



## Warning

**The document we are providing you is not an official form.**

Although we try our best to provide you with the most relevant and exact information as possible, we cannot guaranty that all the information offered here is complete, free of errors, up-to-date or adapted to your situation.

This document was prepared by the *Centre de justice de proximité Grand Montréal* (“CJPGM”) to assist you in your undertakings. If you require additional legal information, feel free to contact your region’s CJP: [www.justicedeproximite.qc.ca/en/](http://www.justicedeproximite.qc.ca/en/)

**Please note that the lawyers at the CJPGM will not under any circumstances:**

- **Verify, validate or review** any of your documents;
- **Provide any legal advice**, whether regarding your chances of success, the strategy you should adopt, or any other aspects related to your file.

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## USEFUL RESOURCES

**Legal aid**

[www.csj.qc.ca/commission-des-services-juridiques/nous-joindre/bureaux-d-aide-juridique/en](http://www.csj.qc.ca/commission-des-services-juridiques/nous-joindre/bureaux-d-aide-juridique/en)

Representation for financially admissible people

**Fondation du Barreau du Québec, *Representing yourself in court – civil matters***

[www.fondationdubarreau.qc.ca/wp-content/uploads/2009/06/Guide\\_Seul-devant-la-Cour\\_Civil\\_2016\\_en.pdf](http://www.fondationdubarreau.qc.ca/wp-content/uploads/2009/06/Guide_Seul-devant-la-Cour_Civil_2016_en.pdf)

Information on the judiciary process

# 1

## MAKE SURE THAT THIS GUIDE IS RIGHT FOR YOU

This template is right for you if:

1. You drafted an application to the Court;
2. It is impossible to send your application to the defendant by bailiff because you do not know his or her address.

AND

OR

Given special circumstances, it would be too costly to send it by bailiff.

# 2

## DRAFT THE APPLICATION

The application is a document in which you lay out the facts. This is a legal procedure addressed to a judge. The following instructions are meant to guide you in the drafting of an application similar to the model presented at the end of this factsheet.

An application includes a **header** containing the following information:

- The name of the Court
- The name of the district where you filed the initial claim
- The names of the parties: you must include the first and last name of each party, as well as their position in the proceedings (the same as in the initial application).
- The file number: the same number as the one indicated on the initial application.

CANADA  
C O U R T (Name of the court)  
(Name of the division)

PROVINCE OF QUEBEC  
DISTRICT OF (DISTRICT)  
No.: (case file number)

(First name LAST NAME), residing at (address),  
district of (district),  
Plaintiff

v.

(First name LAST NAME), residing at (address),  
district of (district),  
Defendant

MOTION FOR NOTIFICATION OF A PROCEDURAL ACT VIA SPECIAL SERVICE  
(S. 112 C.c.p.)

IN SUPPORT OF HIS CLAIM, THE PLAINTIFF SUBMITS :

You **then lay out the facts** that justify the special request you are making. Clearly and succinctly list these facts in numbered paragraphs.

Limit each paragraph to one fact. The alleged facts must be objective: a neutral person could have observed them and arrived at the same conclusion.

Be mindful that there are no absolute rules in drafting a claim. To ensure the quality of the claim, obtaining legal advice is strongly recommended.

Finally, in the last part of your claim, you indicate what you are looking for, i.e. **your conclusions**.

The conclusions constitute the most important part of any claim, as they empower the judge to give you what you ask for. A judge can only grant the conclusions requested, nothing more! They must therefore be precise and complete. They must arise directly from the alleged facts.

#### REMINDER:

- The conclusions always come after this sentence written in capital letters: «FOR THESE REASONS, MAY IT PLEASE THE COURT TO:»;
- There may be more than one conclusion for the same application;
- Each conclusion should only request a single thing;
- Each conclusion must start with an action verb in the infinitive, written in capital letters.

1. (Explain briefly the nature of your initial motion);

Example : 1. The plaintiff initiated divorce proceedings against the defendant;

2. (Explain why it is impossible to retrace the address of the party to whom you have to serve the documents);

Example : 2. On or around January 1st, 2019, the defendant immigrated to Congo and neglects or refuses to give his new address to the plaintiff;

3. On March 15th, 2019, the plaintiff exchanged on Facebook with the defendant by means of his Facebook account, [www.facebook.com/defendant](http://www.facebook.com/defendant), as evidenced by exhibit P-1;

4. Without authorisation from the court to serve notice to the defendant via Facebook, the plaintiff will be unable to serve his divorce application;

5. The plaintiff therefore seeks authorisation to serve a copy of his divorce application via Facebook to the following account: [www.facebook.com/defendant](http://www.facebook.com/defendant).

