SUPERIOR COURT OF QUEBEC

SUPERIOR COURT DIRECTIVES
FOR THE DISTRICTS OF PONTIAC AND LABELLE
IN EFFECT AS OF MAY 1, 2021
UPDATED TO MAY 10, 2021

GENERAL DIRECTIVES

Purpose and scope

1. These directives were adopted pursuant to article 63 of the *Code of Civil Procedure* (C.C.P). They are complementary to the *Regulation of the Superior Court of Québec in civil matters* which you can download by clicking on the hyperlink and the *Regulation of the Superior Court of Québec in family matters* which you can download by clicking on the hyperlink.

2. They apply to all civil, family, and commercial law cases, including bankruptcy and insolvency in accordance with the guiding principles as set out in the *Code of Civil Procedure*.

Case protocol

3. Subject to special rules provided for certain cases (paragraph 2 of article 141 C.C.P.), the parties must establish a case protocol which will govern the proceeding of any originating application in a contentious matter.

4. The parties must use the Case protocol in civil matters form and the Case protocol in family matters form for the Montreal division, which are appended to these directives (Schedule 1 which you can download by clicking here and Schedule 2 which you can download by clicking here).

    a) In the first protocol, the first page of the form must be completed. The information entered there is used to identify cases that could be subject to case management, based on the triage indicators listed below;

    b) The case protocol must be notified to the parties prior to being filed with the court office unless the parties have signed it (article 149 C.C.P.);

    c) The principal application and the recourse in warranty are joined in a single proceeding and are subject to the same case protocol (article 190 C.C.P.).

5. The court clerk must refuse the filing of a case protocol or proposed case protocol that is inconsistent with the forms provided.

6. A party that does not file a proposed case protocol may be barred from filing preliminary exceptions or from proceeding with examinations or filing expert reports. Furthermore, a judgment by default may be rendered against a defendant who does not file a proposed case protocol if he or she has not filed his or her brief of grounds of contestation and his or her defence within the time limit provided for in the plaintiff's draft protocol.

7. The parties must complete **all of** the protocol or proposed protocol boxes where applicable. The defendant must state his or her grounds of defence in the box provided for this purpose or append them to the protocol (section 20 of the *Regulation of the Superior Court of Québec in civil matters*). Failure to do so could result in the applicant proceeding by default.

8. When preparing the protocol, the parties are encouraged to discuss the usefulness of having joint expert evidence.

9. The statement of the grounds of defence in the protocol must, on penalty of sanction, comply with the requirements of paragraph 1 of article 99 C.C.P.

10. If one party fails to cooperate in establishing a case protocol, the other party files a proposed protocol within the time limit for filing. At the expiration of 10 days following its filing, the proposal stands in lieu of the protocol, unless the defaulting party has stated his or her points on which he or she differs (article 152 C.C.P.).

11. If each party submits a proposed protocol, the court may establish the protocol on its own initiative or convene the parties to a management conference (article 152 C.C.P.). In such a case, the parties must file a list in writing stating the points on which they differ. If one party fails to cooperate to establish the protocol, he or she may be subject to a sanction pursuant to article 342 C.C.P.

12. Triage indicators have been established under article 150 of the *Code of Civil Procedure* to determine which cases should be evaluated by the court for case management purposes. These indicators are applied in two stages:

    d) A computerized triage is done when the first case protocol is filed or when the first proposed protocol is submitted. The indicators used for this triage are:

        1) All cases in the 05, 11, 14, 17 jurisdictions bearing descriptive codes:

            - 36 - bodily injury
            - 89 - latent defects
            - 52 - wills – successions
            - C2 - dismissal
            - D1 - defamation
            - I2 - co-ownership litigation
            - 11 - boundary determination
            - RO - oppression remedies
            - TV - issues between neighbours or neighbouring properties;
            - A1 - disability insurance

2) All matters in the 04, 05, 11, 12, 14, 17 jurisdictions:

- Where two or more parties are not represented by counsel
- involving more than eight parties

e) A manual triage is carried out by the court office when the first case protocol is filed for all cases in the 04, 05, 11, 12, 14 and 17 jurisdictions that contain one of the following elements:

- application for a stay of proceedings
- application to extend the time limit
- more than six expert reports
- application to authorize a written defence
- more than six pre-trial examinations
- examinations: duration not compliant with article 229 C.C.P.
- lack of signature or notification to client.

13. A party may not file a written defence unless so authorized by the court. To do so, the defendant must state in the protocol the grounds justifying the filing of a written defence. Article 171 C.C.P. states that the court may authorize the filing of a written defence only if the case presents a high level of complexity or if special circumstances warrant it.

14. The written defence must respect the requirements of articles 99 and 102 C.C.P.

15. The mere fact that the defendant announces the filing of a cross-application in the protocol does not alone justify the filing of a written defence.

16. The parties cannot extend the time limit to set the case down for trial and judgment merely by consent. When the parties jointly seek an extension of the time limit, they must state the grounds for their application and the proposed new expiration date, having assessed it in light of the computation of the time limits under article 173 C.C.P.

17. A judge examining a protocol may, without hearing, rule on the following joint applications:

f) to extend the time limit to set the case down for trial and judgment (articles 173 and 174 C.C.P.);

g) to stay the proceeding to negotiate a settlement (article 156 C.C.P.);

h) to be authorized to file a written defence (article 171 C.C.P.).

18. Cross-applications are made in writing but defended orally, unless the court authorizes that it be defended in writing (article 172 C.C.P.).

19. Pre-trial examinations may be conducted only if they were provided for in the case protocol (article 221 C.C.P.). In the protocol, the parties must specify the specific date, time, and place of each pre-trial examination. The parties can not merely indicate a cut-off date to hold pre-trial examinations unless the dates are unforeseeable.

