



COURT OF APPEAL OF QUEBEC

CHECKLISTS – APPLICATIONS AND BOOKS OF AUTHORITIES

The clerk or a deputy clerk can refuse the filing of any pleading that does not comply with the applicable rules.

Furthermore, an incomplete or irregular application may be removed from the roll without further notice and postponed to a later date by the clerk or struck from the roll by a judge (s. 64 of the *Civil Practice Regulation (Court of Appeal)* (hereinafter “C.P.R.”), s. 52 of the *Rules of the Court of Appeal of Quebec in Criminal Matters* (hereinafter “R.C.A.Q.C.M.”) and s. 50 of the *Regulation of the Court of Appeal of Quebec in Penal Matters* (hereinafter “R.C.A.Q.P.M.”). References to the relevant provisions and practice directions appear at the end of this document.

In order to avoid any delay or other inconvenience that would result from the refusal or postponement of an application, you can use the following checklists to verify whether your application complies with the governing rules before filing it with the office of the Court.

These checklists, however, do not exempt you from reading the applicable legislation, nor do they guarantee that your application will be accepted by the Court office or placed on the roll on the chosen date.

1. Applications to a Judge Alone

Formatting rules

- Max. 10 pages – excluding the designation of the parties and the conclusions sought¹
- Documents attached to the application separated by tabs²
- List of schedules referring to the relevant tabs³
- Documents (application and schedules) stapled or bound⁴
- Font 12, line spacing 1.5 (except quotations), margins 2.5 cm⁵
- Heading on first page of pleading (within a box if necessary)⁶
- 2 copies⁷
 - Specific cases:
 - Leave to appeal – civil matter: 2 copies of application AND notice of appeal⁸
 - Leave to appeal – criminal or penal matter: 4 copies⁹
 - Leave to appeal – criminal or penal matter – appellant not represented by counsel: 5 copies¹⁰

Documents to be attached

- Affidavit¹¹
- Proof of notification to the other parties or their counsel
- Documents required for the adjudication of the application:¹²
 - The notice of appeal
 - The judgment under appeal or the judgment that is the object of the application for leave to appeal (reasons or transcript of reasons delivered orally)
 - The judgments of other lower decision-makers or courts, if any (e.g.: the judgment or decision subject to the application for judicial review decided by the judgment under appeal)
 - Pleadings filed at trial that are necessary for the adjudication of the application
 - All other relevant documents
- Notice of presentation¹³ (date, courtroom: RC.18 (Mtl), 4.30 (Qc), time: 9:30 a.m. (clerk: 9:00 a.m.))

Time limits

- Filed 2 working days before its date of presentation¹⁴

Technological version (strongly recommended)

- USB key¹⁵
- Identified in the same manner as a pleading¹⁶
- Allows keyword searches¹⁷

Other

- An applicant who is not the appellant must have filed a representation statement or a non-representation statement¹⁸

2. Applications to the Court

Formatting rules

- Max. 10 pages – excluding the designation of the parties and the conclusions sought¹⁹
- Documents attached to the application separated by tabs²⁰
- List of schedules referring to the relevant tabs²¹
- Documents (application and schedules) stapled or bound²²
- Font 12, line spacing 1.5 (except quotations), margins 2.5 cm²³
- Heading on first page of pleading (within a box if necessary)²⁴
- 4 copies²⁵

Documents to be attached

- Affidavit²⁶
- Proof of notification to the other parties or their counsel who have filed a representation statement
- Documents required for the adjudication of the application:²⁷
 - The notice of appeal
 - The judgment under appeal or the judgment that is the object of the application for leave to appeal (reasons or transcript of reasons delivered orally)
 - The judgments of other lower decision-makers or courts, if any (e.g.: the judgment or decision subject to the application for judicial review decided by the judgment under appeal)
 - Pleadings filed at trial that are necessary for the adjudication of the application
 - All other relevant documents
- Notice of presentation (date, courtroom: Pierre-Basile-Mignault (Mtl), 4.33 (Qc), time: 9:30 a.m.)
- Date reserved in advance²⁸

Time limits

- Application to dismiss the appeal: filed within 20 days after service of the notice of appeal AND 30 days before its date of presentation²⁹
- Other application: filed 5 working days before its date of presentation³⁰

Technological version (strongly recommended)

- USB key³¹
- Identified in the same manner as a pleading³²
- Allows keyword searches³³

Other

- An applicant who is not the appellant must have filed a representation statement or a non-representation statement³⁴

3. Books of Authorities

Formatting rules

- 1 copy for a judge alone, 4 for an application to the Court or an appeal³⁵
- With tabs³⁶
- Relevant extracts must be identified³⁷

Time limits

- As soon as possible before the hearing of an application³⁸
- 30 days before the hearing of an appeal³⁹

Technological version (strongly recommended)

- USB key⁴⁰
- Identified in the same manner as a pleading⁴¹
- Allows keyword searches⁴²

¹ Section 59 *C.P.R.*, s. 47 *R.C.A.Q.C.M.*, s. 45 *R.C.A.Q.P.M.*

² Practice Direction G-6.