**FOR THESE REASONS, MAY IT PLEASE THE COURT TO:**

**AUTHORISE** the plaintiff to serve a copy of the statement of claim to the defendant (first name, LAST NAME) via (Specify your chosen mode of communication).

Examples :

- His email address « party@defendant.com ».
- His Facebook account [www.facebook.com/defendant](http://www.facebook.com/defendant).
- FedEx to the address 15 avenue Panzi, Kinshasa, H8J5+7P, République démocratique du Congo.

(OR, if production to the office of the Court)

**AUTHORISE** the plaintiff to serve a copy of the statement of claim through its production to the office of the court.

**THE WHOLE**, without costs.

# 3

## COLLECT ALL THE REQUIRED DOCUMENTS

The application for notification of a pleading by special service includes the following documents:

**Application for Notification of a Pleading by Special Service**

Must be drafted : see example p. 6-8.

**Affidavit**

Must be completed : see example p. 10.

**Exhibits**

✓ Attach any other pertinent exhibit to support your claim.

- These exhibits will be numbered in the order they are mentioned in your application. The first document will be exhibit **P-1**, the second **P-2**, etc.

**Backing**

Must be completed : see last page

- A backing is a sheet attached upside down at the end of every document. You must write your file number, the name of the Court and the district, the name of the parties, the title of the document and your contact details.

# 4

## MAKE THE NECESSARY PHOTOCOPIES

You must make 3 copies of every document: 1 copy for the Court file, 1 copy for the other party and 1 copy for your records.

Indicate for whom the copy is intended on the backing.

Each photocopy of this claim should be a certified copy. This means that you must attest that the copy of your document is identical to its original. In order to do so, add the mention “certified copy” on every page that includes your signature, and sign above the mention.



# 5

## PRESENT YOURSELF IN COURT

You must present yourself to file the application at the courthouse of the judiciary district where you filed the proceedings. You must then pay court fees.

To determine court fees:

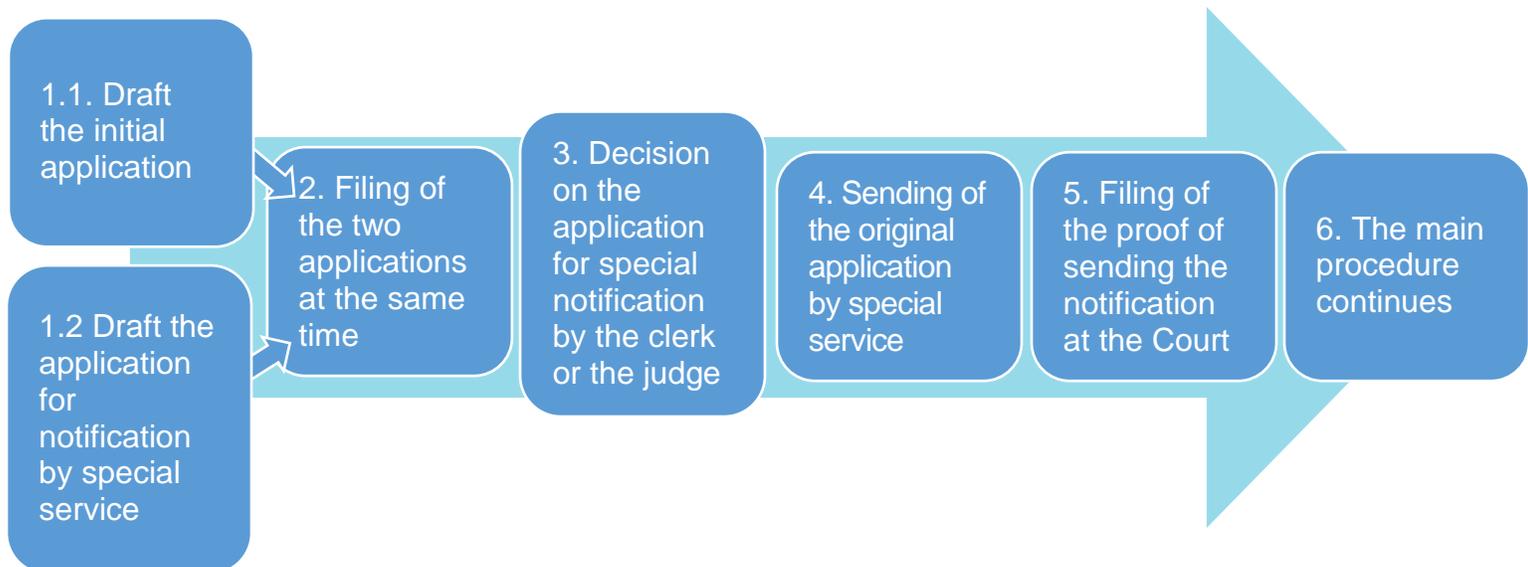
[www.justice.gouv.qc.ca/en/documentation-center/tariff-of-court-costs](http://www.justice.gouv.qc.ca/en/documentation-center/tariff-of-court-costs)

# 6

## SEND THE DOCUMENTS VIA SPECIAL SERVICE

**Once the application is approved**, you must notify the claim to the other party following the Court's instructions and keep a proof of service.

