

A Guide to Fee Waiver Requests

November 2005

*This Guide does not provide legal advice.
It is recommended that all parties seek legal advice where possible.*

Ce guide est également disponible en français

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Court and enforcement fees help pay for court services provided to the public. Generally, you must pay a fee to start a civil or small claims court proceeding or certain types of family law cases. There are also fees for other steps, such as filing documents, scheduling a hearing and court or sheriff's fees related to enforcing a judgment or order.

If you cannot afford to pay court or enforcement fees, you may request a fee waiver. This guide explains how to make a fee waiver request. Definitions of words or phrases used in the request forms are set out at the end of this guide.

For more information on fee waiver, please contact your local court or enforcement office. A listing of court addresses can be found on the Ministry website at:

www.attorneygeneral.jus.gov.on.ca.

Please remember that court and enforcement office staff cannot complete the forms for you or give you legal advice about your case.

This guide provides a general overview of the fee waiver process. It does not provide legal advice.

Introduction to Fee Waiver

Which fees can be waived?

The fee waiver applies to most fees in civil and small claims court proceedings, and family law cases.

Some fees CANNOT be waived, including:

- transcript fees and other fees to court reporters and monitors;
- official examiners' fees;
- fees and allowances to witnesses;
- fees to mediators for civil mandatory mediation (these fees may be waived under the Mandatory Mediation Program's Access Plan);
- fees to mediators in estates, trusts and substitute decisions cases;
- fees to mediators for family mediation services;
- fees relating to criminal matters;
- disbursements to the sheriff for enforcement of orders (except for enforcement of an order made under subsection 35(3) of the *Tenant Protection Act, 1997*);
- federal Central Registry of Divorce Proceedings fee;
- fees for service of documents;
- fees for bankruptcy proceedings under the *Bankruptcy and Insolvency Act*; and
- costs ordered to be paid to another party.

Fee waiver does not apply to lawyers' fees.

Who can request a fee waiver?

To request a fee waiver, you must be a party in a case (for example, a plaintiff, applicant, defendant, appellant or respondent), or intend to be a party. Only individuals can request a fee waiver - it is not available to a business or organization.

If you have or will have:

- a litigation guardian under the *Rules of*

Civil Procedure or the *Rules of the Small Claims Court*, or

- a special party representative under the *Family Law Rules*

for the proceeding or case for which you are seeking fee waiver, your request must be completed by that person. If you do not yet have a litigation guardian or special party representative, your request must be completed by a person who intends to act as your litigation guardian/special party representative. Please note that there are specific request forms for use in these circumstances.

You cannot get a fee waiver if your court and/or enforcement fees:

- are being paid by Legal Aid Ontario; or
- are being paid by a lawyer under a contingency fee agreement.

When can I request a fee waiver?

You can request a fee waiver before your case has started, at any time after it has started, or at the enforcement stage.

How can I request a fee waiver?

You may request a fee waiver in two ways.

You may make either:

- a request to staff by completing the form called "Fee Waiver Request to Registrar, Clerk or Sheriff", or
- a request to the court, by completing the form called "Fee Waiver Request to Court".

There is no charge to request a fee waiver.

Which form should I complete?

Request to staff

You can get fees waived if you qualify for fee waiver under the financial eligibility criteria (see below, “*What are the financial eligibility criteria?*”), by completing the required form.

Complete a “Fee Waiver Request to Registrar, Clerk or Sheriff” form, if:

- you believe that you qualify under the financial eligibility criteria.

Note to litigation guardians and special party representatives: A separate form, entitled “Fee Waiver Request to Registrar, Clerk or Sheriff by a Litigation Guardian for a Person under Disability or a Person Representing a Special Party”, is available for fee waiver requests to staff completed on behalf of persons under disability/special parties.

Request to court

If you do not qualify for fee waiver under the financial eligibility criteria, and feel that your fees should be waived, you may make a request to the court by completing the required form and attaching the necessary documents. The court will review your request and decide whether you should get fee waiver even though you do not qualify under the financial eligibility criteria.

