

Court Fees and Waivers in Alberta



All Alberta courts and the Residential Tenancy Dispute Resolution Service (RTDRS) will waive some fees if you qualify.

This resource provides information about the criteria, which fees can be waived, which fees cannot be waived and how to apply to get fees waived. Court fees and rules about waivers sometimes change. Contact your local courthouse or RTDRS office to confirm current fees.

Contents

Do I qualify to have fees waived?	Page 2
What fees can be waived?	Page 3
What fees cannot be waived?	Page 6
How do I apply to get fees waived?	Page 7

Do I qualify to have fees waived?

All of the following points must be true for the court clerk to consider waiving your fees:

- You must be an individual. You cannot be representing a corporation or an estate.
- There cannot be any other parties joined with you in the action or proceeding who could pay the fees.
- **Your gross family income cannot exceed the threshold set out by the Government of Alberta:**

Number of people in family* living 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

*Family includes all persons living in the same dwelling and related to you by blood, marriage, common-law or adult interdependent relationship, or adoption. Family also includes your common-law or adult interdependent partner and their dependents. For minors, use the income of your parents or guardians to determine eligibility, unless you live independently.

**Gross family income means all monies received by your family before income tax and other deductions.

- You must not be subject to a court order restricting you from engaging in court procedures, unless you have permission from the Court to start or continue the proceedings.

See How do I apply to get fees waived? on page 7 for more information on how to apply.

What fees can be waived?

You can apply to get the following fees waived if you qualify for a fee waiver:

Family Law Matters		
<i>Action</i>	<i>Court</i>	<i>Fee</i>
To start a claim under the <i>Family Law Act</i> (either a Claim – Family Law Act (FL-10) or Family Application (FL-18))	Provincial Court or Court of Queen’s Bench	\$50
To respond to a claim under the <i>Family Law Act</i> (Response – Family Law Act (FL-11))	Provincial Court or Court of Queen’s Bench	No fee
To file a Statement of Claim for Division of Family Property	Court of Queen’s Bench	\$250
To file a Statement of Claim for Divorce OR Statement of Claim for Divorce and Division of Family Property <i>*The fees includes an additional \$10 fee to register with the Central Registry of Divorce Proceedings in Ottawa.</i>	Court of Queen’s Bench	\$260*
To file a Statement of Defence (in response to a Statement of Claim for Divorce, Statement of Claim for Division of Family Property, or Statement of Claim for Divorce and Division of Family Property)	Court of Queen’s Bench	\$50
To file a Counterclaim for Divorce, Counterclaim for Division of Family Property, or Counterclaim for Divorce and Division of Family Property (to make a claim against someone who has started a claim against you) <i>*You must pay this fee and the fee to file a Statement of Defence.</i>	Court of Queen’s Bench	\$150*
To file an application in the middle of an action or proceeding	Provincial Court or Court of Queen’s Bench	\$50
To make an application under the <i>Extra-Provincial Enforcement of Custody Orders Act</i>	Provincial Court or Court of Queen’s Bench	\$50

Landlord and Tenant Matters

<i>Action</i>	<i>Court</i>	<i>Fee</i>
To file an application with the Residential Tenancies Dispute Resolution Service (RTDRS)	RTDRS	\$75
To sue your landlord or tenant for \$7,500 or less under the <i>Residential Tenancies Act</i> (a Landlord/Tenant Notice of Application plus Affidavit)	Provincial Court	\$100
To sue your landlord or tenant for more than \$7,500 and up to \$50,000 under the <i>Residential Tenancies Act</i> (a Landlord/Tenant Notice of Application plus Affidavit)	Provincial Court	\$200
To file an Affidavit in response to a Notice of Application	Provincial Court	No fee

Small Claims Court (to sue someone for \$50,000 or less)

<i>Action</i>	<i>Court</i>	<i>Fee</i>
To file a Civil Claim, suing a person or business for \$7,500 or less	Provincial Court	\$100
To file a Civil Claim, suing a person or business for more than \$7,500 and up to \$50,000	Provincial Court	\$200
To file a Dispute Note (to defend yourself, your sole proprietorship or partnership if you are being sued)	Provincial Court	\$25
To file a Dispute Note and a Counterclaim (to sue the party that is suing you) for \$7,500 or less	Provincial Court	\$75
To file a Dispute Note and a Counterclaim (to sue the party that is suing you) for more than \$7,500 and up to \$50,000	Provincial Court	\$125
To file a third party claim	Provincial Court	\$50
To file an application while you are in the course of an action or proceeding	Provincial Court	\$50

Other Civil Matters
(to sue someone for more than \$50,000)

<i>Action</i>	<i>Court</i>	<i>Fee</i>
To file a Statement of Claim OR Originating Application	Court of Queen's Bench	\$250
To file a Statement of Defence (to defend yourself if you are being sued)	Court of Queen's Bench	\$50
To file a Counterclaim <i>*You must pay this fee and the fee to file a Statement of Defence.</i>	Court of Queen's Bench	\$50*
To file a Third Party Claim	Court of Queen's Bench	\$150
To file an application while you are in the course of an action or proceeding	Court of Queen's Bench	\$50
To set a trial date	Court of Queen's Bench	\$600

Surrogate Matters (Wills, Estates and Trusteeship matters)

Note: Estates do not qualify for fee waivers.

