

RULE 2023/2

Made by the Board on 2023-08-14
under the *Legal Aid Services Act, 2020* and
published on 2023-09-26

**RULES AMENDING THE LEGAL AID SERVICES RULES (FEES AND
DISBURSEMENTS)**

AMENDMENTS

1 Table 1 of Schedule 2 to the *Legal Aid Services Rules* is revoked and the following substituted:

Table 1			
Hourly Rates for Roster Members, Law Clerks, Articling Students and Investigators			
Areas other than Northern Areas			
Description	Hourly rate for legal aid services (Effective October 16, 2023)	Hourly rate for legal aid services (Effective April 1, 2024)	Hourly rate for legal aid services (Effective April 1, 2025)
Tier 1	\$114.60	\$120.33	\$126.35
Tier 2	\$128.93	\$135.37	\$142.14
Tier 3	\$143.25	\$150.41	\$157.94
Complex case rate	\$169.10	\$177.56	\$186.44
Law clerks and investigators in the employ of the roster member	\$33.99	\$35.69	\$37.48
Articling students	\$67.98	\$71.38	\$74.95
Northern Areas			
Tier 1	\$126.06	\$132.36	\$138.99
Tier 2	\$141.82	\$148.91	\$156.36
Tier 3	\$157.58	\$165.45	\$173.73
Complex case rate	\$186.01	\$195.31	\$205.08

Law clerks and investigators in the employ of the roster member	\$33.99	\$35.69	\$37.47
Articling students	\$74.78	\$78.52	\$82.45

2 Subsections 2 (2) to (4) of Schedule 2 to the Rules are revoked and the following substituted:

- (2) The hourly rates that are payable to a roster member for legal aid services provided by them under a certificate are determined in the following way:
- (a) the hourly rates are those that are in effect on the date on which the certificate is issued; and
 - (b) the roster member is to be paid according to the tier that applies to them at the time the service is provided.
- (3) A roster member who provides duty counsel services is paid at the hourly rate according to the tier that applies to them at the time the service is provided.
- (4) A roster member who provides advice lawyer services is paid at the hourly rate according to the tier that applies to them at the time the service is provided, to a maximum of two hours.
- (5) A law clerk or investigator in the employ of a roster member providing certificate services is paid at the hourly rate that applies to them on the date on which the roster member's certificate is issued.
- (6) An articling student under the supervision of a roster member providing certificate services is paid at the hourly rate that applies to them on the date on which the roster member's certificate is issued.
- (7) The complex case rate applies with respect to complex proceedings approved by the Corporation payable to roster members who meet the qualifications and requirements specified by the Corporation.

3 Subsection 4 (3) of Schedule 2 to the Rules is revoked and the following substituted:

- (3) Despite any provision of this Schedule that provides for a lower amount, if the roster member is required to travel 200 km or more, one way, from their regular place of business and the place where the services are provided is not the location of a district office, the minimum total daily amount payable for services provided in a district set out in subsection (2) is the following:
- (a) \$1,241.06, effective October 16, 2023;
 - (b) \$1,303.11, effective April 1, 2024;
 - (c) \$1,368.27, effective April 1, 2025.

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

Table 2		
Hourly Rates for Travel Time		
Description	Rate per hour for travel time	Rate per hour for travel time, Northern Areas
Tier 1	\$43.00	\$47.30
Tier 2	\$48.38	\$53.21
Tier 3	\$53.75	\$59.13

Law clerks	\$23.00	\$23.00
Articling students	\$23.00	\$25.30

5 Subsection 7 (1) of Schedule 2 to the Rules is amended

(a) by revoking clause (n); and

(b) 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, which, in the case of an indictable offence referred to in clause 10 (a), must not exceed 13 hours;

6 Table 3 of Schedule 2 to the Rules is amended

(a) by revoking the portion of item 1 before clause (a) 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 occur before the commencement of a contested trial, including but not limited to the following:	15
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(b) by revoking item 2 and substituting the following:

2	For all services rendered in connection with a contested trial that lasts up to 10 days	22
	When the contested trial lasts more than 10 days, an additional	5

7 Table 4 of Schedule 2 to the Rules is amended

(a) by revoking the portion of item 1 after clause (d) and substituting the following:

(i)	when a plea of guilty is entered to all charges and the actual hearing time occupies a half-day in court and the total time spent on preparation described in clauses (a) and (b) does not exceed five hours,	13
(ii)	when one or more charges are withdrawn or a plea of guilty is entered to all charges and the actual hearing time occupies two half days, or total time spent on preparation as described in item 1 exceeds five hours	15

