



COURT OF APPEAL OF QUEBEC

Issue Date: April 9, 2020

PRACTICE DIRECTION G-9

DIGITAL OFFICE OF THE COURT OF APPEAL: PILOT PROJECT RESPECTING THE ELECTRONIC FILING OF NOTICES OF APPEAL IN CIVIL MATTERS

The platform rolled out as part of the first phase of the Digital Office of the Court of Appeal (DOCA) is initially available only for appeals as of right in civil matters. Users can use DOCA to file the notice of appeal as well as proof of service (art. 352 C.C.P.) and proof of notification (art. 358 C.C.P.), and to pay the required judicial fees. All other pleadings must be filed at the Court office in accordance with the usual rules.

Within the scope of this pilot project, counsel and/or unrepresented parties can e-file notices of appeal through DOCA.

Before making an e-filing

- (1) Users must ensure they have the following documents on hand:
 - the notice of appeal and its schedules (including the judgment in first instance);
 - the proof(s) of service;
 - the proof(s) of notification, where available;
 - the legal aid mandate, where applicable; and
 - a valid credit card in order to pay the judicial fees.

- (2) All the documents listed under item 1 above must be in PDF format. Please note that the PDF file of the notice of appeal and its schedules (including the judgment in first instance) must allow for keyword searches (consequently, digitized documents must not be in the format of a “PDF Image”). If the file containing the notice of appeal and its schedules is in the format of a “PDF Image”, the system will display an error message preventing the user from completing the e-filing.
- (3) Each PDF file must not exceed 100 MB.
- (4) Counsel must have a permanent code (firm or lawyer (e.g.: AC1234)). Counsel without a permanent code may request one from the Ministère de la Justice by completing the form available online at: <https://www.justice.gouv.qc.ca/espace-professionnel/juristes/sj-1149/>.

Rules for e-filings

- (1) The address and contact information of the appellant or, if the appellant is represented by counsel, the contact information of counsel, including a functioning email address, must be provided.
- (2) Although DOCA is available 24 hours a day, 7 days a week, any filing made after 4:30 p.m. (Eastern standard time) or on a Saturday or a holiday will be deemed to have been made at 8:30 a.m. (Eastern standard time) on the following working day.
- (3) Every e-filing made through DOCA will be deemed to have been made at the office of the Court within the meaning of article 352 *C.C.P.*
- (4) In accordance with article 107 para. 5 *C.C.P.*, in order to be validly made, every e-filing must be made with the prescribed judicial fees provided for in the *Tariff of judicial fees in civil matters*, CQLR, c. T-16, r. 10. There is no additional fee for using DOCA.
- (5) Every e-filing made through DOCA is subject to the same rules as filings made on paper, which rules are set out in the *Code of Civil Procedure* and the *Civil Practice Regulation (Court of Appeal) (C.P.R.)*, as well as in the practice directives and the notices of the Chief Justice.

- (6) The clerk will review the documents filed electronically in order to determine whether they are admissible for filing purposes. The clerk may then make one of the following decisions:
- Accept the filing: If the e-filing is considered compliant, an email will be sent to the sender (i.e., the appellant, or counsel if the appellant is represented by counsel) confirming the filing.
 - Accept the filing with an exemption: If the filing is accepted with an exemption (s. 81 *C.P.R.*), the clerk will inform the sender (i.e., the appellant, or counsel if the appellant is represented by counsel) of the defects noted.
 - Accept the filing subject to conditions: If the filing is accepted subject to conditions, the clerk will inform the sender (i.e., the appellant, or counsel if the appellant is represented by counsel) of the defects that must be corrected as well as the time limit for doing so. If the conditions are not met within the specified time limit, the filing may be refused and the file closed.
 - Refuse the filing: If the filing is refused, the file will be closed. The Court office will then email the parties, or counsel if the parties are represented by counsel, to inform them that the filing of the notice of appeal has been refused, indicating the reason or reasons for the refusal and stating that the file has been closed.
- (7) Please note the following: Every filing made through DOCA results in the automatic attribution of a file number. Notwithstanding the attribution of a file number and the payment of the judicial fees at the time of filing, the clerk or a judge of the Court retains the right to make any of the decisions mentioned in item 6 above, including the right to refuse the filing.
- (8) A filing made through DOCA does not have any effect on the statutory and regulatory requirements for service and notification (see, in particular, arts. 352 and 358 *C.C.P.* and ss. 25 and 29 *C.P.R.*).
- (9) The notice of appeal must be signed in accordance with art. 99 para. 3 *C.C.P.*
- (10) Every filing must be completed by producing, at the office of the Court, a paper version of each of the technological documents filed electronically.

These paper versions must be received at the office of the Court within 5 working days of the e-filing. The paper version must be either:

- the source document (original) used to make the PDF file that was filed electronically; or
- a copy of the source document (original). In such a case, the copy must be identical to the technological version filed. The appellant must keep the source document (original) throughout the entire duration of the appeal and for a further period of 60 days following the expiry of all time limits for appealing to the Supreme Court of Canada, as the case may be. At the Court's request, the party must provide the source document (original) to the Court office.

The paper version provided to the clerk must indicate the file number attributed by the system at the time of the e-filing. The clerk must be informed that the notice of appeal and its schedules were filed through DOCA.

(11) Every pleading, other than a notice of appeal in an appeal as of right in a civil matter, must be filed at the office of the Court on paper, in accordance with the usual rules. If a pleading other than such a notice of appeal is filed through DOCA, it will be deemed nonexistent and the Court office will not process it or send any notice to that effect.

(12) No person declared to be a party subject to prior authorization within the meaning of s. 13 *C.P.R.* may use DOCA. Any pleading filed by such person through DOCA will be deemed nonexistent and the Court office will not process it or send any notice to that effect.

(13) Any improper or inappropriate use of DOCA may result in the person being prohibited by a judge of the Court from using DOCA.

Mtre PATRICIA NAULT
Clerk of Appeals (Quebec Appeal Division)

Mtre BERTRAND GERVAIS
Clerk of Appeals (Montreal Appeal Division)