

CANADA

COURT OF APPEAL

PROVINCE OF QUEBEC
REGISTRY OF ... (*Montreal or Quebec*)

... (*your name*), domiciled and residing
at ... (*address*), District of ... (*name of
district*)

No.: (*file number in first instance*)

APPLICANT - ... (*your position in first
instance*)

v.

... (*name of adverse party*), domiciled
and residing at ... (*address*), District of ...
(*name of district*)

RESPONDENT - ... (*position of adverse
party at first instance*)

MOTION FOR LEAVE TO APPEAL
(Articles 26 and 494 C.C.P.)

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

1. On ... (*date of judgment*), the Honourable ... (*name of judge*) of the ... (*name of court*), District of ... (*name of district*), rendered that ... (*disposition of judgment*), as appears in the judgment attached to this proceeding (**Schedule 1**);
2. The applicant became aware of this judgment on ... (*date*);
3. The inquiry and hearing lasted ... (*duration*);
4. It is a judgment on ... (*explain briefly the area of law concerned*) and the issue that should be submitted to the Court of Appeal ... (*indicate how the issue is a*

matter of principle, a new issue, or a question of law that has been the subject of conflicting jurisprudence);

5. The applicant attaches to this document the main pleadings filed before the ...
(*court of first instance*) (**Schedule 2**);

6. Palpable errors in the assessment of the documentary evidence and the testimonies: (*provide a detailed statement of the grounds you intend to raise*)

The trial judge committed a palpable error by deciding that ...

The applicant intends to demonstrate that ...

This error of fact is overriding because ...

7. Errors of law: (*provide a detailed statement of the grounds you intend to raise*)

The trial judge erred in law by deciding that...

The applicant intends to demonstrate that ...

This error of law is overriding because ...

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

(a) **SET ASIDE** the judgment at first instance;

(b) ... (*specific conclusions sought*)

(c) **CONDEMN** the respondent to pay costs both at first instance and in appeal;

FOR THESE REASONS, MAY IT PLEASE THE COURT:

TO GRANT this motion;

TO AUTHORIZE the applicant to institute an appeal from the judgment rendered on ... (*date*), by the Honourable ... (*name of judge*) of the ... (*court of first instance*), District of ... (*name of district*), in file number ... (*file number*);

THE WHOLE, costs to follow.

..... (*city and date where the motion will be signed*)

(*Your signature*)

(*Your name*)

Applicant

Attach an affidavit, a notice of presentation, and a list of schedules to the motion.

As provided in article 33 of the Rules of the Court of Appeal in Civil Matters, 2 copies of the motion must be filed at the Office of the Court with documents attached at least 2 clear juridical days before the date of presentation. (One clear juridical day is constituted by an entire day, excluding Saturday, Sunday, and statutory holidays. For more information on clear juridical days, please consult article 6 and 8 of the Code of Civil Procedure.) Do not forget to attach proof of service of the motion on the adverse party or on its attorney(s).

THIS MODEL DOES NOT EXEMPT THOSE WHO USE IT FROM READING THE RELEVANT PROVISIONS OF THE CODE OF CIVIL PROCEDURE, THE RULES OF THE COURT OF APPEAL OF QUEBEC IN CIVIL MATTERS, AS WELL AS THE DOCUMENTS ENTITLED "CHECKLIST IN CIVIL MATTERS" AND "FREQUENTLY ASKED QUESTIONS (IN CIVIL MATTERS)."