

Guide to Fee Schedules

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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 the Small Claims Court, 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.

Where to get more information:

The Ministry of the Attorney General has a series of **guides** to Small Claims Court procedures which are available at court offices and the Ministry of the Attorney General website at www.attorneygeneral.jus.gov.on.ca:

What is Small Claims Court?

Guide to Making a Claim

Guide to Replying to a Claim

Guide to Serving Documents

Guide to Motions and Clerk's Orders

Guide to Getting Ready for Court

Guide to Fee Schedules

After Judgment - Guide to Getting Results

Small Claims Court **forms** are available at court offices and at the following website:

www.ontariocourtforms.on.ca. You can find tips on completing forms at the end of this guide.

The staff behind the counter at any Small Claims Court office are helpful. They will answer your questions about Small Claims Court procedures, but keep in mind that 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 the Small Claims Court**. 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 and follow these steps:

- Choose English or French
- Click on "Statutes and associated Regulations"
- Click on the cross to the left of "Courts of Justice Act"
- Click on "Rules of the Small Claims Court"

Ce guide est également disponible en français.

Special thanks to the Province of British Columbia whose Small Claims Court self-help materials served as a model for this series of Guides.

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Part One: Introduction

You must pay a fee to file a claim in Small Claims Court and for most steps in a proceeding such as filing a motion, requesting a trial date and taking steps to enforce a judgment.

Court fees are set out in regulations made under the *Administration of Justice Act*. In Part Two of this guide, the *Small Claims Court Fees and Allowances* regulation is reproduced. Other fees that you may have to pay, depending on the steps you take in your case, are set out in Part Three. For example, if you need to take steps to enforce your judgment, you may need to pay some of the fees listed in the *Sheriff's Fees* regulation. If you wish to appeal the judge's decision at trial, you will need to pay fees listed in the *Court Reporter's and Court Monitor's Fees* regulation for preparing the transcript of your case, as well as a fee for filing your appeal. 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 that 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. Once you are on the site, follow these steps:

- Click on "Statutes and associated Regulations"
- Click on "A"
- Click on the cross 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.

What court fees will I have to pay if I make a claim in Small Claims 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. Meera wins at trial but Norman still does not pay. Meera files a Notice of Garnishment in the same court location to have his wages garnished. In this situation, the total fees that Meera would pay are as follows:

Plaintiff's claim:	\$ 75
Filing a request for trial date:	\$100
<u>Notice of garnishment:</u>	<u>\$100</u>

Total Fees: \$275

If you summon a witness to attend your trial, you must pay the witness an attendance fee and travel allowance.

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 Small Claims Court proceedings. More information about fee

waiver is available at any court office and on the Ministry of the Attorney General website at: www.attorneygeneral.jus.gov.on.ca. From the home page click on “Court Fees” then click on “[A Guide to Fee Waiver Requests](#).”

What is a frequent claimant?

A frequent claimant is a party who files 10 or more claims in a calendar year in Small Claims Court. Frequent claimants pay higher fees to file a claim, to file a default judgment and to fix a trial date. Once a party has filed his or her tenth claim, that party is required to pay the frequent claimant rate for all new actions and for new steps in current actions.

Part Two: Small Claims Court Fees and Allowances

ONTARIO REGULATION 432/93

Amended to O. Reg. 363/06

SMALL CLAIMS COURT — FEES AND ALLOWANCES

1. (1) The fees set out in Schedule 1 are payable to clerks of the Small Claims Court. O. Reg. 214/97, s. 1.
 - (2) In this section and Schedule 1,
 - “claim” does not include a defendant’s claim; (“demande”)
 - “claimant” includes an individual, a sole proprietorship, a partnership, an unincorporated organization and a corporation. (“réclamant”) O. Reg. 214/97, s. 1; O. Reg. 488/98, s. 1 (1).
 - (3) For the purposes of Schedule 1, a claimant who files a claim in a Small Claims Court office on or after January 1 in any calendar year and who has already filed 10 or more claims in the same office in that calendar year is a frequent claimant. O. Reg. 488/98, s. 1 (2).
 - (4) For the purposes of Schedule 1, a claimant who is not a frequent claimant under subsection (3) is an infrequent claimant. O. Reg. 488/98, s. 1 (2).
2. The fees and allowances set out in Schedule 2 are payable to bailiffs of the Small Claims Court. O. Reg. 432/93, s. 2.
3. The fees and allowances set out in Schedule 3 are payable to witnesses appearing before the Small Claims Court. O. Reg. 432/93, s. 3.
4. Omitted (revokes other Regulations). O. Reg. 432/93, s. 4.
5. Omitted (provides for coming into force of provisions of the English version of this Regulation). O. Reg. 432/93, s. 5.

