

M.O., 2015**Order of the Minister of Justice dated 1 June 2015**

Code of Civil Procedure
(chapter C-25.01)

CONCERNING the model pleadings and other documents established by the Minister of Justice pursuant to articles 136, 146, 235, 271, 393, 546 and 681 of the Code of Civil Procedure (chapter C-25.01)

WHEREAS the first paragraph of article 136 of the Code of Civil Procedure (chapter C-25.01) provides that notification by public notice is made by publishing a notice or a summary of a document in keeping with the model established by the Minister of Justice;

WHEREAS article 146 of the Code of Civil Procedure provides that the summons attached to a judicial application must be in keeping with the model established by the Minister of Justice;

WHEREAS article 235 of the Code of Civil Procedure provides that experts must sign a declaration regarding the carrying out of their mission, corresponding to the model established by the Minister of Justice, and attach it to their report;

WHEREAS article 271 of the Code of Civil Procedure provides that a subpoena calling a witness must be in keeping with the model established by the Minister of Justice;

WHEREAS article 393 of the Code of Civil Procedure provides that an application relating to the personal integrity, status or capacity of a person of full age or a minor 14 years of age or older, presented before the court or a notary, must be accompanied by a notice, in keeping with the model established by the Minister of Justice, informing the person of their rights and obligations, including their right to be represented;

WHEREAS article 546 of the Code of Civil Procedure provides that an application for recovery of a small claim must be notified to the defendant together with a notice, in keeping with the model established by the Minister of Justice, setting out the options available to the defendant;

WHEREAS the first paragraph of article 681 of the Code of Civil Procedure provides that forced execution begins by the filing of a notice of execution, in keeping with the model established by the Minister of Justice, with the court office;

WHEREAS articles 520 and 566 of the Code of Civil Procedure, section 103.1 of the Individual and Family Assistance Act (chapter A-13.1.1), section 31.0.1 of the Act respecting financial assistance for education expenses (chapter A-13.3), section 31.1 of the Act respecting parental insurance (chapter A-29.011) and article 330 of the Code of Penal Procedure (chapter C-25.1) provide that the forced execution of a decision under one of the said Codes or Acts is to proceed in accordance with the rules of Book VIII of the Code of Civil Procedure subject to certain specific rules, and therefore begins by the filing of a notice of execution, in keeping with the model established by the Minister of Justice, with the court office;

CONSEQUENTLY, the Minister of Justice orders as follows:

The models attached to this Order ARE HEREBY ESTABLISHED:

— Notification by public notice (articles 136 and 137, Code of Civil Procedure).

— Summons (articles 145 and following, Code of Civil Procedure).

— Declaration regarding the carrying out of the mission of an expert (article 235, Code of Civil Procedure).

— Subpoena (articles 269 and following, Code of Civil Procedure).

— Notice accompanying an application presented before a notary relating to the personal integrity, status or capacity of a person of full age or a minor 14 years of age or older (article 393, Code of Civil Procedure).

— Notice accompanying an application presented before the court relating to the personal integrity, status or capacity of a person of full age or a minor 14 years of age or older (article 393, Code of Civil Procedure).

— Notice setting out the options available to the defendant in the small claims division (articles 546 and following, Code of Civil Procedure).

— Notice of execution (articles 516, 520, 681 and 682, Code of Civil Procedure).

— Notice of execution drawn up by the judgment creditor for the recovery of small claims (articles 566 and 681, Code of Civil Procedure).

— Notice of execution drawn up by the collector [article 330, Code of Penal Procedure (chapter C-25.1)].

—Notice of execution drawn up under a specific law [articles 681 and 682, Code of Civil Procedure, section 103.1, Individual and Family Assistance Act (chapter A-13.1.1), section 31.0.1, Act respecting financial assistance for education expenses (chapter A-13.3), section 31.1, Act respecting parental insurance (chapter A-29.011)].

The models established by this Order must be used from the date of coming into force of the sections of the Act to establish the new Code of Civil Procedure (2014, chapter 1) that refer thereto.

Quebec, 1 June 2015

STÉPHANIE VALLÉE,
Minister of Justice

MODEL ESTABLISHED BY THE MINISTER OF JUSTICE

Notification by public notice
(articles 136 and 137 C.C.P.)

SECTION I – Notice

Select the statement that matches the situation:

(Notification by public notice concerning an originating application)

Notice is hereby given to [name] to take delivery at the office of the [court] in the district of [district] situated at [place] within [30 or the number specified] days in order to receive the originating application left there in your name.

You must answer the application within the time specified in the summons attached to it, failing which a default judgment may be rendered against you and you may have to pay the legal costs.

(Notification by public notice concerning any other document)

Notice is hereby given to [name] to go to [where] [when] in order to [why].

[If applicable, specify the consequences for the person concerned of failing to comply].

Add this statement if applicable

A summary of the [name of document] is attached to this notice.

SECTION II – Information on publication

Select the statement that matches the situation:

(Notification by public notice by order of the court)

This notice is published under an order rendered on [date] by [judge] of the [court] in case number [no.].

(If the notification by public notice is made by a bailiff who has unsuccessfully attempted to serve a document)

This notice is published at the request of [name], a bailiff, who has unsuccessfully attempted to serve you with [document].

Select the statement that matches the situation:

(Notification by public notice made on a website recognized by an order of the Minister of Justice or on the website of a newspaper circulated in the municipality of the person's last known address or the municipality where the immovable that is the subject of the dispute is situated)

It may be consulted at this address for a period of at least 60 days from its date of publication. It will not be published again, unless required by the circumstances.

(Notification by public notice in hard copy in a newspaper circulated in the municipality of the person's last known address or the municipality where the immovable that is the subject of the dispute is situated)

It will not be published again, unless required by the circumstances.

Add this statement if a notice has already been published:

A previous notice was published [where, when, how].

SECTION III – Final information

[place], [date de publication]

[name of the person publishing the notice]

[title of the person publishing the notice]

**MODEL ESTABLISHED BY THE MINISTER OF
JUSTICE****SUMMONS**
(articles 145 and following C.C.P.)**Filing of a judicial application**

Take notice that the plaintiff has filed this originating application in the office of the court of _____ in the judicial district of _____.

Defendant's answer

You must answer the application in writing, personally or through a lawyer, at the courthouse of _____ situated at _____ within 15 days of service of the application or, if you have no domicile, residence or establishment in Québec, within 30 days. The answer must be notified to the plaintiff's lawyer or, if the plaintiff is not represented, to the plaintiff.

Failure to answer

If you fail to answer within the time limit of 15 or 30 days, as applicable, a default judgement may be rendered against you without further notice and you may, according to the circumstances, be required to pay the legal costs.

Content of answer

In your answer, you must state your intention to:

- negotiate a settlement;
- propose mediation to resolve the dispute;
- defend the application and, in the cases required by the Code, cooperate with the plaintiff in preparing the case protocol that is to govern the conduct of the proceeding. The protocol must be filed with the court office in the district specified above within 45 days after service of the summons or, in family matters or if you have no domicile, residence or establishment in Québec, within 3 months after service;
- propose a settlement conference.

The answer to the summons must include your contact information and, if you are represented by a lawyer, the lawyer's name and contact information.

Change of judicial district

You may ask the court to refer the originating application to the district of your domicile or residence, or of your elected domicile or the district designated by an agreement with the plaintiff.

If the application pertains to an employment contract, consumer contract or insurance contract, or to the exercise of a hypothecary right on an immovable serving as your main residence, and if you are the employee, consumer, insured person, beneficiary of the insurance contract or hypothecary debtor, you may ask for a referral to the district of your domicile or residence or the district where the immovable is situated or the loss occurred. The request must be filed with the special clerk of the district of territorial jurisdiction after it has been notified to the other parties and to the office of the court already seized of the originating application.

Transfer of application to Small Claims Division

If you qualify to act as a plaintiff under the rules governing the recovery of small claims, you may also contact the clerk of the court to request that the application be processed according to those rules. If you make this request, the plaintiff's legal costs will not exceed those prescribed for the recovery of small claims.

Calling to a case management conference

Within 20 days after the case protocol mentioned above is filed, the court may call you to a case management conference to ensure the orderly progress of the proceeding. Failing this, the protocol is presumed to be accepted.

Exhibits supporting the application

In support of the originating application, the plaintiff intends to use the following exhibits:

These exhibits are available on request.

Notice of presentation of an application

If the application is an application in the course of a proceeding or an application under Book III, V, excepting an application in family matters mentioned in article 409, or VI of the Code, the establishment of a case protocol is not required; however, the application must be accompanied by a notice stating the date and time it is to be presented.

MODEL ESTABLISHED BY THE MINISTER OF JUSTICE**Declaration regarding the carrying out of
the mission of an expert
(article 235 C.C.P.)**

I declare that I will carry out my mission as an expert with objectivity, impartiality and rigour. To enlighten the court in making its decision, I will give my opinion on the basis of my qualifications concerning the points submitted to me, taking into account the facts relating to the dispute or, if my services are required as a court bailiff, I will make an ascertainment describing the materials facts or situation of which I have personal knowledge.

I will, on request, provide the court and the parties with details on my professional qualifications, the progress of my work and, if applicable, the instructions received from a party. I will also comply with the time limits given to me and, if necessary, request the directives from the court that are necessary to carry out my mission.

Signature

Title

Date

MODEL ESTABLISHED BY THE MINISTER OF JUSTICE

SUBPOENA
(articles 269 and following C.C.P.)

(Identification of court record and parties)

Nature of the application:

At the request of: _____
(Name and contact information of the party requesting the calling of the witness)

We order: _____
(Witness called to testify under subpoena)

TO ATTEND at court, at the courthouse of _____ situated at _____, on _____, courtroom _____, at _____ o'clock, to testify to everything of which the witness has knowledge in this case.

AND TO BRING: _____.

If the witness has received in advance the indemnities and allowances payable to a witness and fails to attend, the court may order the witness to pay all or part of the costs caused by the failure to attend and issue an arrest warrant.

Signed
at _____, on _____

(Name of the signatory in block letters)
Judge / Clerk / Lawyer

THE WITNESS MUST READ THE FOLLOWING INFORMATION

As a witness, you are required to attend at court to testify in the judicial application specified in this subpoena.

If you fail to attend in accordance with the subpoena, you may be compelled to testify, and an arrest warrant may be issued against you by the court. In addition, the court may order you to pay all or part of the costs caused by your failure to attend.

You may be called:

- to give an account of the facts of which you have personal knowledge;
- to give an opinion as an expert;
- to produce a document or other evidence.

Before testifying, you will have to swear under oath to tell the truth. However, if the disclosure of your address gives cause to fear for your safety, you may ask the court to dispense you from disclosing it.

You have the right to be informed, by the calling party or the calling party's lawyer if represented, of the reason you have been called, of the subject matter of the testimony and of the order of the proceeding. The name and contact information of the calling party or the calling party's lawyer if represented are specified on the subpoena.

If your presence is no longer required, the calling party must inform you.

If you are called, you may require the calling party to pay you an advance, covering the first day of attendance at court, on the loss of time indemnity and the travel, meal and overnight accommodation allowances prescribed by government regulation. However, the calling party is dispensed from this obligation for expenses which it covers directly, if you are a party, or if you are otherwise compensated.

If you are called to attend as a witness in the Small Claims Division of the Court of Québec, you will not be compensated, unless the court decides otherwise.

After you have testified, the clerk will certify your presence and determine the amount owed to you by the calling party. You must present this subpoena to the clerk along with the proof needed to establish the indemnities and allowances to which you are entitled.

This certificate has the force of an enforceable judgment. If the amounts to which you are entitled are not paid, you may immediately pursue payment of them against the calling party.

Employers and their agents are prohibited, on the grounds that an employee has been summoned or has acted as a witness, from:

- dismissing, suspending or transferring the employee;
- exercising discriminatory measures or reprisals against the employee;
- imposing any other penalty on the employee.

MODEL ESTABLISHED BY THE MINISTER OF JUSTICE

**Notice accompanying an application
relating to the personal integrity, status or
capacity of a person of full age or a minor
14 years of age or older**

**Application presented before a notary
(article 393 C.C.P.)**

General duties of a notary

The notary seized of this application must act in your best interests while protecting your rights and safeguarding your autonomy.

Right to be heard

Before drawing up minutes of notarial operations and conclusions, the notary must hear you in person to allow you to make representations, give your opinion or answer questions. However, if it is impossible or clearly inexpedient to hear you because of the urgency of the situation or your state of health, the notary is not required to hear you.

If you are of full age and living in a remote location, the notary may delegate the responsibility of hearing you to another notary in order to avoid excessive travel expenses.

If the notary is not sufficiently fluent in your language, the notary may also mandate a notary who speaks the language. If necessary, the notary seized of the application or the other notary may retain the services of an interpreter.

Right to be represented

If you are an incapable person of full age, a notary who considers that you need to be represented by a lawyer or another notary or by a tutor or curator ad hoc must inform the interested persons so that the appropriate measures may be taken. The notary may continue to act if the latter are not opposed to it.

Right to be assisted

If you are an incapable person of full age, a notary who considers that you need to be assisted by a trusted third person must inform the interested persons so that the appropriate measures may be taken. The notary may continue to act if the latter are not opposed to it.

Right of opposition

In the 10 days preceding the date specified by the notary for the filing of the minutes with the court office, it is possible to oppose the minutes by applying to the court.

Recourse against a judgment granting, rejecting or amending the conclusions set out in a notary's minutes

If a decision concerning your capacity is rendered by a special clerk, an application for review may be filed at the office of the court within 10 days after the date of the decision.

A judgement or order made concerning this application may be appealed within 30 days after the date of the notice of judgment or after the date of the judgment if it was rendered at the hearing.

You can request the review of a judgment concerning your personal integrity or capacity when you, or any interested party, are able to present new facts sufficient to result in the varying of the judgment.

MODEL ESTABLISHED BY THE MINISTER OF JUSTICE

**Notice accompanying an application
relating to the personal integrity, status or
capacity of a person of full age or a minor
14 years of age or older**

**Application presented before the court
(article 393 C.C.P.)**

Right to personal integrity

A party cannot require you to undergo a physical or mental examination unless your physical or mental condition must be considered in order to rule on a judicial application. Even in such a case, the physical or mental examination must be warranted given the nature, complexity and purpose of the judicial application.

Right to be heard

Before making a decision, the court must hear you in person to allow you to make representations, give your opinion or answer questions. However, if it is impossible or clearly inexpedient to hear you because of the urgency of the situation or your state of health, or if it is shown that requiring you to testify could be harmful to your health or safety or that of other persons, the court is not required to hear you.

If the application concerns the provision of care or the alienation of a body part and if you refuse, the court must respect your refusal unless the care is required by your state of health.

Right to be represented

If the application follows contentious proceedings, you may be represented by a lawyer. If it follows non-contentious proceedings, you may be represented by a lawyer or notary.

If you are not represented by a tutor, curator or mandatary, the court may order the appointment of a lawyer to represent you if it considers you incapable and considers it necessary to safeguard your rights and interests. The court will rule on the lawyer's fee, depending on the circumstances.

Right to be assisted

If you are a minor or an incapable person, you may be accompanied by someone capable of providing assistance or reassurance when the court is to hear you.

If a hearing concerning your personal integrity or capacity takes place *in camera*, you may be accompanied by someone capable of providing assistance or reassurance. However, if circumstances so require, the court may exclude such persons to prevent serious prejudice to a person whose interests may be affected by the application or by the proceeding.

Right to privacy

Access to documents pertaining to your health or psychosocial situation is restricted if they have been filed in the court record in a sealed envelope. The documents may only be consulted or copied by the parties, by their representatives, by lawyers and notaries, by persons designated by law, and by any person, including a journalist, who has been authorized by the court after proving a legitimate interest, subject to the access conditions and procedure determined by the court.

Recourse against a judgment

If a decision concerning your capacity is rendered by a special clerk, an application for review may be filed at the office of the court within 10 days after the date of the decision.

A judgement or order made concerning this application may be appealed within 30 days after the date of the notice of judgment or after the date of the judgment if it was rendered at the hearing.

However, the time limit for appealing a judgment is:

- 10 days if the appeal concerns a judgment refusing your release or if the appeal is presented by a party that wishes to join an appeal that was presented previously;
- 5 days if the appeal concerns a judgement ordering your release, granting an application for authorization affecting your personal integrity or ordering you to be held in custody in order to undergo a psychiatric assessment or following a psychiatric assessment.

You can request the review of a judgment concerning your personal integrity or capacity when you, or any interested party, are able to present new facts sufficient to result in the varying of the judgment.

Legal costs

If the application concerns your capacity, you will bear the legal costs unless the court decides otherwise.

MODEL ESTABLISHED BY THE MINISTER OF JUSTICE**NOTICE SETTING OUT THE OPTIONS
AVAILABLE TO THE DEFENDANT IN THE
SMALL CLAIMS DIVISION**
(articles 546 and following, C.C.P.)

The plaintiff has filed this application at the office of the Small Claims Division at the Court of Québec.

The options available to you are the following:

- to pay the amount claimed and the costs borne by the plaintiff to the court office or pay them directly to the plaintiff and send the proof of payment or acquittance obtained from the plaintiff to the court office;
- to reach a settlement with the plaintiff and send a document recording the settlement agreement to the court office; or
- to defend on the merits and so inform the court office, specifying the grounds of defence, which may include prescription, and submitting the exhibits in support of your contention.

You must indicate the option chosen to the court clerk within 20 days after this notification, or judgment may be rendered against you without further notice or extension.

If you choose to defend the application, you may

- ask that the dispute be referred to mediation;
- ask, specifying the reasons:
 - that the application be dismissed;
 - that the case be referred to another judicial district;
 - that the case be referred to the competent court or administrative tribunal; or
 - that the case be tried by the same court but under the general rules of civil procedure;
- ask that a third person be forced to intervene as a co-defendant or an impleaded party:
 - in order to assert a recourse in warranty against that person; or
 - to allow full resolution of the dispute.

