

**GUIDELINES
FOR REIMBURSEMENT OF LEGAL FEES AND DISBURSEMENTS
PUBLIC INQUIRY INTO THE SAFETY AND SECURITY OF RESIDENTS IN THE LONG-TERM CARE HOMES
SYSTEM**

AS AT NOVEMBER 21, 2017

The Ministry of the Attorney General has advised the Commission that, pursuant to paragraph 13 of Order-in-Council 1549/2017 dated July 26, 2017, the rate for the reimbursement of legal fees and disbursements to those participants who have been granted funding will be consistent with the amount paid by the Ministry for retention of private sector counsel. Those rates are set out below:

Hourly Rates for Retention of Private Sector Lawyers

Hourly Fee Schedule

Lawyer Category	Hourly Rate	Corresponding Years of Experience
Junior counsel	\$132	up to 7 years experience
Intermediate counsel	\$160	8-9 years experience
Senior counsel	\$192 (Maximum)	10+ years' experience
Articling Students	\$45 to \$55	
Law Students	\$30 to \$45	
Law Clerks/Paralegals	\$30 to \$55	

HST is payable on legal fees claimed by external counsel (aka vendors). Vendors are also entitled to reimbursement of HST included in disbursements paid to third parties. Note that it is the responsibility of vendors to confirm with Canada Revenue Agency if they should be charging HST for their service or not.

The legal fees and disbursements eligible for reimbursement are those which relate to reasonable preparation for, and representation at, those portions of the inquiry for which participation rights have been accorded to the client, subject to the Commissioner's recommendations. Legal fees and disbursements eligible for reimbursement also include attendance at meetings requested by the Commission, the production of documents in the possession or control of legal counsels' client and the provision of other information requested by the Commission. It will not include funding related to the investigative activities of other agencies or to the investigative activities of the Commission except for preparation and attendance at interviews by Commission counsel or staff. Only legal fees and related disbursements accumulated after the signing of Order-in-Council 1549/2017 dated July 26, 2017 will be eligible for reimbursement.

A lawyer accepting compensation in accordance with these Guidelines shall not bill the client, or apply to any third party, for any additional funding for the services in question.

Funding will be in accordance with the Commissioner's specific recommendation in respect of the number and seniority of the funded counsel permitted to each participant as well as the number of counsel attendance fees.

Billings for services rendered are limited to a maximum of 10 hours per day for each funded client. Where the Commission has authorized and it is necessary for two counsel to attend on hearing days, the total hours per day is extended to 20.

There is authority for the Independent Assessment Officer, in rare circumstances, to exercise discretion to exceed the otherwise applicable maximum hours per day. In the event that a billing lawyer seeks the exercise of discretion in respect of daily hours billed, or to address additional work required from time to time to deal with extraordinary circumstances, it is necessary for the billing lawyer to describe in detail in the docketed description of the item claimed the reason for the request for the exercise of discretion and/or additional work performed. Such detail can be augmented in the billing lawyer's cover letter accompanying the account. Where the Commission has approved participant funding for two or more counsel, should more than one counsel participate in the preparation, there shall be no duplication of services provided. It is understood that some work overlap may result from reasonable substitution among counsel as contemplated in the Commissioner's funding recommendations.

Reasonable claims for travel time and disbursements, (not including meals and office overhead expenses) supported by receipts or invoices, may be claimed. Photocopying may be claimed at 10¢ per page. The allowable rate per kilometre for personal use of your own vehicle must be consistent with the Ontario government's Management Board directive on Travel, Meal and Hospitality Directive, an excerpt of which is attached.

Under Section 8 of the Travel Directive – January 1, 2017 consultants and other contractors will not be reimbursed for any hospitality, incidental or food expenses, including:

- Meals, snacks and beverages
- Gratuities
- Laundry or dry cleaning
- Valet services
- Dependant care
- Home management
- Personal telephone calls

The reimbursement of eligible legal fees and disbursements will be made on an *ex gratia* basis only, with no right of challenge or appeal.

Each account submitted for assessment must bear the billing lawyer's certification that all services performed and disbursements claimed were incurred for the purposes of the Inquiry and that there has been no duplication of services for which payment is claimed.

All accounts for legal fees and disbursements will be referred to an Independent Assessment Officer who will assess the accounts on the basis of these Guidelines. Once approved, accounts will be forwarded to the Ministry of the Attorney General for payment.

Accounts may be rendered as often as counsel wishes in such format as may be required by the Independent Assessment Officer. Accounts must be rendered on no less than a quarterly basis and 60 days before the conclusion of each fiscal year ending March 31.

Acceptance of provincial government funding carries with it important responsibilities for transparency and accountability in the use of public funds. No privilege or confidentiality applies to information on any funding provided to a participant by the Government of Ontario, including the existence of any funding and its nature, rate and amount.

KILOMETRE REIMBURSEMENT RATES FOR PERSONAL VEHICLE USE

Effective January 1, 2017 the reimbursement rates for a personal vehicle used on government business travel are as follows:

Kilometres Driven	Southern Ontario (cents per km)	Northern Ontario (cents per km)
0 – 4,000 km	\$0.4000	\$0.4100
4,001 – 10,700 km	\$0.3500	\$0.3600
10,701 – 24,000 km	\$0.2900	\$0.3000
More than 24,000 km	\$0.2400	\$0.2500

NOTE:

The highways and roads named below are to be included in southern Ontario. The boundary between northern and southern Ontario for the purposes of kilometre reimbursement is as follows:

- Healey Lake (Municipal) Road from Healey Lake easterly to its junction with Highway 612;
- Highway 612 southerly to its junction with Highway 69;
- Highway 69 easterly to its junction with Highway 169;
- Highway 169 easterly to its junction with Highway 118;
- Highway 118 through Bracebridge to its junction with Highway 11;
- Highway 11 northerly to its junction with Highway 60 at Huntsville; and
- Highway 60 easterly to its junction with County Road 58 at Killaloe Station; and County Road 58 to Pembroke

Kilometres are accumulated from April 1 of each fiscal year. Travellers are strongly encouraged to rent cars for business travel instead of using their own vehicle when the total distance to be driven in one day will exceed 200 kilometres. Payment of gasoline expense is only recoverable when a car is rented. Reimbursement is provided for necessary and reasonable expenditures on parking, as well as tolls for bridges, ferries and highways, when driving on government business.

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