

EXPLANATORY NOTES

APPLICATION TO HAVE A CASE SET DOWN FOR JUDGMENT BY DEFAULT (SJ-1102A)

This form is used to obtain a judgment if the defendant fails to:

- answer the summons, or
- file a defence within the time limit set in the case protocol, or
- produce a brief outline of their arguments (defence) within the time limit set out in the *Code of Civil Procedure*.

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.

The application to have the case set down for judgment must be filed together with an affidavit, which must be sworn by a commissioner for oaths, a clerk or any other person authorized to administer the oath. The affidavit in this form is valid if the sole subject matter of the legal proceeding instituted is the price of a service contract or the sales price of movable property or if it seeks payment of an amount of money clearly stated in an authentic act or private writing (for example, loan agreement, invoice). For any other type of proceeding, a detailed affidavit must be filed. In that case, you may use the “Affidavit” form (SJ-1139A), which is available from the court clerk, or at www.justice.gouv.qc.ca/centre-de-documentation.

If a notice is required to be given to the defendant, you will need to contact the office of the courthouse to obtain the information to complete the “Notice of presentation” section of the form and then notify the application for setting down to the defendant. Notification can be made by any appropriate method that makes it possible to prove 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 application, with proof of notification, if any, to the office of the courthouse. 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.

For further information, as well as the contact information for all courthouses in the province of Québec, consult www.justice.gouv.qc.ca/nous-joindre.

CANADA
PROVINCE OF QUÉBEC
District:
Locality:
File No.:

Plaintiff

v.

Defendant

and

APPLICATION TO HAVE A CASE SET DOWN FOR JUDGMENT BY DEFAULT
(aa. 175, 181 and 182 C.C.P.)

The _____ requests that the clerk set this case down for judgment, following the
_____ failure to:

☐ answer the summons;

or

☐ file a defence within the time limit set in the case protocol or ☐ produce a brief outline of their arguments (defence) within
the time limit set out in the *Code of Civil Procedure* and

NOTIFIES THE _____ that, by reason of his or her default, the case will proceed to
trial on _____, at _____, in room _____, at the courthouse in
_____, located at: _____.

And encloses exhibits in support of the application together with an affidavit.

Nature of the case: _____

Amount in dispute: _____

At _____, on _____

Signature of the party or his/her counsel

Name of the party or his/her counsel
(in block letters)

AFFIDAVIT

I, the undersigned, _____, declare that:

1- I am the _____ or their representative.

2- ☐ The amount claimed is owing.

or

☐ Since the filing of the application, I have received partial payment in the amount of \$ _____ as at _____ and a balance of \$ _____ remains outstanding.

3- _____

(enter any other relevant information)

4- All of the facts alleged in the originating application are true.

And I have signed

At _____, on _____

Sworn before me

At _____, on _____

Clerk / Commissioner for Oaths