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Part

2

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Laws and Regulations

Volume 148

Summary

Table of Contents
Regulations and other Acts
Index

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Contents

Part 2 contains:

- (1) Acts assented to, before their publication in the annual collection of statutes;
- (2) proclamations of Acts;
- (3) regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (chapter C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
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- (5) regulations and rules made by a Government agency which do not require approval by the Government, a minister or a group of ministers to come into force, but whose publication in the *Gazette officielle du Québec* is required by law;
- (6) rules of practice made by judicial courts and quasi-judicial tribunals;
- (7) drafts of the texts mentioned in paragraph 3 whose publication in the *Gazette officielle du Québec* is required by law before their adoption or approval by the Government.

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Table of Contents

Page

Regulations and other Acts

| | |
|----------------------------------------------------------------------------------------------------------|------|
| 409-2016 Cartage industry – Québec (Amend.) | 2171 |
| Derivatives Regulation (Amend.) | 2173 |
| Superior Court of Québec — Regulation in civil and family matters for the district of Montréal | 2174 |
| Superior Court of Québec — Regulation in civil matters | 2176 |
| Superior Court of Québec — Regulation in civil matters for the district of Québec | 2184 |
| Superior Court of Québec — Regulation in family matters | 2187 |

Regulations and other Acts

Gouvernement du Québec

O.C. 409-2016, 18 May 2016

An Act respecting collective agreement decrees
(chapter D-2)

Cartage industry – Québec — Amendment

Decree to amend the Decree respecting the cartage industry in the Québec region

WHEREAS, under section 2 of the Act respecting collective agreement decrees (chapter D-2), the Government made the Decree respecting the cartage industry in the Québec region (chapter D-2, r. 3);

WHEREAS, under sections 4 and 6.1 of the Act, the contracting parties designated in the Decree have submitted to the Minister an application for amendments to the Decree;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 5 of the Act respecting collective agreement decrees, a draft Decree to amend the Decree respecting the cartage industry in the Québec region was published in Part 2 of the *Gazette officielle du Québec* of 30 December 2015 and in a French language newspaper and in an English language newspaper, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, under section 7 of the Act respecting collective agreement decrees and despite the provisions of section 17 of the Regulations Act, a decree comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date indicated therein;

WHEREAS it is expedient to make the Decree without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Labour:

THAT the Decree to amend the Decree respecting the cartage industry in the Québec region, attached to this Decree, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Decree to amend the Decree respecting the cartage industry in the Québec region

An Act respecting collective agreement decrees
(chapter D-2, ss. 4 and 6.1)

1. The Decree respecting the cartage industry in the Québec region (chapter D-2, r. 3) is amended by replacing section 7.01 by the following:

“**7.01.** As of 1 June 2016, the minimum hourly rate is established as follows for each of the employment categories determined below:

| Employment category | Hiring rate | After 6 months | After 12 months | After 24 months |
|--------------------------------|-------------|----------------|-----------------|-----------------|
| 1. Helper | \$11.20 | \$11.91 | \$12.38 | \$13.56 |
| 2. Labourer | \$11.20 | \$11.91 | \$12.38 | \$13.56 |
| 3. Assistant-mechanic | \$13.56 | \$14.74 | \$15.34 | \$16.51 |
| 4. Driver, class A | \$11.89 | \$11.89 | \$11.89 | \$11.89 |
| 4.1 Driver, class B | \$13.17 | \$14.33 | \$14.90 | \$16.05 |
| 5. Road-train driver | \$15.47 | \$16.61 | \$17.20 | \$18.34 |
| 6. Truck driver | \$13.76 | \$14.90 | \$15.48 | \$16.62 |
| 7. Tractor semi-trailer driver | \$14.33 | \$15.48 | \$16.05 | \$17.20 |
| 8. Tank-truck driver | \$14.33 | \$15.48 | \$16.05 | \$17.20 |
| 9. Tank-trailer driver | \$16.05 | \$17.20 | \$17.77 | \$18.92 |
| 10. Float driver | \$14.90 | \$16.05 | \$16.62 | \$17.77 |
| 11. Loading machinery operator | \$13.56 | \$14.74 | \$15.34 | \$16.51 |
| 12. Dockman | \$11.20 | \$11.91 | \$12.38 | \$13.56 |
| 13. Mechanic | \$16.61 | \$17.76 | \$18.34 | \$19.50 |
| 14. Packer | \$11.20 | \$11.91 | \$12.38 | \$13.56 |

| Employment category | Hiring rate | After 6 months | After 12 months | After 24 months |
|---------------------------------|-------------|----------------|-----------------|-----------------|
| 15. Snow removal vehicle driver | \$15.47 | \$16.61 | \$17.20 | \$18.34 |
| 16. Welder | \$16.61 | \$17.76 | \$18.34 | \$19.50 |

The hourly rates provided for in the first paragraph and section 7.02 and the rates provided for in section 7.03 are increased by 3% as of 1 June 2017 and by 3% as of 1 June 2018. Despite the foregoing, the hourly rate for a class A driver is increased by 2% instead of 3% on the same dates.

If the rates thus increased have more than 2 decimals, only the first 2 decimals are retained and the second is increased by 1 unit if the third decimal is equal to or greater than 5.”

2. Section 7.02 is replaced by the following:

“**7.02.** As of 1 June 2016, the minimum hourly rate for office clerks is the following:

| Hiring rate | After 6 months | After 12 months | After 24 months |
|-------------|----------------|-----------------|-----------------|
| \$12.03 | \$12.90 | \$13.76 | \$15.49”. |

3. Section 7.03 is amended by replacing paragraph 2 by the following:

“(2) as of 1 June 2016, a driver receives for each kilometre travelled:

| Hiring rate | After 6 months | After 12 months | After 24 months |
|-------------|----------------|-----------------|-----------------|
| \$0.19 | \$0.20 | \$0.21 | \$0.23». |

4. Section 18.01 is amended

(1) by replacing the wage rate table in paragraph 1 by the following:

| “Employment category | As of 1 June 2016 | As of 1 June 2017 | As of 1 June 2018 |
|----------------------|-------------------|-------------------|-------------------|
| 1. Helper | \$17.70 | \$18.05 | \$18.41 |
| 2. Driver, Class I | \$18.07 | \$18.43 | \$18.80 |
| 3. Driver, Class II | \$18.22 | \$18.58 | \$18.95 |
| 4. Driver, Class III | \$18.99 | \$19.37 | \$19.76 |
| 5. Driver, Class IV | \$19.71 | \$20.10 | \$20.50 |
| 6. Mechanic, welder | | | |
| 1st grade | \$13.99 | \$14.27 | \$14.56 |
| 2nd grade | \$19.00 | \$19.38 | \$19.77 |

| “Employment category | As of 1 June 2016 | As of 1 June 2017 | As of 1 June 2018 |
|----------------------|-------------------|-------------------|-------------------|
| 7. Serviceman | | | |
| 1st grade | \$13.99 | \$14.27 | \$14.56 |
| 2nd grade | \$18.22 | \$18.58 | \$18.95”; |

(2) by replacing the wage rate table in paragraph 2 by the following:

| “Employment category | As of 1 June 2016 | As of 1 June 2017 | As of 1 June 2018 |
|----------------------|-------------------|-------------------|-------------------|
| 1. Helper | \$17.26 | \$17.61 | \$17.96 |
| 2. Driver, Class I | \$18.86 | \$19.24 | \$19.62 |
| 3. Driver, Class II | \$19.01 | \$19.39 | \$19.78 |
| 4. Driver, Class III | \$19.22 | \$19.60 | \$19.99 |
| 5. Driver, Class IV | \$19.93 | \$20.33 | \$20.74 |
| 6. Mechanic, welder | | | |
| 1st grade | \$13.99 | \$14.27 | \$14.56 |
| 2nd grade | \$19.21 | \$19.59 | \$19.98 |
| 7. Serviceman | | | |
| 1st grade | \$13.99 | \$14.27 | \$14.56 |
| 2nd grade | \$18.48 | \$18.85 | \$19.23”; |

(3) by replacing the wage rate table in paragraph 3 by the following:

| “Employment category | As of 1 June 2016 | As of 1 June 2017 | As of 1 June 2018 |
|----------------------|-------------------|-------------------|-------------------|
| 1. Helper | \$19.57 | \$19.96 | \$20.36 |
| 2. Driver, Class I | \$19.96 | \$20.36 | \$20.77 |
| 3. Driver, Class II | \$20.14 | \$20.54 | \$20.95 |
| 4. Driver, Class III | \$20.87 | \$21.29 | \$21.72 |
| 5. Driver, Class IV | \$21.62 | \$22.05 | \$22.49 |
| 6. Mechanic, welder | | | |
| 1st grade | \$13.99 | \$14.27 | \$14.56 |
| 2nd grade | \$20.50 | \$20.91 | \$21.33 |
| 7. Serviceman | | | |
| 1st grade | \$13.99 | \$14.27 | \$14.56 |
| 2nd grade | \$20.13 | \$20.53 | \$20.94”. |

5. This Decree comes into force on the day of its publication in the *Gazette officielle du Québec*.

M.O., 2016-08**Order number I-14.01-2016-08 of the Minister of Finance dated 18 May 2016**

Derivatives Act
(chapter I-14.01)

CONCERNING the Regulation to amend the Derivatives Regulation

WHEREAS subparagraphs 1, 2, 9, 11, 12, 16, 22 and 29 of section 175 of paragraph 1 of the Derivatives Act (chapter I-14.01) stipulates that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the fourth and fifth paragraphs of section 175 of the said Act stipulate that a draft regulation shall be published in the *Bulletin de l'Autorité des marchés financiers*, accompanied with the notice required under section 10 of the Regulations Act (chapter R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the second and sixth paragraphs of the said section stipulate that every regulation made under section 175 must be submitted to the Minister of Finance for approval with or without amendment and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation;

WHEREAS the Derivatives Regulation has been approved by ministerial order no. 2009-01 dated January 15, 2009 (2009, *G.O.* 2, 33A);

WHEREAS there is cause to amend this regulation;

WHEREAS the draft Regulation to amend the Derivatives Regulation was published in the *Bulletin de l'Autorité des marchés financiers*, volume 13, no. 2 of January 14, 2016;

WHEREAS the Authority made, on April 27, 2016, by the decision no. 2016-PDG-0062, Regulation to amend the Derivatives Regulation;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment Regulation to amend the Derivatives Regulation appended hereto.

