

EXPLANATORY NOTES

NOTICE TO A FAILING DEBTOR (SJ-858A)

If a judgment stipulates that a debt is to be paid in instalments or after a set period of time and the debtor does not make the required payment(s), the creditor may send the debtor a “Notice to a failing debtor” requesting that the amount(s) due be paid. If the debtor does not make the payment within 10 days of receipt of the notice, the whole of the debt becomes payable and execution of the judgment continues.

For more information, as well as the addresses and telephone numbers of all courthouses in the province of Québec, consult the list of courthouses on the Internet site of the ministère de la Justice.

TYPE OF FORM

The “Notice to a failing debtor” form is available in dynamic PDF format, i.e. after it is downloaded, the creditor can complete it on screen.

PROCEDURE

After filling out the form, you should keep a copy for your files before sending it to the debtor.

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

COURT OF QUÉBEC
Civil Division
Small Claims Division

Plaintiff

versus

Defendant

NOTICE TO A FAILING DEBTOR

You did not abide by the agreement to pay the claim by instalments when due. You did not comply with the judgment rendered against you. You must send to

- ☐ the Plaintiff
- ☐ the Defendant
- ☐ the following address _____

within 10 days of receipt of this notice, the amount or amounts due, that is, \$ _____ .

If you fail to pay the amount within the aforementioned time period, the whole of the claim will become due and payable, and proceedings of compulsory execution (seizure) may be initiated without any further notice or delay.

At _____ , on _____

Signature of the creditor or mandatory