

Schedule I MODEL ESTABLISHED BY THE MINISTER OF JUSTICE

SUMMONS
(articles 145 and following C.C.P.)

Filing of a judicial application

Take notice that the plaintiff has filed this originating application in the office of the court of _____ in the judicial district of _____.

Exhibits supporting the application

In support of the originating application, the plaintiff intends to use the following exhibits:

Defendant's answer

You must answer the application in writing, personally or through a lawyer, at the courthouse of _____ situated at _____ within 15 days of service of this application or, if you have no domicile, residence or establishment in Québec, within 30 days. The answer must be notified to the plaintiff's lawyer or, if the plaintiff is not represented, to the plaintiff.

Failure to answer

If you fail to answer within the time limit of 15 or 30 days, as applicable, a default judgment may be rendered against you without further notice and you may, according to the circumstances, be required to pay the legal costs.

Content of answer

(If the special simplified rules for the recovery of certain claims before the Court of Québec apply to this application, either because

- it is an application in which the value of the subject matter of the dispute or the amount claimed is less than \$75,000, exclusive of interest including, if applicable, an ancillary application; OR*
- it is an application in which the value of the subject matter of the dispute or the amount claimed is more than \$75,000 but less than \$100,000 and the applicant has asked that the application be processed according to those simplified rules.)*

In your answer, you must state your intention to:

- negotiate a settlement;
- propose mediation to resolve the dispute;
- defend the application according to the rules set out in Title I.1 of Book VI of the Code of Civil Procedure (articles 535.1 to 535.15), in particular, by filing with the court office a brief outline of your arguments within 95 days after service of this summons; or
- propose a settlement conference.

The answer to the summons must include your contact information and, if you are represented by a lawyer, the lawyer's name and contact information.

OR

(If the special simplified rules for the recovery of certain claims before the Court of Québec do not apply to the application.)

In your answer, you must state your intention to:

- negotiate a settlement;
- propose mediation to resolve the dispute;
- defend the application and, in the cases required by the Code of Civil Procedure, cooperate with the plaintiff in preparing the case protocol that is to govern the conduct of the proceeding. The protocol must be filed with the court office in the district specified above within 45 days after service of this summons. However, in family matters or if you have no domicile, residence or establishment in Québec, it must be filed within 3 months after service; or
- propose a settlement conference.

The answer to the summons must include your contact information and, if you are represented by a lawyer, the lawyer's name and contact information.

Where to file the judicial application

Unless otherwise provided, the judicial application is heard in the judicial district where your domicile is located, or failing that, where your residence or the domicile you elected or agreed to with plaintiff is located. If it was not filed in the district where it can be heard and you want it to be transferred there, you may file an application to that effect with the court.

However, if the application pertains to an employment, consumer or insurance contract or to the exercise of a hypothecary right on the immovable serving as your main residence, it is heard in the district where the employee's, consumer's or insured's domicile or residence is located, whether that person is the plaintiff or the defendant, in the district where the immovable is located or, in the case of property insurance, in the district where the loss occurred. If it was not filed in the district where it can be heard and you want it to be transferred there, you may file an application to that effect with the special clerk of that district and no contrary agreement may be urged against you.

Transfer of the application to the Small Claims Division

If you qualify to act as a plaintiff under the rules governing the recovery of small claims, you may contact the clerk of the court to request that the application be processed according to those rules. If you make this request, the plaintiff's legal costs will not exceed those prescribed for the recovery of small claims.

Convening a case management conference

(If the special simplified rules for the recovery of certain claims before the Court of Québec apply to the application)

Within 110 days after service of this summons, the court may call you to a case management conference to ensure the orderly progress of the proceeding.

OR

(If the special simplified rules for the recovery of certain claims before the Court of Québec do not apply to the application)

Within 20 days after the case protocol mentioned above is filed, the court may call you to a case management conference to ensure the orderly progress of the proceeding. Failing that, the protocol is presumed to be accepted.

Application accompanied by a notice of presentation

Applications filed in the course of a proceeding and applications under Book III or V of the Code of Civil Procedure—excluding applications pertaining to family matters under article 409 and applications pertaining to securities under article 480—as well as certain applications under Book VI of the Code of Civil Procedure, including applications for judicial review, must be accompanied by a notice of presentation, not by a summons. In such circumstances, the establishment of a case protocol is not required.