

JUDICATURE ACT

R-042-2021

Registered with the Chief Legislative Counsel

2021-09-28

COURT FEES REGULATIONS

The Minister, under section 82 of the *Judicature Act*, S.N.W.T. 1998,c.34,s.1, and every enabling power, makes the annexed *Court Fees Regulations*.

Definitions

1. In these regulations,

"certified interpreter" means an interpreter who

- (a) holds a diploma or degree in interpretation from an accredited institution in Canada which required the successful completion of a legal interpretation unit, and has at least two years of experience providing legal interpretation services;
- (b) is certified as an interpreter by a person or body authorized to certify interpreters under the laws of a province or another territory; or
- (c) was recognized as a certified interpreter in the Nunavut Court of Justice or Court of Appeal on or before the coming into force of 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); (*Règles en matière d'homologation et d'administration*)

"*Small Claims Rules*" means the *Small Claims Rules of the Nunavut Court of Justice*, R.Nu. R-023-2007. (*Règles de procédure en matière de petites créances*)

Clerk

Fees payable

2. (1) Unless otherwise provided for in this section, the fees set out in Schedule A are payable to the Clerk for the services specified in that Schedule respecting a civil action or other proceeding in the Nunavut Court of Justice or the Court of Appeal.

Reference to the Clerk

(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.

Fees payable - *Small Claims Rules*

3. The fees set out in Schedule B are payable to the Clerk for the services specified in that Schedule respecting a civil action or other proceeding to which the *Small Claims Rules* apply.

Fees payable - *Probate and Administration Rules*

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

Sheriff

Fees payable

5. (1) The fees set out in Schedule D are payable to the Sheriff for the services specified in that Schedule respecting a civil action or other proceeding in the Nunavut Court of Justice or the Court of Appeal, including a civil action or other proceeding to which the *Small Claims Rules* apply.

Court Fees Regulations

Excluded

(2) No fee is payable for service by the Sheriff of a Notice of Claim or Notice of Third Party Claim in respect of a civil action or other proceeding to which the *Small Claims Rules* apply.

Disbursements

(3) In addition to any amounts payable under these regulations, a person who requests a service set out in Schedule D must pay to the Sheriff the amount determined by the Sheriff to be reasonable and necessary disbursements in providing that service.

Duty travel

(4) If duty travel is required by the Sheriff for the purpose of providing any of the following services, the expenses for travel, accommodation, meals, and incidentals must be reimbursed by the person requesting the service to the Sheriff, in amounts equivalent to the current duty travel rates established in directives under the *Financial Administration Act*, and in addition to any amounts payable under these regulations:

- (a) for service or attempted service of any pleading, claim, notice, writ or other document;
- (b) for execution or attempted execution of any warrant, writ request or request or order.

Warrants

6. (1) In addition to any amounts payable under these regulations, a person who requests the execution of a warrant, including arrest, attachment, distress, execution and sequestration must, in respect of any of the following services that are provided, pay to the Sheriff, \$80 per hour for each person the Sheriff determines is required to provide the service:

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

Writs or orders

(2) In addition to any amounts payable under these regulations, a person who requests the execution of a writ of possession, replevin, eviction or a similar writ or order must pay to the Sheriff, \$80 per hour for each person the Sheriff determines is required to execute or to attempt to execute the writ or order.

Auctioneer at a sale of goods

(3) In addition to any amounts payable under these regulations, a person who requests the removal or sale of property must pay to the Sheriff \$80 per hour for conducting a sale of goods or attending as an auctioneer at a sale of goods.

Court reporters

Fees payable for taking of evidence

7. (1) A person must pay to the court reporter the applicable amounts set out in Schedule E for the taking of evidence with the court reporter, other than before a court or judge.

Transcripts

(2) A person who orders a transcript, or a copy of a transcript, of evidence or of an oral judgment must pay to the court reporter the applicable fees set out in Part II of Schedule E.

Duty travel

8. If duty travel is required by the court reporter for the purpose of providing any of the services listed in part I of Schedule E, the expenses for travel, accommodation, meals, and incidentals must be reimbursed by the person requesting the service in amounts equivalent to the current duty travel rates established in directives under the *Financial Administration Act*, in addition to any amounts payable under these regulations.

