EXPLANATORY NOTES

APPLICATION IN THE COURSE OF A PROCEEDING – SMALL CLAIMS DIVISION
(SJ-1268A)

The "Application in the course of a proceeding – Small Claims Division" form can be used to make an application to the court in the course of a proceeding.

> **NOTE**: This form may not be used to submit an originating application for a small claim. If you wish to do so, you can access the Small Claims Division application form (SJ-870E) at Québec.ca/petitescréances or contact the courthouse in your district. Nor may this form be used for incidental applications related to execution of a judgment.

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 the form is completed, keep a copy for your files.

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

FILING AT THE COURT OFFICE

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

The clerk will notify the other parties and they will be able to submit their written comments within 10 days of the notice. After these 10 days, the clerk will submit the application and comments to the court, which will render a judgment on the face of the record unless it deems that a hearing is necessary.

For more information, visit Québec.ca/petitescréances. To get contact information for all courthouses in the province of Québec, visit www.justice.gouv.qc.ca/nous-joindre.

APPLICATION IN THE COURSE OF A PROCEEDING – SMALL CLAIMS DIVISION

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 to the court in the course of a proceeding before the Small Claims Division. For example, it could be used to ask the court for access to a document or court record.

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 and locality, 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 AND GROUNDS OF APPLICATION

4 Specify the grounds on which you are filing the application.

In paragraph 1 (description of the application), 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: 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 statement in the presence of a person authorized to administer oaths (for example: clerk of the court, a commissioner for oaths).

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

COURT OF QUÉBEC
Civil Division
Small Claims Division

_____

_____

Plaintiff

v.

_____

_____

Defendant

and

_____

_____

_____

APPLICATION IN THE COURSE OF A PROCEEDING – SMALL CLAIMS DIVISION

_____

The _____ submits the following to the court:

Description of the application: _____

_____

_____ ;

In support of the application, the _____ invokes the following grounds:

_____

_____

_____ ;

THEREFORE, THE _____ **ASKS THE COURT TO:**

ALLOW the application;

_____

_____ ;

_____

_____ ;

At _____ , on _____

_____

_____

_____

SWORN STATEMENT

I, the undersigned, _____ ,

domiciled and residing at _____ ,

declare under oath that:

1. I am the   ☐ plaintiff (or their mandatary)
              ☐ defendant (or their mandatary)
              ☐ other: _____ (or their mandatary)

or

I am the representative of the ☐ plaintiff ☐ defendant ☐ other: _____

☐ officer ☐ employee exclusively employed thereby and I am not a lawyer.

2. All the facts alleged herein are true.

And I have signed at _____

_____
                    Signature

Sworn before me

At _____ , on _____

_____
            Clerk / Commissioner for oaths