



ALBERTA  
MINISTER OF JUSTICE

M.O. J 18/2015

**MINISTERIAL ORDER**

I, **KIMBERLY ARMSTRONG, QC**, on behalf of the Minister of Justice and Solicitor General for the Province of Alberta, pursuant to

- (a) Section 1.1 and 3.01 of the *Provincial Court Fees and Costs Regulation*,
- (b) Rule 13.32 of the *Alberta Rules of Court*, and
- (c) Section 44.1 of the *Surrogate Rules*,

do hereby establish the following guidelines to permit a court clerk or registrar to waive, in whole or in part, certain fees payable to court officials where the applicant is an individual who is unable to pay fees:

1. The fee waiver guidelines set out herein are applicable solely to the following fees payable to court officials:

**(a) Provincial Court**

- (i) the filing fees set out in subsections 1(a) to (b) and 3(a) of the *Provincial Court Fees and Costs Regulation*;

**(b) Court of Queen's Bench**

- (i) the filing fees set out in items 1 to 3.4 of Schedule B, Division 1 of the *Alberta Rules of Court*;
- (ii) the fee to set a trial date, as set out in item 4 of Schedule B, Division 1 of the *Alberta Rules of Court*;
- (iii) the daily trial fee, as set out in item 5.1 of Schedule B, Division 1 of the *Alberta Rules of Court*;
- (iv) the fee for an appointment for a review by a review officer as set out in item 6 of Schedule B, Division 1, of the *Alberta Rules of Court*;
- (v) the filing fees set out in sections 2, 3, 5 and 5.1 of Schedule 2 of the *Surrogate Rules*;

**(c) Court of Appeal**

- (i) the filing fee for an application for permission to appeal as set out in item 30 of Schedule B, Division 6, of the *Alberta Rules of Court*;
- (ii) the filing fee for a notice of appeal as set out in item 32 of Schedule B, Division 6, of the *Alberta Rules of Court*;
- (iii) the filing fee for an application in the course of an appeal as set out in item 32.1 of Schedule B, Division 6, of the *Alberta Rules of Court*.

2. The court clerk or registrar (or designate) shall waive those fees set out in paragraph 1, where:

- (a) the applicant is an individual, and is not representing a business or estate in the action or proceeding;
- (b) there are no other parties joined with the applicant in the action or proceeding who are able to pay the fees in question;



- (c) the applicant completes an Application for Fee Waiver and Statement of Finances form set out in Schedule A, and provides copies of all documents requested by the application form; and
  - (d) the court clerk or registrar (or designate) is satisfied that the applicant's gross family income, as declared by the applicant, does not exceed the gross family income threshold set out in Schedule B.
3. A waiver of fees granted under paragraph 2 shall remain in effect for a period of 6 months from the date of granting, and shall apply to any other fees set out in paragraph 1 that might otherwise be payable by the applicant during that period.
  4. A waiver of fees granted under paragraph 2 shall not apply to any fees paid by the applicant prior to the granting of the waiver.
  5. Notwithstanding paragraph 2, where an individual is subject to an order under section 23.1(1) or (4) of the *Judicature Act* (Vexatious Proceedings) which is binding on the Court, the individual may not apply for a waiver of fees applicable to that Court in accordance with these guidelines, unless the individual has obtained leave from the Court under s. 23.1(7) of the *Judicature Act* to institute or continue the proceedings.
  6. If, after the applicant has been granted a waiver of fees under paragraph 2 above, the court clerk or registrar (or designate) determines that the information or documentation provided by the applicant in support of his or her application was incorrect or false, or that the waiver of fees was erroneously given, the court clerk or registrar (or designate) shall revoke the waiver of fees.
  7. Upon the revocation of the waiver of fees under paragraph 6:
    - (a) the court clerk or registrar (or designate) shall send written notice by regular mail to the applicant, at the address provided on the Application for Fee Waiver and Statement of Finances, that the waiver of fees has been revoked; and
    - (b) any filing fees which have been waived under paragraphs 2 or 3 become immediately payable by the applicant.
  8. If the court clerk or registrar (or designate) does not grant a waiver fees under paragraph 2, the applicant may request that the application be reviewed by the applicable supervisor or manager of the individual who considered the application. On the request of the applicant, a further review may be conducted by the Assistant Deputy Minister, Resolution and Court Administration Services, or their designate, however the decision reached following this review is final.

This authorization cancels and replaces all previous authorizations on this matter, including Ministerial Order 17/2015.

This Ministerial Order comes into force on May 1, 2015.

**Dated** at the City of Edmonton in the Province of Alberta,  
this 21 day of April, 2015.

  
\_\_\_\_\_  
Kimberly Armstrong, QC  
Deputy Minister of Justice  
and Deputy Attorney General

COURT FILE NUMBER \_\_\_\_\_

COURT  Court of Appeal of Alberta  
 Court of Queen's Bench of Alberta  
 Provincial Court of Alberta

LOCATION / JUDICIAL CENTRE \_\_\_\_\_

APPLICANT \_\_\_\_\_

DOCUMENT **Application for Fee Waiver and Statement of Finances**

CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: (Home) \_\_\_\_\_

(Work) \_\_\_\_\_

File No.: \_\_\_\_\_

**For Court use only:**

- Has a recognized legal clinic confirmed the applicant qualifies for the fee waiver?  Yes, or  No
- Is the applicant subject to a vexatious litigant order that is binding on this court?  Yes, or  No
- Is the applicant an individual and a party to the action for which they are seeking to waive fees (e.g., not on behalf of a corporation or estate)?  Yes, or  No
- Are other parties to the action with similar status to the applicant able to pay?  Yes, or  No

**Senior Judicial Clerk Review:**

\_\_\_\_\_  
 (signature)

\_\_\_\_\_  
 (printed name)

Application for Fee Waiver:  
 Granted and valid until: \_\_\_\_\_  
 (date – which is six months from date of granting)

or

Denied: \_\_\_\_\_  
 (reasons)

**Supervisor/Manager Review (if requested):**

\_\_\_\_\_  
 (signature)

\_\_\_\_\_  
 (printed name)

I confirm that the senior judicial clerk's findings as set out above are correct,

or

Application for Fee Waiver granted, and valid until: \_\_\_\_\_  
 (date – which is six months from date of granting)

\_\_\_\_\_  
 (reasons for change)

## Schedule A

The following information is needed to determine whether you are eligible for a waiver of certain fees payable to court officials. Please note that this Statement of Finances must be completed in full and proof of income provided.

**Failure to provide complete or accurate information will result in your request for waiver of filing fees being rejected.**

I, \_\_\_\_\_, declare that:

1. I am not representing a business or an estate in the action or proceeding.
2. There are no other parties joined with me in the action or proceeding who are able to pay the applicable court fees.

3. I am (*check applicable box*):

married                       living in an adult interdependent relationship  
 single                               living common law

4. The number of people in my household, including me, my spouse or adult interdependent (common law) partner, dependent children, and any other family members is: (*specify the number of persons living in the same dwelling and related by blood, marriage, common-law or adult interdependent relationship, or adoption*):

1       2       3       4       5       6       7+

5. Listed below is an accurate statement of finances for my household, which includes all income received in my household during approximately **the past three months**, from \_\_\_\_\_ to \_\_\_\_\_.

<b>Gross Income from All Sources for Three Month Period</b> <i>(Before income taxes, and other mandatory deductions)</i>	
<b>Description</b>	<b>Amount</b>
Employment	\$ _____
Workers Compensation / Disability Pension	\$ _____
Social Assistance (Support for independence)	\$ _____
Maintenance	\$ _____
Income from children (if any)	\$ _____
Rental Income	\$ _____
Investment Income	\$ _____
Other ( <i>specify</i> ): _____	\$ _____
_____	\$ _____
_____	\$ _____
Gross income of spouse / common law partner / adult interdependent partner living with me	\$ _____
<b>TOTAL GROSS INCOME</b> for Three Month Period	<b>\$ _____</b>
<b>Average Gross Monthly Family Income</b>	<b>\$ _____</b>

6. Below is additional financial information I believe is relevant:

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## Schedule A

I solemnly declare that the above information is correct. I make this solemn declaration conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath.

**WARNING: A false declaration constitutes a criminal offence and is punishable by law.**

\_\_\_\_\_  
Signature of Declarant

Declared before me at \_\_\_\_\_, Alberta,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Commissioner for Oaths in and for the  
Province of Alberta

You **must** bring proof of your household income, including the following items:

- 1. A copy of your income tax return or notice of assessment/reassessment for the most recent taxation year, or pay stubs or income statements for the last 3 months from all of your sources of income;
- 2. Copies of your spouse's / common law partner's / adult interdependent partner's pay stubs or income statements for the last 3 months from all of their sources of income;
- 3. If you are not employed, recent proof of the source and amount of your income (such as your 3 most recent Employment Insurance benefit statements; your 3 most recent Social Allowance income statements, or your 3 most recent pension benefit statements); and
- 4. Any other documents necessary to establish your financial situation.

**Note:** Please advise the clerk if you are unable to produce the applicable documents.

The Court Clerk or Registrar (or their designate) will review your request and determine if your gross family income is below the income threshold set out in the Ministerial Order establishing the guidelines for an applicant to be granted a waiver of certain fees payable to court officials

The personal information collected on this form will be used for the purpose of determining if you qualify for a waiver of court filing fees. This collection of personal information is in compliance with section 33(c) of the *Freedom of Information and Protection of Privacy Act*. If you have any questions about the collection of personal information please contact the Executive Director, Organizational Strategy and Transformation at 780 427 4992 or write to: Executive Director, Organizational Strategy and Transformation, Resolution and Court Administration, Alberta Justice and Solicitor General, 9th Floor J.E Brownlee Building, 10365 – 97th Avenue, Edmonton, AB, T5J5A6.

## Income Thresholds

Number of Persons in Family Residing in Household (including applicant)	Gross Family Income	
	\$ Monthly	\$ Annually
1	2230	26,760
2	2776	33,315
3	3413	40,957
4	4144	49,727
5	4700	56,400
6	5301	63,609
7+	5902	70,819

The term "Gross Family Income" means all monies received by the family before income taxes or deductions.

"Family" includes all persons living in the same dwelling and related by blood, marriage, common-law or adult interdependent relationship, or adoption. In the case of common-law and adult interdependent relationships, common law spouses, adult interdependent partners and their dependents are considered family. In the case of a minor, unless the young person lives independently, it is the income of the minor's parents or guardians which determines eligibility.

### Review Process

A Senior Judicial Clerk can only grant a fee waiver if the applicant qualifies to apply for a fee waiver and their Gross Family Income falls within the Income Threshold set out above. If the applicant disagrees with the Senior Judicial Clerk's findings, the applicant may ask that the findings be reviewed by a Supervisor/Manager. However, the Supervisor/Manager is governed by the same guidelines as the Senior Judicial Clerk.