Complete a “Fee Waiver Request to Court” and attach required documents if:

- you know you do not qualify for fee waiver under the financial eligibility criteria, or
- you have submitted a “Fee Waiver Request to Registrar, Clerk or Sheriff” that has not been approved.

Note to litigation guardians and special party representatives: A separate form, entitled “Fee Waiver Request to Court by a Litigation Guardian for a Person under Disability or a Person Representing a Special Party”, is available for fee waiver requests to court completed on behalf of persons under disability/special parties.

What happens if I am eligible for fee waiver?

If you are eligible for fee waiver, you will be given a Fee Waiver Certificate. To get a fee waived, you must present the Fee Waiver Certificate to court or enforcement office staff when a fee is payable. Staff cannot waive your fees if you have not received a fee waiver certificate.

The Fee Waiver Certificate is valid to waive fees payable from the day you get it through the rest of your case, including enforcement. However, if your case is appealed, you need to request a new fee waiver from the appeal court.

What happens if I am not eligible for fee waiver?

If you are not eligible for fee waiver, you may request fee waiver again if your financial situation changes.

What are the financial eligibility criteria?

The financial eligibility criteria are:

1. Your primary source of household income is one or more of:
 - income assistance from Ontario Works;
 - income support from the Ontario

- Disability Support Program;
- *Family Benefits Act* allowance;
- Old Age Security Pension together with the Guaranteed Income Supplement;
- War Veterans Allowance; or
- Canada Pension Plan benefits.

OR

2. Your household income and assets are below the following cut-offs:

Number of people in household	Gross monthly household income
1	\$1,500
2	\$2,250
3	\$2,583
4	\$3,083
5 or more	\$3,583
Household liquid assets:	\$1,500
Household net worth:	\$6,000

Please refer to the definitions set out at the end of this guide. Note that those definitions apply to fee waiver requests and should not be referred to when completing other court documents.

Fee Waiver Requests

Step 1: Pick up the form.

Before you make your request, you should check to make sure that you are making your request at the right court or enforcement office (see “Step 3” for more information).

If you are making a request to staff you need to complete the following form:

- Fee Waiver Request to Registrar, Clerk or Sheriff

If you are making a request to the court you need to complete the following form:

- Fee Waiver Request to Court

Please note that there are separate forms for litigation guardians and special party representatives who are completing a fee waiver request on behalf of a person under disability or special party.

Fee waiver request forms are available at the court or enforcement office, or on the Ministry of the Attorney General website at:

www.attorneygeneral.jus.gov.on.ca.

Step 2: Fill in the form.

Please fill in the form carefully, include all the information asked for, and ensure that your contact information is up-to-date and complete.

Definitions of words and phrases used in the fee waiver request forms are set out at the end of this guide.

Once the form has been completed, it must be sworn or affirmed. You can get your form sworn or affirmed at the court or enforcement office. You can also have your form sworn or affirmed by a notary public or other person who is authorized to

commission documents (in which case, a fee for the service will likely be charged).

Note: It is a criminal offence to knowingly swear or affirm a false affidavit.

Need help completing a form? Go to the Sample Forms section of this guide.

Step 3: Submit the form.

A completed fee waiver request form may be submitted in person, by you or your lawyer or agent, or by mail, along with any document that you wish to file (if applicable). If you are unable to submit your request in person or by mail, you may contact the court or enforcement office to ask about other methods that may be available.

If you submit your fee waiver request by mail, the request form and any other documents submitted to be sworn or affirmed must be sworn or affirmed before the request form and documents are mailed.

If your fee waiver request relates to a court case, submit your fee waiver request form to the court office in the county, municipality or territorial division where the case was or will be started, or to which the case has been transferred.

If your fee waiver request is to enforce a court order:

- submit a request to staff form to the office of the court that made the judgment or order, or the enforcement office that will enforce the judgment/order, depending on where the fee would be paid.
- submit a request to court form to the office of the court that made the judgment/order.

If your fee waiver request is to enforce a tribunal order for an amount within the monetary jurisdiction of the Small Claims Court:

- submit a request to staff form to the enforcement office that will enforce the order.
- submit a request to court form to the office of the Small Claims Court in the county, municipality or territorial division where the tribunal order is to be enforced.

If your fee waiver request is to enforce any other tribunal order, including one that does not order the payment of money:

- submit a request to staff form to the enforcement office that will enforce the order.
- submit a request to court form to the office of the Superior Court of Justice in the county, municipality or territorial division where the tribunal order is to be enforced.

Staff must refuse your request if you are in the wrong court or enforcement office.

Sample Forms

Fee Waiver Request to Registrar, Clerk or Sheriff

To make a **request to staff**, you must complete a **Fee Waiver Request to Registrar, Clerk or Sheriff form**. Please follow the instructions below and print clearly. Please refer to the definitions at the end of this guide.

1. Fill in your **full legal name**, as it appears on your passport or other official/legal documents.

2. Fill in the **municipality**, which is the town or city where you live.

3. Fill in the **title of proceeding/name of case**. If your case has not started yet, and you do not know what the title or name will be, then write down your name, and the names of the other people (or businesses, etc.) who will be a party to the case.

4. Fill in the court **file/claim number**, if there is one. This number is assigned to the case once the court file has been opened.

5. Fill in your **mailing address** and any other contact information, which must be up-to-date. Provide a fax number and e-mail address if you have them. Be sure to include your telephone number. It is your responsibility to notify the court office in writing if your contact information changes at any time during the proceeding or case.

6. **Check** the box that indicates where your request is being made.

7. Fill in the name of the **city or town** in which the court or enforcement office is located (for example, "Hamilton").

8. **Check** the appropriate boxes if you or your witness(es) require the services of a court interpreter. A court interpreter can help you understand and participate in a court appearance if you do not understand English or French. If you qualify for a fee waiver, a court interpreter will be provided to you and/or your witness(es) for court appearances, at no cost, if required.

9. **Fee Waiver Eligibility:** If your fees are being paid by Legal Aid or by a lawyer, **check** "(a)", or, if your Legal Aid certificate does not cover your divorce court fees, **check** "(b)". If you have not checked (a) or (b), check "(c)".

(If you checked "(a)", do not complete paragraphs 10 to 14. If you checked (b) or (c), continue on to paragraph 10.)

10. If most of your household's income comes from one or more of the sources listed, **check** "Yes". If not, **check** "No".

(If you checked "Yes", do not complete paragraphs 11 to 14. If you checked "No", continue on to paragraph 11.)

FEE WAIVER REQUEST TO REGISTRAR, CLERK OR SHERIFF

NOTE: If you are or intend to be a litigation guardian for a party under disability or a person representing a special party under the *Family Law Rules*, DO NOT USE THIS FORM. Instead use form "Fee Waiver Request to Registrar, Clerk or Sheriff by a Litigation Guardian for a Person Under Disability or a Person Representing a Special Party".

(PLEASE PRINT CLEARLY)

(Please read the definitions in "A Guide to Fee Waiver Requests" before completing this form.)

- My name is (full legal name) _____
- I live in (municipality and province) _____ and I swear/affirm that the following is true:
- Title of proceeding/Name of case: _____
- Court file/Claim number (if applicable): _____
- My current mailing address, and fax number and e-mail address, if applicable, are:

My current telephone number is: () _____

- Request made at (check one):
 Court of Appeal Divisional Court Superior Court of Justice
 Family Court Small Claims Court Ontario Court of Justice
 Enforcement Office
- Court/Office location: _____
- I require a court interpreter for a language other than English or French:
 for myself
 for witness(es)
 no

Fee waiver is only available to a party, or a person who intends to become a party, in a proceeding or case.

- My court/enforcement fees are being paid by Legal Aid Ontario or by a lawyer under a contingency fee agreement:
(a) Yes
(b) Yes, but my Legal Aid certificate does not cover my divorce court fees.
(c) No

If your answer to paragraph 9 is "(a) Yes", do not complete paragraphs 10 to 14

- The **primary** source of my household income is from one or more of the following sources:
 - income assistance from Ontario Works,
 - income support from Ontario Disability Support Program,
 - Family Benefits Act allowance,
 - Old Age Security Pension together with the Guaranteed Income Supplement,
 - War Veterans Allowance, and
 - Canada Pension Plan benefits: Yes No

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Fee Waiver Request to Court

To make a **request to court**, you must complete a **Fee Waiver Request to Court form**. Please follow the instructions below and print clearly. Please refer to the definitions set out at the end of this guide.

