

Regulations and other Acts

Notice

Code of Civil Procedure
(chapter C-25.01)

Court of Appeal of Quebec in Civil Matters

Notice is hereby given that, in accordance with article 65 of the *Code of Civil Procedure* (chapter C-25.01), the Regulation of the Court of Appeal of Quebec in Civil Matters, which appears below and which will replace the current Civil Practice Regulation (Court of Appeal), shall come into force on 3 October 2022.

23 August 2022

The Honourable MANON SAVARD,
Chief Justice of Quebec

Regulation of the Court of Appeal of Quebec in Civil Matters

Code of Civil Procedure
(chapter C-25.01, art. 63)

The *Civil Practice Regulation (Court of Appeal)* is repealed and is replaced by the following regulation:

REGULATION OF THE COURT OF APPEAL OF QUEBEC IN CIVIL MATTERS (R.C.A.Q.Civ.M.)

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PELIMINARY PROVISIONS

1. Enabling Provision. This regulation is adopted by virtue of the Court's powers arising from its administrative independence, in conformity with article 63 of the *Code of Civil Procedure* (chapter C 25.01) (C.C.P.).

2. Interpretation (art. 25 C.C.P.). This regulation is supplementary to the *Code of Civil Procedure*; it shall be interpreted and applied in the same manner.

3. Working Days. For the purposes of this regulation, working days are computed from Monday to Friday, excluding the holidays listed in paragraph 23 of section 61 of the Interpretation Act (chapter I-16).

I – PUBLIC HEARINGS AND DECORUM (arts. 11 to 15 C.C.P.)

4. *Hearing Days (art. 82 C.C.P.)* The dates on which the Court, a judge or a clerk sit are published on the Court’s website.

5. *Court Usher (art. 14 para. 3 C.C.P.)* A court usher shall be present during all hearings, and is responsible for their opening and closing and for their orderly conduct.

6. *Decorum (art. 14 C.C.P.)* Whether the hearing takes place in person or by technological means, the presiding judge shall take all necessary measures to ensure the maintenance of decorum and respectful behaviour.

7. *Use of Technology During Hearings (art. 14 C.C.P.)* Subject to the Court’s guidelines on the subject, no electronic or other device shall be turned on or used during the hearing (except for devices that accommodate a disability) and, except for the official court recording, any recording of the hearing, whether in person or by technological means, is prohibited.

8. *Dress Code* Before the Court, the following dress code requirements apply:

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

(b) for articling students: gown and dark garment;

(c) for clerks and court ushers: gown and dark garment; and

(d) for any other person sober attire that respects the Court’s decorum.

Due to a particular physical condition and upon notice given to the clerk of the Court before the hearing, the requirements set out in the first paragraph may be waived. In such a case, sober attire that respects the Court’s decorum shall suffice.

Sober attire that respects the Court’s decorum is sufficient before a judge or clerk.

The same requirements apply when a hearing is held using technological means.

II – CONFIDENTIALITY (arts. 16 and 108 C.C.P.)

9. *Express Reference* If any part of a record is confidential, the notice of appeal and, if applicable, the application for leave to appeal shall include the word

“CONFIDENTIAL” beneath the Court record number and shall precisely indicate the confidential content and the legal provision or order on which the confidentiality is based. In the latter case, a copy of the order must be filed with the office of the Court at the same time as the notice of appeal and, if applicable, the application for leave to appeal; when a copy of the order is not available on that date, it must be filed within the deadline stipulated by the clerk.

Any other party must indicate, in writing, any correction or addition it considers necessary.

Each subsequent pleading referring to confidential content must call attention to the confidentiality with the word “CONFIDENTIAL” written beneath the Court record number.

10. *Red Binding* The confidential content of a brief or memorandum shall be presented in a separate volume. To indicate the confidential nature of said volume, when it is filed on paper, the spine (spiral or tape) of the volume shall be red and the cover shall be marked with the word “CONFIDENTIAL” in red lettering. When it is filed on technological media, the confidentiality of the volume shall be indicated clearly.

11. *Sealed Content* Any other confidential content filed on paper shall be filed in a sealed envelope, duly identified and marked with the word “CONFIDENTIAL”. When it is filed on technological media, its confidentiality shall be indicated clearly.

12. *Restricted Access* Access to a confidential record or to confidential content in a record shall be restricted.

When access to records or documents is restricted due to the presence of confidential content, only persons authorized to do so by law or by court order may consult them or make copies thereof.

III – TECHNOLOGICAL MEANS (art. 26 C.C.P.)

13. *Technological Version* The parties shall send to the Court office a technological version of the paper version of their pleadings, their briefs or memoranda, or any other document.

In addition to the requirements of this regulation, the formatting, filing or transmission of this technological version shall be governed by the Chief Justice’s directives and the clerk’s practice directions or by the orders made by the Court or a judge.

14. *Digital Court Office.* The filing or transmission of pleadings, briefs or memoranda or any other document via the digital office of the Court shall be governed by the Chief Justice's directives and the clerk's practice directions, which shall also provide for the formatting requirements for such documents.

