

APPLICATION FOR TRANSFER OF DISTRICT UNDER THE CODE OF PENAL PROCEDURE

Any defendant whose offence is prosecuted under the Code of Penal Procedure may use this form to file an application to transfer a case to another district

INSTRUCTIONS FOR FILLING OUT THE FORM

1. HEADING

A. Identification of case

In the upper left corner, enter the name of the judicial district and, if applicable, the name of the locality where the application will be filed, as well as the court's record number and the statement of offence number.

B. Identification of parties

In the space provided for the applicant, enter your family name, given name, occupation, address and postal code.

You may also indicate your phone number so that Court personnel can reach you if necessary.

In the space provided for the respondent, enter the name and address of the prosecutor.

2. ALLEGATIONS

In the opening paragraph, enter the name of judicial district where the application will be filed.

Paragraph 1

- Enter your family name and given name, the name of the district where the charge was brought, as well as the court's record number and the statement of offence number.
- Enter the exact wording of the charge as brought.

Paragraph 2

- Enter the date and place (judicial district) where the case will be heard.

Paragraph 3

- Enter the name of the judicial district of your residence, as well as your address and postal code.

Paragraph 4

- State the reasons for applying for the transfer of your case to your district of residence.
The judge must be satisfied that the change applied for is in the interests of justice, taking into account the costs of attendance that the witnesses to be summoned by the prosecutor, as well as by the defendant, will incur as a result of the change.

3. CONCLUSIONS

Paragraph 1

- Enter the name of the judicial district and, if applicable, the name of the locality where you want the case to be heard.

Paragraph 2

- Enter the name of the judicial district where the charge was brought, the record number and the name of the judicial district where you want the case to be transferred.

4. SIGNATURE

- Do not forget to sign the application

5. AFFIDAVIT

- Enter your family name, given name and address, and the name of the judicial district of your residence. The affidavit must be signed at the time of the oath; the oath must be taken by a person authorized to receive a solemn affirmation or an oath (commissioners for oaths, attorneys, notaries, justices of the peace and court clerks).

6. PRIOR NOTICE OF PRELIMINARY APPLICATION

- In the spaces provided for this purpose, enter the name of the judicial district where the charge was brought, the address of the clerk of this district, as well as the address of the Prosecutor of the criminal and penal prosecutions of the same district. The address is that of the district's courthouse.
- Enter the date, time and room number where the application will be filed, after obtaining this information from the clerk of the district where you will file the application.
DO NOT FORGET TO DATE AND TO SIGN THE PRIOR NOTICE OF PRELIMINARY APPLICATION.

7. PROCEDURE

1. On whom should your application be served?

You must serve a copy of your application for transfer of district, affidavit and prior notice of preliminary application **on the prosecutor and the clerk of the judicial district where the charge was brought**. You must attest, by signing in the proper places, that the copies are true copies of the originals.

2. How is your application served?

Service on the prosecutor and on the clerk may be delivered by registered, certified or priority mail, or by bailiff. You can substitute service with a receipt signed and dated respectively by the prosecutor and the clerk.

3. Deadlines

You must serve these documents **at least five clear days before the date of presentation**. By the same deadline, you must file them with the office of the court where the application will be filed.

4. Fees

Fees are payable when you file an application for transfer of district. Contact the clerk to find out the amount payable.

You may be ordered to pay additional fees if your application is dismissed or is deemed to be a delaying tactic or clearly unfounded.

CANADA
PROVINCE OF QUÉBEC
District
Locality:
File No.:
Statement No.:

Applicant
v.

Respondent

TO A JUDGE OF THIS COURT OR TO A JUSTICE OF THE PEACE, SITTING IN AND FOR THE DISTRICT
OF _____

THE APPLICANT STATES THE FOLLOWING:

1. The applicant is charged in the district of _____ of the following offence:

File No.: _____ Statement No.: _____

Description of offence: _____

2. The hearing of this case is set for: _____ at the courthouse of _____
district of _____

3. The applicant resides in the district of: _____ at the following address:

4. It is in the interest of justice that this case be tried in the district of the applicant's residence for the following reasons:

THEREFORE, MAY IT PLEASE THE COURT TO:

ORDER that this case be tried in the locality of _____
district of _____ .

ORDER the clerk of the Court of Québec of the locality of _____
district of _____ to transfer file No. _____ to the clerk of the Court of
Québec in the locality of _____ , district of _____ .

At _____ , on _____

Applicant

AFFIDAVIT

I, the undersigned, _____,
domiciled and residing at _____,
district of _____, province of Québec,
declare under oath:

- 1. I am the applicant;
- 2. All the facts alleged in this application are true.

AND I HAVE SIGNED

Applicant

Declared under oath before me

At _____, on _____

Person authorized to receive an oath

PRIOR NOTICE OF PRELIMINARY APPLICATION

TO:

Clerk of the Court of Québec, locality of: _____, district of: _____

- Prosecutor of the criminal and penal prosecutions (Respondent)
- _____ (Respondent)

TAKE NOTICE that this application will be submitted for adjudication before a judge of the Court of Québec, sitting in the practice division, on _____ at _____ a.m. / p.m., in room _____ of the courthouse of _____.

At _____, on _____

Applicant