You must inform the court clerk of the person's name and last known address;

- assert your own claim against the plaintiff, provided
 - it arises from the same source as the application or from a related source; and
 - the amount claimed would make it recoverable before the Small Claims Division;
- ask for the resolution, rescission or annulment of the contract on which the application is founded;
- make a tender and deposit the amount tendered with the court office or with a trust company.

MODEL ESTABLISHED BY THE MINISTER OF JUSTICE*(Compulsory header. Cite the relevant article/sections)*
NOTICE OF EXECUTION
 (articles 516, 520, 681 and 682 C.C.P.)
SECTION I – IDENTIFICATION OF RECORD*(Compulsory indication)***Initial notice of execution**
Filed in the office of the court under record number: _____
in the district of _____ *(Only one record number may be entered)*
*(Add the other record numbers concerned by the initial notice of execution, if applicable)***Other record numbers concerned:** _____*(Include this information if the notice of execution is amended)***Notice of execution amended on** _____ **– read Section VI***(Indicate the date of the last amendment)**(If the notice is amended to add other records, indicate the record numbers)***Other record numbers concerned:** _____**SECTION II – IDENTIFICATION OF PARTIES***(Identify the seizer, the person against whom execution measures are taken, the executing bailiff and, if applicable, the garnishee)***Seizer(s)****Record number** __________
*(name of seizer)*_____
*(address)**(Add the contact information for the other seizers in the same case, if applicable)**(If several judgments are executed by means of the notice of execution, add the record numbers concerned and the contact information for the seizers)***Person against whom execution measures are taken**_____
*(name of the person against whom execution measures are taken)*_____
*(address)***Bailiff**_____
*(name of the executing bailiff)*_____
*(name of firm)*_____
*(address)*_____
*(telephone)*_____
*(fax)*_____
(E-mail)

Garnishee

(name of garnishee)

(address)

(Add the contact information for other garnishees, if applicable)

SECTION III – NOTICE TO THE PERSON AGAINST WHOM EXECUTION MEASURES ARE TAKEN

(Compulsory indication)

The executing bailiff has received instructions to proceed with execution measures.

(Select the boxes that apply)

SEIZURE BEFORE JUDGMENT

The affidavit of the seizer requesting the seizure before judgment is attached to the notice of execution. It affirms the existence of the claim and the facts justifying the seizure.

The property seized is under the judicial authority during the proceedings. It is entrusted to a third person, except if the seizer authorizes the bailiff to leave it in your custody.

By giving a sufficient guarantee to the bailiff, you may

- prevent the property being entrusted to a third person;
- obtain release of seizure; or
- obtain the return of the seized property.

You may ask the court to quash the seizure before judgment within **five days** after service of the notice of execution, in accordance with article 522 C.C.P.

You may also oppose the seizure within **15 days** after notification of the minutes of seizure or the seizure in the hands of a third person, in accordance with articles 735 and 736 C.C.P.

In the case of seizure in the hands of a third person, you may contest the garnishee's declaration within **10 days** after it is made, in accordance with article 711 C.C.P.

FORGED EXECUTION OF A JUDGMENT

You have failed to execute, voluntarily, a judgement rendered against you.

You may make an agreement with the bailiff to make regular payments in satisfaction of the judgment. The agreement must be approved by the creditor. The instalments cannot be spread over more than one year.

You may obtain release of seizure by paying the amount you are ordered to pay in the judgment, including execution costs.

You may oppose the execution measure taken against you within **15 days** after notification of the minutes of seizure, the notice of sale or the seizure in the hands of a third person, in accordance with articles 735 and 736 C.C.P.

In the case of seizure in the hands of a third person, you may contest the garnishee's declaration within **10 days** after it is made, in accordance with article 711 C.C.P.

(Compulsory indication)

You are required to provide the bailiff with all the information needed to identify you, including your date of birth.

You are also required to inform the bailiff of your patrimonial situation, in particular by providing a list of

- **all creditors who could join in the execution of a judgment and be included in the notice of execution in the course of the year;**
- **all creditors holding a hypothec on the seized property;**
- **all the creditors having a right to revendicate the seized property.**

SECTION IV –CONCLUSIONS OF THE JUDGMENT

(Complete this section in the case of the forced execution of a judgment or when a judgment settles a seizure before judgment, for each record concerned, if applicable)

(Compulsory indication)

Judgment

Record number: _____

(Select the box containing the conclusions that apply)

The seizer obtained a judgment against you on _____ that orders you to pay the following amounts:

Amount of the judgment \$ _____

Interest \$ _____ at the rate of ____ % per year, beginning on _____
 and, if applicable, the additional indemnity

Legal costs \$ _____

Interest on legal costs \$ _____ at the legal rate beginning on _____

Costs after judgment \$ _____

Interest on costs after judgment \$ _____

Cost of this notice of execution \$ _____

Partial execution \$ _____ (enter the amount of the partial execution with the sign (-))

Total \$ _____

The professional fees and other expenses of the bailiff for the execution of this notice of execution will be added.

The seizer obtained a judgment against you on _____ that orders you to

(Select the statements that apply)

leave or surrender, for the benefit of the seizer, the premises described as follows in the judgment:

remit, deliver or surrender to the seizer the property described as follows in the judgment:

SECTION V – EXECUTION MEASURES:

(Compulsory indication)

The instructions received order the following execution measures:

(Select the box containing the execution measures that apply)

SEIZURE OF THE MOVABLE PROPERTY OF PERSON AGAINST WHOM EXECUTION MEASURES ARE TAKEN

(Select the statements that apply)

Seizure of all movable property.

Seizure of the movable property specified in the instructions and described as follows:

Seizure, by notification of the notice of execution to the Société de l'assurance automobile du Québec (SAAQ), of the road vehicle registered and identified as follows:

Licence plate number	Vehicle identification number	Model	Year

From the date of this notification, the registration may not be transferred unless the SAAQ is informed by the bailiff that release of seizure has been granted.