15. *Hearing by Technological Means (art. 26 C.C.P.).* When deemed appropriate, the Court or a judge may, on their own initiative, give the parties the choice of proceeding by videoconference or in person. The Court or a judge may also order that a hearing be held by videoconference or, when videoconferencing is not possible, by audioconference.

In other cases, the party who wishes to be heard by videoconference shall, as soon as possible, request such hearing by writing to the clerk. The judge who is to preside over the hearing decides the request, taking into account, in particular, the nature of the appeal and the technological means available to the Court and the parties. When videoconferencing is impossible, the judge may also authorize the holding of an audioconference.

The first and second paragraphs apply, with the necessary modifications, to a hearing to be held before the clerk.

The parties shall take the necessary steps so that such a hearing can be held.

IV – QUARRELSOME CONDUCT (art. 55 C.C.P.)

16. *Scope.* Upon application and proof of quarrelsome conduct, the Court may require a party to obtain prior authorization for any legal proceeding.

The Court may also proceed on its own initiative or on that of a judge, in which case the clerk shall advise the party of the grounds invoked and summon it before the Court. The Court may also advise and summon any other party interested in the debate.

17. *Prohibited Access.* The Court may prohibit a quarrelsome litigant from accessing the Court premises.

18. *Request for Authorization.* A party declared to be quarrelsome who seeks to file a pleading shall request authorization by letter addressed to the Chief Justice and filed with the office of the Court on paper. The party shall attach to the letter both the judgment declaring the party quarrelsome and the proposed pleading.

19. *Consequence.* Failing authorization, the filing of the pleading will be refused and no steps will be taken with respect to the pleading.

V – OFFICES OF THE COURT (arts. 66 and 67 C.C.P.)

20. *Office Hours.* Unless provided otherwise, the offices of the Court are open Monday to Friday, from 8:30 a.m. to 4:30 p.m., local time. The days on which they are open are published on the Court's website.

21. *Register.* The clerk maintains a computerized register (docket) which contains all relevant information for each record, including the contact information of the parties and counsel, the receipt of documents and matters arising during the appeal.

22. *Contact.* The clerk shall use the last known contact information of the parties and their counsel to contact them. The parties and their counsel must immediately advise the clerk of any change thereto.

A party not represented by counsel shall provide its contact information in the notice of appeal or the non-representation statement (art. 358 para. 2 C.C.P.) and in each subsequent pleading.

In each pleading, counsel shall include their name, that of their law firm or organization and all contact information (including email address, permanent code and, if applicable, locker number).

23. *Access to a Record (arts. 66 and 108 C.C.P.).* Consultation of a record or removal of a document shall take place under the authority of the clerk.

On payment of the fees under the Tariff of judicial fees in civil matters (chapter T-16, r. 10), the clerk shall deliver copies of any non-confidential document.

Only the persons referred to in the second paragraph of section 12 of this regulation may obtain a copy of a confidential record or of the confidential content in a record, upon payment of the same fees.

VI – PLEADINGS (arts. 99 to 108 C.C.P.)

24. *Format.* Pleadings filed on paper shall be printed on good quality white paper in letter format (21.5 cm x 28 cm). Pleadings and their schedules, if any, shall be paginated consecutively.

Handwritten pleadings will not be accepted.

The text shall appear on the front of each sheet, with a minimum of one and one-half spaces between the lines, except for quotations which shall be single spaced and indented. The font shall be 12-point Arial for the entire

text. Exceptionally, 11 point Arial font may be used for quotations and 10-point Arial font may be used for footnotes. Margins shall be no less than 2.5 cm.

All pleadings must be signed by the party or that party's counsel.

25. Designation of the Parties. Below the name of each party shall be indicated its status in the appeal in upper case letters, followed by its status in first instance in lower case.

An intervenor in first instance is designated as APPELLANT, RESPONDENT or IMPLEADED PARTY, depending on the circumstances. The designation INTERVENOR is reserved for the party who intervenes only during the appeal.

The status in appeal of the decision-maker contemplated by an application for judicial review is that of IMPLEADED PARTY.

26. Heading. The heading, contained on the first page of the pleading, shall indicate the filing party, the nature of the pleading, its date and, if the pleading includes a request, the provision on which it is based.

27. Amendment (art. 206 C.C.P.). If a pleading is amended, additions and substitutions shall be underlined and indicated by a vertical line in the margin; deletions shall be indicated either by struck-out text or dots in brackets and by a vertical line in the margin.

28. Notification (art. 109 C.C.P.). Subject to the provisions applicable to the notice of appeal and the application for leave to appeal, the parties shall notify their pleadings to the appellant and only to the other parties who have filed a representation statement or a non-representation statement (art. 358 para. 2 C.C.P.).

VII – INITIATION OF AN APPEAL (arts. 352 to 359 C.C.P.)

29. Miscellaneous Requirements. In addition to the references and information set out in article 353 of the *Code of Civil Procedure*, those required by section 9 of this regulation, if applicable, shall be indicated in the notice of appeal and the application for leave to appeal.

The second and third paragraphs of article 358 of the *Code of Civil Procedure* and section 38 of this regulation shall be reproduced at the end of the notice of appeal.

