



# FORMATION PROFESSIONNELLE DU BARREAU DU QUÉBEC

## EXAMINATION BOOKLET

### CIVIL I SUPPLEMENTAL

**May 22, 2001**

- 1) The supplemental examination in the CIVIL I section is intended to determine the extent to which you have met the ultimate goals set forth in the document entitled « Préambule Civil I ».
- 2) You have a maximum of four hours to complete the examination. You are entirely responsible for managing your time.
- 3) The examination contains questions relating to the following section :
  - Civil I
- 4) The questions total 100 marks. You must obtain a mark of 60% or more in order to pass this examination.
- 5) You may use any written documentation which you deem to be useful.
- 6) For photocopying purposes, kindly use a **pen with black ink** to write your answers in your answer booklet.
- 7) **You must write legibly, otherwise your answers will not be graded.**
- 8) Please ensure that your examination booklet contains **10** pages (including this page) and that your answer booklet contains **5** pages.

**N.B.:** You may assume that the Civil Code of Québec and Titles II and III of *An Act respecting the implementation of the reform of the Civil Code*, S.Q. 1992, c. 57 apply. Do not take the transitional provisions into account, except those relating to the publication of rights.

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| <b>FILE 1 (25 MARKS)</b> |
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**The situation described in File 1 is an evolving one : all the supplementary facts are to be added to the main portion of the fact pattern to form part thereof.**

Marie Guérin and Paul Lesage were married in Montreal in 1990, without entering into a marriage contract prior to their marriage. They have two children, Manon, who was born on March 15, 1985, and Louis, who was born on April 17, 1992.

On January 12, 2000, Paul suffers a stroke. He is rushed to the *Montreal General Hospital* where he falls into a deep coma. On February 27, 2000, Paul's attending neurologist, Dr. Jacques Lebrun, informs Marie that it is highly unlikely that her husband will come out of the coma. On March 12, 2000, Paul, who is still unconscious, is transferred to *Centre de soins prolongés Pierre-Dupuis*.

In a judgment rendered on August 11, 2000, Marie is appointed as curator to Paul.

Having become the family's sole means of support, Marie experiences serious financial difficulties. Given that she is unable to pay the instalments on the hypothecary loan charged against the family home of which she and Paul are the co-owners, in addition to the costs of keeping Paul at the *Centre de soins prolongés*, she is contemplating selling Paul's hunting camp located in the Laurentians. The municipal valuation for the camp is \$38,000 and she thinks she can sell it for approximately \$40,000. The camp, which Paul inherited from his father in 1995, was used for the family's holidays. Having learned of Marie's intentions, Albert Lesage, who is Paul's brother and spent time at the camp for many years, opposes the sale.

**QUESTION 1 (5 marks)**

- **Can Marie Guérin sell the hunting camp in the Laurentians notwithstanding Albert Lesage's opposition?**
- **Justify your answer by referring to one or more specific and relevant provisions of the Civil Code of Québec.**

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| <b>SUPPLEMENTARY FACTS</b> |
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On September 24, 2000, Marie decides to give Paul's outboard boat to Albert as a gift. The outboard boat, which has a value of \$12,000, had been purchased by Paul in 1997, using his savings accumulated during the marriage.

**QUESTION 2 (5 marks)**

- **Can Marie Guérin make a gift of Paul Lesage's outboard boat to Albert Lesage?**
- **Justify your answer by referring to one or more specific and relevant provisions of the Civil Code of Québec.**

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| <b>SUPPLEMENTARY FACTS</b> |
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On October 14, 2000, Paul dies.

On August 12, 1994, Paul had made out a will before Notary Rémi Leduc in which he bequeathed his share of the family residence to Marie and the remainder of his property, including an income-producing immovable, to his two children. Paul appointed his sister Émilie Lesage as the liquidator of his succession and bequeathed \$5,000 to her as compensation for holding the office of liquidator. The will did not include any other provision.