Case management conference

20. At any time during the proceedings, the parties may be convened at the court's initiative to take part in a case management conference.

21. Counsel for a party who is taking part in a case management conference must have actual knowledge of the case and be in a position to make admissions, give undertakings, and make any other decision relating to the conduct of the proceedings. Parties in default may be subject to a condemnation pursuant to article 342 C.C.P.

22. If the defendant fails to attend the case management conference, the case may be set down for trial and judgment on an order of the court (article 175 C.C.P.).

23. The court will determine, even on its own initiative, which case management measures are appropriate according to the circumstances of the case (article 158 C.C.P.) and the guiding principles of procedure (articles 17 *et seq.* C.C.P.)

24. The parties may also seek the court's intervention by way of a notice of case management (article 158 C.C.P.).

Request for special case management

25. A request for special case management (article 157 C.C.P.) must be made by an application and not by way of a notice of case management. The party requesting special case management must allege the grounds relating to the nature, character, or complexity of the case that justify special case management, as well as the conclusions sought.

26. If the judge finds, based on the record, and in light of the likely conduct of the case, that it might warrant special case management in accordance with the guiding principles of the *Code of Civil Procedure*, he or she sends the case to the coordinating judge. Otherwise, the application will be dismissed.

Request for provision of care

27. An application to obtain authorization from the court for the provision of care to a minor or a person of full age incapable of giving consent cannot be presented before the court less than five days after the application has been notified to the interested persons (article 395 C.C.P.).

28. Such application must be presented on the date the plaintiff will have obtained from the coordinating judge.

Judicial Review

29. An application for judicial review may be presented *pro forma* on a civil practice session date, respecting the 15-day period after service set out in article 530 C.C.P.

30. The parties must agree on a time limit for the filing of each party's brief. The time limits to file the briefs is set by the parties or, failing agreement, by the court.

31. Each party files a brief of no more than 10 pages, which must include:

    i) a summary of the judgment to be reviewed or quashed;

    j) the issues in dispute;

    k) the applicable standard of review;

    l) the reasons the impugned judgment should be reviewed, quashed, or upheld;

    m) a list of the relevant authorities.

32. A hearing date is fixed by the coordinating judge once all the briefs are filed.

Judge in chambers

33. A party who intends to submit an application which requires immediate intervention and does not require the presentation of evidence (article 69 C.C.P.) must first contact the coordinating judge to inform him or her of her intent, and to obtain the name of the judge in chambers.

34. Except in special circumstances (e.g., seizure before judgment), the party making the application must notify the opposing party that an application requiring immediate intervention will be presented to the judge in chambers.

35. The party intending to present such an application must first pay the filing fees and have a file opened at the court office. The party must then communicate with the office of the judge in chambers or the coordinating judge to obtain instructions regarding the application process.

Practice sessions

36. The schedule of practice sessions for the Campbell's Bay, Maniwaki and Mont-Laurier courthouses is appended to these directives (Schedule 3 which you can download by clicking here).

37. Unless the coordinating judge decides otherwise, all practice sessions are held virtually. However, once the calling of the roll is over, the presiding judge may authorize that certain files be dealt with in person.

38. The calling of the roll for each practice session is held at 09:00 a.m. in the following virtual courtrooms:

- Campbell's Bay : Virtual courtroom corresponding to courtroom #1.01
- Maniwaki : Virtual courtroom corresponding to courtroom # 2
- Mont-Laurier : Virtual courtroom identified as "Cour supérieure"

39. The list of Teams links to the virtual courtrooms for the Gatineau, Campbell's Bay, Maniwaki and Mont-Laurier courthouses is appended to the directives (in PDF and Word format (Schedule 4 which you can download by clicking here).

40. The calling of the roll for each practice session is presided by a judge. Instructions relating to the calling of the roll of a practice session are appended to these directives (Schedule 5 which you can download by clicking here).

41. Cases are called one after another, in accordance with their number on the roll. Counsel and unrepresented parties may speak only when their case is called. If counsel for the party who filed the application in the course of a proceeding, or the unrepresented applicant, does not attend the calling of the roll, the case is struck from the roll.

42. An application that cannot be heard because of the volume of cases on the roll is postponed to a subsequent practice session or to any other date determined by the coordinating judge. As needed, the judge presiding over the calling of the roll makes the appropriate orders to preserve the rights of the parties.

Applications in the course of a proceeding

43. All applications in the course of a proceeding where the expected duration of the hearing is two hours or less (including the Judge's reading time) must be presented during a practice session. Parties who wish to present an application where the expected duration of the hearing two hours must file a Joint declaration to Fix a Hearing of More than two Hours in civil matters (Schedule 6 which you can download by clicking here) or a Joint declaration to Fix a Hearing of More than two Hours in family matters (Schedule 7 which you can download by clicking here) at the Court office. Copy of the joint declaration must also be sent to the Judge coordinator who will fix the hearing of the application.

44. If the parties do not agree on the duration of the hearing of an application in

the course of a proceeding, the disagreement may be submitted to the court by way of a case management notice. The party who contends that the hearing will require more than two hours (including the judge's reading time) files a draft Joint Declaration to Fix a Hearing of More than Two Hours (Schedule 6 or 7). If the judge presiding the session determines that the hearing will require more than two hours, the parties must complete the joint declaration and send it to the coordinating judge who will fix the date.

45. Except in an emergency, only applications in the course of a proceeding accompanied by proof of notification, as well as exhibits and other documents that the party intends to bring to the attention of the court (affidavits and others) that were filed in the record **no later than at 04:30 pm the Tuesday preceding the practice sessions in Campbell's Bay and Maniwaki and no later than at noon the Monday preceding the practice session in Mont-Laurier** are entered on the roll. Any request to add an application on the roll is dealt with by the judge presiding over the practice session. A party objecting to an application must file the exhibits and other evidence he or she intends to bring to the attention of the court no later than at **noon on the working day preceding the practice session.**

46. Applications for a safeguard order pertaining to support obligations, child custody, or related measures may not be presented less than 10 days after the originating application has been served, as required by article 411 C.C.P.

