

Order 2020-4303 of the Chief Justice of Québec and the Minister of Justice dated
31 August 2020

Code of Civil Procedure
(chapter C-25.01)

Lifting of the suspension of prescription and
procedural periods and extension of certain
procedural periods in civil matters owing to the public
health emergency declared on 13 March 2020

---ooo0ooo---

THE CHIEF JUSTICE OF QUÉBEC AND THE MINISTER OF JUSTICE, JOINTLY,

CONSIDERING the first paragraph of article 27 of the Code of Civil Procedure (chapter C-25.01), which provides in particular that, in a state of emergency declared by the Government, the Chief Justice of Québec and the Minister of Justice may jointly suspend or extend a prescription or procedural period;

CONSIDERING the second paragraph of article 27 of the Code of Civil Procedure, which provides that their decision takes effect immediately;

CONSIDERING section 85 of the Youth Protection Act (chapter P-34.1), which provides that the provisions of Book I of the Code of Civil Procedure apply to applications made under Chapter V of that Act;

CONSIDERING Order in Council 177-2020 dated 13 March 2020 by which the Government declared a public health emergency;

CONSIDERING that the public health emergency was renewed until 29 March 2020 by Order in Council 222-2020 dated 20 March 2020, until 7 April 2020 by Order in Council 388-2020 dated 29 March 2020, until 16 April 2020 by Order in Council 418-2020 dated 7 April 2020, until 24 April 2020 by Order in Council 460-2020 dated 15 April 2020, until 29 April 2020 by Order in Council 478-2020 dated 22 April 2020, until 6 May 2020 by Order in Council 483-2020 dated 29 April 2020, until 13 May 2020 by Order in Council 501-2020 dated 6 May 2020, until 20 May 2020 by Order in Council 509-2020 dated 13 May 2020, until 27 May 2020 by Order in Council 531-2020 dated 20 May 2020, until 3 June 2020 by Order in Council 544-2020 dated 27 May 2020, until 10 June 2020 by Order in Council 572-2020 dated 3 June 2020, until 17 June 2020 by Order in Council 593-2020 dated 10 June 2020, until 23 June 2020 by Order in Council 630-2020 dated 17 June 2020, until 30 June 2020 by Order in Council 667-2020 dated 23 June 2020, until 8 July 2020 by Order in Council 690-2020 dated 30 June 2020, until 15 July 2020 by Order in Council 717-2020 dated 8 July 2020, until 22 July 2020 by Order in Council 807-2020 dated 15 July 2020, until 29 July 2020 by Order in Council 811-2020 dated 22 July 2020, until 5 August 2020 by Order in Council 814-2020 dated 29 July 2020, until 12 August 2020 by Order in Council 815-2020 dated 5 August 2020, until 19 August 2020 by Order in Council 818-2020 dated 12 August 2020, until 26 August 2020 by Order in Council 845-2020 dated 19 August 2020 and until 2 September 2020 by Order in Council 895-2020 dated 26 August 2020;

CONSIDERING Ministerial Order 2020-4251 of the Chief Justice of Québec and the Minister of Justice dated 15 March 2020, which provides in particular that the extinctive prescription and terms for forfeiture in civil matters are suspended until the expiry of the period of the declaration of public health emergency provided for in Order in Council 177-2020 dated 13 March 2020, procedural periods in civil matters are suspended during that period, with the exception of cases deemed urgent by the courts, and if the public health emergency provided for in that Order in Council is renewed, the measures are renewed for an equivalent period;

CONSIDERING Ministerial Order 2020-4282 of the Chief Justice of Québec and the Minister of Justice dated 6 July 2020, which provides for the lifting of the suspension of time limits for prescription, forfeiture and civil proceedings related to repossession of a dwelling, eviction of a tenant of a dwelling or expulsion

of a tenant or occupant of a dwelling on 6 July 2020 or, in certain circumstances, on 20 July 2020;

CONSIDERING that it is appropriate to lift, on 1 September 2020, the suspension of the periods suspended by Ministerial Order 2020-4251 dated 15 March 2020 so that they may begin to run again from that date;

CONSIDERING that the suspension of certain periods has already been lifted by Ministerial Order 2020-4282 dated 6 July 2020;

CONSIDERING that it is appropriate to extend certain procedural periods in civil matters;

ORDER AS FOLLOWS:

THAT the first two paragraphs of the operative part of Ministerial Order 2020-4251 of the Chief Justice of Québec and the Minister of Justice dated 15 March 2020 cease to have effect;

THAT the third paragraph of the operative part of that Ministerial Order be amended by replacing "During that period" by "Until the expiry of the period of the declaration of public health emergency provided for in Order in Council 177-2020 dated 13 March 2020";

THAT the time limits provided for in the second paragraph of article 149 of the Code of Civil Procedure for filing a case protocol with the court office in matters where the originating application was filed with the court office before 1 September 2020 be extended by 45 days;

THAT the time limits provided for in case protocols filed with the court office before 1 September 2020 be extended by 45 days, unless the parties agree otherwise in accordance with the second paragraph of article 150 of the Code of Civil Procedure;

THAT the time limits provided for in article 173 of the Code of Civil Procedure to have a case ready and file a request with the court office to have the

case set down for trial and judgment in matters where the originating application was filed with the court office before 1 September 2020 be extended by 45 days;

THAT the third, fourth and fifth paragraphs of the operative part do not apply where the court decides otherwise or where the parties failed before 15 March 2020 to comply with the times limits referred to therein;

THAT this Order take effect on 1 September 2020.

Montréal, 31 August 2020

A handwritten signature in black ink, appearing to read 'Manon Savard', written in a cursive style.

MANON SAVARD
Chief Justice of Québec

A handwritten signature in black ink, appearing to read 'Simon Jolin-Barrette', written in a cursive style.

SIMON JOLIN-BARRETTE
Minister of Justice