

EXPLANATORY NOTES

APPLICATION TO DETERMINE THE FAIR REMUNERATION OF THE DEFENDANT (art. 714 C.C.P.) (SJ-857-11A)

Following the seizure of a debtor's income, the "Application to determine the fair remuneration of the debtor" (art. 714 C.C.P.) form enables the seizing party to ask the court to assess the value of the services rendered by the debtor to the garnishee and to determine a fair remuneration.

Such an application can be presented to the court in cases where the garnishee declares that the debtor works for the garnishee without being paid or for remuneration that is clearly less than the value of the services rendered.

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

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

You will need to contact the Small Claims Division office to obtain information to complete the "Notice of Summons" section of the form.

FILING AT THE COURT OFFICE

You must then submit the form to the Small Claims Division office. 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.

The court clerk will then inform the other parties and summon them to a hearing.

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.: _____

COURT OF QUÉBEC
Civil Division
Small Claims Division

_____ _____ _____ <p style="text-align: right;">Plaintiff</p> _____ _____	_____ _____ _____ <p style="text-align: right;">Defendant</p> and _____ _____
Executing bailiff	Garnishee

**APPLICATION TO DETERMINE THE
FAIR REMUNERATION OF THE DEFENDANT
(art. 714 C.C.P.)**

The plaintiff asks the Court to assess the value of the services rendered by the defendant to the garnishee and to determine a fair remuneration.

Following the seizure of the defendant's income made on _____ in the garnishee's hands, the latter declared that the defendant is in its employ, but:

is not being remunerated;

is earning a salary of \$ _____ every _____. However, such remuneration is less than the fair value of the services being rendered by the defendant.

THEREFORE, THE PLAINTIFF ASKS THE COURT TO:

ASSESS the value of the services rendered by the defendant to the garnishee;

DETERMINE the fair remuneration of the defendant's services;

DECLARE that the determined remuneration is deemed to be that earned by the defendant as of the date of the application;

THE WHOLE with legal costs.

In _____, on _____

Plaintiff

NOTICE OF SUMMONS

TO: _____
Plaintiff

TO: _____
Defendant

TO: _____
Intervening third party

Take note that this notice has been filed in the case record.

Consequently, in accordance with articles 566 and 714 of the Code of Civil Procedure, you are summoned to a hearing regarding this contestation, which will take place at the _____ courthouse, located in _____, on _____, at _____, room _____.

Please bring any documents that you consider useful to present to the Court at the hearing.

In _____, on _____.

Court clerk