

# Questionnaire relating to the Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (Service Convention)

Responding State:	Canada
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## I. General Feedback

1. How does your State rate the general operation of the Service Convention?

(d) Requires improvement.

*“Canadian central authorities have experienced difficulties corresponding with foreign forwarding authority to try to resolve issues such the absence of translations or of the required fee in requests for service. To facilitate resolving these, issues, forwarding authorities should include their email addresses in their requests for service. Also, see note below on the lack of access to the Handbook.*

*Les autorités centrales canadiennes ont éprouvé des difficultés à correspondre avec les autorités expéditrices étrangères pour tenter de résoudre des problèmes tels que l'absence de traductions ou de frais dans les demandes de signification ou de notification. Pour faciliter la résolution de ces problèmes, les autorités expéditrices devraient inclure leur adresse électronique dans leurs demandes de signification ou de notification. Voir également la note ci-dessous sur le manque d'accès au Manuel.”*

2. How does your State rate the useability of the HCCH [Practical Handbook on the Operation of the Service Convention](#)?

(d) Requires improvement.

*“The Handbook should be made available on HCCH.net for free. Access to the Handbook is a matter linked to access to justice. In Canada, members of the law societies of Canadian provinces and territories and members of the Chambre des notaires of the Province of Québec (for non-litigious matters only) are forwarding authorities. We cannot assume that these forwarding authorities who may serve documents abroad very infrequently, will purchase a Handbook. Often, service abroad involves family law matters and clients do not necessarily have the funds to help their legal counsel purchase a copy of the Handbook. As a result of the unavailability of the Handbook for free, the application of the Convention may be negatively impacted in these cases and this may have a negative impact on litigants. Le manuel devrait être disponible gratuitement sur le site HCCH.net.*

*L'accès au Manuel est une question liée à l'accès à la justice. Au Canada, les membres des barreaux des provinces et territoires canadiens et les membres de la Chambre des notaires de la province de Québec (pour les affaires non contentieuses uniquement) sont des autorités expéditrices. Nous ne pouvons pas supposer que ces autorités expéditrices, qui ne signifient des documents à l'étranger que très rarement, achèteront un manuel. Souvent, les significations ou notifications à l'étranger concernent des affaires de droit de la famille et les clients n'ont pas nécessairement les moyens d'aider leur conseiller juridique à acheter un exemplaire du manuel. Le fait que le manuel ne soit pas disponible gratuitement peut avoir un impact négatif sur l'application de la Convention dans ces affaires, ce qui peut avoir des conséquences négatives pour les parties au litige.”*

3. Does your State's Central Authority have a manual or electronic case management register or system that is used to track incoming requests under the Service Convention?

(f) Other.

*"Some Canadian Central Authorities have manual case management registers while others have electronic systems. Canadian Central Authorities only deal with incoming requests as they do not act as forwarding authorities.*

*Certaines Autorités centrales canadiennes ont des registres manuels de gestion des dossiers, tandis que d'autres ont des systèmes électroniques. Les Autorités centrales canadiennes ne traitent que les demandes entrantes et n'agissent pas en tant qu'autorités expéditrices."*

4. If your State's Central Authority has oversight for all outgoing requests, please indicate if there is a system used to track the progress of these.

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## II. Scope of the Convention

5. In the previous five years\*, has your State experienced any difficulties in interpreting the scope of the Service Convention?

\*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(a) Yes, regarding the interpretation of "civil or commercial matters" (Art. 1).

*"Yes, one Central Authority received several requests related to proceedings in taxation matters.*

*Oui, une autorité centrale a reçu plusieurs demandes relatives à des procédures en matière fiscale."*

### A. Extrajudicial documents

6. Is the concept of "extrajudicial documents" (Art. 17) defined in the internal law of your State?

(b) No.

7. What types of extrajudicial documents are **transmitted** under the Service Convention by your State?

*"It is not possible to know if any extrajudicial documents have been transmitted for service abroad as forward authorities are private sector lawyers and Quebec notaries (for non-litigious matters only) and the government of Canada does not have access to their professional records.*

*Il n'est pas possible de savoir si des actes extrajudiciaires ont été transmis pour signification ou notification à l'étranger, car les autorités expéditrices sont des avocats du secteur privé et des notaires du Québec (pour les affaires non contentieuses uniquement) et le gouvernement du Canada n'a pas accès à leurs dossiers professionnels."*

### III. Operation of the Convention

Requesting State refers to the State from which a request for service is, or will be, issued.

Requested State refers to the State to which a request for service is, or will be, addressed.

8. As the **requested State**, does your State provide assistance to locate a person to be served under the Service Convention?

*(The Special Commission, at its 2014 meeting, encouraged Contracting Parties to provide such assistance consistent with their legal and structural capabilities, when able to do so, see C&R No 23.)*

- (a) Yes.

*“Some, but not all, Central Authorities will attempt to serve documents at more than one address, conduct internet searches or consult available government records to attempt to locate a person to be served under the Convention.*

*Certaines Autorités centrales, mais pas toutes, tenteront de signifier des documents à plusieurs adresses, effectueront des recherches sur Internet ou consulteront les registres gouvernementaux disponibles pour tenter de localiser une personne devant être signifiée ou notifiée en vertu de la Convention.”*

9. As the **requesting State**, how would your State transmit a document for service upon another State, a State official, or a State-owned company?

- (c) Other.

*“The State would not necessarily be involved in transmitting the documents through the main channel, postal channels and direct communication between interested persons and judicial officers. Documents may be transmitted through any of the channels listed above if the rules of civil procedure applicable to the dispute allow the use of such channels. In some cases, requests sent through the main channel are rejected by the requested State and diplomatic channels are then used.*

*L'État n'interviendrait pas nécessairement dans la transmission des actes par la voie principale, la voie postale et la communication directe entre les personnes intéressées et les huissiers de justice. Les documents peuvent être transmis par l'une des voies énumérées ci-dessus si les règles de procédure civile applicables au litige permettent l'utilisation de ces voies. Dans certains cas, les demandes adressées par la voie principale sont rejetées par l'État requis et la voie diplomatique est alors utilisée.”*

10. As the **requested State**, how is a request for service on your State, State official or State-owned company executed?

*“For requests under Article 5 of the Convention, service would be executed as prescribed by that Article.*

*Pour les demandes relevant de l'article 5 de la Convention, la signification ou la notification s'effectuera selon les modalités prévues par cet article.”*

11. Does your State serve judicial and extrajudicial documents in the same way?

- (a) Yes.

## A. Main Channel of Transmission (Art. 5)

12. In your State, what are the authorities or who are the persons competent to forward a request for service to a foreign Central Authority?

(g) Other.

*“Attorney General for Canada - Attorney General, Ministry of the Attorney General or Minister of Justice of a province or territory - Clerks of the courts and their deputies for a judicial or a court district. - Court Registrars (Saskatchewan) - Central Authority for Alberta - Deputy Minister of Justice, Northwest Territories - Huissiers and sheriffs - Local registrars - Members of the law societies of all provinces and territories - Members of the Board of Notaries of the Province of Québec (for non-litigious matters only) - Revenu Québec - Autorité centrale désignée de l’Alberta - Greffiers des cours et leurs adjoints d’un district judiciaire - Huissiers et les shérifs - Membres de la Chambre des notaires de la province de Québec (pour les matières non contentieuses seulement) - Membres des Barreaux des provinces et des territoires - Sous-ministre de la Justice des Territoires du Nord-Ouest - Procureur général, le Ministère du Procureur général ou le Ministre de la Justice d’une province ou d’un territoire - Procureur général du Canada - Registraires - Revenu Québec.”*

13. Do outgoing requests for service have to be transmitted through your State’s Central Authority?

(b) No.

14. As the **requested State**, when no particular method is requested by the applicant, what is the primary / default method of service? (Art. 5(1)(a))

(b) Personal service.

15. In the previous five years\*, as the **requested State**, has your State **received** a request with a particular method of service requested by the applicant? (Art. 5(1)(b))

\*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(a) Yes.

15.1. If yes, what method of service was requested?

(a) Personal service.

(d) By e-mail.

15.2. If yes, was the requested method of service able to be executed?

(b) No.