On October 16, 2000, Émilie refuses to assume the office of liquidator of the succession.

On October 20, 2000, Marie is validly designated to act as liquidator.

Pierre Lesage, Paul's brother, is appointed tutor ad hoc to the children for the purpose of settling the succession. Marie wants to be remunerated for assuming the office of liquidator. Pierre opposes this.

**QUESTION 3 (10 marks)**

- a) **Can Émilie Lesage claim, from the succession of Paul Lesage, the amount of \$5,000 that Paul Lesage bequeathed to her in his will dated August 12, 1994?**
- **Justify your answer by referring to one or more specific and relevant provisions of the Civil Code of Québec.**
- b) **Is Marie Guérin entitled to any remuneration whatsoever in her capacity as liquidator, notwithstanding Pierre Lesage's opposition?**
- **Justify your answer by referring to one or more specific and relevant provisions of the Civil Code of Québec.**

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| <b>SUPPLEMENTARY FACTS</b> |
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On November 2, 2000, Marie dies of a pulmonary embolism.

In her notarial will, dated October 24, 2000, she appoints her sister Lucie Guérin as tutor to her two children and liquidator of her succession. She bequeaths all her property to her two children, Louis and Manon.

On November 17, 2000, Lucie accepts the offices of tutor and liquidator.

On January 15, 2001, the court renders a judgment authorizing the family residence inherited by the children to be put up for sale. The courts fixes the minimum price at \$118,000.

Lucie, who has taken charge of the children since the death of their mother, believes that it is in their interest to continue to live in the residence and she therefore wants to acquire it in her own name. She is prepared to pay the minimum price fixed by the court, namely \$118,000.

**QUESTION 4 (5 marks)**

- **Can Lucie Guérin acquire the residence personally? If so, subject to what condition(s)? If not, explain your answer.**
- **Justify your answer by referring to one or more specific and relevant provisions of the Civil Code of Québec.**

**FILE 2 (42 MARKS)****Situation 1**

**Situation 1 described in File 2 is an evolving situation : all the supplementary facts are to be added to the main portion of the fact pattern to form part thereof.**

On February 1, 2000, Lise Vermette consults you and relates the following facts to you.

She has been married to Julien Pinsonneault since August 16, 1980. A few days before the wedding, they signed a marriage contract before Notary Luc Vincent in which they opted for the matrimonial regime of separation as to property. The marriage contract contains various provisions, including the following :

« The future husband makes a gift inter vivos to the future wife of the property he will leave behind upon his death. »

At the time of the marriage, Julien was a medical student and Lise was an administrator.

In December of 1983, Julien acquired a duplex in Hull, which duplex was acquired in his own name, at a price of \$120,000, and the ground floor of which has since served as the family residence.

Their first child, Antoine, was born on June 10, 1983, and Camille was born on May 8, 1991.

On December 18, 1990, the spouses signed an agreement before Notary Vincent in which they acknowledge their desire not to be subject to articles 462.1 to 462.13 of the Civil Code of Québec, in accordance with *An Act to amend the Civil Code of Québec and other legislation in order to favour economic equality between spouses*. On January 4, 1991, the agreement was registered in the appropriate register.

In 1998, Julien inherited an amount of \$8,000 from his father's succession. He used this amount to buy new furniture for the living room.

Except for her two maternity leaves, Lise Vermette always worked during her marriage. She is an administrative assistant in a medical clinic and earns an annual salary of \$45,000. As for Julien, he works as a doctor in a CLSC and earns \$70,000 per year.

On November 1, 1999, Julien left Lise to settle in Ottawa and live together there with Sandrine.

On January 25, 2000, Julien tells Lise that, on February 3, 2000, he will come to pick up the living room furniture which he will use in his new home. Lise opposes this, but Julien insists and claims that he has the right to retrieve the furniture.