You must then file at the courthouse the proof that your claim was in fact notified to the other party as soon as possible.



CANADA

**C O U R T (Name of the court)**  
(Name of the division)

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PROVINCE OF QUEBEC  
DISTRICT OF (DISTRICT)

No.: (case file number)

(First name LAST NAME), residing at (address),  
district of (district),

Plaintiff

v.

(First name LAST NAME), residing at (address),  
district of (district),

Defendant

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**APPLICATION FOR NOTIFICATION OF A PLEADING BY SPECIAL SERVICE  
(s. 112 C.C.P)**

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**IN SUPPORT OF THEIR APPLICATION, THE PLAINTIFF SUBMITS:**

1. (Explain briefly the nature of your initial application);

*Example :* 1. The plaintiff initiated divorce proceedings against the defendant;

2. (Explain why it is impossible to retrace the address of the party to whom you have to serve the documents);

*Example :* 2. On or around January 1st, 2019, the defendant immigrated to Congo and neglects or refuses to give his new address to the plaintiff;

3. On March 15th, 2019, the plaintiff communicated with the defendant by means of his Facebook account, [www.facebook.com/defendant](http://www.facebook.com/defendant), as evidenced by exhibit **P-1**;

4. Without authorisation from the court to serve notice to the defendant via Facebook, the plaintiff will be unable to serve his divorce application;

5. The plaintiff therefore seeks authorization to serve a copy of his divorce application via Facebook to the following account: [www.facebook.com/defendant](http://www.facebook.com/defendant).

*Example:* 2. On or around January 1st, 2019, the defendant left the joint residence of the parties without giving indications as to his new address;

3. On March 15th, 2019, an investigation report produced at the request of the plaintiff declares not finding any trace of the defendant in Quebec, as evidenced by exhibit **P-1**;

4. The plaintiff is unable to communicate by any means with the defendant;

5. Without authorization from the Court to notify his application to the defendant by means of producing a copy for the defendant at the courthouse, the plaintiff will be unable to serve his divorce application;

6. The plaintiff therefore seeks leave of the court to serve a copy of his application to the defendant by producing a copy for the defendant at the courthouse.

*Example :* 2. On or around January 1st, 2019, the defendant left the joint residence and established himself at 15, avenue Panzi, Kinshasa, H8J5+7P, République démocratique du Congo;

3. To respect the principle of proportionality, the plaintiff seeks authorization from the Court to serve a copy of his claim to the defendant via FedEx to his new residence;

4. Indeed, the cost of serving his claim by bailiff to the new residence of the defendant is not proportional to the nature and finality of the divorce application of the plaintiff.

**FOR THESE REASONS, MAY IT PLEASE THE COURT TO :**

**AUTHORIZE** the plaintiff to serve a copy of the application to the defendant (*first name LAST NAME*) via (*Specify your chosen mode of communication*).

*Examples :*

- *His email address « party@defendant.com ».*
- *His Facebook account [www.facebook.com/defendant](http://www.facebook.com/defendant).*
- *FedEx to the address 15 avenue Panzi, Kinshasa, H8J5+7P, République démocratique du Congo.*

*(OR, if production to the office of the Court)*

**AUTHORIZE** the plaintiff to serve a copy of the application to the defendant by producing a copy for the defendant at the courthouse.

**THE WHOLE**, without costs.

*(city), on (date)*

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*(First name LAST NAME)*  
Plaintiff



AFFIDAVIT

I, the undersigned, \_\_\_\_\_,  
domiciled at \_\_\_\_\_,  
solemnly declare the following :

1. I am the plaintiff.
2. All the facts alleged in the present claim are true.

IN WITNESS WHEREOF, I HAVE SIGNED IN \_\_\_\_\_, on  
\_\_\_\_\_

\_\_\_\_\_  
(First name LAST NAME)  
Plaintiff

Solemnly sworn before me in \_\_\_\_\_,  
On \_\_\_\_\_.

\_\_\_\_\_  
Commissioner of Oaths



No. \_\_\_\_\_

COURT \_\_\_\_\_  
DISTRICT OF \_\_\_\_\_

v.

\_\_\_\_\_  
Plaintiff

\_\_\_\_\_  
Defendant

**APPLICATION FOR NOTIFICATION OF A  
PLEADING BY SPECIAL SERVICE**

Original  
(or Copy for \_\_\_\_\_)

Your personal details (First name, name,  
address, telephone number, email)