*“The request for service by email was not executed as there are no procedure in place for service by such method.*

*La demande de signification par courriel n’a pas été exécutée car il n’y a pas de procédure en place pour la signification par une telle méthode.”*

16. In the previous five years\*, as the **requesting State**, has your State's forwarding authorities requested a particular method of service? (Art. 5(1)(b))

\*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(c) Unknown.

- 16.1. If yes, what particular method of service was requested?

N/A

- 16.2. If yes, was the requested method of service able to be executed?

N/A

- 16.3. If yes, were there costs associated with this method of service?

N/A

## B. Alternative Channels of Transmission (Arts 8, 9 & 10)

State of origin refers to the State in which proceedings are commenced and where the document to be served originates.

State of destination refers to the State where service is, or will be, effected.

### 1. Model Form

Use of the Model Form is mandatory for the main channel of transmission. The Special Commission, at its 2009 meeting, urged State Parties to widely encourage the use of the part of the Model Form containing the "Summary", accompanied by the "Warning" (see C&R No 31).

17. As the **State of origin**, does your State use the "Warning" and "Summary" sections of the Model Form when transmitting a request through alternative channels?

(b) Sometimes.

*"Use of the "Warning" and "Summary" sections of the Model Form is mandated by the rules of civil procedure applicable in some jurisdictions in Canada.*

*L'utilisation des sections « Avertissement » et « Éléments essentiels de l'acte » du formulaire type est mandatée par les règles de procédure civile applicables dans certaines administrations au Canada."*

18. As the State of destination, does your State use the "Certificate" section of the Model Form when informing whether documents have been served (in response to a request received through alternative channels)?

(a) Always.

## 2. Diplomatic and Consular Agents (Art. 8)

19. In the previous five years\*, have the diplomatic or consular agents of your State directly effected service of judicial or extrajudicial documents upon a person abroad? (Art. 8(1))

\*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(b) No.

20. In the previous five years\*, has service by diplomatic or consular agents of your State been rejected by the addressee? (Art. 8(1))

\*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(b) No.

## 3. Diplomatic and Consular Channels (Art. 9)

21. In the previous five years\*, has your State used consular channels to forward documents? (Art. 9(1))

\*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(c) Unknown.

22. In the previous five years\*, under exceptional circumstances, has your State used diplomatic channels to forward documents? (Art. 9(2))

\*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(c) Unknown.

## 4. Postal Channel (Art. 10(a))

23. Has your State (as the **State of destination**) objected to service under Article 10(a)?

(b) No.

- 23.1. If an objection has been made under Article 10(a), does your State continue to use postal channels for service as the State of origin, despite the objection?

N/A

- 23.2. If no objection has been made, does your State, as the **State of destination**, accept the use of postal channels for service from other States of origin that have made an objection under Article 10(a)?

(a) Yes.

23.3. If no objection has been made, which of the following categories does your State recognise as a “postal channel” under Article 10(a)?

(f) Other.

*“There is no specific rule applicable to judicial or extrajudicial documents served in Canada if they relate to proceedings taking place outside of Canada.*

*Il n’y a pas de règle particulière applicable aux actes judiciaires ou extrajudiciaires signifiés ou notifiés au Canada s’ils se rapportent à des procédures se déroulant à l’extérieur du Canada.”*

23.4. If no objection has been made, more specifically, would your State consider service by e-mail to be analogous to service by postal channels under Art. 10(a)?

(c) Unknown.

*“There is no specific rule applicable to judicial or extrajudicial documents served in Canada if they relate to proceedings taking place outside of Canada.*

*Il n’y a pas de règle particulière applicable aux actes judiciaires ou extrajudiciaires signifiés ou notifiés au Canada s’ils se rapportent à des procédures se déroulant à l’extérieur du Canada.”*

23.5. If no objection has been made, does your State require the documents served to be translated into one of your State’s official languages?

(b) No.

## **5. Judicial Officers, Officials or other Competent Persons (Art. 10(b))**

24. Has your State objected to service under Article 10(b)?

(b) No.

24.1. If no objection has been made, which of the following categories does your State recognise as a “judicial officer, official or other competent person” under Article 10(b), either for sending or receiving?

(a) Attorney or solicitor.

(b) Bailiff.

(c) *Huissier.*

(d) Court official.

(e) Notary.

(g) Process server.

(h) Other.

*“Any competent adult.*

*Tout adult ayant la capacité juridique.”*

24.2. If no objection has been made, how does this channel of transmission operate in practice?

*“Individuals involved in judicial proceedings in Canada must ensure to follow to rules of civil procedure applicable to the service of documents abroad.*

*Les personnes impliquées dans des procédures judiciaires au Canada doivent s’assurer de suivre les règles de procédure civile applicables à la signification ou notification à l’étranger.”*

24.3. If no objection has been made, are there costs associated with this channel of transmission?

- (a) Yes.  
*“Nothing prevents individuals identified by Article 10(b) to charge fees to effect service abroad.  
 Rien n'empêche les personnes identifiées par l'article (b), de facturer des frais pour effectuer une signification ou une notification à l'étranger.”*

#### **6. Person Interested in a Judicial Proceeding (Art. 10(c))**

25. Has your State objected to service under Article 10(c)?

- (b) No.

25.1. If no, which of the following categories does your State recognise as “any person interested in a judicial proceeding” under Article 10(c), either for sending or receiving?

- (a) Attorney or solicitor.  
 (b) Bailiff.  
 (c) *Huissier*.  
 (d) Court official.  
 (e) Notary.  
 (g) Other.  
*“Any competent adult.  
 Tout adult ayant la capacité juridique.”*

25.2. If no, how does this channel of transmission operate in practice?

*“Individuals involved in judicial proceedings in Canada must ensure to follow to rules of civil procedure applicable to the service of documents abroad.  
 Les personnes impliquées dans des procédures judiciaires au Canada doivent s'assurer de suivre les règles de procédure civile applicables à la signification et de notification d'actes à l'étranger.”*

25.3. If no, are there costs associated with this channel of transmission?

- (a) Yes.  
*“Fees may be charged for sending requests for service abroad.  
 Des frais peuvent être facturés pour l'envoi de demandes de signification ou de notification à l'étranger.”*

#### **C. Refusal to Execute Request (Art. 13)**

26. In the previous five years\*, has your State refused a request for service on grounds of infringing “sovereignty or security”?

\*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

- (b) No.



27. In the previous five years\*, has a request from your State been refused on grounds of infringing “sovereignty or security”?

\*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

- (c) Unknown.

#### IV. Use of Information Technology

In 2019, the PB circulated a questionnaire on the use of information technology in relation to the operation of the Service Convention. That survey was concluded prior to the COVID-19 pandemic. The questions below seek information from Contracting Parties on the use of technology and in light of the pandemic.

28. Has your State taken any steps (including through legislation) to enable or increase the use of technology to facilitate the operation of the Service Convention, including in response to the COVID-19 pandemic?

- (a) Yes.

*“Some jurisdictions have implemented online payment of the fees required for requests under Article 5 of the Convention.*

*Certaines administrations permettent maintenant le paiement en ligne des frais exigés pour les demandes effectués en vertu de l'article 5 de la Convention.”*

29. Do the forwarding authorities of your State transmit requests under the Service Convention electronically?

- (a) Yes (Unknown – see response to Question 29.1).

- 29.1. If yes, what methods of transmission do the forwarding authorities of your State use?

- (f) Other.

*“Our response to question 29 is "unknown" but this is not an option for response. The government of Canada does not have any record of outgoing requests since they are mostly made by members of the law societies of Canadian provinces and territories and members of the Chambre des notaires of the Province of Québec (for non-litigious matters only) in their capacity as forwarding authorities.*

*Notre réponse à la question 29 est "inconnu" mais il ne s'agit pas d'une option de réponse. Le gouvernement du Canada n'a pas de données sur demandes sortantes puisqu'elles sont principalement faites par des membres des barreaux des provinces et territoires canadiens et des membres de la Chambre des notaires de la province de Québec (pour les affaires non contentieuses seulement) dans leur qualité d'autorités expéditrices.”*

30. Does your State’s Central Authority accept requests under the Service Convention transmitted electronically in circumstances where **only** an electronic copy is provided (and where a paper copy is not subsequently provided)?

- (b) No.

- 30.1. If yes, what methods of transmission does your State accept?

N/A

30.2. If no, please provide further information about why this is not yet possible.

*“It could become possible if policies and procedures were created for that purpose. Additional printing fees would have to be charged.*

*Cela pourrait devenir possible si des politiques et des procédures étaient créées à cette fin. Des frais d'impression supplémentaires devront être facturés.”*

31. Does your State permit execution of service via electronic means?

(g) Other.

*“Canadian rules of civil procedure do not apply to the service of judicial documents in Canada in the context of foreign judicial procedures. While execution of service by electronic means in Canada in the context of foreign judicial procedures is not prohibited, there is no system in place at present for Canadian Central Authorities to execute service by such means.*

*Les règles de procédure civile au Canada ne s'appliquent pas à la signification d'actes judiciaires au Canada dans le cadre de procédures judiciaires étrangères. Bien que l'exécution de la signification par voie électronique au Canada dans le cadre de procédures judiciaires étrangères ne soit pas interdite, il n'existe actuellement aucun système permettant aux Autorités centrales canadiennes d'exécuter la signification par de tels moyens.”*

31.1. If no, what are your State's reasons for refusing to execute the requests for service to be performed by using information technology?

N/A

32. What challenges, if any, has your State faced regarding the use of information technology under the Service Convention?

(d) Implementation challenges (e.g., lack of resources, lack of infrastructure).

(e) Cost.

(f) System interoperability / compatibility.

(g) Security concerns.

33. In your State's opinion, what further work could the PB do on the use of information technology under the Service Convention?

(a) None.

34. In addition to the Service Convention, is your State a Party to any bilateral, regional, or multilateral agreements that provide rules for the service of documents abroad?

(a) Yes.

*For Parties that answered “yes” to Q34 above:*

34.1. Do any of these agreements provide for the use of electronic means (e.g., e-mail) to transmit or execute requests for service?

(b) No.

## V. 2023 Meeting of the Special Commission & Monitoring

35. What are the three key topics or practical issues related to the Service Convention that your State would like discussed at the 2023 meeting of the Special Commission?

1. *“Stressing the importance of enclosing payment of the required fee with requests for service under Article 5.  
Souligner l'importance de joindre le paiement du frais exigé aux demandes de signification ou de notification au titre de l'article 5.”*
2. *“Stressing the importance of meeting translation requirements for service under Article 5.  
Souligner l'importance de satisfaire aux exigences en matière de traduction pour les demandes de signification ou de notification au titre de l'article 5.”*
3. *“Clarifying information related to who is authorized to act as a forwarding authority. In Canada, private sector lawyers are authorized to act as forwarding authorities however at times, they have experienced difficulties having their requests accepted by foreign Central Authorities and have had to seek assistance from governments in Canada in this regard. Clarifier les informations relatives aux personnes autorisées à agir en tant qu'autorité expéditrice. Au Canada, les avocat.es du secteur privé sont autorisé.es à agir en tant qu'autorités expéditrices, mais ils et elles ont parfois éprouvé des difficultés à faire accepter leurs demandes par les Autorités centrales étrangères et ont dû demander l'aide des gouvernements au Canada à cet égard.”*

35.1. Please indicate whether the information provided in Q35 above may be published.

- (a) Yes.

36. Does your State have any suggestions that could assist in the promotion, implementation, or operation of the Service Convention?

- (a) Yes.

*“The text fields in the Model Forms should expand when more text is added rather than contract the text. At present, the more text is added, the smaller the text becomes which means that in some cases, the text is so small that it is difficult to read. The Handbook should be available electronically free of charge on the Hague Conference website. Forwarding Authorities should be made aware that the Service Section of the Hague Conference website contains the coordinates of Canadian Central Authorities. At present, some Forwarding Authorities rely on outdated publications for the addresses of Central Authorities or send their request to Canada’s National Organ.*

*Les champs de saisie des formulaires types devraient s'étendre lorsque l'on ajoute du texte plutôt que de se contracter. À présent, plus le texte est ajouté, plus il devient petit, ce qui signifie que dans certains cas, le texte est si petit qu'il est difficile à lire. Le Manuel devrait être disponible gratuitement sous forme électronique sur le site Internet de la Conférence de La Haye. Les autorités expéditrices devraient être informées que l'Espace notification du site Internet de la Conférence de La Haye contient les coordonnées des Autorités centrales. A l'heure actuelle, certaines autorités expéditrices s'appuient sur des publications obsolètes pour obtenir les adresses des Autorités centrales canadiennes ou envoient leur demande à l'Organe national du Canada.”*

36.1. If the answer to Q36 above is “yes”, please indicate whether the information provided may be published.

- (a) Yes.

37. The PB is in the process of revising the Service Handbook. Are there any specific topics, suggestions for presentation or formatting, or any other proposals you recommend for inclusion?

(a) Yes.

*“The Handbook should be made available for free online for the reasons expressed previously in this questionnaire. The Handbook should emphasize that in some states, forwarding authorities are not employees of the state. The Handbook should also emphasize the importance of ensuring that the requested fee where applicable accompanies requests for service under Article 5. The Handbook should also emphasize the importance of identifying the correct Central Authority for requests under Article 5.*

*Le Manuel devrait être disponible gratuitement en ligne pour les raisons exprimées précédemment dans ce questionnaire. Le manuel devrait souligner que dans certains États, les autorités expéditrices ne sont pas des employés de l'État. Le Manuel devrait également souligner l'importance de s'assurer que les frais applicables, le cas échéant, accompagnent les demandes de service en vertu de l'article 5. Le manuel devrait également souligner l'importance d'identifier la bonne Autorité centrale pour les demandes effectuées en vertu de l'article 5.”*

37.1. If the answer to Q37 above is “yes”, please indicate whether the information provided may be published.

(a) Yes.

## DATA & STATISTICS FOR CONTRACTING PARTIES

### I. Statistics under Main Channel of Transmission (Art. 5)

#### A. Incoming Requests

1. How many incoming requests for service did your State receive under the main channel of transmission (Art. 5) in each of the following years?

2017	2400
2018	2500
2019	2400
2020	2100
2021	2300
2022	-
Unknown – <i>please explain.</i>	
-	

2. Which three States made the most requests?

Requesting State	Number
USA	-
Korea	-
France	-

3. If possible, please provide a breakdown of how long (in months) it took to execute incoming requests.

	< 1	1-3	3-6	6-12	> 12
2017		x			
2018		x			
2019		x			
2020		x			
2021		x			
2022 (if data available)		x			
Unknown – <i>please explain.</i>					
-					

4. How many of these incoming requests for service did your State receive via **electronic transmission** in each of the following years?

2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
Unknown – <i>please explain.</i>	
-	

5. How many incoming requests for service did your State **execute for service** via electronic means in each of the following years?

This is regardless of whether a paper copy of the documents was subsequently provided.

2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
Unknown – <i>please explain.</i>	
-	

6. Are execution times for electronically transmitted requests for service generally faster than those transmitted by post?

-

## B. Outgoing Requests

7. How many outgoing requests for service did your State make under the main channel of transmission (Art. 5) in each of the following years?

2017	-
2018	-
2019	-
2020	-
2021	-

2022	-
<p>Unknown – please explain.  <i>“No data is available as outgoing requests under Article 5 are typically send by members of the law societies of Canadian provinces and territories and members of the Chambre des notaires of the Province of Québec (for non-litigious matters only) acting in their capacity as forwarding authorities.                  Aucune donnée n'est disponible car les demandes sortantes au titre de l'article 5 sont généralement envoyées par des membres des barreaux des provinces et territoires canadiens et des membres de la Chambre des notaires de la province de Québec (pour les affaires non contentieuses uniquement) agissant en leur qualité d'autorités expéditrices.”</i></p>	

8. Which three States were the subject of the most requests?

Requesting State	Number
-	-
-	-
-	-

9. How many outgoing requests for service did your State make via electronic transmission under the main channel of transmission (Art. 5) in each of the following years?

2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
<p>Unknown – please explain.  <i>“No data is available as outgoing requests under Article 5 are typically send by members of the law societies of Canadian provinces and territories and members of the Chambre des notaires of the Province of Québec (for non-litigious matters only) acting in their capacity as forwarding authorities.                  Aucune donnée n'est disponible car les demandes sortantes au titre de l'article 5 sont généralement envoyées par des membres des barreaux des provinces et territoires canadiens et des membres de la Chambre des notaires de la province de Québec (pour les affaires non contentieuses uniquement) agissant en leur qualité d'autorités expéditrices.”</i></p>	

## II. Statistics under Alternative Channels of Transmission

10. Does your State have statistics on incoming requests under alternative channels of transmission?

- (a) Yes, Article 8.
- (b) Yes, Article 9.
- (c) Yes, Article 10(a).
- (d) Yes, Article 10(b).
- (e) Yes, Article 10(c).
- (x) No, none of the above.

10.1. If yes, how many (total) incoming requests for service did your State receive under the alternative channels of transmission in each of the following years?

N/A

## III. Refusals (Art. 13)

11. If applicable, please indicate how many incoming requests for service your State refused to comply with between 2017 and 2022?

-

12. If applicable, please indicate how many outgoing requests for service transmitted by your State were refused between 2017 and 2022?

*“No data is available as outgoing requests under Article 5 are typically send by members of the law societies of Canadian provinces and territories and members of the Board of Notaries of the Province of Québec (for non-litigious matters only) acting in their capacity as forwarding authorities. Aucune donnée n'est disponible car les demandes sortantes au titre de l'article 5 sont généralement envoyées par des membres des barreaux des provinces et territoires canadiens et des membres de la Chambre des notaires de la province de Québec (pour les affaires non contentieuses uniquement) agissant en leur qualité d'autorités expéditrices.”*



## CASE LAW, ADDITIONAL INFORMATION & SUPPORTING DOCUMENTS

### I. Case Law

Please list all your State's judicial decisions that have considered the Service Convention since 2014 and provide a link to, or upload the decisions (in PDF format only).

*“List of decisions that have considered the Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters Search date range: from October 2019 to February 16, 2023 Available here: <https://www.canlii.org/en/> Droit de la famille – 192513, 2019 QCCA 2139. Yang c. Chen, 2022 QCCS 2832. 9343-4678 Québec inc. (Restaurant Déli Boyz) c. Uber Canada inc., 2021 QCCS 1418. Del Giudice v. Thompson, 2021 ONSC 903. Xu v Xu, 2020 BCSC 1529. Omega Laboratories Ltd. c. Claris Lifesciences Ltd., 2019 QCCS 4636. Beijing Hehe Fengye Investment Co. Limited v. Fasken Martineau Dumoulin LLP, 2020 ONSC 934. Surin c. Apple inc., 2021 QCCS 2217. Droit de la famille – 201759, 2020 QCCA 1526. Sigma Convector Enclosure Corp. v. Fluid Hose & Coupling Inc., 2022 ONSC 2032. L.K., 2022 QCCS 3217. Hazan c. Micron Technology Inc., 2021 QCCA 1425. Bayar-Mestiri v Mestiri, 2020 ONSC 4249. Bayar-Mestiri v Mestiri, 2020 ONSC 3620. Capone v. Fotak, 2021 ONSC 7992. Capone v. Fotak, 2022 ONCA 430. Droit de la famille – 201851, 2020 QCCS 4106. Ball v 1979927 Alberta Ltd, 2022 ABKB 814. 801 Seventh Inc v CNOOC Petroleum North America ULC, 2020 ABQB 198. Salguiero et al. v. Instant Brands Inc. et al., 2022 ONSC 4345. Droit de la famille – 20442, 2020 QCCS 996. A.Q., 2022 QCCS 3577. Nseir c. Barrick Gold Corporation, 2020 QCCA 1307. Chartrand c. Succession de Mercier, 2022 QCCQ 6451. Droit de la famille – 22414, 2022 QCCS 993. CCDM Holdings c. Airport Authority of India, 2022 QCCA 625. CCDM Holdings c. Airport Authority of India, 2022 QCCA 318. Droit de la famille – 212256, 2021 QCCS 4907. Choquette Corriveau inc. c. Bouïs (Québec) inc., 2022 QCCQ 5769. Droit de la famille – 21783, 2021 QCCS 1797. Option Consommateurs c. Samsung Electronics Canada Inc., 2021 QCCA 1623. Droit de la famille – 201846, 2020 QCCS 3941. Leung c. Uber Canada inc., 2021 QCCS 2332. Noel c. Otto Fuchs Beteiligungen KG, 2021 QCCS 1976. Delisle c. Almaviva Santé, 2020 QCCA 1474. Droit de la famille – 211023, 2021 QCCS 2356. Commission des droits de la personne et des droits de la jeunesse (S.M.) c. Si.S., 2020 QCTDP 23. Letarte c. Bayer inc., 2021 QCCS 4947. Personnelle, Assurances générales inc. c. Chilmeran, 2020 QCCQ 199. Simard c. Fortin, 2020 QCCS 600. W.F. c. Butzlaff, 2021 QCCS 4936. C.C. c. Heroumi, 2020 QCCS 311. Paul Sun v. Duc-Tho Ma, 2019 ONSC 6659. Toronto Dominion Bank v Halliday, 2022 ABKB 764. Cases available on Lexis : 2538520 Ontario Ltd v Eastern Platinum Ltd, [2022] BCJ No 1183, 2022 BCSC 1101. Petrovic v. Petrovic, [2019] O.J. No. 5113. Smith v. Redhead, [2021] O.J. No. 2357. Jovandin v. Galorini, [2020] O.J. No. 3983. Abihira v. Viagogo, [2020] Q.J. No. 13105. Cases available on Westlaw : Acciona Infrastructure Canada Inc. v. Posco Daewoo Corporation, 2019 ABCA 241.”*

