|  |  |
| --- | --- |
| CANADA  PROVINCE OF QUEBEC  DISTRICT OF [MONTREAL OR QUEBEC]  No:  No: [first instance file number]  [write CONFIDENTIAL if applicable] | COURT OF APPEAL  [YOUR NAME]  [Your Address].  APPELLANT - [your status in first instance]  v.  [NAME OF THE OPPOSING PARTY], [party's address].  RESPONDENT - [Opposing Party's Status in First Instance] |

**NOTICE OF APPEAL**

**(Article 352 *C.C.P.*)**

Appellant

[Date of the Notice]

FACTS AND GROUNDS OF APPEAL

1. The appellant appeals from a judgment of the [court of first instance], rendered on [date of judgment], by the Honourable [name of judge], District of [name of district], which [disposition(s) of the judgment];
2. The date of the notice of judgment is [date of notice of judgment rendered under advisement];

[OR]

The date of the judgment rendered at the hearing is [date of the judgment rendered at the hearing];

1. The duration of the trial was [duration];
2. The appellant files with this notice of appeal a copy of the first instance judgment in **Schedule 1**;
3. The value of the subject matter of the dispute is [value, if applicable];
4. This file is not confidential;

[OR]

Pursuant to [provision or decision requiring/justifying confidentiality], certain aspects of this file are confidential;

1. The trial judge erred in [his or her] judgment for the following reasons:

**[hereinafter, describe your grounds of appeal]**

I. Errors of law :

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

II. Palpable and overriding errors in findings of fact:

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

CONCLUSIONS

1. The appellant will ask the Court of Appeal to :
   1. **ALLOW** the appeal;
   2. **SET ASIDE** the first instance judgment;
   3. [specific conclusions sought];
   4. **CONDEMN** the respondent to pay the appellant legal costs both in first instance and on appeal.

This notice of appeal has been notified to [name of the respondent, intervenors or impleaded parties], to [name of the lawyer who represented the respondent in first instance] and to the Office of the [court of first instance], District of [name of the district in first instance].

On [date],

in [city where the affidavit is signed].

[your signature]

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

[your name]

Appellant

[your address]

[your phone number]

[your fax number, if applicable]

[your email address, if applicable]

|  |  |
| --- | --- |
| CANADA  PROVINCE OF QUEBEC  DISTRICT OF [MONTRÉAL OU QUÉBEC]  No:  No: [first instance file number]  [write CONFIDENTIAL if applicable] | COURT OF APPEAL  [INDICATE YOUR NAME]  APPELLANT - [your status in first instance]  v.  [YOUR OPPONENT'S NAME]  RESPONDENT - [your opponent's status in first instance] |

**LIST OF SCHEDULES IN SUPPORT OF NOTICE OF APPEAL**

Appellant

[Date of the Notice]

**SCHEDULE 1:** Judgment rendered by the Honourable [Name of the First Instance Judge] of the [Court of First Instance] rendered [Date of the First Instance Judgment];

**SCHEDULE 2:** [Description of the schedule, if applicable].

**[Be sure to include all schedules necessary to support your notice of appeal]**

|  |  |  |
| --- | --- | --- |
| *Within 10 days after notification, the respondent, the intervenors and the impleaded parties must file a representation statement giving the name and contact information of the lawyer representing them or, if they are not represented, a statement indicating as much. If an application for leave to appeal is attached to the notice of appeal, the intervenors and the impleaded parties are only required to file such a statement within 10 days after the judgment granting leave or after the date the judge takes note of the filing of the notice of appeal. (Article 358, para. 2 C.C.P.).* | No:  No: [First Instance File Number]  COURT OF APPEAL OF QUEBEC  DISTRICT OF [MONTREAL OR QUEBEC]  [YOUR NAME]  APPELLANT - [your status in first instance]  v.  [NAME OF THE OPPOSING PARTY]  RESPONDENT - [opposing party's status in first instance]  **NOTICE OF APPEAL**  Appellant  [Date]  [your Name (and counsel number, if applicable)]  [your Address]  [your Phone Number]  [your Fax Number, if applicable]  [your Email Address, if applicable] | *The parties shall notify their proceedings (including briefs and memoranda) to the appellant and to the other parties who have filed a representation statement by counsel (or a non-representation statement). (Article 25, para. 1 of the Civil Practice Regulation)*  *If a party fails to file a representation statement by counsel (or non-representation statement), it shall be precluded from filing any other pleading in the file. The appeal shall be conducted in the absence of such party. The Clerk is not obliged to notify any notice to such party. If the statement is filed after the expiry of the time limit, the Clerk may accept the filing subject to conditions that the Clerk may determine.*  *(Article 30 of the Civil Practice Regulation)* |

**NOTES**

**Filing and Notification**

* One copy of the notice of appeal, together with proof of notification to the respondent and a copy of the first instance judgment, must be filed with the Office of the Court of Appeal and notified to counsel who represented the respondent in first instance, to the office of the court of first instance and to any other parties interested in the appeal as interveners or as impleaded parties (articles [352](http://www.legisquebec.gouv.qc.ca/fr/ShowDoc/cs/C-25.01?langCont=en#se:352), [353](http://www.legisquebec.gouv.qc.ca/fr/ShowDoc/cs/C-25.01?langCont=en#se:353), [354](http://www.legisquebec.gouv.qc.ca/fr/ShowDoc/cs/C-25.01?langCont=en#se:354) and [358](http://www.legisquebec.gouv.qc.ca/fr/ShowDoc/cs/C-25.01?langCont=en#se:358) of the *Code of Civil Procedure* and [section 28](http://legisquebec.gouv.qc.ca/fr/ShowDoc/cr/C-25.01,%20r.%2010/?langCont=en#se:28) of the *Civil Practice Regulation* of the Court of Appeal).

**Confidentiality**

* If aspects of the file are confidential, include an explicit reference to this effect including the legislative provision or ordonnance pursuant to which the information is confidential ([article 108](http://www.legisquebec.gouv.qc.ca/fr/ShowDoc/cs/C-25.01?langCont=en#se:108) of the *Code of Civil Procedure* and [section 8](http://legisquebec.gouv.qc.ca/fr/ShowDoc/cr/C-25.01,%20r.%2010/?langCont=fr#se:8) of the *Civil Practice Regulation* of the Court of Appeal).

**Drafting**

* The presentation of your grounds of appeal may not exceed 10 pages ([section 27](http://legisquebec.gouv.qc.ca/fr/ShowDoc/cr/C-25.01,%20r.%2010/?langCont=en#se:27) of the *Civil Practice Regulation* of the Court of Appeal).
* On March 3, 2017, [a Notice of Amendment respecting section 21 of the *Civil Practice Regulation* of the Court of Appeal](http://courdappelduquebec.ca/fileadmin/Fichiers_client/Procedures_et_avis/Directives_du_greffier/ENGLISH_Avis_JEC_-_art._21_et_49d__vf_-_3_mars_2017_-_v2.pdf) was issued inviting parties to draft their proceedings in Arial or a similar typeface for which the size 12 font contains no more than 12 characters per 2.5 cm (thereby excluding the typefaces Times New Roman and Garamond). The parties are invited to apply this directive immediately as though it has already been adopted.

|  |
| --- |
| **WARNING:** use of this template does not exempt the user from reading the applicable laws and regulations.  This template is made available free of charge in order to assist parties in drafting their proceedings. All proceedings must be submitted to the special clerk who may refuse or require the correction of any document that does not respect applicable statutory or regulatory requirements. |