

CANADA

COURT OF APPEAL

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

[YOUR NAME], domiciled and residing  
at [adresse], District of [name of district]

N°: [File number in first instance]

APPELLANT - [your status in first  
instance]

[*indicate* **CONFIDENTIAL** *if needed*]

v.

[YOUR OPPONENT'S NAME] domiciled  
and residing at [adresse], District of  
[name of district]

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

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**NOTICE OF APPEAL**

**(Article 352 C.C.P.)**

Appellant

Dated [date of the application]

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1. The appellant appeals from a judgment of the [name of the court], rendered on [date of judgment], by the Honourable [name of judge], District of [name of district], rendered that [disposition(s) of the judgment];
2. The date of the notice of judgment is [date of notice of judgment rendered under advisement];  
  
*[or]*  
  
The date of the judgment rendered at the hearing is [date of the notice of judgment rendered at the hearing];
3. The duration of the trial was of [duration of the trial];
4. The appellant file with this notice of appeal a copy of the judgment in first instance in schedule 1;

5. The value of the subject matter of the dispute is [value, *if applicable*];
6. 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 [...];

*[Add the next allegation if any part of the file is confidential]*

7. This file include a confidential element on the basis [include specific reference to the legal provision or court order that is the basis of the confidentiality];
8. 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];
  - d) **CONDEMN** the respondent to pay the appellant the legal cost both in first instance and on appeal.

Notice of this notice of appeal is given to [name of respondent, intervenors or impleaded parties], to [name of the lawyer who represented the respondent in first instance] and to the Office of the Court [tribunal of first instance], district of [name of the district in first instance].

on [City and date of signature],

[Your signature]

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[Your name]  
Appellant

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

## **NOTICE FOLLOWING THE CIVIL PRACTICE REGULATION**

Within 10 days after notification, the respondent, the intervenors and the impleaded parties must file a representation statement giving the name and contact information of the lawyer representing them or, if they are not represented, a statement indicating as much. If an application for leave to appeal is attached to the notice of appeal, the intervenors and the impleaded parties are only required to file such a statement within 10 days after the judgment granting leave or after the date the judge takes note of the filing of the notice of appeal (Article 358, para. 2 C.C.P.).

If a party fails to file a representation by counsel (*or a non-representation statement*), it shall be precluded from filing any other pleading in the file. The appeal shall be conducted in the absence of such party. The Clerk is not obliged to notify any notice to such party. If the statement is filed after the expiry of the time limit, the Clerk may accept the filing subject to conditions that the Clerk may determine (Article 30 *Civil Practice Regulation*).

The parties shall notify their proceedings (*including briefs and memoranda*) to the appellant and to the other parties who have filed a representation (*or non-representation statement*) (Article 25, para. 1 *Civil Practice Regulation*).

*The Notice of Appeal shall be filed at the Office of the Court of Appeal together with proof of service on the respondent and a copy of the judgment in first instance in one copy. The Notice of Appeal 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 352, 353 and 358 Code of Civil Procedure and section 29 of the Civil Practice Regulation of the Court of Appeal).*

*If any part of the file is confidential, the Notice of Appeal shall include express reference to this effect as well as a specific reference to the legislative provision or court order that is the basis of the confidentiality (Articles 108 and 358 of the Code of Civil Procedure and section 8 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.