(b) by revoking item 3 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; (d) two half-days, or less, of actual hearing time. 	17
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8 Table 5 of Schedule 2 to the Rules is revoked and the following substituted:

Table 5 Maximum Billable Hours for Offences – Summary Conviction Offences			
Item	Description of services	Maximum hours allowed, 11 (a) and (b) offences	Maximum hours allowed, 11 (c) and (d) offences
Fees			
1	<p>For all services rendered in connection with a plea of guilty to all charges that occur before the commencement of a contested trial, including, but not limited to,</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; and (d) attendance at court. 	8	5
2	<p>For all services rendered when one or more charges are withdrawn before the commencement of a contested trial including, but not limited to,</p> <ul style="list-style-type: none"> (a) all preparation, pre-trial conferences with the Crown, waiting time, correspondence, communications and document preparation; (b) judicial interim release hearings, variations, judicial pre-trials not otherwise provided for in Table 6; (c) adjournments and remands; and (d) attendance at court. 	10	7

3	For all services rendered in connection with a contested trial, including but not limited to, (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; and (d) attendance at court for the first day of trial.	15	9
4	If item 1 or 2 applies, for each half-day of proceedings after the first full day or two half-days, including all preparation, an additional	2.5	2.5
5	If item 3 applies,		
	(a) actual time spent in attendance for hearing days occurring after the first day when evidence is heard or submissions made excluding wait time;	No maximum	No maximum
	(b) per diem preparation for each additional day of court attendance after the first day	4	4

9 Table 6 of Schedule 2 to the Rules is amended by revoking item 4 and substituting the following:

4	For all preparation, including drafting, serving and filing of the notice of motion and factum for the first application for an order pursuant to the <i>Canadian Charter of Rights and Freedoms</i>	8
4.1	Actual time spent in attendance at a motion described in item 4 when evidence is heard or submissions made	No maximum

10 Section 15 of Schedule 2 to the Rules is revoked and the following substituted:

15 A block fee payment includes all services provided under the certificate. It also includes the following associated costs:

- (a) sending faxes and photocopying (except for photocopying services provided by a third party);
- (b) process servers; and
- (c) service and filing of documents in Ontario.

11 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		
			Rate effective October 16, 2023	Rate effective April 1, 2024	Rate effective April 1, 2025
	Resolution block fee				
1	Guilty plea to all charges --	Summary I	\$727.61	\$887.28	\$931.65
	Conduct and complete services rendered in connection with a guilty plea, including sentencing	Summary II	\$845.03	\$887.28	\$931.65
		Indictable	\$1,424.46	\$1,495.68	\$1,570.47
2	One or more charges withdrawn or stayed --	Summary I	\$956.08	\$1,163.35	\$1,221.51
	Conduct and complete a withdrawal or stay proceeding, including if a guilty plea occurs on a different day	Summary II	\$1,107.95	\$1,163.35	\$1,221.51
		Indictable	\$1,543.16	\$1,620.32	\$1,701.34
	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				
	Block fees for ancillary services				
3	Judicial pre-trial Conduct and complete one judicial pre-trial	Summary I or II or Indictable	\$319.07	\$335.03	\$351.78
4	Bail review	Summary I or II or Indictable	\$478.61	\$1,005.08	\$1,055.34

	<p>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</p> <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>				
5	<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 I or II or Indictable	\$239.31	\$251.27	\$263.83
6	<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 I or II or Indictable	\$287.16	\$502.53	\$527.66
Northern Areas					
Item	Block fee type	Type of charge	Rate effective October 16, 2023	Rate effective	Rate effective

				April 1, 2024	April 1, 2025
	Resolution block fee				
7	Guilty plea to all charges-- Conduct and complete services rendered in connection with a guilty plea, including sentencing.	Summary I Summary II Indictable	\$800.38 \$929.54 \$1,566.91	\$976.01 \$976.01 \$1,645.25	\$1,024.81 \$1,024.81 \$1,727.52
8	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 I Summary II Indictable	\$1,051.69 \$1,218.74 \$1,697.48	\$1,279.68 \$1,279.68 \$1,782.35	\$1,343.67 \$1,343.67 \$1,871.47
	Block fees for ancillary services				
9	Judicial pre-trial Conduct and complete one judicial pre-trial	Summary I or II or Indictable	\$350.98	\$368.53	\$386.96
10	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 Payable when the roster member conducted a bail review or the Crown consented to a release after materials were prepared and filed All other services provided are included in the block fee payment.	Summary I or II or Indictable	\$526.47	\$1,105.59	\$1,160.87
11	Mental health	Summary I or II or Indictable	\$263.24	\$276.40	\$290.22

