CANADA

PROVINCE OF QUEBEC

DISTRICT OF [MONTREAL or QUEBEC]

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]

[write CONFIDENTIAL if required]

COURT OF APPEAL OF QUEBEC

[INSERT THE APPLICANT’S NAME], domiciled and residing at [insert the address]

APPLICANT – [insert your status in first instance]

v.

[INSERT THE RESPONDENT’S NAME], domiciled and residing at [insert the address]

RESPONDENT - [insert the status in first instance]

and

[INSERT THE IMPLEADED PARTY’S NAME]

IMPLEADED PARTY - [insert the status in first instance]

**APPLICATION FOR LEAVE TO APPEAL**

**FROM A JUDGMENT RENDERED IN THE COURSE OF A PROCEEDING**

**(Articles 31 and 357 *C.C.P*.)**

Applicant

Dated [insert the date]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

FACTS AND GROUNDS OF APPEAL

1. On [insert the date of the judgment], the 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]

Judgment was rendered at the hearing in the presence of the parties on [insert the date of the judgment rendered at the hearing];

1. The trial lasted [indicate the duration in days];
2. The value of the subject matter of the dispute is [insert the value, where applicable];
3. 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)];

1. The judgment [choose one of the following options: determines part of the dispute OR causes irremediable injury] because [indicate how the judgment determines part of the dispute or causes irremediable injury];
2. It is in the interests of justice to grant the leave sought because [indicate why it is in the interests of justice to grant leave];
3. 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]*

Errors of law

1. The trial judge erred in law by deciding that [...];
2. The applicant intends to demonstrate that [...];
3. This error of law is overriding because [...];

Palpable and overriding errors of fact

1. The trial judge committed a palpable error by deciding that [...];
2. The applicant intends to demonstrate that [...];
3. This error of fact is overriding because [...];

[*Where applicable to your case, add the following statement regarding a stay of proceedings]*

1. In accordance with art. 31 para. 3 *C.C.P.*, it is also in the interests of justice to stay the proceedings until the appeal judgement is rendered, for the following reasons: [indicate why it is in the interests of justice to grant a stay of proceedings, if applicable];

CONCLUSIONS SOUGHT

1. The applicant will ask the Court of Appeal to:

(a) **ALLOW** the appeal;

(b) **REVERSE** the judgment in first instance;

(c) [indicate the other conclusions sought];

(d) **CONDEMN** the respondent to pay the legal costs both in first instance and on appeal.

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

1. **GRANT** this application;
2. **GRANT** the applicant leave to 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] in file number [insert the file number];

[*If applicable, add the following conclusion regarding a stay of proceedings*]

1. **ORDER** a stay of proceedings in first instance until the appeal judgement is rendered;
2. **THE WHOLE,** with costs to follow the outcome of the appeal.

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

[name of city]

[Signature]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Name]

Applicant

[Address]

[Telephone number]

[Fax number]

[Email address]

[Permanent code, where applicable]

[*If applicable, include an affidavit*]

|  |  |
| --- | --- |
| CANADA  PROVINCE OF QUEBEC  DISTRICT OF [MONTREAL or QUEBEC]  No.: [insert the file number in first instance]  [write CONFIDENTIAL if required] | COURT OF APPEAL OF 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 IMPLEADED PARTY’S NAME]  IMPLEADED PARTY - [insert the status in first instance] |

**AFFIDAVIT**

Applicant

Dated [insert the date]

I, the undersigned, [insert your name], domiciled and residing at [insert your address], solemnly affirm as follows:

1. I am the applicant;
2. All of the facts alleged in the application for leave to appeal from a judgment rendered in the course of a proceeding are true.

|  |  |
| --- | --- |
|  | This [insert the date when the document 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 for leave to appeal from a judgment rendered in the course of a proceeding* 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 for leave to appeal from a judgment rendered in the course of a proceeding* 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 FOR LEAVE TO APPEAL**

Applicant

**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 IMPLEADED PARTY’S NAME]  IMPLEADED PARTY - [insert the status in first instance]  **APPLICATION FOR LEAVE TO APPEAL FROM A JUDGMENT RENDERED IN THE COURSE OF A PROCEEDING**  Applicant  Dated [insert the date]  [Name (and permanent code, where applicable)]  [Address]  [Telephone number]  [Fax number]  [Email address] |  |

**NOTES**

**Filing, Service and Notification**

* A notice of appeal must be filed with the Court office at the same time as the application for leave to appeal (art. 357 *C.C.P*.). The application for leave to appeal and the notice of appeal must be served and filed with the Court office as two separate documents.
* The application for leave to appeal must be served by bailiff on the respondent before being filed with the Court office (arts. 352 and 358 *C.C.P.*).
* The application for leave to 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 application for leave to appeal 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 for leave to appeal 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 para. 2 *R.C.A.Q.Civ.M.*). To find out the upcoming available presentation dates, please refer to the “[Calendar - Available hearing dates - Motions](https://courdappelduquebec.ca/en/rolls/calendar-available-hearing-dates-motions/)” section on the website of the Court of Appeal.

**Format, Drafting and Content**

* The application for leave to appeal must not exceed **10 pages**, excluding the designation of the parties and the conclusions sought (s. 30 para. 2 *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 PDF 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 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**

* Pursuant to s. 32 *R.C.A.Q.Civ.M.,* an application for leave to appeal must be accompanied by all the documents necessary for its adjudication in order to be presented on the date mentioned 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. |