

## EXPLANATORY NOTES

### APPLICATION TO THE COURT IN PENAL MATTERS

(SJ-1233A)

The form “Application to the Court in Penal Matters” allows you to file an application or a motion with **the Superior Court** and obtain a judgment further to that application.

#### 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, you should keep a copy for your files.

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

You will need to contact the appropriate penal court office to obtain information to complete the “Notice” section of the form.

The application to the court must be served to the other parties at least one (1) clear juridical day before the date of presentation.

#### FILING AT THE COURT OFFICE

You must then forward the request, along with proof of service, to the penal clerk’s office at the courthouse. 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](http://www.justice.gouv.qc.ca).

Court costs are payable for the filing of the application, if applicable. For further information on [court costs](#) and contact information for all [courthouses](#) in the province of Québec, consult the website of the Ministère de la Justice.

# APPLICATION TO THE COURT IN PENAL MATTERS

## GENERAL INFORMATION

This form allows you to file an application or a motion in penal matters with the **Superior Court**.

The application to the court must be served to the other parties at least one (1) clear juridical day before the date of presentation. Proof of service must be filed in the record 24 hours before the date of presentation. Service must be made by any appropriate method that permits the person serving to establish proof of delivery, dispatch, transmission or publication of the pleading.

Service may be made by registered mail, courier or other carrier, technological means, peace officer, bailiff or public notice.

Regardless of the method of service used, an addressee who acknowledges receipt of the pleading is deemed to have been served with the pleading.

This form can be obtained from the penal office of the courthouse and the website of the Ministère de la Justice at [www.justice.gouv.qc.ca](http://www.justice.gouv.qc.ca).

### ► How to fill out the form Application to the Court in Penal Matters.

- 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, 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.

## CONTENT OF APPLICATION

---

- 3 In paragraph 1, enter the object (the purpose) of your application.  
In paragraph 2, specify the factual and legal grounds you consider relevant to submit to the court.

## CONCLUSIONS

---

- 4 State the conclusions you are asking of the court.  
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.

## OATH OR SOLEMN AFFIRMATION

---

- 5 Enter your given name, surname and full address. Sign the declaration in the presence of a person authorized to administer oaths (for example: a clerk, a commissioner for oaths).

## NOTICE

---

- 6 Enter the given name, surname and address of the party or parties to whom you are giving the notice. Enter the date on which the application is presented to the court as well as the time, room, name of courthouse and its address. Contact the clerk for this information. Enter the place and date, and sign the notice. Enter your given name and surname in the appropriate spaces and indicate in what capacity (as which party) you are signing.

## BACK OF THE FORM

---

- 7 Enter the same information as in the header of the application: your file number and the judicial district. Enter your name and address at the bottom of the reverse side of your application.

**1** CANADA  
PROVINCE OF QUÉBEC  
District: \_\_\_\_\_  
Locality: \_\_\_\_\_  
File No.: \_\_\_\_\_

**SUPERIOR COURT**  
Penal Division

**2**

\_\_\_\_\_  
\_\_\_\_\_  
Plaintiff  
v.  
\_\_\_\_\_  
\_\_\_\_\_  
Defendant  
and  
\_\_\_\_\_  
\_\_\_\_\_

**APPLICATION TO THE COURT IN PENAL MATTERS**

(sections 9 and 10 of the Rules of practice of the Québec Superior Court in Penal Matters)

The \_\_\_\_\_ submits the following to the court:

**3** 1. The \_\_\_\_\_ asks (describe the object of the application):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;

2. In support of the application, the \_\_\_\_\_ invokes the following factual and legal grounds:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;

THEREFORE, THE \_\_\_\_\_ ASKS THE COURT TO:

**4** **ALLOW** the application;

**ISSUE** any order required in the interest of justice.

**THE WHOLE** \_\_\_\_\_.

At \_\_\_\_\_, on \_\_\_\_\_

5

## OATH OR SOLEMN AFFIRMATION

I, \_\_\_\_\_,  
residing at (address and postal code) \_\_\_\_\_,

☐ declare under oath that:

or

☐ solemnly affirm that:

1. I am the \_\_\_\_\_ and I am personally aware of all the facts alleged in this application.

2. All the facts alleged herein are true.

And I have signed

\_\_\_\_\_  
Signature

☐ Sworn before me

☐ Solemnly affirmed before me

At \_\_\_\_\_, on \_\_\_\_\_

\_\_\_\_\_  
Person authorized to administer the oath  
or the solemn affirmation

6

## NOTICE

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TAKE NOTICE that the application will be presented to the \_\_\_\_\_ on \_\_\_\_\_,  
at \_\_\_\_\_ a.m./p.m., room \_\_\_\_\_ at the courthouse \_\_\_\_\_,  
located at \_\_\_\_\_.

At \_\_\_\_\_, on \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**SUPERIOR COURT**  
Penal Division

District:

Plaintiff

v.

Defendant

and

**APPLICATION TO THE COURT  
IN PENAL MATTERS**  
(sections 9 and 10 of the Rules  
of practice of the Québec  
Superior Court in Penal Matters)

Address:

Phone : home  
work  
Email: