

CANADA

COURT OF APPEAL OF QUEBEC

PROVINCE OF QUEBEC
DISTRICT OF [MONTRÉAL OU
QUÉBEC]

[INDIQUER VOTRE NOM]

No.: [indiquer le numéro de dossier en
appel]

APPELLANT - [indiquer votre position en
première instance]

No.: [indiquer le numéro de dossier en
première instance]

v.

[INDIQUER LE NOM DE VOTRE
ADVERSAIRE]

[indiquer CONFIDENTIEL si requis]

RESPONDENT - [indiquer la position de
votre adversaire en première instance]

and

[INDIQUER VOTRE NOM]

IMPLEADED PARTY - [indiquer votre
position en première instance]

APPLICATION TO STAY THE PROVISIONAL EXECUTION

(Article 660 C.C.P.)

Appellant

Dated [date de l'acte]

**TO ONE OF THE HONOURABLE JUDGES OF THE COURT OF APPEAL, THE
APPELLANT SUBMITS:**

1. On [indiquer la date du jugement], the[le ou la] Honourable [indiquer le nom du
juge], of the [indiquer la Cour], District of [indiquer le district], [préciser le dispositif
du jugement];
2. This judgment is provisionally enforceable as of right because: [préciser le cas
prévu à l'article 660 al.1 C.p.c.];

[OU]

The trial judge ordered the provisional execution of the judgment;

3. On [indiquer la date de la déclaration d'appel], the appellant appealed from that judgment;

[OU]

On [indiquer la date du jugement accordant la permission d'appel], the appellant was granted leave to appeal from that judgment;

[OU]

This application is annexed to the notice of appeal dated [indiquer la date de la déclaration d'appel];

4. As it appears from the notice of appeal (Schedule 2), the appellant argues that the trial judge erred in [rappeler brièvement les motifs invoqués dans la déclaration d'appel];

5. The provisional execution of the judgment should be stayed for the following reasons: [énoncer les faits et motifs qui justifient la faiblesse apparente du jugement d'instance, le risque d'un préjudice sérieux si l'exécution est maintenue et la prépondérance des inconvénients favorisant la partie appelante];

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

GRANT this application;

ORDER a stay of the provisional execution of the judgment rendered on [indiquer la date], by the Honourable [indiquer le nom du juge], of the [indiquer la Cour], District of [indiquer le district], in file number [indiquer le numéro de dossier en première instance];

THE WHOLE, with costs.

This [indiquer la date où est signé l'acte], in [nom de la ville]

[Votre signature]

[Votre nom]

Appellant

[Votre adresse]

[Votre numéro de téléphone]
[Votre numéro de télécopieur, le cas échéant]
[Votre adresse électronique, le cas échéant]
[Votre adresse électronique, le cas échéant]

[If applicable, include an affidavit]

CANADA

COURT OF APPEAL OF QUEBEC

PROVINCE OF QUEBEC

DISTRICT OF [MONTRÉAL OU QUÉBEC]

[INDIQUER VOTRE NOM]

No.: [indiquer le numéro de dossier en appel]

APPELLANT - [indiquer votre position en première instance]

No.: [indiquer le numéro de dossier en première instance]

v.

[indiquer CONFIDENTIEL si requis]

[INDIQUER LE NOM DE LA PARTIE ADVERSE]

RESPONDENT - [indiquer la position de la partie adverse en première instance]

and

[INDIQUER VOTRE NOM]

IMPLEADED PARTY - [indiquer votre position en première instance]

AFFIDAVIT

Appellant

Dated [indiquer la date]

I, the undersigned, [indiquer votre nom], domiciled and residing at [indiquer votre adresse], solemnly affirm as follows:

1. I am the appellant;
2. All the facts alleged in the *Application to stay the provisional execution* are true.

This [indiquer la date où est signé l'acte], in [nom de la ville]

[Votre signature]

[Votre nom]

Appellant

Solemnly affirmed before me this [indiquer la date de la signature]

[Signature de la personne recevant ce serment]

[Nom et qualité de la personne qui reçoit le serment]

NOTICE OF PRESENTATION

TO: [Indiquer le nom de la partie à qui sera notifiée la requête], [indiquer sa position en appel], [indiquer son adresse]

[If the application will be presented in Montreal, state:]

NOTICE IS HEREBY GIVEN that the *Application to stay the provisional execution* will be presented before a judge of the Court of Appeal sitting at the Ernest-Cormier Building, located at 100 Notre-Dame Street East, in Montreal, on [indiquer la date retenue], at 9:30 a.m., in Courtroom RC-18.

