

Draft Regulations

Draft Regulation

Code of Civil Procedure
(chapter C-25.01)

Superior Court of Québec
— **Regulation in civil and family matters for the district of Montréal**
— **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 and family matters for the district of Montréal, 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 and family matters for the district of Montréal

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

1. Schedule 1 to the Regulation of the Superior Court of Québec in civil and family matters for the district of Montréal, added by the Regulation to amend the Regulation of the Superior Court of Québec in civil and family matters for the district of Montréal (2023) 155 G.O.Q. 2, 1786, 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, in Schedule 1 to the Regulation of the Superior Court of Québec in civil matters (chapter C-25.01, r. 0.2.1) 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 the judicial district of Montréal 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 1 is amended as follows:

“**1.** The rules set out in the Regulation of the Superior Court of Québec in civil matters (chapter C-25.01, r. 0.2.1) are replaced, amended or completed, as the case may be, by the rules set out in this Regulation, which apply in the district of Montréal.

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*.

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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.”.