May 18, 2016

CARLOS LEITÃO,
Minister of Finance

Regulation to amend the derivatives regulation

Derivatives Act
(chapter I-14.01, s. 175, par. 1, subpars. (1), (2), (9), (11), (12), (16), (22) and (29))

1. Section 11.6 of the Derivatives Regulation (chapter I-14.01, r. 1) is amended by replacing paragraphs (1) and (2) with the following:

“(1) have at least 2 years of relevant experience with respect to the derivatives for which he wishes to act;

“(2) have met at least one of the following education and training requirements with respect to the derivatives for which he wishes to act:

(a) have passed all required exams of the Investment Industry Regulatory Organization of Canada for a dealing representative; or

(b) have earned a CFA Charter as defined in section 3.1 of Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations; or

(c) have earned a Chartered Alternative Investment Analyst charter through the Chartered Financial Analyst program prepared and administered by the Chartered Alternative Investment Analyst Association and so named on June 5, 2016, and every program that preceded that program, or succeeded that program, that does not have a significantly reduced scope and content when compared to the scope and content of the first-mentioned program.”.

2. The Regulation is amended by inserting the following after section 11.6:

“**11.6.1.** The advising representative or the associate advising representative can only act with respect to the derivatives for which he has the relevant experience, education and training referred to in section 11.6.”.

3. Section 11.13 of the Regulation is amended by replacing paragraphs (1) and (2) with the following:

“(1) have at least 3 years of relevant experience with respect to the derivatives for which he wishes to act;

“(2) have met at least one of the following education and training requirements with respect to the derivatives for which he wishes to act:

(a) have passed all required exams of the Investment Industry Regulatory Organization of Canada for a dealing representative; or

(b) have earned a CFA Charter as defined in section 3.1 of Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations; or

(c) have earned a Chartered Alternative Investment Analyst charter through the Chartered Financial Analyst program prepared and administered by the Chartered Alternative Investment Analyst Association and so named on June 5, 2016, and every program that preceded that program, or succeeded that program, that does not have a significantly reduced scope and content when compared to the scope and content of the first-mentioned program.”

4. The Regulation is amended by inserting the following after section 11.13:

“**11.13.1.** A chief compliance officer of a derivatives portfolio manager can only act with respect to the derivatives for which he has the relevant experience, education and training referred to in section 11.13.”

5. Section 11.14 of the Regulation is amended:

(1) by replacing the words “Title III” with the words “Titles III and IV”;

(2) by inserting the words “or to a person authorized to create or market a derivative or authorized to carry on similar activities” after the words “exercise similar functions”.

6. Section 11.36 of the Regulation is amended by adding the following after paragraph (3):

“(4) all other information related to question 35 of the form set out in Schedule B.”

7. Section 13.2 of the Regulation is amended by replacing “and 28” with “, 28 and 35(d)”.

8. Schedule B of the Regulation is amended:

(1) by inserting the following after question 6:

“**6.1.** Legal entity identifier, if eligible to receive one, assigned to the person applying for qualification in accordance with the standards set by the Global Legal Entity Identifier System as defined in section 1 of Regulation 91-507 respecting Trade Repositories and Derivatives Data Reporting (chapter I-14.01, r. 1.1).”;

(2) by replacing the words “, pour les trois dernières années” in the French text of question 32 with the words “des 3 derniers exercices”;

(3) by adding the following after question 34:

“BUSINESS ACTIVITIES

35. Provide the following information regarding the activities in the previous fiscal year of the person applying for qualification:

(a) the number of Québec clients;

(b) the number of client account closures;

(c) the number of contracts entered into in Québec and the notional value for all such contracts;

(d) the percentage of client accounts that were profitable for the counterparties;

(e) the applicable interest rate per currency at fiscal year-end differentiating lending and deposit rates;

(f) the number of closed positions from margin calls to clients;

(g) the number of price corrections (slippage) with client impact assessment performed.”

9. This Regulation comes into force on June 5, 2016.

102606

Notice of adoption

Code of Civil Procedure
(chapter C-25.01)

Superior Court

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

Notice is hereby given that, in accordance with articles 63 to 65 of the Code of Civil Procedure (chapter C-25.01), the Regulation of the Superior Court of Québec in civil and family matters for the district of Montréal, appearing below, was adopted on 20 May 2016 and will come into force on 16 June 2016.

THE HONOURABLE JACQUES R. FOURNIER,
Chief Justice of the Superior Court

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, a. 63)

DIVISION I PRELIMINARIES

1. The rules set out in the Regulation of the Superior Court of Québec in Civil Matters (chapter C-25.01, (*enter the number of the Regulation*)) 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.

DIVISION II ROLLS FOR HEARING

2. Under the authority of the Chief Justice, the master of the rolls distributes the cases among the available judges according to the nature of each case and the anticipated duration of the trial.

The roll for hearing thus prepared shows the name of the judge, the number of the case, the name of the parties and their lawyers, the date and hour of hearing and the number of the court room.

3. At least two 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, an extract of the roll relating to their cases to each of the lawyers of record or to the parties 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).

DIVISION III HEARING OF CASES

4. If a case cannot be heard in the court room where it has been fixed for hearing, the master of the rolls, under the authority of the Chief Justice, refers it to another judge who is available, in such manner as will assure the greatest efficiency; if there is no judge available for either sitting on that day, the master of the rolls fixes the case as soon as possible on a subsequent roll.

5. The trial of a case which has been started must continue until it has been completed without adjournment to a subsequent session of the Court. If it cannot be completed, the master of the rolls must fix it as soon as possible on a subsequent roll.

DIVISION IV POSTPONEMENTS

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.

7. Subject to article 265 of the Code of Civil Procedure, no later application for postponement may be taken into consideration unless there are truly exceptional circumstances which have been alleged by written application presented to the Chief Justice, who decides the matter at discretion.

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 with the Chief Justice or the presiding judge.

DIVISION V SUMMARY ROLL

9. Applications to have a case fixed on the summary roll may be presented to the officer appointed by the Chief Justice on Mondays and Tuesdays of each week between 2:00 p.m. and 4:00 p.m. or at such other time as may be fixed by the Chief Justice.

DIVISION VI PRACTICE CHAMBER

10. The Chief Justice determines the number of sections of the Practice Chamber. The distribution of cases therein is made according to the instructions of the Chief Justice.

11. Unless the Chief Justice decides otherwise, notice of presentation of any proceeding is given for 9:15 a.m. in the rooms designated respectively for civil matters, family matters or for the special clerk.

12. Any proceeding in respect of which no interested lawyer appears before the final daily adjournment is struck from the roll.

13. Any proceeding which has already been adjourned twice and with respect to which the parties are not ready to proceed is struck from the roll.

DIVISION VII DELEGATION OF POWERS BY THE CHIEF JUSTICE

14. The Chief Justice may designate a judge to hear and dispose of applications made under any of these rules of practice.

DIVISION VIII FINAL PROVISIONS

15. This Regulation replaces the Rules of practice of the Superior Court of the district of Montréal in Civil Matters and Family Matters (chapter C-25.01, r. 11) and comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

102608

Notice of adoption

Code of Civil Procedure
(chapter C-25.01)

Superior Court — Regulation of the Superior Court of Québec in civil matters

Notice is hereby given that, in accordance with articles 63 to 65 of the Code of Civil Procedure (chapter C-25.01), the Regulation of the Superior Court of Québec in civil matters, appearing below, was adopted on 20 May 2016 and will come into force on 16 June 2016.

THE HONOURABLE JACQUES R. FOURNIER,
Chief Justice of the Superior Court

Regulation of the Superior Court of Québec in civil matters

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

CHAPTER I GENERAL PROVISIONS

1. Application. This Regulation applies in all judicial districts of Québec, subject to any special rules adopted pursuant to article 63 of the Code of Civil Procedure (chapter C-25.01).

Subject to any provision to the contrary, it also applies in family matters and in bankruptcy.

2. Access to registers and records. The records of the Court and the registers of the clerk may be consulted during the opening hours of the court offices.

A record may be consulted only in the presence of the clerk or of a designated person. If the clerk cannot be present, he or she must require that a written acknowledgement of it be kept in the record.

3. Designation of parties and format of pleadings. Pleadings must be legibly written on one side of a good quality paper measuring 21.25 cm × 28 cm (8.5 inches × 11 inches) – the nature and object of the pleading must be indicated on the back, with the record number and the names of the parties, the party filing it, as well as the name, address, postal code, telephone number, e-mail address and computer code of that party's attorney or notary.

Agreements to be attached to a judgment must be drafted on one side only of a good quality paper measuring 21.25 cm × 28 cm (8.5 inches by 11 inches).

An originating application indicates the name, address and postal code of the parties.

Every pleading of a party must be signed by the party's lawyer or notary, in the cases provided for by law. If a party is not represented by a lawyer or notary, the pleading must be signed by the party.

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

4. Change of address, lawyer or notary. In the event of a change of address the parties, or 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.

5. Jurisprudence and doctrine. A party relying on a judgment or excerpt from doctrine must indicate the relevant pages and identify the passages cited.

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 or the Divorce Act must provide a copy for the judge and indicate the relevant articles or sections.

