

Draft Regulation

Code of Civil Procedure
(chapter C-25.01)

Superior Court of Québec — Regulation in civil matters for the district of Québec — Amendment

Notice is hereby given, in accordance with article 64 of the Code of Civil Procedure (chapter C-25.01), that the Chief Justice of the Superior Court of Québec is publishing the Regulation to amend the Regulation of the Superior Court of Québec in civil matters for the district of Québec, appearing below. The draft Regulation will be adopted on the expiry of 45 days following the date of this publication.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Véronique Boucher, Director, Service de recherche, Superior Court, 300, boulevard Jean-Lesage, Bureau R-3.04, Québec (Québec), G1K 8K6; email: veronique.boucher@judex.qc.ca.

*The Honourable MARIE-ANNE PAQUETTE,
Chief Justice of the Superior Court*

Regulation to amend the Regulation of the Superior Court of Québec in civil matters for the district of Québec

Code of Civil Procedure
(chapter C-25.01, art. 63)

1. Schedule 1 to the Regulation of the Superior Court of Québec in civil matters for the district of Québec, added by the Regulation to amend the Regulation of the Superior Court of Québec in civil matters for the district of Québec (2023) 155 G.O.Q. 2, 1789, is revoked.

2. The Regulation is amended by adding the following after section 1:

“**1.1 Lexius applications.** The applications covered by the Regulation respecting the pilot project relating to digital transformation of the administration of justice, A.M. 2024-5193 of 26 March 2024, (2024) 156 G.O.Q. 2, 1805, that concern class actions, commercial cases and applications dealt with according to the procedure for non-contentious proceedings, are governed for the duration of the pilot project by the special procedural rules provided therein, by those specifically adopted in Schedule 1 to this Regulation, in Schedule 1 to the Regulation of the Superior Court of Québec in civil matters (chapter C-25.01, r. 0.2.1) and by directives of the Superior Court of Québec, as a complement to the terms of use for the Lexius platform.”

3. The Regulation is amended by adding Schedule 1.

4. This Regulation is in force with respect to the judicial district of Québec for the period during which the Regulation respecting the pilot project relating to digital transformation of the administration of justice, A.M. 2024-5193 of 26 March 2024, (2024) 156 G.O.Q. 2, 1805, is in force for that district.

SCHEDULE 1 (Section 3)

REGULATION OF THE SUPERIOR COURT OF QUÉBEC RELATING TO LEXIUS APPLICATIONS IN CIVIL MATTERS

1. For the duration of the pilot project as regards applications relating to class actions, commercial cases and applications dealt with according to the procedure for non-contentious proceedings provided for in the Regulation respecting the pilot project relating to digital transformation of the administration of justice, A.M. 2024-5193 of 26 March 2024, (2024) 156 G.O.Q. 2, 1805, the following provisions of this Regulation are amended or revoked as indicated in this Schedule where they apply to an application covered by the pilot project.

The text that differs from the text otherwise in force is highlighted by the underlining of added text and a strikethrough line for deleted portions.

2. Section 7 is replaced by the following:

“**7.** A medical record or an expert report prepared by a physician, psychologist or social worker must be identified as confidential when filed in Lexius; it must be confidentially kept and no person, except an authorized person, may have access to it without the permission of the Court or a judge.”

3. Section 15 is amended as follows:

“**15.** If evidence is presented by way of affidavit or statements deemed to be sworn, a judge may decide the joint application on a draft agreement without a trial.”

4. Section 17 is amended as follows:

“**17.** A proceeding is a commercial proceeding if:

(a) the application is made under:

(Statutes of Canada)

— the Bankruptcy and Insolvency Act (R.S.C. 1985, c. B-3);

—the Companies and Creditors’ Arrangement Act (R.S.C. 1985, c. C-36);

—the Winding-Up and Restructuring Act (R.S.C. 1985, c. W-11);

—the Canada Business Corporations Act (R.S.C. 1985, c. C-44);

—the Bank Act (S.C. 1991, c. 46);

—the Farm Debt Mediation Act (S.C. 1997, c. 21);

—the Commercial Arbitration Act (R.S.C. 1985, c. 17 (2nd Suppl.));

(Statutes of Québec)

—the Code of Civil Procedure (chapter C-25.01):

– articles 527, 645 and 647 (homologation of an arbitration award);

– articles 507 and 508 (recognition and enforcement of an arbitration award made outside Québec);

—the Companies Act (chapter C-38);

—the Winding-Up Act (chapter L-4);

—the Securities Act (chapter V-1.1);

—the Act respecting the regulation of the financial sector (chapter E-6.1);

—the Business Corporations Act (chapter S-31.1);

(b) the same applies to any other case of a commercial nature, on a decision of the Associate Chief Justice or the judge responsible for the commercial chamber, made on initiative or on application.”

5. Section 18 is revoked:

~~“18. The commercial chamber has its own office and its own jurisdictional number (Revoked).”~~

6. Section 19 is replaced by the following:

“19. A pleading in the commercial chamber must include, beneath the words “Superior Court”, the words “Commercial Chamber”, and beneath those latter words, a reference to the law that governs the proceeding.

The back of an originating application must also include those words.”

7. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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