

Civil Litigation Transaction Levy Surcharge for Ontario lawyers
Endorsement No. 3

PROFESSIONAL SERVICE provided by lawyer	COMMENT
1 File statement of claim	one levy surcharge applies
2 File notice of action	one levy surcharge applies
3 File application	one levy surcharge applies
4 File petition	one levy surcharge applies if file opened before Jan 1/18 no levy surcharge applies if file opened on or after Jan 1/18
5 File notice of appeal	one levy surcharge applies
6 File statement of defence	one levy surcharge applies
7 File defence to third party or subsequent part claims	one levy surcharge applies
8 File answer to petition	one levy surcharge applies if file opened before Jan 1/18 no levy surcharge applies if file opened on or after Jan 1/18
9 File response to an originating process	one levy surcharge applies
10 File notice of appearance in response to an application	one levy surcharge applies
11 More than one lawyer from the same law firm acts on behalf of the same party on the same civil litigation transaction	only one lawyer is required to pay the levy surcharge
12 More than one proceeding is commenced or responded to by the same party to a civil litigation transaction	one levy surcharge applies
13 Civil litigation involves more than one claimant, defendant, or other party, and two or more of them are represented by different lawyers in different law firms	each lawyer shall pay one levy surcharge
14 Proceedings are commenced in Small Claims Court	no levy surcharge applies
15 Proceedings are commenced pursuant to Residential Landlord and tenant matters	no levy surcharge applies
16 Proceedings are funded by Legal Aid Ontario	no levy surcharge applies
17 Proceedings are funded by the Office of the Children's Lawyer	no levy surcharge applies
18 Proceedings are funded by the Office of the Official Public Guardian and Trustee	no levy surcharge applies
19 Proceedings are funded by the Family Responsibility Office (FRO)	no levy surcharge applies
20 Children's Aid Society (CAS) or Catholic Children's Aid Society (CCAS) proceedings	if file opened before Jan 1/18 -> levy surcharge applies unless funded by Legal Aid Ontario; Office of the Children's Lawyer; Office of the Official Public Guardian and Trustee; or the Family Responsibility Office if file opened on or after Jan 1/18 -> no levy applies if it relates to a Family Law matter

21	Proceedings for divorce are commenced and are not opposed on any issue	no levy surcharge applies
22	Proceedings for adoption are commenced and are not opposed on any issue	no levy surcharge applies
23	Notice of Intent to Defend	no levy surcharge applies
24	File Petition for Divorce	levy surcharge applies if they are contested/become litigious & file opened before Jan 1/18 if file opened on or after Jan 1/18 no levy surcharge applies
25	Tax appeal	levy surcharge applies
26	Marriage contract	no levy surcharge applies
27	Filing affidavits	no levy surcharge applies
28	Federal Court matters	Federal court are subject to the levy surcharge if the proceeding Ontario, a levy surcharge applies. If a proceeding is commenced in any other province, no levy surcharge applies
29	Writing demand or opinion letters	no levy surcharge applies
30	Providing independent legal advice	no levy surcharge applies
31	Patent and Trademark applications	no levy surcharge applies if only one party is involved (ie register a patent or trademark application). Proceedings occurring in Federal court are subject to the levy surcharge if the proceeding was commenced in Ontario. Litigious proceedings involving two or more parties are subject to the levy surcharge.
32	Registering deeds to 30 shareholders when equity co-op is converting to condominiums (a trust is involved)	no levy surcharge applies
33	Applications regarding bankruptcy	no levy surcharge applies provided the application is to the court and as such only involves one party
34	Probate	if lawyer applies to courts re application for probate, if accepted, no levy surcharge applies. If application is disputed, levy surcharge would then apply
35	Lawyer commenced proceeding and then file was transferred to another firm	a levy surcharge would apply only if the new firm does anything to trigger a levy (ie commence or respond to a proceeding)
36	Lawyer filing a statement of claim in an attempt to collect a client's outstanding account	no levy surcharge applies
37	File a Notice of Application for Directions (in an estate matter)	levy surcharge applies ONLY if a person who has a financial interest in the estate, files a Notice of Objection
38	Motions	no levy surcharge applies (considered interlocutory in nature) -- exemption is Rule 15: Motions to change an order or agreement (see next item)
39	Rule 15 motion: (Motion to Change a Final Order or Agreement Application)	if file opened before Jan 1/18 -> levy surcharge applies (considered to be new proceeding) -- unless the lawyer acted on original order in which case, no levy surcharge applies if file opened on or after Jan 1/18 -> no levy applies
40	Fees Assessment Hearing	no levy surcharge applies
41	Proceedings commenced or responded to under the Family Law Rules	no levy applies
42	Applications under the Succession Law Reform Act for support for spouse, parent or child	no levy applies
43	Proceedings under the Bankruptcy and Insolvency Act to enforce spousal support, child support or equalization rights of a spouse when the property of the bankrupt vests in the trustee in bankruptcy	no levy applies