

EXPLANATORY NOTES

APPLICATION FOR REVOCATION OF A JUDGMENT (SJ-866A)

In the Small Claims court, the party against whom a default judgment is rendered may apply to have the judgment cancelled if, for a valid reason, the party was unable to contest the action in time or attend the court hearing. The application must be filed within 30 days after the party becomes aware of the judgment, but not more than six months after the date of the judgment, these being strict time limits.

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 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 go to the courthouse of the locality where the judgment was rendered in order to file your application. The clerk of the Court will ensure its follow-up. The application must be sworn, either before a commissioner for oaths or the Small Claims clerk, in which case it can be sworn at the time of filing the application.

Court costs are payable on filing your application. To find out what the costs are, refer to the website of ministère de la Justice, at www.justice.gouv.qc.ca.

Plaintiff

versus

Defendant

and

Intervening third party

APPLICATION FOR REVOCATION OF A JUDGMENT
(ss. 345 to 350, 568 C.C.P.)

The Plaintiff Defendant Intervening third party _____ set out the following to the Court:

1. I am applying for the revocation of the judgment rendered against me on _____ ;
2. I learned of this judgment on _____ ;
3. To support my application for revocation, I allege the following reasons (if need be, attach a schedule):

Not having filed a contestation in the Court file, the defendant intervening third party briefly sets forth the grounds for contesting the small claims application:

THEREFORE, THE PLAINTIFF DEFENDANT INTERVENING THIRD PARTY ASKS THE COURT TO:

RECEIVE this application for revocation;

STAY forced execution of the judgment;

ORDER the clerk to summon the parties for a hearing on the application for revocation and/or on the merits of the dispute.

At _____ , on _____

Plaintiff Defendant Intervening third party

OATH

I, the undersigned, _____

domiciled and residing at _____

solemnly affirm that:

1. I am the Plaintiff (or his/her/its mandatary) Defendant (or his/her/its mandatary)
 Intervening third party (or his/her/its mandatary)

or

I am the representative of the Plaintiff Defendant Intervening third party, in my capacity as:

senior officer an employee, bound exclusively to the plaintiff defendant, and I am not an attorney.

2. All the facts alleged in this application for revocation are true.

And I have signed

Signature

Sworn before me

At _____, on _____

Clerk / Commissioner for oaths

Plaintiff

versus

Defendant

and

Intervening third party

**DECISION ON THE ADMISSIBILITY OF THE
APPLICATION FOR REVOCATION OF A JUDGMENT**

The grounds alleged in support of the application for revocation appear sufficient insufficient.

THEREFORE, THE COURT:

MAINTAINS **STAYS** forced execution of the judgment;

ORDERS the clerk to summon the parties to a hearing on:

the application for revocation the merits of the dispute.

ORDERS the defendant to file a contestation within _____ days of the date of this decision. **FAILURE** to file the contestation within that time period may result in dismissal of the application for revocation.

DISMISSES the application for revocation of a judgment.

At _____, on _____

Judge of the Court of Québec

Judge of the Court of Québec (in block letters)