<i>Action</i>	<i>Court</i>	<i>Fee</i>
To file an application for trusteeship	Court of Queen's Bench – Surrogate Court	\$250
To file an application while you are in the course of an action or proceeding involving an estate or trusteeship	Court of Queen's Bench – Surrogate Court	\$50
To file a Caveat	Court of Queen's Bench – Surrogate Court	\$250

Appeals

<i>Action</i>	<i>Court</i>	<i>Fee</i>
To file an application for permission to appeal	Court of Appeal	\$600
To file a notice of appeal (if permission to appeal is not required)	Court of Appeal	\$600
To file an application in the Court of Appeal	Court of Appeal	\$50

None of the fees listed above can be waived if the party to the proceeding is a corporation or an estate.

What fees cannot be waived?

You cannot apply to get the following fees waived. You must pay the listed fees if you are taking any of these actions:

Surrogate Matters (Wills, Estates and Trusteeship matters) (including grants of probate or grants of administration)		
Action	Court	Fee
Probate fees for a grant of probate, grant of administration, grant of resealed probate, etc. (to be paid when the grant is read for pick-up from the Court) *Fees are: <ul style="list-style-type: none"> • \$35 for estates worth \$10,000 or less • \$135 for estates worth more than \$10,000 but not more than \$25,000 • \$275 for estates worth more than \$25,000 but not more than \$125,000 • \$400 for estates worth more than \$125,000 but not more than \$250,000 • \$525 for estates worth more than \$250,000 	Court of Queen's Bench – Surrogate Court	Depends on net value of property in Alberta*

Court Services		
Action	Court	Fee
To search court records	All courts	\$10 per search (plus \$1 per additional page of the search results)
To view a court file	All courts	\$10 per file
To get photocopies of court documents	All courts	\$1 per page
To get certified copies* of court documents	All courts	\$10 per copy

*A certified copy of a document has a stamp on it saying it is a certified (true) copy of the original. A court official signs it. To be a certified copy, the document must have this original stamp and signature.

How do I apply to get fees waived?

1. Make sure you qualify to have your court fees waived.

(See page 2 for more information.)

2. Gather your documents. You must include copies of:

- Your most recent tax return or CRA notice of assessment for the most recent tax year OR pay stubs or other proof of income for the last 3 months for all sources of income.
- Proof of income for your spouse, common-law partner or adult interdependent partner.
- Any other documents needed to prove your financial situation. If you are not employed, you will need to provide proof of the source and amount of your income, such as your 3 most recent Employment Insurance or other benefits statements.

3. Complete and file the waiver form.

For Provincial Court, Court of Queen's Bench or Court of Appeal actions:

- Complete the Application for Fee Waiver and Statement of Finances. The form is available online: alberta.ca/waive-filing-fee.aspx.
- You must sign the Application form in front of a Commissioner for Oaths or a Notary Public. The court clerks are usually Commissioners and can commission the document for you at the courthouse.
- File your Application at the same court where you file your other court documents.
- If the court waives your fees, the waiver will remain in effect for 6 months from the date of granting. If you need to file other documents with the court during this period, you will be able to get all court fees waived other than those listed above under the heading **What fees cannot be waived?**
- For more information, visit alberta.ca/waive-filing-fee.aspx.

For Residential Tenancy Dispute Resolution Services actions:

- Complete the Request for RTDRS Fee Waiver and Statement of Finances. The form is available online: <https://www.alberta.ca/assets/documents/rtdrs-fee-waiver-form.pdf>.
- File your Request in-person or online when you file your application.
- For more information, visit rtdrs.alberta.ca.

Your waiver does not apply to fees you paid before getting a waiver.
It is important to apply for a waiver before you file any documents
and pay any fees.

Where can I get more help?

If you need help completing the waiver form or with other court documents, contact your local community or student legal clinic.

Visit www.lawcentralalberta.ca/en/help/legal-clinics-and-services for a list of locations and contact information.



© 2020

Legal Resource Centre of Alberta Ltd., Edmonton, Alberta
Operating as: Centre for Public Legal Education Alberta

www.cplea.ca

*You should **NOT** rely on this booklet for legal advice.
It provides general information on **Alberta law only.***

Funded by:

Alberta **LAW**
FOUNDATION



Department of Justice
Canada

Ministère de la Justice
Canada