



SUPERIOR COURT OF QUÉBEC

(Commercial Division)

District of Montreal

NOTICE CONCERNING OPERATIONS

VIRTUAL CALLING OF THE ROLLS AND HEARINGS
(USING MICROSOFT TEAMS)
IN COURTROOMS 16.10 AND 16.04

November 2, 2020

Effective as of November 16, 2020

Marie-Anne Paquette

Digital signature

of Marie-Anne Paquette

Date: 2020.11.02
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1. Marie-Anne Paquette

Coordinating Judge for the Commercial Division

PARTICIPATION IN THE VIRTUAL CALLING OF THE ROLLS AND
HEARINGS IN COURTROOMS 16.10 and 16.04

This Notice Concerning Operations does not replace the *Directives of the Superior Court for the District of Montreal*, updated to September 1, 2019. It adds to them. The Directives continue to apply for all subjects not addressed in this document.

The primary purpose of this Notice Concerning Operations is to explain the virtual calling of the roll in room 16.10 held on the Microsoft TEAMS platform, which is being adopted to ensure that parties do not have to go to the Montreal Courthouse. It also explains the calling of the rolls and hearings already fixed in room 16.04, also held using the Microsoft TEAMS platform.

To respond to the need created by the COVID-19 health emergency, to minimize the risk of infection related to heavy traffic at the Montreal Courthouse, and to reduce costs in terms of time and money related to non-essential travel to the Courthouse, **remote participation in the virtual calling of the roll and hearings is now the rule, and the presence of the parties, attorneys, and witnesses in the courtroom, the exception.**

In light of these changes, any attorney, trustee, or unrepresented party who wishes to attend room 16.10 in person must first obtain the authorization of the registrar. A request with supporting reasons must be sent by email, 24 hours before the date of presentation to the following address: registraires-mtl@justice.gouv.qc.ca.

Similarly, any attorney, trustee, or unrepresented party who wishes to attend room 16.04 in person must first obtain the authorization of the presiding judge.

1. PRELIMINARY RULES

1.1 Filing of proceedings

The original of any proceeding intended to be presented or submitted to the Court must first have been filed at the Court office of the Commercial Division in paper format or through the digital office where possible.

1.2 Exception: the filing of an application for a bankruptcy order

The processing of these proceedings remains consistent with sections 43 of the *BIA* and 69 and 70 of the *Bankruptcy and Insolvency General Rules*.

Such a proceeding may not be served unless it has been signed by the registrar and the seal of the Court has been affixed to it.

- 1.1 The applicant creditor must make an appointment with the registrar at least 24 hours in advance using the following email address: registraires-mtl@justice.gouv.qc.ca.

- 2 The applicant creditor must have sent a copy of the proceeding, the affidavit, and the exhibits to the registrar by email at the same address, at least 24 hours in advance.
- 3 At the time of the appointment, the original and four copies of the application, on which the Court office of the Commercial Division has affixed its seal, must be provided to the registrar.
- 4 Once the original and the four copies have been signed by the registrar, the applicant creditor must retrieve them to obtain a file number and to pay the judicial fees.

1.3 Time limits

You must comply with the various time limits set out in the *Bankruptcy and Insolvency General Rules* and the *Directives of the Superior Court for the District of Montreal* concerning the service of proceedings and their filing at the Court office of the Commercial Division.

1.4 Judicial fees

Where required, judicial fees must be paid.

2. PARTICIPATION IN THE VIRTUAL CALLING OF THE ROLL AT 8:45 A.M. HELD ON THE TEAMS PLATFORM

2.1 Notice of presentation

The party that wants a proceeding to appear on the roll of room 16.10 must file at the Court office — along with the proceeding itself if it is the first presentation — a **notice of presentation consistent with the mandatory model set out in Schedule B**, which notice must have been previously served or notified, as the case may be, to all interested parties within the applicable time limit.

2.2 Connecting to the calling of the roll and its conduct

Instructions for connecting to the TEAMS platform and concerning the conduct of the virtual calling of the roll of room 16.10 **are set out in Schedule A**.

