

CANADA

COURT OF APPEAL

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

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

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

APPLICANT - ... (*your position at 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*)

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**MOTION FOR EXTENSION OF DELAY FOR LEAVE TO APPEAL**  
**(Article 31(1) of Bankruptcy and Insolvency General Rules)**

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**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 it appears in the judgment attached to this motion (**Schedule 1**);
2. The inquiry and hearing lasted ... (*duration*);
3. The Applicant was unable to appeal from this judgment in the prescribed delay for the following reasons;
4. ...(*Describe the reasons why you could not take action sooner*);

5. The trial judge erred in his judgment: (*explain in detail the arguments you wish to use*):

I - Manifest errors in the appreciation of the documentary evidence and of the testimonies:

The trial judge manifestly erred when he ruled that ...

The Applicant intends to demonstrate that ...

This error was 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. The Applicant informed the Respondent his intention to appeal within the delay by .... (*Explain how you informed the respondent that you wished to leave to appeal the trial judgment*);

7. This extension will not cause prejudice to the Respondent.

**FOR THESE REASONS, MAY IT PLEASE THE COURT TO:**

**GRANT** this motion;

**EXTEND** the delay to appeal the judgment, rendered on... (*date*), by the Honourable ... (*name of the judge*), of the ... (*name of court*), District of ... (*name of district*), in file number ... (*file number*);

**ALLOW** the Applicant to file a ... (*Notice of Appeal or Motion for Leave to Appeal*) in ... days following the present authorization (*indicate the number of days necessary to produce your notice*);

*or*

**AUTHORIZE** the filing of the Notice of Appeal (*the Notice of Appeal must be prepared in a separate document*);

or

**AUTHORIZE** the filing of the Motion for Leave to Appeal (*the Motion for Leave to Appeal must be prepared in a separate document*);

**RENDER** any orders required in the interest of justice.

..... (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.*

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)."