47. Under article 413 C.C.P., the party seeking support for himself or herself must file an income and expense statement and a balance sheet at the court office at least 10 days before the application is to be presented, as required by article 413. C.C.P. The defending party must file his or her own balance sheet at least five days before the application is to be presented, unless he or she admits having the resources to pay.

48. However, applications by consent may simply be filed at the court office by mail or in person or through the digital court office, and they must be accompanied by the following forms:

- Agreement determining safeguard support (Schedule 8 which you can download by clicking here)

- Safeguard agreement suspending support (Schedule 9 which you can download by clicking here)

- Application to extend a safeguard order (Schedule 10 which you can download by clicking here);

- Application to appoint counsel for the child (Schedule 11 which you can download by clicking here)

- Application to homologate an agreement (Schedule 12 which you can download by clicking here);

- Application to extend the time limit for filing the request to set the case down for trial and judgment (Schedule 13 which you can download by clicking here);

49. Exhibits must be grouped and each exhibit must have its own backing.

50. The parties adduce their evidence by way of detailed affidavits in accordance with the *Regulation of the Superior Court of Québec in family matters.*

51. The parties may file a draft judgment in the court record.

52. The notice of presentation of an application in the course of a proceeding in a civil matter must include the Teams link for the courtroom in which the practice session is held, and must be prepared according to the model provided in Schedule 14 which you can download by clicking here.

53. The notice of presentation of an application in the course of a proceeding in a family matter must include the link for the courtroom in which the practice session is held and must contain the following:

- The information required to comply with the 10-day time limit set out in articles 411 and 413 C.C.P.;

- The date the application will be presented;

- A note stating that the party contesting the application must communicate his or her position to the applicant and, where relevant, his or her affidavit in response (4 pages maximum) and the exhibits he or she intends to adduce in support, and file them at the court office no later than noon the day preceding the practice session;

- A note stating that the party contesting the application must participate in the calling of the roll of the practice session taking place on (date) at 9:00 a.m. The Teams link for the courtroom must be copy-pasted in the notice of presentation (Word version). If not, the notice must state that the party may obtain the Teams link on the website of the Superior Court or of the Barreau de l'Outaouais.

A model notice of presentation is appended to these directives (Schedule 15 which you can download by clicking here).

54. Parties who, by consent, wish to postpone an application entered on the roll of a practice session may avoid attending the calling of the roll by informing the court of the postponement no later than 12:00 p.m. on the working day prior to the session, at the following addresses:

For Campbell's Bay : greffe.campbells-bay@justice.gouv.qc.ca

For Maniwaki : gciv65@justice.gouv.qc.ca

For Mont-Laurier : mlau-civil@justice.gouv.qc.ca

55. Unless authorized by the court, an application in the course of a proceeding that has been postponed three times is struck from the roll.

56. The hearing of an application to dismiss (article 51 C.C.P. or article 168 C.C.P.) may not last more than one day, unless the court authorizes a longer hearing.

57. Any application in the course of a proceeding seeking a ruling on objections must be accompanied by a document grouping the objections by subject and undertakings at issue and must indicate the time required to deal with them.

58. *An Act to improve justice accessibility and efficiency*, *in particular to address consequences of the COVID-19 pandemic* (Bill 75), which came into effect on December 11, 2020, allows the judge to decide the following applications on the face of the record (without a hearing):

- An application to dismiss for abuse which lacks a reasonable chance of success or which is abusive (paragraph 2, article 52 C.C.P.);
- An application to dismiss which lacks a reasonable chance of success (article 168 C.C.P.);
- An application to rule on objections raised during a written or oral examination preliminary to the hearing (articles 223 and 228 C.C.P.);
- An application respecting undertakings to disclose documents resulting from an examination (paragraph 4, article 221 C.C.P.);

59. An application in the course of a proceeding may be contested only orally, unless the court authorizes a written contestation, particularly when it is permitted to rule on the face of the record. During the hearing, any party may submit relevant evidence (article 101 C.C.P.) while respecting the guiding principles (article 17 *et seq*. C.C.P.).

60. An applicant party must file an affidavit in support of an application for a safeguard order. The opposing party may file an affidavit in response, and the applicant party may file an affidavit in reply. The filing of any other affidavit must be authorized by the court.

61. The application for a safeguard order and the affidavit filed in response may contain a **maximum of 4 pages each**. An affidavit in reply may contain a **maximum of two pages.**

62. An application for a safeguard order is heard only if the file is complete. A file is complete if all the documents – that is, the application along with the initial affidavit and the exhibits invoked in support of the application, the opposing party's affidavit in response and the supporting exhibits, and the

affidavit in reply if the applicant party decides to file one – have been filed at the court office **no later than at noon the day preceding the practice session.**

63. Except in special circumstances, case management notices and applications for safeguard orders are fixed for a **maximum duration of 30 minutes**. If the file is complex and several urgent applications must be decided, the duration is determined by the presiding judge.

64. If the emergency alleged in support of an application for a safeguard order is contested, the case is kept on the roll to deal with that aspect only. If the emergency is recognized, the application is heard if the case is ready. If the case is not ready because one or more affidavits and/or exhibits are missing, the application is postponed to the next practice session and the judge who ruled on the emergency will, as needed, render the appropriate orders to preserve the rights of the parties.

65. A psychosocial assessment cannot be obtained merely by consent of the parties. It must be authorized by the Court. When an order to conduct a psychosocial assessment is made, the parties must complete the Consent to Psychosocial Evaluation and the Consultation of Records form appended to these directives, which includes the contact list (Schedule 16 which you can download by clicking here).

66. When a psychosocial assessment has been ordered, the parties must notify the coordinating judge if an agreement is reached or if circumstances occur that make it unnecessary to prepare the assessment.

67. When an application in the course of a proceeding is heard, counsel and unrepresented parties must have at their disposal an electronic version of the application, of the evidence filed in support of the application, and of their authorities so that they may send them quickly to the judge presiding the hearing, if needed.

68. A person must be served a formal notice to find new counsel or to inform the parties of his or her intention to self-represent if his or her counsel has ceased representing him or her or if counsel's mandate was revoked. If the person fails to appoint new counsel, he or she is presumed to continue the proceeding as though not represented. The party will not be in default if he or she complies with the case protocol or the next steps that have been ordered (article 192 C.C.P.).

Consolidation of proceedings

69. Even when consolidated under article 210 of the *Code of Civil Procedure*, each of the proceedings thus joined remains separate.

70. The parties must file a copy of the pleadings in each of the consolidated proceedings with the court office.

71. Should the parties fail to do so, the court office will register in the court's record only the first heading appearing in the pleading, which will then be filed in that case alone. The court will consider only the proceeding in which the pleading has been filed.

72. When required, the parties must pay the filing fees in each case (i.e., the stamp for requests to set down due for each of the consolidated proceedings).

73. If a request for setting down is filed in only one case, the sanction under article 177 C.C.P. (presumption of discontinuance) applies to the other consolidated proceedings.

Contempt of court

74. Any pleading seeking a citation for contempt of court must be accompanied by a draft order consistent with the draft appended to these directives (Schedule 17 which you can download by clicking here).

75. The draft order must set out in detail the alleged offences and the facts that support the application and specify whether the person concerned is subject to one or more sanctions.

Request for setting down for trial and judgment – files with case protocols

76. In contentious cases governed by a case protocol (paragraph 1 of article 141 C.C.P.), the plaintiff is required under article 173 C.C.P. to file the request for setting down for trial and judgment within six months in civil matters and within one year in family matters, after:

- the date on which the case protocol is presumed to be accepted (article 150 C.C.P.); or

- the date of the case management conference following the filing of the case protocol;

- the date on which the case protocol is established by the court; or

- the service of the originating application if the parties or the plaintiff have not filed a case protocol or a proposed case protocol within the prescribed time limit for doing so.

77. A request for setting down for trial and judgment (article 174 C.C.P.) is made by filing the form for the Request for Setting Down for Trial and Judgment by Way of a Joint Declaration – Civil Matters and the Request for Setting Down for Trial and Judgment by Way of a Joint Declaration – Family Matters, which are appended to these directives (Schedule 18 which you can download by clicking here and Schedule 19 which you can download by clicking here). The filing must be accompanied by payment of the filing fees.

78. Before preparing the request for setting down for trial and judgment by way of a joint declaration, the parties must discuss the relevance of planning a meeting between their respective experts to identify the points where they agree and where they differ, with a view to reducing the duration of the hearing and clarifying the specific elements to be decided by the court.

79. Failure to complete the request for setting down: A party that fails to complete the request for setting down within the time limit is presumed to have discontinued the application (article 177 C.C.P.); the party may also be subject to a sanction under article 342 C.C.P.

80. Setting a case down for judgment for failure to answer the summons (article 175 C.C.P.): The case is dealt with when the plaintiff files a request for setting down for judgment by default for failure to answer the summons, along with the exhibits and the plaintiff's own affidavit.

81. Setting a case down for judgment for failure to file a defence (articles 175 and 180 C.C.P.): The case is dealt with when the plaintiff files a request for setting down for judgment by default for failure to file a defence, along with a notice of presentation at a practice session, given at least five days in advance, along with the plaintiff's exhibits and detailed affidavits.

82. Setting down for judgment after failure to attend the case management conference (articles 175 and 180 C.C.P.): The case is set down for judgment by the court. The plaintiff files the request for setting down for judgment for failure to attend the case management conference, along with a notice of presentation at a practice session, given at least five days in advance, along with the plaintiff's exhibits and detailed affidavits.

Extension of the time limit for filing the request for setting down

83. Any application to extend the time limit for filing the request to set the case down for trial and judgment must be made by way of an application, not by a notice of case management, to be presented during a practice session. This application must be supported by one or more affidavits, depending on the circumstances justifying the extension (article 173 C.C.P.).

84. An application to extend the time limit by consent, containing supporting grounds, made on the form provided for this purpose (Schedule 13 which you can download by clicking here) need not be presented during a practice session but may simply be filed at the court office, along with the amended case protocol. The application will be dealt with by a judge. However, if the delay has already been extended twice, a request for extension, even by consent, must be presented during a practice session.

Attestation that a record is complete (ARC)

85. Once the request for setting down for trial and judgment has been filed with the court office, the clerk verifies whether the record is complete and ready

for trial and, if it is ready, signs an attestation that the record is complete (ARC) specifying the estimated duration of the trial on the merits, and so informs the parties (section 21 of the *Regulation of the Superior Court in civil matters*).

86. An attestation that a record is complete concerning consolidated cases will be issued only when all the consolidated cases are ready for trial. Where applicable, the attestation that a record is complete will be filed in all the consolidated cases.

87. If cases are consolidated after a request for setting down for trial and judgment has been filed in one of the cases, a request for setting down must be filed in each of the other cases within the time limit set by the court.

Notice that a record is incomplete

88. If the clerk ascertains that the record is incomplete after the request for setting down for trial and judgment has been filed in accordance with article 174 C.C.P., he or she sends a notice to the parties.

