

Regulation to amend the Regulation respecting labour standards

Act respecting labour standards

(chapter N-1.1, s. 40, 1st par., s. 89, par. 1, and s. 91, 1st par.)

- 1.** The Regulation respecting labour standards (chapter N-1.1, r. 3) is amended in section 3 by replacing “\$15.25” by “\$15.75”.
- 2.** Section 4 is amended by replacing “\$12.20” by “\$12.60”.
- 3.** Section 4.1 is amended in the first paragraph
 - (1) by replacing “\$4.53” in subparagraph 1 by “\$4.68”;
 - (2) by replacing “\$1.21” in subparagraph 2 by “\$1.25”.
- 4.** This Regulation comes into force on 1 May 2024.

106784

M.O., 2024

Order 2024-5193 of the Minister of Justice dated 26 March 2024

Code of Civil Procedure
(chapter C-25.01)

Regulation respecting the Pilot project relating to digital transformation of the administration of justice

THE MINISTER OF JUSTICE,

CONSIDERING article 28 of the Code of Civil Procedure (chapter C-25.01), which provides that, after considering the effects of the project on the rights of individuals and obtaining the agreement of the Chief Justice of Québec or the Chief Justice of the Superior Court or the Chief Judge of the Court of Québec, according to their jurisdiction, and after consulting the Barreau du Québec and, if applicable, the Chambre des notaires du Québec or the Chambre des huissiers de justice du Québec, the Minister of Justice, by regulation, may modify a rule of procedure, or introduce a new one, for a specified time not exceeding three years, for the purposes of a pilot project conducted in specified judicial districts;

CONSIDERING the agreement of the Chief Justice of the Superior Court;

CONSIDERING the consultations of the Barreau du Québec, the Chambre des notaires du Québec and the Chambre des huissiers de justice du Québec;

CONSIDERING the publication of a draft Regulation respecting the Pilot project relating to digital transformation of the administration of justice in Part 2 of the *Gazette officielle du Québec* of 7 February 2024, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), with a notice that it could be made by the Minister on the expiry of 45 days following that publication;

CONSIDERING the expiry of the 45-day period;

CONSIDERING the comments that were received;

ORDERS AS FOLLOWS:

The Regulation respecting the Pilot project relating to digital transformation of the administration of justice, attached to this Order, is hereby made with amendments.

Québec, 26 March 2024

SIMON JOLIN-BARRETTE
Minister of Justice

Regulation respecting the Pilot project relating to digital transformation of the administration of justice

Code of Civil Procedure
(chapter C-25.01, a. 28)

CHAPTER 1 GENERAL

1. The continuation of the Pilot project relating to digital transformation of the administration of justice, established by the Regulation to establish a pilot project relating to digital transformation of the administration of justice (chapter C-25.01, r. 6.2) is hereby authorized, in all judicial districts, until 28 November 2025.

2. For this purpose, the Minister of Justice has established a set of technological means, called “Lexius”, which enables in particular the maintenance of court records in digital format and the remote filing and consultation of documents.

3. The rights and obligations provided for in this Regulation are subject to the availability of the technological means necessary.

4. For the duration of the Pilot project, the special procedural rules set out in this Regulation apply to the following applications:

- (1) class actions;
- (2) commercial cases instituted before the Superior Court, meaning cases where the initial application is based principally on one of the following laws or provisions:
 - (a) statutes of Canada:
 - i. Bankruptcy and Insolvency Act (R.S.C., 1985, c. B-3);
 - ii. Companies' Creditors Arrangement Act (R.S.C., 1985, c. C-36);
 - iii. Winding-up and Restructuring Act (R.S.C., 1985, c. W-11);
 - iv. Canada Business Corporations Act (R.S.C., 1985, c. C-44);
 - v. Bank Act (S.C. 1991, c. 46);
 - vi. Farm Debt Mediation Act (S.C. 1997, c. 21);
 - vii. Commercial Arbitration Act (R.S.C., 1985, c. 17 (2nd Supp.));
 - (b) statutes of Québec:
 - i. articles 527, 645 and 647 of the Code of Civil Procedure (chapter C-25.01), which concern the homologation of an arbitration award, as well as articles 507 and 508 of the Code, which concern the recognition and enforcement of an arbitration award made outside Québec;
 - ii. Companies Act (chapter C-38);
 - iii. Winding-Up Act (chapter L-4);
 - iv. Securities Act (chapter V-1.1);
 - v. Act respecting the regulation of the financial sector (chapter E-6.1);
 - vi. Business Corporations Act (chapter S-31.1);
- (3) a case deemed to be of a commercial nature on a decision of the Chief Justice of the Superior Court or a judge designated by the Chief Justice, made on initiative or on application;

(4) applications dealt with according to the procedure for non-contentious proceedings relating to

(a) an authorization to consent to care that is not required by the state of health of a person under 14 years of age or incapable of giving consent, or an authorization to consent to the alienation of a part of the body of a minor or an incapable person of full age;

(b) a declaratory judgment of death, the probate of a will, letters of verification or, in succession matters, the liquidation or the partition of a succession;

(c) an alteration of the register of civil status;

(d) tutorship to an absentee, to a minor or to a person of full age, emancipation of a minor, and protection mandate and temporary representation of an incapable person of full age;

(e) the appointment, designation or replacement of any person that is required by law to be appointed, designated or replaced by the court on its own initiative or in the absence of an agreement between the interested parties, as well as applications of a similar nature relating to tutorship to a minor, tutorship to a person of full age, a protection mandate, temporary representation of an incapable person of full age, a succession or the administration of the property of others;

(f) administration of undivided property, of a trust or of the property of others;

(g) the issue of a notarial act or the replacement or reconstitution of a writing; and

(h) disinterment.

CHAPTER 2 PROVISIONS APPLICABLE TO THE PILOT PROJECT

DIVISION 1 FILING OF DOCUMENTS

5. Any pleadings, exhibits or any other document, including a photograph of real evidence, must be filed with the office of the court using Lexius.

Despite the foregoing, until 31 March 2025, self-represented natural persons may file those documents with the office of the court in hard copy.

Where a document was not filed in accordance with this Division, the court clerk informs without delay the person filing the document of the reason why the document cannot be filed.

6. Despite section 5, as of 1 April 2025, self-represented natural persons may file documents in hard copy with the office of the court if they produce before the office of the court an attestation, deemed by law to be sworn, of the following facts:

- (1) the person is self-represented in the proceedings;
- (2) the person is unable to use Lexius;
- (3) the person is unable to obtain assistance in order to file documents using Lexius; and
- (4) the person requests the assistance of the court clerk to file documents using Lexius.

Section 5 does not apply to the attestation and the attestation is only valid for the case in connection with which it was produced.

7. The judge or the special clerk may, on their own initiative and on the basis of the record, order a person who produced the attestation provided for in section 6 to file their documents with the office of the court using Lexius if they note that the person is able to do so.

8. A hard copy source document of a holograph will, a will made in the presence of witnesses or a protection mandate given in the presence of witnesses filed with the office of the court using a technological means in connection with an application for probate or homologation must also be physically filed within 15 days.

9. Information in a hard copy pleading, exhibit or other document filed with the office of the court is to be transferred by the clerk to a technological medium.

The hard copy source document is to be given to the party, the party's representative or the bailiff after the information has been transferred, except for a document relating to a probate or homologation procedure, in particular

- (1) a holograph will or a will made in the presence of witnesses; and
- (2) a protection mandate given in the presence of witnesses.

10. The party, the party's representative or the bailiff is required, until the date on which the judgment becomes final or the date of the pleading terminating the proceeding, to keep and preserve the integrity, in its original medium, of any document that has been filed with the office of the court whether by a technological means or as a hard copy document.

The chief justice or chief judge, if of the opinion that the document may still be useful, may order the court to keep and preserve the integrity of any document referred to in the first paragraph for a longer period.

11. Any document kept pursuant to section 10 must, at the request of the court, be provided to the court in its original medium.

12. A person who wishes that a document be filed in a sealed envelope or in a form that protects the confidentiality of the information contained therein must indicate so at the place provided for that purpose in Lexius.

13. In proceedings where all parties are represented by a lawyer, the disclosure of an exhibit or other evidence is replaced by the transmission by email of a notice to the other parties' lawyers, stating that that exhibit or evidence has been filed in Lexius. The notice serves as disclosure of the exhibit or evidence and it is filed in Lexius.

14. The file formats accepted for filing documents in Lexius are the following:

- (1) for pleadings, PDF;
- (2) for all other exhibits and documents, GIF, JPEG, MP3, PDF, PNG or any other format indicated in Lexius.

A document whose size exceeds the size specified in Lexius may, by way of exception, be filed with the court office by another means.

DIVISION 2

DIGITAL JUDICIAL RECORD

15. Judicial records for cases referred to in section 4 are kept in digital format in Lexius.

16. Any person may consult a digital judicial record at a courthouse using the technological means provided for that purpose.

17. Only the following persons may remotely consult a digital judicial record:

- (1) a lawyer or notary acting in respect of the case;
- (2) a represented natural person who is party to the case;
- (3) a self-represented natural person who is party to the case;
- (4) a trustee in bankruptcy involved in the case.

18. A digital judicial record may not be remotely consulted unless the person requesting access to the record is identified using a means of authentication indicated in Lexius.

19. Consultation of a digital judicial record is subject to other legal provisions, including article 16 of the Code of Civil Procedure (chapter C-25.01), or to an order of the court.

20. No person may obtain from the clerk a copy of a document contained in a digital judicial record if the person can remotely consult the record. Despite the foregoing, a person having produced the attestation provided for in Section 6 may obtain such a copy at no cost.

This section does not apply to the issue of a certified true copy required by law.

CHAPTER 3 PROVISIONS AMENDED FOR THE DURATION OF THE PILOT PROJECT

21. For the duration and as part of the Pilot project, the following provisions are to be read as indicated in this chapter.

The text of the Pilot project that differs from the text otherwise in force is highlighted by the underlining of added text and by a strikethrough line for deleted portions.

22. Section 108 of the Code of Civil Procedure (chapter C-25.01) is amended as follows:

“108. The parties and the lawyers, or in non-contentious proceedings, the notaries representing the parties, must see to it that exhibits and other documents that contain identifying particulars generally held to be confidential are filed in a form that protects the confidentiality of the information.

Any document or real evidence that is filed in the record as an exhibit must remain in the record until the end of the proceeding, unless all the parties consent to its being removed. If the parties consent to an exhibit in technological media being removed, the exhibit is destroyed by the court clerk. Once the proceeding has ended, the parties must retrieve the hard copy exhibits they have filed or, if the exhibits are in technological media, request that the court clerk destroy them; otherwise, the court clerk may destroy them one year after the date on which the judgment becomes final or the date of the pleading terminating the proceeding. In either case, all cases, the chief justice or chief judge, if of the opinion that the exhibits can still be useful, may stay their destruction.

However, in reviewable or reassessable matters and, in non-contentious cases, notices, certificates, minutes, inventories, medical and psychosocial evidence, affidavits, statements, declarations and documents made enforceable by a judgment, including any child support determination form attached to a judgment, cannot be removed from the record or destroyed.”

23. Section 262 is replaced by the following:

“262. The origin of evidence or the integrity of the information it contains is presumed admitted unless one of the parties contests it within 30 days of the date on which the evidence was disclosed to the party. That admission does not entail admission of the truth of the contents of the evidence.

The contesting party must specify, in a statement, the facts and grounds that support the party’s claim and make it probable. That statement is deemed to be made under oath.”

24. Section 264 and what precedes it is stricken out as follows:

~~“CHAPTER VI ADMISSION OF AUTHENTICITY OF EVIDENCE~~

~~**264.** A party may give another party a formal notice to admit the origin of a document or the integrity of the information it contains:~~

~~The formal notice must be notified at least 30 days before the trial. If the document or other evidence has not already been disclosed, a suitable representation of it or, in the absence of such a representation, particulars on how to access it must be attached.~~

~~The party having been given the formal notice admits or denies the origin or integrity of the evidence in an affidavit giving reasons, and notifies the affidavit to the other party within 10 days.~~

~~Failure to respond to the formal notice is deemed an admission of the origin and integrity of the evidence, but not of the truth of its contents.”~~

25. Section 309 is amended as follows:

“309. The court ascertains that the application presented before it has been served on the person concerned and notified to the interested persons, and that the necessary opinions, reports and expert reports have been filed in the record.

The court may order that the application be notified to any person whom it considers to have an interest, call a meeting of relatives, persons connected by marriage or civil union, or friends, or request the opinion of a tutorship council; it may also require the complementary opinions, reports or expert reports it considers necessary and, if applicable, order an appraisal by an independent expert designated by the court if it has reason to believe the appraisal attached to the application does not reflect the value of the property. The court may also authorize an interested person to produce evidence in support of the view that person intends to assert. The court may take any other appropriate case management measure.

The applicant, the person concerned or another interested person may make their proof by affidavit, by a statement, deemed to be an affidavit, attesting to the truth of the facts alleged, by testimony or by means of documents or real evidence. The evidence so submitted may pertain to any relevant fact, even one that has arisen since the application was instituted.”

26. Written statements and applications referred to in sections 101, 134, 155, 175, 181, 222 and 259 of the Code of Civil Procedure (chapter C-25.01) do not have to be made under oath; they are deemed to be affidavits.

CHAPTER 4 TRANSITIONAL AND FINAL

27. This Regulation replaces the Regulation to establish a pilot project relating to digital transformation of the administration of justice (chapter C-25.01, r. 6.2).

28. The applications referred to in paragraphs 1, 2 and 3 of section 4 are subject to the Pilot project if filed as of (*indicate the date of coming into force of this Regulation*).

29. The applications referred to in paragraph 4 of section 4 are subject to the Pilot project if filed as of 28 November 2022.

30. Despite paragraph 4 of section 4, an application referred to the court pursuant to sections 304 or 317 of the Code of Civil Procedure (chapter C-25.01) remains subject to the Pilot project.

31. Subparagraph a of paragraph 4 of section 4 ceases to have effect on 30 June 2024.

32. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except that sections 6 and 7 come into force on 1 April 2025.