

The Recognition and Enforcement of Foreign Judgments in Canada

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Introduction

A foreign judgment is *prima facie* enforceable in Canada if it meets the following three criteria:

- A) the judgment originated from a court that had jurisdiction under the principles of private international law as applied by Canadian courts;
- B) the judgment is final and conclusive in the original jurisdiction; and
- C) the judgment is for a definite and ascertainable sum of money, or if not a money judgment, its terms are sufficiently clear, limited in scope and the principles of comity require the domestic court to enforce it.

Assuming a foreign judgment meets those three fundamental criteria, Canadian law offers affirmative defences to the enforcement of a foreign judgment if:

- A) the judgment is based on a penal, revenue or other public law of the foreign jurisdiction;
- B) the judgment was obtained by fraud;
- C) the judgment was issued in circumstances that deprived the Canadian defendant of natural justice; and

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