

Rule 2023/4

Made by the Board on 2023-12-18
under the *Legal Aid Services Act, 2020* and
published on 2024-02-26

**RULES AMENDING THE LEGAL AID SERVICES RULES (FEES AND
DISBURSEMENTS, NO. 1)**

AMENDMENTS

1 Subsection 7 (1) of Schedule 2 to the *Legal Aid Services Rules* is amended

(a) by revoking clause (e) and substituting the following:

(e) except as provided in clauses (a) and (b), services provided under all other proceedings must be billed as block fees in accordance with the block fee rates set out in Table 8 that are in effect on the date on which the certificate is issued;

(b) by revoking clauses (h) and (i) and substituting the following:

(h) when a roster member represents an individual charged with two or more offences and for valid reasons the charges are disposed of separately such that the pleas, trials or withdrawals are heard in different courts on different days or before different judges, the roster member is entitled to bill on an hourly rate basis or under a block fee, as the case may be, for each offence or group of offences disposed of separately, if the roster member satisfies the Corporation that the course of action taken by the roster member was appropriate;

(i) when a roster member represents an individual charged with two or more offences and the charges are disposed of together such that the pleas, trials or withdrawals are heard in the same court at approximately the same time, the roster member is entitled

(i) to bill once on an hourly rate basis for all offences heard together plus any additional fees that may be appropriate in accordance with section 70 of these Rules, or

(ii) to bill under one block fee when two or more offences that are billed under block fees are resolved together;

(c) by revoking clause (o) and substituting the following:

(o) when a roster member's services are completed before a plea is entered or before the resolution of the matter, the applicable tariff is that which applies to a guilty plea for that offence;

2 Table 4 of Schedule 2 to the Rules is amended

(a) by revoking item 1 and substituting the following:

| | | |
|---|--|----|
| 1 | For all services rendered in connection with a plea of guilty or the withdrawal of one or more charges that occurs before the commencement of a contested trial, including but not limited to the following: (a) all preparation, pre-trial conferences with the Crown, waiting time, correspondence, communications, document preparation; | 15 |
|---|--|----|

| | | |
|--|--|--|
| | <ul style="list-style-type: none"> (b) judicial interim release hearings, variations, judicial pre-trials not otherwise provided for in Table 6; (c) adjournments and remands; (d) hearing time for the first half day, or two half days. | |
|--|--|--|

(b) by revoking items 3 and 4 and substituting the following:

| | | |
|---|---|------------|
| 3 | <p>For all services rendered in connection with a contested trial, including but not limited to the following:</p> <ul style="list-style-type: none"> (a) all preparation, pre-trial conferences with the Crown, waiting time, correspondence, communications, document preparation; (b) judicial interim release hearings, variations, judicial pre-trials not otherwise provided for in Table 6; (c) adjournments and remands. | 17 |
| 4 | When a contested trial lasts more than 10 days, an additional | 10 |
| 5 | Actual time spent in attendance at a proceeding described in item 3 when evidence is heard or submissions made | No maximum |
| 6 | Preparation for each additional day of court attendance after the first day for a proceeding described in item 3 | 4 |

3 Table 5 of Schedule 2 to the Rules is amended

(a) by revoking clause (d) of item 3;

(b) by revoking clause (a) of item 5 and substituting the following:

| | | | |
|--|--|------------|------------|
| | (a) actual time spent in attendance at a proceeding described in item 3 when evidence is heard or submissions made, excluding waiting time | No maximum | No maximum |
|--|--|------------|------------|

4 Table 6 of Schedule 2 to the Rules is amended

(a) by revoking items 1 and 2 and substituting the following:

| | | |
|---|---|---|
| 1 | For all preparation and conduct of the first application for a judicial interim release order, whether contested or on consent | 4 |
| 2 | <p>For all preparation and conduct of the second application for a judicial interim release order, whether contested or on consent, made pursuant to section 524 of the <i>Criminal Code</i> (Canada)</p> <p>Billable if the Crown brings a section 524 of the <i>Criminal Code</i> (Canada) hearing regardless of whether or not a first bail hearing was billed. A first and second bail hearing cannot be billed for the same hearing.</p> | 5 |