30. Number of Pages (arts. 353 and 357 C.C.P.). A notice of appeal shall not exceed ten pages, excluding the designation of the parties, the conclusions sought and the particulars required by the second paragraph of section 29 of this regulation.

An application for leave to appeal shall likewise not exceed ten pages, excluding the designation of the parties and the conclusions sought.

31. Schedules to the Notice of Appeal (art. 353 C.C.P.). A copy of the judgment under appeal, including the reasons given, if available in writing, and of the notice of judgment, if any, shall be annexed to each copy of the notice of appeal.

If only a handwritten version of the judgment exists, a typed transcription must be provided.

32. Schedules to the Application for Leave to Appeal. Each copy of the application for leave to appeal must be accompanied by a copy of all the documents necessary for its adjudication, separated by tabs (including, where appropriate, pleadings, exhibits, depositions, relevant legislative or regulatory provisions, and other documents) and preceded by a table of contents referring to the numbers of the tabs and pages. It is not necessary to attach a copy of the notice of appeal and its schedules.

The application for leave to appeal and its schedules must be presented as a unit. Their paper version must be stapled or bound with a spiral binding or other type of binding.

The party requesting leave to appeal from a judgment whose reasons are not available in writing at the time the appeal is initiated must file them with the Court and notify them to any other party as soon as possible. The application for leave to appeal shall not be heard until the reasons in question are duly filed with the office of the Court and notified to the other parties.

33. Service and Filing of the Notice of Appeal and of the Application for Leave to Appeal. Only one copy of the notice of appeal and, if applicable, the application for leave to appeal, shall be served on the respondent.

In the case of an appeal as of right, one copy of the notice of appeal and its schedules shall be filed with the office of the Court (art. 353 C.C.P.), together with proof of service (art. 352 C.C.P.).

Where the appeal requires leave, two copies of the notice of appeal (including its schedules) and two copies of the application for leave to appeal (including all its supporting documents) shall be filed with the office of the Court, together with proof of service.

34. Other Notifications (arts. 354 and 358 C.C.P.). Notification of the notice of appeal and, if applicable, of the application for leave to appeal to the office of the court of first instance, in accordance with article 354 of the *Code of Civil Procedure*, may be done by technological means, if the court office has the necessary tools at its disposal, or by delivering two paper copies thereof.

Unless the notification required by the first paragraph of article 358 of the *Code of Civil Procedure* is made by technological means, it shall be made by delivering only one copy of the notice of appeal and, if applicable, of the application for leave to appeal to counsel who represented the respondent in first instance, and to any other party.

With the exception of service to the respondent, pursuant to section 33 of this regulation, the appellant shall file the proof of notification required by articles 354 and 358 of the *Code of Civil Procedure* with the office of the Court no later than three working days following the expiry of the time limit to appeal.

The clerk shall inform the clerk of the court of first instance of the record number in appeal as soon as it has been attributed.

35. Notice of Incidental Appeal (art. 359 C.C.P.). A notice of incidental appeal need not be accompanied by a copy of the judgment under appeal. However, a certificate relating to the transcription of depositions shall be filed within 15 days of the expiry of the time limit to appeal set out in article 360 para. 2 C.C.P.

36. Other Rules Applicable to the Application for Leave to Appeal. Section 66, the second and third paragraphs of section 67 and sections 68 to 75 of this regulation apply to applications for leave to appeal.

37. Application for Leave to Appeal After the Expiry of the Time Limit (art. 363 C.C.P.). Sections 29 to 36 of this regulation apply, with the necessary modifications, to applications for leave to appeal after the expiry of the time limit.

38. Failure to File a Representation Statement (art. 358 para. 2 C.C.P.). If a party fails to file a representation statement or a non-representation statement, it shall be precluded from filing any other pleading, brief or memorandum in the record.

The appeal shall proceed in the absence of such a party, without the clerk being required to notify it in any way.

If the representation statement or non representation statement is filed late, it shall be accepted subject to such conditions as the clerk may determine.

VIII – DISMISSAL OF THE APPEAL AND SURETYSHIP OR OTHER ANCILLARY CONCLUSION (arts. 364 to 366 C.C.P.)

39. Dismissal of Application for Dismissal (art. 366 C.C.P.). The application for the dismissal of an appeal, including an application which contains a subsidiary conclusion for suretyship or another ancillary conclusion, may be dismissed on the face of the record.

40. Dismissal or Suretyship On Court's Own Initiative. Before dismissing an appeal on their own initiative (art. 365 C.C.P.) or subjecting it to suretyship on their own initiative (art. 364 C.C.P.), the Court or, if applicable, the judge shall allow the appellant to present its submissions in writing or at a hearing.

41. Other Rules Applicable to the Application for Dismissal. Sections 65 to 75 of this regulation apply, with the necessary modifications, to applications for the dismissal of an appeal.

An appellant who wishes to file documents with the Court in support of its oral contestation of an application for the dismissal of an appeal shall do so no later than five working days prior to the hearing date for the application and shall, within the same time limit, notify a copy thereof to the other party.