Fee Waiver Request to Court (Cover Page)

FEE WAIVER REQUEST TO COURT	
NOTE: If you are or intend to be a litigation guardian for a party under disability or a person representing a special party under the <i>Family Law Rules</i> , DO NOT USE THIS FORM . Instead use form "Fee Waiver Request to Registrar, Clerk or Sheriff by a Litigation Guardian for a Person Under Disability or a Person Representing a Special Party".	
<i>(PLEASE PRINT CLEARLY)</i> <i>[Please read the definitions in "A Guide to Fee Waiver Requests" before completing this form.]</i>	
(a) This is a request for waiver of court and/or enforcement fees with respect to (select one): <input type="checkbox"/> a proceeding before the (specify court) _____ <input type="checkbox"/> the enforcement of an order of the (specify court or administrative tribunal) _____	
(b) Title of proceeding/Name of case: _____	
(c) Court file/Claim number (if applicable): _____	
(d) In support of this request, I, (full legal name of requestor) _____, submit the following affidavit, sworn/affirmed the _____ day of _____, 20____.	
_____ <i>(Signature of requestor)</i>	
<i>(To be completed by registrar or clerk if the requestor is eligible for fee waiver under s. 4.4(4) Administration of Justice Act, R.S.O. 1990, c. A.6)</i>	
Requestor is eligible for fee waiver under s. 4.4(4) Administration of Justice Act, R.S.O. 1990, c. A.6: <input type="checkbox"/> Yes <input type="checkbox"/> No	
_____ <i>(Date of signature)</i>	_____ <i>(Signature of registrar or clerk of the court)</i>
<i>(To be completed by the Court if the requestor is not eligible for fee waiver under s. 4.4(4) Administration of Justice Act, R.S.O. 1990, c. A.6)</i>	
This Court orders that <input type="checkbox"/> a fee waiver certificate shall be given. <input type="checkbox"/> a fee waiver certificate shall not be given.	
Reasons, if applicable: _____ _____ _____	
_____ <i>(Date of signature)</i>	_____ <i>(Signature of judge, deputy judge or case management master)</i>

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(a) Indicate whether your fee waiver request deals with a case or only the enforcement of an order, and identify the court or administrative tribunal.

(b) Fill in the title of proceeding/name of case. If your case has not started yet, and you do not know what the title or name will be, then write down your name, and the names of the other people (or businesses, etc.) who will be a party to the case.

(c) Fill in the court file/claim number, if there is one. This number is assigned to the case once the court file has been opened.

(d) Fill in your name and the date the attached affidavit form was sworn or affirmed.

Fee Waiver Request to Court (Affidavit in Support of Fee Waiver Request)

Please follow the instructions below and print clearly. Please refer to the definitions set out at the end of this guide.

1. Fill in your **full legal name**, as it appears on your passport or other official/legal documents.

2. If the fee waiver request is for fees relating to a case, write what your position is in the case (for example, are you the plaintiff? the applicant? the defendant? the respondent?)

OR If the fee waiver request is only for fees relating to enforcement of an order, write the name of the court (for example, "Superior Court of Justice") or the administrative tribunal (for example, "Ontario Rental Housing Tribunal") that made the order, and the name of the case.

3. Fill in your **mailing address** and any other contact information, which must be up-to-date. Provide a fax number and e-mail address if you have them. Be sure to include your telephone number. It is your responsibility to notify the court office in writing if your contact information changes at any time during the proceeding or case.

4. **Check** the appropriate boxes if you or your witness(es) require the services of a court interpreter. A court interpreter can help you understand and participate in a court appearance if you do not understand English or French. If you qualify for a fee waiver, a court interpreter will be provided to you and/or your witness(es) for court appearance, at no cost, if required.

Paragraphs 5 to 10 are similar to the request to staff form. They are included to determine if you qualify under the financial eligibility criteria.