89. The parties then have 30 days to correct the situation, failing which they run the risk of having the record returned to the archives without further notice. In such a case, the parties must reactivate the file after remedying the default (section 21(b) of the *Regulation of the Superior Court in civil matters*).

Request for setting down for trial – files without case protocols

90. In cases that are not subject to a case protocol (e.g., paragraph 2 of article 141 C.C.P; article 154 C.C.P.; section 20(a) of the *Regulation of the Superior Court of Québec in civil matters*), the parties must file with the court office the form for a Joint Declaration to Fix a Hearing of More than Two Hours in civil matters (Schedule 6 which you can download by clicking here) or the form for a Joint Declaration to Fix a Hearing of More than Two Hours in family matters (Schedule 7 which you can download by clicking here).

Fixing a case by preference

91. Any application to fix a case by preference must be presented to the coordinating judge and must state supporting grounds.

Fixing of cases of more than two hours (without case protocols)

92. Request for fixing cases where the anticipated duration of the hearing is more than two hours are transmitted to the coordinating judge who decides, depending on the circumstances, to fix the case directly or refer it to the calling of the provisional roll of cases on the merit.

93. For the cases in Mont-Laurier only: Applications pertaining to custody, access, and child support between *de facto* spouses and applications to

amend accessory measures pertaining to custody, access, and child or spousal support requiring the presentation of testimonial evidence with an expected duration of no more than one day are fixed by the judge presiding a practice session or by the coordinating judge. Cases with an expected duration of more than one day are entered on the provisional roll of cases on the merits and are fixed during a provisional calling of the roll.

94. For the cases in Campbell's Bay in Maniwaki: All applications pertaining to custody, access, and child support between *de facto* spouses and applications to amend accessory measures pertaining to custody, access, and child or spousal support requiring the presentation of testimonial evidence are entered on the provisional roll of cases on the merits and are fixed during a provisional calling of the roll.

95. Applications between *de facto* spouses that include issues pertaining to the division of property are entered in the provisional roll of cases on the merits and are fixed during the provisional calling of the roll.

96. Files in which a psychosocial assessment has been conducted are fixed as a priority and are managed before the coordinating judge fixes the date.

Fixing on the merits – calling of the provisional roll

97. When the case is ready and the attestation that the record is complete has been issued, the master of the rolls prepares a list of the cases that may be called on the provisional roll. The master of the rolls sends the parties the extract of the list relating to their case. The master of the rolls then convenes them by email or by mail to a calling of the provisional roll (section 22 of the *Regulation of the Superior Court of Québec in civil matters*), which begins at 9:00 a.m. on the date indicated.

98. The calling of the provisional roll takes place virtually in virtual courtroom #11 of the Gatineau courthouse.

The information to join the calling of the provisional roll in virtual courtroom #11 is as follows:

a) Using Teams: click on the login link for Courtroom #11:[1]

Join the Microsoft Teams meeting - ROOM #11 - Gatineau

b) By telephone:

Canada Quebec (charges apply): 1 581-319-2194

[1]The list of all Teams links associated with the courtrooms of the Gatineau courthouse is appended to these Directives (Schedule 4 which you can download by clicking here). It is also published on the website of the Barreau de l'Outaouais.

Canada Quebec (toll-free): 833 450-1741

Meeting ID: 312 121 807#

c) Using a videoconferencing device:

teams@teams.justice.gouv.qc.ca and

VTC Conference ID: 1155450622

99. Instructions relating to the calling of the provisional roll are appended to these directives (Schedule 20 which you can download by clicking here).

100. The calling of the provisional roll is presided over by the coordinating judge or by a judge designated by the coordinating judge.

101. Before parties appear for the provisional roll, they must verify their availabilities and, if necessary, that of their expert witnesses, so that the trial date may be fixed without delay.

102. Before the calling of the provisional roll, the parties or their counsel must cooperate to shorten the trial. They must, among other things, make any suitable admissions.

103. In the five days following the calling of the provisional roll, counsel and unrepresented parties must inform their witnesses (ordinary and expert) of the trial date that was fixed during the calling of the provisional roll;

104. When a case is settled after it has been entered on a provisional roll, the parties must notify the master of the rolls as soon as possible at the following address:

maitredesroles-cs-gatineau@justice.gouv.qc.ca

105. When all the parties wish to postpone a case entered on a provisional roll, they can avoid attending the provisional roll session by informing the master of the rolls by email no later than the day preceding the calling of the provisional roll.

106. The parties may postpone a case three times. Any further postponement must be authorized by the coordinating judge. The request for postponement must then be communicated to the other parties and sent to the coordinating judge by email. It must state the file number, the names of the parties, the names of counsel, the grounds for the request for postponement, and whether the request is made by consent or whether it is contested.

107. Counsel taking part in the calling of the provisional roll must have actual knowledge of the case. He or she must be in a position to make admissions and make any other decision relating to the conduct of the proceedings.

Failing this, parties in default may be subject to a sanction pursuant to article 342 C.C.P.

108. During the calling of the roll, the coordinating judge confirms that the case is ready for trial, that the request for setting down still reflects the reality of the case, and that it the matter is still contested.

109. The coordinating judge summarily discusses the appropriate means to simplify the hearing with the parties or their counsel. The coordinating judge may take all measures to ensure the sound management of the case in light of the court's resources and in compliance with the guiding principles of the *Code of Civil Procedure*.

110. If the case is ready and the parties can confirm their availabilities and those of their ordinary and expert witnesses, the coordinating judge fixes a trial date. When the anticipated duration of the hearing is 20 days or more, the coordinating judge sends the case to be fixed to the associate chief justice, after the calling of the provisional roll.