SEIZURE OF IMMOVABLE PROPERTY BELONGING TO THE PERSON AGAINST WHOM EXECUTION MEASURES ARE TAKEN

Seizure of the immovable property specified in the instruction and described as follows (designated in accordance with the rules of the C.C.Q. and by municipal address) :

You, the PERSON AGAINST WHOM EXECUTION MEASURES ARE TAKEN, have **two months** from the seizure to sell the seized immovable by agreement unless it is hypothecated. You must obtain the bailiff's approval before concluding the sale.

If you renounce this right or fail to exercise it within the time limit, the bailiff may proceed with the sale of the property.

SEIZURE OF PROPERTY IN THE HANDS OF THIRD PERSONS THAT BELONGS TO A PERSON AGAINST WHOM EXECUTION MEASURES ARE TAKEN OR THAT IS SPECIFIED IN THE INSTRUCTIONS

You, the GARNISHEE, are bound to declare to the bailiff the amount, cause and terms of your current or potential indebtedness to _____ at _____
(name of the party concerned)
the time the declaration is made. You have **10 days** from the service of the notice of execution to make your declaration.

You must provide with the declaration a detailed statement of the property of _____ that is in your possession, specifying under what title the property is held. (name of the party concerned)

You must also disclose any seizures made in your hands of income, sums of money or property belonging to _____.
(name of the party concerned)

(Select the statements that apply)

If the seizure concerns the **income** of the person against who execution measures are taken, you are required to remit to the bailiff the seizable portion of what you owe to the person. You have **10 days** from the service of the notice of execution to remit the amount.

If the seizure concerns **sums of money** that you owe to _____ **or property** of _____ in your possession,
(name of the party concerned) (name of the party concerned)

you are required to deliver them to the bailiff if the bailiff so requests or if a clerk orders you to do so. At the bailiff's request, you are also required to provide all relevant documents relating to your debt toward the person.

If the seizure concerns certificated **securities**, you must declare to the bailiff:

- the number of securities held by the person against whom execution measures are taken;
- the extent to which the securities are paid up;
- the interest, dividends or other distributions declared but not yet paid.

(Compulsory indication)

You may be ordered to pay the amount owed to the seizer if you fail to declare, withhold or deposit a sum of money or if you make a false declaration.

EVICTIION OR REMOVAL OF THE PROPERTY OF THE PERSON AGAINST WHOM EXECUTION MEASURES ARE TAKEN TO BE PLACED IN POSSESSION

(Select the statements that apply)

Evict the person from the premises described as follows in the judgment:

As the PERSON AGAINST WHOM EXECUTION MEASURES ARE TAKEN, you must remove your movable property within _____ or pay the costs incurred to remove it. If you refuse to pay, your movable property will be deemed to have been abandoned.

Place _____ in possession of the property described as follows:
(name of the party for whom judgment is given)

(Indicate that the judgment has been partially executed, if applicable)

SECTION VI – AMENDMENT(S) TO THE NOTICE OF EXECUTION

(Complete this section each time the notice of execution is amended by selecting the boxes that apply)

(Complete Sections I, II, IV and V to reflect the amendment(s) made)

On *(indicate the date of the amendment)*, the notice of execution was amended for the following reason(s):

(Select the statements that apply)

New instructions have been received from the seizer under record number _____.

(In the case of a seizure before judgment)

A new seizer has joined with the notice of execution to proceed with a seizure before judgment under record number _____ (read Sections I, II and III).

The affidavit of the new seizer is attached to the amend notice of execution.

(In the case of a forced execution of a judgment)

A new seizer has joined with the notice of execution to proceed with the forced execution of the seizer's judgment under record number _____ (read Sections I, II, III and IV).

(Select the statement that applies)

No additional execution measure is required.

The following additional execution measures are required (read Sections II and V, if applicable) :

(Complete this box if the judgment orders a seizure before judgment)

On *(enter the date of the amendment)*, the notice of execution was amended for the following reason(s):

Following a judgment ordering seizure before judgment under record number _____, the bailiff received instructions to continue execution measures (read Sections I, II, III and IV).

The instructions received are as follows:

(Select the statements that apply)

Sell the seized property and distribute the proceeds of the sale

Place _____ in possession of the property described as follows:
(name of the party for whom judgment is given)

Distribute the sums of money seized

Distribute the income seized

Take the following additional execution measures:

(Indicate that the judgment has been partially executed, if applicable)

At _____, on _____

(Signature of bailiff)

(Compulsory indication)

For more information, please contact the collector or, if applicable, the executing bailiff.

MODEL ESTABLISHED BY THE MINISTER OF JUSTICE*(Compulsory header)*

**NOTICE OF EXECUTION DRAWN UP BY THE
JUDGMENT CREDITOR FOR THE RECOVERY
OF SMALL CLAIMS**
(articles 566 and 681 C.C.P.)

SECTION I – IDENTIFICATION OF THE RECORD*(Compulsory wording)***Initial notice of execution**

Filed in the court office in case record number: _____
in the district of _____ *(Only one case record number may be indicated)*

(Add the other case record numbers concerned by the initial notice of execution, if applicable)

Other case record numbers concerned: _____

(Insert this information if the notice of execution is amended)

Notice of execution amended on _____ **– read Section VI**
(Enter the date of the last amendment)

(If the amendment of the notice concerns other records, enter the case record numbers)

Other case record numbers concerned: _____

SECTION II – IDENTIFICATION OF THE PARTIES*(Identify the seizer, debtor and garnishee)***Seizor(s)**

(name of seizer)

(address)

*(Add contact information for the other seizors, if applicable)***Debtor**

(name of debtor)

(address)

Garnishee

(name of garnishee)

(address)

(Add contact information for the other garnishees, if applicable)

SECTION III – NOTICE TO THE DEBTOR**FORCED EXECUTION OF A JUDGMENT**

You have not voluntarily executed the judgment rendered against you. The seizer is the creditor of the judgment and has decided to seize your income in the hands of third persons.

You can obtain release of seizure by paying the amount you were ordered to pay in the judgement, including the judgment execution costs.

You can oppose the seizure within **15 days** following notification of the notice of execution to the garnishee, in accordance with articles 735 and 736 C.C.P.