5. Fee Waiver Eligibility: If your fees are being paid by Legal Aid or by a lawyer, **check** "(a)", or, if your Legal Aid certificate does not cover your divorce court fees, **check** "(b)". If you have not checked (a) or (b), **check** "(c)".

(If you checked "(a)", do not complete paragraphs 6 to 10. If you checked (b) or (c), continue on to paragraph 6.)

6. If most of your household's income comes from one or more of the sources listed, **check** "Yes". If not, **check** "No".

(If you checked "Yes", do not complete paragraphs 7 to 10. If you checked "No", continue on to paragraph 7.)

AFFIDAVIT IN SUPPORT OF FEE WAIVER REQUEST

NOTE: If you are or intend to be a litigation guardian for a party under disability or a person representing a special party under the *Family Law Rules*, DO NOT USE THIS FORM. Instead use form "Affidavit in Support of Fee Waiver Request by a Litigation Guardian for a Person Under Disability or a Person Representing a Special Party".

(PLEASE PRINT CLEARLY)

1. I, (full legal name) _____, of the (City, Town, etc.) _____, MAKE OATH AND SAY (or AFFIRM):
I make this affidavit in support of my request for waiver of court and/or enforcement fees.

2. [Select and complete one.]

I am the (appellant/respondent/plaintiff/applicant/defendant) _____ in this proceeding or case, or I intend to become a party in this proceeding or case.

OR

I am seeking enforcement of an order of the (specify court or administrative tribunal) _____ made in the proceeding or case of (title of proceeding/name of case) _____

3. My current mailing address, and fax number and e-mail address, if applicable, are:

My current telephone number is: (_____) _____

4. I require a court interpreter for a language other than English or French:
 for myself
 for witness(es)
 no
Fee waiver is only available to a party, or person who intends to become a party, in a proceeding or case.

5. My court/enforcement fees are being paid by Legal Aid Ontario or by a lawyer under a contingency fee agreement:
(a) Yes
(b) Yes, but my Legal Aid certificate does not cover my divorce court fees.
(c) No
If your answer to paragraph 5 is "(a) Yes", do not complete paragraphs 6 to 10 or the Exhibits

6. The **primary** source of my household income is from one or more of the following sources:

- income assistance from Ontario Works,
- income support from Ontario Disability Support Program,
- Family Benefits Act allowance,
- Old Age Security Pension together with the Guaranteed Income Supplement,
- War Veterans Allowance, and
- Canada Pension Plan benefits:

Yes No
If your answer to paragraph 6 is "Yes", do not complete paragraphs 7 to 10 or the Exhibits

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Fee Waiver Request to Court (Affidavit in Support of Fee Waiver Request) continued

Please follow the instructions below and print clearly. Please refer to the definitions set out at the end of this guide.

AFFIDAVIT IN SUPPORT OF FEE WAIVER REQUEST

7. The number of people in my household, including me, my spouse and dependent children is:
 1 2 3 4 5+

8. The gross monthly income of my household, from all sources, is:
 Under \$1,500 \$1,500-\$2,249 \$2,250-\$2,582
 \$2,583-\$3,082 \$3,083-\$3,582 \$3,583 or more

9. The total amount of my household's liquid assets is less than \$1,500: Yes No

10. My household's net worth is less than \$6,000: Yes No

If your answer to paragraph 5 is "(a) Yes" or your answer to paragraph 6 is "Yes", cross out paragraphs 11 and 12 and do not complete the Exhibits.

11. Attached as Exhibit "A" is a financial statement that accurately sets out my household's estimated monthly income, expenses and assets.

12. Attached as Exhibit "B" is a copy of (select one):
 the first document I filed or wish to file in this proceeding that sets out my position in the case (for example, statement of claim or application; statement of defence, answer).
OR
 the order I wish to enforce or continue enforcing.

This information is accurate to the best of my knowledge and belief, I agree to provide financial information and records, if requested, to confirm the information in this Request Form.

