

CANADA

COURT OF APPEAL OF QUEBEC

PROVINCE OF QUEBEC
DISTRICT OF [MONTRÉAL OU
QUÉBEC]

[INDIQUER LE NOM DE LA PARTIE
APPELANTE]

No.: [indiquer le numéro de dossier en
appel]

APPELLANT - [indiquer la position de la
partie appelante en première instance]

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

v.

[indiquer CONFIDENTIEL si requis]

[INDIQUER LE NOM DE LA PARTIE
INTIMÉE]

RESPONDENT - [indiquer la position de
la partie intimée en première instance]

and

[INDIQUER VOTRE NOM]

IMPLEADED PARTY - [indiquer votre
position en première instance]

APPLICATION FOR LEAVE TO PRESENT INDISPENSABLE NEW EVIDENCE
(Article 380 C.C.P.)

[indiquer la position de la partie]

Dated [date de l'acte]

**TO THE HONOURABLE JUDGES OF THE COURT OF APPEAL, THE [INDIQUER LA
POSITION DE PARTIE] SUBMITS:**

1. On [indiquer la date du jugement], the[le ou la] Honourable [indiquer le nom du juge],
of the [indiquer la Cour], District of [indiquer le district], [préciser le dispositif du
jugement];
2. On [indiquer la date], the appellant appealed from that judgment;

[OU]

- On [indiquer la date], the appellant was granted leave to appeal from that judgment, as it appears from the application for leave to appeal and the judgment granting leave;
3. Since the date of the trial judgment, new evidence has come to the attention of the [indiquer la position de la partie], namely [identifier la preuve nouvelle qui est parvenue à votre connaissance];
 4. The presentation of this new evidence is absolutely necessary for resolving the dispute because [expliquer la raison pour laquelle cette preuve nouvelle est indispensable];
 5. Exceptional circumstances prevented the [Appellant OR other status - insert the party's status] from knowing about this new evidence, namely [préciser ces circonstances];
 6. The presentation of this new indispensable evidence is required in the interests of justice and is liable to change the outcome of the judgment;

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

GRANT this application;

AUTHORIZE the [indiquer la position de la partie] to present the following new evidence, namely [identifier la preuve nouvelle], according to the method and conditions the Court determines;

THE WHOLE, legal costs to follow.

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

[Votre signature]

[Votre nom]

[indiquer la position de la partie]

[Votre adresse]

[Votre numéro de téléphone]

[Votre numéro de télécopieur, le cas échéant]

[Votre adresse électronique, le cas échéant]

[Votre adresse électronique, le cas échéant]

[If applicable, include an affidavit]

CANADA

COURT OF APPEAL OF QUEBEC

PROVINCE OF QUEBEC

DISTRICT OF [MONTRÉAL OU QUÉBEC]

[INDIQUER VOTRE NOM]

No.: [indiquer le numéro de dossier en appel]

APPELLANT - [indiquer votre position en première instance]

[indiquer CONFIDENTIEL si requis]

v.

[INDIQUER LE NOM DE LA PARTIE ADVERSE]

RESPONDENT - [indiquer la position de la partie adverse en première instance]

and

[INDIQUER VOTRE NOM]

IMPLEADED PARTY - [indiquer votre position en première instance]

AFFIDAVIT

[indiquer la position de la partie]

Dated [indiquer la date]

I, the undersigned, [indiquer votre nom], domiciled and residing at [indiquer votre adresse], solemnly affirm as follows:

1. I am the [indiquer la position de la partie];
2. All the facts alleged in the *Application for leave to present indispensable new evidence* are true.

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

[Votre signature]

[Votre nom]

[indiquer la position de la partie]

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 notifiée 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 present indispensable new evidence* 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 [indiquer la date retenue], 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 present indispensable new evidence* 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 [indiquer la date retenue], at 9:30 a.m., in Courtroom 4.33.

DO GOVERN YOURSELF ACCORDINGLY.

**LIST OF SCHEDULES IN SUPPORT OF THE APPLICATION FOR LEAVE TO
PRESENT INDISPENSABLE NEW EVIDENCE**

TAB 1: Judgment rendered by the Honourable [indiquer le nom du juge] of the [indiquer la Cour] on [indiquer la date du jugement qui fait l'objet de l'appel];

TAB 2: Notice of appeal [OU] Application for leave to appeal and judgment granting leave;

TAB 3: [décrire l'annexe 3] **[if applicable]**

[Include all schedules necessary to support your application]

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

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

[INDIQUER VOTRE NOM]

APPELLANT - [indiquer votre position en première instance]

v.

[INDIQUER LE NOM DE LA PARTIE ADVERSE]

RESPONDENT - [indiquer la position de la partie adverse en première instance]

and

[INDIQUER VOTRE NOM]

IMPLEADED PARTY - [indiquer votre position en première instance]

**APPLICATION FOR LEAVE TO PRESENT INDISPENSABLE
NEW EVIDENCE**
(Article 380 C.C.P.)

[indiquer la position de la partie]

Dated [indiquer la date]

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

[Votre adresse]

[Votre numéro de téléphone]

[Votre numéro de télécopieur, le cas échéant]

[Votre adresse électronique, le cas échéant]

[Votre adresse électronique, le cas échéant]

NOTES

Filing and Notification

- The application must be notified to the other parties before it is filed with the Court office (art. 377 of the *Code of Civil Procedure* (hereinafter the “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 ten working days prior to the date of presentation, the application must be filed at the counter of the Court office in quadruplicate 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***).

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

- Pursuant to s. 67 *R.C.A.Q.Civ.M.*, an application for leave to present indispensable new evidence must be accompanied by all the documents necessary for its adjudication in order to be presented on the date indicated 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.