into force:

COURT REPORTERS AND COURT MONITORS FEES		
1.	For a single copy of a transcript of evidence for the purpose of reproduction in an appeal to the Court of Appeal, per page	3.75
2.	For copies of transcripts, including transcript of charge to jury and transcript of oral judgment, but not including a transcript under paragraph 1 or a transcript for use in an appeal book,	
	i. for the first copy, per page	3.20
	ii. for each additional copy, per page	.55
O. Reg. 587/91, s. 3.		

**Note:** This is an unofficial version of Ontario Government legal materials.

# Tips on Completing Forms in Divisional Court

1. **BE NEAT.** These are court documents. All court forms must be typed, handwritten or printed legibly. It may cause delays if your forms cannot be read.
2. Content of forms under the *Rules of Civil Procedure* is available at the following website: [www.ontariocourtforms.on.ca](http://www.ontariocourtforms.on.ca). This content is not formatted. It is your responsibility to ensure that the form complies with the *Rules of Civil Procedure* (see for example Rule 4.01 with respect to formatting). Many of the *Rules of Civil Procedure* forms contain the phrase "General heading." General headings are separate forms under the *Rules of Civil Procedure* and must be inserted where this phrase appears, with the proper content.
3. How to **COUNT DAYS FOR TIMELINES** in the *Rules of Civil Procedure*:

When calculating timelines in the *Rules of Civil Procedure*, count the days by excluding the first day and including the last day of the period; where a period of less than seven days is prescribed, holidays (including Saturdays and Sundays) shall not be counted; if the last day of the period of time falls on a holiday, the period ends on the next day that is not a holiday.

Holidays include:

- any Saturday or Sunday
- New Year's Day
- Family Day
- Good Friday
- Easter Monday
- Victoria Day
- Canada Day
- Civic Holiday
- Labour Day
- Thanksgiving Day
- Remembrance Day
- Christmas Day
- Boxing Day
- any special holiday proclaimed by the Governor General or the Lieutenant Governor

**NOTE:** If New Year's Day, Canada Day or Remembrance Day falls on a Saturday or Sunday, the following Monday is a holiday. If Christmas Day falls on a Saturday or Sunday the following Monday and Tuesday are holidays, and if Christmas Day falls on a Friday, the following Monday is a holiday.

4. You can **FILE** your documents by mail or in person. It is best to file documents in person, because if any are incomplete, the clerk may inform you, and you can avoid wasting time mailing the documents back and forth. If you file documents by mail, the date of filing will be the date the documents are stamped upon receipt by the court office. If the court office does not receive the documents, they will be considered not to have been filed, unless the court orders otherwise (see Rule 4.05). **All applicable fees and proof of service must be included with the documents when you mail them.** Documents **cannot** be faxed or e-mailed to the court. Keep a copy of all original documents you forward to the court for your records.
5. Once court staff gives you a **COURT FILE NUMBER**, make sure it is written on the upper right-hand corner of **ALL** your documents.
6. Make enough **COPIES** of your completed forms/documents. Usually you will require one copy for each party who must be served and one copy for your own records. There is a fee to have copies made at the court office. Refer to the **Guide to Fees in Divisional Court Appeals** for more information.
7. **COURT FEES** must be paid to issue and file specific documents. A listing of Superior Court of Justice and Court of Appeal fees can be viewed at the Ministry of the Attorney General website at [www.ontario.ca/attorneygeneral](http://www.ontario.ca/attorneygeneral) or you can refer to the **Guide to Fees in Divisional Court Appeals**. Fees are payable in Canadian funds, and can be paid by cash, cheque or money order payable to the Minister of Finance.
8. An **AFFIDAVIT** can be sworn or affirmed before:
  - a Divisional Court staff member who is a commissioner for taking affidavits (there is a fee for this service);
  - a lawyer who is entitled to practise law in Ontario;
  - a notary public; or
  - a person who has been appointed a commissioner for taking affidavits and who is authorized to commission the affidavit.

The affidavit must be signed in the presence of the commissioner, lawyer or notary public before whom it is sworn or affirmed.

**NOTE:** It is a criminal offence to knowingly swear or affirm a false affidavit.