SWORN (OR AFFIRMED) BEFORE ME AT the (City,
Town, etc.) of _____
on (date) _____

(Signature of Requestor)

COMMISSIONER FOR TAKING AFFIDAVITS
(or as may be)

WARNING: IT IS AN OFFENCE UNDER THE CRIMINAL CODE TO KNOWINGLY SWEAR OR AFFIRM A FALSE AFFIDAVIT

NOTE: For more information on **fee waiver**, please contact your local court or enforcement office. A listing of court addresses can be found on the Ministry of the Attorney General website at: www.attorneygeneral.jus.gov.on.ca. Please remember that court and enforcement staff cannot complete the forms for you or give you legal advice about your case.

Personal information contained on this form is collected under the authority of ss. 4.3, 4.5 and 4.6 of the Administration of Justice Act, R.S.O. 1990, c. A.6. This information will be used to determine fee waiver eligibility. By signing this form, you agree to provide supporting financial documentation and records if requested to do so by the Ministry of the Attorney General, which would be used to confirm the information you provide in this form. If you have any questions regarding the collection of personal information for fee waiver requests, please contact the Manager of Administrative Services, Civil/Family Policy and Programs Branch, Ministry of the Attorney General, 720 Bay Street, 2nd floor, Toronto, ON M5G 2K1, (416) 326-1028.

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7. Check the number of people in your household.

8. Check the box that shows your gross monthly household income from all sources.

9. If the total amount of your household's liquid assets is less than \$1,500, **check "Yes"**. If not, **check "No"**.

10. If the total amount of your household's net worth is less than \$6,000, **check "Yes"**. If not, **check "No"**.

Paragraphs 11 and 12 relate to the exhibits you must submit with the Request to Court form.

(If you answered "(a) Yes" to paragraph 5 or "Yes" to paragraph 6, cross out paragraphs 11 and 12 and do not complete Exhibit "A" or Exhibit "B".)

11. This states that Exhibit "A" is attached. Exhibit "A" is the financial statement, which includes financial documents that you must submit.

12. Check the appropriate box. This states that Exhibit "B" is attached.

(If the fee waiver request is for fees relating to a proceeding or case, you must attach a copy of the first document that you filed, or that you wish to file, that sets out your position in the proceeding or case (for example, a statement of claim, an application, a statement of defence, or an answer). If the fee waiver request is only for fees for enforcement of a judgment or order, you must attach a copy of the order you wish to enforce.)

Note: In signing and submitting this form, you are agreeing to provide financial documents to prove the information you give if you are asked to do so by the Ministry of the Attorney General. This is so that the Ministry can ensure that fee waivers are being given only to those people who cannot afford to pay court and enforcement fees.

You must swear or affirm that the information you are providing in the affidavit is true to the best of your knowledge, and sign the affidavit in front of a person authorized to take oaths and affirmations (for example, a commissioner for taking affidavits).

Fee Waiver Request to Court (Exhibit "A")

Please follow the instructions below and print clearly. Please refer to the definitions set out at the end of this guide.

EXHIBIT "A"

[Please read the definitions in "A Guide to Fee Waiver Requests" before completing this form.]

Exhibit "A" to the affidavit of _____, sworn/affirmed this _____ day of _____, 20_____.

COMMISSIONER FOR TAKING AFFIDAVITS
 (or as may be)

FINANCIAL STATEMENT

1. HOUSEHOLD
 Besides myself, the following individuals make up my household:

Name of individual	Relationship	Age

2. ESTIMATED NET MONTHLY HOUSEHOLD INCOME
[Attach copies of documents proving your income – for example, most recent pay stubs, income tax returns and T-4 slips, benefit statements.]
 Estimated net monthly household income from all sources (i.e., the income remaining after non-voluntary deductions such as income tax and union dues):

Employment	\$
Pension	\$
Dividends	\$
Interest	\$
Support received (child and spousal)	\$
Other <i>(please specify)</i>	
TOTAL (Estimated net monthly household income)	\$

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1. Household: List the people who are in your household.

2. Estimated Net Monthly Household Income: Set out your monthly income after taxes and other non-voluntary deductions.

You must attach copies of documents supporting the information you give (for example, most recent pay stubs, income tax returns and T-4 slips, benefit statements).

Fee Waiver Request to Court (Exhibit “A”) continued

Please follow the instructions below and print clearly. Please refer to the definitions set out at the end of this guide.