Schedule 1 CLERK'S FEES				
1.	Filing of a claim by an infrequent claimant	75.00	10.	Issuing a notice of garnishment
2.	Filing of a claim by a frequent claimant	145.00	11.	Preparing and filing a consolidation order
3.	Filing of a defendant’s claim	75.00	12.	Forwarding a court file to Divisional Court for appeal
4.	Filing a notice of motion served on another party, a notice of motion without notice or a notice of motion for a consent order (except a notice of motion under the <i>Wages Act</i>)	40.00	13.	Issuing a certified copy of a judgment or other document, per page
5.	Filing a defence	40.00	14.	Transmitting a document other than by mail
6.	Issuing a summons to a witness	19.00	15.	For the inspection of a court file, <ol style="list-style-type: none">i. by a solicitor or party in the proceedingii. by a person who has entered into an agreement with the Attorney General for the bulk inspection of court files, per fileiii. by any other person, per file
7.	Receiving for enforcement a process from the Ontario Court (Provincial Division) or an order or judgment as provided by statute	25.00		no charge 1.00 10.00
8.	Issuing a certificate of judgment	19.00	16.	Making a photocopy of a document not requiring certification, per page
9.	Issuing a writ of delivery, a writ of seizure and sale or a notice of examination	35.00	17.	Revoked: O. Reg. 363/06, s. 1(1).

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

Schedule 1 CLERK'S FEES continued

18.	In an application under the <i>Repair and Storage Liens Act</i> ,			19.	Fixing of a date for a trial or an assessment hearing by an infrequent claimant	100.00
	i. on the filing of,			20.	Fixing of a date for a trial or an assessment hearing by a frequent claimant	130.00
	A. an application			21.	Entering of a default judgment by an infrequent claimant	35.00
	B. a notice of objection			22.	Entering of a default judgment by a frequent claimant	50.00
	C. a waiver of further claim and a receipt			O. Reg. 214/97, s. 2; O. Reg. 488/98, s. 2; O. Reg. 17/00, s. 1; O. Reg. 11/05, s. 1; O. Reg. 271/05, s. 1; O. Reg. 363/06, s. 1.		
	ii. on the issuing of,			35.00		
	A. an initial certificate			35.00		
	B. a final certificate			35.00		
	C. a writ of seizure			35.00		
				no charge		

Schedule 2 BAILIFF'S FEES

1.	Revoked: O. Reg. 363/06, s. 2.		4.	For each attempt, whether successful or not, to enforce a writ of seizure under the <i>Repair and Storage Liens Act</i>	36.00
2.	For each attempt, whether successful or not, to enforce a writ of delivery	36.00	5.	Enforcing a writ of delivery or a writ of seizure and sale of personal property, removing property seized, advertising the sale of personal property, including obtaining assistance in seizing, securing or retaining property	Reasonable disbursements necessarily incurred, including appraisers' fees
3.	For each attempt, whether successful or not, to enforce a writ of seizure and sale of personal property,			O. Reg. 11/05, s. 2; O. Reg. 363/06, s. 2.	
	i. where no sale is necessary	36.00			
	ii. where a sale is necessary	60.00			

Schedule 3 FEES AND ALLOWANCES TO WITNESSES

1.	For attendance in court, unless item 2 applies, per day	6.00	3.	For travel to court	Reasonable travelling expenses actually incurred, but not exceeding the kilometre allowance set out in Regulation 11 of the Revised Regulations of Ontario, 1990
2.	For attendance in court by a barrister, solicitor, physician, surgeon, engineer or veterinary surgeon who is not a party to the action, to give evidence of a professional service rendered or to give a professional opinion, per day	15.00		O. Reg. 432/93, Sched. 3.	

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Part Three: Other fees which may apply to your case depending on the steps you take

A. Kilometre Allowance

R.R.O. 1990, REGULATION 11
Amended to O. Reg. 498/00

KILOMETRE ALLOWANCES

1. If payment of a travel or kilometre allowance is authorized and the authorizing instrument states that the allowance shall be in accordance with or as set out in this Regulation, the allowance for each kilometre actually travelled is,
 - (a) in northern Ontario, 30.5 cents; and
 - (b) in southern Ontario, 30 cents. R.R.O. 1990, Reg. 11, s. 1; O. Reg. 498/00, s. 1.
2. For the purpose of section 1, northern Ontario is comprised of,
 - (a) all of The District Municipality of Muskoka;
 - (b) everything lying north of the line consisting of Healey Lake (Municipal) Road from Healey Lake easterly to its junction with Highway 612; and
 - (c) everything lying north of the line consisting of Highway 60 easterly to its junction with Highway 62 at Killaloe Station and Highway 62 to Pembroke. O. Reg. 498/00, s. 2.