## II. Additional Documents

Please provide links to and / or any additional information or documentation to support your response (in PDF format only). This may include:

- ⇒ resources for the general public or guidelines for Central or other Authorities' staff;
- ⇒ implementation legislations, recent legislative developments; or
- ⇒ books, articles, or other published work.

*“Guide to procedures in family court: Serving your documents | Ontario.ca:*

*<https://www.ontario.ca/document/guide-procedures-family-court/serving-your-documents#section-2>*

*Guide des procédures à la Cour de la famille : Signifier les documents | Ontario.ca:*

*[https://www.ontario.ca/fr/document/guide-des-procedures-la-cour-de-la-famille/signifier-les-](https://www.ontario.ca/fr/document/guide-des-procedures-la-cour-de-la-famille/signifier-les-documents)*

*[documents : https://www.quebec.ca/justice-et-etat-civil/services/cooperation-judiciaire-etranger/signification-notification-actes-etrangers](https://www.quebec.ca/justice-et-etat-civil/services/cooperation-judiciaire-etranger/signification-notification-actes-etrangers)*

*Demander au Québec la signification ou la notification d'actes en matière civile ou commerciale en*

*provenance d'un État étranger - Ministère de la Justice (gouv.qc.ca): [https://www.quebec.ca/justice-et-](https://www.quebec.ca/justice-et-etat-civil/services/cooperation-judiciaire-etranger/signification-notification-actes-etrangers)*

*[etat-civil/services/cooperation-judiciaire-etranger/signification-notification-actes-etrangers](https://www.quebec.ca/justice-et-etat-civil/services/cooperation-judiciaire-etranger/signification-notification-actes-etrangers)*

*Demander à l'étranger la signification ou la notification d'actes du Québec en matière civile ou*

*commerciale - Ministère de la Justice (gouv.qc.ca): [https://www.quebec.ca/justice-et-etat-](https://www.quebec.ca/justice-et-etat-civil/services/cooperation-judiciaire-etranger/signification-notification-actes)*

*[civil/services/cooperation-judiciaire-etranger/signification-notification-actes](https://www.quebec.ca/justice-et-etat-civil/services/cooperation-judiciaire-etranger/signification-notification-actes)”*

## PUBLICATION OF RESPONSES

Please confirm whether your responses to this questionnaire can be published on the HCCH website.

- (a) Yes.