CHAPTER II COURT OFFICE

7. Registers and index. The clerk keeps, in the form of books, cards, films, magnetic recordings, information technology medium, or as otherwise decided by the Chief Justice in agreement with the administration, the following registers and indexes:

- (a) an index of plaintiffs, defendants and other parties;
- (b) an index of elections of domicile;
- (c) an index of the cases taken under advisement, with respect to both incidental proceedings and the merits, containing:
 - i. the number of the record;
 - ii. the names of the parties;
 - iii. the name of the judge;
 - iv. the date on which the matter was taken under advisement;
- (d) a court ledger containing:
 - i. the number of the case;
 - ii. the names of the parties;
 - iii. the nature of the application, the amount claimed and the date on which the copy of the application was deposited;
 - iv. the nature and the date of receipt of all pleadings;
 - v. a concise description of each document filed;
 - vi. a concise summary of all judicial orders, judgments rendered in the course of a proceeding or that terminate the proceeding, or judgments on the merits, with their date;
 - vii. the date of each session of the Court and the date of the deposit of the minutes of the hearing at that session;
 - viii. the date on which the record is complete and the date on which it is sent to the Judge for advisement;
 - ix. the nature of any notice of execution requested;
 - x. the date of any notice of execution filed in the court office and the date on which the bailiff files a bailiff's report in the court office;
 - xi. the orders made since the filing of the notice of execution;

- xii. the nature and date of receipt of all oppositions, applications for annulment, claims or contestations filed, and the names and addresses of the lawyers concerned, if any;

- xiii. the amount realized, if any;

- (e) a register containing the original copies of judgments except those written and signed on the minutes of a hearing or on an application;

- (f) a journal of the judgments included in the preceding register;

- (g) if applicable, the rolls determined by this Regulation;

- (h) an index of applications for an injunction, habeas corpus applications and applications for judicial review, containing:

- i. the number of the record;

- ii. the names of the parties and of their lawyers;

- iii. the date and nature of the application;

- (i) an index of expropriations containing:

- i. the number of the record;

- ii. the names of the parties and of their lawyers;

- iii. the date of commencement of the proceeding;

- (j) an index of class actions containing:

- i. the number of the record;

- ii. the names of the parties and of their lawyers;

- iii. the date of commencement of the proceeding;

- (k) a register of non-contentious matters containing:

- i. the designation of the parties;

- ii. the object of the proceedings;

- iii. the date of the judgment;

- iv. a mention of the proceedings after judgment;

- (l) all other registers, indexes or cards which may be required by law or ordered by the Chief Justice or determined by the Clerk.

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.

9. Receipt of pleadings and exhibits. Upon receipt of an exhibit or pleading, the clerk must number it and enter the date and time of its reception, after payment, if applicable, of the required court office fees.

CHAPTER III APPLICATIONS IN THE COURSE OF A PROCEEDING

10. Reference to relevant provisions. An application made in the course of a proceeding must include a reference to the article of the Code of Civil Procedure, the section of this Regulation, or the section of the law under which it is filed.

11. Amendments. If a proceeding is amended, the additions or substitutions must be underlined, or indicated in the margin by a vertical line, and deletions must be indicated by means of dots in brackets.

12. Application for clarification. Every paragraph of an application for clarification must be numbered in the same way as the paragraph of the pleading concerned.

13. Clarification. When clarifications to a pleading have been ordered, a new pleading incorporating the clarifications must be filed in the record within the time limit set.

14. Seizure before judgment and forced surrender. An application to annul a seizure before judgment and an application to annul an order issued under article 2767 of the Civil Code of Québec, based on the falsity of the allegations in the affidavit, must specify which allegations are contested and the reasons for contesting them.

15. Protective supervision. Upon reception of an opposition under article 280 of the Civil Code of Québec or article 320 of the Code of Civil Procedure, the clerk enters the case on the roll for the Practice Chamber and sends a notice of presentation to all interested persons at least ten days prior to the date fixed in the notice.

CHAPTER IV EXHIBITS AND EXCERPTS FROM DEPOSITIONS

16. Medical records and expert reports. A medical record or an expert report prepared by a physician, psychologist or social worker that is filed in the record is kept in a sealed envelope and no person, except an authorized person, may have access to it without the permission of the Court or a judge. Access to such a document includes the right to make copies of it at the person's expense.

17. Curriculum vitae and expert's fees. A party that produces an expert report must also produce the author's curriculum vitae and the invoice for the expert's fees up to that date and for the expert's fees to attend the trial.

18. Identification of exhibits and pagination. An exhibit that has been disclosed and produced must be identified by one letter for each party, followed by a consecutive number from the beginning to the end of the record.

Exhibits retain the same identification for all applications, on the merits and in the course of a proceeding.

The identification of the exhibit and the number of the record must appear on the front and back of each exhibit, if applicable. The number of the record need not be repeated if several exhibits are joined together.

The party that produces a document must paginate it if it is not already paginated.

19. Excerpts of depositions. Any excerpt of a deposition adduced as evidence under articles 105, 222 and 227 of the Code of Civil Procedure must indicate the date and place of the deposition and the name and capacity of the deponent, and must be certified by the authorized person who transcribed it. The clerk may issue a certified true copy of the excerpt.

CHAPTER V READINESS FOR TRIAL

20. (a) Record without case protocol

If the record is complete and ready for trial, the Court may try the application immediately or, after estimating the length of the trial, set a date for a hearing or refer it to the clerk for that purpose.

(b) Record with case protocol

i. In all cases with an oral or written defence, the request for setting down for trial and judgment is made in accordance with article 174 of the Code of Civil Procedure using the form provided for that purpose.

ii. Grounds of defence: If the defence is oral, the grounds of defence must be stated in the case protocol.

iii. Date of hearing: If the defence is oral and the circumstances so justify, the judge may, on his or her own initiative and before the expiry of the time limit set in article 173 of the Code of Civil Procedure, exempt the parties from the obligation of filing a request for setting down for trial and judgment and proceed in accordance with paragraph (a) of this section.

iv. When the case is ready for trial, a party may convene the other parties before the Court to verify the status of the record. If it is complete and ready for trial, the judge may refer it to the clerk to set a date for the hearing.

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 court office, the clerk verifies whether the record is complete and ready for trial and, if appropriate, signs an attestation 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.

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, mails to each lawyer of record, or 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.

23. Pre-trial conference. The Chief Justice or the judge designated by the Chief Justice determines the cases in which a pre-trial conference must be held.

24. Settlement conference. An application for a settlement conference must be addressed to the Chief Justice or the judge designated by the Chief Justice and include the information specified in the form published on the website of the Superior Court.

CHAPTER VI **ROLL FOR HEARING**

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 to each lawyer of record or unrepresented parties concerning their cases.

26. Cases added to the roll. The Chief Justice or the judge designated by the Chief Justice or, under their authority, the clerk or the master of the rolls, may add to the roll for hearing any cases deemed ready to proceed.

27. Cases fixed by preference. An application to fix a case by preference must be accompanied by a notice in which the date and time of presentation have been previously determined by the Chief Justice or the judge designated by the Chief Justice.

28. Notice to lawyers and parties. The extract from the roll for hearing sent to the lawyers and parties concerning their case constitutes the notice required by article 178 of the Code of Civil Procedure.

29. Inaccuracies in the certificate of readiness. A judge presiding at the trial who finds that the declaration made under article 174 of the Code of Civil Procedure contains inaccuracies without which the case would not have been put on the roll for hearing may strike the case from the roll, adjourn it or take any other appropriate measure in the interest of justice.

30. Postponement. No case may be postponed solely by the consent of the parties or by reason of their absence. If this occurs, the case is struck from the roll.

A case which has been once postponed at the request of any party and for which the parties are still not ready when the case re-appears on the roll for hearing is struck from the roll, and may not re-appear again unless the Chief Justice or the Judge designated by the Chief Justice, after receiving a written application, orders otherwise.

31. Priority on the roll. Cases which must be heard and decided without delay pursuant to a provision of the law or a decision of the Chief Justice or a judge designated by the Chief Justice for that purpose have priority on the roll, and in particular the following cases:

(a) cases incidental to the forced execution of judgments (Code of Civil Procedure, a. 659);

(b) cases to contest a claim produced by a creditor in connection with a seizure in the hands of third persons (Code of Civil Procedure, a. 711);

(c) cases to contest a claim produced in a case of voluntary deposit (Code of Civil Procedure, a. 667);

(d) cases relating to applications for authorization for seizure before judgment (Code of Civil Procedure, aa. 518, 519, 522 and 523).

CHAPTER VII HEARING

DIVISION I DECORUM

32. Persons present. All persons attending a hearing must rise when the judge enters the room and remain standing until the judge is seated. When the hearing is over, they stand again and refrain from moving until the Judge has retired.

33. Court usher. At the opening of the session, the court usher says aloud: "Silence. All rise please. The Superior Court is now in session, the Honourable presiding."

As soon as the judge is seated, the court usher invites those present to be seated.

34. Dress and conduct at the hearing. Every person appearing before the court must be suitably attired.

35. Gown. In the court room, a male lawyer wears either a black gown with a black jacket, dark trousers and a shirt with a white collar and bands, or a black gown closed in front, with a raised neck opening, long sleeves and white bands. A female lawyer wears a black gown with white bands and a black long-sleeved dress or a dark skirt or trousers and a white long-sleeved blouse.

A male articulated student wears either a black gown with a dark suit, white shirt and dark tie, or a black gown closed in front, with a raised neck opening and long sleeves. A female articulated student wears a black gown with a dark skirt or trousers and a white long-sleeved blouse or dark clothing.

However, it is not required to wear a gown during the months of July and August, nor in the Practice Chamber for civil matters. When a gown is not required, male attorneys and male articulated students wear plain trousers, jacket, shirt and tie; female attorneys or female articulated students wear a plain skirt or trousers with a blouse and jacket, a dress or a tailor-made suit.

36. Dress for court clerks and ushers. When the Court is in session, court clerks and ushers must always wear one of the attires described in section 35 for articulated students.

37. Order. Anything that disturbs the decorum and good order of the court is prohibited.

More specifically, the reading of newspapers and the inappropriate use of electronic devices of any kind that hinder the conduct of the hearing or infringe the propriety of the court are prohibited.