2.3 Proceedings within the jurisdiction of the judge

When the proceeding is not within the jurisdiction of the registrar or the special clerk, the registrar will refer it to the judge sitting in courtroom 16.04; however, it is not possible to predict when the party will be heard. The registrar will ensure that the physical file is sent to the judge.

If a file is referred to the judge in room 16.04, the parties must use the connection information for room 16.04, available at <http://www.tribunaux.qc.ca>, to join that courtroom on the TEAMS platform. The judge will inform the parties as to when the proceeding may be heard and in what manner.

If the parties wish to fix a hearing date directly in room 16.04 instead, they may obtain that date in room 16.10 provided that they have first sent the registrar a *Joint Declaration that a File is Complete – Commercial Matters* form

to the following address: registraires-mtl@justice.gouv.qc.ca.

2.4 Lack of instructions from the parties

At the end of the calling of the roll, if the registrar has not received any clear instructions from the parties, consistent with this document or with the *Directives of the Superior Court for the District of Montreal*, the proceeding will be postponed without a set date (*sine die*).

3. EXCEPTIONS TO PARTICIPATION IN THE VIRTUAL CALLING OF THE ROLL

3.1 Proceedings without notice of presentation in room 16.10

The registrar in chambers will handle applications for the discharge of the trustee, the taxation of a bill of extrajudicial costs, and the taxation of a statement of receipts and disbursements. Subject to the following, these applications must not be placed on the roll of room 16.10. Instead, they must be filed at the Court office of the Commercial Division.

If questions arise during the processing of the proceeding, the registrar may, in his or her discretion, contact the party that initiated the proceeding by telephone or email, send the party a notice that the file is incomplete or ask the party to present a notice of presentation of its proceeding in room 16.10 (**mandatory model in Schedule B**).

In the event of contestation, the registrar will ask the party that initiated the proceeding to present a notice of presentation in room 16.10 (**mandatory model in Schedule B**) and to notify it to all contesting parties.

3.2 Proceedings with notice of presentation in room 16.10

- (i) The following proceedings may be decided on the basis of the record on the day of their presentation without the parties having to participate in the virtual calling of the roll:
- creditor's application to institute proceedings with the Court's authorization when the trustee refuses to act;
 - application to approve a proposal;
 - application for bankruptcy order;
 - application to appoint an interim receiver or a receiver under s. 243 *BIA*;
 - application for an extension of time for making a proposal;
 - application to lift the stay of proceedings under s. 69.4 *BIA*;
 - application for permission to sell assets;
 - application to revive a consumer proposal;
 - application for an approval and vesting order;
 - homologation of an agreement concerning the issuance or the renewal of a safeguard order.

- (ii) To proceed in this matter, the following conditions must be met:
- you have complied with sections 1.1, 1.3, 1.4, and 2.1 of this Notice Concerning Operations;
 - you have sent a copy of the application or the agreement by email, 48 hours before its presentation, to registraires-mtl@justice.gouv.qc.ca.
 - the application is not contested.
- (iii) If the registrar has no questions, they will contact the party that initiated the proceeding by telephone or email to inform them in advance that their participation will not be required at the virtual calling of the roll on the day of presentation.
- (iv) If the registrar has questions, they may, in their discretion:
- submit them by email or telephone and give the party that initiated the proceeding until the date and time of presentation to answer. If the questions are too technical, the registrar may require the party that initiated the proceeding to participate in the virtual calling of the roll on the date of presentation;
 - if the party that initiated the proceeding fails to answer by the deadline provided by the registrar, that party must participate in the virtual calling of the roll on the date of presentation;
 - if the party that initiated the proceeding is absent on the date of presentation, but was not exempted from participating by the registrar beforehand, that party's proceeding may be postponed without a set date (*sine die*).
- (v) Any party that wishes to contest the proceeding must inform the party that initiated the proceeding in writing at least 48 hours in advance.
- (vi) If the application is contested, the parties must participate in the virtual calling of the roll held on the date of presentation of the proceeding. During the virtual calling of the roll, the registrar, in their discretion, may:
- fix a hearing date if the file is complete and if the parties have previously sent a *Joint Declaration that a File is Complete – Commercial Matters* form to: registraires-mtl@justice.gouv.qc.ca;
 - agree on a *pro forma* postponement date to allow the parties to prepare and file a *Joint Declaration that a File is Complete – Commercial Matters* form in order to fix a hearing date;
 - render the case management orders required to further the readiness of the case for trial.

If the contestation of the proceeding causes it to no longer be within the jurisdiction of the registrar, the parties that wish to obtain case management orders must — unless they have obtained orders to the contrary from the judge sitting in room 16.04 — participate in the virtual calling of the roll of

room 16.10 so that the file can be transferred to the judge. If the registrar deems it appropriate, they will ensure that the physical file is sent to the judge; however, it is not possible to predict when the parties will be heard.

If a file is referred to the judge in room 16.04, the parties must use the connection information for room 16.04, available at <http://www.tribunaux.qc.ca>, to join that courtroom on the TEAMS platform. The judge will inform the parties as to when the proceeding may be heard and in what manner.

If the parties wish to fix a hearing date directly in room 16.04 instead, they may obtain that date in room 16.10 provided that they have first sent the registrar a *Joint Declaration that a File is Complete – Commercial Matters* form to: registraires-mtl@justice.gouv.qc.ca

3.3 Postponements

If the parties wish to avoid participating in the calling of the roll using Teams in order to postpone a file, they must send an email to registraires-mtl@justice.gouv.qc.ca to that effect the day before the date of presentation. It is the parties' responsibility to ensure that the postponement date is a working day for the Court.

4. VIRTUAL CALLING OF THE ROLL AND APPLICATIONS FOR THE DISCHARGE OF A BANKRUPT AT 2:15 P.M. HELD ON THE TEAMS PLATFORM

4.1 The Rule

Remote participation in the virtual calling of the roll held on the TEAMS platform is now **the rule**, and the presence of the parties and witnesses (trustee, attorney, opposing creditor, superintendent, and bankrupt) in the courtroom, **the exception**.

4.2 Placing on the roll

Subject to the following, the process established by the Court office of the Commercial Division for placing applications for discharge on the roll remains the same.

However, the person who makes the request to be placed on the roll, usually the trustee, must be able to show that the connection process described in paragraph 1.3 of the instructions **set out in Schedule A** or in section 2 of the notice of presentation **set out in Schedule B** were indeed sent to the bankrupt, and, where applicable, to the superintendent and the opposing creditor(s).

4.3 Connecting to the calling of the roll and its conduct

Instructions for connecting to the TEAMS platform and concerning the conduct of the virtual calling of the roll of room 16.10 **are set out in Schedule A**.

4.4 Situations in which it is not necessary to place an application for the discharge of a bankrupt on the roll

In the case of a first or second bankruptcy for which the trustee has given a notice of opposition to the automatic discharge of the bankrupt, and it is the only opposition in the record, no hearing of the opposition will be required if the trustee sends an email indicating that they withdraw their opposition to the registrar at registraires-mtl@justice.gouv.qc.ca.

Unless otherwise indicated, the registrar will not render an absolute order of discharge on the basis of the record before the date of automatic discharge.

5. HEARINGS ALREADY FIXED IN ROOM 16.04 (JUDGE)

5.1 The Rule

Remote participation in hearings already fixed in room 16.04 on the TEAMS platform is now **the rule**, and the presence of the parties and witnesses in the courtroom, **the exception**.

In principle, no later than 24 hours before the hearing, the presiding judge will contact the parties and the attorneys concerned to establish the terms and parameters of how they will proceed.

Unless the judge presiding in room 16.04 has previously authorized or provided other terms, the parties and attorneys involved in a case fixed in room 16.04:

- (i) will participate remotely therein, using the TEAMS application; and
- (ii) must connect to participate in the calling of the roll for cases fixed in room 16.04.

