

More specifically, rules 22 and 25 of the Regulation of the Superior Court of Québec in civil matters are replaced, for the district of Montréal, by the rules in this Regulation, to the extent they enter into conflict with the latter rules.”

3. Section 3 is amended as follows:

“3. At least 2 months before the opening of the term, the master of the rolls posts the roll for hearing on the website or otherwise and notifies, ~~by messenger or by mail,~~ by a technological means an extract of the roll relating to their cases to each of the lawyers of record or to the parties by any means if they have no lawyer.

The transmission to the lawyers by the clerk of an extract of the roll relating to their cases constitutes the notice to lawyers required by article 178 of the Code of Civil Procedure (chapter C-25.01).”

4. Section 6 is amended as follows:

“6. Any request for a postponement is made within 30 days of the publication of the roll for hearing, by written application presented before the judge in chambers; the judge disposes of the application at discretion and may, if granting the postponement, fix the case for hearing as soon as possible on a subsequent roll or ask the clerk to place it on the roll for the fixing of another date. The request must be made using the Lexius platform, except in the case of a self-represented natural person who, as provided in the provisions of the Regulation respecting the pilot project relating to digital transformation of the administration of justice, may file a pleading in hard copy, where it is made by a lawyer, must be made by the technological means put in place for that purpose.”

5. Section 8 is amended as follows:

“8. An advocate who is unable, for serious reasons, to make a written application for postponement before the case is called may communicate orally or in writing using the technological means put in place for that purpose with the Chief Justice or the presiding judge.”

6. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

106826

Draft Regulation

Code of Civil Procedure
(chapter C-25.01)

Superior Court of Québec — Regulation in civil matters — Amendment

Notice is hereby given, in accordance with article 64 of the Code of Civil Procedure (chapter C-25.01), that the Chief Justice of the Superior Court of Québec is publishing the Regulation to amend the Regulation of the Superior Court of Québec in civil matters, appearing below. The draft Regulation will be adopted on the expiry of 45 days following the date of this publication.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Véronique Boucher, Director, Service de recherche, Superior Court, 300, boulevard Jean-Lesage, Bureau R-3.04, Québec (Québec), G1K 8K6; email: veronique.boucher@judex.qc.ca.

The Honourable MARIE-ANNE PAQUETTE,
Chief Justice of the Superior Court

Regulation to amend the Regulation of the Superior Court of Québec in civil matters

Code of Civil Procedure
(chapter C-25.01, art. 63)

1. Schedule 1 to the Regulation of the Superior Court of Québec in civil matters, added by the Regulation to amend the Regulation of the Superior Court of Québec in civil matters (2023) 155 G.O.Q. 2, 1787, is revoked.

2. The Regulation is amended by adding the following after section 1:

“1.1 **Lexius applications.** The applications covered by the Regulation respecting the pilot project relating to digital transformation of the administration of justice, A.M. 2024-5193 of 26 March 2024, (2024) 156 G.O.Q. 2, 1805, that concern class actions, commercial cases and applications dealt with according to the procedure for non-contentious proceedings, are governed for the duration of the pilot project by the special procedural rules provided therein, by those specifically adopted in Schedule 1 to this Regulation and by directives of the Superior Court of Québec, as a complement to the terms of use for the Lexius platform.”

3. The Regulation is amended by adding Schedule 1.

4. This Regulation is in force with respect to a judicial district for the period during which the Regulation respecting the pilot project relating to digital transformation of the administration of justice, A.M. 2024-5193 of 26 March 2024, (2024) 156 G.O.Q. 2, 1805, is in force for that district.

SCHEDULE 1 (Section 3)

REGULATION OF THE SUPERIOR COURT OF QUÉBEC RELATING TO LEXIUS APPLICATIONS IN CIVIL MATTERS

1. For the duration of the pilot project as regards applications relating to class actions, commercial cases and applications dealt with according to the procedure for non-contentious proceedings provided for in the Regulation respecting the pilot project relating to digital transformation of the administration of justice, A.M. 2024-5193 of 26 March 2024, (2024) 156 G.O.Q. 2, 1805, the following provisions of this Regulation are amended or revoked as indicated in this Schedule where they apply to an application covered by the pilot project.

The text that differs from the text otherwise in force is highlighted by the underlining of added text and a strikethrough line for deleted portions.

2. Section 2 is replaced by the following:

“2. Access to registers and records. Any person may have access free of charge to the digital registers and judicial records using the technological means put in place in the courthouses, during the opening hours of the court offices.

Subject to section 3 of the Regulation respecting the pilot project relating to digital transformation of the administration of justice, only the persons designated in section 17 of that Regulation may remotely consult their Lexius record at any time of the day.”

3. Section 3 is replaced by the following:

“3. Form and designation of parties. Pleadings and agreements to be attached to a judgment must be legibly written in a document measuring 21.25 cm × 28 cm (8.5 inches by 11 inches) and indicate the nature and object of the document, the record number, the names of the parties and the party filing it.

Pleadings and other documents filed in Lexius must also satisfy the conditions regarding form set out in the directives of the Court and the terms of use for the platform. Each document must be filed in a separate file. Exhibits may, however, be filed in a bundle in a single file if they have the same identification.

The hard copy of an originating application must also indicate the address and postal code of the parties and on the back, as applicable, the contact information of the lawyer.

A self-represented natural person who, as provided in the provisions of the Regulation respecting the pilot project relating to digital transformation of the administration of justice, may file a pleading in hard copy, must in addition indicate the email address of the parties, if any.

In every pleading, the parties keep the same order and designation as in the originating application.”

4. Section 4 is amended as follows:

“4. Change of address, lawyer or notary. In the event of a change of address in contact information, the parties and their lawyers and notaries must inform the court office without delay.

In the event of a change or substitution of lawyer in the course of a proceeding, the new lawyer must inform the court office without delay.

The notice to the court office must comply with the terms of use for the Lexius platform, if applicable.”

5. Section 5 is replaced by the following:

“5. Laws, regulations, jurisprudence and doctrine. A party relying on a law, regulation, judgment or excerpt from doctrine must provide a permanent hyperlink allowing access thereto free of charge, with a reference to the relevant excerpt, page or paragraph. If there is no permanent hyperlink, the party must file a copy on a technological medium in Lexius.”

A self-represented natural person who, as provided in the provisions of the Regulation respecting the pilot project relating to digital transformation of the administration of justice, may file a document in hard copy, must indicate on it the full permanent hyperlink allowing access free of charge to the law, regulation, judgment or excerpt from doctrine relied on. If there is no permanent hyperlink, the person must provide a hard copy.”

6. Sections 6 and 8 are revoked:

~~“6. **Laws and regulations.** A party relying on regulatory or legislative provisions other than those in the Civil Code of Québec, the Code of Civil Procedure (chapter C-25.01) or the Divorce Act (R.S.C., 1985, c. 3 (2nd Supp.)) must provide a copy for the judge and indicate the relevant articles or sections. (Revoked.)”;~~

~~“8. **Updating of court ledger.** Where the record is forwarded to the Court or to the judge, an extract of the updated court ledger must be filed in the record and the previous extracts destroyed. (Revoked.)”.~~

7. Section 9 is replaced by the following:

“9. **Receipt of pleadings and exhibits.** Pleadings and exhibits must be numbered as provided in the terms of use for the Lexius platform.”.

8. Section 16 is replaced by the following:

“16. **Medical records and expert reports.** A medical record or an expert report prepared by a physician, psychologist or social worker must be identified as confidential when filed in Lexius; it must be confidentially kept and no person, except an authorized person, may have access to it without the permission of the Court or a judge.”.

9. Section 18 is replaced by the following:

“18. **Identification of exhibits and pagination.** Identification and pagination of an exhibit filed in the Lexius record are determined as provided in the directives of the Court and the terms of use for the Lexius platform.”.

