Notice of October 22, 2020, amended on January 5, 2022

Superior Court in civil and family matters

District of Longueuil

1. These amended directives will be in effect as of January 5, 2022, and until further notice.
2. SETTLEMENT CONFERENCE
* The settlement conference chamber communicates with counsel and self-represented parties to schedule settlement conferences once the parties have submitted their request for a settlement conference.
* The settlement conferences can take place virtually (TEAMS) or in person. The rooms used for settlement conferences (both at the courthouse and at the Lafayette service point) are set up to comply with health and physical distancing rules. However, it is important to indicate the exact number of participants as the maximum capacity of each room varies.
1. FILING OF PLEADINGS
* Non-urgent pleadings may continue to be filed with the court office by mail, bailiff or courier and judicial fees must be paid, if applicable.
* Urgent pleadings can be filed in person at the court office and judicial fees must be paid, if applicable.
* Some pleadings may also be filed through the digital court office and judicial fees must be paid, if applicable. Consult the Digital Court Office of Québec website for more information.
1. CIVIL AND FAMILY PRACTICE IN ROOM 1.17
* An application in the course of a proceeding in Civil and family practice can be presented in Room 1.17 before the special clerk at 9 a.m., and must have been filed with the court office with the exhibits and a notice of presentation at least 2 days before the date of presentation. Otherwise, it will not be placed on the roll. We also remind you that the 10-day period set out in article 411 C.C.P. continues to apply.
* There is no longer a calling of the roll for cases on the roll in Room 1.17.
* If the application is not contested and falls within the jurisdiction of the special clerk:
	+ Self-represented parties and counsel must, no later than 1:00 p.m. on the working day preceding the date of presentation for the application, inform the special clerk of what the parties intend to seek by completing the form entitled *Application in the course of a proceeding – jurisdiction of the special clerk* and sending it by email to the following address:  courdepratique117@justice.gouv.qc.ca

Failing this, the parties run the risk that the case will be postponed *sine die* without further notice.

This form can be found on the Superior Court website under the tab Montreal Division – Notices and Directives - District of Longueuil;

* + Self-represented parties and counsel must indicate on the form the telephone number where they can be reached at any time on the day of the presentation. The special clerk will contact them by telephone if necessary;
	+ Counsel and self-represented parties do not have to appear in Room 1.17 unless the special clerk directs otherwise;
	+ All the documents usually required must be attached to the form. For example, for the homologation of a consent, the signed consent must be attached in digital format. For the homologation of a final consent that is not yet available, the scanned copy must be attached to the form and the original must be filed with the court office by mail, bailiff or courier, and if it is a request to fix a date in Room 1.15, the counsel and the self-represented parties must attach to the form a scanned copy of their Joint Declaration to Fix a Hearing of More than Two Hours;
	+ Any final consent will be homologated for a period of three months if the original of the consent is not in the record, the time to receive the original, and it will then be homologated as a final judgment without counsel and self-represented parties having to travel to the courthouse if the original is in the court record;
	+ All requests for postponement by consent will be accepted. Requests for postponement must be for a minimum of three weeks unless there are special circumstances, which must be stated on the form. However, as of and including the fifth postponement, the case must be postponed for a minimum period of three months unless there are exceptional circumstances. Counsel and self-represented parties must ensure that there is practice on the date chosen for the postponement. The calendar of judicial activities can be found, *inter alia*, on the website of the Barreau de Longueuil;
	+ Counsel and self-represented parties who request to fix a date for their case to proceed in Room 1.15 (hearing over two hours) and those who request to proceed the following day in Room 1.15 but have been informed by the special clerk that a date must be fixed because the hearing is over one hour in length and the trial calendar is crowded, must connect at 9:30 a.m. on the day scheduled for presentation in Room 1.17 using the TEAM link that will be provided by the special clerk in order to fix a hearing date with the special clerk. The special clerk will call each case in the order they appear on the roll. Cases for which counsel or self-represented parties are not connected to the 1.17 room at 9:30 am will be automatically postponed *sine die*;
	+ Minutes of the hearing will be emailed to counsel and self-represented parties.
* If the application is contested, or if it falls within the jurisdiction of the judge (e.g., an application for the appointment of an attorney for the child or to conduct a psychosocial assessment, an application that proceeds by default, an application for case management, a contested application for a safeguard order or an application for an injunction, contested or not):
	+ Self-represented parties and counsel must, no later than 9:00 a.m. on the working day preceding the date of presentation for the application, inform the special clerk of what the parties intend to request by completing the form entitled *Form to request a hearing of an application in the course of a proceeding under the jurisdiction of a judge* and sending it by email to the following address:  courdepratique117@justice.gouv.qc.ca

Failing this, the parties run the risk that the file will not be transferred to a judge and will be postponed *sine die*, unless the special clerk has been informed of a postponement by consent in accordance with the previous section. A courtesy copy of the application and all affidavits (of the plaintiff, of the defendant and, in reply), if any, must be attached to the form.

