

## EXPLANATORY NOTES

### APPLICATION TO THE COURT IN CIVIL MATTERS (SJ-1098A)

The form “Application to the Court in Civil Matters” allows you to make an informal application to the court and obtain a judgment further to that application. The application may be made in the course of a proceeding or with respect to execution of a judgment, whether before the Superior Court or the Court of Québec (including the Small Claims Division).

NOTE: This form must not be used to submit an originating application or any other proceeding that requires special procedures provided for in the Code of Civil Procedure.

For further information, as well as the contact information for courthouses in the province of Québec, consult the [list of courthouses](#) on the website of the ministère de la Justice.

#### TYPES OF FORMS

This form is available in dynamic PDF format, meaning the form can be downloaded from [www.justice.gouv.qc.ca](http://www.justice.gouv.qc.ca) and completed directly on screen.

- Dynamic PDF:

After completing the form, you must print it on letter-sized paper, i.e. 8.5 inches by 11 inches (215.9 mm by 279.4 mm). Be sure to set your printer to this paper size.

- Paper:

If you complete the form by hand, please write legibly in block letters.

#### PROCEDURE

Once the form is completed, keep a copy for your files.

You must then file the form with the clerk of the appropriate court and pay the costs provided for in the tariff of court costs, if applicable. To find out what the costs are, refer to the website of the ministère de la Justice, at [www.justice.gouv.qc.ca](http://www.justice.gouv.qc.ca).

Your form must be sworn, either before a commissioner for oaths or by the clerk of the appropriate court, in which case it can be done at the time of filing.

# APPLICATION TO THE COURT IN CIVIL MATTERS

## GENERAL INFORMATION

This form allows you to make an informal application in civil matters to the court. It may therefore be used for any proceedings for which the rules are not specifically provided for in the Code of Civil Procedure. The application may be made in the course of a proceeding or with respect to execution of a judgment, whether before the Superior Court or the Court of Québec (including the Small Claims Division). For example, it could be used to ask the court for access to a document or court record, for additional time to remedy a failure to make a voluntary deposit, etc.

The application to the court must be notified to the other parties at least three (3) days before the date of presentation. Proof of notification must be filed in the record 24 hours before the date of presentation.

### NOTE

This form must not be used to submit an originating application or any other proceeding that requires special formalities provided for in the Code of Civil Procedure.

This form can be obtained from the civil 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 Civil 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 and court 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.

## TITLE OF APPLICATION

**3** Specify the nature of your application to the court (short title).

## CONTENT OF APPLICATION

**4** Complete the introductory phrase using the drop-down menus and choose the recipient of your application: the court, special clerk or clerk. Otherwise, enter “the Court”.

In paragraph 1, enter the object (the purpose) of your application. In paragraph 2, enter the grounds justifying your application; for example, the facts or legal arguments you consider relevant to submit to the court.

## CONCLUSIONS

**5** State the conclusions you are asking of the court. For example: ORDER the defendant to return such and such property; DECLARE that the party is not in default; GRANT additional time; PROVIDE such and such a person with access to such and such a document; etc.

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.

## SWORN STATEMENT

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

## NOTICE OF PRESENTATION

**7** 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 of presentation. Enter your given name and surname in the appropriate spaces and indicate in what capacity (as which party) you are signing.

## REVERSE

**8** Enter the same information as in the header of the writ: your record number, the court you are addressing 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.: \_\_\_\_\_

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

**2**

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

### APPLICATION TO THE COURT IN CIVIL MATTERS

**3**

\_\_\_\_\_

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

**4**

1. The \_\_\_\_\_ (describe the object of the application): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ ;

2. In support of the application, the \_\_\_\_\_ invokes the following grounds:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ ;

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

**5**

**ALLOW** the application;  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ ;

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

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

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

Party \_\_\_\_\_

6

OATH

I, the undersigned, \_\_\_\_\_ ,  
domiciled and residing at \_\_\_\_\_ ,  
declare under oath that:

- 1. I am the \_\_\_\_\_ or the \_\_\_\_\_ 's representative.
- 2. All the facts alleged herein are true.

And I have signed

\_\_\_\_\_  
Signature

Sworn before me

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

\_\_\_\_\_  
Clerk / Commissioner for oaths

7

NOTICE OF PRESENTATION

At: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

**8** File No.:

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District:

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Plaintiff

v.

Defendant

and

\_\_\_\_\_ party

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**APPLICATION TO THE COURT  
IN CIVIL MATTERS**

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Plaintiff:

Address:

Telephone: Home  
Work

Email: