

CANADA

COURT OF APPEAL OF QUEBEC

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PROVINCE OF QUEBEC  
DISTRICT OF [MONTREAL OR  
QUEBEC]

[INSERT THE APPELLANT'S NAME]

No.: [insert the file number in appeal]

APPELLANT - [insert the status in first  
instance]

No.: [insert the file number in first  
instance]

v.

[write CONFIDENTIAL if required]

[INSERT THE RESPONDENT'S NAME]

RESPONDENT - [insert the status in first  
instance]

and

[INSERT THE IMPLEADED PARTY'S  
NAME]

IMPLEADED PARTY - [insert the status  
in first instance]

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**APPLICATION TO STAY THE EXECUTION OF THE  
JUDGMENT OF THE COURT OF APPEAL**

**(Article 390 para. 2 C.C.P. and section 65.1 (1) *Supreme Court Act*)**

[Appellant OR other status - insert the party's status]

Dated [insert the date]

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**TO ONE OF THE HONOURABLE JUDGES OF THE COURT OF APPEAL, THE [INSERT  
THE PARTY'S STATUS] SUBMITS:**

1. On [insert the date of the judgment in first instance], the[le ou la] Honourable [insert the name of the judge], of the [Court of Québec OR Superior Court], District of [insert the district], [state the conclusions of the judgment rendered];
2. On [insert the date of the judgment of the Court of Appeal], this Court dismissed the appeal from that judgment, as it appears from the judgment of the Court of Appeal;

**[or]**

On [insert the date of the judgment of the Court of Appeal], this Court upheld that judgment, as it appears from the judgment of the Court of Appeal;

3. The [appellant OR other status - insert the party's status] intends to appeal from the judgment of the Court of Appeal by filing an application for leave to appeal before the Supreme Court of Canada;

**[or]**

On [insert the date on which you filed your application for leave to appeal before the Supreme Court], the [appellant OR other status - insert the party's status] filed with the Registrar of the Supreme Court of Canada an application for leave to appeal from the judgment of the Court of Appeal, as it appears from the notice of application for leave to appeal;

4. The [appellant OR other status - insert the party's status] intends submit the following questions to the Supreme Court:

**[Briefly set out the questions you will submit to the Supreme Court];**

5. The [appellant OR other status - insert the party's status] asks that the Court stay the execution of its judgment (Schedule 2) for the following reasons:

**[Set out the reasons you believe justify a stay of execution of the judgment of the Court of Appeal, namely: the existence of a serious issue to be debated before the Supreme Court, an irreparable injury and a balance of convenience in your favour);**

#### **FOR THESE REASONS, MAY IT PLEASE THE COURT TO:**

**GRANT** this application;

**ORDER** a stay of execution of the judgment rendered by this Court on [insert the date], in file number [insert the file number in appeal], until the expiry of the time limit for seeking leave to appeal to the Supreme Court or, as the case may be, until the application for leave to appeal to the Supreme Court is dismissed or the Supreme Court renders a final judgment on the appeal.

**THE WHOLE**, with costs.

This [insert the date when the pleading is signed], in [name of city]

[Signature]

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[Name]

[Appellant OR other status - insert the party's status]

[Address]

[Telephone number]

[Fax number, if any]

[Email address]

[Your permanent code, where applicable]

**[If applicable, include an affidavit]**

CANADA

COURT OF APPEAL OF QUEBEC

PROVINCE OF QUEBEC  
DISTRICT OF [MONTREAL or QUEBEC]

\_\_\_\_\_  
[INSERT THE APPELLANT'S NAME]

No.: [insert the file number in appeal]

APPELLANT - [insert the status in first instance]

No.: [insert the file number in first instance]

v.

[write CONFIDENTIAL if required]

[INSERT THE RESPONDENT'S NAME]

RESPONDENT - [insert the status in first instance]

and

[INSERT THE IMPLEADED PARTY'S NAME]

IMPLEADED PARTY - [insert the status in first instance]

\_\_\_\_\_  
**AFFIDAVIT**

[Appellant OR other status - insert the party's status]

Dated [insert the date]

\_\_\_\_\_  
I, the undersigned[e], [insert your name], domiciled and residing at [insert your address]

[indiquer votre adresse], solemnly affirm as follows:

1. I am the [appellant OR other status - insert the party's status];
2. All the facts alleged in the *Application to stay the execution of the judgment of the Court of Appeal* are true.

This [insert the date when the document is signed], in [name of city]

[Signature]

\_\_\_\_\_  
[Your name]

[Appellant OR other status - insert the party's status]

Solemnly affirmed before me this [insert the date of the signature]

[Signature of the person receiving the oath]

[Name and status of the person receiving the oath]

## **NOTICE OF PRESENTATION**

**TO:** [Indicate the name of the party to whom the application will be notified], [indicate the party's status in appeal], [indicate the party's address]

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

**NOTICE IS HEREBY GIVEN** that the *Application to stay the execution of the judgment of the Court of Appeal* 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 [insert the scheduled date], 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 execution of the judgment of the Court of Appeal* 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 [insert the scheduled date], 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 EXECUTION OF THE JUDGMENT OF THE COURT OF  
APPEAL**

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**TAB 1:** [describe the schedule] [if applicable];

**[include all schedules necessary to support your application]**

No.: [insert the file number in appeal]  
No.: [insert the file number in first instance]

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COURT OF APPEAL OF QUEBEC  
DISTRICT OF [MONTREAL or QUEBEC]

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[INSERT THE APPELLANT'S NAME]

APPELLANT – [insert the status in first instance]

v.

[INSERT THE RESPONDENT'S NAME]

RESPONDENT – [insert the status in first instance]

and

[INSERT THE IMPEADED PARTY'S NAME]

IMPEADED PARTY - [insert the status in first instance]

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**APPLICATION TO STAY THE EXECUTION OF THE**  
**JUDGMENT OF THE COURT OF APPEAL**  
**(Art. 390 para. 2 C.C.P. and s. 65.1 (1) *Supreme Court Act*)**  
[Appellant OR other status - insert the party's status]  
Dated [insert the date]

---

[Name (and permanent code, where applicable)]  
[Address]  
[Telephone number]  
[Fax number, if any]  
[Email address]



## 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***.

### Schedules

- Pursuant to s. 67 *R.C.A.Q.Civ.M.*, an application to stay the execution of the judgment of the Court of Appeal 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.