IX – APPEAL MANAGEMENT (art. 367 C.C.P.)

42. Request for Appeal Management (art. 367 C.C.P.). A party requesting an appeal management conference shall, as soon as possible, so inform the clerk in writing, setting out the grounds for the request.

43. Leave to Appeal from a Judgment that Terminates a Proceeding (arts. 30 para. 2 and 357 C.C.P.). A judge who grants leave to appeal from a judgment that terminates a proceeding may manage the conduct of the appeal. However, the judge may set the hearing date only in urgent matters and subject to prior consultation with the clerk.

Where the appeal is governed by article 374 of the *Code of Civil Procedure*, the judge may refer the determination of the timetable for filing the memoranda to the clerk (art. 368 C.C.P.).

44. Leave to Appeal from a Judgment Rendered in the Course of a Proceeding (arts. 31 or 32 and 357 C.C.P.).

A judge who grants leave to appeal from a judgment rendered in the course of a proceeding shall set the date and duration of the hearing and the number of pages of Parts I to IV of the argument, if it is to exceed ten pages. The judge may also establish the timetable for the filing of memoranda or refer this task to the clerk (arts. 368 and 374 C.C.P.).

45. Interruption of the Appeal. A party who becomes aware of a circumstance (such as discontinuance (art. 213 C.C.P.), transaction (arts. 217 and 220 C.C.P.), bankruptcy or other circumstance) that terminates or suspends the appeal shall inform the clerk without delay.

46. Joinder of Appeals. Appeals may be joined on the clerk's own initiative.

X – BRIEFS (arts. 370 to 376 C.C.P.)

47. Content. The appellant's brief shall include its argument and three schedules; that of the respondent or that of the impleaded party or intervenor, if any, shall include its argument and, if necessary, elements in addition to those in the appellant's schedules.

48. Argument. Each argument shall be divided into five parts:

(a) Part I (Facts): the appellant shall succinctly recite the facts. The respondent and the impleaded party or the intervenor, if any, may comment and relate additional facts;

(b) Part II (Issues in Dispute): the appellant shall concisely state the issues in dispute and the applicable standard of appellate review for each one. The respondent and the impleaded party or the intervenor, if any, shall answer and may state any other relevant issues;

(c) Part III (Submissions): each party shall develop its submissions (including, where appropriate, as to the applicable standard of appellate review), with specific reference to the content of the schedules;

(d) Part IV (Conclusions): each party shall state the precise conclusions it seeks; and

(e) Part V (Authorities): each party shall prepare a list of authorities in the order in which they appear in the argument, making specific reference to the paragraphs in which they are cited.

49. Joint Statement (art. 372 para. 2 C.C.P.). If there is a joint statement, the appellant shall reproduce it immediately after Part V of the argument, unless a judge directs otherwise.

50. Number of Pages. Parts I to IV of the argument of the appellant, the respondent or the impleaded party shall not exceed 30 pages, unless a judge decides otherwise.

When the intervention is that of the Attorney General of Quebec, the Attorney General of Canada, the Director of Criminal and Penal Prosecutions, the Public Curator or any other public body or person acting as of right, Parts I to IV of the argument of the intervenor shall not exceed 30 pages, unless a judge decides otherwise. In any other case, the number of pages of the argument of the intervenor is determined by the judge who authorizes the intervention.

51. Schedules. The schedules to the appellant's brief shall include:

(a) Schedule I: the judgment under appeal (including the reasons given), the notice of judgment (if applicable) and, when the judgment under appeal decides an application for judicial review or an appeal, the impugned decision; if only a handwritten version of the judgment and the reasons thereof exist, a typed transcription must be provided;

(b) Schedule II:

(i) the notice of appeal (art. 352 C.C.P.), and, if applicable, the application for leave to appeal (art. 357 C.C.P.) and the judgment ruling on said application;

(ii) the pleadings before the court of first instance that are relevant to the appeal and the minutes of the hearing in first instance;

(iii) when the judgment under appeal to the Court decides an application for judicial review or an appeal, the pleadings or application before the lower court, person or body in question; and

(iv) all applicable statutory and regulatory provisions other than those in the *Civil Code of Québec* (chapter CCQ-1991) and the *Code of Civil Procedure* (chapter C-25.01), in both French and English, if available; and

(c) Schedule III: the exhibits and depositions necessary for the Court to decide the issues in dispute (art. 372 para. 1 C.C.P.).

52. Final Requirements. On the last page of the brief, its author shall:

(a) attest that the brief is in conformity with this regulation and that its technological version fully complies with the applicable requirements;

(b) undertake to make available to any other party, at no cost, the depositions obtained on paper or technological media;

(c) indicate the time requested for oral argument or, if applicable, the time allotted by a judge or the Court, including, in the case of the appellant, the reply; and

(d) sign the brief.

53. Incidental Appeal (art. 371 C.C.P.). The incidental appellant's argument shall contain two parts: the first shall be its reply to the principal appeal and the second its argument as incidental appellant.

