

(4) by replacing, in the English text, “Acetone cyanohydrin” by “Acetone cyanohydrin (as CN)” and “Systox See Demeton 7” by “Systox See Demeton ®”.

12. Part 4 of SCHEDULE I is amended

(1) by inserting the following substances in numerical order

“471-34-1	Calcium carbonate
620-11-1	3-Pentyl acetate
624-41-9	2-Methyl, 1-butyl acetate
625-16-1	Tert-amyl acetate
1317-65-3	Limestone
2451-62-9	Triglycidyl isocyanurate (TGIC) (mixed isomers)
7782-42-5	Graphite (all forms except fibres)
7789-06-2	Strontium chromate
13765-19-0	Calcium chromate
59653-73-5	Triglycidyl isocyanurate (TGIC) (alpha-)
59653-74-6	Triglycidyl isocyanurate (TGIC) (beta-);

(2) by striking out

“1317-65-3	Calcium carbonate
7782-42-5	Graphite (natural)”.

13. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 256.1 and 261, introduced or amended respectively by sections 4 and 5 of this Regulation, which come into force on the date that occurs one year after the coming into force of this Regulation. The substance Lead [7439-92-1] and its inorganic compounds (as Pb) in PART 1 of SCHEDULE I comes into force on the date that occurs one year after the coming into force of the Regulation to the extent that it applies to secondary lead smelters.

For the purposes of this section, “secondary lead smelter” means any establishment that processes a material containing lead, other than a lead concentrate derived from a mine, by a metallurgical or chemical process into refined lead, lead oxide or a lead alloy.

7896

Notice

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

Court of Appeal of Québec — Adoption of the Rules in Civil Matters

At a meeting held for that purpose in Montréal on April 17, 2006 by the judges of the Court of Appeal, pursuant to article 47 of the Code of Civil Procedure (R.S.Q., c. C-25), the Rules of the Court of Appeal in Civil Matters were discussed and adopted unanimously, in their final version, both in English and in French. The Rules of the Court of Appeal of Québec in Civil Matters are from now on those annexed to the present notice. These rules replace the Rules of Practice of the Court of Appeal of Québec in Civil Matters adopted on October 16, 17 and 18, 2002 (2002, *G.O.* 2, 6295).

At the same meeting, the judges of the Court of Appeal ordered that these rules govern civil matters from the date of their coming into force on January 1, 2007.

J. J. MICHEL ROBERT,
*Chief Justice of the
Quebec Court of Appeal*

Rules of the Court of Appeal of Québec in Civil Matters

PART 1 DEFINITIONS

1. The following definitions apply in these Rules:

“**Attorney**” An attorney who is a member in good standing of the Barreau du Québec

“**Court**” Depending on the context, the Court of Appeal, or the Court sitting in a panel of three judges, unless the Chief Justice increases that number.

“**Office of the Court**” A registry located at the seats of the Court of Appeal in Montréal at édifice Ernest-Cormier, 100, rue Notre-Dame Est, Montréal (Québec) H2Y 4B6 and in Québec at 300, boulevard Jean-Lesage, Québec (Québec) G1K 8K6.

“**Clerk**” A public servant in the employ of the ministère de la Justice, appointed to serve at the Court of Appeal pursuant to the Courts of Justice Act, R.S.Q., c. T-16.

“**Judge**” A judge of the Court of Appeal.

“Factum” A document containing an argument and three schedules.

“Motion” A proceeding before the Court, a Judge or the Clerk, as the case may be.

“Authorities” Statutory or regulatory texts, case law, doctrine, or any excerpt therefrom.

“Fast track” The procedure followed in an appeal in family matters, saving exceptions, or in an appeal that has been made subject to case management.

“Standard track” The procedure followed when an appeal proceeds with factums within the time limits prescribed in the Code of Civil Procedure, without case management.

PART 2 ADMINISTRATION OF THE COURT

2. **Office hours.** The Office of the Court is open on juridical days from Monday to Friday between 8:30 a.m. and 4:30 p.m.

3. **Keeping of a register.** The Clerk shall keep an up-to-date court register wherein the following information shall be entered for each case:

(a) The name, civic address and, if available, the electronic address of each of the parties and the law offices of their attorneys, as well as the name of the attorney responsible for the file;

(b) The date of receipt of the inscription in appeal;

(c) The date of appearance of the respondent;

(d) For each party, the date of filing of the factum or the documents standing in lieu thereof;

(e) The date of filing of the certificate of readiness or of the declaration of readiness by the Clerk;

(f) The date of any other proceeding and, if applicable, of the judgment thereon;

(g) Information regarding the adjournment of a motion;

(h) The date on which the case is taken under advisement and that on which judgment is rendered.

4. **Change of address.** The parties and their attorneys shall promptly advise the Clerk of any change of address.

5. **Consultation of record.** A record may be consulted only in the presence of the Clerk. If the record cannot be consulted on the premises, the Clerk may permit its removal. In such case, the Clerk shall require a written acknowledgment, which shall be filed in the record.

6. **Removal of document.** Upon furnishing a receipt, and with the authorization of the Clerk, a party or the attorney for a party may remove a document that the party has filed in the record.

