

EXPLANATORY NOTES

APPLICATION TO BE EXEMPTED FROM PARTICIPATING IN MANDATORY MEDIATION OR APPLICATION FOR REVIEW OF THE DECISION REGARDING THE OBLIGATION TO PARTICIPATE IN MANDATORY MEDIATION (SJ-1107A)

This form may be used to apply to be exempted from participating in mandatory mediation where you have a serious ground for doing so. In particular, the following constitute serious grounds:

- The existence of an order preventing one party from being in the presence of another party or from communicating with them;
- The fact that mediation may not be held at a distance and therefore travel expenses for the party's participation in the mediation session exceed the probable advantages; and
- The fact that the parties have already participated in a mediation session for the same dispute, attested in writing by the mediator or by a body offering mediation in civil matters.

This form can also be used to apply for a review of the decision regarding the obligation to participate in mandatory mediation.

TYPES OF FORMS

- **Dynamic PDF:**
After completing the form, you must print it on letter-sized paper, i.e. 8.5 inches by 11 inches (215.9 mm by 279.4 mm). Be sure to set your printer to this paper size.
- **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.

FILING AT THE COURT OFFICE

Application to be exempted

You must file the application with the court office of the Small Claims Division, along with the appropriate supporting documents, if any, not later than 20 days after having received the notice of obligation to participate in mandatory mediation (SJ-1108A).

If any of your exhibits contain items that are generally held to be confidential, please file them with the court office in a sealed envelope identified for that purpose.

Subsequently, the clerk will inform the other parties of the application. They will have 15 days to submit observations in writing.

If you invoke being a victim of domestic or sexual violence by another party, the court clerk will inform the other parties that the case is not subject to mandatory mediation without specifying the reason and without indicating that observations are expected. However, your case may be referred to arbitration at no cost. In such a case, a notice of arbitration will be sent to you.

Application for review

You must submit your application to the court office of the Small Claims Division, along with the appropriate supporting documents, if any, not later than 10 days after having received the clerk's decision regarding the obligation to participate in mandatory mediation (SJ-1283A).

Subsequently, the clerk will inform the other parties of the application. They will have 10 days to submit observations in writing.

For more information, visit [Québec.ca/petitescréances](https://quebec.ca/petitescreances). To get contact information for all courthouses in the province of Québec, visit www.justice.gouv.qc.ca/en/join-us.

CANADA
PROVINCE OF QUÉBEC
District : _____
Locality : _____
File number : _____

COURT OF QUÉBEC
Civil Division
Small Claims Division

Plaintiff

Defendant

_____ party

APPLICATION TO BE EXEMPTED FROM PARTICIPATING IN MANDATORY MEDIATION

I, _____, am the _____
(given name and surname) (plaintiff / defendant / other party)

I request to be exempted from participating in the mandatory mediation session. on the following ground(s):

- ☐ I invoke being a victim of domestic or sexual violence by another party (*Important: In such a case, you do not have to attach supporting documents*);
- ☐ there is an order preventing one party from being in the presence of another party or from communicating with them;
- ☐ the parties have already participated in a mediation session for the same dispute, attested in writing by the mediator or by a body offering mediation in civil matters;
- ☐ other serious ground(s) in support of the application (if necessary, use an appendix):

At _____, on _____

Signature

DECISION OF THE COURT

CONSIDERING the reasons given and the observations received, if applicable;

CONSIDERING _____

THEREFORE, THE COURT:

- ☐ ALLOWS the application to be exempted and DECLARES that the parties are exempted from participating in mandatory mediation.
- ☐ DISMISSES the application to be exempted.

At _____, on _____

☐ Judge of the Court of Québec
☐ Special clerk

Judge of the Court of Québec (in block letters)
Special clerk (in block letters)

CANADA
PROVINCE OF QUÉBEC
District : _____
Locality : _____
File number : _____

COURT OF QUÉBEC
Civil Division
Small Claims Division

Plaintiff

Defendant

_____ party

**APPLICATION FOR REVIEW OF THE DECISION REGARDING THE OBLIGATION TO PARTICIPATE
IN MANDATORY MEDIATION**

I, _____, am the _____
(given name and surname) (plaintiff / defendant / other party)

I request a review of the clerk's decision regarding the obligation to participate in mandatory mediation on the following ground(s) (if necessary, use an appendix):

At _____, on _____

Signature

DECISION OF THE COURT

CONSIDERING the reasons given and the observations received, if applicable;

CONSIDERING _____

THEREFORE, THE COURT:

- ☐ ALLOWS the application for review and DECLARES that this matter is not subject to mandatory mediation.
☐ DISMISSES the application for review

At _____, on _____

Judge of the Court of Québec

Judge of the Court of Québec (in block letters)