³ *Ibid.*

⁴ *Ibid.*

⁵ Section 21 para. 2 *C.P.R.*, s. 18 para. 2 *R.C.A.Q.C.M.*, s. 17 para. 2 *R.C.A.Q.P.M.*

⁶ Section 23 *C.P.R.*, s. 20 *R.C.A.Q.C.M.*, s. 19 *R.C.A.Q.P.M.*

⁷ Section 59 *C.P.R.*, s. 47 *R.C.A.Q.C.M.*, s. 45 *R.C.A.Q.P.M.*

⁸ Section 28 para. 2 *C.P.R.*

⁹ Section 25 *R.C.A.Q.C.M.*, s. 25 *R.C.A.Q.P.M.*

¹⁰ Section 25 *R.C.A.Q.C.M.*, s. 25 *R.C.A.Q.P.M.*

¹¹ Section 59 *C.P.R.*, s. 48 *R.C.A.Q.C.M.*, s. 46 *R.C.A.Q.P.M.*

¹² Section 60 *C.P.R.*, s. 47 *R.C.A.Q.C.M.*, s. 45 *R.C.A.Q.P.M.* and Practice Direction G-6.

¹³ Sections 61-62 *C.P.R.*, s. 50 *R.C.A.Q.C.M.*, s. 48 *R.C.A.Q.P.M.*

¹⁴ Article 377 *C.C.P.*, s. 63 *C.P.R.*, s. 50 *R.C.A.Q.C.M.*, s. 48 *R.C.A.Q.P.M.*

¹⁵ Section 11 para. 1 *C.P.R.*, s. 12 para. 1 *R.C.A.Q.C.M.*, s. 11 para. 1 *R.C.A.Q.P.M.*

¹⁶ Section 11 para. 2 *C.P.R.*, s. 12 para. 2 *R.C.A.Q.C.M.*, s. 11 para. 2 *R.C.A.Q.P.M.*

¹⁷ Section 56 para. 4 *C.P.R.*, s. 44 para. 5 *R.C.A.Q.C.M.*, s. 42 para. 5 *R.C.A.Q.P.M.*

¹⁸ Section 30 *C.P.R.*

¹⁹ Section 59 *C.P.R.*, s. 47 *R.C.A.Q.C.M.*, s. 45 *R.C.A.Q.P.M.*

²⁰ Practice Direction G-7.

²¹ *Ibid.*

²² *Ibid.*

²³ Section 21 para. 2 *C.P.R.*, s. 18 para. 2 *R.C.A.Q.C.M.*, s. 17 para. 2 *R.C.A.Q.P.M.*

²⁴ Section 23 *C.P.R.*, s. 20 *R.C.A.Q.C.M.*, s. 19 *R.C.A.Q.P.M.*

²⁵ Section 59 *C.P.R.*, s. 47 *R.C.A.Q.C.M.*, s. 45 *R.C.A.Q.P.M.*

²⁶ Section 59 *C.P.R.*, s. 48 *R.C.A.Q.C.M.*, s. 46 *R.C.A.Q.P.M.*

²⁷ Section 60 *C.P.R.*, s. 47 *R.C.A.Q.C.M.*, s. 45 *R.C.A.Q.P.M.* and Practice Direction G-7.

²⁸ Section 61 para. 2 *C.P.R.*, s. 49 *R.C.A.Q.C.M.*, s. 47 *R.C.A.Q.P.M.*

²⁹ Art. 365 para. 2 *C.C.P.*

³⁰ Article 377 *C.C.P.*, s. 63 *C.P.R.*, s. 50 *R.C.A.Q.C.M.*, s. 48 *R.C.A.Q.P.M.*

³¹ Section 11 para. 1 *C.P.R.*, s. 12 para. 1 *R.C.A.Q.C.M.*, s. 11 para. 1 *R.C.A.Q.P.M.*

³² Section 11 para. 2 *C.P.R.*, s. 12 para. 2 *R.C.A.Q.C.M.*, s. 11 para. 2 *R.C.A.Q.P.M.*

³³ Section 56 para. 4 *C.P.R.*, s. 44 para. 5 *R.C.A.Q.C.M.*, s. 42 para. 5 *R.C.A.Q.P.M.*

³⁴ Section 30 *C.P.R.*

³⁵ Section 58 *C.P.R.*, s. 46 *R.C.A.Q.C.M.*, s. 44 *R.C.A.Q.P.M.*

³⁶ Section 56 para. 1 *C.P.R.*, s. 44 *R.C.A.Q.C.M.*, s. 42 *R.C.A.Q.P.M.*

³⁷ Ibid.

³⁸ Section 58 para. 1 *C.P.R.*, s. 46 *R.C.A.Q.C.M.*, s. 44 *R.C.A.Q.P.M.*

³⁹ Ibid.

⁴⁰ Section 11 para. 1 *C.P.R.*, s. 12 para. 1 *R.C.A.Q.C.M.*, s. 11 para. 1 *R.C.A.Q.P.M.*

⁴¹ Section 11 para. 2 *C.P.R.*, s. 12 para. 2 *R.C.A.Q.C.M.*, s. 11 para. 2 *R.C.A.Q.P.M.*

⁴² Section 56 para. 4 *C.P.R.*, s. 44 para. 5 *R.C.A.Q.C.M.*, s. 42 para. 5 *R.C.A.Q.P.M.*