3. ESTIMATED MONTHLY HOUSEHOLD EXPENSES

[Attach copies of receipts for the following:]

Monthly expenses related to housing (e.g., rent, mortgage payments)	\$
Monthly expenses related to transportation (e.g., train passes, automotive maintenance)	\$
Monthly expenses related to household (e.g., utilities, maintenance)	\$
Monthly expenses related to medical and dental	\$
Other personal monthly expenses (e.g., food, clothing)	\$
Other monthly expenses, not included in above, related to dependant children <i>(please specify)</i>	
Monthly debt payments <i>(please specify)</i>	
TOTAL (Estimated monthly household expenses)	\$

4. HOUSEHOLD ASSETS

[Specify all assets, including liquid assets (e.g., bank accounts, RRSPs) and non-liquid assets (an asset that cannot readily be converted to cash, e.g., real property) and set out their estimated value.]

Asset	Value
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$

3. Estimated Monthly Household

Expenses: List your estimated monthly household expenses.

You must attach copies of documents supporting the information you give (for example, receipts).

4. Household Assets: List all of your household assets and their estimated value (for example, houses, cars, bank accounts, household furnishings, and RRSPs).

Fee Waiver Request to Court (Exhibit “B”)

Please follow the instructions below and print clearly. Please refer to the definitions set out at the end of this guide.

EXHIBIT “B”

Exhibit “B” to the affidavit of
_____, sworn/affirmed this
_____ day of _____, 20 _____.

COMMISSIONER FOR TAKING AFFIDAVITS
(or as may be)

[Attach either a copy of the first document you filed or wish to file in this proceeding that sets out your position in the case (for example, statement of claim or application; statement of defence, answer), or a copy of the order you wish to enforce or continue enforcing, as appropriate.]

SAMPLE

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If the fee waiver request is for fees relating to a proceeding or case, you must attach a copy of the first document that you filed, or that you wish to file, that sets out your position in the proceeding or case (for example, a statement of claim, an application, a statement of defence, or an answer).

If the fee waiver request is only for fees for enforcement of an order, you must attach a copy of the judgment or order you wish to enforce.

Definitions

Note that these definitions apply to fee waiver requests and should not be referred to when completing other court documents.

“dependent child” means:

- a) a minor or a child enrolled in a full time program of education, and
- b) if 16 years old or older, is still under parental control.

For the purpose of fee waiver, a child includes a person whom you treat or intend to treat as a child of the family, unless your household is the child’s foster home.

“gross monthly household income” means the amount, before taxes and other non-voluntary deductions such as union dues, of all regular payments of any kind that the members of your household receive in a typical month.

For example:

- employment income
- social assistance and disability benefits
- pensions
- employment insurance benefits
- support received
- rental income
- investment income
- income from a business

“household” means you, plus your spouse and any dependent children (if applicable).

“household liquid assets” means all money and assets that can easily be converted to money that are owned by the members of your household.

For example:

- stocks, bonds and debentures
- RRSPs that are not locked in
- Guaranteed Investment Certificates

- mutual funds

Liquid assets do not include:

- vehicles
- household items and furnishings
- tools or equipment necessary for employment
- real property

“household net worth” means the value of all assets owned by the members of your household, less the amount of all their debts and other financial liabilities.

“spouse” includes same-sex and opposite-sex relationships and means:

- a) a person to whom you are married; or
- b) a person to whom you are not married, but with whom you have lived in a conjugal relationship:
 - continuously for three years or more; or
 - in a relationship of some permanence, if you and the person are the natural or adoptive parents of a child.

A person is not your spouse for the purpose of the fee waiver request if the two of you are living separate and apart as a result of the breakdown of your relationship.

“requestor” is you, the person seeking waiver of your court fees. **Note to litigation guardians and special party representatives:** The requestor is the person on whose behalf you are completing a fee waiver request.

Exact wording of the definitions may be found in the Fee Waiver Regulation, under the *Administration of Justice Act*, R.S.O. 1990, c. A.6, which may be viewed electronically at the Government’s e-Laws website (www.e-laws.gov.on.ca).