	<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>				
12	<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 I or II or Indictable	\$315.88	\$552.78	\$580.42

12 Table 9 of Schedule 2 to the Rules is amended

(a) by revoking items 1, 2 and 11 and substituting the following:

1	The maximums provided for family law include all services including interviews, correspondence, communications, pleadings, preparation of financial statements, discovery, production, disclosure, case management meetings with a judge, procedural or non-complex motions, adjournments, waiting time, reporting and billing (with billing being allowed to a maximum of 0.2 hours).	
2	For applications and proceedings under the <i>Divorce Act</i> (Canada), the <i>Family Law Act</i> and the <i>Children's Law Reform Act</i> and for the negotiation of domestic contracts under the <i>Family Law Act</i>	16
11	For preparation for and attendance, including negotiations with opposing counsel, at each conference under Rule 17 of the <i>Family Law Rules</i> and at each Legal Aid Settlement conference	5

(b) by revoking items 12 to 17;

(c) by adding the following immediately after item 19:

19.1	Preparation for an eligible complex motion	8
19.2	Actual attendance at an eligible complex motion, excluding waiting time and adjournments	No maximum

(d) by revoking items 30 and 31 and substituting the following:

30	For preparation and attendance at each subsequent conference after the first, including negotiations with opposing counsel, under Rule 17 of the <i>Family Law Rules</i> and at each subsequent Legal Aid Settlement conference	5
31	In matters involving complex CYFSA matters that involve third parties.	4

(e) by revoking item 64 and substituting the following:

64	For all preparation, including drawing and filing notice of appeal and appeal books on appeal from a decision of the Consent and Capacity Board	35
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(f) by revoking items 89 and 90 and substituting the following:

89	For preparation and filing of a Basis of Claim form (BOC) and refugee portal application for a claimant from a country or claim type not subject to the Immigration and Refugee Board (IRB) expedited process	9
90	For preparation and filing of a BOC, refugee portal application and client disclosure in accordance with the IRB expedited process for a claimant from a country or claim type subject to the IRB expedited process	12

(g) by adding the following items in numerical order:

90.1	For items 89 and 90, when a claimant who is covered on the certificate requires their own BOC narrative	3
96.1	For services related to Minister's interventions or issues of exclusion	3
96.2	For services related to working with a designated representative when the claimant has an inability to appreciate the nature of the proceedings	3
101.1	For preparation for a subsequent sitting of the Refugee Appeal Division when a first sitting has begun but not concluded	2

(h) by revoking items 103 and 104 and substituting the following:

103	The following apply to a review of reasons for a detention order:	
	(a) for all preparation;	3
	(b) for all preparation for each subsequent detention review;	3

	(c) for actual attendance at the hearing, excluding waiting time and adjournments;	No maximum
	(d) for all preparation for a subsequent sitting of the Immigration Division for a detention review when a first sitting has begun but not concluded.	2
104	For the following services relating to applications and submissions to the Federal Minister:	
	(a) in Canada applications for permanent residence on humanitarian and compassionate grounds when no opinion certificate was granted;	16
	(b) in Canada applications for permanent residence on humanitarian and compassionate grounds when an opinion certificate was granted;	13
	(c) all services related to representing the client after first-stage approval has been granted in a humanitarian and compassionate grounds application;	10
	(d) submissions on danger to the public in a deportation matter;	20
	(e) applications for a pre-removal risk assessment when no opinion certificate was granted;	10
	(f) applications for a pre-removal risk assessment when an opinion certificate was granted;	7
	(g) preparation for attendance at a pre-removal risk assessment hearing;	6
	(h) actual attendance at a pre-removal risk assessment hearing;	No maximum
	(i) submissions in support of risk balancing under subsection 115 (2) of the <i>Immigration and Refugee Protection Act</i> (Canada);	6
	(j) submissions to the Minister in order to defer removal by the Canada Border Services Agency.	10

(i) by adding the following items in numerical order:

106.1	For preparation for a subsequent sitting of the Immigration Division for an admissibility hearing when a first sitting has begun but not concluded	2
109.1	For preparation for a subsequent sitting of the Immigration Appeal Division when a first sitting has begun but not concluded	2

APPLICATION

13 (1) Schedule 2, as it read before the day on which sections 1 to 4 come into force, continues to apply to legal aid services provided on or after that day under a certificate issued before that day.

(2) Sections 5 to 12 of these Rules apply to certificates issued on or after October 16, 2023.

COMING INTO FORCE

14 These Rules come into force on October 16, 2023.