

Significant Changes to the Code of Civil Procedure for the Court of Québec: the Effects of Bill 8, An Act to Improve Justice Efficiency and Accessibility

When will this take effect?

- The new rules will only apply to legal proceedings **introduced after June 30, 2023**.
- Legal proceedings introduced before June 30, 2023, will still follow the old rules stated in the *Code of Civil Procedure*.

To which claims do these changes apply?

The changes only apply to claims **brought before the Court of Québec**, for which the value of the subject matter is less than \$100,000.

- The maximum amount in dispute for cases brought before the Court of Québec will be reduced to \$75,000 (currently \$85,000).
- **Cases between \$75,000 and \$100,000 can now be brought before either the Court of Québec or the Superior Court, at the plaintiff's choice.**
- These amounts are to be indexed annually.

What are the main impacts?

The changes aim to improve the effectiveness and accessibility of the justice system and to simplify legal proceedings.

Simplified proceedings

- Five-page limit for the statement of claim (originating application).
- Two-page limit for the summary statement of defence (seven pages in the case of a cross-application).

Examinations for discovery

- Threshold for oral examinations for discovery is raised to \$50,000 (currently set at \$30,000).
- Only one examination per party will be permitted.
- Three-page limit is imposed for written examinations.

Expert evidence

- **Joint expert evidence is mandatory** if the value in dispute is less than \$50,000, unless authorized by the Court.

Deadlines?

Specific time limits are imposed:

| TIMELINE (DAYS FROM THE SERVICE OF THE SUMMONS) | ACTION REQUIRED |
|---|---|
| Within 20 days | Plaintiff must: <ul style="list-style-type: none"> • disclose its exhibits; • file a notice stating its intentions regarding the nature and number of testimonies by affidavit, pre-trial examinations and expert opinions (for authorization when applicable). |
| Within 45 days | Disclosure of preliminary exceptions and incidental applications. |
| Within 95 days | Defendant must: <ul style="list-style-type: none"> • file its defence arguments and communicate supporting exhibits; • file a notice stating its intentions regarding the nature and number of testimonies by affidavit, pre-trial examinations and expert opinions (for authorization when applicable). |
| Within 110 days (if needed) | Case management conference, when applicable. |
| Between 130 and 160 days | <u>Mandatory settlement conference</u> or a pre-trial conference (in some cases). |
| No later than after 6 months | Registration for trial and judgment by the clerk. |

Bill 8 has other effects which are not addressed within this document, notably regarding the Small Claims Division and various amendments to the Courts of Justice Act in order to diversify the makeup of the Conseil de la magistrature.