

**JUDICATURE ACT**

R-010-2007

Registered with the Registrar of Regulations

2007-05-08

**COURT FEES REGULATIONS**

The Commissioner, on the recommendation of the Minister, under section 82 of the *Judicature Act* and every enabling power, makes the annexed *Court Fees Regulations*.

1. In these regulations, "*Probate and Administration Rules*" means the *Probate and Administration Rules of the Nunavut Court of Justice*, registered under the *Statutory Instruments Act* (Canada) as regulation numbered SOR/79-515 and as duplicated for Nunavut by section 29 of the *Nunavut Act* (Canada).

Fees Payable to the Clerk

2. (1) The fees set out in Schedule A are payable to the Clerk for the services specified in that Schedule respecting a civil action or proceeding in the Nunavut Court of Justice.

(2) The fee for a reference to the Clerk for the taxation of costs includes the issuance of a certificate or report in respect of the taxation.

3. The fees set out in Schedule B are payable to the Clerk for the services specified in that Schedule respecting a matter to which the *Probate and Administration Rules* apply.

Fees Payable to the Sheriff

4. The fees set out in Schedule C are payable to the Sheriff for the services specified in that Schedule respecting a civil action or proceeding in the Nunavut Court of Justice.

5. (1) A person who requests the execution of a warrant, including arrest, attachment, distress, execution and sequestration shall, in respect of any of the following services that are provided, pay to the Sheriff, \$50 per hour for each person the Sheriff determines is required to provide the service:

- (a) execution of the warrant;
- (b) attendance, investigation, preparation of an inventory, cataloguing, taking possession and preparation for sale.

(2) A person who requests the execution of a writ of possession, replevin, eviction or a similar writ or order shall pay to the Sheriff, \$50 per hour for each person the Sheriff determines is required to execute or to attempt to execute the writ or order.

(3) A person who requests the sale of property shall pay to the Sheriff \$50 per hour for conducting a sale of goods or attending on an auctioneer at a sale of goods.

(4) A person who requests any of the following services shall pay to the Sheriff, the amount determined by the Sheriff to be reasonable and necessary disbursements in providing the services described:

- (a) execution of a warrant, including arrest, attachment, distress, execution and sequestration;
- (b) sale of chattels;
- (c) execution or attempted execution of a writ of possession, replevin or eviction or a similar writ or order;
- (d) conducting a sale of goods or attending on an auctioneer at a sale of goods;
- (e) service of each juror on a jury list in a civil matter.

(5) A person who requests the removal or sale of property shall, in respect of any of the following services that are provided in respect of the removal or sale, pay to the Sheriff, the amount determined by the Sheriff to be reasonable in the circumstances:

## Court Fees Regulations

- (a) the cost of a valuation where, in the opinion of the Sheriff, an appraisal is necessary or advisable, or where it is requested in writing by the debtor or creditor;
- (b) the fee of an auctioneer for advertising and conducting a sale where such services are required;
- (c) the disbursements incurred for removing and storing goods and chattels;
- (d) any other disbursement that, in the opinion of the Sheriff is reasonable and necessary, whether or not a fee is set out in Schedule D for the service, including a payment to a bailiff for extra time spent or service rendered.

(6) Where a person required to pay an amount under subsection (5) disputes the amount of the cost, charge or fee or a person required to pay an amount under subsection (4) or paragraph 5(d) disputes whether the disbursement was reasonable and necessary, the person may apply to the Nunavut Court of Justice to have the dispute determined by a judge.

### Fees Payable to Expert Witnesses

**6.** (1) Where a witness is qualified as an expert in a criminal action or proceeding in the Nunavut Court of Justice, the Clerk shall pay to the witness the fee set out in Schedule D for each day on which the witness

- (a) travels to attend the action or proceeding;
- (b) is required to listen to evidence given in the action or proceeding; or
- (c) gives evidence in the action or proceeding.

(2) Despite subsection (1), the Director of Court Services or, if authorized by the Director, the Clerk, may increase the amount payable under subsection (1) to an amount not exceeding \$450 per half day, where the Director or the Clerk, as the case may be, considers that an increase is appropriate in the circumstances.

### Exemption from Paying Fees

**7.** A judge of the Nunavut Court of Justice may make an order waiving the fees payable by a person under sections 2 to 5 where the judge considers it appropriate to do so.

**8.** Fees are not payable under sections 2 to 5 by a person receiving legal services within the meaning of the *Legal Services Act*.

**9.** Fees are not payable under sections 2 to 5 in respect of a support application received under section 4 of the *Interjurisdictional Support Orders Act* or a support variation application received under section 22 of that Act.

### Repeal

**10.** (1) The *Court Services Fees Regulations*, registered under the *Statutory Instruments Act* (Northwest Territories) as regulation numbered R-120-93, as duplicated for Nunavut by section 29 of the *Nunavut Act*, are repealed.