5.2 Connection instructions

The calling of the roll for cases fixed in room 16.04 starts at 9:15 a.m., **but you must connect at least five minutes before the start of the calling of the roll (at 9:10 a.m.)** ;

The calling of the roll and hearings in room 16.04 will take place on the Microsoft Teams platform.

You have the option of:

Downloading and installing the Teams application.

You will then have access to all the features available on the platform.

Accessing the virtual courtroom directly on the web, without downloading or installing the Teams application.

However, you will not have access to all of the features of the platform. For example, you will see only one participant at a time on your screen.

Please note: You must use one of the following browsers: Chrome or Microsoft Edge Chromium. You must not use Explorer or Firefox

The contact information to join the calling of the roll and the hearing in room 16.04 are as follows:

a) using Teams: click on the permanent connection link established for Courtroom 16.04 available on the website <http://www.tribunaux.qc.ca>;

You must then enter your name and click “Join Now”.

To facilitate the process and the identification of participants, we ask that you enter your name in the following manner:

Attorneys: Mtre Name, Surname (name of the party represented)

Trustees: Name, Surname (trustee)

Superintendent: Name, Surname (superintendent)

Parties not represented by an attorney: Name, Surname (specify: plaintiff, defendant, applicant, respondent, creditor, opposing party or other)

Persons attending a public hearing may simply indicate “public”.

b) by telephone:

Canada, Quebec (Charges will apply): +1 581-319-2194

Canada (Toll free): (833) 450-1741

Conference ID: 516 211 860#

c) by videoconference: teams@teams.justice.gouv.qc.ca

VTC Conference ID: 1149478699

Once in the courtroom, you must turn off your microphone by clicking on the  icon. Similarly, you must disable your telephone’s microphone, rather than putting it on standby, until your case is called.

If, due to technical difficulties, you are not able to reactivate your device’s microphone, you must leave the call and re-connect.

5.3 Decorum

The conduct of the calling of the roll using Teams is the same as if you were in the courtroom, and thus, the *Regulation of the Superior Court of Québec in civil matters* continues to apply. Gowns are not mandatory.

5.4 Document management

In files involving numerous exhibits and pleadings, including files subject to special case management, the parties are encouraged to use a common platform (e.g., CaseLine, Sync.com, or other) to catalogue the pleadings and exhibits using a standard classification system.

Note that the use of such a platform does not exempt the parties from compliance with the rules regarding the filing of exhibits and pleadings at the Court office.

No later than 24 hours before a hearing fixed in room 16.04, the parties must send by email to the presiding judge and to the parties who will participate in the hearing, **a single** Outlook invitation (or **a single** email), which includes:

- (i) the link for connecting to the remote hearing; and
- (ii) the link for accessing the platform on which all the pleadings and exhibits relevant to the hearing have been filed and classified.

att. SCHEDULE A – Instructions for connecting to the TEAMS platform and concerning the conduct of the virtual calling of the roll of room 16.10

SCHEDULE B – Notice of presentation in room 16.10

2. SCHEDULE A: INSTRUCTIONS

Virtual calling of the roll of room 16.10 using Teams

These instructions do not replace the *Directives of the Superior Court for the District of Montreal*, but rather seek to facilitate the participation of the parties in the calling of the roll of room 16.10 using Teams.

Any attorney, trustee, or unrepresented party that wishes to attend room 16.10 in person must have first obtained the authorization of the registrar.

1. CONNECTION INSTRUCTIONS

1.1 a) The calling of the roll of the practice division starts at 8:45 a.m., **but you must connect at least five minutes before the start of the calling of the roll (at 8:40 a.m.);**

b) The calling of the roll reserved for applications for discharge from bankruptcy starts at 2:15 p.m., **but you must connect at least five minutes before the start of the calling of the roll (at 2:10 p.m.);**

1.2 The calling of the roll takes place on the Microsoft Teams platform. You have the option of:

Downloading and installing the Teams application.

You will then have access to all the features available on the platform.

Accessing the virtual courtroom directly on the web, without downloading or installing the Teams application.

However, you will not have access to all of the features of the platform. For example, you will see only one participant at a time on your screen.

Please note: You must use one of the following browsers: Chrome or Microsoft Edge Chromium. You must not use Explorer or Firefox.

1.3 The contact information to join the calling of the roll of room 16.10 are as follows:

a) using Teams: click on the permanent connection link established for room 16.10 at <http://www.tribunaux.qc.ca>;

You must then enter your name and click “Join Now”.

To facilitate the process and the identification of participants, we ask that

you enter your name in the following manner:

Attorneys: Mtre Name, Surname (name of party represented)

Trustees: Name, Surname (trustee)

Superintendent: Name, Surname (superintendent)

Parties not represented by an attorney: Name, Surname (specify: plaintiff, defendant, applicant, respondent, creditor, opposing party, or other)

Persons attending a public hearing may simply indicate “public”.

b) by telephone:

Canada, Quebec (Charges will apply): +1 581-319-2194

Canada (Toll free): (833) 450-1741

Conference ID: 820 742 874#

c) by videoconference: teams@teams.justice.gouv.qc.ca

VTC Conference ID: 11973653703

- 1.4 Once in the courtroom, you must turn off your microphone by clicking on the  icon. Similarly, you must disable your telephone’s microphone, rather than putting it on standby, until your case is called.
- 1.5 If, due to technical difficulties, you are not able to reactivate your device’s microphone, you must leave the call and re-connect.

2. DECORUM

- 2.1 The conduct of the calling of the roll using Teams is the same as if you were in the courtroom, and thus, the *Regulation of the Superior Court of Québec in civil matters* continues to apply. Gowns are not mandatory.
- 2.2 Wait until the registrar calls your case or your name before speaking;
- 2.3 To avoid disrupting communication, you must be in a private, quiet space that is not likely to create noise;
- 2.4 You must remain attentive so you will be ready to speak when your case is called.

3. PLACE ON THE ROLL

- 3.1 Cases are called one after another, in accordance with their order on the roll;
- 3.2 You must ensure that your proceeding appears on the roll no later than the day before the calling of the roll.

- 3.3 To find out where your case is placed on the roll, consult: <http://roles.tribunaux.qc.ca/>. Note that the rolls on this site are not always up-to-date and that the place of your case on the roll may change;
- 3.4 Before speaking, parties must identify themselves.

4. INSTRUCTIONS FOR THE PARTIES

- 4.1 The parties must have discussed the issues involved in the proceeding, before the calling of the roll using Teams;
- 4.2 You must have agreed in advance on the information to be given to the registrar during the virtual calling of the roll. The purpose of the calling of the roll is not to negotiate or discuss;
- 4.3 If the parties wish to avoid participating in the calling of the roll using Teams for the purpose of postponing a case, they must send an email to registraires-mtl@justice.gouv.qc.ca to that effect on the day before the date of presentation;

It is the parties' responsibility to ensure that the postponement date is a working day for the Court ;

- 4.4 During the calling of the roll, you must be able to provide succinct instructions for the next steps in your case;
- 4.5 If you are not ready to provide your instructions when your case is called, the case will be placed at the end of the roll;
- 4.6 If you are late joining the calling of the roll, please wait until the end of the calling of the roll to check the status of your case;
- 4.7 Once all the cases have been called, the registrar will call the roll a second time for the cases that were not dealt with:
- 4.7.1. if no one comes forward on behalf of a case, it will be postponed without a set date (*sine die*);
 - 4.7.2. if the parties do not agree on the instructions and the proceeding is not within the registrar's jurisdiction, the parties must make their submissions before the judge on the day of the presentation of the proceeding; however, it is not possible to predict the time at which they will be heard;
 - 4.7.3 the registrar will then refer the parties to the list of telephone contact information and the Teams links to connect to the presiding judge's courtroom. The special clerk will ensure that the physical file is forwarded.

