CANADA

PROVINCE OF QUEBEC
[MONTREAL SEAT or QUEBEC CITY SEAT]

No.: [leave this field empty so the office of the Court of Appeal can attribute a number to your file]

No.: [insert the file(s) number(s) in first instance]

[insert CONFIDENTIAL if required]

COURT OF APPEAL OF QUEBEC

[INSERT THE APPELLANT PARTY'S NAME]
[insert the address].

APPELLANT PARTY - [insert the appellant party's status in first instance]

v.

[INSERT THE RESPONDENT PARTY'S NAME]
[insert the address].

RESPONDENT PARTY - [insert the respondent party's status in first instance]

and

[INSERT THE IMPLEADED PARTY'S NAME]

IMPLEADED PARTY - [insert the impleaded party's status in first instance]

NOTICE OF APPEAL
(Article 352 *C.C.P.*)
Appellant party
Dated [date on which the pleading is signed]

I — EXPRESS REFERENCE

1. This file contains no confidential information.

   [OR]

   The files contains confidential information: [indicate which aspects of the file are confidential and set out the legal provision or order that is the basis of the confidentiality (attach a copy of the order, if applicable)].

II — FACTS

2. The appellant party appeals from a judgment of the [Court of Québec OR Superior Court] rendered on [insert the date of the judgment], by the Honourable [insert the name of the judge], sitting in the District of [insert the district], which [indicate the conclusions of the judgment], as it appears from the judgment of first instance communicated in support hereof as Schedule 2;

3. On [insert the date of the notice of judgment], the office of the court of first instance issued a notice of judgment in accordance with art. 335 *C.C.P.*, as it appears from the notice of judgment communicated in support hereof as Schedule 3;

   [OR]

   The date of the judgment rendered at the hearing is [if the judgment was rendered at the hearing, insert the date of the judgment];

4. The trial lasted [indicate the duration in days];

5. The value of the subject matter of the dispute is [insert the value, where applicable];

III — GROUNDS OF APPEAL

6. The trial judge erred in [his OR her] judgment for the following reasons:

   [insert, below, the grounds of appeal you will rely on for your appeal]

Errors of law

7. The trial judge erred in law by[il ou elle] deciding that […];

8. The appellant party intends to demonstrate that […];

9. This error of law is overriding because […];

Palpable and overriding errors of fact

10. The trial judge committed a palpable error by[il ou elle] deciding that […];

11. The appellant party intends to demonstrate that […];

12. This error of fact is overriding because […];

IV — CONCLUSIONS

13. The appellant party will ask the Court of Appeal to:

(a) **ALLOW** the appeal;

(b) **REVERSE** the judgment in first instance;

(c) [insert the conclusions sought];

(d) **CONDEMN** the respondent party to pay the legal costs both in first instance and on appeal.

This notice of appeal has been notified to [insert the name of the respondent party, intervenor party or impleaded party], to Mtre [insert the name of the lawyer who represented the respondent party in first instance] and to the office of the [Court of Québec OR Superior Court], District of [insert the district of the court of first instance].

Signed on [date on which the pleading is signed], in [name of city].

[your signature]

[your name]
[Appellant party or Appellant party's counsel]

[address]
[phone number]
[fax number, if applicable]
[email address]
[permanent code, if applicable]

TABLE OF CONTENTS FOR THE SCHEDULES IN SUPPORT OF THE NOTICE OF APPEAL

		Pages	Tabs
SCHEDULE 1:	Copy of the order on which the confidentiality is based [if applicable]	[...]	1
SCHEDULE 2:	Judgment rendered by the Honourable [insert the name of the judge] of the [Court of Québec OR Superior Court] on [insert the date of the judgment under appeal]	[...]	2
SCHEDULE 3:	Notice of judgment dated [insert the date] [if applicable]	[…]	3
SCHEDULE 4:	Typed transcription of the judgment [if applicable]	[…]	4
SCHEDULE 5:	[describe schedule 5] [if applicable]	[…]	5

[If necessary, include all schedules required to support your Notice of appeal]

Within 10 days after notification, the respondent, the intervenors and the impleaded parties must file a representation statement giving the name and contact information of the lawyer representing them or, if they are not represented, a statement indicating as much. If an application for leave to appeal is attached to the notice of appeal, the intervenors and the impleaded parties are only required to file such a statement within 10 days after the judgment granting leave or after the date the judge takes note of the filing of the notice of appeal.

The lawyer who represented the respondent in first instance, if no longer acting for the respondent, must so inform the respondent, the appellant and the office of the Court of Appeal without delay. (art. 358 paras. 2 and 3 C.C.P.)

No.: [leave this field empty so the office of the Court of Appeal can attribute a number to your file]
No.: [insert the file(s) number(s) in first instance]

COURT OF APPEAL OF QUEBEC
[MONTREAL SEAT or QUEBEC CITY SEAT]

[INSERT THE APPELLANT PARTY'S NAME]

APPELLANT PARTY - [insert the appellant party's status in first instance]
v.
[INSERT THE RESPONDENT'S NAME]

RESPONDENT PARTY - [insert the respondent party's status in first instance]
and
[INDIQUER VOTRE NOM]

IMPLEADED PARTY - [insert the impleaded party's status in first instance]

NOTICE OF APPEAL
Appellant party
Dated [date on which the pleading is signed]

[name]
[address]
[phone number]
[fax number, if applicable]
[email address]
[permanent code, if applicable]

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. (s. 38 Regulation of the Court of Appeal of Quebec in Civil Matters)

REMARKS

Format and content

- All pleadings must comply with the following presentation requirements (s. 24 of the *Regulation of the Court of Appeal of Quebec in Civil Matters* (*R.C.A.Q.Civ.M.*)):
    - The pleading filed on paper shall be printed on a good quality white paper in letter format (21.5 cm by 28 cm).
    - Pleadings and their schedules shall be paginated consecutively.
    - Handwritten pleadings shall not be accepted.
    - The text shall be reproduced on one side only 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 typeface shall be 12-point Arial font for the entire text. Exceptionally, 11-point Arial font may be used for quotations and 10-point Arial font may be used for footnotes.
    - The margins shall be no less than 2.5 cm.
    - All pleading must be signed by the party or the party's counsel.

- The status in appeal of each party shall be indicated beneath the name of the party in upper case letters, followed by the party's status in first instance in lower case letters (s. 25 *R.C.A.Q.Civ.M)*.

- 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 (s. 26 *R.C.A.Q.Civ.M).*

- The Notice of appeal cannot exceed **10 pages**, excluding the designation of the parties, the conclusions sought and the particulars required by s. 29 *R.C.A.Q.Civ.M.* (s. 30 *R.C.A.Q.Civ.M.*).

- The PDF file of the Notice of appeal must be comply with the Chief Justice's Directive on the ***Rules Respecting the Preparation of the PDF Files Filed or Transmitted to the Court***.

Documents attached to the Notice of appeal

- The parties must use tabs to properly separate each document attached to their Notice of appeal.

- A table of contents referring to the numbers of the tabs and pages is required.

- The Notice of 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.

DO NOT INCLUDE

Confidentiality

- If any part of the record is confidential, the Notice of incidental appeal must include an express reference to this effect and set out the legal provision or order on which the confidentiality is based (s. 9 *R.C.A.Q.Civ.M.*). The word "CONFIDENTIAL" must appear beneath the Court record number.

Filing, service and notification

- The notice of appeal must be served by bailiff on the respondent before being filed with the Court office (arts. 352 and 358 *C.C.P.*).

- The notice of appeal must be notified as follows:
  - two copies to the office of the court of first instance (art. 354 *C.C.P.* and s. 34 *R.C.A.Q.Civ.M.*);
  - one copy to the lawyer who represented the respondent in first instance (art. 358 *C.C.P.*); and
  - one copy to persons with an interest in the appeal as intervenors or impleaded parties (art. 358 *C.C.P.*).

- The notice of appeal must be filed at the counter of the Court office (or by the Digital Office of the Court of Appeal (DOCA)) in one copy if it is an appeal as of right or in two copies if it is an appeal requiring the filing of an application for leave to appeal:
  - If the filing is made at the counter of the Office of the Court, the PDF file of the notice of appeal must be transmitted to the Office of the Court via DOCA on the day the paper version is filed (see ***Clerk's Practice Direction No.7***);
  - If the filing is made by using the DOCA, the paper copy(ies) must be transmitted at the counter of the Office of the Court within five business days of electronic filing (***see Clerk's Pratice Direction No. 3***).

WARNING: THIS TEMPLATE DOES NOT EXEMPT THOSE WHO USE IT FROM READING THE APPLICABLE LEGISLATION. IT IS AVAILABLE TO FACILITATE THE DRAFTING AND PREPARATION OF PLEADINGS. EVERY PLEADING MUST BE SUBMITTED TO THE CLERK, WHO MAY REFUSE IT OR REQUIRE MODIFICATIONS IF THE PLEADING DOES NOT COMPLY WITH THE APPLICABLE LEGISLATION.

DO NOT INCLUDE