

CANADA

COURT OF APPEAL OF QUEBEC

PROVINCE OF QUEBEC
REGISTRY OF [MONTREAL OR
QUEBEC]

[INSERT THE APPLICANT'S NAME],
domiciled and residing at [insert your
address]

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

APPLICANT - [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 IMPEADED PARTY'S
NAME]

IMPEADED PARTY - [insert the status
in first instance]

APPLICATION TO EXTEND THE TIME LIMIT FOR INSTITUTING AN APPEAL
(Section 31(1) of the *Bankruptcy and Insolvency General Rules*)

Applicant
Dated [insert the date]

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

1. On [insert the date of the judgment], 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 notice of judgment], the office of the court of first instance
issued a notice of judgment in accordance with art. 335 *C.C.P.*;

[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 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 application, the judgment or minutes of hearing containing the order)].

5. It was impossible for the applicant to appeal from this judgment within the prescribed time limit for the reasons set out below;
6. 6. [State the facts that support why it was impossible for you to act earlier];
7. The trial judge erred in [his OR her] judgment for the following reasons:

[briefly set out the grounds of appeal you wish to rely on]

8. Errors of law:

(a) The trial judge erred in law by deciding that [...];

(b) The applicant intends to demonstrate that [...];

(c) This error of law is overriding because [...];

9. Palpable and overriding errors of fact:

(a) The trial judge committed a palpable error of fact by deciding that [...];

(b) The applicant intends to demonstrate that [...];

(c) This error of fact is overriding because [...];

10. The applicant expressed to the respondent the intention to institute the appeal within the time limit by [explain how you informed the respondent of your intention to appeal the judgment in first instance];
11. The extension will not cause undue prejudice to the respondent;

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

GRANT this application;

EXTEND the time limit for instituting an appeal from the judgment rendered on [insert the date of the judgment], by the Honourable [insert the name of the judge], of the [Court of Québec OR Superior Court], District of [insert the district], in file number [insert the file number in first instance];

AUTHORIZE the applicant to file [a notice of appeal or an application for leave to appeal] within [indicate the number of days you need] days following the present authorization;

[or]

AUTHORIZE the filing of the notice of appeal *[the notice of appeal must be presented in a separate document]*;

[or]

AUTHORIZE the filing of the application for leave to appeal *[the application for leave to appeal must be presented in a separate document]*;

THE WHOLE, without costs, unless the application is contested.

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

[Your signature]

[Your name]
Applicant

[Address]
[Telephone number]
[Fax number, if any]
[Email address, if any]
[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 APPLICANT'S NAME]

No.: [insert the file number in first instance]
[write CONFIDENTIAL if required]

APPLICANT - [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]

AFFIDAVIT

Applicant

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 applicant;
2. All the facts alleged in the *Application to extend the time limit for instituting an appeal* are true.

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

[Signature]

[Your name]

Applicant

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: [Insert the name of the party on whom the application will be served], [insert the party's status in appeal], [insert the party's address]

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

NOTICE IS HEREBY GIVEN that the *Application to extend the time limit for instituting an 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 extend the time limit for instituting an 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 EXTEND THE TIME LIMIT FOR INSTITUTING AN APPEAL**

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

[include all schedules necessary to support your application]

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]

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

[INSERT THE APPLICANT'S NAME]

APPLICANT – [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]

**APPLICATION TO EXTEND THE TIME LIMIT FOR INSTITUTING
AN APPEAL**

**(Section 31(1) of the *Bankruptcy and Insolvency General
Rules*)**

Applicant

Dated [insert the date]

[Your name (and permanent code, where applicable)]

[Address]

[Telephone number]

[Fax number]

[Email address]

NOTES

Filing, Service and Notification

- The application 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 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***);
 - If the filing is made via DOCA, the paper versions must be received at the counter of the Office of the Court within five working days after the e-filing (see ***Clerk’s Practice Direction No.3***).
- 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

- 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.