38. Interviews and the use of cameras. In order to ensure the fair administration of justice, the serenity of judicial hearings and the respect of the rights of litigants and witnesses, interviews and the use of cameras in a courthouse are only permitted in the areas designated for such purposes by the directives of the Chief Justices.

DIVISION II MINUTES

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.

40. Swearing in of witnesses. The court clerk stands and says to the witness: “Do you swear to tell the truth, the whole truth and nothing but the truth? Raise your right hand and say I do.”

CHAPTER VIII STENOGRAPHY AND RECORDING OF PROCEEDINGS

41. Application. The rules in this Chapter apply, adapted as required, to any person required to record or transcribe depositions by any authorized mode.

42. Role of the stenographer. The stenographer is required to record the depositions of the witnesses, the admissions dictated to the stenographer, the undertakings made, the objections to the evidence, the argument upon the objections if the judge so requires, and the decisions made on the objections.

43. Name of witness. Each page of a deposition must mention the name of the witness at the top.

44. Letter format. The transcript of a recording or deposition may be presented in the format prescribed in section 3.

It may also be filed in “four in one” format, with an alphabetical index.

45. Respect of witnesses. The respect due witnesses requires that any examination outside the presence of the court be conducted in the same manner as if it was before the court. If there is indecorous or disorderly conduct, the stenographer may suspend the examination in order to obtain directions from a judge for its continuation.

46. Videoconferencing. The court may authorize the examination of a witness by videoconferencing or by any other means of communication if, having regard to the guiding principles of the Code of Civil Procedure, the means proposed appears to the court to be reliable and proportional to the circumstances of the case, taking into account the technological facilities available.

CHAPTER IX JUDGMENTS

47. Record under advisement. Before giving the record to the judge, the court clerk ensures that it contains the pleadings, exhibits, applications in the course of the proceeding and examinations taken outside the presence of the court, consecutively numbered according to the date of their filing, as well as any written argument required by the court.

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

No case is taken under advisement and no record sent to the judge until it has been completed, unless the judge decides otherwise.

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 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 this situation.

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 the judge who authorized the taking of evidence outside the presence of the court.

50. Judgment at the hearing. When a judge renders judgment at a hearing, anyone requesting a transcript of the judgment or a copy of the recording must direct the request to the judge.

51. Access to the recording by other judges of the Superior Court. Judges of the Superior Court have direct access to the recording of a hearing or a judgment rendered by another judge of that court, in all matters.

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.

CHAPTER X CLASS ACTION

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

54. Content of the application for authorization. The application for authorization is drafted using the form published on the website of the Superior Court.

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.

56. Registry of class actions. Within five 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.

57. Relevant evidence. An application for authorization to submit relevant evidence in accordance with article 574 of the Code of Civil Procedure must be accompanied by the documentary evidence or affidavit that that applicant wishes to submit.

58. Transaction. A transaction submitted for the approval of the court indicates the amounts that will be reimbursed to the Fonds d’aide aux actions collective-sif it contributed financial assistant to the representative in accordance with section 30 of the Act respecting the

Fonds d’aide aux actions collective. Every application for approval must be served on the Fonds d’aide aux actions collectives, with a notice of presentation.

59. Report on administration. If a judgment orders the collective recovery of the claims made with individual payment of the members’ claims, the special clerk or third person designated by the court must file with the court, after the time limit for members to file their claim has expired, a detailed report on its administration and give notice to the parties and the Fonds d’aide aux actions collectives.

The report lists the members who filed a claim, the amount paid to each member, the remaining balance and the amount withheld for the Fonds d’aide aux actions collectives pursuant to section 42 of the Act and Regulation respecting the percentage withheld by the Fonds d’aide aux actions collectives (chapter F-3.2.0.1.1, r. 2).

60. Remaining balance. If the report filed under section 59 mentions a remaining balance the representative, within 30 after the report is filed, must present an application to the court to dispose of the amounts, giving notice of presentation to the specialclerk or the third person designated by the court and to the Fonds d’aide aux actions collectives, if applicable.

61. Legal costs and fees. When the Fonds d’aide aux actions collectives has granted financial assistance, an application to determine the legal costs and the fees of the representative’s lawyer, or to obtain the approval of a transaction on fees, legal costs, or professional fees is served on the Fonds d’aide aux actions collectives with notice of presentation.

62. Multi-jurisdictional class action. In the case of a prospective, authorized or certified class action having the same object as a prospective, authorized or certified class action instituted in two or more provinces, the court may, on application, direct the parties to apply the Canadian Judicial Protocol for the Management of MultiJurisdictional Class Actions.

CHAPTER XI COMMERCIAL CHAMBER

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 [R.S.C. 1985, c. B-1.01]);

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

—The Commercial Arbitration Act (R.S.C. 1985, c. 17 (2nd Suppl.) [R.S.C. 1985, c. C-34.6]);

(Statutes of Québec)

—Code of Civil Procedure:

–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. C-38);

—Winding-Up Act (chapter L-4);

—Securities Act (chapter V-1. 1);

—Act respecting the Autorité des marchés financiers (chapter A-33.2).

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.

64. Registry and jurisdictional numeration. The Commercial Chamber has its own Registry and a distinct jurisdictional numeration.

65. Compulsory indications. A pleading in the Commercial Chamber must include the words “Commercial Chamber” on the front page and on the backing beneath the words “Superior Court”, as well as a reference to the law that governs the proceeding.

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.

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.

CHAPTER XII QUARRELSOME CONDUCT

68. Necessity to obtain prior authorization. If a person acts in a quarrelsome manner, by exercising litigious rights in an excessive or unreasonable manner, the court may, on initiative or on request, in addition to the measures provided for in the Code of Civil Procedure, prohibit that person from instituting a judicial application or from producing or presenting a pleading in a previously instituted proceeding without prior authorization from the Chief Justice or a judge designated by the Chief Justice, and on the conditions the latter determines.

69. Order. The order may be general or limited to certain proceedings, courts or bodies subject to the judicial control of the Superior Court, and may apply in one or more judicial districts, or with respect to one or more persons. It may also be limited in time. In exceptional circumstances, the order of prohibition may prohibit or limit access to a court house.

70. Application for authorization. The application to institute or to continue a proceeding or application is introduced by way of a written application bearing the number of the record in which the order was made.

The application is addressed to the Chief Justice or the judge designated by the Chief Justice. It may be adjudicated on the basis of the record, without a hearing.

71. Exhibits. The application for authorization must be accompanied by the order of prohibition and the pleading the applicant seeks to file.

72. Presentation. The Chief Justice or the judge designated by the Chief Justice may refer the application to the court, in which case the applicant must serve it on the parties concerned by the proposed pleading, with a 10-day notice of presentation.

73. Nullity. An unauthorized pleading is deemed never to have existed. When informed of an order of prohibition, the clerk must refuse to accept it, unless it is a notice of appeal or an application for leave to appeal.

74. Forwarding of the order of prohibition. The clerk forwards a copy of any order of prohibition filed in the court office to the Chief Justice or Associate Chief Justice, according to the Chamber involved, and to any other court offices concerned.

75. Public registry. Québec's Ministère de la Justice keeps a public registry of litigants subject to authorization.

The clerk transmits to the Ministère a copy of all orders of prohibition filed at the court office for registration in the public registry.

CHAPTER XIII FINAL PROVISIONS

76. Coming into force. This Regulation replaces the Rules of Practice of the Superior Court of Québec in Civil Matters (chapter C-25.01, r. 4) and comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

102610

Notice of adoption

Code of Civil Procedure
(chapter C-25.01)

Superior Court — Regulation of the Superior Court of Québec in civil matters for the district of Québec

Notice is hereby given that, in accordance with articles 63 to 65 of the Code of Civil Procedure (chapter C-25.01), the Regulation of the Superior Court of Québec in civil matters for the district of Québec, appearing below, was adopted on 20 May 2016 and will come into force on 16 June 2016.

THE HONOURABLE ROBERT PIDGEON,
Associate Chief Justice of the Superior Court

Regulation of the Superior Court of Québec in civil matters for the district of Québec

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

DIVISION I APPLICATION

1. This Regulation sets out the practice for the district of Québec to ensure that the procedure established, in particular, by the Code of Civil Procedure (chapter C-25.01) is properly complied with.

DIVISION II ADMINISTRATION

2. The civil section of the Court has four chambers: the civil chamber, the family chamber, the administrative chamber and the commercial chamber.

3. The associate chief justice coordinates, apportions and supervises the work of the judges designated, by the associate chief justice, to sit in each chamber of the civil section.

4. The associate chief justice designates a judge to perform certain duties delegated to that judge as

- the coordinating judge for the district of Québec;
- the judge responsible for the family chamber;
- the judge responsible for the administrative chamber;
- the judge responsible for the commercial chamber;
- the judge responsible for lengthy cases;
- the judge responsible for class actions;
- the judge responsible for settlement conferences.

The judges responsible for lengthy cases, class actions and settlement conferences are also responsible for those activities in the other districts in the division of Québec.

5. The coordinating judge and the judges responsible see to the application of the directives of the associate chief justice.

6. The associate chief justice may designate any other judge to perform the duties that the associate chief justice determines, as the associate chief justice considers necessary for the proper operation of the Court.

DIVISION III GENERAL PROVISIONS

CONFIDENTIAL EXHIBIT

7. A party desiring that access to a medical record or an expert report on a physical, mental or psychosocial condition be restricted must file it at the court office in a sealed envelope, identified like the backing of a pleading, and marked "Restricted access".

A medical record or an expert report on a physical, mental or psychosocial condition that is filed in the record of the Court is kept in a sealed envelope. Only persons referred to in the second paragraph of article 16 of the Code of Civil Procedure, or persons authorized by the Court, may have access to it. Access to such a document includes the right to make copies of it at the person's expense.

ORAL DEFENCE

8. The grounds of an oral defence raised in a case protocol may, where necessary, be completed at a case management conference held within 50 days of the filing of the protocol, or by the filing of a brief statement within 30 days after the date on which the case protocol is accepted or established by the Court.

TRIAL BEGUN

9. A trial which has begun must be terminated without delay.

DIVISION IV CIVIL CHAMBER

JOINDER OF PROCEEDINGS

10. An application for the joinder of proceedings must be notified to all the parties in all the proceedings concerned.

11. If the joinder of proceedings is granted by the Court, the clerk issues a certificate stating that the joined proceeding is ready for trial; the clerk may require each party to file a statement as to the expected duration of the trial.

LENGTHY CASES

12. A case of for which the trial is expected to last more than 5 days, as stated on the certificate that the case is ready for trial, is considered to be a lengthy case.

13. After the certificate that the case is ready for trial has been issued, a copy of any incidental application must be notified to the judge responsible for lengthy cases until the case has been assigned to a judge for trial; the copy must then be notified to the judge assigned to the trial, who then deals with the application.

DIVISION V FAMILY CHAMBER

DATE OF HEARING

14. A party filing a joint application based on a draft agreement for divorce, for separation as to bed and board or for the dissolution of a civil union must immediately contact the clerk to fix a date for the hearing.

EVIDENCE BY WAY OF AFFIDAVIT

15. If evidence is presented by way of affidavit, a judge may decide the joint application on a draft agreement without a trial.

DIVISION VI ADMINISTRATIVE CHAMBER

16. The roll of the administrative chamber is kept by the staff of the office of the associate chief justice, and a request to obtain a date for trial must be addressed to the staff once a case is ready for trial.

DIVISION VII COMMERCIAL CHAMBER

17. A proceeding is a commercial proceeding if:

a) the application is made under:

(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 [R.S.C. 1985, c. B-1.01]);

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

—the Commercial Arbitration Act (R.S.C. 1985, c. 17 (2nd Suppl.) [R.S.C. 1985, c. C-34.6]);

(Statutes of Québec)

— the Code of Civil Procedure:

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

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

— the Companies Act (chapter c. C-38);

— the Winding-Up Act (chapter L-4);

— the Securities Act (chapter V-1. 1);

— the Act respecting the Autorité des marchés financiers (chapter A-33.2).

b) The same applies to any other case of a commercial nature, on a decision of the Associate Chief Justice or the judge responsible for the commercial chamber, made on initiative or on application.

18. The commercial chamber has its own office and its own jurisdictional number (number “11”).

19. Any proceeding in the commercial chamber must mention the words “Commercial Chamber” on the front page and on the backing below “Superior Court”, and below that a reference to the law governing the proceeding.

DIVISION VIII APPLICATIONS TO THE ASSOCIATE CHIEF JUSTICE

JURISDICTION

20. An application for a trial by preference or for the joinder of proceedings must be made to the associate chief justice if one of the proceedings is already set down on the roll.

21. When a case has already been set down for trial, it cannot be postponed without authorization from the associate chief justice or, if it is a lengthy case, of the judge responsible for lengthy cases.

HEARINGS

22. Hearings before the associate chief justice are held by telephone conference call from 10 a.m. to 12 noon on Wednesdays and, during judicial vacations, on the day determined by the associate chief justice; if a matter is urgent, a hearing may be requested at any time.

A party or a party’s lawyer who wishes to be present at the hearing must give advance notice to the office of the associate chief justice and inform the other party.

DIVISION IX SETTLEMENT CONFERENCE

REQUEST

23. The use of “Form A, Joint Request to the Associate Chief Justice for a Settlement Conference” is suggested.

TIME LIMIT FOR REQUEST

24. Joint requests for a settlement conference must be presented at least 30 days before the date of the trial, unless authorization has been obtained from the Court. Such requests are accepted only exceptionally.

DIVISION X USE OF TECHNOLOGICAL MEANS

DUTY JUDGE OR JUDGE IN CHAMBERS

25. An application to the duty judge or the judge in chambers not requiring the hearing of witnesses may be heard by telephone conference or videoconference, after 24 hours advance notice to the other party and to the judge concerned.

APPLICATIONS IN PRACTICE CHAMBER

26. The Court may authorize the presentation of an application set down for the civil practice, family, administrative or commercial chamber by telephone conference or videoconference, if the parties agree thereto and after 48 hours advance notice to the judge assigned to the chamber concerned.

HEARING OF WITNESSES

27. With the authorization of the Court, witnesses may be heard by way of videoconference at the hearing of an originating application, after 5 days advance notice to the judge in chambers.

28. The Court may authorize or order a pre-trial examination, an examination under oath or the examination of a witness outside the presence of the court, if the means proposed appears to be reliable and proportional to the circumstances of the case, taking into account the available facilities, after 48 hours advance notice to the judge in chambers.

DIVISION XI FINAL PROVISIONS

29. This Regulation replaces the Rules of practice in civil matters of the Superior Court (District of Québec) (chapter C-25.01, r. 5) and comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

102607

Notice of adoption

Code of Civil Procedure
(chapter C-25.01)

Superior Court — Regulation of the Superior Court of Québec in family matters

Notice is hereby given that, in accordance with articles 63 to 65 of the Code of Civil Procedure (chapter C-25.01), the Regulation of the Superior Court of Québec in family matters, appearing below, was adopted on 20 May 2016 and will come into force on 16 June 2016.

THE HONOURABLE JACQUES R. FOURNIER,
Chief Justice of the Superior Court

Regulation of the Superior Court of Québec in family matters

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

CHAPTER I GENERAL

1. Application: This Regulation applies in all judicial districts of Québec.

CHAPTER II APPEALS FROM DECISIONS OR ORDERS OF THE COURT OF QUÉBEC IN YOUTH PROTECTION AND YOUTH CRIMINAL JUSTICE MATTERS

DIVISION I YOUTH PROTECTION

2. Definitions: In this Chapter, “Court” means the Superior Court of Québec and “Court of Québec” means the Court of Québec, Youth Division.

3. Introduction of appeal: Appeals are heard by the Court in the Family Chamber, unless referred by a judge to the Criminal Chamber.

4. Notice of appeal: In addition to the provisions of section 104 of the Youth Protection Act (chapter P-34.1), the notice of appeal contains the object of the complaint, the conclusions of the decision or order appealed from, and the names of the parties’ lawyers in first instance.

The Court may make any appropriate order under section 112 of the Youth Protection Act.

The notice of appeal is signed by the appellant or the appellant’s lawyer and gives the address to which any communication may be directed.

The appellant may invoke grounds not stated in the notice of appeal by filing with the clerk of the Court a notice stating such grounds precisely and concisely, together with proof of service upon the respondent or the respondent’s lawyer, before the appeal is heard and not later than 15 days after the filing of the complete transcript of the proceedings.

5. Representation statement: A lawyer representing a party before the Court must file a representation statement at the court office within 10 days of the filing of the notice of appeal.

6. Preparation of record:

1. Upon receipt of the notice of appeal, unless the Court orders otherwise upon application by the appellant, the clerk of the Court of Québec takes all necessary steps to obtain as soon as possible a complete transcript of the proceedings, the evidence adduced and the decisions rendered both in the course of proceedings and at the time of the final decision and, where applicable, the order.

2. As soon as the transcript is completed, the clerk of the Court of Québec sends the original to the court office with copies to the parties or their lawyers. Where it appears impossible to obtain a complete transcript, the clerk of the Court of Québec advises the clerk of the Court and the parties, giving reasons.

7. Setting down on the roll: Upon the expiry of the time allotted for the answer, the clerk of the Court sets the appeal down on the roll of the Family Chamber, 15 days thereafter or on the first day of the next session, and gives notice to the parties or their lawyers.

On the day fixed, the parties or their lawyers must be present to inform the Court of the nature of the case and the duration of the hearing. The judge then sets a definitive date for the hearing of the appeal, which proceeds on that date without further notice.

If a party is absent or is not represented on the day fixed, the Court may apply the powers provided for in section 11 of this Regulation.

8. Argument in writing. Any party who wishes to submit an argument in writing must have it served and file it within 15 days of the deposit of the complete transcript of the proceedings; the written argument must, where applicable, state the relevant facts with appropriate references to the transcript and set out the arguments with reference to the authorities relied upon.

9. Depositions: When the Court hears additional evidence, it must be recorded in a way that allows testimony to be stored and reproduced, or recorded by an appropriate independent system that, although not connected to a master system, ensures the integrity of the deposition.

10. Powers of the Court: The Court may

(a) dismiss the appeal, where the appellant is not ready to proceed when the case is called;

(b) allow the appellant to proceed outside the presence of a respondent who is not ready to proceed when the case is called;

(c) upon application or on its own initiative, dismiss an appeal initiated in contravention of the formalities prescribed by law or by the rules of the Court.

11. Applications: All applications must be served on the adverse party or that party's lawyer with a notice of presentation of at least three days. The judge may, however, change the time limit if the judge considers it necessary.

12. Copies of judgments: The clerk of the Court notifies a copy of the judgment to the judge who rendered the decision appealed from and to the clerk of the Court of Québec, as well as to the persons listed in section 94 of the Youth Protection Act (chapter P-34.1). A copy of the judgment may be notified using technological means to parties and lawyers that have provided the required contact information.

13. Record: Upon the expiry of the time limit for appeal to the Court of Appeal, the clerk of the Court returns the original record to the clerk of the Court of Québec.

14. General provision: The Court may make any decision or order having regard to the best interests of justice.

DIVISION II YOUTH CRIMINAL JUSTICE

15. Interim release in the field of youth criminal justice: The Court may, after the filing of the notice of appeal or an application for review of the sentencing decision, upon a written application presented with at least three days' written notice served on the prosecutor and filed at the court office, order the interim release of the appellant and set conditions.

CHAPTER III DIVORCE, SEPARATION, ANNULMENT OF MARRIAGE AND FILIATION

DIVISION I PLEADINGS

§1. General

16. Child custody and tutorship: A party that applies for custody of a child or tutorship to a child must attest that the child is not the object of a court decision or a pending case before a court or of an agreement with the Director of Youth Protection, or, if such is the case, must give the particulars of such decision or pending case or agreement.

17. Birth certificates: Providing children's birth certificates as evidence is not required unless their filiation is in dispute. Photocopies of the parties' birth certificates are sufficient.

§2. Application for divorce

18. Content: An application for divorce, supported by an affidavit and, where applicable, a notice as to contestation, must be drawn up in accordance with Form I and signed by the applicant.

19. Attestation of birth: In every application for divorce, an attestation by each spouse, drawn up in accordance with Form II, must be enclosed with the request for setting down for trial and judgement provided for in article 174 of the Code of Civil Procedure (chapter C-25.01) or, in the case of a joint application, with the application.

A request for setting down for trial and judgment or an application may not be made without such attestations.

The attestation must be attached to the copy of the judgment that is sent to the Registrar of Civil Status.

§3. *Other originating applications*

20. Content: To the extent possible, any application for annulment of marriage, separation as to property or separation as to bed and board, must include the information required under paragraphs 1 to 7, 10 and 11 of Form I.

21. Joint application: All exhibits must be filed with the court office at the same time as the joint application.

DIVISION II PERSONAL SUPPORT FOR APPLICANT

22. Sworn statement by applicant: In order to be put on the roll of the Practice Chamber, any application for the purpose of fixing or varying support for the applicant must be accompanied with a sworn statement that reflects the applicant's financial situation and that of the children in the applicant's care; the statement must be prepared in accordance with Form III and be served with the application.

23. Sworn statement by other party: At least 5 days before the presentation of the application, the other party must serve on the applicant and file in the record a sworn statement of the other party's financial situation in accordance with Form III, failing which the applicant may, at the Court's discretion, proceed outside the presence of the other party. The notice of presentation of the application must mention this requirement.

24. Admission of ability to pay: A party that acknowledges in Form III being able to pay the amounts claimed by the adverse party is not required to provide a detailed financial statement, unless the judge decides otherwise.

25. Consent or draft agreement: The consent or draft agreement of the parties or their affidavits for judgment must describe each party's financial resources and situation, unless they have completed and submitted a sworn financial statement in accordance with Form III or, as the case may be, with the child support determination form.

26. Trial on the merits: Both parties must serve on each other a statement of their financial situation drawn up in accordance with Form III at least 10 days before the date of the trial on the merits, or at the time fixed by the person who presides over the pre-trial conference.

DIVISION III FAMILY PATRIMONY

27. Mandatory information: In every application for separation as to bed and board, annulment of marriage, or divorce, the party making the request for setting down for trial and judgment in accordance with article 174 of the Code of Civil Procedure must include either a declaration by the parties that they are not subject to the rules governing family patrimony, a renunciation of partition, a declaration that partition is not contested, or a sworn statement of the family patrimony made in accordance with article 413 of the Code of Civil Procedure.

Where the other party contests the statement, that party must communicate and file with the request for setting down for trial and judgment in accordance with article 174 of the Code of Civil Procedure a sworn statement of the family patrimony made in accordance with article 413 of the Code of Civil Procedure.

The statement of the family patrimony is prepared using the form established by order of the Chief Justice and published on the Superior Court website.

28. Renunciation. A party that renounces the partition of benefits accrued during the marriage or civil union under a retirement plan or the partition of earnings registered in the name of a spouse pursuant to the Act respecting the Québec Pension Plan (chapter R-9) or a similar plan must confirm that he or she knows the extent of the value which may be partitioned and the possibility of being informed of its exact amount.

DIVISION IV PARTNERSHIP OF ACQUESTS

29. Mandatory information: In every application for separation as to bed and board, the annulment of marriage, or divorce, the party requesting the setting down for trial and judgment in accordance with article 174 of the Code of Civil Procedure must include a sworn statement of the partnership of acquets.

If the other party contests the statement, that party must file with the request for setting down for trial and judgment in accordance with article 174 of the Code of Civil Procedure a sworn statement of the partnership of acquets.

The statement of partnership of acquets is prepared using the form established by order of the Chief Justice and published on the Superior Court website.

DIVISION V PSYCHOSOCIAL EVALUATION

30. Application: Referrals to the Service d'expertise psychosociale attached to the Superior Court of Québec are made only in cases involving minor children.

31. Order: In any family case involving the interests of a minor child, the Court may, on initiative or on request, order the Service d'expertise psychosociale attached to the Superior Court to designate an expert to shed light on any question connected with child custody or concerning the child.

Where applicable, consent, drafted in accordance with Form IV and signed by the parties and their lawyers, is filed in the record.

32. Forwarding of expert report: In the order made, the judge indicates whether the report is to be forwarded to the Chief Justice or a judge designated by the Chief Justice, or returned to the judge if the judge remains seized of the matter.

33. Order issued during hearing: The order is issued from the bench, in the presence of the parties.

The clerk notifies the decision and all other relevant documents to the Service d'expertise psychosociale.

34. Content of order: The order, drawn up in accordance with Form V, indicates the specific object of the expert report. The name of the expert, the expert's profession, or the manner in which the evaluation should be carried out, if mentioned in the order, constitute recommendations to the Service. The Court may, if applicable, issue an order in accordance with section 19 of the Act respecting health services and social services (chapter S-4.2) and article 429 of the Code of Civil Procedure, using Form VI.

35. Submission of report: The expert submits the report to the Service d'expertise psychosociale, which forwards it to the clerk of the Court. The clerk then forwards it to the judge who ordered the expert report or, if the judge is no longer seized of the matter, to the Chief Justice or the judge designated by the Chief Justice, and to the parties. The judge or the clerk places the report in the record in a sealed envelope.

36. Expert report and testimony of the expert: The report of an expert stands in lieu of the expert's testimony. However, the expert may be called to testify in accordance with article 294 of the Code of Civil Procedure.

DIVISION VI SUPERVISED ACCESS BY A NATURAL PERSON OTHER THAN A SUPERVISION RESOURCE

37. Supervised access rights: Every request or offer to exercise supervised access rights with respect to a minor child, made by a natural person other than a supervision resource, must include a written commitment by that designated person.

Failing this, the order fixing supervised access rights must be served on the designated supervisor and include the notice set out in Schedule A of this Regulation.

DIVISION VII APPLICATION FOR VARIATION

38. Mandatory information: Any application to vary, rescind or suspend corollary relief must be supported by an affidavit and contain the following information:

- (a) the current marital status of the parties;
- (b) the address of the residence of the parties and their dependent children's address, age and sex;
- (c) the current terms and conditions of any child custody and access arrangements;
- (d) the current amount of support and the amount requested;
- (e) the amount of arrears, if any;
- (f) the changes in circumstances that support the application.

39. Previous order issued in another case: In the case of an application for the variation of an order issued in another case, copies of prior judgments and of the pleadings on which judgment was rendered must be filed in the record unless they have already been included.

DIVISION VIII CLERK

40. Judgment or Court order: The clerk prepares and signs every judgment or order issued by the Court or by a judge, unless such judgment or order has been prepared and signed by the judge.

A divorce judgment must be prepared in accordance with Form VII and bear the date on which it was rendered.

41. Extract of judgment. Upon request, the clerk may issue an extract of a judgment that is limited to the conclusions.

The filing of the judgment at the office of the Court must be accompanied by a partial copy that includes the style of cause, the title “Extract of Judgment” and the disposition beginning with the words: “For these reasons...”.

DIVISION IX **DIVORCE OFFICE**

42. Duties of the clerk. In each of the judicial districts of Québec, the Divorce Office is administered by the clerk. The duties of the clerk are as follows:

(a) to file separately the divorce records and to keep registers, an index, a court ledger and a special register available to the public where every divorce judgment is entered without delay;

(b) to receive and register applications after ascertaining that they comply with the requirements of the Divorce Act (R.S.C. 1985, c. 3 (2nd Suppl.)) and of the Rules of Practice;

(c) to keep a register of pleadings containing;

i. with respect to each application, the names and addresses of the parties and the date of filing;

ii. with respect to each divorce judgment, the names and addresses of the parties and the date it was rendered;

(d) to fill out the forms required by the Rules of Practice or the regulations made pursuant to the Divorce Act;

(e) once the divorce has taken effect, to issue a certificate of divorce in accordance with Form VIII, upon request;

(f) in accordance with subsection 17(11) of the Divorce Act, to forward, when the Court has issued an order varying a support order or custody order of another court, a certified true copy of the variation order to the other court or to any other court which had varied the original order;

(g) to forward, in the case of a provisional order, the documents provided for in subsections 18(3) and 18(6) of the Divorce Act;

(h) to serve upon the applicant or the applicant’s lawyer the notice provided for in subsection 18(5) of the Divorce Act at least 10 days before the date fixed for submitting further evidence;

(i) to serve upon the parties the notice provided for in subsection 19(2) of the Divorce Act, prepared using Form IX, accompanied by a copy of the documents received from the court which issued the provisional order;

(j) as required by subsection 19(12) of the Divorce Act, to send a certified true copy of any order issued under subsection 19(7) of the Divorce Act;

(k) to forward to the competent court, following a transfer order issued under section 6 of the Divorce Act, a true copy of the record and the order;

(l) to hire the personnel necessary for the performance of the clerk’s duties, including deputy clerks, according to the number of cases filed in the Divorce Office for which the clerk has complete responsibility.

DIVISION X **FINAL PROVISIONS**

43. Coming into force. This Regulation replaces the Rules of practice of the Superior Court of Québec in family matters (chapter C-25.01, r. 6) and comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE A

NOTICE TO THE SUPERVISOR OF ACCESS RIGHTS IN ACCORDANCE WITH SECTION 37 OF THIS REGULATION

You have agreed to act as a supervisor of access rights. An **access right** is an Order of the Superior Court permitting a parent to see his or her child(ren) under certain conditions. The “**exercise of access rights**” is the time during which a parent sees his or her child(ren).

The Court has ordered supervised access rights and you have been named to act as the supervisor.

As a result, you must

- be present for each and every exercise of access rights;
- be present for the entire duration of the exercise of access rights.

You cannot choose to stop acting as the supervisor of access rights or have yourself replaced at your own convenience or discretion.

If you are no longer willing or able to act as the supervisor of access rights, you must advise both parents within a reasonable time, in other words well in advance of the next scheduled exercise of access rights.

This notice must be accompanied by the order for supervised access rights.

FORM I

(A summons in conformity with the model established by the Minister of Justice must be attached to the application for divorce)

CANADA

SUPERIOR COURT

PROVINCE OF QUÉBEC

Family Chamber

DISTRICT OF

(Divorce)

NO

APPLICANT(S)

and, if appropriate,

DEFENDANT

APPLICATION FOR DIVORCE

It is declared that:

Matrimonial and family status

1. The wife was born on (date) _____ at (place) _____ and is (age) _____ years old. She is the daughter of (father's name), _____ and (mother's name), _____ as appears from the copy of her birth certificate numbered Exhibit P-1;

2. The husband was born on (date) _____ at (place) _____ and is (age) _____ years old. He is the son of (father's name) _____ and (mother's name) _____ as appears from the copy of his birth certificate numbered Exhibit P-2;

3. The marriage of the parties was solemnized on _____ (date) at _____ (place) as appears from the copy of their marriage certificate numbered Exhibit P-3;

4. At the time of the marriage the wife was _____ the husband was _____; (Give the matrimonial status of each party);

5. The matrimonial regime they adopted was _____; (file as Exhibit P-4 an authentic copy of the relevant document).

There has been no change of this regime.

(If changes of the matrimonial regime have occurred, specify them and file an authentic copy of the pertinent documents).

6. The name, age, sex and date of birth of each child of the marriage is:

| | Family name | Given name | Age | Sex | Date of Birth |
|----|--------------------|-------------------|------------|------------|----------------------|
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |

The copies of the birth certificates of each child dealt with in the application are Exhibit P-5 (optional).

None of the children is the object of a decision of a court, nor a pending case before a court nor of any agreement with a director of youth protection. (If such a decision pending or an agreement exists, give particulars and file relevant supporting documents).

Residence

7. The wife ordinarily resides at: _____ (no.) _____
 _____ (street) _____ (city) _____
 _____ (province) _____ since _____ (day) _____
 _____ (month) _____ (year) _____

The husband ordinarily resides at: _____ (no.) _____
 _____ (street) _____ (city) _____
 _____ (province) _____ since _____ (day) _____
 _____ (month) _____ (year) _____

Reasons

8. There has been a breakdown of the marriage for the following reasons:

(Give here particulars of the grounds for divorce, as provided in Section 8(2) of the Divorce Act, 1985)

Reconciliation and mediation

9. Before the signature of the present application:

(A) The lawyer for the applicant has discussed the possibility of reconciliation and informed the applicant as to the existing counselling or guidance facilities. (if not, give reasons).

(B) The lawyer has informed the applicant as to existing mediation facilities which may assist in negotiating matters that may be the subject of a support or custody order and has discussed the advisability of negotiating same.

Safeguard and provisional measures (if the application contains conclusions to that effect), corollary measures and other claims

10 A) There is an agreement between the parties as to corollary relief, a copy of which is numbered Exhibit P-6;

or

(B) There is no agreement between the parties as to all safeguard and provisional measures and corollary relief, and

(i) The grounds in support of the conclusions for provisional relief are (enumerate the facts):

(ii) The grounds in support of corollary relief are (enumerate the facts):

Other proceedings

11. There have been no other proceedings with respect to the marriage; (otherwise, give all details and file a certified copy of all previous judgments).

12. There has been no collusion between the parties.

13. (Where the application is based on Section 8(2) b). There has been no condonation or connivance at the act or conduct complained of.

WHEREFORE, may it please this Court to:

ISSUE the following safeguard orders, if applicable:

ISSUE the following provisional orders, if applicable:

PRONOUNCE the divorce of the parties;

ISSUE the following orders of corollary relief (if applicable):

and GRANT the following additional conclusions (if applicable):

(or)

RATIFY the agreement between the parties and ORDER the parties to conform therewith, _____ costs.

Signed at _____, on
_____ 20_____

APPLICANT(S)

LAWYER'S DECLARATION

I, the undersigned lawyer for the applicant(s), hereby certify that I have complied with the requirements of section 9 of the Divorce Act, 1985.

Signed at _____, on
_____ 20_____

Lawyer(s) for the APPLICANT(S)

(where appropriate)

CERTIFICATE OF CLERK

I, the undersigned, clerk for the District of _____,
certify that there has been received and filed in court office a divorce application,
a certificate of the lawyer and (if appropriate) a notice to the defendant as to
contestation.

(place and date)

CLERK

FORM II

CANADA

SUPERIOR COURT

PROVINCE OF QUÉBEC

FAMILY CHAMBER

DISTRICT OF

(Divorce)

NO

APPLICANT(S)

and, where applicable,

DEFENDANT

ATTESTATION IN RESPECT OF THE REGISTRATION OF BIRTHS

- No party's** birth was registered in Québec. (Do not fill out paragraphs 1 and 2. Enter the date and sign on page 2)

- The **wife's** birth was not registered in Québec. (Fill out paragraph 2 only. Enter the date and sign on page 2)

- The **husband's** birth was not registered in Québec. (Fill out paragraph 1 only. Enter the date and sign on page 2)

I hereby declare that:

(1) The wife was born on _____ (date of birth) _____ at _____ (place of birth) _____ and was baptized or her birth was registered on _____ (date of baptism or civil registration) _____ at _____ (parish and municipality, in case of baptism, or municipality, in case of civil registration) _____.

She is the daughter of _____ and _____.

OR (Form to be used where the act of birth was issued by the registrar of civil status.)

The wife is _____ years of age and the registration number of her act of birth in the register of civil status is _____.

(2) The husband was born on _____ (date of birth) _____ at _____ (place of birth) _____ and was baptized or his birth was registered on _____ (date of baptism or civil registration) _____ at _____ (parish and municipality, in case of baptism, or municipality, in case of civil registration) _____.

He is the son of _____ and _____.

OR (Form to be used where the act of birth was issued by the registrar of civil status.)

The husband is _____ years of age and the registration number of his act of birth in the register of civil status is _____ (place and date)_____.

Party or parties

OR

Lawyer for

FORM III

CANADA

PROVINCE OF QUÉBEC

SUPERIOR COURT

DISTRICT OF

Family Chamber

NO ____-____-____

Party_____

v.

Party:_____

STATEMENT OF INCOME AND EXPENDITURES AND BALANCE SHEET

I, the undersigned, _____, domiciled at
_____ in the district of
_____, do hereby declare under oath that:

I acknowledge my ability to pay the amounts claimed but deny that the other party is entitled to receive them.

I receive only income security benefits in the amount of \$_____ per month.

(1) I am the _____ (applicant or defendant) in this case.

(2) I have enclosed with this sworn declaration a copy of my federal and provincial income tax returns, along with notices of assessment for the years _____.

(3) All the details pertaining to my financial situation are accurately disclosed hereunder and are true to my personal knowledge.

INCOME FOR THE CURRENT YEAR

| Category | Per week | Par month | Par year |
|--------------------------------------------------------------------------|----------|-----------|----------|
| Gross salary | | | |
| Commissions/tips | | | |
| Net income from business or self-employment (attach financial statement) | | | |

Employment insurance

Support paid by a third party

Retirement or disability pension, or other pension

Interest and dividends

Net rentals (attach a statement of income and expenses for each property)

Other (Please specify)

TOTAL

a)

Total per week \$ _____ x 4.33 = b) \$ _____ per month Total per
year \$ _____ ÷ 12 = c) \$ _____ per month TOTAL MONTHLY
INCOME: (a + b + c) = \$ _____

EXPENSES ON A MONTHLY BASIS

(To calculate the exact monthly amount, multiply a weekly expenses by 4.33 and divide an annual expense by 12)

Category

Per month

1 Contributions to the Québec Pension Plan and the Canada Pension Plan

2 Employment insurance premiums

3 Contributions to a retirement plan

4 Group insurance premiums

5 Union dues and professional association fees

6 Rent/mortgage

7 Common expenses (co-ownership)

8 Municipal, school and water taxes

9 Home insurance premiums

10 Insurance: life, accident, invalidity

11 Electricity

12 Heating

13 Telephone

14 Cable T.V.

15 Repairs to and upkeep of main residence

16 Housekeeping

17 Purchase of furniture, appliances and bedding

18 Repairs to furniture and appliances

19 Food

31 Registered education savings plan

32 Child day care costs (day care, babysitter, day camp) – For work – For leisure

33 Outings and entertainment

34 Sports activities

35 Equipment: sports, leisure activities, etc.

36 Courses/lessons

37 Toys, gifts

38 Books, magazines, newspapers, records and cassettes

39 Pets

40 Tobacco and alcohol

| | |
|----------------------------|----------|
| NET INCOME | \$ _____ |
| (less) | - |
| Total monthly expenditures | \$ _____ |
| SURPLUS/(DEFICIT) | \$ _____ |

SUPPORT AND FINANCIAL IMPACT

INFORMATION TO BE SUPPLIED BY THE PARTY CLAIMING SUPPORT

| | |
|---------------------------------------------------------|----------|
| Net contribution required of Alimentary debtor | \$ _____ |
| plus | + |
| Income tax on the support claimed and tax credits lost* | \$ _____ |
| GROSS SUPPORT CLAIMED | \$ _____ |
| | _____ |

INFORMATION TO BE SUPPLIED BY THE PARTY FROM WHOM SUPPORT IS CLAIMED

| | |
|----------------------------------------------------------------------------|----------|
| GROSS SUPPORT OFFERED | \$ _____ |
| (less) | - |
| Income tax savings and tax credits recovered as result of support offered* | \$ _____ |
| Net cost of support offered | \$ _____ |

* Indicate source of calculation _____

NAME AND ADDRESS OF EMPLOYER

ASSETS

Indicate cash, accounts in banks or other financial institutions and the market value of assets by category (disregarding any related debts): real estate, furniture, automobiles, works of art, jewellery, shares, bonds, interests in a business, other investments, pension funds, RRSPs, sums owing to you, etc.

