



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 14

(2014, chapter 10)

An Act to amend the Code of Civil Procedure and other provisions

Introduced 30 September 2014
Passed in principle 7 October 2014
Passed 23 October 2014
Assented to 29 October 2014

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EXPLANATORY NOTES

This Act amends the Code of Civil Procedure in order to raise the value of the claims admissible in small claims recovery matters to \$15,000.

The Tariff of Court Fees applicable to the Recovery of Small Claims is also amended to set the amount of the court fees payable in the case of claims made admissible by this Act.

Under the Code as amended, the chief justice or chief judge may order on his or her own initiative that a case be transferred to another district, and may take into consideration the interests of the parties or the third persons concerned or any serious grounds warranting such a transfer.

Lastly, various consequential amendments and transitional measures are introduced.

LEGISLATION AMENDED BY THIS ACT:

- Code of Civil Procedure (chapter C-25);
- Act respecting municipal courts (chapter C-72.01);
- Act to establish the new Code of Civil Procedure (2014, chapter 1).

REGULATION AMENDED BY THIS ACT:

- Tariff of Court Fees applicable to the Recovery of Small Claims (chapter C-25, r. 16).

Bill 14

AN ACT TO AMEND THE CODE OF CIVIL PROCEDURE AND OTHER PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CODE OF CIVIL PROCEDURE

1. Article 75.0.1 of the Code of Civil Procedure (chapter C-25) is replaced by the following article:

“75.0.1. At any stage of a proceeding, the chief justice or chief judge or the judge designated by the chief justice or chief judge may, by way of exception, order, even on his or her own initiative after having heard the parties, that a case, a trial or an application relating to the execution of a judgment be transferred to another district in the interests of the parties or of the third persons concerned or if warranted on serious grounds.”

2. Article 953 of the Code is amended by replacing both occurrences of “\$7,000” by “\$15,000”.

3. Article 955 of the Code is amended by replacing both occurrences of “\$7,000” by “\$15,000”.

4. Article 994 of the Code is amended by replacing “\$7,000” in the second paragraph by “\$15,000”.

ACT RESPECTING MUNICIPAL COURTS

5. Section 80 of the Act respecting municipal courts (chapter C-72.01) is amended by replacing both occurrences of “\$7,000” by “\$15,000”.

ACT TO ESTABLISH THE NEW CODE OF CIVIL PROCEDURE

6. Article 822 of the Act to establish the new Code of Civil Procedure (2014, chapter 1) is repealed.

TARIFF OF COURT FEES APPLICABLE TO THE RECOVERY OF SMALL CLAIMS

7. Section 2 of the Tariff of Court Fees applicable to the Recovery of Small Claims (chapter C-25, r. 16) is amended

(1) by replacing “\$7,000” in the last line of the table by “\$6,999.99”;

(2) by adding the following line after the last line of the table under “Costs for the proceeding introductive of suit”, “Natural person” and “Legal person”, respectively:

“\$7,000 to \$15,000	\$200	\$250”.
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8. Section 3 of the Tariff is amended

(1) by replacing “\$7,000” in the last line of the table by “\$6,999.99”;

(2) by adding the following line after the last line of the table under “Costs for the contestation”, “Natural person” and “Legal person”, respectively:

“\$7,000 to \$15,000	\$190	\$240”.
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9. Section 4 of the Tariff is amended

(1) by replacing “\$7,000” in the last line of the table by “\$6,999.99”;

(2) by adding the following line after the last line of the table under “Cross demand”, “Natural person” and “Legal person”, respectively:

“\$7,000 to \$15,000	\$90	\$110”.
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10. Section 5 of the Tariff is amended

(1) by replacing “\$7,000” in the last line of the table by “\$6,999.99”;

(2) by adding the following line after the last line of the table under “Revocation of a judgment”, “Natural person” and “Legal person”, respectively:

“\$7,000 to \$15,000	\$90	\$110”.
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11. Section 6 of the Tariff is amended

(1) by replacing “\$7,000” in the last line of the table by “\$6,999.99”;

(2) by adding the following line after the last line of the table under “Issue of the writ of execution by the clerk”, “Natural person” and “Legal person”, respectively:

“\$7,000 to \$15,000	\$160	\$180”.
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12. Section 7 of the Tariff is amended by replacing the last line of the table by the following lines:

“\$5,000 to \$6,999.99	\$94.50	\$104
\$7,000 and over	\$110	\$120”.

TRANSITIONAL AND FINAL PROVISIONS

13. Cases that would, on the date of coming into force of this Act, be under the jurisdiction of the Small Claims Division of the Court of Québec continue before the Civil Division of the Court of Québec already seized of the matter.

14. The amendment made by section 4 of this Act does not have effect with regard to the execution, if already underway, of a judgment rendered in a small claims matter.

15. This Act comes into force on 1 January 2015 or any earlier date set by the Government.