This form can be found on the Superior Court website under the tab Montreal Division – Notices and Directives - District of Longueuil;

* + Hearings can be held in person, by Teams (virtual courtroom), or by telephone;
	+ Regardless of the mode of hearing chosen, it is the responsibility of counsel and self-represented parties to ensure that all documents necessary for the hearing (pleadings, exhibits, affidavits (of the plaintiff, of the defendant and, in reply) and authorities…) are filed with the court office sufficiently in advance so that they are in the court record on the day of the hearing;
	+ Cases proceeding by default may proceed in person or by Teams (virtual courtroom) by having the plaintiff testify or by affidavit, without the plaintiff or his or her counsel being present in the courtroom. In the latter situation, however, the plaintiff's counsel and the plaintiff must be available by telephone on the day the application is presented in the event that the judge has questions. A draft judgment must be provided by counsel;
	+ If the trial calendar is crowded, a case can be postponed in accordance with certain criteria of urgency and priority. Counsel and self-represented parties will be notified around 4:00 p.m. the day before the date of presentation. Another date of presentation will be fixed with the special clerk in accordance with the previous section;
	+ Minutes of the hearing will be emailed to self-represented parties and counsel.
* Requests to be added to the roll must be exceptional and sent to the coordinating judge's assistant no later than 9 a.m. on the working day preceding the date of presentation requested in order to obtain the authorization of the coordinating judge.
1. CIVIL AND FAMILY PRACTICE FIXED IN ROOM 1.15
* There is no longer a calling of the roll for cases fixed in Room 1.15.
* Self-represented parties and counsel must, no later than 9 a.m. on the working day preceding the date of presentation of the application and at the earliest two working days before the date of presentation, inform the coordinating judge of the district if the case is settled, postponed by consent or will proceed and, if it proceeds, the duration and number of witnesses by completing the form entitled *Confirmation form of a hearing of an application scheduled in 1.15* and sending it by email to the following address:  chantal.bertrand@judex.qc.ca

This form can be found on the Superior Court website under the tab Montreal Division – Notices and Directives - District of Longueuil.