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B. Superior Court of Justice Sheriff's Fees

ONTARIO REGULATION 294/92
Amended to O. Reg. 217/00

SHERIFFS — FEES

1. (1) The following fees are payable to a sheriff:

SHERIFFS — FEES				
1.	For up to three attempts, whether or not successful, to serve a document, for each person to be served	100.00	8.	For a search for writs, per name searched
2.	For filing or renewing a writ of execution or order which a sheriff is liable or required to enforce and for delivering a copy of the writ or order or a renewal of it to the land registrar of a land titles division	100.00	9.	For each report showing the details of a writ, lien or order
3.	For filing or renewing a writ of execution or order which a sheriff is liable or required to enforce and which is not required to be delivered to a land registrar of a land titles division	75.00	10.	For preparing a schedule of distribution under the <i>Creditors' Relief Act</i> , per writ or notice of garnishment listed on the schedule
4.	For filing a writ of seizure or a direction to seize under the <i>Repair and Storage Liens Act</i>	115.00	11.	For a calculation for satisfaction of writs and garnishments, per writ or notice of garnishment
5.	For each attempt, whether or not successful, to enforce, <ol style="list-style-type: none"> i. a writ of delivery, ii. a writ of sequestration, iii. an order for interim recovery of personal property, iv. an order for interim preservation of personal property, or v. a writ of seizure or direction to seize under the <i>Repair and Storage Liens Act</i> 	400.00	12.	For any service or act ordered by a court for which no fee is provided, for each hour or part of an hour spent performing the service or doing the act
6.	For each attempt, whether or not successful, to enforce a writ of seizure and sale or an order directing a sale	240.00	13.	For making copies of documents (other than writs of execution, orders and certificates of lien), <ol style="list-style-type: none"> i. not requiring certification, per page ii. requiring certification, per page
7.	For each attempt, whether or not successful, to enforce any other writ of execution or order	240.00	O. Reg. 217/00, s. 1.	

- (2) In addition to the fees set out in paragraphs 5, 6, 7 and 12 of subsection (1), the person who requests the service shall pay the sheriff his or her reasonable and necessary disbursements in providing the services described in those paragraphs. O. Reg. 358/94, s. 1.
2. In addition to the fees and disbursements set out in section 1, the person who requests the service shall pay the sheriff a travel allowance as set out in Regulation 11 of the Revised Regulations of Ontario, 1990 for the distance he or she necessarily travels, both ways, between the court house and the place where the sheriff,
 - (a) Revoked: O. Reg. 431/93, s. 2.
 - (b) enforces or attempts to enforce a writ or order; or
 - (c) performs or attempts to perform any other service directed by a court. O. Reg. 294/92, s. 2; O. Reg. 431/93, s. 2.
3. Omitted (revokes other Regulations). O. Reg. 294/92, s. 3

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C. Court Reporters' and Court Monitors' Fees

R.R.O. 1990, REGULATION 11
ONTARIO REGULATION 587/91
Amended to O. Reg. 135/94

COURT REPORTERS AND COURT MONITORS (EXCERPT)

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 ii. for each additional copy, per page	3.20 .55
O. Reg. 587/91, s. 3.		

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Tips on Completing Forms in Small Claims 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. How to **COUNT DAYS FOR TIMELINES** in the *Rules of the Small Claims Court*.

When calculating timelines in the *Rules*, count the days by excluding the first day and including the last day of the period; 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
- 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.

The court can order, or the parties can consent to, the shortening or lengthening of the time prescribed by the Rules.

3. At the top of the forms, fill in the **NAME AND ADDRESS OF THE COURT** where you are filing the documents.

4. Once court staff provides a **COURT FILE NUMBER**, make sure it is written on the upper right-hand corner of **ALL** your documents.

5. Make enough **COPIES** of your completed forms. The court will stamp and return your copy of the forms so you can make copies for service. Usually you will require one copy for each party who must be served and one copy for your own records. In most cases, the court will keep the original form. There is a fee to have copies made at the court office. Refer to the "Guide to Fee Schedules" for more information.

6. **COURT FEES** must be paid to issue and file specific documents. A listing of Small Claims Court fees can be viewed at the Ministry of the Attorney General website at www.attorneygeneral.jus.gov.on.ca or you can refer to the "Guide to Fee Schedules." Fees are payable in Canadian funds, and can be paid by cash, cheque or money order payable to the Minister of Finance.

7. An **AFFIDAVIT** can be sworn before:

- a Small Claims Court staff member who has been appointed a commissioner for taking affidavits (there is no fee for this service);
- a lawyer who is entitled to practice law in Ontario;
- a notary public; or
- any other person who has been appointed a commissioner for taking affidavits in connection with court documents.

The affidavit must be signed in the presence of the person before whom it is sworn.

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

8. If your **ADDRESS FOR SERVICE** changes, you must serve written notice of the change on the court and all other parties within seven (7) days after the change takes place.

Any Comments?

Your feedback is important. Tell us how we can help you better by taking a moment to comment on this Guide.

Put your response in the Customer Comment Box at any Small Claims Court location.

Was this Guide helpful to you?

Yes

No

Why?

What can we do to make this Guide better?

Thank you!

*Your feedback is requested to help us improve these guides.
Please do not provide any personal information.*