

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 in first instance*)

MOTION FOR LEAVE TO APPEAL AFTER THE EXPIRY OF TERM
(Article 523 C.C.P.)

**TO 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 it
appears in the judgment attached to this motion (**Schedule 1**);
2. The inquiry and hearing lasted ... (*date*);
3. The Applicant could not appeal from this judgment in the prescribed delay for the
following reasons;
4. ...(*List the reasons for the delayed appeal*);

5. The trial judge erred in his judgment because: (*explain in a detailed manner the motives you wish to use*)

I - Palpable Errors In the Assessment of the Documentary Evidence and Testimonies:

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

The Applicant intends to demonstrate that...

This error of fact is overriding because ...

II - Errors of Law

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

The Applicant intends to demonstrate that ...

This error of law is overriding because ...

6. Even if the delay to appeal from this judgment has expired, less than 6 months have passed since the judgment was rendered;

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

GRANT this motion;

AUTHORIZE the Applicant to institute a delayed 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*) and to produce an Inscription in Appeal in the ... days after the judgment following authorization (*number of days needed to produce your inscription*);

or

AUTHORIZE the Applicant to institute a delayed 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*) and to allow that the present motion equals the Inscription in Appeal.

THE WHOLE, without costs against the Respondent, unless they contest.

..... (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 28 of the Rules of the Court of Appeal in Civil Matters, 4 copies of the motion must be filed at the Office of the Court with documents attached at least 5 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.

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)."