CANADA

PROVINCE OF QUEBEC
DISTRICT OF [MONTREAL *or*
QUEBEC]

N°:   [File number in first instance]

COURT OF APPEAL
_____

[YOUR NAME]

APPELLANT - [your status in first instance]

v.

[YOUR OPPONENT'S NAME]

RESPONDENT - [your opponent's status in first instance]

_____

APPLICATION FOR LEAVE TO APPEAL
(Articles 30, para. 2 and 357 *C.C.P.*)
Appellant
Dated [date of the application]

_____

TO ONE OF THE HONOURABLE JUDGE OF THE COURT OF APPEAL, THE APPELLANT SUBMITS:

1.   On [date of judment], the Honourable [name of judge] of the [name of the court of first instance] District of [name of district], rendered that [disposition of the judgment];

2.   The judgement in first instance is on [explain briefly the area of law concerned] and the matter at issue should be submitted to the Court of Appeal because [indicate succinctly how the matter at issue involves a question of principle, a new issue or an issue of law that has given rise to conflicting judicial decisions];

3.   Together with this application for leave to appeal, are attached the judgment in first instance (schedule I) and the exhibits and evidence filed in first instance necessary to obtain leave (schedule II);

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

[*describe the ground of appeals*]

I-   Errors of law:

a) The trial judge erred in law by deciding that […];

b) The appellant intends to demonstrate […];

c) The error of law is overriding because […];

II-   Palpable and overriding error in findings of fact:

a) The trial judge committed a palpable error by deciding that […];

b) The appellant intends to demonstrate […];

c) This mistake of fact is overriding because […];

5.   The appellant will ask the Court of Appeal to :

a) **ALLOW** the appeal;

b) **SET ASIDE** the judgment in first instance;

c) [specific conclusions sought, same as the ones sought in the Notice to Appeal];

d) **CONDEMN** the respondent to pay the appellant the legal cost both in first instance and on appeal.

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

GRANT this application for leave to appeal;

AUTHORIZE the appellant to institute an appeal from the judgment rendered on [date of the judgement in first instance], by the honourable [name of judge] of the [name of the court of first instance], District of [name of district], in file number [first instance file number];

THE WHOLE, costs to follow.

[City and date of signature],

[Your signature]

_____
[Your name]
Appellant

[Your address]

[Your phone number]
[Your fax number, if applicable]
[Your email address, if applicable]

Attach a solemn declaration, a notice of the date of presentation, others elements necessary to obtain leave and a list of schedules to the application.

This Application for leave to appeal is filed together with the Notice to Appeal (Article 357 of the Code of Civil Procedure).

Two copies of this application shall be filed at the Office of the Court accompanied by all documents that must be attached to this application and its proof of service on the respondent at least two working days before the date of presentation. This application shall be notified to the lawyer who represented the respondent in first instance, to the office of the court of first instance and to the persons with an interest in the appeal as intervenors or impleaded parties (Articles 99, 139, 357, 358 et 377 of the Code of Civil Procedure and sections 28 and 63 of Civil Practice Regulation of the Court of Appeal).