

MODEL ESTABLISHED BY THE MINISTER OF JUSTICE

SUBPOENA
(articles 269 and following C.C.P.)

(Identification of court record and parties)

Nature of the application: _____

At the request of: _____
(Name and contact information of the party requesting the calling of the witness)

We order: _____
(Name of the witness called to testify under subpoena)

TO ATTEND at court on _____, à _____ o'clock, to testify to everything of which the witness has knowledge in this case.

(Insert if necessary)

AND TO HAVE IN HIS/HER POSSESSION: _____.

(Insert if the witness testifies in person)

The witness must appear at courtroom _____ of the _____ courthouse located at _____.

(Insert if the witness testifies via a technical medium)

Before that date, the requisite information to enable the witness to testify _____ will be provided to the witness by _____.

(Indicate the technical medium used)

(Identify the proper person)

If the witness has received an advance on the indemnities and allowances payable to a witness and fails to attend, the court may order the witness to pay all or part of the costs caused by the failure to attend and may issue an arrest warrant.

Signed

at _____, on _____

(Signature)

(Name of the signatory in block letters)

(Signatory's title)

THE WITNESS MUST READ THE FOLLOWING INFORMATION

As a witness, you are required to attend at court to testify in the judicial application specified in this subpoena.

If you fail to attend in accordance with the subpoena, you may be compelled to testify and an arrest warrant may be issued against you by the court. In addition, the court may order you to pay all or part of the costs caused by your failure to attend.

You may be called:

- to give an account of the facts of which you have personal knowledge;
- to give an expert opinion; or
- to produce a document or other evidence.

Before testifying, you will be required to swear under oath to tell the truth. However, if the disclosure of your address gives cause to fear for your safety, you may ask the court to dispense you from disclosing it.

You have the right to be informed, by the calling party or by the calling party's lawyer if the calling party is represented, of the reason you have been called, the subject of your testimony and the order of the proceeding. The name and contact information of the calling party or of the calling party's lawyer if the calling party is represented are specified on the subpoena.

If your presence is no longer required, the calling party must so inform you.

If you are called, you may require the calling party to pay you an advance, covering the first day of attendance at court, on the loss of time indemnity and the travel, meal and overnight accommodation allowances prescribed by government regulation. However, the calling party is dispensed from this obligation for expenses which it covers directly, if you are a party or if you are otherwise compensated.

If you are called to attend as a witness in the Small Claims Division of the Court of Québec, you will not be compensated, unless the court decides otherwise.

After you have testified, the clerk will certify your presence and determine the amount owed to you by the calling party. You must present this subpoena to the clerk along with the proof needed to establish the indemnities and allowances to which you are entitled.

This certificate has the force of an enforceable judgment. If the amounts to which you are entitled are not paid, you may immediately pursue payment of them against the calling party.

Employers and their agents are prohibited from taking any of the following actions against an employee on the grounds that the employee was called to attend at court or served as a witness:

- dismissing, suspending or transferring the employee;
- exercising discriminatory measures or reprisals against the employee;
- imposing any other penalty on the employee.