

EXPLANATORY NOTES

DECLARATION BY VOLUNTARY DEPOSIT DEBTOR (SJ-1086A)

The form “Declaration by Voluntary Deposit Debtor” is used in the following cases:

- to sign up for voluntary deposit;
- to inform the office of the Court of Québec of a change in your contact information or in the information given in your voluntary deposit file, no more than 10 days after the change; and
- update yearly the information given in your voluntary deposit file.

TYPES OF FORMS

- Dynamic PDF:

After filling it out, you can print it on letter size paper, 21.59 × 27.94 cm (8.5 × 11 inches).

- Paper:

If you complete the form by hand, please write legibly in block letters.

PROCEDURE

Once you have completed the form, you should keep a copy of the form and all attached documents for your files.

When registering for voluntary deposit, you must enclose a duly completed “List of Creditors (Voluntary Deposit)” form (SJ-226A) with your declaration. You can get this form from the courthouse’s financial services office or find it on the Ministère de la Justice website at www.justice.gouv.qc.ca.

FILING AT THE COURT OFFICE

You must send the declaration to the office of the courthouse, either:

- nearest to your location (when registering for voluntary deposit); or
- where the file was initially opened (in the case of a change or yearly update).

The clerk of the Court will follow up on your file with your creditors.

For more information on [voluntary deposits](#) and to obtain the contact information of all the [courthouses](#) in the province of Québec, consult the Ministère de la Justice website.

DECLARATION BY VOLUNTARY DEPOSIT DEBTOR

GENERAL INFORMATION

Before completing the form, it is preferable to consult the Ministère de la Justice website at www.justice.gouv.qc.ca for full information on [voluntary deposits](#). For support concerning your application, feel free to contact organizations such as Community Justice Centres (Centres de justice de proximité) or any other community organization.

Once you have registered for voluntary deposit, it is your responsibility to:

- meet your monetary undertaking;
- notify the clerk of any change to your contact information or to the information reported in your file no more than 10 days after the change; and
- update the information your file yearly.

If you fail to take any of these actions, you will lose the protection associated with voluntary deposit.

It is also your responsibility to check the annual indexation of exemptions as of April 1 of each year and their impact on the calculation of the seizable portion of your income, and to modify your declaration if necessary.

CHANGE OF ADDRESS: If you are making an annual change or update that pertains solely to your contact information, please fill out only the “Identification of debtor” and “Signature of declaration” sections.

How to fill out this declaration

Please provide all the requested information in every required section, or your declaration will be returned to you.

The numbers of the explanatory notes correspond to the sections of the form with the same numbers in frames.

IDENTIFICATION OF DEBTOR AND BAILIFF

1. **Heading:** Enter the [judicial district](#), the locality (name of courthouse) and your file number. If you are registering for voluntary deposit, the clerk of the Court will inform you of your file number.
2. **Type of declaration:** Check the box that corresponds to your situation:
 - **Registration:** you wish to register for voluntary deposit;
 - **Change:** you are already registered for voluntary deposit and you wish to inform the clerk of a change in your situation or information (for example: new address, change in salary or exemption, etc.);
 - **Yearly update:** you wish to update your information or you have received a notice from the clerk requiring you to do a yearly update of your file.
3. **Identification of debtor:** Enter your name, full address and telephone number.
4. **Identification of the bailiff:** Enter the name, address and telephone number of the bailiff or the bailiff’s office if execution measures have been taken against you by a bailiff.

SOURCES OF INCOME

Your income includes:

- (1) benefits in money, in kind or in services, received for services rendered in the exercise of an office or under an employment contract, a service contract or a contract of enterprise or mandate (for further details, see sections 5 and 7). **The following are not included in your income:** employer contributions to a retirement, insurance or social security fund, as well as the value of food and lodging provided or paid for by the employer for work-related travel;
- (2) money paid to you as a retirement benefit, annuity or income replacement benefit, and any court-ordered support (see section 6 for details). **Excluded from this income:** child support, and support declared to be exempt from seizure;
- (3) money paid as a social assistance benefit, an Aim for Employment benefit or a social solidarity allowance (for more details, see section 6).

Your gross monthly income is your income before taxes and other deductions.

CHANGE IN INCOME: You must complete a new declaration each time your income is different from that of the previous month (e.g. seasonal or on-call work, self-employed).

5. Employment income

Employer 1: Enter the name and address of your employer. Enter on the appropriate lines your gross monthly income as well as other benefits in money, in kind or in services obtained from this employer on a monthly basis and be specific as to the nature of the benefits (for example: tips, etc.). Add up these income amounts, enter the total, and copy this total on the “monthly income” line in the right-hand column.

Employer 2: To register a second employer, follow the instructions in the preceding paragraph.

- 6. Other sources of income:** Check the box(es) that correspond to other sources of income and specify the nature of the income on the line provided. Enter the gross monthly income from these sources on the appropriate “monthly income” line in the right-hand column.
- 7. Self-employed worker:** Describe the nature of your self-employment and enter the address of your place of work if it differs from your personal address. Enter your gross monthly income and the expenses incurred to earn it. Subtract the expenses and copy the result to the “monthly income” line in the right-hand column.

If you do not have enough space to list your sources of income, please use an additional sheet.

