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## The Court System

- Québec's court system is made up of various courts and the jurisdiction of each court is determined by law on the basis of a number of factors, including the nature of the case, geographical location and the amount in dispute.

This document provides an overview of the role played by the main courts in Québec's court system.

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### ➤ Municipal Courts

There are 86 municipal courts located across Québec, established by the Act respecting municipal courts. Each court is presided over by a municipal judge.

Municipal courts have limited jurisdiction in civil matters, exercised mostly in connection with municipal tax claims. They hear cases involving offences under municipal by-laws and Québec statutes such as the Highway Safety Code.

Municipal courts are also authorized to hear and decide cases concerning offences under Part XXVI of the Criminal Code, which are criminal offences punishable on summary conviction.

### ➤ The Court of Québec

The Court of Québec is a court of first instance that has jurisdiction in civil, criminal and penal matters as well as in matters relating to young persons. It also has jurisdiction over administrative matters and appeals where provided for by law.

The Court of Québec is made up of a maximum of 270 judges, appointed by the Government of Québec for life. It is under the direction of a chief judge assisted by a senior associate chief judge and four associate chief judges. Ten associate coordinating judges and eight assistant coordinating judges assist the chief judge and the senior associate chief judge in their duties.

The Court of Québec has three divisions: the Civil Division (that includes the Small Claims Division), the Criminal and Penal Division, and the Youth Division.

#### ***The Civil Division***

The Civil Division has jurisdiction throughout Québec and sits in all judicial districts. It hears cases where the amount in dispute is less than \$70,000, with the exception of applications for child or spousal support and matters within the jurisdiction of the Federal Court of Canada such as cases involving federal income tax.

The Civil Division also hears petitions for psychiatric examinations and proceedings concerning voluntary deposits and municipal and school matters. It has exclusive jurisdiction to hear appeals from certain decisions made by the Administrative Tribunal of Québec and other administrative tribunals such as the Régie du logement.

#### ***The Small Claims Division***

The Small Claims Division deals with all claims up to \$7,000 made by natural persons, or by legal persons, partnerships or associations that have employed no more than five people in the twelve months prior to the claim. The types of claims heard may involve, for example, breach of contract or damage to another person's property.

Procedure in the Small Claims Division is simple and informal. The claimant cannot be represented by a lawyer, unless allowed because of the complexity of the case. The proceedings are conducted by the judge, who examines the witnesses and hears the parties. Judgments in the Small Claims Division are final and cannot be appealed.

It is important to note that this Division also hears various tax cases involving both income tax and other types of taxes. A taxpayer may file an appeal concerning a tax matter to this Division. Since this question is relatively complex, it is preferable to contact Revenu Québec for more information.

#### ***The Criminal and Penal Division***

The Criminal and Penal Division has jurisdiction throughout Québec. Unless otherwise specified by law, all proceedings under the Criminal Code, the Code of Penal Procedure and all other regulatory offence statutes are heard by this Division.

In criminal matters, the Division tries offences punishable on summary conviction under Part XXI of the Criminal Code and proceedings under the jurisdiction of a provincial court judge or a judge sitting without a jury. Cases include theft, breach of a driving prohibition, and assault in the form of threats or assault without bodily injury. This Division hears all criminal proceedings with the exception of those that take place before a court composed of a judge and jury or that are within the exclusive jurisdiction of the Superior Court.

In penal matters, the Division hears proceedings for offences under provincial and federal legislation.

#### ***The Youth Division***

The Youth Division hears all cases involving minors such as applications under the Youth Protection Act concerning the security or development of a child under 18 years of age. It also hears adoption cases.

In criminal matters, the Youth Division applies the Youth Criminal Justice Act. It hears first instance cases in which individuals between the ages of 12 and 18 are accused of offences under the Criminal Code (including murder) and other federal statutes.

In penal matters, the Youth Division applies the Code of Penal Procedure and hears cases involving individuals between the ages of 14 and 18 who are accused of offences under Québec statutes and municipal by-laws.



### » **The Superior Court**

The Superior Court has jurisdiction throughout Québec and sits in all the judicial districts. It is made up of 144 judges, including a chief judge, a senior associate chief judge and an associate chief judge, all appointed by the federal government.

In civil matters, the Superior Court generally hears cases in first instance where the amount at issue is at least \$70,000. It has exclusive jurisdiction in family matters such as divorce, support, and child custody. Proceedings are heard in private with the parties' names remaining confidential. It also hears applications regarding class actions and probate (homologation) of wills. The Superior Court may issue injunctions to stop certain activities (for example, it can stop construction work on property that does not belong to the person performing the work).