Lise wants to ask for a divorce. However, she is concerned about the fate of the gift provided for in her marriage contract and wonders whether she can object to Julien coming to pick up the living room furniture on February 3, 2000.

**QUESTION 5 (10 marks)**

- a) **If a judgment of divorce between Lise Vermette and Julien Pinsonneault is rendered, what will happen to the gift provided for in the marriage contract?**
- **Justify your answer by referring to one or more specific and relevant provisions of any legislation.**
- b) **Can Lise Vermette object to Julien Pinsonneault removing the living room furniture?**
- **Justify your answer by referring to one or more specific and relevant provisions of any legislation.**

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| <b>SUPPLEMENTARY FACTS</b> |
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On February 8, 2000, you serve a declaration for divorce on behalf of Lise Vermette. The conclusions include, among other things, a request for sole custody of the children and a request for periodic payments of support for the children.

Antoine is a business administration student in CEGEP. As for Camille, she is in 4<sup>th</sup> grade in a private school. Lise and Julien decided last year to send Camille to private school because she had some learning difficulties and needed specific guidance.

**QUESTION 6 (8 marks)**

- a) **Determine the provincial table on which you will base your application, on behalf of your client Lise Vermette, for periodic payments of support for her children.**
- b) **Can Julien Pinsonneault be required to pay all or part of the cost of Camille's private schooling?**
- **Justify your answer by referring to one or more specific and relevant provisions of any legislation or the regulations adopted thereunder.**

**SUPPLEMENTARY FACTS**

A divorce judgment is rendered on August 16, 2000. Julien marries Sandrine on November 22, 2000. On December 17, 2000, Julien dies in a plane crash. At the time of his death, Sandrine is six-months pregnant.

On July 14, 1992, Julien had signed a notarial will which contained only the following provision :

« I bequeath all of my movable and immovable property to my spouse, Lise Vermette, whom I appoint as my sole universal legatee, provided that she survives me for a period of more than thirty (30) days. »

The notary confirms that the 1992 will is Julien's only notarial will, and none of the searches carried out has disclosed another will.

On March 18, 2001, Sandrine gives birth to a child whom she names Mathieu.

The value of Julien's succession is \$99,000. Lise consults you and wants to know to whom Julien's succession will devolve.

**QUESTION 7 (5 marks)**

**Name Julien Pinsonneault's successor or successors and state the amount, as the case may be, which each of them will receive.**

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**Situation 2**

René Blain dies on March 6, 2001. On January 7, 2000, he had made out a notarial will in which he appointed his de facto spouse, Claire Bourgeois, as his universal legatee. At the time of his death, René had been divorced from Nathalie Pitre since February 15, 1997 and she had custody of their two minor children, twins who were then 11 years old.

The liquidator of the succession has established the value of René's succession at \$54,000. Moreover, after some checking, he has learned that on February 10, 1999, René amended the revocable designation of Nathalie as the beneficiary under his life insurance policy and substituted his de facto spouse, Claire. The policy, of which the proceeds are \$30,000, was still in effect at the time of René's death. The liquidator has also learned that on December 14, 2000, René had made a gift of the sum of \$20,000 to François Bourgeois, Claire's son.

On May 1, 2001, Nathalie applies to the liquidator of the succession to claim a financial contribution as support for the children.

**QUESTION 8 (5 marks)**

**What value of the succession will the liquidator have to consider in order to fix the financial contribution as support for the children?**

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| <b>Situation 3</b> |
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On June 12, 2000, Alexis Duhaime instituted divorce proceedings against Julie Tremblay and obtained a divorce judgment by default on January 15, 2001. At the time of the divorce, Julie could not be found; this is why the divorce judgment reserved the right of the parties as regards the partition of the family patrimony.

Since then, Julie has recontacted Alexis and they have both agreed to renounce their respective rights in the family patrimony without recourse to the courts.

The ex-spouses consult you today, May 22, 2001.