111. If counsel and unrepresented parties fail to attend a calling of the provisional roll, the coordinating judge may take all measures deemed necessary to ensure their participation. If counsel or unrepresented parties cannot be reached, the coordinating judge may strike the case from the provisional roll.

112. If, during the calling of the provisional roll, the parties or their counsel declare that the case is in the process of being settled, the coordinating judge may, at his or her discretion, strike the case or postpone it to a future calling of the provisional roll.

Pre-trial conference

113. A request for a pre-trial conference in a case that is ready may be made only if the case appears on a provisional roll.

114. Pre-trial conferences may be fixed by the coordinating judge at his or her initiative or at the request of one of the parties.

Updating a case between the calling of the provisional roll and the trial

115. Any application in the course of a proceeding that does not affect the duration of the hearing may be presented during a practice session.

116. Any application likely to shorten or lengthen the duration of the hearing of a case that is already fixed must be sent to the coordinating judge. In such a case, the coordinating judge sends the parties the appropriate instructions to deal with the application.

117. Depending on the circumstances, the coordinating judge or the judge hearing the application may decide to cancel the hearing and require the

parties to file a new request for setting down the case for trial and judgment by way of joint declaration.

Request for postponement

118. A request for postponement of a case fixed on the merits must be notified as soon as possible to the coordinating judge or the judge managing the week of the term during which the hearing is fixed.

119. A request for postponement of a case fixed in contested practice must be presented to the coordinating judge as soon as possible.

Filing of pleadings and exhibits

120. The text of pleadings and affidavits must be single-spaced and the font must be 12-point or equivalent.

121. Exhibits must be paginated and should preferably be bound. However, they should not be put in ring binders because this format prevents them from being placed in the filing system.

122. Under article 250 C.C.P., exhibits must be filed in the court office at least 15 days before the scheduled trial date or at least 3 days before that date if the trial is fixed in less than 15 days. The court may, however, require that exhibits and other evidence be delivered to it within the time it specifies.

123. However, exhibits invoked in support of an application in the course of a proceeding must be filed at the court office within the time limit set out in theses directives for civil and family matters. Moreover, during the hearing of the application, the parties must have an electronic copy available for the court.

124. Pleadings and exhibits may be filed at the court office in person or by mail and, when permitted, through the Digital Court Office of Québec (“digital court office”), which was launched by the government of Quebec on June 15, 2020. In all cases, filing fees must be paid.

125. Certain pleadings can be filed through the digital court office, according to the list available on the Justice Quebec website, along with certain documents (forms, proof of notification, etc.), for civil, family, and commercial matters. You can reach the digital court office at the following email address: https://gnjq.justice.gouv.qc.ca/en\Accueil.

126. Please note, however, that the digital court office cannot be used to file evidence (affidavits, exhibits, or other documents), other than evidence filed in support of the following pleadings:

- An injunction;

- A seizure before judgment;
- An application for a special method of notification;
- A proceeding in a non-contentious proceeding: only applications to appoint a provisional administrator or to reassess protective supervision;
- In family matters: only joint applications and agreements;
- An acquiescence to a claim;
- An application to change district;
- An application to extend or suspend time limits;
- An application for a joinder of proceedings;
- An application to authorize care.

127. To obtain information about how the digital court office functions and the rules governing its use, counsel and unrepresented parties are invited to visit the Justice Quebec website by clicking the following link: https://gnjq.justice.gouv.qc.ca/en\Accueil.

128. Pleadings without filing fees that are filed through the digital court office are deemed to have been filed on the day of their receipt, if they are filed on a working day between 8:30 a.m. and 4:30 p.m. Otherwise, they are deemed to have been filed on the following working day.

    Pleadings with applicable filing fees are deemed to have been filed on the day of their receipt if the filing fees are paid within 2 working days following the reception of the payment notice. Otherwise, they are deemed to have been filed on the day of the payment of the filing fees.

129. Any pleading filed through the digital court office is printed and dated by court office personnel and is considered the official pleading in the record. Thus, when a pleading has been filed at the digital court office, counsel and unrepresented parties need not use other means of filing (e.g., mail or the boxes located at the courthouse).

130. Exhibits in support of pleadings that may be filed through the digital court office are also printed and filed in the record. Thus, when permitted exhibits are filed at the digital court office, counsel and unrepresented parties need not use other means of filing (e.g., mail or the boxes located at the courthouse).

131. Using the digital court office does not relieve a party from filing the original of an exhibit where the *Code of civil procedure* or the *Regulation of the*

Superior Court of Quebec in civil matters or the *Regulation of the Superior Court in family matters* requires that the original of an exhibit be filed (e.g., marriage certificate, will, etc.). Moreover, it is not possible to file a sealed document through the digital court office. Therefore, if the documents contain elements generally held to be confidential, they must be filed in the court office by mail or in person.

Settlement conference

132. Parties who wish to take part in a settlement conference must cooperate to request its holding as quickly as possible after the beginning of the proceeding. A request for a settlement conference may be made only if all parties have a genuine desire to settle the case and are willing to make compromises to do so.

133. Any request for a settlement conference made more than 30 days after the date of the hearing on the merits has been fixed must be authorized by the coordinating judge; such authorization will be given only in special circumstances.

134. Parties who request that a settlement conference be held must fill out the form for a Joint Request of the Parties for a Settlement Conference (Schedule 21 which you can download by clicking here) and submit it to the master of the rolls:

maitredesroles-cs-gatineau@justice.gouv.qc.ca

135. A settlement conference may be held virtually or semi-virtually via the Microsoft Teams platform. The coordinating judge or the judge assigned to preside over the settlement conference will determine with the parties the appropriate manner to hold the conference, according to the circumstances of each case.

Virtual and semi-virtual hearings (virtual courtrooms)

136. Virtual courtrooms have been created using the Microsoft Teams platform in association with each courtroom of the Gatineau, Campbell's Bay, Maniwaki and Mont-Laurier courthouses.

