

EXPLANATORY NOTES

APPLICATION FOR AUTHORIZATION TO DECLARE OR DEPOSIT (art. 717 C.C.P.) (SJ-857-09A)

The “Application for authorization to declare or deposit” (art. 717 C.C.P.) form enables a garnishee who is in default for failure to declare or deposit the money owed to a seizing creditor since the notification of the notice of execution to apply to the court to request to be relieved from his or her default.

TYPES OF FORMS

- Dynamic PDF:

After completing the form, you can print it on letter-sized paper, i.e. 8.5 inches by 11 inches (215.9 mm by 279.4 mm).

- 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.

You will need to contact the Small Claims Division office to obtain information to complete the “Notice of Summons” section of the form.

FILING AT THE COURT OFFICE

You must then submit the form to the Small Claims Division office. To do this, you may use the Digital Court Office of Québec (GNJQ), which is accessible via the website of the Ministère de la Justice at www.justice.gouv.qc.ca.

The court clerk will then inform the other parties and summon them to a hearing.

For further information, as well as the contact information for all [courthouses](#) in the province of Québec, consult the website of the Ministère de la Justice.

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

COURT OF QUÉBEC
Civil Division
Small Claims Division

_____ _____ _____ Plaintiff	_____ _____ _____ Defendant
_____ _____ Executing bailiff	and _____ _____ Garnishee

APPLICATION FOR AUTHORIZATION TO DECLARE OR DEPOSIT
(art. 717 C.C.P.)

The garnishee requests to be relieved from his or her default ☐ to declare ☐ and to deposit.

The garnishee submits the following reasons in support of his or her application:

The garnishee also gives notice that he or she has deposited \$ _____ ☐ at the office of the Court or ☐ with the executing bailiff, which represents the amount that he or she should have withheld and deposited since the notification of the notice of execution.

THEREFORE, THE GARNISHEE ASKS THE COURT TO:

RELIEVE the garnishee from his or her default ☐ to declare ☐ and to deposit;

ORDER the garnishee to make declarations and deposits for as long as the seizure remains binding;

ORDER the court clerk or the executing bailiff to distribute the amounts deposited by the garnishee to the creditors;

QUASH the judgment rendered on _____, condemning the garnishee as the personal debtor of the debt;

THE WHOLE with legal costs.

In _____, on _____

Garnishee

NOTICE OF SUMMONS

TO: _____
Plaintiff

TO: _____
Defendant

TO: _____
Intervening third party

Take note that this notice has been filed in the case record.

Consequently, in accordance with articles 566 and 717 of the Code of Civil Procedure, you are summoned to a hearing regarding this contestation, which will take place at the _____ courthouse, located in _____, on _____, at _____, room _____.

Please bring any documents that you consider useful to present to the Court at the hearing.

In _____, on _____.

Court clerk