(b) by revoking items 6 and 7 and substituting the following:

| | | |
|-----|--|----|
| 6 | For the preparation or delivery, or both, of Gladue submissions at a bail hearing, or sentencing when a publicly funded Gladue report has been prepared for the specific offence or a recently prepared report was used | 5 |
| | Bail Review | |
| 7 | For all services for an application to the Superior Court of Justice for a review of orders made under section 515 of the <i>Criminal Code</i> (Canada), when approved by the Corporation. Payable if the roster member conducted a bail review or the Crown consented to a release after materials were prepared and filed. | 10 |
| 7.1 | For all services for an application to the Superior Court of Justice pursuant to section 525 of the <i>Criminal Code</i> (Canada) to determine whether or not an accused should be released from custody. | 10 |

(c) by revoking the heading before item 8 and substituting the following:

| | | |
|-----|---|---|
| | Mental Health | |
| 7.2 | To assist an accused that has an identifiable history of mental health issues | 2 |

5 The definitions "summary 1 charge" and "summary 2 charge" in section 12 of Schedule 2 to the Rules are revoked and the following substituted:

"summary charge" means a charge under any of the following:

- (a) an offence under an Act of Ontario,
- (b) an offence under an Act of Parliament other than under the CCC,
- (c) a summary conviction offence under the CCC or a hybrid offence when the Crown elects to proceed by way of summary conviction.
(*"accusation d'infraction punissable sur déclaration de culpabilité par procédure sommaire"*)

6 Table 8 of Schedule 2 to the Rules is revoked and the following substituted:

Table 8

Criminal Block Fees

| Areas other than Northern Areas | | | | | |
|---------------------------------|----------------------------|----------------|---------------------------------|---------------------------------|---------------------------------|
| Item | Block fee type | Type of charge | Block fee rate | | |
| | | | | | |
| | Resolution block fee | | Rate effective March 4, 2024 | Rate effective April 1, 2024 | Rate effective April 1, 2025 |
| 1 | Guilty plea to all charges | Summary | \$845.03 | \$887.28 | \$931.65 |
| | | Indictable | \$1,424.46 | \$1,495.68 | \$1,570.47 |

| | | | | | |
|---|--|-----------------------------|--------------------------|--------------------------|--------------------------|
| | Conduct and complete services rendered in connection with a guilty plea, including sentencing | | | | |
| 2 | One or more charges withdrawn or stayed -- Conduct and complete a withdrawal or stay proceeding, including if a guilty plea occurs on a different day Unless some of the charges are being heard separately pursuant to clause 7 (1) (h) in Part B The withdrawal fee is not payable if a charge is withdrawn pursuant to the Kienapple principle | Summary Indictable | \$1,107.95 \$1,543.16 | \$1,163.35 \$1,620.32 | \$1,221.51 \$1,701.34 |
| | Block fees for ancillary services | | | | |
| 3 | Judicial pre-trial Conduct and complete one judicial pre-trial | Summary or Indictable | \$319.07 | \$335.03 | \$351.78 |
| 4 | Judicial interim release Conduct and complete the first application for a judicial interim release order, whether contested or on consent | Summary or Indictable | \$638.15 | \$670.06 | \$703.56 |
| 5 | 2nd bail hearing Conduct and complete a 2 nd bail hearing under subsection 524(4) of the CCC | Summary or Indictable | \$797.69 | \$837.57 | \$879.45 |
| 6 | Bail variation Prepare and a file an application for bail variation under section 519.1 of the CCC | Summary or Indictable | \$159.54 | \$167.51 | \$175.89 |
| 7 | Bail review For all services for an application to the Superior Court of Justice for a review of an order made under section 515 of the CCC | Summary or Indictable | \$957.22 | \$1,005.08 | \$1,055.34 |

| | | | | | |
|-----------------------|--|-----------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| | <p>Payable when the roster member conducted a bail review or the Crown consented to a release after materials were prepared and filed</p> <p>All other services provided are included in the block fee payment.</p> | | | | |
| 8 | <p>Detention review</p> <p>For all services for an application to the Superior Court of Justice under section 525 of the CCC to determine whether or not the accused should be released from custody</p> | Summary or Indictable | \$957.22 | \$1,005.08 | \$1,055.34 |
| 9 | <p>Gladue</p> <p>For the preparation or delivery, or both, of a Gladue submission at a bail hearing or at sentencing:</p> <p>(a) when a publicly funded Gladue report is prepared for the specific charge; or</p> <p>(b) when a recently prepared report is used.</p> | Summary or Indictable | \$478.60 | \$502.53 | \$527.66 |
| 10 | <p>Mental health</p> <p>The mental health block fee is authorized based on the accused having an identifiable history of mental health issues and is only available on certificates when the matter has not been set down for trial.</p> <p>The mental health block fee may only be billed on a final account or supplementary account following a resolution of the charges.</p> | Summary or Indictable | \$239.31 | \$251.27 | \$263.83 |
| Northern Areas | | | | | |
| Item | Block fee type | Type of charge | Rate effective March 4, 2024 | Rate effective April 1, 2024 | Rate effective April 1, 2025 |
| | Resolution block fee | | | | |
| 11 | Guilty plea to all charges- | Summary | \$929.54 | \$976.01 | \$1,024.81 |

| | | | | | |
|----|--|-----------------------------|--------------------------|--------------------------|--------------------------|
| | Conduct and complete services rendered in connection with a guilty plea, including sentencing. | Indictable | \$1,556.91 | \$1,645.25 | \$1,727.52 |
| 12 | One or more charges withdrawn or stayed- Conduct and complete a withdrawal or stay proceeding, including if a guilty plea occurs on a different day. Unless some of the charges are being heard separately pursuant to clause 7 (1) (h) in Part B The withdrawal fee is not payable if a charge is withdrawn pursuant to the Kienapple principle. | Summary Indictable | \$1,218.74 \$1,697.48 | \$1,279.68 \$1,782.35 | \$1,343.67 \$1,871.47 |
| | Block fees for ancillary services | | | | |
| 13 | Judicial pre-trial Conduct and complete one judicial pre-trial | Summary or Indictable | \$350.98 | \$368.53 | \$386.96 |
| 14 | Judicial interim release Conduct and complete the first application for a judicial interim release order, whether contested or on consent | Summary or Indictable | \$701.96 | \$737.06 | \$773.91 |
| 15 | 2nd bail hearing Conduct and complete a 2 nd bail hearing under subsection 524(4) of the CCC | Summary or Indictable | \$877.46 | \$921.33 | \$967.40 |
| 16 | Bail variation Prepare and a file an application for bail variation under section 519.1 of the CCC | Summary or Indictable | \$175.49 | \$184.27 | \$193.48 |
| 17 | Bail review For all services for an application to the Superior Court of Justice for a review of an order made under section 515 of the CCC | Summary or Indictable | \$1,052.94 | \$1,105.59 | \$1,160.87 |

| | | | | | |
|----|--|-----------------------|------------|------------|------------|
| | <p>Payable when the roster member conducted a bail review or the Crown consented to a release after materials were prepared and filed</p> <p>All other services provided are included in the block fee payment.</p> | | | | |
| 18 | <p>Detention review</p> <p>For all services for an application to the Superior Court of Justice under section 525 of the CCC to determine whether or not the accused should be released from custody</p> | Summary or Indictable | \$1,052.94 | \$1,105.59 | \$1,160.87 |
| 19 | <p>Gladue</p> <p>For the preparation or delivery, or both, of a Gladue submission at a bail hearing or at sentencing:</p> <p>(a) when a publicly funded Gladue report is prepared for the specific charge; or</p> <p>(b) when a recently prepared report is used.</p> | Summary or Indictable | \$526.46 | \$552.78 | \$580.42 |
| 20 | <p>Mental health</p> <p>The mental health block fee is authorized based on the accused having an identifiable history of mental health issues and is only available on certificates when the matter has not been set down for trial.</p> <p>The mental health block fee may only be billed on a final account or supplementary account following a resolution of the charges.</p> | Summary or Indictable | \$263.24 | \$276.40 | \$290.22 |

APPLICATION

7 Sections 1 to 6 of these Rules apply to certificates issued on or after March 4, 2024.

COMING INTO FORCE

8 These Rules come into force on March 4, 2024.