5. APPLICATIONS BY DEFAULT

- 5.1 Failure to contest a proceeding is recorded by the registrar on the day of the

presentation of the proceeding after the case to which it relates is called during the calling of the roll;

- 5.2 If the party that initiated the proceeding can and wishes to proceed on the same day, and the proceeding is not within the jurisdiction of the registrar, the registrar will refer the party to the list of telephone contact information and the Teams links to connect to the courtroom of the presiding judge. The registrar will ensure that the physical file is forwarded; however, it is not possible to predict when the party will be heard.

6. NOTICE OF PRESENTATION

- 6.1 When you file a new notice of presentation for a proceeding that was already filed in the court record, you must identify the proceeding in question as the subject of the new notice.

7. ADDITIONS

- 7.1 Requests to be added to the roll will be presented at the end of the calling of the roll and will be authorized at the discretion of the registrar.

3. SCHEDULE B: NOTICE OF PRESENTATION

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

SUPERIOR COURT
(Commercial Division)

No.: 500-11-_____

Party

v.

Party

NOTICE OF PRESENTATION COMMERCIAL (COURTROOM 16.10)

1. PRESENTATION OF THE PROCEEDING

TAKE NOTE that the _____ will be presented in the Commercial Practice Division of the Superior Court, in Courtroom 16.10 of the Montreal courthouse during the **virtual calling of the roll** on _____ 20__, at 8:45 a.m., or as soon as counsel may be heard.

2. HOW TO JOIN THE VIRTUAL CALLING OF THE ROLL IN PRACTICE DIVISION

The contact information to join the calling of the roll of room 16.10 is as follows:

a) using Teams: click on the link available on the site <http://www.tribunaux.qc.ca>;

You must then enter your name and click "Join Now". To facilitate the process and the identification of participants, we ask that you enter your name in the following manner:

Attorneys: Mtre Name, Surname (name of party represented)

Trustees: Name, Surname (trustee)

Superintendent: Name, Surname (superintendent)

Parties not represented by an attorney: Name, Surname (specify: plaintiff, defendant, applicant, respondent, creditor, opposing party, or other)

Persons attending a public hearing may simply indicate “public”.

b) by telephone:

Canada, Quebec (Charges will apply): +1 581-319-2194

Canada (Toll free): (833) 450-1741

Conference ID: 820 742 874#

c) by videoconference: teams@teams.justice.gouv.qc.ca

VTC Conference ID: 11973653703

d) in person: if and only if you do not have access to one of the above-mentioned technological means. You may then go to room 16.10 of the Montreal Courthouse, located at:

1 Notre-Dame St. East, Montreal, Quebec

3. FAILURE TO PARTICIPATE IN THE VIRTUAL CALLING OF THE ROLL

TAKE NOTE that if you wish to contest the proceeding, you must inform in writing the party that initiated the proceeding at the contact information indicated in this notice of presentation at least 48 hours before the date of presentation of the proceeding and participate in the virtual calling of the roll. Otherwise, a judgment may be rendered against you during the presentation of the proceeding, without further notice or delay.

4. OBLIGATIONS

4.1 Duty of cooperation

TAKE NOTE that you are duty-bound to co-operate and, in particular, to keep one another informed at all times of the facts and particulars conducive to a fair debate and to make sure that relevant evidence is preserved (*Code of Civil Procedure*, art. 20).

4.2 Dispute prevention and resolution processes

TAKE NOTE that before referring your dispute to the Court, you must consider private dispute prevention and resolution processes, which consist of negotiation between the parties as well as mediation and arbitration, in which the parties call on a third person to assist them (*Code of Civil Procedure*, art. 2).

PLEASE GOVERN YOURSELF ACCORDINGLY.

Montreal, this _____ 20_____.

Name:

Representative of:

Email:

Tel.:

No.: 500-11-_____

SUPERIOR COURT
(Commercial Division)
DISTRICT OF MONTREAL

Party

v.

Party

NOTICE OF PRESENTATION

OF THE _____

ORIGINAL

Name/Surname:
Address
Tel:
Email:
