

APPLICATION TO INSTITUTE PROCEEDINGS

Sections 84 and 114 of the *Charter of Human Rights and Freedoms*, CQLR, c. C-12
Section 13 of the *Regulation of the Human Rights Tribunal*, CQLR, c. C-12, r. 6

GENERAL INFORMATION

This procedural form allows the plaintiff to institute proceedings with the Human Rights Tribunal by filing an *Application to Institute Proceedings*.

The plaintiff must:

- (1) Have filed a complaint with the Commission des droits de la personne et des droits de la jeunesse (Commission);
- (2) Have received a Resolution and a letter from the Commission which mention that the case can be brought before the Tribunal, in accordance with section 84 of the Charter;
- (3) Submit an application to the Tribunal **within 90 days** of the receipt of the documents from the Commission (the failure to submit within this time period will entail the dismissal of the application).

PROCEDURE

FILING WITH THE COURT OFFICE

You must file your *Application to Introduce Proceedings* with the office of the Court of Québec in the judicial district where the defendant resides or has his principal business establishment. It must be **filed in 6 copies, plus 1 additional copy for each defendant** (e.g. when there are 2 defendants, you must file 8 copies).

To find the location of a courthouse: <https://www.justice.gouv.qc.ca/en/join-us/find-a-courthouse>

JUDICIAL COSTS

Judicial costs are charged when you file your application. The clerk of the Court of Québec will inform you of the amount you must pay.

FILE NUMBER

A file number will be assigned by the clerk of the Court of Quebec when you file your application. You must include this number on all documents and procedures that you will subsequently file.

NOTIFICATION

Your *Application to Institute Proceedings* must then be served by court bailiff. The bailiff's report, attesting that your proceedings have been notified to the other parties, must be filed with the office of the Court of Québec. **PLEASE NOTE** that notification by mail, registered mail, email or courier service (Purolator, Dicom, etc.) is not accepted.

CHECKLIST

Before filing your application:

You must print your application only on the front of each page (recto);

You must sign on page 3;

You must attach a copy of the Commission's Resolution and of the letter accompanying the Resolution;

You must have 6 copies of the *Application to Institute Proceedings* and of the documents mentioned above, plus 1 additional copy for each defendant.

District: _____

File no: _____

For use by the office of the Court of Québec

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2 IDENTIFICATION OF THE PARTIES	
<i>Enter the names and contact information of all the parties. You must notify the Tribunal of any subsequent changes.</i>	
Plaintiff 1	
Given name and family name	Telephone
Address	
No.	Street
Apt./Office	City
Province	Postal Code
I consent to receive notification of all documents and judgements from the Tribunal by email	
Email	
Plaintiff 2	
Given name and family name	Telephone
Address	
No.	Street
Apt./Office	City
Province	Postal Code
I consent to receive notification of all documents and judgements from the Tribunal by email	
Email	
Plaintiff 3	
Given name and family name	Telephone
Address	
No.	Street
Apt./Office	City
Province	Postal Code
I consent to receive notification of all documents and judgements from the Tribunal by email	
Email	
Defendant 1	
Given name and family name	Telephone
Address	
No.	Street
Apt./Office	City
Province	Postal Code
Email	
Defendant 2	
Given name and family name	Telephone
Address	
No.	Street
Apt./Office	City
Province	Postal Code
Email	
Defendant 3	
Given name and family name	Telephone
Address	
No.	Street
Apt./Office	City
Province	Postal Code
Email	

3 COMPLAINT WITH THE COMMISSION			
Date the complaint was filed with the Commission	Year	Month	Day
Date of receipt of the letter and Resolution from the Commission	Year	Month	Day
Please note: The letter <u>and</u> the Resolution from the Commission must be filed with the application.			
4 YOU BELIEVE YOU WERE A VICTIM OF			
<i>Check the box or boxes that apply to your case.</i>			
Discrimination	Harassment	Exploitation of an aged or handicapped person	
In cases of discrimination or harassment:			
<i>Check the box or boxes corresponding to each ground of discrimination or harassment that applies to your case.</i>			
Age	Gender identity or expression	Ethnic or national origin	
Employment-related criminal record	Pregnancy	Race/Colour	
Social condition	Handicap or use of any means to palliate a handicap	Religion	
Political convictions	Language	Sex	
Civil status	Sexual orientation		
Field(s) or sector(s) of activities concerned:			
<i>Check the box or boxes that apply to your case.</i>			
Access to a means of transportation or a public space	Judicial rights	Profiling	
Juridical act concerning goods or services ordinarily offered to the public	Political rights	Discriminatory publicity	
Discriminatory clause in a juridical act	Hiring/Employment	Reprisals	
Economic and social rights	Fundamental freedoms and rights		
5 SUMMARY OF THE ALLEGED INCIDENT(S)			
<i>You will have the opportunity to further describe them in the Plaintiff's Factum.</i>			
6 CONCLUSIONS SOUGHT			
<i>Enter the amounts you are claiming and, if applicable, the orders you are requesting. If there is more than one defendant, state the amounts claimed against each defendant. The amounts claimed can be different from the ones suggested in the Resolution of the Commission. In your Plaintiff's Factum, you will have to explain the reasons why you are asking for these amounts.</i>			
Amount for material damages			
<i>These are the amounts that you lost or were forced to pay as a result of the discrimination, harassment or exploitation of which you claim to have been a victim. For example: rent increase, moving expenses.</i>			

Amount for moral damages	
<i>These are the amounts that the Tribunal can award in order to compensate for the moral damage caused by the discrimination, harassment or exploitation of which you claim to have been a victim. For example: loss of quality of life, psychological suffering, attack to your dignity, humiliation, loss of self-esteem.</i>	
Amount for punitive damages	
<i>These are the amounts that the Tribunal can award if the discrimination, harassment or exploitation of which you claim to have been a victim was intentional or that the consequences were intended or at least foreseeable.</i>	
Total amount	

Order(s) sought:

The Tribunal may order the defendant(s) to take the necessary measures to restore the situation and put an end to the infringement of your rights. For example: reinstatement in the work place, implementation of the necessary adaptive measures.

7 SETTLEMENT CONFERENCE
<i>The Settlement Conference is an alternative to the trial, by which the parties try to reach an amicable settlement (mediation) to their dispute. This is a closed doors process, free of charge, and presided by a judge of the Tribunal.</i>
Do you wish to participate in a Settlement Conference? YES NO

SIGNATURE		
Plaintiff 1	Plaintiff 1	Plaintiff 1
Signed in _____, (City)	Signed in _____, (City)	Signed in _____, (City)
on _____. (Date)	on _____. (Date)	on _____. (Date)
_____	_____	_____

PLEASE NOTE : You must file a *Factum* (Form 2) **at the same time or within 15 days** of filing your *Application to Institute Proceedings*. This procedure explains more in depth the facts of the case. The failure to file your *Factum* within the time limit may entail the dismissal of your application.

No:

HUMAN RIGHTS TRIBUNAL
(Office of the Court of Québec)
DISTRICT OF

and

and

Plaintiff(s)

V.

and

and

Defendant(s)

APPLICATION TO INSTITUTE PROCEEDINGS

Amount in dispute:

Name:

Address:

Phone:

Email: