# NATIONAL ASSEMBLY

Bill 996

## An Act to amend the Code of Civil Procedure to facilitate the forced execution of judgments in small claims matters

**Introduction**

**Introduced by**
**Mr. Simon Jolin-Barrette**
**Member for Borduas**

**EXPLANATORY NOTES**

*The purpose of this bill is to facilitate the forced execution of judgments in small claims matters.*

*To that end, the Code of Civil Procedure is amended to provide that, in small claims matters, the court clerk executes judgments in favour of natural persons involving judgment amounts under $2,000 for the benefit of the creditor. In such cases, the execution costs are to be borne by the Minister of Justice, who may claim them from the debtor.*

**LEGISLATION AMENDED BY THIS BILL:**

– Code of Civil Procedure (chapter C-25.01).

# Bill 996

## AN ACT TO AMEND THE CODE OF CIVIL PROCEDURE TO FACILITATE THE FORCED EXECUTION OF JUDGMENTS IN SMALL CLAIMS MATTERS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CODE OF CIVIL PROCEDURE

**1.** The Code of Civil Procedure (chapter C-25.01) is amended by inserting the following article after article 565:

"**565.1.** The court clerk executes the judgment for the benefit of the creditor if the latter is a natural person and the judgment amount is less than $2,000. The court clerk acts as a seizor in executing the judgment, according to the procedure set out in Book VIII and subject to the provisions of this Title."

**2.** The Code is amended by inserting the following article after article 567:

"**567.1.** If the court clerk executes the judgment for the benefit of the creditor under article 565.1, the execution costs are borne by the Minister of Justice.

The Minister of Justice may claim the execution costs from the debtor in accordance with article 567."

FINAL PROVISION

**3.** This Act comes into force on (*insert the date of assent to this Act*).

Despite the first paragraph, if already under way, the execution of a judgment continues in accordance with the rules applicable before this Act came into force.