

## Decree to extend the Decree respecting garage employees in the Mauricie region

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 8)

**1.** The Decree respecting garage employees in the Mauricie region (R.R.Q., 1981, c. D-2, r.45), amended by Orders in Council 2489-83 dated 30 November 1983, 491-89 dated 29 March 1989, 229-90 dated 21 February 1990, 148-91 dated 6 February 1991, 1124-92 dated 29 July 1992 and extended by Orders in Council 1367-93 dated 22 September 1993, 1495-94 dated 5 October 1994 and 1169-95 dated 30 August 1995 and amended by Order in Council 354-96 dated 21 March 1996, is further extended until 9 October 1997.

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

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### Notice

#### Notice of amendments to the Rules of practice of the Superior Court of Québec in civil and family matters

The amendments appended hereto were approved by the judges of the Superior Court of Québec, by way of consultation by mail carried out August 7, 1996, under the provisions of Article 47 of the Code of Civil Procedure.

Montréal, September 16, 1996

LYSE LEMIEUX,  
*Chief Justice*

#### Rules to amend the Rules of practice of the Superior Court of Québec in civil matters

Code of Civil Procedure  
(R.S.Q., c. C-25, art. 47)

**1.** The Rules of practice of the Superior Court of Québec in civil matters (R.R.Q., 1981, c. C-25, r. 8), amended by the Decisions of 29 February 1984, 19 October 1984, 12 March 1986, 22 December 1986, 8 May 1987, 7 March 1988, 3 May 1989, 11 December 1989, 18 June 1990, 21 June 1991, 1 June 1992, 23 June 1994 and 20 September 1995, are further amended by inserting the following after the first paragraph of Rule 3:

“Every first proceeding in a case shall indicate the name, address and postal code of the parties.”.

**2.** The following is added after Rule 3:

“**3.1** The transmission slip used as proof of service by fax machine shall be stapled to the back of the original of the document served. It shall measure 8.5” by 11” (21.25 cm by 27.5 cm) and shall be similar to Form VII.”.

**3.** Rule 5.1 is revoked.

**4.** Rule 13.2 is amended by deleting the words “before the scheduled date of the hearing,” in the first sentence.

**5.** The following is substituted for the third paragraph of Rule 15:

“The declaration to set is made by the attorney under his oath of office and shall include a certificate by the party he represents. The declaration of a party not represented by an attorney shall be made under oath.”.

**6.** The following transitional Rule is added after Rule 27.3:

“**27.4** Paragraphs 1 and 3 of section 3, sections 4 to 6, paragraph 2 of section 10, and sections 11, 12, 23 and 25 of the Rules to amend the Rules of practice of the Superior Court of Québec in civil matters, made on 22 June 1995 and published in Part 2 of the *Gazette officielle du Québec* of 20 September 1995, do not apply to proceedings before the courts on 30 September 1995.”.

**7.** Rule 30 is amended by inserting the words “or trousers” after the words “dark skirt” in the second paragraph.

**8.** Rule 30*a* is amended by inserting the words “or trousers” after the words “dark skirt” in the second paragraph.

**9.** Rule 30*b* is amended by substituting the words “or trousers with a blouse and jacket” for the words “and long-sleeved blouse”.

**10.** Form VI is amended

(1) by substituting the following for paragraph 3:

“EXHIBITS

— A list of the exhibits communicated to the other parties is attached hereto.”; and

(2) by substituting the following for paragraph 8 and the part entitled "SIGNATURES":

"CERTIFICATIONS AND OATHS

A. PARTY REPRESENTED BY AN ATTORNEY

By the party himself or by his representative acquainted with the facts:

I, the undersigned, hereby certify that all the exhibits in my possession that I intend to invoke at the hearing have been submitted to my attorney for communication to the other parties and that I am aware that I may not file other exhibits at the expiry of the time prescribed in article 331.8 C.C.P. unless so authorized by the Court.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

(Representative — Name: \_\_\_\_\_

Position: \_\_\_\_\_ )

By the attorney:

I, the undersigned, under my oath of office, hereby certify that the facts set out above are accurate, that I have informed the party I represent of his obligation to communicate all the exhibits in his possession that he intends to invoke at the hearing and that those exhibits have been communicated to the other parties or will be so communicated within the time prescribed in article 331.8 C.C.P.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

B. PARTY NOT REPRESENTED BY AN ATTORNEY

I, the undersigned, hereby solemnly affirm that the facts set out above are accurate, that all the exhibits in my possession that I intend to invoke at the hearing have been communicated to the other parties or will be so communicated within the time prescribed in article 331.8

C.C.P. and that I am aware that I may not file other exhibits at the expiry of that time unless so authorized by the Court.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

(Representative — Name: \_\_\_\_\_

Position: \_\_\_\_\_ )

Oath taken before \_\_\_\_\_  
(Name and position,  
profession or capacity)

at \_\_\_\_\_, this \_\_\_\_\_  
(Municipality and province) (Date)

\_\_\_\_\_  
(Signature of person administering the oath)".

**II.** The following is added after Form VI:

**"FORM VII**

FAX TRANSMISSION SLIP  
(art. 146.0.2 C.C.P. and Rule 3.1)

SENDER

\_\_\_\_\_  
NAME: \_\_\_\_\_  
\_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

FAX: \_\_\_\_\_  
\_\_\_\_\_

ADDRESSEE

\_\_\_\_\_  
NAME: \_\_\_\_\_  
\_\_\_\_\_

FAX: \_\_\_\_\_  
\_\_\_\_\_

Date \_\_\_\_\_ and time \_\_\_\_\_ of transmission.

Number of pages transmitted, including this slip: \_\_\_\_\_

Nature of document: \_\_\_\_\_

\_\_\_\_\_

N.B. If this fax is sent to you by error, please inform the sender immediately by calling the telephone number indicated above and please return the original of the transmitted document by mail without making a copy.”.

**12.** Sections 5 and 10 of these Rules do not apply to cases before the Court on 30 September 1995.

**13.** These Rules come into force 10 days following their publication in the *Gazette officielle du Québec*.

## Rules to amend the Rules of practice of the Superior Court of Québec in family matters

Code of Civil Procedure  
(R.S.Q., c. C-25, art. 47)

**1.** The Rules of practice of the Superior Court of Québec in family matters (R.R.Q., 1981, c. C-25, r. 9), amended by the Decisions of the judges of the Superior Court of Québec dated 29 October 1982, 19 October 1984, 28 February 1986, 23 October 1986, 7 March 1988, 15 April 1989, 18 June 1990, 21 June 1991, 1 June 1992 and 23 June 1994, are further amended by deleting the word and numeral “Division I” after Title I.

**2.** The following is inserted before Rule 1:

“**0.1** In this Title, the word “Court” means the Superior Court of Québec and the words “Court of Québec” mean the Court of Québec, Youth Division.”.

**3.** The following is substituted for Rule 3:

“**3.** Upon deposit, at the office of the Court of Québec, of the notice of appeal provided for under section 106 of the Youth Protection Act, the clerk of that Court shall send a copy thereof to the clerk of the Court.”.

**4.** The following is substituted for section 6:

### “6. Preparation of record:

(1) Upon receipt of the notice of appeal, unless the Court otherwise orders upon motion by the appellant,

the clerk of the Court of Québec shall take all necessary steps to obtain, as soon as possible, a complete transcript of the proceedings. Such transcript shall include the evidence and the decisions rendered both during the trial and at the time of the final decision and, where applicable, of the order.

(2) As soon as the transcript is completed, the clerk of the Court of Québec shall send the original of the transcript to the clerk of the Court, with copies to the parties or their attorneys, by registered or certified mail or by any other means providing proof of receipt. Where it appears impossible to obtain a complete transcript, he shall so advise the clerk of the Court and the parties, giving reasons.

(3) The judge may give any instructions deemed necessary for the application of this Rule.”.

**5.** The following is substituted for Rule 12:

“**12. Judgment (copies of):** The clerk of the Court shall send 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 the persons referred to in section 94 of the Youth Protection Act.”.

**6.** The following is substituted for Rule 13:

“**13. Record:** Upon expiry of the delay for appeal to the Court of Appeal, the clerk of the Court shall return the original record to the clerk of the Court of Québec.”.

**7.** Division II of Title I, entitled “Tutorship and deprivation of parental authority”, is revoked.

**8.** Rule 18.1 is revoked.

**9.** Rule 18.2 is revoked.

**10.** The following is substituted for Rule 20:

“**20.** Every application for nullity of marriage, separation as to property or separation as to bed and board shall, as far as possible, include the information required under paragraphs 1 to 7 and 10 and 11 of Form I.”.

**11.** The following is inserted after Rule 22:

“**22.0.1** The preamble of a consent or a draft agreement pertaining to support shall refer to the resources and circumstances of the parties, unless the parties prefer to include that information in their affidavits for judgment or in a balance sheet to be deposited with the consent or the draft agreement.”.

**12.** Rule 22.2 is amended by deleting the words “and file in the court record”.

**13.** Rule 22.3 is amended in the second paragraph by substituting the word “communicate” for the words “serve on the first party and file in the record”.

**14.** The following is substituted for Rule 25:

“**25.** In every application for separation as to bed and board, nullity of marriage, or divorce, the party who inscribes the case shall communicate and file with his declaration of inscription on the roll either a declaration by the parties that they are not subject to the rules governing family patrimony, a renunciation by the parties of their rights in the partition, a declaration by the parties to the effect that the partition is not contested, or a statement of the family patrimony in accordance with Form XI.

Where the other party contests that statement, he shall communicate and file with his declaration of inscription on the roll a sworn statement of the family patrimony in accordance with Form XI.”.

**15.** Rule 25.1 is revoked.

**16.** Rule 25.2 is revoked.

**17.** The following is added after Rule 35:

“**35.1** In every application for divorce, an attestation in respect of the registration of births, drawn up in accordance with Form XII, shall be enclosed with the inscription for proof and hearing or, where applicable, with the declaration, in case of a joint application for divorce.

A case shall not be inscribed nor a declaration filed where such attestation has not been enclosed.

The attestation shall be attached to the copy of the judgment that is sent to the registrar of civil status.”.

**18.** The French version of the Rules and the attached Forms is amended by substituting the words “formulaire”, “le formulaire” and “au formulaire”, respectively, for the words “formule”, “la formule” and “à la formule” wherever they appear.

**19.** The French version of Forms I to XI is amended by substituting the word “tribunal” for the word “Tribunal” wherever it appears.

**20.** Form I is amended

(1) by substituting the word “numbered” for the words “filed as” wherever they appear; and

(2) by substituting the following for the statement of oath:

“Oath taken before \_\_\_\_\_  
(Name and position,  
profession or quality)

at \_\_\_\_\_, on \_\_\_\_\_  
(municipality and province) (date)

\_\_\_\_\_  
(Signature of person administering the oath)”.

**21.** The following is substituted for Form II:

“**FORM II**

CANADA  
PROVINCE OF QUÉBEC SUPERIOR COURT

DISTRICT OF Family Division

No. \_\_\_\_\_

Party: \_\_\_\_\_

vs.

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 (Rule 22).

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

1. I am the \_\_\_\_\_ (plaintiff 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 year \_\_\_\_\_.

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	Per month	Per year
Gross salary			
Commissions/tips			
Net income from business or self-employment (attach financial statements)			
Family allowances/tax credits			
Unemployment 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)			
<b>TOTAL</b>		<i>a)</i>	

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 expense by 4.33 and divide an annual expense by 12.)

Category	Per month
1. Contributions to the Régime des rentes du Québec and the Canada Pension Plan	
2. Unemployment insurance premiums	
3. Contributions to a retirement plan	

Category	Per month
4. Group insurance premiums	
5. Union dues and professional association fees	
6. Rent/mortgage	
7. Common charges (co-ownership)	
8. Municipal, school and water taxes	
9. Premiums for insurance on dwelling	
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	
20. Restaurant meals: - For work - For leisure	
21. Medicines and toilet articles	
22. Diapers and baby formula	
23. Dental care	
24. Eye glasses, contact lenses and products for their upkeep	
25. Clothing	
26. Laundry and dry-cleaning	
27. Hairdresser and beauty care	
28. Taxis and public transport	
29. Vehicle - Payments/rental - Insurance - Licence and registration - Gas - Repairs - Parking	



**LIABILITIES**

In the following table indicate all debts or financial commitments of any kind contracted 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 (Specify hypothec, personal loan, credit card, etc.)	Balance	Name of creditor
1.		
2.		
3.		
4.		
Total liabilities		\$ _____

**Summary of assets and liabilities**

Total assets:	\$ _____
(less)	-
Total liabilities:	\$ _____
<b>NET WORTH</b>	\$ _____

\_\_\_\_\_  
(signature)

Oath taken before \_\_\_\_\_  
(name and position, profession or quality)

at \_\_\_\_\_, on \_\_\_\_\_  
(municipality and province) (date)

\_\_\_\_\_  
(signature of person administering the oath)”.

**22.** Form IIA is amended

(1) by deleting the following text, which appears after the form heading: “To calculate the exact weekly amount, divide a monthly expenditure by 4.33 or an annual expense by 52.”; and

(2) by substituting the words “PER MONTH” for the words “PER WEEK”, appearing to the right at the top of the table.

**23.** Forms IX and X are struck out.

**24.** The following is added after Form XI:

**“FORM XII**

CANADA  
PROVINCE OF QUÉBEC  
DISTRICT OF  
No.

SUPERIOR COURT  
FAMILY DIVISION  
(Divorce)

PLAINTIFF(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 \_\_\_\_\_ at \_\_\_\_\_  
(date of birth) (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 \_\_\_\_\_ at \_\_\_\_\_  
(date of birth) (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 registra-  
tion number of his act of birth in the register of civil  
status is \_\_\_\_\_.  
(place and date)

\_\_\_\_\_  
Party or parties  
OR  
Attorney for “.

**25.** Sections 9, 10, 13, 14 and 21 of these Rules do  
not apply to cases before the Court on 30 September  
1995.

**26.** These Rules come into force 10 days following  
their publication in the *Gazette officielle du Québec*.

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### Notice

#### Notice of amendments to the Rules of practice of the Superior Court of the District of Montréal in Civil and Family Matters

The amendments appended hereto were approved by  
the judges of the Superior Court of Québec, by way of  
consultation by mail carried out August 7, 1996, under  
the provisions of Article 47 of the Code of Civil Proce-  
dure.

Montréal, September 16, 1996

LYSE LEMIEUX,  
*Chief Justice*

### Rules to amend the Rules of Practice of the Superior Court of the District of Montréal in Civil and Family Matters

Code of Civil Procedure  
(R.S.Q., c. C-25, a. 47)

**1.** The Rules of Practice of the Superior Court of the  
District of Montréal in Civil and Family Matters (R.R.Q.,  
1981, c. C-25, s. 6), amended by the Decisions of the  
judges of the Superior Court of the District of Montréal  
dated 19 October 1984 and 23 June 1994, are further  
amended, in the title, by substituting the words “in Civil  
Matters and Family Matters” for the words “in Civil and  
Family Matters”.

**2.** Rule 1 is amended, in the first paragraph of the  
French version, by substituting the words “matière civile”  
for the words “matières civiles”.

**3.** These Rules come into force 10 days following  
their publication in the *Gazette officielle du Québec*.

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### Notice

#### Notice of amendments to the Rules of Practice of the Superior Court of the District of Québec in Civil and Family Matters

The amendments appended hereto were approved by  
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consultation by mail carried out August 7, 1996, under  
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dure.

Montréal, September 16, 1996

LYSE LEMIEUX,  
*Chief Justice*

### Rules to amend the Rules of Practice of the Superior Court of the District of Québec in Civil and Family Matters

Code of Civil Procedure  
(R.S.Q., c. C-25, a. 47)

**1.** The Rules of Practice of the Superior Court of the  
District of Québec in Civil and Family Matters, adopted  
by the Decision of the judges of the Superior Court of  
the District of Québec dated 8 May 1987 and amended  
by their Decision dated 21 October 1992, are further  
amended, in the title, by substituting the words “in Civil  
Matters and Family Matters” for the words “in Civil and  
Family Matters”.