

CANADA

COURT OF APPEAL

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

[YOUR OPPONENT'S NAME]

N°: [File number in appeal]
N°: [File number in first instance]

APPELLANT - [appellant's status in first instance]

v.

[YOUR NAME]

RESPONDENT - [your status in first instance]

APPLICATION FOR PROVISIONAL EXECUTION
(Article 355 C.C.P.)

Respondent

Dated [date of the application]

TO ONE OF THE HONOURABLE JUDGE OF THE COURT OF APPEAL, THE RESPONDENT 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 it appears from the judgment attach to this application (schedule 1);
2. On [date of the Notice of Appeal] the appellant initiated an appeal from this judgment (schedule 1), as it appears from the Notice of Appeal attached to this application (schedule 2);

[or]

On [date on which the leave to appeal was granted], the appellant was authorized to appeal this judgment (schedule 1), as it appears from the judgment authorizing the appeal attached to this application (schedule 2);

3. In the absence of a provisional execution of this judgment (schedule 1), the respondent will suffer [serious *or* irreparable] prejudice for the following reasons:

[explain why a provisional execution is sought]

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

GRANT this application;

ORDER to the appellant to execute 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, with costs.

[City and date of signature],

[Your signature]

[Your name]
Respondent

[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.

Two copies of the 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 notification on each party at least two working days before the date of presentation (Article 377 of the Code of Civil Procedure and articles 59 and 63 of the Civil Practice Regulation).

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.