

EXPLANATORY NOTES

APPLICATION TO THE COURT IN CIVIL MATTERS (SJ-1098A)

ATTENTION: This form must not be used to submit an originating application or any other proceeding that requires special procedures provided for in the Code of Civil Procedure.

The form “Application to the Court in Civil Matters” allows you to make an informal application to the court and obtain a judgment further to that application. The application may be made in the course of a proceeding or with respect to execution of a judgment, whether before the Superior Court or the Court of Québec (excluding the Small Claims Division).

To make an application in the course of a proceeding before the Small Claims Division, use the “Application in the course of a proceeding – Small Claims Division” form (SJ-1268A) available at www.justice.gouv.qc.ca/centre-de-documentation.

TYPES OF FORMS

- Dynamic PDF:

After completing the form, you can print it on letter-sized paper, i.e. 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 the form is completed, keep a copy for your files.

Your form must be sworn, either before a commissioner for oaths, a clerk or any other person authorized to administer the oath.

You will need to contact the appropriate court office to obtain information to complete the “Notice of presentation” section of the form.

The application must be notified to the opposing party’s lawyer or, if they are not represented, to the opposing party. Notification can be done by any appropriate method proving that the document was remitted to its recipient (for example, by registered mail or bailiff).

FILING AT THE COURT OFFICE

You must then submit the form to the appropriate court office. To do this, you may use the Digital Court Office of Québec (GNJQ), at Quebec.ca/justice-et-etat-civil/systeme-judiciaire/processus-judiciaire/services-judiciaires-numeriques.

Court costs may be payable for the filing of the application. For further information on court costs, visit www.justice.gouv.qc.ca/centre-de-documentation. To get contact information for all courthouses in the province of Québec, consult www.justice.gouv.qc.ca/nous-joindre.

APPLICATION TO THE COURT IN CIVIL MATTERS

GENERAL INFORMATION

This form can be obtained from the civil office of the courthouse and at www.justice.gouv.qc.ca/centre-de-documentation.

This form allows you to make an informal application in civil matters to the court. It may therefore be used for any proceedings for which the rules are not specifically provided for in the Code of Civil Procedure. The application may be made in the course of a proceeding or with respect to execution of a judgment, whether before the Superior Court or the Court of Québec (excluding the Small Claims Division). For example, it could be used to ask the court for access to a document or court record, for additional time to remedy a failure to make a voluntary deposit, etc.

HOW TO FILL OUT THE FORM

Provide all the information requested in every required section.

The numbers of the explanatory notes refer to the corresponding sections of the form.

HEADER

- 1** Enter the name of the district, locality and court as well as the file number.

IDENTIFICATION OF THE PARTIES

- 2** Enter the given name, surname and address of every party, as shown in the proceedings already filed in the record of the court.

TITLE OF APPLICATION

- 3** Specify the nature of your application to the court (short title).

CONTENT OF APPLICATION

- 4** Complete the introductory phrase using the drop-down menus and choose the recipient of your application: the court, special clerk or clerk. Otherwise, enter "the Court".

In paragraph 1, enter the object (the purpose) of your application. In paragraph 2, enter the grounds justifying your application; for example, the facts or legal arguments you consider relevant to submit to the court.

CONCLUSIONS

- 5** State the conclusions you are asking of the court. For example: ORDER the defendant to return such and such property; DECLARE that the party is not in default; GRANT additional time; PROVIDE such and such a person with access to such and such a document; etc.

Enter the place and date, and sign the application. Enter your given name and surname in the appropriate spaces and indicate in what capacity (as which party) you are signing.

SWORN STATEMENT

- 6** Enter your given name, surname and full address. Sign the declaration in the presence of a person authorized to administer oaths (for example: clerk of the court, a commissioner for oaths).

NOTICE OF PRESENTATION

- 7** Enter the given name, surname and address of the party or parties to whom you are giving the notice. Enter the date on which the application is presented to the court as well as the time, room, name of courthouse and its address. Contact the clerk for this information. Enter the place and date, and sign the notice of presentation. Enter your given name and surname in the appropriate spaces and indicate in what capacity (as which party) you are signing.

REVERSE

- 8** Enter the same information as in the header of the application: your record number, the court you are addressing and the judicial district. Enter your name and address at the bottom of the reverse side of your application.

1 **CANADA**
PROVINCE OF QUÉBEC
District: _____
Locality: _____
File No.: _____

2

Plaintiff

v.

Defendant

and

_____ party

3

APPLICATION TO THE COURT IN CIVIL MATTERS
(specify the nature of the application)

The _____ submits the following to the _____:

4

1. The _____ (describe the object of the application): _____

_____;
2. In support of the application, the _____ invokes the following grounds:

_____;

THEREFORE, THE _____ ASKS THE COURT TO:

5

ALLOW the application;

_____;

THE WHOLE _____

At _____, on _____

6

SWORN STATEMENT

I, the undersigned, _____,
domiciled and residing at _____,
declare under oath that:

1. I am the _____ or the _____'s representative.
2. All the facts alleged herein are true.

And I have signed

Signature

Sworn before me

At _____, on _____

Clerk / Commissioner for oaths

7

NOTICE OF PRESENTATION

At: _____

TAKE NOTICE that the application will be presented to the _____, on _____,
at _____ a.m./p.m., room _____ at the courthouse _____,
located at _____.

At _____, on _____

8 File No.:

District:
Locality :

Plaintiff

v.

Defendant

and

_____ party

**APPLICATION TO THE COURT
IN CIVIL MATTERS**

Plaintiff:

Address:

Telephone: Home
Work

Email: