



SUPERIOR COURT OF QUÉBEC

COMMUNIQUE OF JUNE 26, 2020

GRADUAL RESUMPTION OF OPERATIONS OF THE SUPERIOR COURT CIVIL AND FAMILY MATTERS (DISTRICT OF MONTRÉAL)

Since June 1, 2020, the Court has proceeded with the gradual resumption of its operations and will hear other matters taking into account staffing levels, sanitary measures implemented in the Courthouse and, if necessary, taking into consideration certain urgency and priority criteria, where appropriate. A modified List of matters considered urgent or a priority in civil and family matters is annexed hereto for such purposes.

Family Matters:

Practice Courts

- Rooms 2.17 and 2.11

HOMOLOGATION AND EXTENSIONS

Other than the procedure set forth at articles 132 and following of the Superior Court Directives permitting the filing under sealed envelope the same morning, **all uncontested applications to homologate agreements or for the extension of safeguard orders** in a file appearing on the Roll in Room 2.17 may be sent by email to the following address: courpratique-217@justice.gouv.qc.ca, **up until 16:30 on the day prior to the date of presentation**, otherwise the files will be postponed *sine die*. Even if sent by email, the attorneys must complete the form « *Instruction pour demande d'homologation ou reconduction sous enveloppe* ».

MINIMUM POSTPONEMENT DELAYS

All files in family matters presentable in Room 2.17 and which are to be postponed at the request of the lawyers or parties, shall be so for a **minimum period of 30 days**.

IMPORTANT CHANGES STARTING JUNE 22, 2020

Email address courpratique-demande-urgente@justice.gouv.qc.ca is suspended. There will be a gradual resumption of the Court's activities in Room 2.17 in the same manner as in the past, **WITH THE FOLLOWING MODIFICATIONS:**

New applications as well as those that are pending may be presented anew in Room 2.17. New applications for a safeguard order that are contested must be filed in the normal manner with a Notice of Presentation in Room 2.17.

We remind you that the delay for presentation in Room 2.17 is ten days, and this so as to enable the adverse party to complete an affidavit and the documents required for the presentation of the safeguard order. **Please note that applications served less than ten days before the date of presentation will not be heard, save for those whose urgency is seriously motivated and justified.**

To the extent possible, please limit your clients' attendance at Court if their presence is not necessary. Accordingly, during the presentation of a contested safeguard order, if required, clients can be contacted by telephone from the hearing room.

In accordance with the guidelines and directives of the Public Health authorities and the necessary distancing of 2 metres, the preparation of files in the courthouse hallways (drafting sworn affidavits), including meeting with your clients, is discouraged. This should all have been done beforehand.

AS STATED AT ARTICLE 149 C) OF THE DIRECTIVES OF THE SUPERIOR COURT:

"Sworn affidavits, both in demand and in defense, must be communicated to the adverse party no later than 12:30 on the day prior to hearing or no later than 12:30 on the Friday preceding a hearing to be held on the following Monday."

Calling of the Roll in Room 2.17

There will always be a calling of the Roll in Room 2.17. However, you will now have the option of announcing in advance of the date of presentation your intention to present a **contested** application for a safeguard order by sending only the **Formulaire de demande d'audition d'une ordonnance de sauvegarde** to email address courpratique-217@justice.gouv.qc.ca at least 48 hours (two working days) in advance of the date of presentation. Your file will then be transferred in advance directly to Room 2.11 on the morning in question without the necessity of you appearing in Room 2.17. This way, your application is ensured to be heard as soon as possible in 2.11. **The Formulaire de demande d'audition d'une ordonnance de sauvegarde** is available on the website of the Montreal Bar and that of the Superior Court at the following address: http://www.tribunaux.qc.ca/c-superieure-m/avis/Formulaires/CS_Formulaire_demande_audition.pdf? However, you must bring with you on the morning of its presentation, the documents necessary for the safeguard order. The rules of the *Code of Civil Procedure* and the Directives of the Superior Court still apply (ex: one sworn affidavit by party and only one reply; a maximum of eight pages per sworn affidavit, etc.).

You must take into account the obligations under Article 20 C.C.P. We expect that lawyers will speak to each other before appearing at Court.

Technology (telephone conferences, virtual hearings, videoconferences) may be used but only if truly necessary and to the extent possible. If you intend requesting to proceed by way of technology, you must indicate that on the **Formulaire de demande d'audition d'une ordonnance de sauvegarde** and send it to email address courpratique-217@justice.gouv.qc.ca no later than 48 hours (two working days) in advance of the date of presentation. The necessary documents must be in the file, and they may be sent by email to sauvegardes-fixées.cs.montreal@judex.qc.ca 48 hours (two working days) in advance of the hearing if proceeding by way of technology. No document will be printed after this delay and you will be obliged to ensure that the documents are physically filed at Court on the morning of the hearing.

- **Room 2.12 (Family Case Management)**

Room 2.12 has been moved to Room 2.03 and will be used for hearings on applications for safeguard orders in support of 2.11 or for urgent case management applications.

- **Room 2.01**

All hearings fixed in Room 2.01 are proceeding. The judge who will be presiding over that room will communicate with you ahead of the hearing date in order to confirm your intention to proceed.

If the parties intend to seek a postponement, they should refer to the section located below on **Applications to Postpone**.

Civil Matters:

Practice Courts

- **Room 2.16**

The Roll for this room is still being transferred to Room 2.17, given the substantially reduced file volume in both of these rooms.

- **Room 2.13 (Judge in Chambers)**

Before actually entering this room for more urgent procedures such as injunctions, seizures before judgment, applications to quash a seizure, etc., communicate in advance with the hearing-clerk between 8:45 and 9:15 or between 14:00 and 14:15 at the following number: 514 393-2535, extension 57202. Be prepared to send your proceedings and necessary exhibits by email to the address that will be provided to you by the hearing-clerk. Make certain to also include all of your contact information. The Judge in Chambers will communicate with you if required. Whenever possible, send your proceedings one day in advance of the hearing date.

For simpler proceedings requiring little reading time for the judge as, for example, an application for special mode of service, you may enter Room 2.13 directly with your application.

- **Room 2.08**

Since June 1, 2020, cases fixed in Room 2.08 are being heard unless the parties request a postponement, in which case they should refer to the section located below on **Applications to Postpone**.

The judge will communicate, to the extent possible, with the attorneys or parties during the preceding week for those cases which are fixed on the Roll in order to verify whether the parties intend to proceed and to confirm the length of the hearing.

Uncontested applications for the **extension of safeguard orders**, in files listed on the Roll in Room 2.16, may be sent by email to the following address: courpratique.216@justice.gouv.qc.ca.

- **Room 2.07 (Civil Case Management)**

This room, since June 15, 2020, has reopened for notices of case management. Simply enter Room 2.07 in person. Given the suspension of delays, applications to extend delays will not be heard.

Applications to Postpone – Practice Divisions:

Rooms 2.16 and 2.17

All uncontested applications to postpone in Practice Division (Rooms 2.16 and 2.17), regardless of the number of prior postponements, will be granted without the necessity of appearing in the courtroom. These applications may be made by email to the following address: courpratique-remise@justice.gouv.qc.ca **on the day prior to the date of presentation, mentioning the postponement date**. Files in which we have received no communication will be postponed *sine die*.

We expect that lawyers will speak to each other and discuss the appropriate case management measures required in the circumstances (**Article 20 C.C.P.**).

Rooms 2.01 and 2.08

Uncontested applications to postpone in Practice Division (Rooms 2.01 and 2.08), will be granted without the necessity of appearing in the courtroom. These applications must be made by telephone at 514 393-2021 ext. 1, **no later than on the day prior to the date of presentation** in order to be able to reschedule the hearing when the duration remains the same or shorter or to refer the file to Room 2.17 or 2.16. Files in which we have received no communication will be postponed *sine die*.

We expect that lawyers will speak to each other and discuss the appropriate case management measures required in the circumstances (**Article 20 C.C.P.**).

Civil and Family Matters (Trial on the merits):

- **Room 15.07**

Starting September 2020, cases already inscribed will proceed, albeit with adjustments if appropriate, whether in a courtroom or by means of a virtual or semi-virtual hearing.

Commercial Chamber:

- **Rooms 16.10 et 16.12**

These rooms are now operational for all applications, and this in accordance with the **Note concerning the operations of the Commercial Chamber** published on the Superior Court and the Montreal Bar websites.

Technology:

For certain files, the use of technology will be favoured, to the extent possible, so as to enable the handling of files remotely. It is the responsibility of the lawyers or parties who wish to proceed in this manner to ensure that all contact information for the lawyers or parties is transmitted beforehand, including cellphone numbers.

Other Information:

The original of every new urgent or priority application must be filed at the Court registry (*greffe*), and the lawyers, bailiffs, court messenger services or self-represented parties who have a procedure to file will be granted access to the Courthouse for that purpose.

Similarly, access to the Courthouse will be allowed for the issuance and filing of all new originating demands considered **urgent or a priority** according to the attached list, including applications to homologate a protection mandate or to open protective supervision.

For new **non-urgent** originating demands, including class actions, they are to be sent by mail for issuance. As well, payment must be made of the applicable judicial fees (court fees).

Prescription, forfeiture of rights and civil procedure time limits (ex.: protocols, inscriptions, etc.) continue to be suspended during the present emergency health crisis. In urgent cases, a judge can decide to lift the suspension.

The Calling of the Roll to schedule hearing dates for cases newly readied for trial are suspended until September 2020.

Settlement conferences that have been postponed will be rescheduled by the settlement conferences service.

Starting in June, efforts will be made by the settlement conferences service to proceed, to the extent possible, with conferences that have already been scheduled. It will also be possible to conduct certain settlement conferences by means of virtual technology.

For the peripheral Districts, kindly refer to the communiques provided to the local Bar by the Coordinator Judge for the District and that are published on the Superior Court and the Québec Bar websites.

Sanitary Measures:

Sanitary measures are implemented throughout the Courthouse. Washing of hands and physical distancing are obligatory.

All courtrooms used by the Superior Court are equipped with plexiglass safety barriers and are being disinfected twice daily, as well as after each speaker.

The rule of **in-camera hearings** in all cases has now been abolished. However, by reason of the sanitary measures that are still in effect, we request that lawyers meet and consult with their clients outside the Courthouse, to the extent possible, in order to keep the hallways clear and to enable proper distancing between people having business to conduct in the Courthouse.

Eva Petras,
Associate Chief Justice
Coordinator Judge for the Civil and Family Chambers – District of Montréal