137. The list of Teams links to the courtrooms is appended to these directives (in PDF and Word format (Schedule 4 which you can download by clicking here). This list is also published in PDF and Word format on the website Barreau de l'Outaouais.

138. Please note that in order to insert a Teams link in a Word document such as a notice of presentation or a notice to a witness, the link in question must be copy-pasted from the permanent Teams links list in the Word format.

139. It is not necessary to install the Teams application to join a virtual courtroom.

It is possible to join a virtual courtroom by clicking on the Teams link associated with the relevant courtroom.

140. It is also possible to join a virtual courtroom by telephone. The telephone number and conference ID is listed under the Teams link for each virtual courtroom.

141. When a hearing takes place virtually or semi-virtually, a party who wants to call a witness must send that person a notice to a witness or a subpoena.

Two models of notices to witnesses are appended to these directives:

(1) one model when the courtroom where the hearing will be held has already been identified by the time the notice is sent (Schedule 22 which you can download by clicking here); and

(2) one model when the courtroom where the hearing will be held has not yet been identified by the time the notice is sent (Schedule 23 which you can download by clicking here). In such a case, the parties are informed no later than on the morning of the hearing of the courtroom number in which the hearing will be held. Then, the Teams link associated with the hearing is forwarded to the witness.

An information document for the witnesses is also appended to these directives, in English and French (Schedule 24 which you can download by clicking here).

142. When the courtroom has already been identified, counsel or the party who is calling the witness must include the Teams link associated with the courtroom in the notice to the witness (by copy-pasting the appropriate link from the list of permanent Teams links for the Gatineau courthouse, Word version).

143. When a person testifies by videoconference, the party who called the witness must provide him or her in advance with the exhibits in respect of which his or her testimony is required or be able to quickly provide them electronically before his or her testimony.

144. A party or counsel who wishes to present exhibits or other documents to a witness during a cross-examination must be able to send them electronically before or during the cross-examination.

145. A party may also call a witness by subpoena, especially if the party expects that the witness will not take part in the hearing voluntarily. The model prepared by Justice Quebec (which you can download by clicking here) allows the party to specify whether the testimony will be delivered at the courthouse or technologically.

If the testimony is expected to be delivered virtually, the subpoena must state

that the witness is required to contact counsel or the unrepresented party requesting the witness's testimony prior to the hearing to obtain the information needed to connect to the virtual courtroom and, where relevant, to determine how the documents the witness is expected to have in hand may be sent to the parties and the court.

Cases set down on the merits

146. Cases set down for a hearing on the merits are actively managed by the case management judge for the cases fixed on the merits.

147. The case management judge discusses the conditions related to the holding of the hearing with counsel and unrepresented parties and issues the appropriate instructions according to the circumstances of each case. He or she then determines whether the case will be heard in person, virtually, or semi-virtually.

148. Before the first case management conference, the parties must send the case management judge a detailed joint trial plan that lays out: the issues still in dispute and the conclusions sought by each party; the admissions; the anticipated objections; the order of presentation of the evidence; the names of the witnesses called to testify; the preferred manner of their testimony (in person or virtually); and the planned duration of their testimony (including cross-examination and re-examination). The trial plan must be prepared on the basis of the model appended to these directives (Schedule 25 which you can download by clicking here).

149. The parties must promptly inform the case management judge, or the coordinating judge if they have not yet had any communication with the case management judge, of any settlement reached. When an agreement must be homologated by the court, it is sent to the case management judge or, if that judge has not yet been identified, the coordinating judge.

150. Any request for postponement must be addressed to the case management judge or, if he or she has not yet been identified, to the coordinating judge, and must state the file number, the names of the parties, the grounds for the request for postponement, and the position of the opposing party.

151. For reasons of limited judicial resources and proportionality, the parties must cooperate to avoid calling a witness unnecessarily at the trial.

152. At trial, the parties must respect the hearing time stated in the request for setting down the trial or imposed by the court, on penalty of sanction (article 342 C.C.P.).

153. The court may refuse to hear a witness if the evidence is irrelevant (articles 18, 19, 20 and 280 C.C.P. and article 2857 C.C.Q.).

154. Witnesses are entitled to the protection of the court (article 278 C.C.P.).

155. When raising an objection to the evidence, the party must state the legal basis for the objection.

156. The court may on its own initiative shorten the trial (article 158 C.C.P.).

157. The court may exceptionally exempt a party from paying, in whole or in part, the costs prescribed for each day of the hearing on the merits due to his or her financial situation (article 339 C.C.P.).

Joint applications and applications by default

158. No application for divorce, separation from bed and board, or dissolution of civil union, whether joint or by default for failure to answer the summons, to contest, or to take part in the case management conference, will be dealt with before the record is complete, with respect to both the pleadings and the documents required under sections 16 to 29 of the *Regulation of the Superior Court of Québec in family matters*.

159. Joint applications are decided when the application is filed with the court office, along with:

a) the exhibits with separate backings for each one;

b) the final agreement between the parties (with a separate backing);

c) the requisite detailed affidavits;

d) the child support determination form where minor or dependant children are concerned; and

e) in the case of an application for a support obligation, the statements required under article 444 of the *Code of Civil Procedure*.

APPLICATION IN BANKRUPTCY AND INSOLVENCY - DISTRICT OF PONTIAC

Motions

160. As provided by section 11 of the *Bankruptcy and Insolvency General Rules*, every application is made by motion.

161. A motion must include, under its title, a reference to the specific provisions of the *Bankruptcy and Insolvency Act* and the *Bankruptcy and Insolvency General Rules*.