The incidental appellant's brief shall include the schedules set out in section 51 of this regulation. However, the incidental appellant need not reproduce in those schedules the content that already appears in the schedules to the appellant's brief.

The title of this brief shall be: "Respondent/Incidental Appellant's Brief" or "Impleaded Party/Incidental Appellant's Brief".

The title of the incidental respondent's brief shall be: "Incidental Respondent's Brief".

The argument of the incidental appellant or of the incidental respondent on the incidental appeal shall not exceed 30 pages, unless a judge decides otherwise. The same rule applies to the impleaded party, if any. The intervenor, if any, is subject to the rule set out in the second paragraph of section 50 of this regulation.

54. Format (art. 370 C.C.P.). The brief shall be formatted in compliance with the following rules:

(a) **Colour.** The cover page shall be yellow for the appellant, green for the respondent and grey for any other party;

(b) **Cover Page.** The following shall be indicated on the cover page:

(i) the record number in appeal;

(ii) the court that rendered the judgment under appeal, the judicial district, the name of the judge, the date of the judgment and the record number;

(iii) the designation of the parties in accordance with section 25 of this regulation;

(iv) the brief heading by reference to the status of the party in appeal; and

(v) the name and contact information of its author as well as those of counsel for the other parties. If there is insufficient space, the names and contact information of other counsel shall be indicated on the following page;

(c) **Table of Contents.** The first volume of the brief shall begin with a general table of contents and each subsequent volume shall begin with a table of its contents;

(d) **Pagination.** Brief page numbers shall be consecutive and centered at the top of the page;

(e) **Spacing, Typeface and Margins.** The text of the argument shall have at least one and one-half spaces between the lines, except for quotations, which shall be single spaced and indented, and the footnotes, which shall be single spaced. The font shall be 12-point Arial for the entire text. Exceptionally, 11 point Arial font may be used for quotations and 10-point Arial font may be used for footnotes. Margins shall be no less than 2.5 cm;

(f) **Numbering of Paragraphs.** The paragraphs of the argument shall be numbered;

(g) **Printing.** The argument and Schedule I shall be printed on the left hand side of the volume and the other schedules shall be printed on both sides, the whole on paper in letter format (21.5 cm x 28 cm);

(h) **Number of Pages.** Each volume shall be composed of a maximum of 225 sheets;

(i) **Volumes.** Each volume shall be numbered on the cover page and its bottom edge. The sequence of pages it contains shall also be printed thereon;

(j) **Exhibits.** All exhibits reproduced in the brief shall meet the following requirements:

(i) all exhibits shall be reproduced legibly. If a handwritten document is not, it must be accompanied by a typed transcription;

(ii) evidence reproduced on technological media (sound or video recording, for example), must be readable by the tools available to the Court and must be intelligible; when the sound quality of the recording of a statement, conversation or other exchange is poor, it must be accompanied by a typed transcription;

- (iii) copies of photographs must be clear; and
- (iv) the exhibits shall be reproduced consecutively as they are numbered. Each exhibit shall begin on a new page and mention in the title the number, date and nature of the exhibit;
- (k) **Depositions.** Each deposition shall begin on a new page and mention in the title the surname of the witness in upper case letters, followed by the witness' given name in lower case letters as well as the following information in abbreviated form in parentheses:
- (i) the status of the party who called the witness;
- (ii) the stage of the trial (case in chief, defence, rebuttal) or pre-trial; and
- (iii) the stage of the examination (examination-in-chief, cross-examination, re-examination).
- The title of each following page shall restate the witness' name and the information in abbreviated form.

55. Copies and Notification. Unless a judge or the clerk decides otherwise, five paper copies of each brief shall be filed with the office of the Court and, in compliance with section 13 of this regulation, each brief shall also be transmitted by technological means.

Each party who has filed a representation statement or a non-representation statement shall be notified by delivery of one paper copy within the time limit set out in article 373 of the *Code of Civil Procedure*. Proof of notification shall be filed with the office of the Court no later than three working days following the expiry of the time limit set out in article 373. The technological version of the brief thus notified must be sent to the other parties at the same time as it is sent to the Court or on the same day.

With the consent of the parties or their counsel, notification may be made by technological means only, without a paper copy being provided or with a paper copy to be provided within such time limit as the parties or their counsel determine together. In such a case, the express written consent of the recipient to either means of proceeding shall be attached to the proof of notification of the brief by technological means within the time limit prescribed by article 373 of the *Code of Civil Procedure*.

56. Non-Compliance. If a brief does not comply with the applicable requirements, the clerk shall advise the author of the corrections required and establish a time limit within which a corrected brief may be filed. The clerk shall so advise the other parties.

Failing correction within the stipulated time limit, the brief shall be refused.

57. Time Limit for Incidental Appeal (art. 373 C.C.P.). If the principal appeal is terminated before the appellant's brief is filed, the incidental appellant's brief must be filed within the following two months, subject to the decision of the Court or a judge. Any other party to the incidental appeal must file its brief within two months after notification of the incidental appellant's brief, subject to the decision of the Court or a judge.

XI – MEMORANDA (art. 374 C.C.P.)

58. Content and Format. Subject to the second paragraph, sections 47, 48 and 51 to 56 of this regulation apply to memoranda.

Parts I to IV of the argument on the principal appeal shall not exceed ten pages, unless the Court or a judge orders otherwise. The same applies to the incidental appeal, if any.

59. Time Limit for Incidental Appeal (art. 374 C.C.P.). If the principal appeal is terminated before the appellant's memorandum is filed, the clerk shall, on the clerk's own initiative or upon request, set the time limit for filing the incidental appellant's memorandum and that of any other party.

XII – BOOKS OF AUTHORITIES

60. Book of Authorities. Each party may file a book of authorities containing the case law or doctrine it considers relevant. It may also include in this book statutory or regulatory provisions not already included in Schedule II of its brief or memorandum.

Case law or doctrine may be limited to relevant extracts, accompanied by the preceding page and the succeeding page and, if available, the headnote.

The relevant passages in these authorities shall be indicated by underlining, highlighting, or a vertical line in the margin.

The text of judgments of the Supreme Court of Canada must be that which is published in its reports and, failing that, the text available before publication.

The cover page of each volume of the book of authorities shall indicate the record number in appeal, the designation of the parties, the title and the status of the filing party.

When filed on paper, the book of authorities shall be printed on both sides of each page, in letter format (21.5 cm x 28 cm), and all authorities shall be separated by tabs.

61. Judgments Deemed to be Included in a Book of Authorities. The Court publishes a list of judgments that the parties need not reproduce in their book of authorities. The list is available at the office of the Court and on its website.

62. Filing. The book of authorities shall be filed with the Court on technological media, unless the clerk requires or authorizes one or more paper copies.

In the case of an appeal on the merits, the book of authorities shall be notified and filed by the appellant 40 days prior to the hearing and by the respondent, the impleaded party or the intervenor 30 days prior to the hearing.

In the case of an application presented to the Court, the book of authorities shall be notified and filed at least five working days prior to the hearing date.

In the case of an application presented to a judge, it shall be notified and filed no later than two working days prior to the hearing date.

In the case of an application presented to the clerk, it shall be notified and filed as soon as possible prior to the hearing date.

If a book of authorities is filed late, the costs thereof will be refused.

The filing formalities applicable to the book of authorities may be supplemented by the clerk's practice directions or by the orders made by the Court or a judge.

XIII – LAPSE AND PRECLUSION (art. 376 C.C.P.)

63. Lapse and Preclusion, Remedy (arts. 25 and 84 C.C.P.). The Court may relieve a party from its default resulting in a certificate of lapse or preclusion.

XIV – APPLICATIONS IN THE COURSE OF A PROCEEDING AND INCIDENTAL APPLICATIONS – SUBSEQUENT APPLICATIONS (arts. 377 to 380 C.C.P.)

64. Scope. Sections 64 to 75 of this regulation apply to all applications made in the course of a proceeding and to all applications made after the judgment terminating the appeal proceedings.

65. Application (a written pleading formulating a request to a court). Applications referred to in section 64 of this regulation shall be made by a pleading not exceeding ten pages, excluding the designation of the parties and the conclusions sought, and, if required, shall be supported by affidavit.

When applications are presented to the Court, four paper copies shall be filed; when applications are presented to a judge or to the clerk, two paper copies shall be filed.

66. Date of Presentation and Time Limits (art. 377 C.C.P.). The application shall be accompanied by a notice stating the date and time it is to be presented and the courtroom in which it will be presented.

The application shall be notified to the other party and filed with the office of the Court:

(a) at least ten working days prior to the date of presentation when addressed to the Court,

(b) at least five working days prior to the date of presentation when addressed to a judge; and

(c) at least two working days prior to the date of presentation when addressed to the clerk.

Proof of notification to the other party shall be annexed to the application filed with the office of the Court.

In order for the application to be heard on the date indicated in the notice of presentation, all documents listed in section 67 of this regulation must be attached thereto, within the time limits set out in the second paragraph. Failing that, the application will be postponed to a date determined by the clerk, who will inform the parties. If the date thus determined is not suitable, the applicant shall notify a new notice of presentation, failing which the application shall be heard on that date.

For an application before the Court, the applicant must reserve a presentation date with the clerk and file the application within five working days of the date on which this reservation was made. Failure to submit the application within this time limit will result in the reservation being canceled without further notice. However, a new reservation can be made.

67. Attached Documents. Each copy of an application must be accompanied by a copy of all the documents necessary for its adjudication, separated by tabs (notice of appeal, judgment under appeal including the reasons given, notice of judgment (if applicable), and, where appropriate, pleadings, exhibits, depositions, statutes

and regulations, etc.). If only a handwritten version of the judgment exists, a typed transcription must be provided. The documents thus annexed to the application must be preceded by a table of contents referring to the numbers of the tabs and pages. The application and its schedules must be presented as a unit. Their paper version must be stapled or bound with a spiral binding or other type of binding.

The Court, a judge or the clerk may require the filing of a document not attached to the application. The clerk shall notify the applicant and give the latter a deadline to file the requested document. If such document is not filed within the stipulated time limit, the clerk shall postpone the application to a later date and so advise the parties. If the date thus determined by the clerk is not suitable, the applicant shall notify a new notice of presentation, failing which the application shall be heard on that date.

Subject to section 74 of this regulation, a party who wishes to file complementary documents in support of its oral contestation of an application shall do so within the time limits provided for in section 62 of this regulation, as the case may be. It shall likewise notify a copy thereof to the other party.

68. Calendar of Presentation Dates. The clerk posts on the Court's website the calendar of hearing dates for applications before the Court, a judge or the clerk.

69. Time of Presentation. An application presented to the Court or a judge shall be presentable at 9:30 a.m., and that to the clerk at 9:00 a.m. The parties may, however, be convened at another time.

70. Irregular Application. Before the hearing, the Court or a judge, as the case may be, may strike an application from the roll if it is irregular on its face. The clerk shall so inform the parties.

71. Request for Adjournment. A party seeking an adjournment shall, as soon as possible, request it by writing to the presiding member of the panel, to the judge or to the clerk, as the case may be, who shall grant or dismiss the request or postpone it until the beginning of the hearing. In the request, the party shall indicate the reason the adjournment is sought and whether or not the other party or parties consent thereto. It shall also suggest a hearing date when all parties are available, should the request for adjournment be granted.

72. Party Excused from Attendance. A party who declares in writing that an application will not be contested may request to be excused from attending the hearing.

73. Absence. If a party fails to attend on the day and at the time set for an application to be presented, the Court, the judge or the clerk may hear the parties in attendance and adjudicate the matter, if circumstances so warrant, without hearing the duly informed absent party or, alternatively, adjourn the hearing on the conditions determined, in particular with respect to legal costs.

74. Pleadings. The application shall be contested orally, unless, prior to the hearing, the Court, the judge or the clerk, as the case may be, grants permission to proceed otherwise.

When the application is to be presented to a judge, the opposing party may, however, file with the office of the Court and notify to the other parties, at least two working days prior to the presentation date, an outline of oral argument not exceeding two pages setting out its position and observations.

At the hearing of an application, only one counsel shall be permitted to make representations on behalf of each party, unless the Court, the judge or the clerk, as the case may be, grants permission to proceed otherwise.

75. Recording. The recording of oral arguments at the hearing of an application is provided only on technological media, solely in audio format, upon payment of the applicable fee; in the case of a judgment rendered at the hearing, such recording is subject to the authorization of the Court, the judge or the clerk, as the case may be, and is provided only on technological media, solely in audio format.

The application form is available at the office of the Court and on the Court's website.

XV – SETTLEMENT CONFERENCES (art. 381 C.C.P.)

76. Request Form. Parties represented by counsel who wish to hold a settlement conference must complete the form available at the office of the Court and on the Court's website. The form must be signed by all parties and their counsel and be filed with the office of the Court.

Filing the form with the office of the Court suspends the time limits applicable to the appeal proceedings. The start and end of the suspension shall be noted in the docket.

Together with the parties, the judge responsible for conferences shall set the date on which the conference will be held.

77. Documents, Confidentiality (art. 382 C.C.P.).

The parties shall send all relevant documents to the judge in charge of the conference, which documents shall not form part of the Court record.

XVI – ROLLS

(arts. 383 and 384 C.C.P.)

78. Setting Down for Hearing (art. 383 C.C.P.).

When a hearing date has not been previously set by the Court, a judge or the clerk, and the appeal is ready to be heard, the clerk shall issue a notice of setting down for hearing and send it to counsel and to the parties who have filed a non-representation statement.

79. Rolls. The clerk shall prepare hearing rolls following, to the extent possible, the chronological order of such notices of setting down for hearing, subject to preferences prescribed by law or established by order. On the roll, the clerk shall indicate the time allocated to each party for oral argument, including the reply (art. 385 C.C.P.).

80. Preferences Prescribed by Law. The clerk publishes the preferences prescribed by law on the Court's website.

81. Preference Established by Order (art. 68 C.C.P.).

The Chief Justice or the judge designated by the Chief Justice may order, on their own initiative or upon request, that a matter be heard by preference. An application for preference shall be presented on the date and at the time agreed on with the clerk. It shall be notified to the other parties and filed with the office of the Court at least five working days before its presentation.

82. Notice of Hearing (art. 385 C.C.P.). The clerk shall inform counsel and the parties having filed a non-representation statement of the date set for the hearing of their appeal by sending them a copy of the roll at least 60 days in advance. The roll is also available at the office of the Court and on the Court's website.

The clerk is not required to send such notice to a party who has failed to file a representation statement or a non-representation statement.

83. Request for Adjournment. A party seeking an adjournment shall, as soon as possible, request it by writing to the presiding member of the panel, who shall rule on the request or postpone it until the beginning of the hearing. In the request, the party shall indicate the reason the adjournment is sought and whether or not the other party or parties consent thereto.

XVII – HEARINGS OF THE COURT

(arts. 385 and 386 C.C.P.)

