

CANADA

COURT OF APPEAL OF QUEBEC

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PROVINCE OF QUEBEC

DISTRICT OF [MONTREAL or QUEBEC]

[INSERT THE APPELLANT'S NAME]

[insert the address].

No.: [leave this field empty so the office of the Court of Appeal can attribute a number to your file]

APPELLANT - [insert the status in first instance]

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

v.

[INSERT THE RESPONDENT'S NAME]

[insert the address].

[write CONFIDENTIAL if required]

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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**NOTICE OF APPEAL**

**(Article 352 C.C.P.)**

Appellant

Dated [insert the date]

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**FACTS AND GROUNDS OF APPEAL**

1. The appellant appeals from a judgment of the [Court of Québec OR Superior Court] rendered on [insert the date of the judgment], by the Honourable [insert the name of the judge], sitting in the District of [insert the district], which [indicate the conclusions of the judgment], as it appears from the judgment of first instance communicated in support hereof as Schedule 1;
2. On [insert the date of the notice of judgment], the office of the court of first instance issued a notice of judgment in accordance with art. 335 C.C.P., as it appears from the notice of judgment communicated in support hereof as Schedule 2;

[OR]

The date of the judgment rendered at the hearing is [if the judgment was rendered at the hearing, insert the date of the judgment];

3. The trial lasted [indicate the duration in days];
4. The value of the subject matter of the dispute is [insert the value, where applicable];
5. The record does not contain any confidential information;

[OR]

The record contains confidential information. [indicate the confidential information or document as well as the legislative provision or order on which the confidentiality is based (include, as a schedule to the notice of appeal, the judgment or minutes of hearing containing the order)];

6. The trial judge erred in [his OR her] judgment for the following reasons:

**[indicate, below, the grounds of appeal you will rely on for your appeal]**

#### I. Errors of law

7. The trial judge erred in law by[il ou elle] deciding that [...];
8. The appellant intends to demonstrate that [...];
9. This error of law is overriding because [...];

#### II. Palpable and overriding errors of fact

10. The trial judge committed a palpable error by[il ou elle] deciding that [...];
11. The appellant intends to demonstrate that [...];
12. This error of fact is overriding because [...];

#### CONCLUSIONS

13. The appellant will ask the Court of Appeal to:
  - (a) **ALLOW** the appeal;
  - (b) **REVERSE** the judgment in first instance;

- (c) (c) [indicate the conclusions sought];
- (d) **CONDEMN** the respondent to pay the legal costs both in first instance and on appeal.

This notice of appeal has been notified to [insert the name of the respondent, intervenor or impleaded party], to Mtre [insert the name of the lawyer who represented the respondent in first instance] and to the office of the [Court of Québec OR Superior Court], District of [insert the district of the court of first instance].

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

[Your signature]

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[Your name]

Appellant

[Address]

[Telephone number]

[Fax number, if any]

[Email address, if any]

[Permanent code, where applicable]

**TABLE OF CONTENTS FOR THE SCHEDULES IN SUPPORT OF THE  
NOTICE OF APPEAL**

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**TAB 1:** Judgment rendered by the Honourable [insert the name of the judge] of the [Court of Québec OR Superior Court] on [insert the date of the judgment under appeal];

**TAB 2:** Notice of judgment dated [insert the date] **[if applicable]**;

**TAB 3:** Typed transcription of the judgment **[if applicable]**;

**TAB 4:** Copy of the order on which the confidentiality is based **[if applicable]**;

**TAB 5:** [describe schedule 5] **[if applicable]**;

**[include all schedules necessary to support your notice of appeal]**

*Within 10 days after notification, the respondent, the intervenors and the impleaded parties must file a representation statement giving the name and contact information of the lawyer representing them or, if they are not represented, a statement indicating as much. If an application for leave to appeal is attached to the notice of appeal, the intervenors and the impleaded parties are only required to file such a statement within 10 days after the judgment granting leave or after the date the judge takes note of the filing of the notice of appeal.*

*The lawyer who represented the respondent in first instance, if no longer acting for the respondent, must so inform the respondent, the appellant and the office of the Court of Appeal without delay.  
(art. 358 paras. 2 and 3 C.C.P.)*

No.: [leave this field empty so the office of the Court of Appeal can attribute a number to your file]

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]

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**NOTICE OF APPEAL**

Appellant  
Dated [insert the date]

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

*If a party fails to file a representation statement or a non-representation statement, it shall be precluded from filing any other pleading, brief or memorandum in the record.*

*The appeal shall proceed in the absence of such a party, without the clerk being required to notify it in any way.*

*If the representation statement or non-representation statement is filed late, it shall be accepted subject to such conditions as the clerk may determine. (s. 38 Regulation of the Court of Appeal of Quebec in Civil Matters)*

## REMARKS

### Filing, Service and Notification

- The notice of appeal must be served by bailiff on the respondent before being filed with the Court office (arts. 352 and 358 of the *Code of Civil Procedure* (hereinafter the “C.C.P.”).
- The notice of appeal must be notified as follows:
  - two copies to the office of the court of first instance (art. 354 C.C.P. and s. 34 of the *Regulation of the Court of Appeal of Quebec in Civil Matters* (hereinafter the “R.C.A.Q.Civ.M.”));
  - one copy to the lawyer who represented the respondent in first instance (art. 358 C.C.P.); and
  - one copy to persons with an interest in the appeal as intervenors or impleaded parties (art. 358 C.C.P.).
- The notice of appeal must be filed at the counter of the Court office (one copy) 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 notice of appeal 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***).

### Drafting and Content

- The notice of appeal cannot exceed 10 pages, excluding the designation of the parties, the conclusions sought and the particulars required by s. 29 R.C.A.Q.Civ.M. (s. 30 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 notice of appeal 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 notice of appeal and, if applicable, the application for leave to appeal 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**

- The parties must use tabs to properly separate each document attached to their notice of appeal.
- A table of contents referring to the numbers of the tabs and pages is required.
- The notice of appeal 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.

DO NOT INCLUDE