



Le 5 avril 2018

**OBJET : Demande d'accès à l'information
N/dossier : 55783 / 2018-05**

Nous donnons suite à votre demande d'accès reçue le 23 mars 2018, dans laquelle vous demandez :

[...]

I would like to receive a copy of the documents containing information as follows:

Please state in writing **the full scope and limitations of Article 69**, including, for example:

In your cases the Legal Aid mandates under **Article 69** will pay the costs of all exhibits, reports, testimonies and services provided by any licensed professional such as a doctor, nurse, nursing assistant, dietician, pharmacist, podiatrist and physiotherapist **to a maximum of fifty thousand dollars**.

In your cases the Legal Aid mandates under **Article 69** will pay all your expenses **if your win** is insufficient to cover them.

In your cases the Legal Aid mandates under **Article 69** will pay all your expenses **if a settlement is reached** but the amount you received is insufficient to cover them.

In your cases the Legal Aid mandates under **Article 69** will not pay any of your expenses **if the matter is settled**. Importantly, **you will be required** to reimburse Legal Aid for all their incurred expenses **within** ninety days post judgement.

In your cases the Legal Aid mandates under **Article 69 only pays** the costs of photocopies served upon the court to a maximum of three pages if said copies are in black and white and **accompanied by** an Affidavit.

In your cases **whether you win, lose, or settle**, the Legal Aid mandates under **Article 69 only pays** the costs of translating exhibits and medical records and translation services provided to you during depositions and other related proceedings in any **Canadian** court.

I would also like to be reimbursed for all expenses already incurred by me personally. In writing, please tell me exactly how to proceed.

Last, please provide a statement of accounting detailing the expenses incurred by Legal Aid in these cases thus far.

Tout d'abord, vous trouverez ci-joint le libellé de l'article 69 de la *Loi sur l'aide juridique et sur la prestation de certains autres services juridiques*.

Quant à vos questions sur ce qui peut être payé en lien avec l'article 69, nous vous encourageons à discuter avec votre avocat ou avocate qui vous représente ou, à défaut, avec le bureau d'aide juridique qui a émis l'avis de refus en vertu de l'article 69.



Nous vous invitons également à consulter notre site web (www.csj.qc.ca) à l'onglet Commission / Lois et règlements / Tarif des honoraires et débours des avocats, avril 2010. En effet, ceci est le tarif négocié entre le Barreau du Québec et le ministère de la Justice et il prévoit notamment les honoraires payés si votre recours en justice est rejeté.

Conformément à la *Loi sur l'accès aux documents des organismes publics et sur la protection des renseignements personnels*, nous vous informons que vous pouvez demander la révision de cette décision à la Commission d'accès à l'information. Vous trouverez ci-joint une note explicative à cet effet.

Veillez recevoir, , l'expression de nos sentiments les meilleurs.

(Original signé)

M^e Richard La Charité
Secrétaire de la Commission et
Responsable de l'accès à l'information
et de la protection des renseignements personnels

RLC/lc

p.j.



UNOFFICIAL TRANSLATION

We are responding to your request for access received on March 23, 2018, in which you ask:

[...]

I would like to receive a copy of the documents containing information as follows:

Please state in writing **the full scope and limitations of Article 69**, including, for example:

In your cases the Legal Aid mandates under **Article 69** will pay the costs of all exhibits, reports, testimonies and services provided by any licensed professional such as a doctor, nurse, nursing assistant, dietician, pharmacist, podiatrist and physiotherapist **to a maximum of fifty thousand dollars**.

In your cases the Legal Aid mandates under **Article 69** will pay all your expenses **if your win** is insufficient to cover them.

In your cases the Legal Aid mandates under **Article 69** will pay all your expenses **if a settlement is reached** but the amount you received is insufficient to cover them.

In your cases the Legal Aid mandates under **Article 69** will not pay any of your expenses if the matter is settled. Importantly, **you will be required** to reimburse Legal Aid for all their incurred expenses **within** ninety days post judgement.

In your cases the Legal Aid mandates under **Article 69 only pays** the costs of photocopies served upon the court to a maximum of three pages if said copies are in black and white and **accompanied by** an Affidavit.

In your cases **whether you win, lose, or settle**, the Legal Aid mandates under **Article 69 only pays** the costs of translating exhibits and medical records and translation services provided to you during depositions and other related proceedings in any **Canadian** court.

I would also like to be reimbursed for all expenses already incurred by me personally. In writing, please tell me exactly how to proceed.

Last, please provide a statement of accounting detailing the expenses incurred by Legal Aid in these cases thus far.

First, you will find attached the wording of section 69 of the Legal Aid Act and the provision of certain other legal services.

As for your questions about what can be paid in relation to section 69, we encourage you to talk to your lawyer who represents you or, failing that, to the legal aid office that issued the notice of refusal under section 69.

We also invite you to consult our website (www.csj.qc.ca) at the tab Commission / Laws and regulations / Tariff of fees and disbursements of lawyers, April 2010. Indeed, this is the tariff negotiated between the Barreau du Québec and the Ministère de la Justice and, it provides, in particular the fees paid if your legal action is dismissed.

Be informed that in conformity of the *Act respecting access to documents held by public bodies and the Protection of personal information*, you may ask that our decision be revised by the Commission d'accès à l'information. To do so, you may follow the instruction written on the note joined to this letter.

Best regards,



NOTICE

Review

Section 135 of the Act respecting access to documents held by public bodies and the Protection of personal information prescribes that every person whose request has been denied, in whole or in part, by the person in charge of access to documents or of protection of personal information may apply to the Commission d'accès à l'information for a review of the decision.

The application for review must be made in writing; it may state briefly the reasons for which the decision should be reviewed.

The motive to bring up a review may concern the decision, the delay to render the decision, the modality to access a document or information.

Commission d'accès à l'information

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Fax : (514) 844-6170

The application must be made within thirty days of the date of the decision or of the time granted by this Act to the person in charge for processing a request. However, the Commission may, for any serious cause, release the applicant from a failure to observe the time limit.

69. The director general shall refuse to issue a certificate of eligibility to a person otherwise eligible when, because of the basis of his right and the amount in dispute, any advocate not employed by a centre would agree to act as counsel and make, in accordance with subsection 3 of section 126 of the Act respecting the Barreau du Québec (chapter B-1), an express agreement respecting professional fees.

However, if the applicant fails to collect an amount equivalent to what his advocate would have been paid had the applicant received legal aid, and if the director general considers it warranted by the circumstances, legal aid may be granted to him, after deducting any amount collected, retroactively from the date of the application refused under the first paragraph.

Where legal aid is granted under this section because the judgment cannot be executed, the centre is subrogated in the rights of the applicant against the adverse party for the amount of the aid granted. The claim of the centre is paid in preference to that of the applicant.

1972, c. 14, s. 69; 1982, c. 36, s. 7; 1996, c. 23, s. 33, s. 54, s. 55; I.N. 2016-01-01 (NCCP).