7. **Photocopies.** The Clerk shall furnish photocopies at the expense of the party who requests them.

8. **Duties of the clerk of another court or tribunal.** In the case of an appeal from a decision of a court or tribunal other than the Superior Court or the Court of Quebec, the duties that lie on the clerks of these courts or tribunals pursuant to the law and these Rules shall be performed by the clerk or the secretary of the court or tribunal in question, as the case may be.

PART 3 GENERAL RULES

9. **Format and quality of paper.** The size of the paper shall be 21.5 cm by 28 cm. White paper of good quality shall be used. Documents accompanying a motion or submitted with an argument in the case of an appeal proceeding on the basis of the fast track procedure may be 21.5 cm by 35.5 cm.

10. **Style of cause.** (1) The style of cause in any proceeding shall include, in the following order, the name of the appellant, the name of the respondent and, if applicable, the names of the other parties.

(2) Under each party’s name, the status of the party in the appeal shall be indicated in upper-case letters and the status of the party in first instance shall be indicated in lower-case letters.

(3) The style of cause shall remain the same for all proceedings during the appeal.

(4) In an appeal from a judgment adjudicating a motion for judicial review, the decision-maker that rendered the decision subject to review is designated as the *mis en cause*.

11. **Title of proceedings.** The title of a proceeding shall appear on the back and on the first page, and shall indicate the status in the appeal of the party presenting the proceeding, followed by a precise citation to the statute or regulation upon which it is based.

12. **Signature.** Every proceeding shall bear the signature of the party or the attorney for the party.

13. **Amendment.** In the event of an amendment to a proceeding, additions or substitutions shall be underlined or indicated in the margin by a vertical line, and ellipsis points within parentheses shall indicate deletions.

14. **Discontinuance, transaction or bankruptcy.** The parties shall inform the Clerk of any discontinuance, transaction or bankruptcy as soon as it occurs. A party that renounces a judgment that has been appealed shall so inform the Clerk immediately.

15. **Statement pursuant to article 495.2 of the Code of Civil Procedure.** (1) The written statement prescribed by article 495.2 of the Code of Civil Procedure shall be on the form in Schedule I.

(2) The rule in article 495.2 of the Code of Civil Procedure shall also apply to incidental appeals, *mutatis mutandis*.

16. **Abandonment of appeal.** (1) The certificate of abandonment of an appeal shall be on the form in Schedule II.

(2) The Clerk shall forward a true copy of the certificate to the parties or their attorneys.

(3) **Cancellation of certificate of abandonment by the Clerk.** The Clerk may, ex officio or upon the request of a party, cancel a certificate of abandonment that was issued through an obvious oversight. The Clerk shall then send a copy of the document attesting to the cancellation to the parties or their attorneys.

(4) **Restoration of appeal by the Court.** Where the Court, for justifiable cause, orders the appeal to be restored, it shall authorize the appellant or the incidental appellant to serve on the opposing party and file at the Office of the Court that party's factum or the argument and schedules standing in lieu thereof, within a time period determined by the Court.

17. **Court usher.** The Court usher shall announce the opening and termination of sittings of the Court, the Judge or the Clerk, and remain present for the entire hearing, unless otherwise permitted.

18. **Number of attorneys.** (1) At the hearing of an appeal, two attorneys may present oral argument for each party, but only one attorney may reply for the appellant.

(2) At the hearing of a motion, only one attorney may present oral argument for each party, unless otherwise permitted.

19. **Dress.** (1) At hearings before the Court, the following dress is obligatory:

(a) attorney: gown, bands, white collar and dark garment;

(b) articulated student: gown and dark garment;

(c) clerk and court usher: gown and dark garment;

(2) Before a Judge or the Clerk, the wearing of a gown is not required. All attire, however, shall be simple and unadorned.

20. **Decorum.** (1) All persons present at a hearing shall ensure that their cellular telephones, pagers and any other audio devices are turned off.

(2) The Court or the Judge may adopt any measure required to ensure the proper administration of justice, the serenity of hearings and respect for the rights of the parties and their attorneys.

21. **Interpretation.** The Rules of the Court shall be construed so as to ensure the fair and straightforward operation of the appeal process and eliminate unjustified expenses and delays. Unless it is determined otherwise, these Rules may be relaxed or set aside by the Court or a Judge where compliance with them could create an injustice. In the absence of rules, the Court may decide in a manner compatible with the foregoing objectives.

PART 4 MOTIONS

22. **Presentation and content.** (1) Motions shall be presented, according to their nature, before the Court, a Judge or the Clerk. They shall be accompanied by all that is required for their consideration, and in particular by proceedings, exhibits, depositions, minutes, judgments or excerpts therefrom, as well as any statutory or regulatory provisions cited, with the exception of those of the Civil Code of Québec or the Code of Civil Procedure.

(2) A party may apply to be excused from producing paper copies of the documents that accompany the motion, or certain of such documents, if all the parties to the motion consent that they be produced in computer format. The application is made by letter, by facsimile or by e-mail addressed to the Office of the Court, with a copy to the other parties to the motion, and is adjudi-

cated by a Judge in the case of a motion to the Court or to a Judge, or by the Clerk in the case of a motion to the Clerk.

