



Quebec Court of Appeal

THE HONOURABLE NICOLE DUVAL HESLER
CHIEF JUSTICE OF QUEBEC

PRESS RELEASE

FOR IMMEDIATE RELEASE

REFERENCE TO THE COURT OF APPEAL OF QUEBEC PERTAINING TO THE CONSTITUTIONAL VALIDITY OF THE PROVISIONS OF ARTICLE 35 OF THE CODE OF CIVIL PROCEDURE WHICH SET AT LESS THAN \$85,000 THE EXCLUSIVE MONETARY JURISDICTION OF THE COURT OF QUÉBEC AND TO THE APPELATE JURISDICTION ASSIGNED TO THE COURT OF QUÉBEC

Montreal, October 10, 2017 – By Order in Council of the Government of Quebec bearing number 880-2017, the following constitutional questions are referred to the Court of Appeal for hearing and consideration:

- 1. Are the provisions of the first paragraph of article 35 of the Code of Civil Procedure (chapter C-25.01), setting at less than \$85,000 the limit to the exclusive monetary jurisdiction of the Court of Québec, valid with regard to section 96 of the Constitution Act, 1867, given the jurisdiction of Québec over the administration of justice under paragraph 14 of section 92 of the Constitution Act, 1867?**
- 2. Is it compatible with section 96 of the Constitution Act, 1867, to apply the obligation of judicial deference, which characterizes the application for judicial review, to the appeals to the Court of Québec provided for in sections 147 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), 115.16 of the Act respecting the Autorité des marchés financiers (chapter A-33.2), 100 of the Real Estate Brokerage Act (chapter C-73.2), 379 of the Act respecting the distribution of financial products and services (chapter D-9.2), 159 of the Act respecting administrative justice (chapter J-3), 240 and 241 of the Police Act (chapter P-13.1), 91 of the Act respecting the Régie du logement (chapter R-8.1) and 61 of the Act respecting the protection of personal Information in the private sector (chapter P-39.1)?**

This Order in Council was filed with the Office of the Court of Appeal for the District of Montreal under docket No. 500-09-027083-179 on October 5, 2017.

Pursuant to Section 4 of the *Court of Appeal Reference Act*, all Attorneys General have until **November 10, 2017**, to file a written appearance with the Office of the Court of Appeal.

Any other intervention must be effected by a written request to the Chief and filed with the Office of the Court of Appeal by no later than **November 10, 2017**.

Subsequently, the Chief Justice will hold a case management conference to determine, if necessary, the conditions of intervention in this matter and to prepare a timetable for the conduct of the case.

Nicole Duval Hesler
Chief Justice of Quebec

Source: Office of the Honourable Nicole Duval Hesler, Chief Justice of Quebec
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