

CANADA

COURT OF APPEAL OF QUEBEC

PROVINCE OF QUEBEC
DISTRICT OF [MONTRÉAL OU QUÉBEC]

[INDIQUER LE NOM DE LA PARTIE
REQUÉRANTE], domiciled and residing
at [inscrire l'adresse]

No.: [laisser ce champ libre afin que le
greffe de la Cour d'appel attribue
un numéro à votre dossier]

APPLICANT – [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
INTIMÉE], domiciled and residing at
[inscrire l'adresse]

RESPONDENT - [indiquer la position en
première instance]

and

[INDIQUER VOTRE NOM]

IMPLEADED PARTY - [indiquer votre
position en première instance]

APPLICATION FOR LEAVE TO APPEAL
FROM A JUDGMENT TERMINATING A PROCEEDING
(Articles 30 para. 2 and 357 C.C.P.)

Applicant

Dated [indiquer la date]

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

FACTS AND GROUNDS OF APPEAL

1. On [indiquer la date du jugement], the Honourable [indiquer le nom du juge], of the [du Québec ou supérieure], District of [indiquer le district], [préciser le dispositif du jugement rendu];

2. On [indiquer la date de l'avis de jugement (joindre en annexe l'avis de jugement)], 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 [indiquer la date pour un jugement rendu à l'audience];

3. The trial lasted [indiquer la durée en nombre de jours];
4. The value of the subject matter of the dispute is [indiquer la valeur, le cas échéant];
5. The record does not contain any confidential information;

[OR]

The record contains confidential information. [Préciser l'élément ou le document qui est confidentiel ainsi que la disposition législative ou l'ordonnance fondant la confidentialité (joindre en annexe le jugement où se trouve l'ordonnance)];

6. The judgment pertains to a matter at issue that should be submitted to the Court of Appeal for the following reasons: [indiquer en quoi la question en jeu en est une qui devrait être soumise à la Cour d'appel notamment parce qu'il s'agit d'une question de principe, d'une question nouvelle ou d'une question de droit faisant l'objet d'une jurisprudence contradictoire].

7. It is in the interests of justice to grant the leave sought because [indiquer en quoi il est dans l'intérêt de la justice d'accorder la permission];

8. The trial judge erred in [Le ou la] judgment for the following reasons:

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

Errors of law

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

Palpable and overriding errors of fact

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

CONCLUSIONS SOUGHT

15. The applicant will ask the Court of Appeal to:
 - (a) **ALLOW** the appeal;
 - (b) **REVERSE** the judgment in first instance;
 - (c) [préciser les conclusions recherchées];
 - (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:

16. **GRANT** this application;
17. **GRANT** the applicant leave to appeal from the judgment rendered on [indiquer la date du jugement] by [le ou la]the Honourable [indiquer le nom du juge] of the [du Québec ou supérieure] in file number [indiquer le numéro de dossier];
18. **THE WHOLE**, with costs to follow the outcome of the appeal.

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

[Signature]

[Votre nom]
Applicant

[Adresse]
[Numéro de téléphone]
[Numéro de télécopieur]
[Adresse électronique]
[Votre nom (et code d'avocat, le cas échéant)]

[If applicable, include an affidavit]

CANADA

COURT OF APPEAL OF QUEBEC

PROVINCE OF QUEBEC

DISTRICT OF [MONTRÉAL OU QUÉBEC]

[INDIQUER LE NOM DE LA PARTIE
REQUÉRANTE]

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

APPLICANT – [indiquer la position en
première instance]

[indiquer CONFIDENTIEL si requis]

v.

[INDIQUER LE NOM DE LA PARTIE INTIMÉE]

RESPONDENT - [indiquer la position en
première instance]

and

[INDIQUER VOTRE NOM]

IMPLEADED PARTY - [indiquer votre
position en première instance]

AFFIDAVIT

Applicant

Dated [indiquer la date]

I, the undersigned[e], [indiquer votre nom], domiciled and residing at [e], [indiquer votre
adresse] 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
terminating a proceeding are true.

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

[Signature]

[Votre nom]

Applicant

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 signifiée 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 for leave to appeal from a judgment terminating 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 [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 for leave to appeal from a judgment terminating 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 [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 FOR LEAVE TO APPEAL**
Applicant

TAB 1: [décrire l'annexe] **[if applicable];**
[include all schedules necessary to support your application]

No.: [laisser ce champ libre afin que le greffe de la Cour d'appel attribue un numéro à votre dossier]

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

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

[INDIQUER LE NOM DE LA PARTIE REQUÉRANTE]

APPLICANT – [indiquer la position en première instance]

v.

[INDIQUER LE NOM DE LA PARTIE INTIMÉE]

RESPONDENT – [indiquer la position en première instance]

and

[INDIQUER VOTRE NOM]

IMPLEADED PARTY - [indiquer votre position en première instance]

**APPLICATION FOR LEAVE TO APPEAL FROM A JUDGMENT
TERMINATING A PROCEEDING**

Applicant

Dated [indiquer la date]

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

[Adresse]

[Numéro de téléphone]

[Numéro de télécopieur]

[Adresse électronique]

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:
 - 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](#)” 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.