10. Section 21 is amended as follows:

“21. **Setting down for trial**

(a) Attestation that a record is complete (ARC): After the request for setting down for trial and judgment has been filed in the Lexius court office, the clerk verifies whether the record is complete and ready for trial and, if appropriate, signs an attestation so attests as provided in the terms of use for the Lexius platform, specifying the estimated duration of the trial on the merits, and so informs the parties.

(b) Notice that a record is incomplete: If the Clerk ascertains that the record is incomplete after verification, the Clerk sends a notice to the parties, and the party in default has 30 days to correct the situation.”.

11. Section 22 is amended as follows:

“22. **Provisional roll.** After the request for setting down for trial and judgment has been filed, the clerk prepares a list of the cases that may be called in the following weeks and, at least 15 days before the date of the session referred to hereafter, sends by a technological means to each lawyer of record, or by any means to the parties if not represented, an extract of that list containing mention of their cases and convenes them to a calling of the provisional roll presided by the Chief Justice or a judge designated by the Chief Justice or, with the latter’s consent, by the clerk.

At that session, the judge or clerk presiding determines the means of simplifying the procedure and shortening the hearing.

Having consulted the lawyers, the judge or clerk presiding fixes the dates of hearing for the cases on the list. Any request for postponement must be presented at that session.

The clerk draws up the minutes of the session and enters in the record of each case called the presence or absence of the lawyers or parties that are not represented.”.

12. Section 25 is amended as follows:

“25. **Roll for hearing.** As soon as possible, the clerk sends the roll for hearing to the judges who will be hearing the cases appearing on the roll and, where applicable, to the judge who presided at the session mentioned in section 22 of this Regulation.

The roll for hearing indicates:

(a) the name of the judge;

(b) the number of the record;

(c) the names of all the parties;

(d) the names of the lawyers of record;

(e) the date and time of the hearing;

(f) the place of the hearing and, where applicable, the room number; and

(g) any other information ordered by the judge or clerk who presided at the session mentioned in section 22.

An extract from that roll is also sent by the clerk by a technological means to each lawyer of record or by any means to unrepresented parties concerning their cases.”.

13. Section 39 is amended as follows:

“**39. Role of court clerk.** The clerk draws up the minutes of the hearing, noting

- (a) the name of the presiding Judge;
- (b) the various stages of the hearing;
- (c) the names of the lawyers and witnesses;
- (d) the names of the clerk and the stenographer;
- (e) the exhibits filed;

(f) the Court orders, and the decisions rendered without being taken under advisement, except those concerning the evidence given in the depositions;

(g) the admissions dictated to the stenographer or mechanically recorded;

(h) the admissions dictated to the court clerk, which must be signed by the parties or their lawyers; and

(i) where applicable, the reasons stated by the Court for not proceeding with the case.

~~Similarly, the court clerk marks the exhibits with a letter and series of numbers previously used, and indicates and initials the case number; the clerk indicates on the copies of doctrine and jurisprudence the name of the lawyer or party who filed it.~~

~~The clerk prepares a separate list of exhibits filed by each of the parties and describes each exhibit.”~~

14. Section 47 is replaced by the following:

“**47. Record under advisement.** No case is taken under advisement until the clerk has ascertained that the Lexis record is complete, unless the judge decides otherwise.

If the record is incomplete, the clerk notifies the lawyers so that they may remedy the default.”

15. Section 48 is amended as follows:

“**48. Incomplete arguments.** If either party fails to complete its oral or written argument within the time period fixed at the hearing, the judge may send or have the clerk send ~~to the parties or their lawyers~~ by a technological means to each of the parties of record or by any

means to the parties if not represented, a notice to remedy the default within the time fixed by the Judge and take the case under advisement as it stands upon the expiry of that period. The judge informs the Chief Justice of that situation.”

16. Section 49 is amended as follows:

“**49. Evidence outside the presence of the court.** When evidence taken outside the presence of the court has been filed in the record, the special clerk must, if having no jurisdiction to render judgment and if the Court is not sitting in the district, ~~send the record to so inform~~ the judge who authorized the taking of evidence outside the presence of the court.”

17. Section 52 is revoked:

~~“**52. Judgment rendered in the course of a proceeding.** A judgment rendered in the course of a proceeding that is written out and signed on an application submitted to the court need not be written out and signed again on a separate paper, and the clerk may issue true copies of such a judgment. (Revoked.)”~~

18. Section 53 is replaced by the following:

“**53. Compulsory indications.** All class action pleadings must include the words “Class Action” immediately above “Superior Court”.

The back of an originating application for a class action also must include those words.”

19. Section 55 is amended as follows:

“**55. Documents accompanying the application.** The application for authorization is accompanied by a ~~copy of all other applications for authorization to bring a class action dealing in whole or in part with the same subject matter and an attestation from the applicant or the applicant’s lawyer indicating that the application will be entered in the national class action register. These documents must be served on the adverse party at the same time as the application for authorization.~~

Failure by the applicant to comply with this section does not entail dismissal of the application; however, the judge, at the request of any interested person or on the judge’s own initiative, may postpone the date of presentation of the application and order the applicant to remedy the failure.”

20. Section 56 is amended as follows:

“**56. Registry of class actions.** Within 5 days of filing, a copy of the application for authorization to institute a class action must be registered in the registry of class actions in accordance with article 573 of the Code of Civil Procedure (chapter C-25.01).”

21. Section 57 is amended as follows:

“**57. Relevant evidence.** An application for authorization to submit relevant evidence in accordance with article 574 of the Code of Civil Procedure (chapter C-25.01) must be accompanied by the documentary evidence, the affidavit or the written statement deemed to be sworn that the applicant wishes to submit.”

22. Section 63 is amended as follows:

“**63. Commercial cases:** All cases where the initial application is based principally, in whole or in part, on any of the following legislative provisions is a commercial case and is tried in the Commercial Chamber:

(Statutes of Canada)

—The Bankruptcy and Insolvency Act (R.S.C. 1985, c. B-3);

—The Companies and Creditors’ Arrangement Act (R.S.C. 1985, c. C-36);

—The Winding-Up and Restructuring Act (R.S.C. 1985, c. W-11);

—The Canada Business Corporations Act (R.S.C. 1985, c. C-44);

—The Bank Act (S.C. 1991, c. 46);

—The Farm Debt Mediation Act (S.C. 1997, c. 21);

—The Commercial Arbitration Act (R.S.C. 1985, c. 17 (2nd Suppl.));

(Statutes of Québec)

—Code of Civil Procedure (chapter C-25.01):

– articles 527, 645 and 647 (homologation of an arbitration award);

– articles 507 and 508 (recognition and enforcement of an arbitration award made outside Québec);

—Companies Act (chapter C-38);

—Winding-Up Act (chapter L-4);

—Securities Act (chapter V-1.1);

—Act respecting the regulation of the financial sector (chapter E-6.1);

—Business Corporations Act (chapter S-31.1).

The same applies to any other case of a commercial nature, on a decision of the Chief Justice or a judge designated by the Chief Justice, made on initiative or on application.”

23. Section 64 is revoked:

“~~**64. Registry and jurisdictional numeration.** The Commercial Chamber has its own Registry and a distinct jurisdictional numeration. (Revoked.)~~”

24. Section 65 is replaced by the following:

“**65. Compulsory indications.** A pleading in the Commercial Chamber must include, beneath the words “Superior Court”, the words “Commercial Chamber” and, beneath those latter words, a reference to the law that governs the proceeding.

The back of an originating application must also include those words.”

25. Sections 66 and 67 are revoked:

“~~**66. Multiple cases within the same record.** Whenever there are multiple cases within the same record, each new originating application must bear the indication “New Case”. In subsequent pleadings relative to the new application, the sequential number given to the new application must be mentioned in the heading “Case sequence number _____” under the court number of the record. (Revoked.)~~”

“~~**67. Exception.** If the volume of commercial cases in any judicial district is limited, the coordinating judge of the district or the judge designated by the coordinating judge may have commercial cases dealt with in the general court office and tried in the civil practice chamber. (Revoked.)~~”

26. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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