[If the application will be presented in Quebec City, state:]

NOTICE IS HEREBY GIVEN that the *Application to stay the provisional execution* will be presented before a judge of the Court of Appeal sitting at the Quebec City Courthouse, located at 300 Jean-Lesage Boulevard, in Quebec City, on [indiquer la date retenue], at 9:30 a.m., in Courtroom 4.30.

DO GOVERN YOURSELF ACCORDINGLY.

**TABLE OF CONTENTS FOR THE SCHEDULES IN SUPPORT OF THE
APPLICATION TO STAY THE PROVISIONAL EXECUTION**

TAB 1: [décrire l'annexe 4] [if applicable]

[Include all schedules necessary to support your application]

No.: [indiquer le numéro de dossier en appel]
No.: [indiquer le numéro de dossier en première instance]

COURT OF APPEAL OF QUEBEC
DISTRICT OF [MONTRÉAL OU QUÉBEC]

[INDIQUER VOTRE NOM]

APPELLANT - [indiquer votre position en première instance]

v.

[INDIQUER LE NOM DE LA PARTIE ADVERSE]

RESPONDENT - [indiquer la position de la partie adverse en première instance]

and

[INDIQUER VOTRE NOM]

IMPLEADED PARTY - [indiquer votre position en première instance]

APPLICATION TO STAY THE PROVISIONAL EXECUTION

(Article 660 C.C.P.)

Appellant

Dated [indiquer la date]

[Votre nom (et code d'avocat, le cas échéant)]

[Votre adresse]

[Votre numéro de téléphone]

[Votre numéro de télécopieur, le cas échéant]

[Votre adresse électronique, le cas échéant]

[Votre adresse électronique, le cas échéant]

REMARKS

Filing, Service and Notification

- The application must be notified to the other parties before it is filed with the Court office (art. 377 of the *Code of Civil Procedure* (hereinafter the “C.C.P.”)).
- The application must be filed at the counter of the Court office in duplicate on paper or using the Digital Office of the Court of Appeal (DOCA). If the filing is made at the counter of the Office of the Court, the PDF file of the application must be transmitted to the Office of the Court via DOCA on the day the paper version is filed (see ***Clerk’s Practice Direction No.7***).
- The two copies of the application must be filed with the Court office at least five working days prior to the date of presentation (art. 377 C.C.P. and s. 66 of the *Regulation of the Court of Appeal of Quebec in Civil Matters* (hereinafter the “R.C.A.Q.Civ.M.”)). To find out the upcoming available presentation dates, please refer to the “[Calendar - Available hearing dates - Motions](#)” section on the website of the Court of Appeal.

Format, Drafting and Content

- The application must not exceed **10 pages**, excluding the designation of the parties and the conclusions sought (s. 65 R.C.A.Q.Civ.M.).
- Every pleading must be formatted as follows (s. 24 R.C.A.Q.Civ.M.):
 - Every pleading must be drafted on good quality “letter-sized 8 ½ x 11” white paper (21.5 cm x 28 cm);
 - Handwritten pleadings will not be accepted;
 - The text must appear on the front of each sheet, with a minimum of one and one-half spaces between lines, except for quotations, which must be single-spaced and indented. Margins must be no less than 2.5 cm;
 - The font must be 12-point Arial for the entire text, except for quotations, which may be in 11-point Arial, and footnotes, which may be in 10-point Arial;
 - Every pleading must be signed by the party or the party’s counsel;
 - The technological version of the application must be prepared in accordance with the ***Chief Justice’s Directive on the Rules respecting the preparation of the PDF Files***.
- If any part of the record is confidential, the application must include an express reference to this effect and set out the legal provision or order on which the confidentiality is based (art. 108 C.C.P. and s. 9 R.C.A.Q.Civ.M.). The word “CONFIDENTIAL” must appear beneath the Court record number.

Schedules

- Pursuant to s. 67 *R.C.A.Q.Civ.M.*, an application must be accompanied by all the documents necessary for its adjudication in order to be presented on the date indicated in the notice of presentation.
- The parties must use tabs to properly separate each document attached to their application.
- A table of contents referring to the numbers of the tabs and pages is required.
- The application and its schedules must be stapled or bound with a spiral binding or other type of binding.

WARNING: THIS TEMPLATE DOES NOT EXEMPT THOSE WHO USE IT FROM READING THE APPLICABLE LEGISLATION. IT IS AVAILABLE TO FACILITATE THE PREPARATION OF PLEADINGS. EVERY PLEADING MUST BE SUBMITTED TO THE CLERK, WHO MAY REFUSE IT OR REQUIRE MODIFICATIONS IF THE PLEADING DOES NOT COMPLY WITH THE APPLICABLE LEGISLATION.