23. **Attendance excused.** The sending of the respondent's written consent to the conclusions of a motion, by letter, facsimile or e-mail and with copies to the other parties, excuses the parties and their attorneys from attending the presentation of the motion, unless the Court, the Judge or the Clerk who will hear the motion determines otherwise and so notifies the parties.

24. **Convening at a different time.** The Court, the Judge or the Clerk may excuse the parties and their attorneys from being present at the opening of a sitting and convene them at a different time for the hearing of the motion.

25. **Absence.** If a party fails to appear on the day and at the time established for the hearing of the motion, the Court, the Judge or the Clerk may hear only those parties present and adjudicate the motion without hearing the absent party, or adjourn the hearing on conditions deemed appropriate, in particular with respect to costs.

26. **Telephone conference.** When the circumstances are appropriate and the parties so consent, the Court, the Judge or the Clerk may hear the motion by telephone conference.

Motions before the Court

27. **Reservation of date of presentation.** The petitioner shall arrange the date and time of the presentation of a motion before the Court with the Clerk.

28. **Time limit for service and filing.** The motion and its attached documents shall then be served and filed at the Office of the Court, in quadruplicate, at least five clear juridical days before the date of presentation. A motion to dismiss an appeal based on subparagraphs 4.1 or 5 of the first paragraph of article 501 of the Code of Civil Procedure, with or without a subsidiary conclusion seeking an order for security, shall be served and filed at least 30 days before the date established for the presentation of the motion.

29. **Notice of presentation.** The notice of presentation shall indicate the date, time and courtroom where the motion will be presented.

30. **Adjournment.** (1) As soon as possible before the presentation of the motion, the petitioner shall notify the Clerk by letter, by facsimile or by e-mail, that the parties have consented to an adjournment, or that one of the parties will seek an adjournment on the day the motion is presented.

(2) In the absence of such a notice and saving special circumstances, the Court shall hear the motion and adjudge it.

(3) A motion may not be adjourned solely on the basis of the consent of the parties if there is less than one clear juridical day remaining before the scheduled date of presentation. The parties must instead obtain authorization from the judge presiding the panel or, in the absence of that judge, from another judge of the panel.

(4) Furthermore, the hearing of a motion to dismiss an appeal based on subparagraphs 4.1 or 5 of the first paragraph of article 501 of the Code of Civil Procedure may not be adjourned solely on the basis of the consent of the parties if there are less than 10 days remaining before the scheduled date of presentation. The parties must instead apply to the Court by letter, by facsimile or by e-mail requesting the adjournment of the motion to a subsequent date, with supporting reasons.

31. **Dismissal without hearing and without costs.** The Court shall inform the parties as expeditiously as possible of any motions to dismiss the appeal based on subparagraphs 4.1 or 5 of the first paragraph of article 501 of the Code of Civil Procedure, with or without a subsidiary conclusion seeking an order for security, that have been found to be without merit and have been dismissed accordingly, without a hearing and without costs.

Motions before a Judge

32. **Presentation.** Motions shall be presented at 9:30 a.m. Between June 24 and Labour Day, motions shall be presented on one of the days the Chief Justice determines.

33. **Time limit for service and filing.** The motion and its attached documents shall be served and filed at the Office of the Court, in duplicate, at least two clear juridical days before the date of presentation.

34. **Notice of presentation.** The notice of presentation shall indicate the date, time and courtroom where the motion will be presented.

35. **Adjournment.** (1) As soon as possible before the presentation of the motion, the petitioner shall notify the Clerk by letter, by facsimile or by e-mail, that the parties have consented to an adjournment or that one of the parties will seek an adjournment on the day the motion is presented.

(2) In the absence of such a notice and saving special circumstances, the Judge shall hear the motion and adjudge it.

(3) A motion may not be adjourned solely on the basis of the consent of the parties if there is less than one clear juridical day remaining before the scheduled date of presentation. The parties must instead obtain authorization from the Judge assigned to hear the motion.

Motions before the Clerk

36. **Presentation.** Motions shall be presented at 9:00 a.m. Between June 24 and Labour Day, motions shall be presented on one of the days the Chief Justice determines.

37. **Time limit for service and filing.** The motion and the attached documents shall be served and filed at the Office of the Court, in duplicate, at least two clear juridical days before the date of presentation.

38. **Notice of presentation.** The notice of presentation shall indicate the date, time and courtroom where the motion will be presented.

39. **Adjournment.** (1) As soon as possible before the presentation of the motion, the petitioner shall notify the Clerk by letter, by facsimile or by e-mail, that the parties have consented to an adjournment or that one of the parties will seek an adjournment on the day the motion is presented.

(2) In the absence of such a notice and saving special circumstances, the Clerk shall hear the motion and adjudge it.

PART 5 JUDICIAL MEDIATION

40. **Judicial mediation.** The settlement conference contemplated by article 508.1 of the Code of Civil Procedure is designated under the name of judicial mediation.

41. **Joint request.** At any stage of the appeal, a joint request for judicial mediation may be submitted to the Office of the Court on the form in Schedule III.

42. **Date of the conference.** Upon receiving the joint request, the Clerk shall communicate with the attorneys to establish a date for the judicial mediation.

43. **Content of the record.** A concise record containing the inscription in appeal, the judgment appealed from and, if applicable, the proceedings and exhibits selected by the parties, shall be filed at the Office of the Court seven days before the judicial mediation. The transcript of the testimony of witnesses is not required.

44. **Confidentiality.** Everything that is said or written during the mediation conference is confidential. To that end, the parties and their attorneys shall undertake in writing not to disclose the content of the discussions. If the conference does not result in a settlement and there is a hearing, the judges hearing the appeal shall not be informed that judicial mediation has taken place.

PART 6 CASE MANAGEMENT

Appeal from an interlocutory judgment

45. **Timetable.** When granting leave to appeal from an interlocutory judgment, the Judge or the Court shall determine the date of the hearing and set a timetable for filing, in quadruplicate, the argument and required documents.

46. **Number of pages and allocation of time.** The Judge or the Court shall determine the authorized number of pages for the argument and the length of time to be allotted to the parties for oral argument.

47. **Characters and spacing.** The argument shall have at least one and one-half spaces between the lines, with the exception of quotations, which shall be single-spaced and indented. The characters shall be in 12-point font size and there shall be no more than 12 characters per 2.5 cm.

48. **Abandonment.** Where the appellant's argument and documents standing in lieu of the factum are not served and filed within the established time limit, the appeal shall be deemed to be abandoned and article 503.1 of the Code of Civil Procedure shall apply, *mutatis mutandis*.

49. **Foreclosure.** Where the respondent's argument and, if applicable, documents standing in lieu of the factum are not served and filed within the established time limit, the respondent shall be foreclosed from filing and article 505 of the Code of Civil Procedure shall apply, *mutatis mutandis*.

Appeal from a final judgment with leave

50. **Standard or fast track procedure.** When granting leave to appeal from a final judgment, the Judge or the Court determines whether the appeal will proceed on the basis of the standard procedure or the fast track procedure.

51. **Timetable.** If the appeal proceeds on the basis of the fast track procedure, the Judge or the Court shall set a timetable for filing seven copies of the factum, or four copies of the argument, of each party.

52. **Number of pages and time allocation.** The Judge or the Court shall determine the authorized number of pages for the argument and the length of time to be allotted to the parties for oral argument.

53. **Characters and spacing.** An argument shall have at least one and one-half spaces between the lines, with the exception of quotations, which shall be single-spaced and indented. The characters shall be in 12-point font size and there shall be no more than 12 characters per 2.5 cm.

54. **Abandonment.** Where the appellant's argument and documents standing in lieu of the factum are not served and filed within the established time limit, the appeal shall be deemed to be abandoned and article 503.1 of the Code of Civil Procedure shall apply, *mutatis mutandis*.

55. **Foreclosure.** Where the respondent's argument and, if applicable, documents standing in lieu of the factum are not served and filed within the established time limit, the respondent shall be foreclosed from filing and article 505 of the Code of Civil Procedure shall apply, *mutatis mutandis*.

56. **Date of hearing.** Except if it is an urgent case, the record shall be referred to the Master of the Rolls, who shall declare the case ready for hearing and establish a date for the hearing.

Appeal in family matters

57. **Fast track procedure, saving exceptions.** In family matters, the parties shall file an argument, in quadruplicate and within the time limit prescribed in article 507.0.1 of the Code of Civil Procedure, in addition to the documents that ordinarily constitute the schedules to a factum. The argument shall be no more than 10 pages in length, unless a Judge has determined a different number of pages after having examined the inscription in appeal.

58. **Characters and spacing.** An argument shall have at least one and one-half spaces between the lines, with the exception of quotations, which shall be single-spaced and indented. The characters shall be in 12-point font size and there shall be no more than 12 characters per 2.5 cm.

59. **Abandonment.** Where the appellant's argument and documents standing in lieu of the factum are not served and filed within the time limit established pursuant to article 507.0.1 of the Code of Civil Procedure, the appeal shall be deemed to be abandoned and article 503.1 of the Code of Civil Procedure shall apply, *mutatis mutandis*.

60. **Foreclosure.** Where the respondent's argument and documents standing in lieu of the factum are not served and filed within the time limit established pursuant to article 507.0.1 of the Code of Civil Procedure, the respondent shall be foreclosed from filing and article 505 of the Code of Civil Procedure shall apply, *mutatis mutandis*.

Appeals as of right

61. **Case management.** In the case of appeals as of right, case management shall be carried out in accordance with articles 508.2, 508.3, 508.4 and 508.5 of the Code of Civil Procedure, in compliance with the principle of proportionality as set out in article 4.2 of the Code of Civil Procedure.

Computer format

62. In the context of such case management, the Court may authorize the filing of certain documents in computer format rather than on paper when all of the parties to the appeal consent. The parties then file their argument on paper, together with the documents that are normally included in Schedule I of the factum as well as those parts of the documents that are normally included in Schedules II and III and to which they have referred specifically in their argument. The complete texts of the documents are then filed on a CD-ROM or any other computer format that at a minimum has a keyword search capacity and, when possible, hyperlink connections between the index, the proceedings, the exhibits and the depositions.

PART 7 FACTUMS

63. **Content of factum.** The factum shall comprise an argument and three schedules.

64. **Argument.** The argument shall be divided into five parts:

Part I: FACTS

The appellant shall state the facts succinctly.

The respondent shall state its position with respect to the appellant's statement of facts and, if necessary, state any other facts deemed relevant.

Part II: ISSUES IN DISPUTE

The appellant shall set forth the issues in dispute concisely. The respondent shall state its position concisely in regard to the issues the appellant raises and list any other points to be argued, including those that were not adopted or considered by the court of first instance.

Part III: ARGUMENT

The parties shall develop their arguments regarding the issues in dispute, with precise references to the schedules.

Part IV: CONCLUSIONS

The parties shall formulate the conclusions they seek in a precise manner, including with respect to costs.

Part V: AUTHORITIES

The parties shall provide a list of authorities for the case law and doctrine cited, arranged in the order in which they are cited in the argument and indicating the paragraphs at which they are mentioned.

65. Schedules

(1) **For the appellant.** The factum of the appellant shall include three schedules:

SCHEDULE I

It shall include the judgment appealed from and, if applicable, the reasons for judgment pursuant to the second paragraph of article 507 of the Code of Civil Procedure. In matters of judicial review, or on appeal from a judgment of the Superior Court or of the Court of Quebec sitting in appeal, it shall also include the decision subject to review, or, the decision that has been appealed.

SCHEDULE II

It shall include:

(1) the inscription in appeal or, if applicable, the judgment granting leave to appeal with the motion requesting it;

(2) the proceedings of the joined issue;

(3) regulatory or statutory provisions cited, other than those of the Civil Code of Quebec or the Code of Civil Procedure.

SCHEDULE III

It shall include only those exhibits and depositions or extracts therefrom that are necessary for the consideration of all the issues in dispute.

(2) **Joint statement of facts.** The parties may agree on a joint statement of the facts necessary to resolve the issues in dispute, rather than relying on the transcripts of the depositions and the exhibits. The joint statement shall be inserted at the beginning of Schedule III.

(3) **For the respondent.** The schedules to the respondent's factum shall include only those elements that are necessary for the consideration of the issues raised in the incidental appeal, if there is one, and that are not already included in the appellant's factum.

66. Factum of the incidental appellant. (1) In the event of an incidental appeal, the factum of the principal respondent shall include two parts, the first being the factum in the main appeal and the second being the factum in the incidental appeal. The second shall be in the form prescribed for the factum of the appellant.

(2) **Time limit for filing.** The time limit for the respondent who has lodged an incidental appeal shall be computed from the date of filing of the appellant's factum at the Office of the Court, pursuant to article 504.1 of the Code of Civil Procedure, or from the abandonment of the appeal or its dismissal by motion.

(3) **Abandonment.** Where the incidental appellant's factum is not served and filed within the time limit, the incidental appeal shall be deemed to be abandoned and article 503.1 of the Code of Civil Procedure shall apply, *mutatis mutandis*.

67. Factum of the incidental respondent. (1) In response to the incidental appeal, the appellant in the main appeal may serve and file a factum in the form prescribed for the factum of the respondent within 30 days following receipt of the factum of the incidental appellant.

(2) **Foreclosure.** The incidental respondent shall be subject to the rule in article 505 of the Code of Civil Procedure, *mutatis mutandis*.

68. Format of factum. The format of the factum shall comply with the following rules:

(a) **Colour of cover.** The colour of the cover shall vary according to the party: yellow for the appellant, green for the respondent and grey for the other parties.

(b) **Front cover.** The front cover shall set out the following:

- i. the court file number assigned by the Clerk;
- ii. the court that rendered the judgment appealed from, the judicial district, the name of the judge who rendered judgment, the date of the judgment and the court file number;
- iii. in the following order, the names of the appellant, the respondent and, if applicable, the other parties; under each party's name, that party's status in the appeal shall be indicated in upper-case letters and the party's status in first instance shall be indicated in lower-case letters;
- iv. the identification of the factum according to the status of the party filing it;
- v. the name of the party's attorney.

(c) **Table of contents.** The first volume of the factum shall contain a general table of contents at the front, and each subsequent volume shall contain a table of its contents.

(d) **Pagination.** Page numbers shall be indicated in the upper left-hand corner of each page of the argument and at the top of each page of the schedules.

(e) **Number of pages.** Except where a Judge has permitted otherwise, the argument shall not exceed 30 pages in length.

(f) **Characters and spacing.** The text of the argument shall have at least one and one-half spaces between the lines, with the exception of quotations, which shall be single-spaced and indented. The characters shall be in 12-point font size and there shall be no more than 12 characters per 2.5 cm.

(g) **Numbering of paragraphs.** The paragraphs of the argument shall be numbered.

(h) **Numbering of volumes.** If there is more than one volume, the volume number and the sequence of pages contained therein shall be indicated on the cover and bottom edge of each volume.

69. Exhibits

(1) **Layout.** Each exhibit or excerpt therefrom shall begin on a new page with a heading indicating the date and, where possible, the nature and number of the exhibit. So far as possible, the exhibits shall be reproduced in chronological order, rather than in the order of filing in first instance.

(2) **Clarity.** All exhibits included in the schedules shall be legible. If they are illegible, they shall be accompanied by a legible text. Photocopies of photographs shall be permitted only if they are clear.

70. Depositions

(1) **Layout.** Each deposition or excerpt therefrom shall begin on a new page with a heading setting out the witness' surname in upper-case letters, followed the first time only by parentheses containing the witness' given name, age and residence. The heading shall also contain the following information, listed in abbreviated form:

- (a) the name of the party who called the witness;
- (b) the fact that the testimony was not given at trial, if such be the case;
- (c) the stage of the hearing (case in chief, defence, rebuttal);
- (d) the stage of the examination (examination, cross-examination, re-examination).

(2) **Format.** Depositions or excerpts therefrom may be reproduced in a condensed format (four pages in one), provided that the font is equivalent to Arial 10 and that each page contains a maximum of 25 lines numbered in the left margin.

71. **Printing and binding.** The factum shall be bound so that the pages of the argument and of Schedule I are printed only on the left and the pages of Schedules II and III are printed on both sides.

72. **Number of sheets.** Each volume shall contain no more than 225 sheets of paper.

73. **Attestation.** (1) At the end of the schedules, the party or the attorney for the party shall attest that the factum is in compliance with these Rules and that the originals or paper copies of all the depositions obtained have been placed at the disposal of the other parties, free of charge. The same obligation applies, *mutatis mutandis*, when the depositions are in computer format.

(2) **Duration of hearing requested.** In addition, the party or the attorney for the party shall indicate the length of time requested for oral argument.

74. **Refusal of factum.** (1) The Clerk shall refuse any factum that is not in compliance with the Code of Civil Procedure or these Rules as soon as possible after it is filed.

(2) **Notice.** The Clerk shall notify the attorneys or any party not represented by an attorney of the refusal.

(3) **Effect of refusal.** A factum that has been refused shall be deemed not to have been filed unless the irregularity is corrected within the time limit the Clerk determines.

(4) **Review of the Clerk's decision.** The Clerk's decision may be reviewed upon a motion submitted before a judge within 15 days of the notice of its refusal.

75. Computer format

The Court or the Judge may authorize the filing of certain documents in the factum in computer format rather than on paper when all of the parties to the appeal consent. The parties shall then file their argument on paper, together with the documents included in Schedule I of the factum as well as those parts of the documents included in Schedules II and III to which they have referred specifically in their argument. The complete texts of the documents are then filed on a CD-ROM or any other computer format that at a minimum has a keyword search capacity and, when possible, hyperlink connections between the index, the proceedings, the exhibits and the depositions.

PART 8 READINESS

Prior to January 1, 2003

76. **Certificate.** For all appeals filed prior to January 1, 2003, the certificate of readiness shall be filed at the Office of the Court within 15 days of the filing of the factums. It shall be on the form in Schedule IV and bear the signature of the attorneys for the parties or of any party not represented by an attorney. It shall indicate the name of the attorney responsible for the file.

77. (1) **Certificate not obtained.** If the appellant does not sign the certificate, the respondent may file a motion to place the case on the roll. The motion shall be accompanied by a certificate bearing the signature of the respondent and served on the opposing party.

(2) If the respondent does not sign the certificate or does not file a factum within the prescribed time limit, the appellant may, in the same manner, seek to have the case placed on the roll.

78. **Motion to place a case on the roll.** A motion to place a case on the roll shall be presented before the Clerk. If the motion is uncontested, the attendance of the parties or their attorneys is not required and the Clerk shall declare the case ready to be placed on the roll. If it is contested, the Clerk shall adjudicate the motion, which may proceed by way of telephone conference.

Effective January 1, 2003

79. **Declaration by the Clerk.** With effect as of January 1, 2003, the Clerk shall declare all cases not under special case management ready to be placed on the roll once all the factums have been filed or, if applicable, once the respondent is foreclosed from filing a factum. The Clerk shall notify the parties by written notice on the form in Schedule V and indicate, inter alia, the approximate date the appeal will be heard.

80. **Waiver of oral hearing.** (1) If the parties consent, they may request that the appeal be decided on the basis of the factums and without an oral hearing.

(2) **Notice.** The Clerk shall notify the parties of the date on which the appeal is taken under advisement and of the names of the judges assigned to the case.

(3) **Notice to appear.** If the panel assigned to the appeal considers that oral argument is necessary, the parties shall be informed that the case is no longer under advisement and the appeal shall be returned to the general roll.

PART 9 ROLL FOR HEARING

81. **Placing on the roll.** The Clerk shall prepare the roll for hearing, observing to the extent possible the date of readiness of the cases, subject to the priorities prescribed by law or that the Chief Justice grants.

82. **Case heard by preference.** (1) A motion to have a case heard by preference shall be accompanied by a notice for which the Clerk has previously determined the date and time of presentation.

(2) After service, the motion shall be filed at the Office of the Court at least two clear juridical days before its presentation.

(3) The motion shall be presented before the Chief Justice or a Judge the Chief Justice designates.

83. **Time allotted for oral argument.** Under the supervision of the Chief Justice or a Judge the Chief Justice designates, the Clerk shall indicate for each case the time each party is allotted for oral argument.

84. **Notice of hearing.** At least 30 days before the opening of the session, the Clerk shall send a copy of the roll to the attorneys for the parties or to any party not represented by an attorney. In addition, a copy shall be posted at the Office of the Court and shall be available on the Court's web site. These formalities shall constitute notice of the date of hearing.

85. **Authorities.** (1) All parties may file a book of authorities, in which the relevant excerpts are highlighted. The pages of this book may be printed on both sides.

(2) The book of authorities may be limited to relevant excerpts only, in which case the pages immediately preceding and immediately following any excerpt shall also be included, as well as the citation and the headnote of the decision, if there is one.

(3) The book of authorities may also be accompanied by a CD-ROM or other computer format containing the complete text of the authorities.

(4) The texts used in a book of authorities, whether partial or complete, must be in Word format, when that format is available.

(5) When the book of authorities contains judgments or extracts of judgments rendered by the Supreme Court of Canada, such version must be that published in the Reports of the Supreme Court of Canada, or any computer based version that has the same paragraph numbering as the version published in the Reports of the Supreme Court of Canada.

86. **Time limit for filing.** (1) The book of authorities must be served on all the other parties and filed at the Office of the Court, in quadruplicate, at least 30 days before the date fixed for the hearing of the appeal or, in the case of a motion, as soon as possible before the hearing.

(2) If the motion is to be presented before a Judge or the Clerk, only one copy of the book of authorities need be filed.

87. **Effect of lateness.** The Court, the Judge or the Clerk may penalize any party who files a book of authorities late by ordering that, in the event that the appeal or motion is decided in that party's favour, the cost of its preparation not be included in the bill of costs.

PART 10 SITTINGS OF THE COURT

88. **Beginning.** (1) Sittings of the Court shall begin at 9:30 a.m. or at any other time the Court determines.

(2) **Attendance excused.** The Court may excuse the parties and their attorneys from being present at the opening of a sitting and convene them at a different time for the hearing of the appeal.

89. **Order.** Cases shall be pleaded in the order in which they appear on the roll, unless otherwise determined.

90. **Absence.** If a party fails to appear on the date and at the time established for the hearing, the Court may hear only the parties present and adjudicate the matter without hearing the absent party, or adjourn the hearing on the conditions deemed appropriate, in particular with respect to costs.

PART 11 VIDEOCONFERENCE

91. **Motions and appeals.** (1) Motions before the Court or a Judge, and appeals whose date and time of oral argument have already been determined, may be heard by way of videoconference.

(2) **Request.** To that end, the parties shall submit a written request to the Clerk of the Court in Quebec or Montreal. In urgent circumstances, this request may be made by telephone.

(3) **Decision.** After examining the record, the Judge who is to preside at the hearing shall inform the parties of the decision.

(4) **Preparation.** It is the responsibility of the parties and their attorneys to make the necessary arrangements with the telephone service providers.

(5) **Procedure.** All parties to the case may plead from any video room available in the territory or any one party may plead in the courtroom where the receiving device is located and where the Judge or the Court is sitting.

(6) **Dress.** For hearings before the Court, a gown must be worn.

(7) **Fees.** The cost of renting the video facilities and long-distance fees shall be borne by the party or parties who have requested the videoconference.

PART 12 COSTS

92. **Decision on costs.** When deciding on costs, the Court may order a reduction of disbursements and judicial fees or make any other order in cases where the schedules include elements that were not necessary to the consideration of the case.

93. **Taxation of costs.** The Clerk shall tax the bill of costs. As a general rule, costs shall include the cost of renting video facilities and long distance fees necessary for a videoconference, the fee charged for the transcription of depositions, the cost of reproducing exhibits and the cost of preparing and printing factums, schedules and books of authorities, provided such cost is not excessive.

PART 13 VEXATIOUS PROCEEDINGS AND QUARRELSOME CONDUCT

94. **Vexatious proceedings.** Where the Court is satisfied that a party before it is conducting a proceeding in a vexatious manner, it may order, proprio motu or upon the motion of a party, a stay of proceedings, or a suspension thereof, on the conditions it deems appropriate.

95. **Quarrelsome conduct.** (1) Where a person acts in a quarrelsome manner, that is to say exercises litigious rights in an excessive or unreasonable manner, the Court may, proprio motu or upon the motion of a party, declare the person to be a quarrelsome litigant and prohibit that person from filing any other proceeding in the Court without prior authorization of the Chief Justice or the judge the Chief Justice designates for this purpose.

(2) In cases which admit of it, the order may prohibit access to the Court's premises.

(3) No person may be declared a quarrelsome litigant without being first afforded the opportunity to be heard by the Court as to why that person should not be so declared.

(4) If the Court acts proprio motu against a party, the Clerk shall inform that party, by registered mail or any other appropriate means, with a copy to the other parties to the case, of the date when the Court will hear the affected party.

