

**Notice****Amendments to the Rules of Practice of the Superior Court of the district of Québec in civil matters**

Notice is hereby given, to be published in the *Gazette officielle du Québec*, that the judges of the Superior Court appointed for the district of Québec, at their annual meeting on June 4th, 2004, have established the Rules of Practice in civil matters (2004) to amend the Rules of Practice of the Superior Court of the district of Québec in civil matters, the text of which appears below, in virtue of the inherent power of the Court and of section 47 of the Code of Civil Procedure (R.S.Q., c. C-25).

Québec, 23 July 2004

ROBERT PIDGEON,  
*Associate Chief Justice*

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**Superior Court (District of Québec)  
Rules of practice in civil matters (2004)\***

**1.** The Rules of Practice of the Superior Court for the district of Québec in civil matters, (C-25, r. 1.02) are amended as follows.

**2.** The title of the Rules is replaced with the following :

“Superior Court  
(District of Québec)  
Rules of practice in civil matters”

**3.** Section 3.2 of the Rules is amended by replacing the words “certificate of readiness” with the words “attestation of readiness” and deleting the bracket “(Form II, paragraph 4)”.

**4.** Section 4.1 of the Rules is amended by adding the following words after the words “A lengthy Practice Division matter”: “, that is, of more than 3 hours,”.

**5.** The Rules are amended :

*a)* by adding the following after section 4.1 :

“**4.2** Before doing so, the Judge shall ensure that the file is complete and that the case is ready for proof and hearing, in which event he shall determine the duration thereof.

**4.3** If the file is incomplete, the Judge shall determine a timetable for completion and refer the case to a case management roll.

**4.4** If the nature or complexity of the case warrants, the timetable shall include the filing of the Summary Declaration That the Record is Complete (Form III A of R.c.P. (S.C.)).

**4.5** At the case management proceeding, the Judge shall hold a summary pre-hearing conference (article 279) and, if the case is ready for proof and hearing, he shall determine the duration thereof.”.

*b)* by renumbering section 4.2 which becomes section 4.6.

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\* Adopted in virtue of the inherent power of the Court and of article 47 of the *Code of Civil Procedure*.

**6.** The Rules are amended by deleting sections 6.1 and 9.

**7.** Section 10 of the Rules is amended by replacing all instances of the words “Certificate of Readiness” with the words “attestation of readiness”.

**8.** The Rules are amended by replacing section 12 with the following:

“**12.** Hearings. Hearings before the Chief Justice are held in his chambers, from 10:00 a.m. to noon on Wednesdays, and on such day as he may determine during the judicial vacation; if a matter is urgent, one may request a hearing at any time.”.

**9.** The French text of Division VI, “Gestion des dossiers (a. 46)” is replaced with the following: “Gestion d’instance”.

**10.** Section 13 is replaced with the following:

“**13.** Postponement of presentation. If the parties are absent on the day indicated for the presentation of the action or application (motion to institute proceedings), the case shall be postponed for two weeks and a copy of the minutes shall be sent to the attorneys.

Similarly the parties may agree, only once, on a postponement of two weeks.”.

**11.** Section 14 is replaced with the following:

“**14.** Additional timetable. A request for an extension of the 180-day time limit (article 110.1) C.C.P. shall be accompanied by a draft timetable spread over a period of no more than 90 days, except with the permission of the Judge.”.

**12.** The Rules are amended by adding the following division after Division VI:

**“DIVISION VII  
SETTLEMENT CONFERENCE**

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

**16.** Time limit for request. Requests for a settlement conference presented less than 30 days before the date of the hearing on the merits shall be accepted only exceptionally.”.

**13.** The Rules are amended by adding the following form at the end:

**“Form A**

<i>(Identification of the file and description of the parties)</i>		Superior Court
_____, 2004.		Joint Request to the Chief Justice <sup>1</sup> for a Settlement Conference (Art. 151.15 C.C.P.)
<ol style="list-style-type: none"> <li>1. We request that such a conference be held to help us find a mutually satisfactory solution to our dispute.</li> <li>2. We believe there is a possibility of a negotiated solution and each signatory declares that he is prepared to make reasonable concessions to arrive at such a solution.</li> <li>3.<sup>2</sup> The following is a summary<sup>3</sup> of the questions at issue :  <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> </li> <li>4. Each party agrees to maintain the confidentiality of “anything said or written during [the] settlement conference” (article 151.21).</li> <li>5. We understand that “the settlement conference does not suspend the proceeding” (article 151.19).</li> <li>6. We wish to have our attorneys present at the conference (article 151.17).</li> </ol>		
_____	_____	
applicant	defendant	
Attorney in charge of the file : Name : _____ Firm : _____ Address : _____ _____ Phone : _____ Fax : _____	Attorney in charge of the file : Name : _____ Firm : _____ Address : _____ _____ Phone : _____ Fax : _____	

<sup>1</sup> Send the request to the Service des conférences de règlement à l’amiable (C.S.), Palais de justice, 300, boulevard Jean-Lesage, bureau R-327, Québec (Québec) G1K 8K6.

<sup>2</sup> Or: 3. Enclosed herewith is a copy of the joined issue *or...* the “Rule 15s” or ... the declarations in accordance with 274.1 and 274.2 C.C.P.

<sup>3</sup> Maximum of 10 lines.