

CANADA

COURT OF APPEAL OF QUEBEC

PROVINCE OF QUEBEC
DISTRICT 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],
domiciled and residing at [insert the
address].

RESPONDENT - [insert the status in first
instance]

and

[INSERT THE IMPEADED PARTY'S
NAME]

IMPEADED PARTY - [insert the status
in first instance]

APPLICATION FOR LEAVE TO APPEAL AFTER THE EXPIRY OF THE TIME LIMIT
(Article 363 C.C.P.)

Applicant
Dated [insert the date]

**TO 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. Although the time limit for appealing from this judgment and for filing the notice of appeal has expired, not more than six months have elapsed since the judgment at first instance;
6. 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]

I. Errors of law:

7. The trial judge erred in law by[il ou elle] deciding that [...];
8. The applicant 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 of fact by[il ou elle] deciding that [...];
11. The applicant intends to demonstrate that [...];
12. This error of fact is overriding because [...];
13. The applicant's appeal has a reasonable chance of success because [indicate why the appeal has a reasonable chance of success];
14. It was impossible for the applicant to appeal from this judgment within the prescribed time limit for the reasons set out below;

15. [state the facts that support why it was impossible for you to act earlier];

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

GRANT this application;

GRANT the applicant leave to appeal, after the expiry of the time limit, 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];

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

This [insert the date when the document 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]

APPLICANT - [insert the status in first instance]

[write CONFIDENTIAL if required]

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

1. I am the applicant;
2. All the facts alleged in the *Application for leave to appeal after the expiry of the time limit* are true.

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

[Your 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 after the expiry of the time limit* will be presented before the judges 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 the Pierre-Basile-Mignault Courtroom.

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

NOTICE IS HEREBY GIVEN that the *Application for leave to appeal after the expiry of the time limit* will be presented before the judges 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 4.33.

DO GOVERN YOURSELF ACCORDINGLY.

**TABLE OF CONTENTS FOR THE SCHEDULES IN SUPPORT OF THE
APPLICATION FOR LEAVE TO APPEAL AFTER THE EXPIRY OF THE TIME LIMIT**

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 FOR LEAVE TO APPEAL AFTER THE EXPIRY
OF THE TIME LIMIT**

Applicant

Dated [insert the date]

[Name (and permanent code, where applicable)]

[Address]

[Telephone number]

[Fax number, if any]

[Email address, if any]

[Permanent code, where applicable]

NOTES

Filing and Service

- A notice of appeal must be filed with the Court office at the same time as the application for leave to appeal after the expiry of the time limit (art. 357 C.C.P.). The application for leave to appeal after the expiry of the time limit 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 party presenting the application must reserve a presentation date with the Court by contacting the Court office by telephone. The application must be filed within five working days of the date on which the reservation was made (s. 66 para. 4 *R.C.A.Q.Civ.M.*). Failure to file the application within this time limit will result in the reservation being canceled without further notice. To find out the available dates for presenting an application before a panel, please refer to the “[Calendar - Available hearing dates - Motions](#)” section on the website of the Court of Appeal.
- At least 10 working days prior to the date of presentation, the application for leave to appeal after the expiry of the time limit must be filed at the counter of the Court office in quadruplicate 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 vis 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***).

Format, Drafting and Content

- The application 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 after the expiry of the time limit 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 after the expiry of the time limit 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.