

EXPLANATORY NOTES

APPLICATION TO HAVE A CASE SET DOWN FOR JUDGMENT BY DEFAULT (SJ-1102A)

This form is used to obtain a judgment if the defendant fails to:

- answer the summons, or
- file a defence within the time limit set in the case protocol.

TYPES OF FORMS

- Dynamic PDF:

After completing the form, you can print it on letter-sized paper, i.e. 8.5 inches by 11 inches (215.9 mm by 279.4 mm).

- Paper:

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

PROCEDURE

The application to have the case set down for judgment must be filed together with an affidavit, which must be sworn by a commissioner for oaths, a clerk or any other person authorized to administer the oath. The affidavit in this form is valid if the sole subject matter of the legal proceeding instituted is the price of a service contract or the sales price of movable property or if it seeks payment of an amount of money clearly stated in an authentic act or private writing (for example, loan agreement, invoice). For any other type of proceeding, a detailed affidavit must be filed. In that case, you may use the “Affidavit” form (SJ-1139A), which is available from the court clerk, or on the website of the ministère de la Justice at www.justice.gouv.qc.ca.

If a notice is required to be given to the defendant, you will need to contact the office of the courthouse to obtain the information to complete the “Notice of presentation” section of the form and then notify the application for setting down to the defendant. Notification can be made by any appropriate method that makes it possible to prove that the document was remitted to its recipient (for example, by registered mail or bailiff).

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

FILING AT THE COURT OFFICE

You must then submit the application, with proof of notification, if any, to the office of the courthouse. To do this, you may use the Digital Court Office of Québec (GNJQ), which is accessible via the website of the Ministère de la Justice at www.justice.gouv.qc.ca.

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

CANADA
PROVINCE OF QUÉBEC
District:
Locality:
File No.:

Plaintiff

c.

Defendant

and

APPLICATION TO HAVE A CASE SET DOWN FOR JUDGMENT BY DEFAULT

(aa. 175, 181 and 182 C.C.P.)

The _____ requests that the clerk set this case down for judgment, following the
_____ failure to:

answer the summons;

or

file a defence within the time limit set in the case protocol; and

NOTIFIES THE _____ that, by reason of his or her default, the case will proceed to trial
on _____, at _____, in room _____, at the courthouse in _____,
located at: _____.

And encloses exhibits in support of the application together with an affidavit.

Nature of the case: _____

Amount in dispute: _____

At _____, on _____

Signature of the party or his/her attorney

Name of the party or his/her attorney
(in block letters)

AFFIDAVIT

I, the undersigned, _____, declare that:

1. I am the _____ or their representative.

2. The amount claimed is owing.

or

Since the filing of the application, I have received partial payment in the amount of \$ _____
as at _____, and a balance of \$ _____ remains outstanding.

3. _____

(enter any other relevant information)

4. All of the facts alleged in the originating application are true.

And I have signed

At _____, on _____

Sworn before me

At _____, on _____

Clerk / Commissioner for Oaths