

## APPENDIX C

### SCHEDULE 1

#### FEES PAYABLE TO TERRITORIAL TREASURER

1	For commencing a proceeding in the Supreme Court.	\$ 140
2	For filing a statement of defence including a statement of defence to a counterclaim and a statement of defence to third party notice,	
	(a) if a counterclaim is not included in the same record	25
	(b) If a counterclaim is included in the same record	100
3	For filing a counterclaim separately from a statement of defence	75
4	For issuing a third party notice	75
5	For filing an application for summary trial under Rule 19	50
6	For filing an application, whether by notice of application or requisition, except for a requisition under Rule 43(10), or any other application for which a fee is not payable under this Schedule	30
7	For filing a notice of trial or hearing if proceedings are set down on the trial list	140
8	For hearing a trial, payable by the party who files the notice of trial, unless the court orders payment by another party	
	(a) there are no hearing fees payable with respect to the first five (5) days of any trial	0
	(b) time spent on the hearing is more than five (5) days	200
9	For filing an appointment for a hearing before a Clerk or Special Referee, for an inquiry, assessment or accounting, or to review a lawyer's bill under the <i>Legal Profession Act</i> , or on a reference from a court	25
10	For filing a certificate of the clerk under the <i>Legal Profession Act</i>	15
11	For every grant or ancillary grant of probate and administration, and on every resealing of an extra-territorial grant of probate or administration. No fee is payable to obtain a grant of probate and administration where a person dies leaving an estate not exceeding \$25,000 in value	140
12	For filing a caveat	70
13	For issuing a citation	35
14	For issuing a writ of execution, or a garnishing order before or after judgment, not including an application to the court	20
15	For issuing a subpoena to debtor	35
16	For search of a record, other than a search of a record of a proceeding by a party to that proceeding or his or her lawyer	4
17	For copies, per page	.50
18	For	
	(a) a certified copy of a document of record	
	(i) for 10 pages or less	15
	(ii) for each additional page over 10 pages, per page	3
	(b) issuing a certificate of judgment	15
	(c) issuing a certificate of pending litigation or other certificate not otherwise provided for	15

19	For use of court registry fax machines, the aggregate of the following: (a) fee for service (b) cost per page faxed	7.50 .50
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**INDIGENCY STATUS:**

- S1** (1) If the court, on summary application before or after the commencement of a proceeding, finds that a person is indigent, the court may order that no fee is payable to the Territorial Treasurer by the person to commence, defend or continue the whole or any part of the proceeding unless the court considers that the claim or defence
- (a) discloses no reasonable claim or defence, as the case may be,
  - (b) is scandalous, frivolous or vexatious, or
  - (c) is otherwise an abuse of the process of the court.
- (2) An order under subsection (1) may apply to one or more of the following:
- (a) a proceeding generally;
  - (b) any part of the proceeding;
  - (c) a specific period of time;
  - (d) one or more particular steps in the proceeding.
- (3) On application or on the court's own motion, the court may review, vary or rescind any order made under subsection (1) or (2).
- (4) Despite anything in this Schedule, if the court makes an order in relation to a person under this section, no fee is payable to the Territorial Treasurer by that person in relation to the proceeding, part of the proceeding, period of time or steps to which the order applies.

## SCHEDULE 2

### FEES PAYABLE TO THE SHERIFF

1.	For Service	\$
	a) receiving, filing, serving on one person and returning any process together with an affidavit of service or attempted service	50
	b) each additional party served at the same address	10
	c) each additional party not served at the same address	15
2.	For arrest or execution on goods and chattels	
	a) every arrest, execution or similar writ or order	100
	b) attending, investigating, inventorying, cataloguing, taking possession, preparing for sale, per hour for each person involved	40
	c) commission on the sum realized or settled for	
	i) where that sum is \$5,000 or less	10%
	ii) where that sum is more than \$5,000 but is less than \$100,000	\$500 plus 2 ½ % on the amount in excess of \$5,000
	iii) where the sum is \$100,000 or over	\$2,875 plus 1% on the amount in excess of \$100,000
3.	For lien and recovery actions	
	a) executing a lien other than a repairer's lien or for recovering specific property other than land where the execution or recovery is accomplished in whole or in part	150
	b) attending, investigating, inventorying, cataloguing, taking possession, per hour for each person involved	40
4.	For sale or possession of land	
	a) executing order for sale or possession of land, in part or in whole	150
	b) commission on the sum realized or settled for, on the sale of land	
	i) where that sum is \$5,000 or less	10%
	ii) Where that sum is more than \$5,000 but is less than \$100,000	\$500 plus 2½ % on the amount in excess of \$5,000
	iii) where that sum is \$100,000 or over	\$2,875 plus 1% on the amount in excess of \$100,000
5.	For a search made by a sheriff including the certificate of result	15
6.	In respect of each of the foregoing items except item 1 the sheriff shall be paid at a rate set for Yukon public service for each kilometer traveled beyond a radius of 16 km from the sheriff's office or court registry nearest to the place where service is effected, whichever is closer.	
7.	In respect of each of the foregoing items, all disbursements properly incurred.	

## **SCHEDULE 3**

### **FEEES PAYABLE TO WITNESSES**

In all cases in which a witness is required to attend an examination, hearing or trial, the following witness fees and fees for travel, meals and preparation are payable, and shall, unless otherwise ordered, be tendered in advance by the party requiring the attendance of the witness:

#### **Daily witness fee**

1. For any witness, other than a party or a present officer, director or partner of a party to a proceeding, for each day or part of a day, a daily witness fee of \$80. A witness who is a party or a present officer, director or partner of a party to the proceeding is not entitled to a daily witness fee.

#### **Travel**

2. For any witness, where the examination, hearing or trial is held at a place
  - (a) within 200 km by road of where the witness resides, at the kilometer rate set for Yukon public service by road between his or her residence and the place of examination, hearing or trial, but no travel allowance will be paid if the distance is less than 8 km, or
  - (b) more than 200 km from where the witness resides, the minimum return air fare by scheduled airline plus the kilometer rate set for Yukon public service each way from his or her residence to the departure airport and from the arrival airport to the place of examination, hearing or trial.

#### **Allowances**

3. For any witness, a reasonable allowance for meal expenses made necessary by the witness' attendance, and where the witness resides elsewhere than the place of examination, hearing or trial and is required to remain overnight, a rate set for Yukon public service for overnight accommodation.

#### **Preparation**

4. For any witness other than a party or present officer, director or partner of a party to a proceeding, a reasonable sum shall be allowed for the time employed and expenses incurred by the witness in preparing to give evidence, when that preparation is necessary.