CALCULATION OF THE SEIZABLE PORTION OF INCOME

- 8. Total monthly income:** Add up all of your monthly income figures from the right-hand column of the “Sources of income” section (also include all your income indicated on any additional sheets) and enter the total on line (A).
- 9. Monthly exemptions:** Enter the number of your dependants on the appropriate line. Also enter on line (B) the amount of monthly exemptions you are entitled to. To find out the amount of the exemption applicable to your situation, consult the “[Table of exemptions](#) for calculation of the seizable portion of your income” published on the Ministère de la Justice website at www.justice.gouv.qc.ca. The exemptions are indexed on April 1 each year.
- 10. Subtotal:** Do the calculation $(A - B)$ and enter the result on line (C). If the result is negative, enter \$0.
- 11. Seizure percentage:** Check the seizure percentage that applies to your situation. The percentage is 50% if you are paying a support debt or are making support payments. In other cases, the percentage is 30%. Do the calculation $(C \times \text{seizure percentage})$ and enter the result on line (D).
- 12. Seizable portion of the monthly income:** If you are a support debtor and the support is withheld, paid or seized under the *Act to facilitate the payment of support* (i.e. the support is deducted directly from your income and administered by the Minister of Revenue), enter the monthly amount withheld, paid or seized by the collector of support on line (E). If you are not a support debtor subject to the *Act to facilitate the payment of support*, enter \$0 on line (E).
Do the calculation $(D - E)$ and enter the result on line (F): this result is the seizable portion of your monthly income.

UNDERTAKING BY VOLUNTARY DEPOSIT DEBTOR

- 13. Undertaking:** Enter the monthly amount you undertake to pay under voluntary deposit. This amount cannot be less than the seizable portion of your monthly income, which is the amount shown on line (F).

SIGNATURE OF DECLARATION

- 14. Signature of declaration:** Enter the place and date and sign the declaration. A declaration deemed sworn has the same force and effect as if it were sworn.

1 District:
Locality:
File No.:

DECLARATION BY VOLUNTARY DEPOSIT DEBTOR

2 ☐ Registration ☐ Change ☐ Yearly update

3 IDENTIFICATION OF DEBTOR	
Given name	Surname
Address and postal code	Telephone number

4 IDENTIFICATION OF BAILIFF (if applicable)	
Name of bailiff or bailiff's office	(Reserved for clerk) Code of person involved
Address and postal code	Telephone number

5 SOURCES OF INCOME	
Employer 1	
Name of employer	Address
Monthly salary: \$ _____	Monthly income \$ _____
Other monthly benefits received (for example: tips): + \$ _____	
Please specify: _____ = \$ <input type="text"/> ➡	

5 Employer 2	
Name of employer	Address
Monthly salary: \$ _____	Monthly income \$ _____
Other monthly benefits received (for example: tips): + \$ _____	
Please specify: _____ = \$ <input type="text"/> ➡	

6 Other sources of income	
<input type="checkbox"/> Retirement benefit Specify: _____	Monthly income \$ _____
<input type="checkbox"/> Annuity Specify: _____	\$ _____
<input type="checkbox"/> Income replacement benefit (for example: money received in lieu of salary) Specify: _____	\$ _____
<input type="checkbox"/> Court-awarded support Specify: _____	\$ _____
Last-resort financial assistance programs:	
<input type="checkbox"/> Social assistance benefit	\$ _____
<input type="checkbox"/> Aim for Employment benefit	\$ _____
<input type="checkbox"/> Social solidarity allowance	\$ _____

7 Self-employed worker		
Description of self-employment	Workplace address (if different from your personal address)	
Monthly income:	\$ _____	Monthly incomes \$ _____
Expenditures incurred:	– \$ _____	
Total:	= \$ ⇒	

CALCULATION OF SEIZABLE PORTION OF INCOME	
8 Total monthly income (add up all your monthly income figures) Number of dependants: _____	(A) \$ _____ –
9 Amount of monthly exemptions (in accordance with exemptions table)	(B) \$ _____
10 SUBTOTAL (A – B) (if the result is negative, enter \$0)	(C) \$ _____
11 Seizure percentage Seizure percentage (%): <input type="checkbox"/> 30% <input type="checkbox"/> 50% SUB-TOTAL (C × seizure %)	(D) \$ _____
12 Seizable portion of monthly income If you are a support debtor AND the support you pay is deducted directly from your income and administered by the Minister of Revenue, you must subtract from the seizable portion of your income the monthly amount thus withheld, paid or seized. Monthly support withheld by the Minister of Revenue (enter \$0 if not applicable):	(E) \$ _____ TOTAL (D – E) (F) \$ _____

13 UNDERTAKING BY VOLUNTARY DEPOSIT DEBTOR The debtor's undertaking to regularly pay an amount of money must be greater than \$0.00, AND cannot be less than the seizable portion of his or her monthly income, which is the amount on line (F) above.
<p>I undertake to pay to the office of the Court of Québec the amount of \$ _____ per month, which amount is not less than the seizable portion of my income.</p> <p>I also undertake to:</p> <ul style="list-style-type: none"> • report any changes in the information contained in my declaration no more than 10 days after the change; and • update my information every year.
14 SIGNATURE OF DECLARATION
<p>This declaration is deemed sworn.</p> <p>At _____, on _____</p> <p>_____ Signature of debtor</p>