

1986, chapter 55  
**AN ACT TO AMEND THE CODE OF  
CIVIL PROCEDURE**

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**Bill 72**

Introduced by Mr Herbert Marx, Minister of Justice

Introduced 13 May 1986

Passage in principle 13 June 1986

Passage 19 June 1986

**Assented to 19 June 1986**

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**Coming into force: 19 June 1986, except sections 3 to 6 and 9, which will come into force on  
1 August 1986**

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**Act amended:**

Code of Civil Procedure (R.S.Q., chapter C-25)



## CHAPTER 55

### An Act to amend the Code of Civil Procedure

*[Assented to 19 June 1986]*

THE PARLIAMENT OF QUEBEC ENACTS AS FOLLOWS:

c. C-25, a.  
39, am.

**1.** Article 39 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended

(1) by inserting, after the word “Saint-François” in the second line of the first paragraph, the following: “, Mégantic”;

(2) by replacing the following: “753 and 834”, in the fourth line of the first paragraph, by the following: “734.0.1, 734.1, 753 and 834.1”;

(3) by replacing the words “district of Bedford” in the last two lines of the second paragraph by the words “districts of Bedford and Mégantic”.

c. C-25, a.  
511, am.

**2.** Article 511 of the said Code is amended by inserting, after the figure “29” in the third line of the first paragraph, the words “and that the pursuit of justice requires that leave be granted”.

c. C-25, a.  
552, am.

**3.** Article 552 of the said Code is amended

(1) by replacing the words “two thousand dollars” in the second line of subparagraph 2 of the first paragraph by the following: “\$4 000”;

(2) by replacing the words “two thousand dollars” in the fourth and fifth lines of the third paragraph by the following: “\$4 000”;

(3) by replacing the following: “\$2 000”, in the last line of the third paragraph, by the following: “\$4 000”.

c. C-25, a.  
553, am.

**4.** Article 553 of the said Code is amended

(1) by replacing the figures “60” and “10” in the first line of subparagraph *a* of the first paragraph of paragraph 11 by the figures “120” and “20”, respectively;

(2) by replacing the figure “40” in subparagraph *b* of the first paragraph of paragraph 11 by the figure “80”;

(3) by adding, after the first paragraph of paragraph 11, the following paragraph:

“The person to whom the debtor is married or, if he is not married, the person with whom the debtor has been cohabiting for three years or for one year if a child has issued from their union is considered to be the spouse of the debtor.”

c. C-25, a.  
553.2,  
added

**5.** The said Code is amended by inserting, after article 553.1, the following article:

“**553.2** An immovable serving as the principal residence of the debtor is also exempt from seizure where the amount of the claim is less than \$5 000, except where

(1) the claim is secured by a pledge, privilege or legal or conventional hypothec on the immovable;

(2) the claim is a claim for support;

(3) the immovable is already validly under seizure.

For the purposes of this article, the amount of the claim is that of the judgment under which the immovable could be seized, including interest accrued from the date of the judgment, but not including costs.”

c. C-25, a.  
565, am.

**6.** Article 565 of the said Code is amended by adding, at the end, the following paragraph:

“In no case may a writ of expulsion be executed on a Saturday or on a non-judicial day, nor unless prior notice of at least 48 hours has been served on the defendant. A judge may, however, give an authorization written and signed with his own hand to disregard a requirement of this paragraph.”

c. C-25, a.  
753, am.

**7.** Article 753 of the said Code is amended by replacing the words “an interlocutory” in the last line of the English text by the words “a provisional”.

c. C-25, a.  
813, am.

**8.** Article 813 of the said Code is amended by inserting, after the word “Québec” in the first line of the first paragraph, the following: “or on the Divorce Act, 1985 (Statutes of Canada, 1986, chapter 4)”.

Applicability  
of ss. 3-5

**9.** Sections 3 to 5 do not apply to a seizure for which the writ was issued before 1 August 1986.

Effect of  
s. 8

**10.** Section 8 has effect from 1 June 1986.

Coming into  
force

**11.** This Act comes into force on 19 June 1986, except sections 3 to 6 and 9, which will come into force on 1 August 1986.