

CANADA

COURT OF APPEAL

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

[YOUR NAME]

N°: [File number in first instance]

APPLICANT - [your status in first instance]

v.

[YOUR OPPONENT'S NAME]

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

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**APPLICATION TO EXTEND THE EXPIRATION OF THE TIME FIXED FOR  
INSTITUTING AN APPEAL**

**(Article 21(4) of the *Divorce Act*)**

Applicant

Dated [date of this application]

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**TO ONE THE HONOURABLE JUSTICES OF THE COURT OF APPEAL, THE APPLICANT 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. The inquiry and hearing lasted [indicate the trial's 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 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 applicant 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 applicant intends to demonstrate [...];

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

6. The extension will not cause prejudice to the respondent;

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

**GRANT** this application;

**EXTEND** the delay 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];

**AUTHORIZE** the applicant to file a Notice of Appeal within [indicate the number of days necessary to file your notice or application] days following the present authorization;

*[or]*

**AUTHORIZE** the filing of the Notice of Appeal *[the Notice of Appeal must be prepared separately]*;

**THE WHOLE**, without costs, unless contested.

[City and date of signature],

[Your signature]

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[Your name]

Applicant

[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 Procedure).*

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.