162. The original of the motion, the supporting affidavits, and proof of service must be filed with the bankruptcy court office at least two business days, excluding Saturday, before the date of presentation;

163. The notice of presentation must state that the motion will be presented before the registrar in virtual courtroom # 1.01.

164. When the motion is presented, if it falls under the registrar's jurisdiction, the registrar hears the parties or sets the timetable to ready the case for trial and postpones the motion *pro forma* to a later date to fix a hearing date.

165. Motions that do not fall within the jurisdiction of the registrar may be presented during a practice session.

Appeal from the registrar's orders or judgments

166. No motion to appeal an order or decision of the registrar may be entered on the practice roll if the transcript of the hearing has not been filed at the bankruptcy court office.

167. Before placing such a motion on the roll, the judge or registrar may require that each party file a brief of no more than 10 pages with the bankruptcy court office, within a given time limit. The brief must not exceed 10 pages in length and it must include:

- a summary of the order or judgment under appeal;
- the issue(s) in dispute;
- the grounds for which the appeal should or should not be allowed;
- the list of relevant authorities.

Practice sessions

168. Practice sessions in bankruptcy and insolvency are presided over by the registrar in bankruptcy or by a judge. The schedule of practice sessions is appended to these directives (Schedule 26 which you can download by clicking here).

169. All administrative applications such as taxation of a trustee's bill of costs and motions to obtain the discharge of a trustee must be filed directly with the bankruptcy court office.

170. Practice sessions are held in virtual courtroom #1.01. It is not necessary to install the Teams application to reach a courtroom virtually; all that is required is clicking on the Teams link for virtual courtroom #1.01 (Schedule 4 which you can download by clicking here).

171. The virtual courtroom can also be accessed by telephone. The telephone number and the ID needed to enter is listed under the Teams hyperlink for each virtual courtroom.

172. Except in special circumstances, all persons involved in a case that is to proceed must participate in the session by videoconference or telephone conference call.

173. In exceptional circumstances, a judge or the registrar may authorize in-person courtroom attendance by a party or a witness when his or her testimony cannot be suitably delivered virtually or when a party anticipates that the witness will not appear at the hearing without a subpoena. In such a case, the usual subpoena model is used. In other cases, the witness should be notified using the model in Schedule 22 which you can download by clicking here.

174. Where a person testifies by videoconference or telephone conference call, the party who summoned that person must have provided him or her with the exhibits in respect of which his or her testimony is required or be able to quickly provide them electronically before his or her testimony.

175. The instructions for accessing the virtual courtroom can be found in the section of these Directives entitled “Virtual and semi-virtual hearings (virtual courtrooms)”, with the necessary modifications.

APPLICATIONS IN BANKRUPTCY AND INSOLVENCY MATTERS (LABELLE DISTRICT (Maniwaki and Mont-Laurier)

176. Bankruptcy and insolvency matters are under the responsibility of the district of Terrebonne (Saint-Jérôme). Please consult the Directives applicable for the district of Terrebonne which you can download by clicking here.

DIRECTIVES SPECIFIC TO CLASS ACTIONS

177. The directives applicable in the judicial district of Gatineau are the same as those that apply in the judicial district of Montreal. Parties should refer to them by clicking here.

USE OF TECHNOLOGY IN THE COURTROOM

178. The use of technology in the courtroom is governed by article 14 C.C.P. and by the guidelines concerning the use of technology during hearings of the Superior Court, the Court of Quebec, and the municipal courts, appended to these directives (Schedule 27 which you can download by clicking here).

COMMUNICATION WITH THE COURT

179. The parties or their counsel may send a copy of a pleading or an exhibit by email to the judge assigned to hear the case. In all cases, the author of the document must file the original of the pleading with the court office.

180. Communications with the court must at all times be courteous and formal. Except in emergency, communications must be sent during normal working hours.

181. When several attorneys are involved in a case, they must make arrangements and determine whether a single joint communication can be

sent to the court rather than several communications to the same effect. The court must not receive a succession of informal emails or be copied or added as a co-recipient of communications between counsel.

Useful contact information

182. Here is a list of important contacts:

Gatineau courthouse

17 Laurier street, Gatineau (Quebec), J8X 4C1

Téléphone : 819-776-8100

Coordinating judge : Marie-Josée Bédard

Assistant to the coordinating judge : Nathalie Dumont

Telephone : 819-776-8116

Fax : 819-776-5775

Email : nathalie.dumont@judex.qc.ca

Master of the rolls : Julie Anka

Telephone : 819-776-8100 p. 60472

Email : maitredesroles-cs-gatineau@justice.gouv.qc.ca

Email to postpone files in civil of family practice:

rolecourdepratique.gatineau@justice.gouv.qc.ca

Campbell's Bay courthouse

30 John street, Campbell's Bay (Quebec), J0X 1K0

Telephone : 819-648-5222

Email to postpone files in civil of family practice:

Greffe.campbells-bay@justice.gouv.qc.ca

Maniwaki courthouse

266 Notre-Dame street, 1st floor, Maniwaki (Quebec), J9E 2J8

Telephone : 819-449-3222

Email to postpone files in civil of family practice:

gciv565@justice.gouv.qc.ca

Mont-Laurier courthouse

645 de la Madone street, Mont-Laurier (Quebec), J9L 1T1

Telephone : 819-623-9666

Email to postpone files in civil of family practice:

mlau-civil@justice.gouv.qc.ca

LIST OF SCHEDULES

21. Request for a settlement conference

22. Notice to witness – courtroom identified

23. Notice to witness – courtroom not identified

24. Information document for witnesses at a virtual hearing room

25. Draft joint trial plan

26. Schedule for the Bankruptcy and Insolvency practice sessions

27. Guidelines concerning the use of technology during hearings of the Superior Court, the Court of Quebec and the municipal courts.