84. Order of Hearings. Hearings of the Court begin at 9:30 a.m. The clerk may convene the parties at a different time for the hearing of their appeal. Cases are heard in the sequence in which they appear on the roll. A case may proceed in a party's absence.

85. Oral Argument. A party's oral argument, but not the reply, may be divided and presented by two counsel.

86. Outline of Oral Argument and Condensed Book.

A party may file an outline of its oral argument not exceeding two pages and may also file with it a condensed book reproducing only the extracts, with tabs, from its brief or memorandum and from the authorities to which it intends to refer during the oral argument.

The party may file the outline and the condensed book prior to or at the beginning of the hearing. It shall provide four copies to the Court and one to the other party. However, if the party participates in the hearing by technological means, the required copies of said documents must be delivered to the Court and notified to the other party no later than the last working day prior to the hearing.

87. Recording. The recording of oral arguments is provided only on technological media, solely in audio format, upon payment of the applicable fee; in the case of a judgment rendered at the hearing, such recording is subject to the authorization of the Court and is provided only on technological media, solely in audio format.

The application form is available at the office of the Court and on the Court's website.

XVIII – LEGAL COSTS

(arts. 387 and 339 and ff. C.C.P.)

88. Taxation (art. 344 C.C.P.). The clerk who taxes the bill of costs must ensure that any disbursements not set by tariff are reasonable.

XIX – APPLICATION OF REGULATION

89. Exemption. The clerk may exempt a party from compliance with a provision of this regulation if the circumstances so justify. In such a case, the clerk shall make a note in the court record or on the document subject to the exemption.

90. Closure of an Inactive File. If a file has been inactive for more than one year, the clerk may, after giving the parties an opportunity to be heard, declare the file closed.

Upon application, a judge may determine the conditions for its reactivation.

91. Clerk's Practice Direction. The clerk may publish a practice direction to explain this regulation or the practice before the Court or to provide details in that regard.

92. Notice of Amendment. The Chief Justice may inform counsel of a proposed amendment to a provision of this regulation and invite them to apply it immediately as if it were already in force.

XX – COMING INTO FORCE
(art. 65 C.C.P.)

93. This regulation replaces the “Civil Practice Regulation (Court of Appeal)” (chapter C 25.01, r. 10). It shall come into force on 3 October 2022.

105984

M.O., 2022

Order number 4841 of the Minister of Justice dated 24 August 2022

Act respecting the Ministère de la Justice
(chapter M-19)

Extension of measures for ensuring the proper administration of justice

THE MINISTER OF JUSTICE,

CONSIDERING section 5.1 of the Act respecting the Ministère de la Justice (chapter M-19), which provides that, in a state of emergency declared by the Government or in a situation where it is impossible in fact to comply with the rules of the Code of Civil Procedure (chapter C-25.01) or of the Code of Penal Procedure (chapter C-25.1), the Minister of Justice may, if necessary for the proper administration of justice, amend any rule of procedure, introduce a new one or provide for any other measure;

CONSIDERING that section 5.1 of the Act provides that the measures are to be published in the *Gazette officielle du Québec*, may take effect on the date on which the state of emergency is declared or the situation occurs or on any later date specified in the measures, and are applicable for the period determined by the Minister of Justice, which may not exceed one year after the end of the state of emergency or of the situation;

CONSIDERING that section 5.1 of the Act provides that the Minister of Justice may, each year for five years, extend the period before it expires if necessary for the proper administration of justice;

CONSIDERING that section 5.1 of the Act provides that, before extending the measures, the Minister must take into consideration their effects on the rights of individuals, obtain the agreement of the Chief Justice of Québec and the Chief Justice of the Superior Court or the Chief Judge of the Court of Québec, according to their jurisdiction, and take into consideration the opinion of the Barreau du Québec and, if applicable, the Chambre des notaires du Québec or the Chambre des huissiers de justice du Québec;

CONSIDERING section 27 of the Regulations Act (chapter R-18.1), which provides that a regulation may take effect before the date of its publication in the *Gazette officielle du Québec* where the Act under which it is made or approved expressly provides therefor;

CONSIDERING that Order 2020-4304 dated 31 August 2020 provides for measures for ensuring the proper administration of justice amid the COVID-19 pandemic situation;

CONSIDERING that Order 2021-4556 dated 20 August 2021 provides that the effective period of the measures provided for in the first five paragraphs of the operative part of Order 2020-4304 dated 31 August 2020 is extended by one year, that is, from 1 September 2021 to 31 August 2022;

CONSIDERING that the measures provided for in Order 2020-4304 dated 31 August 2020, whose effective period was extended by Order 2021-4556 dated 20 August 2021, cease to have effect on 1 September 2022;

CONSIDERING the publication in Part 2 of the *Gazette officielle du Québec* of 6 July 2022, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), of a draft Order of the Minister of Justice concerning the extension of certain measures for ensuring the proper administration of justice with a notice that it could be made by the Minister on the expiry of 45 days following that publication;

CONSIDERING that the proper administration of justice requires the extension of those measures, in particular to ensure the continuity of judicial and notarial services;

CONSIDERING that those measures have and continue to have a beneficial effect on the rights of individuals;