In the case of a seizure in the hands of third persons, you can also contest the declaration of the garnishee within **10 days**, in accordance with article 711 C.C.P.

SECTION IV – CONCLUSIONS OF THE JUDGMENT

(Complete this section for each case concerned, if applicable)

(Compulsory wording)

Judgment

Record number: _____

The seizer obtained a judgment against you on _____, which orders you to pay the following amounts:

\$ _____ Amount of the judgment

\$ _____ Interest at the rate of ____ % yearly, beginning on _____
 and, if applicable, the additional indemnity

\$ _____ Legal costs

\$ _____ Interest on
the legal costs at the legal rate beginning on _____

Costs subsequent to the judgment \$ _____

Interest on subsequent costs \$ _____

Cost of this notice of execution \$ _____

This judgment was partially executed in the amount of \$ _____ (enter the amount of the partial payment with the sign (-))

Total \$ _____

The professional fee and other expenses of the bailiff for the execution of this notice of execution will be added.

SECTION V – SEIZURE IN THE HANDS OF THIRD PERSONS OF THE DEBTOR'S INCOME

TO THE GARNISHEE, you are required to declare and to deposit with the court clerk, at the courthouse of _____, situated at _____, in record number _____, the seizable portion of the debtor's income. You

(record number for the initial notice of execution)

have **10 days** from notification of the notice of execution to make this declaration. In addition, you are required to notify your declaration to the seizer within the same time limit.

You must also disclose any other seizures of the debtor's income made in your hands.

You may be ordered to pay the amount owed to the seizer if you fail to declare, withhold and remit the seizable portion of the debtor's income or if you make a false declaration.

SECTION VI – AMENDMENT(S) TO THE NOTICE OF EXECUTION

(Complete this section each time the notice of execution is amended)

(Also complete sections I, II or IV to reflect the amendments made)

On (indicate the date of the amendment), the notice of execution was amended for the following reason(s):

(Select the appropriate phrase)

The seizer has obtained another judgment against you in case record number _____ (read Sections I and IV).

No additional execution measure is required.

The following additional execution measures are required (read Section II):

At _____, on _____

 (Clerk's signature)

(Compulsory wording)

To obtain more information, please contact the court clerk.

MODEL ESTABLISHED BY THE MINISTER OF JUSTICE*(Compulsory header)*

**NOTICE OF EXECUTION DRAWN UP BY THE
COLLECTOR**
(article 330 C.P.P.)

SECTION I – IDENTIFICATION OF RECORD*(Compulsory indication)***Initial notice of execution****Filed in the office of the court under record number:** _____**in the district of** _____ *(Only one record number may be entered)**(Add the other record numbers concerned by the initial notice of execution, if applicable)***Other record numbers concerned:** (see schedule)*(Include this information if the notice of execution is amended)***Notice of execution amended on** _____ **– read Section VI***(Indicate the date of the last amendment)**(If the notice is amended to add other records, indicate the record numbers)***Other record numbers concerned:** (see schedule)**SECTION II – IDENTIFICATION OF PARTIES***(Identify the seizer, the defendant and, if applicable, the executing bailiff and the garnishee)***Seizer****Collector responsible for recovery of the amounts owed**_____
*(BRIA or municipal court)*_____
*(address)*_____
*(telephone)*_____
*(fax)*_____
*(E-mail)***Defendant**_____
*(name of defendant)*_____
(address)

Bailiff		

<i>(name of the executing bailiff)</i>		

<i>(name of firm)</i>		

<i>(address)</i>		
_____	_____	_____
<i>(telephone)</i>	<i>(fax)</i>	<i>(E-mail)</i>

Garnishee		

<i>(name of garnishee)</i>		

<i>(address)</i>		
<i>(Add the contact information for the other garnishees, if applicable)</i>		

SECTION III – NOTICE TO DEFENDANT

(Compulsory indication)

The collector responsible for recovery of the amounts owed and who is acting as the seizer by law hereby proceeds with measures to force execution.

FORCED EXECUTION OF A JUDGMENT

You have failed to pay the amounts owed following the judgment rendered against you.

The collector commences the forced execution of a judgment when the time limit for paying the amounts owed has expired or when the defendant fails to comply with an agreement entered into with the collector.

You may obtain release of seizure by paying the amount you are ordered to pay in the judgment, including execution costs.

You may oppose the execution measures commenced against you within **15 days** following notification of the minutes of seizure, the notice of sale or the seizure in the hands of a third person, in accordance with articles 735 and 736 C.C.P.

In the case of a seizure in the hands of a third person, you may contest the garnishee's declaration within **10 days**, in accordance with article 711 C.C.P.

SECTION IV – CONCLUSIONS OF THE JUDGMENT*(Compulsory indication)***Judgment****Record number:** _____

A judgment was rendered against you on _____; it orders you to pay the following amounts:	
Fine \$	_____
Costs \$	_____
Contribution \$	_____
Surcharge \$	_____
Additional costs \$	_____
Cost of this notice of execution and service \$	_____
Partial execution \$	_____ (enter the amount of the partial execution with the sign (-))
Total \$	_____

(Complete this section if other judgments are concerned by the notice of execution)

Other judgments concerned by the notice of execution (see details in the schedule)	
Total : \$	_____

*(Compulsory indication)***Total amount claimed under this notice of execution :** \$ _____*(Compulsory indication)*

The professional fees and other expenses of the bailiff for the execution of this notice of execution will be added, if applicable.

SECTION V – EXECUTION MEASURES:*(Compulsory indication)***The collector is proceeding with the following execution measures:***(Select the box containing the execution measures that apply)***SEIZURE OF THE DEFENDANT'S MOVABLE PROPERTY***(Select the statements that apply)*

Seizure of all the defendant's movable property.

Seizure, by notification of the notice of execution to the Société de l'assurance automobile du Québec (SAAQ), of the road vehicle registered and identified as follows:

Licence plate number	Vehicle identification number	Model	Year

From the date of this notification, the registration may not be transferred unless the SAAQ is informed by the bailiff that release of seizure has been granted.

