



Update: May 2023

The Judicial Officer in the World

CANADA - PROVINCE OF QUEBEC

Name (singular and plural): **Huissier de justice / Huissiers de justice**

Presentation

Generalities

Approx. 450 judicial officers practice the profession in Quebec within approx. 117 offices. They are assisted by approx. 19 trainee judicial officers, candidates, or assistants and by approx. 150 collaborators.

Training

Preliminary and continuous training of judicial officers

To become a judicial officer, the following level is required: legal techniques in law, or bachelor's degree in law or the equivalent. A preliminary training exists for the future judicial officers. This training is obligatory. Duration: 1 month plus a 6-month internship. Continuous training exists for judicial officers. This training is mandatory.

Ongoing training for the staff of judicial officers

There is no continuous training system for the collaborators of judicial officers.

The exercise of the profession

Barring exceptions, a professional examination is necessary to access the function of judicial officer. Judicial officers are appointed by the Chamber of Judicial Officers of Quebec. The number of judicial officers is not limited. A judicial officer can exercise his activity within a structure comprising another or several other judicial officers.

The profession is represented nationally by the **Chambre des huissiers de justice du Québec**, 507, Place d'Armes, bur. 970, Montreal, (Quebec) H2Y 2W8.

Obligations of the judicial officer and ethical rules

The judicial officer is subject to ethical rules and/or deontology applicable to the profession. Disciplinary rules are applicable to the profession of judicial officer. The judicial officer is subject to a control of his activities, and to the Professional Code.

Activities exerted by the judicial officers

Enforcement of court decisions



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The judicial officer enforces the court decisions and in particular the following enforcement procedures:

- Attachment of tangible personal property of the debtor in the hands of the debtor.
- Attachment of tangible personal property of the debtor in the hands of a third party.
- Attachment of immovable.
- Attachment of salaries.
- Attachment in the hands of a third of the debtor's claims relating to a sum of money or property.
- Attachment of intangible rights other than receivables of money of which the debtor is the holder.
- Freezing and / or apprehension of tangible furniture that the debtor is required to deliver or return to the creditor by virtue of an enforceable court decision.
- Attachment of land motor vehicles.
- Attachment of ships.
- Attachment of aeroplanes.
- Capture of standing crops.
- Attachment of goods placed in a safe and in the safety deposit boxes of financial institutions.
- Eviction measures.
- Arrest of people under a court order.
- Retrieval of children by virtue of a court decision.
- Physically bring a defendant before a court.
- Provisional measures on the tangible personal property of the debtor.
- Provisional measures on the intangible personal property of the debtor.
- Constitution of a judicial security as a precautionary measure on an immovable of the debtor.
- Constitution of a judicial security as a precautionary measure on a business of the debtor.
- Constitution of a judicial security as a precautionary measure on stocks and shares belonging to the debtor.
- Distribution of funds to creditors from the forced sale of movable property.
- Distribution of funds to creditors from the forced sale of real estate.
- Search in criminal matters.
- Anton Piller type order.
- Seizure before judgment.

When in charge of an enforcement procedure, the judicial officer has access to certain information relating to the debtor's assets.

Service of judicial or extrajudicial documents

The judicial officer serves judicial and extrajudicial acts in civil, commercial, and criminal matters. As part of this mission, the judicial officer has access to information to locate and/or search for the recipient.

Forced public auction

The judicial officer is empowered to proceed to the forced auction of the following goods:

- Physical sale (as opposed to sale on the Internet) of tangible movable property seized by the judicial officer.



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- Dematerialised sale (via the Internet) of tangible movable property seized by the judicial officer.
- Physical sale (as opposed to sale on the Internet) of intangible movable property seized by the judicial officer.
- Dematerialised sale (via the Internet) of intangible movable property seized by the judicial officer.
- Physical sale (as opposed to sale on the Internet) of business seized by the judicial officer by public auction.
- Dematerialised sale (via the Internet) of businesses seized by the judicial officer.
- Physical sale (as opposed to sale on the Internet) of real estate seized by the judicial officer.
- Dematerialised sale (via the Internet) of real estate seized by the judicial officer.
- Sale of private or public share certificates.

Voluntary public auction sales

The judicial officer is empowered to proceed to the forced auction of the following goods:

- Physical sale (as opposed to Internet sale) of tangible personal property.
- Dematerialised sale (via the Internet) of tangible movable property.
- Physical sale (as opposed to Internet sale) of intangible personal property.
- Dematerialised sale (via the Internet) of intangible movable property.
- Physical sale (as opposed to sale on the Internet) of goodwill.
- Dematerialised sale (via the Internet) of goodwill.
- Physical sale (as opposed to Internet sale) of real estate.
- Dematerialised sale (via the Internet) of goods.

Other activities (X = yes)	
Debt collection	X
Statements of facts	X
Sequestration of goods	X
Legal advice	
Bankruptcy proceedings	X
Missions entrusted by a judge	X
Mediation	X
Representation of parties in the court	
Drawing up of private deeds and documents	X
Court service	
Arbitration	X
Real estate management	X
Voluntary surrender of movable or immovable property	X