

**Practice Note 2**  
**Costs in Provincial Court Civil**

**Interpretation & Application**

1 Costs recoverable by a party in Provincial Court Civil are always completely in the discretion of the Presiding Judge. The following is a guide to costs that may be awarded in Provincial Court Civil.

Any reference to the plaintiff includes reference to a plaintiff by counterclaim, and any reference to the defendant includes reference to a defendant by counterclaim.

**Application of Tariff of Recoverable Costs table**

2(1) The heading of each column of the Tariff of Recoverable Costs table sets out the dollar amount range of the claim, judgment or order, as the case may be, for the purposes of determining the costs recoverable under that column, pursuant to subsection (2), for the litigation step set out in each row of the table.

(2) Subject to subsections (3) and (4), the costs recoverable are

- (a) as against the plaintiff, under the column corresponding to the amount claimed by the plaintiff,
- (b) as against the defendant, under the column corresponding to the amount of the judgment or order against the defendant, or
- (c) in the case of an interlocutory application, as against the person liable to pay the costs, under the column corresponding to the amount claimed by the plaintiff.

(3) Unless the Court orders otherwise, subject to subsection (4),

- (a) when a remedy is given in a judgment or order other than or in addition to the payment of money, or
- (b) when judgment is entered for a defendant in an action in which a remedy other than or in addition to the payment of money is sought,

the recoverable costs are the higher of Column 1 of the Tariff of Recoverable Costs table and the scale that would have applied if the other remedy had not been given or sought.

(4) If the amount claimed or the amount of the judgment or order, as the case may be, is \$2500 or less, the amount recoverable as costs by one party from another is

- (a) in the discretion of the Court, or
- (b) on entry of a default judgment by the clerk, the amount of
  - (i) \$50 for a default judgment valued at \$1250 or less, or
  - (ii) \$100 for a default judgment valued between \$1251 and \$2500.

(5) Each litigation step set out in the Tariff of Recoverable Costs table includes the following components:

- (a) with respect to steps taken by a lawyer, taking instructions from a client;
- (b) all preparatory work related to the commencement of an action and preparatory work related to an item and the production of all records and material;
- (c) the drafting, issuing and service of any required commencement document, pleading, affidavit and related documents;
- (d) attendances;
- (e) correspondence;
- (f) all material read or written;
- (g) if an application is abandoned, all work done in connection with the abandonment;
- (h) other activity undertaken or implied in the item, including necessary or related services.

**Costs recoverable for matters outside the Tariff of Recoverable Costs table**

3 In addition to the costs that are referred to in the Tariff of Recoverable Costs table, the following expenses are recoverable as costs between the parties pursuant to Section 39 of the *Provincial Court Civil Procedure Regulation 178/2018*:

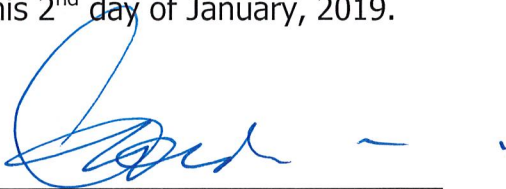
- (a) for fees paid to the clerk under section 1(a) to (d) of the *Provincial Court Fees Regulation (AR 18/91)*, the amount of the fees actually paid;
- (b) for service of a civil claim
  - (i) by a private process server, the actual cost, for all activities necessary for effecting service, including
    - (A) searches of any registry maintained by the Government of Canada, the Government of Alberta or a local authority,
    - (B) service attempts by the process server, and
    - (C) travel by private vehicle, in accordance with any directive issued by the Treasury Board respecting travel, meal and hospitality expenses, as though the private process server were an employee as defined in the Public Service Act,
  - (ii) by a method of mailing as designated in the *Provincial Court Act* or the *Provincial Court Civil Procedure Regulation*, the actual cost, and
  - (iii) by a method directed by the Court, the amount as fixed by the Court;
- (c) for the search of any registry maintained by the Government of Canada, the Government of Alberta or a local authority, the actual cost of the search;

- (d) for the preparation by an expert witness of an expert witness's report, or for the preparation by an expert witness for a trial, and for the expert witness's attendance at the trial, the amount as fixed by the Court;
- (e) for the attendance of a witness at a trial, the amount of the allowance prescribed under section 28 of the *Provincial Court Civil Procedure Regulation* actually paid or reimbursed, as the case may be, to the witness to travel to, attend at and return from the location of the trial;
- (f) for a default judgment entered under section 6 of the *Provincial Court Civil Procedure Regulation*, the amounts set out in clauses (a) to (c).

**Effective Date**

4 This Practice Note is effective as of January 1, 2019.

Dated this 2<sup>nd</sup> day of January, 2019.



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Gordon W. Sharek  
Assistant Chief Judge  
Civil Division  
Provincial Court of Alberta

## Tariff of Recoverable Costs

Litigation step	Column 1 \$2501 — \$12 500		Column 2 \$12 501 — \$25 000		Column 3 \$25 001 — \$37 500		Column 4 \$37 501 — \$50 000	
	Lawyer/ Student-at- Law	Agent/Self Represente d	Lawyer/ Student-at- Law	Agent/Self Represented	Lawyer/ Student-at- Law	Agent/Self Represented	Lawyer/ Student-at-Law	Agent/Self Represented
(1) Commencement documents, pleadings, affidavits and disclosure of documents	\$190	\$100	\$380	\$190	\$570	\$280	\$750	\$380
(2) Applications								
(a) uncontested applications, including assessments of damages (in person or desktop)	\$60	\$30	\$110	\$60	\$170	\$90	\$230	\$110
(b) contested applications	\$100	\$70	\$190	\$100	\$280	\$140	\$380	\$190
(c) special chambers applications	\$150	\$100	\$290	\$150	\$360	\$180	\$460	\$230
(3) Pre-trial conference or mediation	\$50	\$30	\$100	\$50	\$150	\$80	\$200	\$100
(4) Preparation for trial	\$380	\$190	\$750	\$380	\$1130	\$560	\$1500	\$750
(5) Trial								
(a) for each of the first two 1/2 days	\$190	\$100	\$380	\$190	\$570	\$280	\$750	\$380
(b) for each additional 1/2 day	\$140	\$70	\$280	\$140	\$420	\$210	\$550	\$280
(6) When allowed by the Court in advance, or agreed to by the parties								
(a) preparation for and attendance on questioning	\$100	\$50	\$190	\$100	\$280	\$140	\$380	\$190
(b) preparation of or responding to written questioning	\$100	\$50	\$190	\$100	\$280	\$140	\$380	\$190
(c) submission of written argument at the request of the trial judge or where allowed by the trial judge	\$190	\$100	\$380	\$190	\$560	\$280	\$750	\$380