(5) The application to file a proceeding must be accompanied by the prohibition order and the proceeding the applicant seeks to institute.

(6) The Chief Justice or the judge the Chief Justice designates may refer the application to file a proceeding to the Court, in which case the applicant must serve it on the parties contemplated by the proposed proceeding, with a 10-day notice of presentation.

(7) An unauthorized proceeding is deemed never to have existed. When informed of a prohibition order, the Clerk must refuse to accept an unauthorized proceeding, except for an application to file a proceeding mentioned above.

PART 14 TRANSITIONAL PROVISIONS AND COMING INTO FORCE

96. **Transitional provisions.** The Rules applicable prior to the coming into force of these Rules shall continue to apply to all proceedings in which the appeal was brought prior to the date of the coming into force of these Rules. The parties may nevertheless agree to have their appeal governed by these Rules.

97. **Coming into force.** These Rules shall come into force on 1 January 2007

SCHEDULE I

(s. 15)

CANADA
COURT OF APPEAL
PROVINCE OF QUÉBEC
REGISTRY OF _____

No.: _____

First Instance

No.: _____

Appellant

v.

Respondent

**Written Statement Certifying Directions to Transcribe
(Article 495.2 Code of Civil Procedure)**

I, the undersigned, _____, hereby certify under oath (of office, if by counsel) that, on _____, _____, I directed _____ to transcribe with diligence the depositions or excerpts of depositions to be filed as a schedule to my factum, or I hereby certify under the same oath that no deposition is necessary for the appeal.

Signed at _____, on this ____ day of _____, _____.

(Attestation: _____)

SCHEDULE II

(s. 16)

CANADA
PROVINCE OF QUÉBEC
COURT OF APPEAL
REGISTRY OF _____

No.: _____

First instance

No.: _____

Appellant

v.

Respondent

Certificate attesting to the abandonment of an appeal

I, the undersigned, _____, Deputy Clerk of the Court of Appeal, hereby certify that I have on this day recorded the default of the appellant to file a factum within the time limit prescribed in the Code of Civil Procedure and in the Rules of Practice of the Court of Appeal in Civil Matters, and I therefore issue and file this certificate stating that the appeal is abandoned, with costs, as of _____, _____.

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

Deputy Clerk
Court of Appeal

SCHEDULE III

(s. 41)

COURT OF APPEAL
 PROVINCE OF QUÉBEC
 REGISTRY OF _____

File number: 500-09- _____

First instance

File number: _____

 APPELLANT

v.

 RESPONDENT
JOINT REQUEST FOR JUDICIAL MEDIATION

We, the undersigned, jointly request to proceed by judicial mediation in order to attempt to resolve the present litigation by way of a transaction.

We undertake jointly to prepare and file at the Office of the Court, a copy of all relevant documents within seven (7) days prior to the date set for mediation. The documents will include the inscription in appeal, the judgment appealed from and all other proceedings and exhibits which we deem to be useful.

Upon the filing of our joint request, we understand that the delays determined in accordance with Title II of the Code of Civil Procedure are suspended.

Furthermore, we undertake to respect the confidential nature of all matters discussed throughout the mediation procedure, including telephone conferences, videoconferences, individual and plenary meetings.

Date: _____

 Appellant

 Respondent

(Attorney)

Name

Law firm:

Address:

.....

.....

Telephone:

Fax:

(Attorney)

Name

Law firm:

Address:

.....

.....

Telephone:

Fax:

**Please return a duly signed copy of this form to the Office of the Court of Appeal,
 clearly indicating on the envelope:
 “REQUEST FOR MEDIATION”**

SCHEDULE IV

(s. 76)

COURT OF APPEAL
Certificate of readiness
C.A. No.

Appellant Respondent

Object of the dispute: _____

Amount: _____

On the merits Interlocutory

Filed Reasons for judgment appealed from

Factum of the appellant

Factum of the respondent

Factum of other parties

We waive oral argument of the appeal and declare that we have no further argument to submit beyond that which is contained in our respective factums.

YES

NO

At _____ this _____

APPELLANT
Name and address of the law office and name
of their attorney personally in charge of the file

RESPONDENT
Name and address of the law office and name
of their attorney personally in charge of the file

Telephone: _____

Telephone: _____

OTHER PARTIES
Name and address of the law office and name
of their attorney personally in charge of the file

Telephone: _____

**Note to the Clerk: The following are the numbers of the files between the same parties
that will be joined at the same hearing.**

No. _____

No. _____

SCHEDULE V

(s. 79)

COURT OF APPEAL
CANADA
PROVINCE OF QUÉBEC
REGISTRY OF _____
No.:

Appellant

v.

Respondent

DECLARATION OF READINESS

1. Appellant's factum (____ volumes)
filed on _____

Respondent's factum (____ volumes)
filed on _____

OR

Forclosure _____

Other party's factum (____ volumes)
filed on _____

2. Planned duration of the hearing: Appellant: _____
Respondent: _____
Other: _____
Total: _____

3. Date of hearing:

Fixed

To be determined by the Master of the Rolls;
approximately at the session of _____ 20 ____

(Signature)