

CANADA

COURT OF APPEAL

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

[YOUR NAME]

N°: [File number in first instance]

APPELLANT - [your status in first instance]

v.

[YOUR OPPONENT'S NAME]

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

APPLICATION FOR LEAVE TO APPEAL AFTER THE EXPIRY OF TIME LIMIT
(Article 363 C.C.P.)

Appellant

Dated [date of the application]

TO THE HONOURABLE JUSTICES OF THE COURT OF APPEAL, THE APPELLANT SUBMITS:

1. On [date of judgment], 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], as appears from the judgment in first instance (schedule I);
 2. Even if the appeal time limit from this judgment has expired, less that six months have passed since the judgment was rendered;
 3. 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 [...];
4. The appeal has a reasonable chance of success because [explain why the appeal has a reasonable chance of success];
5. Moreover, it was impossible in fact for the appellant to act earlier for the followings;
6. [present the facts that explain why it was impossible to act within the time limit]

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

GRANT this application for leave to appeal after the expiry of the time limit;

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;

THE WHOLE, without costs, unless contested.

[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 and a list of schedules to the application.

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

Four 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 five 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 the Civil Practice Regulation of the Court of Appeal).

WARNING: THIS TEMPLATE DOES NOT EXEMPT THE USER FROM READING THE RELEVANT LAWS AND REGULATIONS. FOR MORE INFORMATION, REFER TO THE CHECKLIST IN CIVIL MATTERS AND THE FREQUENTLY ASKED QUESTIONS.