Decisions by courts or bodies in Québec, except Court of Appeal decisions, are subject to the superintending and reforming power of the Superior Court, with some exceptions.

In criminal matters, the Superior Court has exclusive jurisdiction in first instance to try criminal cases, heard before judge and jury, involving murder and treason. The Superior Court also has jurisdiction in cases for which the accused elects trial by jury. Lastly, the Superior Court has jurisdiction in matters of extraordinary recourse (for example, when a person is unlawfully detained in prison or when the legality of a search warrant is challenged).

As is the case for the Court of Appeal, the Superior Court is competent to hear appeals of decisions under the Criminal Code made by a judge of the Youth Division, the Criminal and Penal Division or a municipal court, or by a justice of the peace. These appeals may concern summary offences such as theft, driving while impaired, cruelty to animals, prostitution, etc. The Superior Court also hears appeals of decisions made under other federal and provincial statutes.

### » **The Court of Appeal**

The Court of Appeal is the general appeal court for Québec and as such, is the highest court in Québec. It is made up of 20 judges appointed by the Government of Canada. It sits in the cities of Québec and Montréal.

In civil matters, the Court hears appeals from final judgments of the Superior Court and the Court of Québec where the amount in dispute is \$50,000 or more.

The Court of Appeal also hears other appeals, specifically in matters of adoption, divorce and the protective supervision of persons of full age.

Other final judgments of the Superior Court and the Court of Québec may be appealed if leave to do so is granted by a judge of the Court of Appeal.

In criminal matters, the Court of Appeal hears appeals from verdicts of guilt or acquittal and sentencing appeals.

### » **The Supreme Court of Canada**

The Supreme Court of Canada is the highest court in the country. It is made up of nine judges appointed by the Canadian government. At least three judges must be chosen from among the judges of the Québec Court of Appeal or the Québec Superior Court, or must have been members of the Barreau du Québec for at least ten years at the time of their appointment. The Supreme Court sits in Ottawa.

The Supreme Court has final jurisdiction in criminal, civil and constitutional matters. The Supreme Court may interpret the Canadian constitution, determine the constitutionality of a law and interpret federal or provincial laws. It is also responsible for examining questions relating to the powers of Parliament and the provincial

governments when such questions are referred to it by the Governor General in Council. In short, the Supreme Court hears matters of national interest. No lower court can render a judgment that goes against a Supreme Court decision.

The decisions of the Supreme Court are always final and without appeal. As a rule, since the Supreme Court decides which cases it will hear, appeals to it must be authorized.

**Please note**

People sometimes believe, incorrectly, that the Ministère de la Justice "renders justice". Although it is required to provide the courts with the material, financial and professional support they need to perform their duties, the Ministère de la Justice cannot adjudicate or decide a case. That is strictly the work of the courts. In addition, the Minister of Justice has no power to intervene in the decisions of the courts.

➤ **For more information**

Québec courts website

- [The Courts of Québec](#)

Preparing to testify in Criminal Court:

- [Witnesses: Your role in Criminal Court](#)

Preparing to testify in Youth Court:

- [Witnesses: Your role in Youth Court](#)

Serving as a juror (qualification, selection, conditions):

- [Jury Duty](#)

The conduct of civil proceedings:

- [Civil Suit](#)

The Small Claims Division of the Court of Québec:

- [Small Claims](#)

The various stages in the judicial process for minors:

- [The Youth Criminal Justice Act: The legal procedure](#)
- [Victims of crime - Understanding the youth criminal justice system](#)

Justice Process

- [Adult Criminal Justice Process](#)

Rules of application for the program to deal non-judicially with adults:

- [Program to deal non-judicially with certain criminal offences committed by adults](#)

How settlement conferences are conducted:

- [The facilitation conference in criminal and penal matters - Court of Québec](#)
- [The settlement conference in civil cases - Court of Québec](#)
- [The settlement conference in youth protection cases - Court of Québec](#)
- [Settlement Conference of the Superior Court of Québec](#)
- [Court of Appeal of Québec Conciliation Service Program](#)

The addresses and telephone numbers of Québec courthouses:

- [Courthouses](#)

Which judicial district a municipality is located in:

- [Search for a judicial district](#)

Forms in use in court administration:

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**The content of this document is strictly informative and has no legal value.**

If you find some of the information difficult to understand, do not hesitate to [contact us](#).

**Please note, however, that we cannot interpret the information to apply it to a specific situation.**

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