

1983

## c 21 Solicitors Amendment Act, 1983

Ontario

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## CHAPTER 21

**An Act to amend the Solicitors Act***Assented to May 26th, 1983*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. Section 35 of the *Solicitors Act*, being chapter 478 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:** s. 35,  
re-enacted

**35.—(1)** A solicitor may charge interest on unpaid fees, charges or disbursements, calculated from a date that is one month after the bill is delivered under section 2. Interest  
on unpaid  
accounts

(2) Where, on a taxation of a solicitor's bill of fees, charges and disbursements, it appears that the client has overpaid the solicitor, the client is entitled to interest on the overpayment calculated from the date when the overpayment was made. Interest on  
overpayment  
of accounts

(3) The rate of interest chargeable under subsection (1) or (2) shall not exceed the rate that is established by section 36 of the *Judicature Act* in respect of an action that is commenced on the day the bill is delivered, or the overpayment is made, as the case may be. Rate of  
interest  
R.S.O. 1980,  
c. 223

(4) The rate of interest applicable to a bill shall be shown on the bill delivered. Idem

(5) On the taxation of a solicitor's bill, the taxing officer may, where he considers it to be just to do so in all the circumstances, Variation  
of rate on  
taxation

(a) disallow interest; or

(b) fix a rate of interest that is less than the maximum rate authorized by this section,

in respect of the whole or any part of the amount allowed on the taxation.

Application  
to accounts  
before  
section  
comes into  
force  
1983, c. 21

(6) This section applies to money owing on a bill or in respect of the overpayment of a bill, notwithstanding that the debt was incurred before section 1 of the *Solicitors Amendment Act, 1983* came into force, but in that case,

- (a) the bill must be delivered or redelivered after that date and the date of such delivery is the date of delivery for the purposes of subsections (1) and (3); and
- (b) the interest on an overpayment shall be calculated from that date.

Commence-  
ment

**2. This Act comes into force on the day it receives Royal Assent.**

Short title

**3. The short title of this Act is the *Solicitors Amendment Act, 1983*.**