SEIZURE OF THE DEFENDANT'S IMMOVABLE PROPERTY

Seizure of the immovable property specified in the instruction and described as follows (designated in accordance with the rules of the C.C.Q. and by municipal address):

You, the DEFENDANT, have **two months** from the seizure to sell the seized immovable by agreement unless it is hypothecated. You must obtain the bailiff's approval before concluding the sale.

If you renounce this right or fail to exercise it within the time limit, the bailiff may proceed with the sale of the property.

SEIZURE OF THE DEFENDANT'S PROPERTY IN THE HANDS OF THIRD PERSONS

You, the GARNISHEE, are bound to declare to the collector, located at _____, the amount, cause and terms of your current or potential indebtedness to the defendant at the time the declaration is made. You have **10 days** from the service of the notice of execution to make your declaration.

You must provide with the declaration a detailed statement of the defendant's property that is in your possession, specifying under what title the property is held.

You must also disclose any seizures made in your hands of income, sums of money or property belonging to the defendant.

(Select the statements that apply)

If the seizure concerns the defendant's **income**, you are required to remit to the court clerk, at the courthouse of _____ located at _____, under record number _____, the seizable portion of what you owe to the
(record number of the initial notice of execution)
defendant. You have **10 days** from service of the notice of execution to remit the amount.

If the seizure concerns **sums of money** that you owe to the defendant **or property** of the defendant in your possession, you are required to deliver them to the court clerk, at the courthouse of _____ located at _____, under record number _____, if the collector so requests or if a clerk
(record number of the initial notice of execution)
orders you to do so. At the collector's request, you are also required to provide all relevant documents relating to your debt toward the defendant.

If the seizure concerns certificated **securities**, you must declare to the collector:

- the number of securities held by the defendant;
- the extent to which the securities are paid up;
- the interest, dividends or other distributions declared but not yet paid.

(Compulsory indication)

You may be ordered to pay the amount owed by the defendant if you fail to declare, withhold or deposit a sum of money or if you make a false declaration.

SECTION VI – AMENDMENT(S) TO THE NOTICE OF EXECUTION

(Complete this section each time the notice of execution is amended)

(Complete Sections I, II, IV and V to reflect the amendment(s) made)

On *(indicate the date of the amendment)*, the notice of execution was amended for the following reason(s):

(Select the statements that apply)

Another judgment has been rendered against you in record number: _____
(read Sections I and IV).

The judgment bearing number _____ was withdrawn from the notice of execution for the

(Enter the record number)

following reason: _____ (read Sections I et IV).

No additional execution measure is required.

The following additional execution measures are required (read Sections II and V):

At _____, on _____

(Collector's signature)

(Compulsory indication)

For more information, please contact the collector or, if applicable, the executing bailiff.

SCHEDULE

INITIAL NOTICE OF EXECUTION

Other record numbers concerned by the initial notice of execution:

Record number	Date of judgment	Fine	Costs	Contribution	Surcharge	Additional costs	Partial execution	TOTAL

* Read Section IV to ascertain the total amount claimed in the notice of execution.

AMENDMENT(S) TO THE NOTICE OF EXECUTION

Other record numbers concerned following the amendment(s) to the notice of execution:

Record number	Date of judgment	Fine	Costs	Contribution	Surcharge	Additional costs	Partial execution	TOTAL

* Read Section IV to ascertain the total amount claimed in the notice of execution.

MODEL ESTABLISHED BY THE MINISTER OF JUSTICE*(Compulsory header. Cite the relevant articles)***NOTICE OF EXECUTION DRAWN UP UNDER A
SPECIFIC LAW**

(articles 681 and 682 C.C.P.)
 (section 103.1, Individual and Family Assistance Act)
 (section 31.0.1, Act respecting financial assistance for
 education expenses)
 (section 31.1, Act respecting parental insurance)

SECTION I – IDENTIFICATION OF RECORD*(Compulsory indication)***Initial notice of execution****Filed in the office of the court under record number:** _____**in the district of** _____*(Only one record number may be entered)**(Add the other record numbers concerned by the initial notice of execution, if applicable)***Other record numbers concerned:** _____*(Include this information if the notice of execution is amended)***Notice of execution amended on** _____ **– read Section VI***(Indicate the date of the last amendment)**(If the notice is amended to add other records, indicate the record numbers)***Other record numbers concerned:** _____**SECTION II – IDENTIFICATION OF PARTIES***(Identify the seizer, the defendant and, if applicable, the executing bailiff and the garnishee)***Seizer****Attorney General acting for the Minister (specify) responsible for recovery of the amounts owed**_____
*(name of seizer)*_____
*(address)*_____
*(telephone)*_____
*(fax)*_____
*(E-mail)***Defendant**_____
*(name of defendant)*_____
*(address)***Bailiff**_____
*(name of executing bailiff)*_____
*(name of firm)*_____
*(address)*_____
*(telephone)*_____
*(fax)*_____
(E-mail)

<p>Garnishee</p> <p>_____</p> <p style="text-align: center;"><i>(name of garnishee)</i></p> <p>_____</p> <p style="text-align: center;"><i>(address)</i></p> <p><i>(Add the contact information for the other garnishees, if applicable)</i></p>

SECTION III – NOTICE TO DEFENDANT

(Compulsory indication)

The Attorney General acting for the Minister (*specify*) responsible for recovery of the amounts owed and as the seizer by law hereby proceeds with execution measures.