* Only one form per case must be sent and it should be sent only after serious discussions between counsel or with self-represented persons to ensure that the case or part of it cannot be settled.
* If a settlement is reached, the coordinating judge must be informed no later than 9 a.m. on the working day preceding the date of presentation of the application in order to avoid unnecessary postponements due to a crowded calendar since there is no longer a calling of the roll in the morning before the start of the hearings.
* If counsel or self-represented parties do not submit their form before 9:00 a.m. on the working day preceding the date of presentation of the application, the case will be postponed *sine die* without further notice.
* Requests for postponement by consent will be accepted.
* Contested requests for postponement must be submitted by email to the coordinating judge at least 10 days before the scheduled date of the hearing, except in exceptional circumstances.
* Hearings for cases that do not require testimonial evidence, such as an application for judicial review, are held via Teams (virtual courtroom) unless, in the opinion of the parties and the judge, an in-person hearing is absolutely necessary.
* The hearing of cases requiring testimonial evidence can be held via Teams (virtual courtroom) or in the courtroom.
* Regardless of the mode of hearing chosen, it is the responsibility of counsel and self-represented parties to ensure that all the documents necessary for the hearing (pleadings, exhibits, books of authorities, etc.) are filed with the court office sufficiently in advance so that they are in the court record on the day of the hearing.
* If the trial calendar is crowded, a case can be postponed in accordance with certain criteria of urgency and priority. Counsel and self-represented parties will be notified around 4:00 p.m. the day before the presentation date. Another presentation date will be fixed after communication with the self-represented parties and counsel.
1. JUDGE IN CHAMBERS
* For the presentation of an application falling within the jurisdiction of the judge in chambers, availability must be checked with the assistant of the coordinating judge ((450) 646-4023 or  chantal.bertrand@judex.qc.ca) and the hearing may be held by telephone or via Teams (virtual courtroom) unless attendance in the courtroom is essential.
1. REQUEST FOR CASE MANAGEMENT AND PRE-TRIAL CONFERENCE
* For requests for case management and requests to extend the time limit for setting down (2nd and more), availability must be confirmed with the assistant to the coordinating judge ((450) 646-4023 or  chantal.bertrand@judex.qc.ca) and the hearing may, like a pre-trial conference, be held by telephone or via Teams (virtual courtroom) unless attendance in the courtroom is essential.
1. APPLICATIONS PRESENTED BEFORE THE REGISTRAR (ROOM 1.25)
* The Registrar hears applications on Thursdays at 2:00 p.m. on weeks when the Practice Court is in session, based on the availability of virtual courtrooms and the circumstances surrounding telework.
* In addition to the **physical notification to the registry** within the time limits provided for in the *Bankruptcy and Insolvency Act* (*BIA*), an email including a courtesy copy of the pleadings and exhibits must be sent to the attention of the Registrar at  registraireslongueuil@justice.gouv.qc.ca, no later than 3 p.m. the day before presentation. Otherwise, the parties run the risk that the case will not be heard. This email must confirm what will be requested on the day of presentation, as well as the contact details for counsel and the parties who must be available at all times on the day of presentation. Otherwise, the file will be postponed *sine die*.
* **As soon as possible**, the contestation of an application must be sent to the Registrar, by email to  registraireslongueuil@justice.gouv.qc.ca
* In all cases, the Registrar determines whether the hearing will be held virtually (Teams) or by telephone. Self-represented parties or counsel may not appear in Room 1.25, unless otherwise specified by the Registrar. In certain cases, the physical presence of the parties in the courtroom is authorized or required, for example for certain contested applications with testimony, falling within the jurisdiction of the Registrar pursuant to section 192 of the *BIA*.
* The Registrar may also decide certain applications on the basis of the record if no arguments need to be presented.
* He or she can determine another date of presentation, even out of term, if the trial calendar is crowded in accordance with certain criteria of urgency and priority;
* According to section 192 of the *BIA*, when the Registrar refers certain applications to the judge the rules of civil and family practice in Room 1.15 apply. He or she can also fix a date for the hearing before the judge, even out of session.
* Cases concerning matters coming under jurisdiction of the Commercial Chamber, but which are not presented under *the Bankruptcy and Insolvency Act*, follow the rules of civil and family practice in Room 1.17.
1. CASES ON THE MERITS
* For cases of long duration (more than 3 days), counsel and self-represented parties will be contacted by the case management judge on the merits for the District of Montreal.
* For cases on the merits (3 days or less):
	+ The calling of the provisional roll will be done via TEAMS (virtual courtroom). More detailed instructions will be sent at the appropriate time;
	+ Hearings can be held via Teams (virtual courtroom) or in person;
	+ A few days before the hearing, an email will be sent to counsel and self-represented parties asking them, *inter alia,* if they still intend to proceed, if the anticipated duration is still correct and reminding them of their obligation to try to settle their dispute before the hearing;
	+ Requests for postponement by consent will be accepted;
	+ Contested requests for postponement must be submitted by email to the coordinating judge at least 10 days before the date scheduled for the hearing, except in exceptional circumstances;
	+ Hearings for cases that do not require any testimonial evidence are held via Teams (virtual courtroom) unless, in the opinion of the parties and the judge, an in-person hearing is absolutely necessary;
	+ Regardless of the mode of hearing chosen, it is the responsibility of counsel and the self-represented parties to ensure that all the documents necessary for the hearing (pleadings, exhibits, books of authorities, etc.) are filed with the registry sufficiently in advance so that they are in the court record on the day of the hearing;
	+ If a settlement is reached, the coordinating judge must be informed of it no later than 9 a.m. on the working day preceding the hearing date in order to avoid unnecessary postponements due to crowding of the trial calendar since there is no longer any calling of the roll on the morning before the start of the hearings;
	+ If counsel or the self-represented parties do not respond to the email before 9:00 am on the working day preceding the date of presentation of the application, the file will be postponed *sine die* without further notice;
	+ If the trial calendar is crowded, a file can be postponed in accordance with certain criteria of urgency and priority. Counsel and self-represented parties will be notified around 4:00 p.m. the day before the date of presentation. Another date of presentation will be fixed after communication with the self-represented parties and counsel.
1. HEALTH and physical distancing MEASURES
* Health measures are in place everywhere at the courthouse. Hand washing, distancing, and wearing a face mask in common areas are mandatory. All courtrooms used by the Superior Court are equipped with acrylic screens and will be disinfected after each speaker.
* Due to the limited number of people that can be inside the courthouse and in the rooms:
	+ There may be a delay before you can access the courthouse;
	+ Counsel should, to the extent possible, meet with their client and witnesses outside the courthouse;
	+ Witnesses may have to wait outside the courthouse until it is time for them to testify;
	+ Parties and witnesses who must enter the courthouse must have the case name or file number with them.