Court Fees Regulations

Interpreters

Fees payable - civil action or other proceeding

9. (1) Subject to subsection (3), if an interpreter is required in respect of a civil action or other proceeding in the Nunavut Court of Justice or Court of Appeal, the fees set out in Schedule F must be paid by

- (a) the Clerk, if the interpreter is interpreting from one Official Language to another; or
- (b) the person requiring the interpretation, if the interpreter is interpreting to or from a language that is not an Official Language.

Fees payable - criminal action or proceeding

(2) Subject to subsection (3), the Clerk must pay to an interpreter the fees set out in Schedule F for the services specified in that Schedule, if the interpreter is required in respect of a criminal action or proceeding in the Nunavut Court of Justice or Court of Appeal.

Fee increase

(3) Despite subsections (1) and (2) but subject to subsection (4), the member of the public service who is responsible for the administration of the Nunavut Court of Justice may increase the amount of the fee payable to an interpreter in respect of an action or proceeding to an amount not exceeding \$1,000 each day if the member of the public service who is responsible for the administration of the Nunavut Court of Justice considers it necessary and appropriate to increase the fee.

Excluded

- (4) The amounts set out in Schedule F are not payable to an interpreter if
- (a) they are a member of the public service acting within the scope of their employment; or
 - (b) they are providing interpretation services under a contract with the Government of Nunavut and the contract sets out the amounts payable for those services.

Duty travel - payment by Clerk

10. (1) If duty travel is required by interpreters paid under paragraph 9(1)(a) for the purpose of providing any of the services listed in Schedule F, the expenses for travel, accommodation, meals, and incidentals must be reimbursed by the Clerk in amounts equivalent to the current duty travel rates established in directives under the *Financial Administration Act*, in addition to any amounts payable under these regulations.

Duty travel - payment by person requesting service

(2) If duty travel is required by interpreters paid under paragraph 9(1)(b) for the purpose of providing any of the services listed in Schedule F, the expenses for travel, accommodation, meals, and incidentals must be reimbursed by the person requesting the service in amounts equivalent to the current duty travel rates established in directives under the *Financial Administration Act*, in addition to any amounts payable under these regulations.

Translators

Fees payable - civil action or other proceeding

11. (1) Subject to subsection (3), if a translator is required in respect of a civil action or other proceeding in the Nunavut Court of Justice or Court of Appeal, the fees set out in Schedule G must be paid by

- (a) the Clerk, if the translator is translating from one Official Language to another; or
- (b) the person requiring the translation, if the translator is translating to or from a language that is not an Official Language.

Court Fees Regulations

Fees payable - criminal action or proceeding

(2) Subject to subsection (3), the Clerk must pay to a translator the fees set out in Schedule G for the services specified in that Schedule, if the translator is required in respect of a criminal action or proceeding in the Nunavut Court of Justice or Court of Appeal.

Excluded

(3) The amounts set out in Schedule G are not payable to a translator if

- (a) they are a member of the public service acting within the scope of their employment; or
- (b) they are providing translation services under a contract with the Government of Nunavut and the contract sets out the amounts payable for those services.

Duty travel - payment by Clerk

12. (1) If duty travel is required by translators paid under paragraph 11(1)(a) or subsection 11(2) for the purpose of providing any of the services listed in Schedule G, the expenses for travel, accommodation, meals, and incidentals must be reimbursed by the Clerk in amounts equivalent to the current duty travel rates established in directives under the *Financial Administration Act*, in addition to any amounts payable under these regulations.

Duty travel - payment by person requesting service

(2) If duty travel is required by translators paid under paragraph 11(1)(b) for the purpose of providing any of the services listed in Schedule G, the expenses for travel, accommodation, meals, and incidentals must be reimbursed by the person requesting the service in amounts equivalent to the current duty travel rates established in directives under the *Financial Administration Act*, in addition to any amounts payable under these regulations.

Exemption from Paying Fees

Waiving of fees by judge

13. A judge may make an order waiving the fees, in full or in part, payable by a person to the Sheriff or Clerk under these regulations if the judge considers it appropriate to do so.

Fees not payable - *Legal Services Act*

14. (1) Fees are not payable under these regulations to the Sheriff or Clerk by a person receiving legal services within the meaning of the *Legal Services Act*.

Payment by Clerk

(2) Fees payable under these regulations to court reporters, interpreters or translators by a person receiving legal services within the meaning of the *Legal Services Act* must be paid by the Clerk.

Fees not payable - *Interjurisdictional Support Orders Act*

15. (1) Fees are not payable under these regulations to the Sheriff or Clerk 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.

Payment by Clerk

(2) Fees payable under these regulations to court reporters, interpreters or translators by a person 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 must be paid by the Clerk.

Repeal

16. The *Court Fees Regulations*, R.Nu. R-024-2007, and the *Fees and Allowances Regulations*, R.Nu. R-031-1996, are repealed.

SCHEDULE A

(Subsection 2(1))

FEES PAYABLE TO THE CLERK FOR CIVIL CLAIMS PROCEDURES

ITEM NO.		AMOUNT
1.	For commencing an action or proceeding in the Nunavut Court of Justice by a statement of claim, originating notice, application by originating notice of motion or petition	\$200
2.	For filing a defence containing a counterclaim	\$100
3.	For filing a defence containing a third-party notice	\$100
4.	For filing a defence containing a counterclaim and a third-party notice	\$200
5.	On setting down a matter or cause for trial in the Nunavut Court of Justice	\$200
6.	On a reference to the Clerk for taxing of costs	\$80
7.	For issuing a garnishee summons or a writ of replevin, attachment, execution or possession	\$35
8.	For issuing a certificate of divorce	\$15
9.	For issuing a certified copy of a document, not including printing	\$15
10.	For a search of the Clerk's register of actions and proceedings, per name	\$15
11.	For a printed photocopy of a document filed in the Nunavut Court of Justice or the Court of Appeal, per page	\$1
12.	For receipt of a document for filing by fax or email, per page, in addition to any filing fee	\$1
13.	For payment into or out of the Nunavut Court of Justice or the Court of Appeal	\$25

SCHEDULE B

(Section 3)

FEES PAYABLE TO THE CLERK FOR SMALL CLAIMS PROCEDURES

ITEM NO.		AMOUNT
1.	For filing a Notice of Claim	\$75
2.	For filing a Reply containing a Counterclaim	\$50
3.	For filing a Reply containing a Notice of Third Party Claim	\$50
4.	For filing a Reply containing a Counterclaim and a Notice of Third Party Claim	\$100
5.	For issuing a Notice to Attend Payment Hearing	\$25
6.	For filing a garnishee summons or a writ of replevin, attachment, execution or possession	\$25
7.	For issuing a certified copy of a document	\$15
8.	For a search of the Clerk's register of actions and proceedings, per name	\$15
9.	For a photocopy of a document filed in the Nunavut Court of Justice or the Court of Appeal, per page	\$1
10.	For receipt of a document for filing by fax or email, per page, in addition to any filing fee	\$1

SCHEDULE C

(Section 4)

FEES PAYAYABLE FOR PROBATE AND ADMINISTRATION PROCEDURES

ITEM NO.		AMOUNT
1.	For issuing a certified copy of a grant of probate or letters of administration	\$15
2.	For receiving, filing and recording a caveat	\$110
3.	For the preparation of a report by the Clerk under rule 47 of the <i>Probate and Administration Rules</i>	\$55
4.	Except for a matter referred to in item 5, for a document that requires the opening of a court file respecting an estate and all subsequent filings or acts	\$100
5.	The following table sets out the fee payable for an application for probate, administration, resealing a grant or ancillary letters, and includes the following services: <ul style="list-style-type: none"> (a) receiving, examining and filing an application for probate, administration, resealing a grant or ancillary letters; (b) giving and receiving all notices; (c) issuing a grant of probate, letters of administration, ancillary letters or resealing a grant; (d) recording the actions referred to in paragraphs (a) to (c) in the records of the court. 	

Value of all property, real and personal, within Nunavut, after deducting all debts and liabilities against that property	Fee
\$10,000 or under	\$30
More than \$10,000 but not more than \$25,000	\$110
More than \$25,000 but not more than \$125,000	\$215
More than \$125,000 but not more than \$250,000	\$325
More than \$250,000	\$425

SCHEDULE D

(Section 5)

FEES PAYABLE TO THE SHERIFF

ITEM NO.		AMOUNT
1.	For receipt, filing, entering and endorsing a document, order, notice, writ of execution, warrant or other document, excluding a pleading received for service	\$55
2.	For service of a document, including return correspondence	\$75
3.	For service of a document including return correspondence of proceeding commenced outside of Nunavut	\$100
4.	For attempted service of a document, within or outside of Nunavut	\$25
5.	In respect of the execution of a warrant, including arrest, attachment, distress, execution and sequestration:	
	(a) for execution of the warrant;	\$150
	(b) for attendance, investigation, preparation of an inventory, cataloguing, taking possession and preparation for sale	\$100
6.	As commission for the sale of chattels or land:	
	(a) where the amount realized is less than or equal to \$5,000	10% on the amount realized
	(b) where the amount realized is more than \$5,000 and less than or equal to \$100,000	\$500 plus 2.5% on the amount over \$5,000
	(c) where the amount realized is more than \$100,000	\$2,875 plus 1% on the amount over \$100,000
7.	For execution or attempted execution of a writ of possession, replevin or eviction or a similar writ or order	\$150
8.	For any steps necessary to change a bailee or a bailee's undertaking	\$110
9.	On a distribution to creditors	\$50
10.	For preparation of advertisements that are required for publication	\$110
11.	For preparation of and posting a notice respecting a sale of goods	\$110
12.	For postponement or cancellation of a sale of goods	\$55
13.	For selection of jurors and preparation of a civil jury list	\$110
14.	For service of each juror on a jury list in a civil matter	\$20
15.	For issuing a certificate	\$15

Court Fees Regulations

16.	For a search of subsisting executions, per name	\$11
17.	For a search of the Sheriff's records	\$11
18.	For a bond provided to the Sheriff	\$55
19.	For issuing a certified copy of a document	\$15
20.	For commissioning or notarizing a document	\$25
21.	For a photocopy of a document filed with the Sheriff, per page	\$1
22.	For receipt of a document for filing by fax or email, per page	\$1

SCHEDULE E

(Sections 7 and 8)

FEES PAYABLE TO COURT REPORTERS

ITEM NO.	AMOUNT
PART 1: FEES PAYABLE IN RESPECT OF THE TAKING OF EVIDENCE OTHER THAN BEFORE A COURT OR JUDGE	
1.	Hourly rate for work \$60 per hour
2.	Hourly rate for closed captioning work \$75 per hour
3.	Travel or standby rate \$30 per hour
4.	Overtime rate for work, after 7.5 hours of work in one day, excluding travel or standby hourly rate multiplied by 1.25
5.	Cancellation fee for a cancellation made less than 48 hours before scheduled work, travel or standby hourly rate multiplied by 0.5 for scheduled work hours for up to five scheduled work days
6.	Cancellation fee for a cancellation made less than 48 hours before scheduled work, travel or standby, if travel is already in progress amount in item 5 plus the hourly rate for any travel or standby
PART II: FEES PAYABLE FOR TRANSCRIPTS	
7.	For transcripts:
	(a) regular service (within 30 business days) \$4 per page
	(b) expedited service (within 10 business days) \$6 per page
	(c) rush service (within 5 business days) \$8 per page
	(c) daily service (less than 2 business days) \$9 per page
8.	For a transcript from an audio source not created by transcript preparer rate in item 7 plus \$1 per page
9.	For an electronic transcript only rate in item 7 reduced by \$0.50 per page, plus the cost of electronic storage

SCHEDULE F

(Sections 9 and 10)

FEES PAYABLE TO INTERPRETERS

ITEM NO.		AMOUNT
1.	For a certified interpreter:	
	(a) hourly rate for work	\$100 per hour
	(b) hourly rate if the interpreter is called to court but not used	\$60 per hour
	(c) overtime rate for work, after 7.5 hours of work in one day, excluding travel or standby	hourly rate multiplied by 1.25
	(d) hourly rate for travel or standby	\$60 per hour
2.	For an interpreter who is not certified:	
	(a) hourly rate for work	\$70 per hour
	(b) hourly rate if the interpreter is called to court but not used	\$50 per hour
	(c) overtime rate for work, after 7.5 hours of work in one day, excluding travel or standby	hourly rate multiplied by 1.25
	(d) hourly rate for travel or standby	\$50 per hour
4.	Cancellation fee if the cancellation is made less than 48 hours before the scheduled work	hourly rate multiplied by 0.5 for scheduled work hours for up to five scheduled work days
5.	If the interpreter is the only interpreter during a court circuit or jury trial	hourly rate multiplied by 1.5

SCHEDULE G

(Sections 11 and 12)

FEES PAYABLE TO TRANSLATORS

ITEM NO.		AMOUNT
1.	For translation from the original text:	
	(a) regular service (within 30 business days)	\$0.35 per word
	(b) expedited service (within 10 business days)	\$0.40 per word
	(b) rush service (within 5 business days)	\$0.45 per word