**QUESTION 9 (8 marks)**

- a) **State the formalities which must be fulfilled in order for Julie Tremblay and Alexis Duhaime to validly renounce their respective rights in the family patrimony.**
- **Justify your answer by referring to one or more specific and relevant provisions of the Civil Code of Québec.**
- b) **Indicate the latest date by which these formalities must have been fulfilled in order for the renunciation to be valid in every respect.**

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| <b>Situation 4</b> |
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On December 8, 1991, at the time of his marriage to Anna Croteau, Louis Dupré owns a house having a value of \$100,000, which house is charged with a \$25,000 hypothec. The family lives in the residence during the marriage.

On September 14, 1995, the spouses buy a chalet in the Laurentians which they hold in undivided co-ownership. The purchase price for the chalet is \$30,000, paid in cash from the savings accumulated by Louis during the marriage. The family uses the chalet every weekend.

At the time of the divorce, the family residence is worth \$150,000 and the balance on the first hypothec is \$10,000; the family residence is also charged with a second hypothec of \$5,000, this amount having been used to repay debts incurred for the benefit of the family, namely, the cost of therapy which the couple underwent. As for the chalet, it is worth \$50,000 and is charged with a hypothec of \$12,000 which was used to renovate the principal residence.

**QUESTION 10 (6 marks)**

- **From among the following choices, what is the value of the family residence that may be partitioned pursuant to the rules on family patrimony?**
- **Select the correct answer and write it in your answer booklet.**
  - **\$10,500**
  - **\$15,500**
  - **\$27,500**
  - **\$28,000**
  - **None of the above.**

**FILE 3 (33 MARKS)****Situation 1**

Linda Tarqui is a computer science student at the Université de Montréal and lives at 1615 des Mésanges Street in Repentigny. She has been leasing an apartment there on the third floor for four years.

On July 22, 2000, she invites a friend, Jean Mageau, to have dinner at her home. Given that the weather is nice, she decides to eat outside and sets up a table on the balcony. She is happy to be able to use her balcony again, given that it has just been repaired as confirmed to her by the building's superintendent, Ronald Lavigueur.

The evening is perfect. The wine is excellent, the company is pleasant and the sushi is irresistible. Jean tries to get closer to Linda, at which point the balcony floor collapses. The occupants fall down three stories.

Jean and Linda as well as two passers-by, Pierre Malo and Liette Tétreault, a young married couple, are found under the rubble.

Four ambulances arrive at the scene and the victims are brought to *Hôpital l'Enfant-Jésus*.

As if this weren't enough, while Jean is being transported, the ambulance attendant, Guy Gladu, of *Services ambulanciers Rapido inc.*, is driving at an excessive speed and during a moment of distraction he runs a red light and crashes into a truck.

Another ambulance is called to the scene and Jean is finally brought to the hospital.

The emergency doctors certify that Pierre has died and diagnose the other victims with the following injuries :

- Linda has a fractured pelvis and fractured left ankle.
- Jean has a fractured femur and a collapsed lung.
- Liette has a skull fracture.

After two months of convalescence, Linda's and Jean's health is greatly improved. In fact, Linda has been able to resume her university studies.

On October 25, 2000, Jean, Linda and Liette give Philip Steinberg, a claims adjuster, the mandate to shed light on this unfortunate accident.

On November 13, 2000, Philip submits his report which includes the following information, among other information :

- Linda is the lessee of apartment 3B in virtue of a lease signed on July 1, 1996 with the owner of the immovable, namely, 333333 *Canada inc.*; the lease has been renewed each year;
- at the time of the accident, it had been six months since Linda had worked because she had resumed her studies;
- the immovable was built in 1950 and has four balconies. During the year 1999, the lessees had complained about the dilapidated condition of the balconies;
- following these complaints, on June 2, 2000, the owner hired the services of the contractor *Idépanne ltée*;
- on June 12, 2000, *Idépanne ltée* entrusted the balcony solidification work to *Les Pros du Balcon inc.*;
- a summary inquiry in the construction industry revealed that the company *Les Pros du Balcon inc.* has a poor reputation because a large amount of its work has proven to be very shoddy;
- during the week of June 19, 2000, Gérald Sylvestre, an employee of *Les Pros du Balcon inc.*, carried out the solidification of all the balconies;
- it is abundantly clear that the improper execution of the balcony solidification work is the direct cause of the balcony's collapse.