Category

Details

Value

Total assets \$ _____

LIABILITIES

In the following table indicate all debts or financial commitments of any kind as loans or granted as credit (hypothecary loans, personal loans, lines of credit, credit cards, instalment sales, surety bonds, etc.) or that you must pay under a statute (tax debts, contributions, dues or other unpaid duties, etc.) or under a court decision (damages, support, overpayment of unemployment insurance or welfare benefits, fines, etc.). Indicate the amount of each debt, the balance of the principal and the name of the creditor.

| Debt | Balance | Name of creditor |
|------------------------------------------------------|---------|------------------|
| (Specify hypothec, personal loan, credit card, etc.) | | |

1.

2.

3.

4.

Total liabilities \$ _____

Summary of assets and liabilities

| | |
|--------------------|----------|
| Total assets: | \$ _____ |
| (less) | - |
| Total liabilities: | \$ _____ |
| NET WORTH | \$ _____ |

Signature

Oath taken before _____ (name and position, profession or quality) _____ at _____ (municipality and province) _____, on _____ (date) _____

(signature of person administering the oath)

FORM IV

CONSENT TO PSYCHOSOCIAL EVALUATION

CANADA

SUPERIOR COURT

PROVINCE OF QUÉBEC

Family Chamber

DISTRICT OF

NO

PLAINTIFF(S)

v.

DEFENDANT

CONSENT TO PSYCHOSOCIAL EVALUATION

We the undersigned hereby consent, subject to the court's Order, that an evaluation be made by an expert designated by the "Service d'expertise psychosociale" attached to the Family Chamber of the Superior Court, with respect to our minor child(ren):

(name of child) (name of child) (name of child) (name of child)

We consent that the evaluation begin after the attestation of the mediation service is filed in accordance with articles 417 and following of the Code of Civil Procedure (chapter C-25.01).

We consent to cooperate on the conduct of interviews with each one of us and our child or children if the expert deems it expedient.

We also consent that the expert may communicate with the persons and establishments hereinafter named, and obtain relevant information from their records, namely:

We consent that the designated expert be authorized by the Court to take cognizance of the court record, including records and medical reports kept under seal in accordance with section 16 of the Regulation of the Superior Court in civil matters (chapter C-25.01 (*insert the number of the Regulation*)) and authorize the clerk to give the expert access to the record.

We further consent that the expert's report be filed as evidence in the court record, subject to the right of the parties to cross-examine the expert and introduce additional evidence.

AND WE HAVE SIGNED AT

this _____ day of
_____, 20_____.

LAWYER FOR PLAINTIFF

PLAINTIFF

LAWYER FOR DEFENDANT

DEFENDANT

INTERVENTION

I consent to the granting of access to and the communication of information from the records covered by my parent's consent, and to the filing of the expert's report as evidence.

MINOR CHILD IF 14 YEARS OF AGE OR OLDER

FORM V

ORDER FOR PSYCHOSOCIAL EVALUATION

CANADA

SUPERIOR COURT

PROVINCE OF QUÉBEC

Family Chamber

DISTRICT OF

NO

PLAINTIFF(S)

v.

DEFENDANT

ORDER

The Court is seized of an application for

custody of or access to a minor child or children; or

other aspects concerning the child or children (specify):

In light of the evidence and the submissions relating to

(name(s) of child(ren))

CONSIDERING that in order to make an enlightened decision, it appears appropriate that the Court obtain an expert report from the Service d'expertise psycho-sociale attached to the Superior Court;

CONSIDERING

the written oral consent given by the parties to a psychosocial evaluation by an expert of the Service d'expertise psychosociale;

the decision made on the Court's initiative to have a psychosocial evaluation conducted by an expert of the Service d'expertise psychosociale;

FOR THESE REASONS;

ORDERS the Service d'expertise psycho-sociale to designate an expert to conduct a psychosocial evaluation with respect to:

(name of child) (name of child) (name of child) (name of child)

the evaluation to focus on (specify the focus of the evaluation)

and the written report to be filed on or before
_____ and forwarded to

- the Chief Justice, or

- the judge designated by the Chief Justice; or

- the undersigned judge.

AUTHORIZES the designated expert to take cognizance of the court record, including any document kept under seal such as medical reports and physical, mental or psychosocial evaluation reports in accordance with section 16 of the Code of Civil Procedure (chapter C-25.01) and section 16 of the Regulation of the Superior Court in civil matters (chapter C-25.01, (*insert the number of the Regulation*)).

Costs to follow suit.

J.S.C.

FORM VI

COMMUNICATION OF RECORDS ORDER (s. 19 of the Act respecting health services and social services (chapter S-4.2) and a. 429 of the Code of Civil Procedure (chapter C-25.01))

CANADA

SUPERIOR COURT

PROVINCE OF QUÉBEC

Family Chamber

DISTRICT OF
_____, 20 ____

The _____ day of

NO

PLAINTIFF(S)

v.

DEFENDANT

ORDER

IN LIGHT OF the judgment of the Court ordering a psychosocial evaluation, and considering that the court finds it necessary that the expert obtain the records relevant to the evaluation to be made, and given the consent of the parties to the communication of such records to the expert;

FOR THESE REASONS:

The Court orders, in accordance with section 19 of the Act respecting health services and social services (chapter S-4.2) and article 429 of the Code of Civil Procedure (chapter C-25.01))

that

communicate all relevant records to the expert designated by the Director of the Service d'expertise psychosociale, in order that the said expert's report may be prepared.

J.S.C.

FORM VII

DIVORCE JUDGMENT (s. 8, Divorce Act, 1985)

CANADA

SUPERIOR COURT

PROVINCE OF QUÉBEC

Family Chamber

DISTRICT OF

(Divorce)

NO.

The _____ day of

_____, 20 ____

HONOURABLE

PRESENT: THE

APPLICANT(S)

and, if applicable,

DEFENDANT

JUDGMENT OF DIVORCE

GIVEN the divorce application;

GIVEN the evidence made and the documents filed in the record;

CONSIDERING that the application is well founded;

WHEREFORE THE COURT:

Orders the divorce of the parties whose marriage was solemnized on _____, to take effect on the thirty-first day after the date of the present judgment.

ORDERS

(corollary relief)

_____ costs.

JUDGE OR CLERK

FORM VIII

CERTIFICATE OF DIVORCE (s. 12(7), Divorce Act, 1985)

| | |
|-----------------------------------------------------------------------------------|----------------|
| Canada | SUPERIOR COURT |
| Province of Québec | |
| District of | |
| No | |
| <p>CERTIFICATE OF DIVORCE (Subsection 12(7), Divorce Act)</p> | |
| I hereby certify that the marriage of | |
| and | |
| solemnized at , on the | |
| has been dissolved by a judgment which took effect on the | |
| Seal* | Issued at |
| | on the |
| | _____ |
| | Clerk |

* On request

FORM IX

NOTICE OF HEARING RESPECTING CONFIRMATION OF A PROVISIONAL
ORDER (s. 19(2) of the Divorce Act, 1985)

CANADA

SUPERIOR COURT

PROVINCE OF QUÉBEC

Family Chamber

DISTRICT OF

(Divorce)

NO

APPLICANT(S)

and, where applicable,

DEFENDANT

NOTICE OF HEARING RESPECTING CONFIRMATION OF A
PROVISIONAL ORDER

(Subsection 19(2) of the Divorce Act, 1985)

You are hereby notified that an application to confirm the attached provisional
order of

_____ (judge) _____ of _____ (court) _____ made on the
_____ day of _____, 20
_____ will be heard in Room _____ of the Court House at
_____ (address) _____, at 9:30 a.m. or so soon thereafter as the
parties can be heard.

And you are further notified that the Court will take into consideration all documents in support of the application forwarded by the Court which made the provisional order as well as any evidence given to the Court by either party.

And you are further notified that the Court may then make an order to confirm or not the provisional order, or to vary such order.

Signed at _____ this _____ day of
_____, 20 _____.

CLERK

Index

Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified

| | Page | Comments |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-----------------|
| Cartage industry – Québec. (An Act respecting collective agreement decrees, chapter D-2) | 2171 | M |
| Code of Civil Procedure — Superior Court of Québec — Regulation in civil and family matters for the district of Montréal. (chapter C-25.01) | 2174 | N |
| Code of Civil Procedure — Superior Court of Québec — Regulation in civil matters for the district of Québec (chapter C-25.01) | 2184 | N |
| Code of Civil Procedure — Superior Court of Québec — Regulation in civil matters (chapter C-25.01) | 2176 | N |
| Code of Civil Procedure — Superior Court of Québec — Regulation in family matters. (chapter C-25.01) | 2187 | N |
| Collective agreement decrees, An Act respecting... — Cartage industry – Québec (chapter D-2) | 2171 | M |
| Derivatives Act — Derivatives Regulation (chapter I-14.01) | 2173 | M |
| Derivatives Regulation. (Derivatives Act, chapter I-14.01) | 2173 | M |
| Superior Court of Québec — Regulation in civil and family matters for the district of Montréal. (Code of Civil Procedure, chapter C-25.01) | 2174 | N |
| Superior Court of Québec — Regulation in civil matters for the district of Québec (Code of Civil Procedure, chapter C-25.01) | 2184 | N |
| Superior Court of Québec — Regulation in civil matters. (Code of Civil Procedure, chapter C-25.01) | 2176 | N |
| Superior Court of Québec — Regulation in family matters (Code of Civil Procedure, chapter C-25.01) | 2187 | N |

