

Regulations and other acts

Notice

Amendments to the Rules of Practice of the Superior Court of the district of Québec in civil matters (C-25, r.1.02)

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 Quebec, at their annual meeting on May 30th, 2008, have established the Rules of Practice in civil matters (2008) to amend the Rules of Practice of the Superior Court of the district of Quebec 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, 1 August 2008

ROBERT PIDGEON,
Senior Associate Chief Justice

Superior Court (District of Québec)

Rules of practice in civil matters (2008) *

1. The Rules of practice in civil matters of the Superior Court (District of Québec) is amended as follows:

2. The following sections are added after section 4.2:

“**4.2.1.** In the case of a motion for judicial review or evocation, the Judge called upon to fix the date of the hearing, having consulted the assistant to the Chief Justice, shall manage the proceeding by determining with the parties:

- (a) the questions in dispute;
- (b) the applicable standard of review;
- (c) the reason for which the decision should be reviewed, cancelled or upheld;
- (d) the duration of the hearing and the date of filing of

i. exhibits, if any;

ii. authorities.

4.2.2. In the case of a motion for an interlocutory injunction, the Judge called upon to fix the date of the hearing, having consulted the assistant to the Chief Justice, manages the proceeding by determining with the parties:

(a) the questions in dispute;

(b) the date of filing of

i. the affidavits necessary to establish the facts;

ii. the documents that the parties intend to refer to (a. 754.1 C.C.P);

(c) the number and identity of the witnesses, if any (a. 754.2 C.C.P), and the subject of their testimonies;

(d) the date on which out-of-court examinations are held and filed;

(e) the duration of the hearing.”.

3. The following Division is added after Division VIII:

“DIVISION IX USE OF A TECHNOLOGICAL MEANS

18.1. Extension of the 180-day time limit. Any application for extension of the 180-day time limit (a. 110.1 C.C.P.) presented to the Court must specify the reasons for the extension and be accompanied by a draft agreement (amended if necessary) on the conduct of the proceeding, with a mention that it is contested or not.

It must be transmitted to the Office of the Court before 4:00 p.m. on Tuesday of each week, in order to be heard on Friday between 9:00 a.m. and 10:00 a.m., in a case management hearing, by telephone conference held on the Court’s initiative.

* Made under the inherent power of the Court and article 47 of the Code of Civil Procedure

18.2. Duty judge or judge in chambers. A motion 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.

18.3. Motions in Practice Division. The Court may authorize the presentation of a motion fixed in Civil Practice, Family, Administrative, Commercial or Criminal Division by telephone conference or videoconference, if the parties agree thereto and after 48 hours advance notice to the judge assigned to the division concerned.

18.4. Hearing of witnesses. With the authorization of the Court, witnesses may be heard by way of videoconference at the hearing of a motion to institute proceedings, after 7 days advance notice to the judge in chambers.

18.5. Videoconferencing. The Court may authorize an examination on discovery, an examination on an affidavit or an examination of a witness out of court to be held by way of videoconference if the manner 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 (arts. 4.1 and 4.2 C.C.P. and 2869, 2870 and 2874 C.C.Q.).”.