



## **PLEASE NOTE**

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the [Royal Gazette](#) should be consulted to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the [Table of Regulations](#).

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office  
Tel: (902) 368-4291  
Email: [legislation@gov.pe.ca](mailto:legislation@gov.pe.ca)

## CHAPTER S-4.1

### SHERIFFS ACT

#### FEES REGULATIONS

Pursuant to section 11 of the *Sheriffs Act* R.S.P.E.I. 1988, Cap. S-4.1, and after consultation with the Rules Committee, Council made the following regulations:

1. The fees set out in the Schedule are prescribed in respect of services performed by a sheriff.

#### SCHEDULE

1.	Service including affidavit on one party of any originating process, petition, notice, subpoena or any document or pleading, exclusive of mileage but when more than one document served at the same time, it shall be considered as one service.	\$35.00 to 60.00 as determined by the sheriff based on time spent on service
2.	Where there is more than one defendant, for each defendant over one an additional service charge of	20.00
3.	In all cases where documents of any type or description are returned without being served or executed because the defendant cannot be found or because the document is recalled by the solicitor for the plaintiff, or for any other reason, a service charge of	25.00
4.	On receiving or filing execution orders or writs of <i>feri facias</i>	50.00
5.	Where execution is returned "not satisfied" after demand has been made and no chattels on which to levy, service charge of	25.00
6.	Attachment order, service charge of In all cases where attachment has been made and chattels released without sale the fee shall be 10% of the first \$1,000 of the amount claimed; 5% of the remainder, not in any case exceeding in all \$500.	35.00
7.	On a recovery order or any direct order of the Court including filing of bond by the plaintiff service charge of plus \$40 per person per hour.	50.00
8.	For removing defendant and delivering possession in lieu of commission	50.00
9.	For taking and filing bond of defendant, either in cash or sureties and depositing with Clerk of the Court or Prothonotary	50.00
10.	Commission on sale of personal property under execution as follows: 20% of the first \$1,000 realized; 10% of the remainder, not in any case exceeding in all \$1,000.	

### SCHEDULE

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| 11. | When after demand is made and payment is made to the sheriff or settlement is made with the solicitor for the plaintiff or his agent, the commission to be charged is: 10% of the first \$1,000 realized, including the total amount of any settlement; 5% of the remainder, not in any case exceeding in all \$1,000.   |                |
| 12. | If demand has been made or demand and levy has been made and the plaintiff or his solicitor accepts payment the execution shall be immediately returned and the fee charged as follows: 10% of the first \$1,000 based on the full amount of execution; 5% of the remainder, not in any case exceeding in all \$1,000.   |                |
| 13. | In all cases where, after a levy has been made by the sheriff or his deputy, further action is stopped on the execution debtor because of an individual making an assignment or a corporation going into liquidation, or the solicitor for the plaintiff, the plaintiff or his agent arranging settlement direct with the defendant, or otherwise, the sheriff shall cause the property to be appraised by two sworn appraisers at the actual cash value being the amount which in the opinion of the appraisers the property would realize if offered at public auction after reasonable notice, but in no case to be more than the amount claimed by the plaintiff, together with his costs as assessed. |                |
| 14. | (1) On sale of land under a partition action, execution, foreclosure or other equitable suit, service charge of and a commission of 5% on the amount claimed or realized whichever is the greater to a maximum of \$1,000.<br>(2) Where the sale is abandoned after being advertised or posted on the sheriff's bulletin board the fee shall be 2.5% of the amount claimed or realized whichever is the greater to a maximum of \$1,000.   | 50.00          |
| 15. | For making inventory and appraising goods or estate attached -<br>minimum charge of<br>and for every hour, each hour   | 50.00<br>40.00 |
| 16. | For making and certifying every copy of attachment levied on land and delivering to registry of deeds including inventory and appraisalment  | 25.00          |
| 17. | There shall be added to the fees on all notices and other processes the cost of travel at the approved government rates in effect at the time with a minimum of \$5 and where there is more than one defendant actual travel may be charged.   |                |
| 18. | The sheriff shall be entitled to charge for all expenses incurred in processing each writ or other process including towing, insurance on chattels, storage, assistants required in the course of taking inventory or possession of chattels or other unforeseen expenses, such as incurred.   |                |
| 19. | For every sheriff's deed or bill of sale   | 100.00         |
| 20. | For search of liens, chattel mortgages, conditional sales, etc., when requested by party or attorney<br>minimum charge   | 25.00          |

**SCHEDULE**

	for every hour, each hour	40.00
21.	For conducting a formal examination of a judgment debtor under oath and providing a written report,	
	minimum charge	50.00
	each hour, plus expenses	40.00
22.	On receiving instructions for the sale of land under any power of sale in any document or at the request of the court, lawyer or any member of the public or business	
	minimum charge of	200.00
23.	On the seizure or sale of personal property under any power of sale in any document or at the request of the court, lawyer, any member of the public or business	
	service charge of	50.00
	plus \$40 per person per hour or part thereof.	

(EC303/93)