<p>FORCED EXECUTION OF A JUDGMENT</p> <p>You have failed to pay, voluntarily, the amounts owed following the judgment rendered against you.</p> <p>The collector commences the forced execution of a judgment when the time limit for paying the amounts owed has expired or when the defendant fails to comply with an agreement entered into with the collector.</p> <p>You may obtain release of seizure by paying the amount you are ordered to pay in the judgment, including execution costs.</p> <p>You may oppose the execution measures commenced against you within 15 days following notification of the minutes of seizure, the notice of sale or the seizure in the hands of a third person, in accordance with articles 735 and 736 C.C.P.</p> <p>In the case of a seizure in the hands of a third person, you may contest the garnishee's declaration within 10 days, in accordance with article 711 C.C.P.</p>

SECTION IV – CONCLUSIONS OF THE JUDGMENT

(Complete this section for each record concerned, if applicable)

(Compulsory indication)

Judgment

Record number: _____

<p>The seizer obtained a judgment against you on _____ that orders you to pay the following amounts:</p> <p>Amount of the judgment \$ _____</p> <p>Interest \$ _____ at the rate of (<i>insert the specific rate</i>), beginning on _____ until _____ <input type="checkbox"/> and, if applicable, the additional indemnity</p> <p>Legal costs \$ _____</p> <p>Interest on legal costs \$ _____ at the legal rate beginning on _____</p> <p>Costs after judgment \$ _____</p>

Interest on costs after judgment \$ _____

Cost of this notice of execution \$ _____

Other costs \$ _____ (*cite relevant articles/sections*)

Partial execution \$ _____ (enter the amount of the partial execution with the sign (-))

Total \$ _____

The professional fees and other expenses of the bailiff for the execution of this notice of execution will be added.

SECTION V – EXECUTION MEASURES

(Compulsory indication)

The seizer is proceeding with the following execution measures:

(Select the box containing the execution measures that apply)

SEIZURE OF THE DEFENDANT'S MOVABLE PROPERTY

(Select the statements that apply)

Seizure of all the defendant's movable property.

Seizure of the movable property specified in the instructions and described as follows:

Seizure, by notification of the notice of execution to the Société de l'assurance automobile du Québec (SAAQ), of the road vehicle registered and identified as follows:

Licence plate number	Vehicle identification number	Model	Year

From the date of this notification, the registration may not be transferred unless the SAAQ is informed by the bailiff that release of seizure has been granted.

SEIZURE OF THE DEFENDANT'S IMMOVABLE PROPERTY

Seizure of the immovable property specified in the instruction and described as follows (designated in accordance with the rules of the C.C.Q. and by municipal address):

You, the DEFENDANT, have **two months** from the seizure to sell the seized immovable by agreement unless it is hypothecated. You must obtain the bailiff's approval before concluding the sale.

If you renounce this right or fail to exercise it within the time limit, the bailiff may proceed with the sale of the property.

SEIZURE OF THE DEFENDANT'S PROPERTY IN THE HANDS OF THIRD PERSONS

You, the GARNISHEE, are bound to declare to the seizer, located at _____ the amount, cause and terms of your current or potential indebtedness to the defendant at the time the declaration is made. You have **10 days** from the service of the notice of execution to make your declaration.

You must provide with the declaration a detailed statement of the defendant's property that is in your possession, specifying under what title the property is held.

You must also disclose any seizures made in your hands of income, sums of money or property belonging to the defendant.

(Select the statements that apply)

If the seizure concerns the defendant's **income**, you are required to remit to the court clerk, at the courthouse of _____ located at _____, under record number _____, the seizable portion of what you owe to the defendant.
(record number of the initial notice of execution)

You have **10 days** from service of the notice of execution to remit the amount.

If the seizure concerns **sums of money** that you owe to the defendant **or property** of the defendant in your possession, you are required to deliver them to the court clerk, at the courthouse of _____, located at _____, under record number _____,

if the seizer so requests or if a clerk

(record number of the initial notice of execution)

orders you to do so. At the seizer's request, you are also required to provide all relevant documents relating to your debt toward the defendant.

If the seizure concerns certificated **securities**, you must declare to the seizer:

- the number of securities held by the defendant;
- the extent to which the securities are paid up;
- the interest, dividends or other distributions declared but not yet paid.

(Compulsory indication)

You may be ordered to pay the amount owed to the seizer if you fail to declare, withhold or deposit a sum of money or if you make a false declaration.

SECTION VI – AMENDMENT(S) TO THE NOTICE OF EXECUTION

(Complete this section each time the notice of execution is amended)

(Complete Sections I, II, IV and V to reflect the amendment(s) made)

On *(indicate the date of the amendment)*, the notice of execution was amended for the following reason(s):

(Select the statements that apply)

Another judgment has been rendered against you in record number: _____
(read Sections I and IV).

The judgment bearing number _____ was withdrawn from the notice of execution for the

(Enter the record number)

following reason: _____ (read Sections I et IV).

No additional execution measure is required.

The following additional execution measures are required (read Sections II and V):

At _____, on _____

(Signature of the seizer's attorney)

(Compulsory indication)

For more information, please contact the seizer or, if applicable, the executing bailiff.

102171

M.O., 2015

Order number 2015-08 of the Minister of Transport dated June 5, 2015

Highway Safety Code
(chapter C-24.2)

CONCERNING the Pilot Project for the use of a flashing green light on a road vehicle driven by a firefighter responding to an emergency call

THE MINISTER OF TRANSPORT,

CONCERNING the second paragraph of section 633.1 of the Highway Safety Code (chapter C-24.2), which provides that the Minister of Transport may, by order, after consultation with the Société de l'assurance automobile du Québec, authorize pilot projects to test the use of vehicles or to study, improve or develop traffic rules or standards applicable to safety equipment and may, in the context of such a project, prescribe rules relating to the use of a vehicle on a public highway and authorize any person or body to use a vehicle in compliance with standards and rules prescribed by the Minister that are different from those provided in the Code and the regulations;

CONCERNING the third paragraph of section 633.1, which provides that such pilot projects are conducted for a period of up to three years, that the Minister may, at any time, modify or terminate a pilot project, and may determine the provisions of an order made under that section the violation of which is an offence and determine the minimum and maximum amounts for which the offender is liable, which may not be less than \$30 or more than \$360;

CONCERNING the fourth paragraph of section 633.1, which provides that the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to an order made under section 633.1 of the Code and that an order under the second or third paragraph of that section is published in the *Gazette officielle du Québec*;

CONCERNING section 1 of the Fire Safety Act (chapter S-3.4), which provides, among other things, that the object of that Act is the protection of persons and property against fires;

CONCERNING sections 36 and 37 of that Act, which provide that the fire safety service, staffed by full-time or part-time firefighters or by volunteer firefighters,