(2) The *Probate and Administration Fees Regulations*, registered as regulation numbered R-005-2005, are repealed.

### Commencement

**11.** These regulations come into force on the later of April 1, 2007 and the day on which they are registered with the Registrar of Regulations.

SCHEDULE A

*(Subsection 2(1))*

FEES PAYABLE FOR CIVIL CLAIMS PROCEDURES

1. On commencing an action or proceeding in the Nunavut Court of Justice by statement of claim, originating notice, application by originating notice of motion, or petition	<b>\$200</b>
2. On setting down a matter or cause for trial in the Nunavut Court of Justice	<b>\$100</b>
3. On a reference to the Clerk for taxing of costs	<b>\$50</b>
4. For issuing a garnishee summons or a writ of replevin, attachment, execution or possession	<b>\$15</b>
5. For issuing a certificate of divorce	
6. For issuing a certified copy of a document	<b>\$10</b>
7. For a search of the Clerk's register of actions and proceedings, per name	<b>\$10</b>
8. For a photocopy of a document filed in the Nunavut Court of Justice, per page	<b>\$0.50</b>
9. For receipt of a document for filing by fax or email, per page	<b>\$1</b>

SCHEDULE B

(Section 3)

FEES PAYAYABLE FOR PROBATE AND ADMINISTRATION PROCEDURES

1. The following table sets out the fee payable for an application for probate, administration, resealing a grant or ancillary letters, including the following services:

- (a) receiving, examining and filing an application for probate, administration, resealing a grant or ancillary letters;
- (b) attending on a judge with an application referred to in paragraph (a);
- (c) giving and receiving all notices;
- (d) issuing a grant of probate, letters of administration, ancillary letters or resealing a grant;
- (e) recording the actions referred to in paragraphs (a) to (d) in the records of the Court.

TABLE

Value of all property, real and personal, within Nunavut, after deducting all debts and liabilities against that property	Fee
\$10,000 or under	<b>\$25</b>
More than \$10,000 but not more than \$25,000	<b>\$100</b>
More than \$25,000 but not more than \$125,000	<b>\$200</b>
More than \$125,000 but not more than \$250,000	<b>\$300</b>
More than \$250,000	<b>\$400</b>

- 2. For issuing a certified copy of a grant of probate or letters of administration **\$10**
- 3. For receiving, filing and recording a caveat **\$100**
- 4. For the preparation of a report by the Clerk under rule 47 **\$50**
- 5. Except for a matter referred to in item 1, for a document that requires the opening of a court file respecting an estate and all subsequent filings or acts **\$100**

SCHEDULE C

(Section 4)

FEES PAYABLE TO THE SHERIFF

1. For receipt, filing, entering and endorsing a document, order, notice, writ of execution, warrant or other document, excluding a pleading received for service	<b>\$35</b>
2. For service or attempted service of a pleading, including return correspondence	<b>\$35</b>
3. For service or attempted service of a document other than a pleading, including return correspondence	<b>\$35</b>
4. In respect of the execution of a warrant, including arrest, attachment, distress, execution and sequestration:	
(a) for execution of the warrant	<b>\$100</b>
(b) for attendance, investigation, preparation of an inventory, cataloguing, taking possession and preparation for sale	<b>\$50</b>
5. As commission for the sale of chattels or land:	
(a) where the amount realized is less than or equal to \$10,000	<b>\$500</b>
(b) where the amount realized is more than \$10,000 and less than or equal to \$100,000	<b>\$1,000</b>
(c) where the amount realized is more than \$100,000	<b>\$2,500</b>
6. For execution or attempting execution of a writ of possession, replevin or eviction or a similar writ or order	<b>\$100</b>
7. For any steps necessary to change a bailee or a bailee's undertaking	<b>\$50</b>
8. On a distribution to creditors	<b>\$50</b>
9. For preparation of advertisements that are required for publication	<b>\$50</b>
10. For preparation of and posting a notice respecting a sale of goods	<b>\$50</b>
11. For postponement or cancellation of a sale of goods	<b>\$50</b>
12. For selection of jurors and preparation of a civil jury list	<b>\$100</b>
13. For service of each juror on a jury list in a civil matter	<b>\$10</b>
14. For issuing a certificate	<b>\$15</b>
15. For a search of subsisting executions, per name	<b>\$10</b>
16. For a search of the Sheriff's records	<b>\$10</b>
17. For a bond provided to the Sheriff	<b>\$50</b>
18. For issuing a certified copy of a document	<b>\$10</b>
19. For commissioning or notarizing a document	<b>\$25</b>
20. For a photocopy of a document filed with the Sheriff, per page	<b>\$0.50</b>
21. For receipt of a document for filing by fax or email, per page	<b>\$1</b>

SCHEDULE D

*(Section 6)*

FEES PAYABLE TO WITNESSES

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| 1. For a witness who is qualified as an expert, per half day | <b>\$ 200</b> |
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