A medical assessment reveals that Jean's fractured femur is a result of the fall, while his collapsed lung is a result of the impact suffered in the accident that occurred during the transportation by ambulance.

As for Linda, the medical assessment establishes her anatomicophysiological deficit at 20 %; however, this will not prevent her from pursuing her university studies nor from working as a computer specialist in the future.

As for Liette, she returned to work as a manager in a sporting goods store. During her temporary total disability, which lasted ten weeks, she received benefits under her employer's group insurance contract in the amount of \$800 per week, namely 80 % of her gross weekly salary of \$1,000. The group insurance contract does not include a conventional subrogation provision.

Moreover, given the loss of the financial support provided to her by Pierre, Liette was obliged to borrow \$5,000 from the bank in order to pay the instalments on the hypothecary loan charged against her residence. This amount bears interest at an annual rate of 10 %.

**Assume that none of the parties likely to be sued is insured.**

**QUESTION 11 (9 marks)**

- In addition to *Les Pros du Balcon inc.*, determine three defendants against whom Linda Tarqui could institute an action for damages.
- **For each defendant**, justify your answer by referring to one or more specific and relevant provisions of the Civil Code of Québec.

ONLY THE NAMES OF THE FIRST THREE DEFENDANTS WRITTEN IN THE ANSWER BOOKLET WILL BE CORRECTED.

**QUESTION 12 (8 marks)**

- Can Jean Mageau institute an action for damages against the following defendants?
  - *333333 Canada inc.*
  - *Services ambulanciers Rapido inc.*
- **For each defendant**, justify your answer by referring to one or more specific and relevant provisions of any legislation, excluding article 1457 C.C.Q.

**QUESTION 13 (8 marks)**

- a) What amount can Liette Tétreault legally claim for the loss of income arising from her temporary total disability?
  - b) Can Liette Tétreault legally claim damages in the amount of \$300 for the interest expense paid by her on the borrowed amount?
- Justify your answer by referring to one or more specific and relevant provisions of the Civil Code of Québec.

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| <b>Situation 2</b> |
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Isabelle Courteau, who is 13 years old, has a severe mental deficiency. She is the daughter of Rémi Courteau and Nicole Angers. At a family picnic, Isabelle escapes her parents' supervision and finds her way to an abandoned barn belonging to Gérald Tremblay. There, she finds some matches and plays with them, which eventually causes the barn to catch on fire. Gérald Tremblay institutes proceedings in damages against Rémi Courteau and Nicole Angers personally and in their capacity as tutors to their daughter.

**QUESTION 14 (8 marks)**

- a) Can Rémi Courteau and Nicole Angers raise Isabelle Courteau's mental deficiency as a ground of defence to free themselves from their liability for the act of another? Explain your answer.
- b) Can Rémi Courteau and Nicole Angers, in their capacity as tutors, raise Isabelle Courteau's mental deficiency as a ground of defence? Explain your answer.

**DOSSIER 1 (25 POINTS)****QUESTION 1 (5 points)**

- Marie Guérin peut-elle vendre le camp de chasse des Laurentides malgré l'opposition d'Albert Lesage?
- Appuyez votre réponse en faisant référence à la ou aux dispositions précises et pertinentes du Code civil du Québec.

Oui, art. 1307 C.c.Q.

1.

**ET**

art. 282 C.c.Q.

2.

**QUESTION 2 (5 points)**

- Marie Guérin peut-elle faire don de la chaloupe à moteur de Paul Lesage à Albert Lesage?
- Appuyez votre réponse en faisant référence à la ou aux dispositions précises et pertinentes du Code civil du Québec.

Non, art. 1315 C.c.Q.

3.

**QUESTION 3 (10 points)**

- a) Émilie Lesage peut-elle réclamer, de la succession de Paul Lesage, la somme de 5 000 \$ que Paul Lesage lui a léguée dans son testament du 12 août 1994?
- Appuyez votre réponse en faisant référence à la ou aux dispositions précises et pertinentes du Code civil du Québec.

Non, art. 753 al. 1 C.c.Q.

4.

- b) Marie Guérin a-t-elle droit à une rémunération quelconque à titre de liquidatrice malgré l'opposition de Pierre Lesage?

- Appuyez votre réponse en faisant référence à la ou aux dispositions précises et pertinentes du Code civil du Québec.

Oui, art. 789 al. 2 C.c.Q.

5.

**QUESTION 4 (5 points)**

- Lucie Guérin peut-elle personnellement se porter acquéreuse de la résidence? Si oui, à quelle(s) condition(s)? Si non, dites pourquoi.
- Appuyez votre réponse en faisant référence à la ou aux dispositions précises et pertinentes du Code civil du Québec.

Oui, art. 1312 C.c.Q. (et 208 C.c.Q.), avec l'autorisation du tribunal.

6.

**QUESTION 5 (10 points)**

a) **Advenant le prononcé d'un jugement de divorce entre Lise Vermette et Julien Pinsonneault, quel sera le sort de la donation contenue au contrat de mariage?**

- **Appuyez votre réponse en faisant référence à la ou aux dispositions précises et pertinentes de tout texte de loi.**

La donation est caduque, art. 519 C.c.Q.

7.

b) **Lise Vermette peut-elle s'opposer à ce que Julien Pinsonneault déménage les meubles de la salle de séjour?**

- **Appuyez votre réponse en faisant référence à la ou aux dispositions précises et pertinentes de tout texte de loi.**

Oui, art. 401 al. 1 C.c.Q.

8.

**QUESTION 6 (8 points)**

a) **Déterminez la table provinciale sur laquelle vous appuierez la demande de pension alimentaire de votre cliente, Lise Vermette, pour ses enfants.**

La table de la province de l'Ontario.

9.

b) **Julien Pinsonneault peut-il être tenu de défrayer en tout ou en partie le coût de l'école privée de Camille?**

- **Appuyez votre réponse en faisant référence à la ou aux dispositions précises et pertinentes de tout texte de loi ou de ses règlements.**

Oui, (art. 15.1 *L. d.* et) art. 7 (1) d) des Lignes directrices fédérales sur les pensions alimentaires pour enfants.

10.

**QUESTION 7 (5 points)**

**Nommez le ou les successibles de Julien Pinsonneault et précisez la somme que chacun, le cas échéant, recevra de la succession.**

Sandrine, 33 000 \$  
Antoine, 22 000 \$  
Camille, 22 000 \$  
Mathieu, 22 000 \$

11.

**QUESTION 8 (5 points)**

**Quelle valeur de la succession le liquidateur devra-t-il considérer afin d'établir la contribution financière à titre d'aliments pour les enfants?**

74 000 \$

12.

**QUESTION 9 (8 points)**

- a) **Énoncez les formalités qui doivent être remplies pour que Julie Tremblay et Alexis Duhaime renoncent valablement à leurs droits respectifs dans le patrimoine familial.**
- **Appuyez votre réponse en faisant référence à la ou aux dispositions précises et pertinentes du Code civil du Québec.**

Une renonciation notariée (en minute) et une inscription au registre des droits personnels réels mobiliers, art. 423 (al. 2 et 3) C.c.Q. **13.** 4

- b) **Précisez à quelle date ultime ces formalités doivent avoir été remplies afin que la renonciation soit valide à tous égards.**

Le 15 janvier 2002. **14.** 4

**QUESTION 10 (6 points)**

- **Quelle est, parmi les choix suivants, la valeur partageable de la résidence familiale, en vertu des règles du patrimoine familial?**
  - **Choisissez la bonne réponse et inscrivez-la dans votre cahier de réponses.**
- **10 500 \$**
  - **15 500 \$**
  - **27 500 \$**
  - **28 000 \$**
  - **Aucune de ces réponses.**

Réponse : 15 500 \$ **15.** 6

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| Valeur marchande au moment du divorce                          | 150 000\$   |
| moins Dettes (hypothèques de 10 000\$ et 12 000\$ (22 000 \$)) | = 128 000 \$  |
| moins Valeur nette au jour du mariage (75 000\$)               | = 53 000 \$   |
| moins Plus-value acquise durant le mariage                     | (50 000\$ x <u>75 000\$</u> = 37 500 \$) = <b>15 500 \$</b> |
|  | 100,000\$   |

**QUESTION 11 (9 points)**

- Outre *Les Pros du Balcon inc.*, déterminez trois défendeurs contre qui Linda Tarqui pourrait intenter une action en dommages et intérêts.
- Pour chacun des défendeurs, appuyez votre réponse en faisant référence à la ou aux dispositions précises et pertinentes du Code civil du Québec.

**SEULS LES NOMS DES TROIS PREMIERS DÉFENDEURS INSCRITS AU CAHIER DE RÉPONSES SERONT CORRIGÉS.**

1. 333333 *Canada inc.*, art. 1458 C.c.Q.

16.

2. Gérard Sylvestre, art. 1457 C.c.Q.

17.

3. *Idépanne ltée*, art. 1457 C.c.Q.

18.

**QUESTION 12 (8 points)**

- Jean Mageau peut-il intenter une action en dommages et intérêts contre les défendeurs suivants?

- 333333 *Canada inc.*

- *Services ambulanciers Rapido inc.*

- Pour chacun des défendeurs, appuyez votre réponse en faisant référence à la ou aux dispositions précises et pertinentes de tout texte de loi, à l'exclusion de l'art. 1457 C.c.Q.

333333 *Canada inc.* : Oui, art. 1467.

19.

*Services ambulanciers Rapido inc.* : Non, art. 83.57 *Loi sur l'assurance automobile.*

20.

**QUESTION 13 (8 points)**

- a) Quel montant Liette Tétreault peut-elle légalement réclamer pour la perte de revenu découlant de son incapacité totale temporaire?

10 000 \$.

21.

- b) Liette Tétreault peut-elle légalement réclamer, à titre de dommages et intérêts, la somme de 300 \$ pour les frais d'intérêts qu'elle a payés sur la somme empruntée?

- Appuyez votre réponse en faisant référence à la ou aux dispositions précises et pertinentes du Code civil du Québec.

Non, art. 1607 C.c.Q.

22.

**QUESTION 14 (8 points)**

- a) Rémi Courteau et Nicole Angers peuvent-ils faire valoir comme moyen de défense la déficience mentale d'Isabelle Courteau pour se dégager de leur responsabilité pour le fait d'autrui? Dites pourquoi.

Non, le comportement d'Isabelle est objectivement fautif (la déficience mentale d'Isabelle Courteau qui est non douée de raison ne dégage pas ses parents de leur responsabilité).

23.

- b) Rémi Courteau et Nicole Angers peuvent-ils, à titre de tuteurs, faire valoir comme moyen de défense la déficience mentale d'Isabelle Courteau? Dites pourquoi.

Oui, parce qu'Isabelle Courteau est non douée de raison **OU** la déficience mentale d'Isabelle Courteau l'a empêchée de commettre une faute engageant sa responsabilité.

24.