

Chapter 5: Travel Tariff



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Chapter 5: Travel Tariff

General

Lawyers working on legal aid certificates are expected to arrange for the most cost-effective means of travel and to limit the number of hours billed for travel time. Lawyer Services and Payments allows reasonable and necessary travel disbursements.

✓ Prior approval required from the Area Director who issued the certificate in order for a lawyer to be able to bill travel time and travel disbursements. Travel time should be billed as fees, while mileage and other travel expenses should be billed as disbursements.

✗ Prior approval not required from the Area Director if the distance traveled is 50 km or more one way from the lawyer's office, and if it is not within the Greater Toronto Area for the following:

- Appeals to the Court of Appeal or the Supreme Court of Canada;
 - Judicial review applications or appeals in the Federal Court;
 - Hearings before the Convention Refugee Determination Division of the Immigration and Refugee Board.
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- Travel can only be authorized if the distance to be traveled is 50 km or more one way from the lawyer's office.
 - Travel will not be authorized for travel within the Greater Toronto Area, which includes the following areas: the Regional Municipalities of Durham, Halton, Peel and York, and the former cities of Toronto, Etobicoke, North York, Scarborough, York and the Borough of East York.
 - In some cases, the Area Director authorizes travel with specific limitations. Your account is paid in accordance with the Area Director's authorization.
 - You may appeal the Area Director's decision on travel authorization to the area committee and, further, to the President.
 - All accounts must include the date of travel, the purpose for the travel, and the destination.
 - Supporting invoices are required for travel disbursements, except for mileage.
 - The fee allowed for travelling time within southern Ontario must not exceed 30 per cent of the total fee allowed for the services rendered as settled by Lawyer Services and Payments.
 - If additional travel is necessary, a discretionary increase can be requested at the time you submit your account.

Hourly rates

Tier Level	Travel Hourly Rate
Tier 1	\$43.00
Tier 2	\$48.38
Tier 3	\$53.75
Students/law clerks	\$23.00

Special northern travel incentives

Lawyers who provide services in one of five designated areas (Cochrane Area 05, Kenora Area 15, Rainy River Area 35, Temiskaming Area 39 and communities served by Nishnawbe-Aski Legal Services Corporation (NALSC Area 48)) will receive the following hourly rates for travel.

Tier Level	Special Northern Travel Hourly Rate
Tier 1	\$47.30
Tier 2	\$52.21
Tier 3	\$59.13
Students	\$25.30
Law clerks	\$23.00

For fly-in courts and to destinations 200 km or more one way from the lawyer's offices, the tariff provides a minimum guaranteed daily rate (GDR) of \$840.00 on both certificate and duty counsel assignments. Prior authorization from the Area Director is required.

The GDR does not apply if the destination is to the location of an area office, e.g.: Sioux Lookout to Kenora. Check the LAO Web site at www.legalaid.on.ca for more details on the implementation of these northern incentives.

Criminal matters

If travel is authorized and the Area Director does not provide a specific limitation on travel, travel is limited to:

- An appearance in court as counsel other than for an adjournment, setting a date for a future appearance or similar procedural matter;
- Up to two visits before the preliminary inquiry with a client who is incarcerated;
- One visit before trial with a client who is incarcerated;
- One pretrial conference with the judge before the preliminary inquiry;
- One pretrial conference with the judge before the trial.

Civil matters (including Family and CFSA)

If travel is authorized and the Area Director does not provide a specific limitation on travel, travel is limited to:

- Appearance as counsel on adjournment, contested motion, examination for discovery, settlement conference, pretrial hearing or trial on behalf of a legally aided client;
- Where a lawyer travels from his or her office to interview an applicant or witness.

Travel disbursements

(Only if travel is authorized by the Area Director)

Accommodation

(Only if travel is authorized by the Area Director)



Prior approval not required for the cost of moderately priced accommodation, if the lawyer is required to stay overnight to attend two or more consecutive trial dates.



Prior approval required for the cost of moderately priced accommodation, if the lawyer needs to arrive the night before the trial starts, or cannot travel home directly following the conclusion of the trial.

- Accommodation expenses are not allowed in addition to the cost of airfare unless the trial proceeds on two or more consecutive days.
- LAO pays for a standard room only, at a rate of up to \$150.00 per night in large centres, like Toronto or Ottawa. In smaller centres, the cost of accommodation is expected to be less. Reasonable gratuities in accordance with normal practice in Ontario are allowed.
- Some hotels offer discounted rates to CBA members.
- LAO pays for the cost of long distance and fax charges related to the particular case incurred at the hotel.
- LAO does not pay for laundry, mini-bar, movies, or other personal expenses incurred at the hotel.
- Parking at the hotel is not paid.

Meals

(Only if travel is authorized by the Area Director)

The actual cost of meals up to a maximum of \$50.00 per day, if the lawyer is required to stay overnight to attend trial.

Mileage

(Only if travel is authorized by the Area Director)

- Mileage is paid at the rate of \$0.40 per kilometre (\$0.41 in northern Ontario).
The dividing line between northern Ontario and southern Ontario is as follows:

Healy Lake (Municipal) Road from Healy Lake easterly to its juncture with Highway 612; Highway 612 to Highway 103; Highway 103 easterly to its juncture with Highway 69; Highway 69 easterly to its juncture with Highway 118; Highway 118 through Bracebridge to its juncture with Highway 11; Highway 11 northerly to its juncture with Highway 60 at Huntsville; Highway 60 easterly to its juncture with Highway 62 at Killaloe Station; Highway 62 to Pembroke; the above-named highways to be included in southern Ontario.



- Any travel that takes place on or below the line shown in the map above is paid at southern Ontario rates.
- If travel encompasses travel in both the northern and the southern area, the travel rate is determined by where the majority of the distance is traveled.

Other modes of transportation

(Only if travel is authorized by the Area Director)

- ✓ Prior approval required, except in the following cases:
 - Travelling by a means other than by car, if the cost of the actual travel disbursements incurred and travel time is the same or less than the cost which would have been incurred if travelling by car.
- When calculating the cost of travel by bus, rail or air, you can include the following:
 - Cost of transportation to and from the station or airport, or the cost of parking at the station or airport;
 - Cost of the fare;
 - Travel time.
- When calculating the cost of travel by car, you should include the following:
 - Cost of mileage;
 - Cost of overnight accommodation, if required;
 - Cost of meals, if required.
- If you are not sure if the cost of travel disbursements are covered, contact the Lawyer Services and Payments Department - Disbursements.
- Reasonable car rental charges are allowed up to the same amount that would have been paid if mileage had been charged. Your actual cost for the car rental is allowed up to the equivalent mileage cost. For example, for travel of 200 kilometres, the mileage cost is 40 cents x 200 kilometres = \$80.00. This amount is allowed for car rental.
- Air travel if the total cost of travel by air, including transportation to and from the airport or parking at the airport, airfare and travel time, does not exceed the cost of travel that would have been incurred for travel by car, including mileage, accommodation and travel time. LAO pays for economy class airfare only.

Parking

Legal Aid does not reimburse the cost of parking.

Toll roads – Highway 407

Legal Aid does not reimburse the cost of tolls.

Travel for Others

Experts

See the Disbursements Handbook, page 19.

Investigators

See the Disbursements Handbook, page 23.

Witnesses

See the Disbursements Handbook, page 36.