

Navigating Subrogation in Quebec

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Over the past several years, Senior Associate Marie-Pier Nadeau has handled subrogated claims across Canada. The province of Quebec is by far the jurisdiction which attracts the most questions from clients, likely due to its unique civil law system. This article aims to answer frequently asked questions and to also identify key aspects of Quebec civil law which makes it one of the most plaintiff-friendly jurisdictions for subrogated insurers.

Frequently Asked Questions

1. Why is the subrogated insurer a named plaintiff?
2. When does subrogation operate?
3. Would the subrogated insurer be bound by a release signed by the insured?
4. Assuming both the insurer and the insured commence an action, how is the recovery allocated between them?
5. Is it necessary to obtain judgment against the defendant prior to suing its liability insurer?
6. The subrogated action has been commenced. What happens next?
7. What are some procedural differences in Quebec?
8. What is the applicable limitation period in Quebec?
9. What makes Quebec a plaintiff-friendly jurisdiction?

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