

APPLICATION FOR RELIEF FROM DEFAULT OF FILING THE FACTUM IN THE TIME LIMIT

Section 19 of the *Regulation of the Human Rights Tribunal*, CQLR, c. C-12, r. 6

GENERAL INFORMATION

The **plaintiff** must file a factum **within 15 days** of the filing of the *Application to Institute Proceedings* with the office of the Court of Québec. The failure to do so may entail the dismissal of the application (section 115 of the *Charter of Human Rights and Freedoms*).

The **defendant** can also file a factum **within 30 days** of the notification of the plaintiff's factum (section 115 of the Charter).

If one of the parties does not comply with the time limit provided for in section 115 of the Charter, they must ask the Tribunal to be relieved from the default of filing a factum within that time limit. The party in default must also ask the Tribunal to extend the delay to file the factum.

PROCEDURE

NOTIFICATION

You must notify your *Application for Relief from Default of Filing the Factum in the Time Limit* (hereafter *Application for Relief from Default*) to all the parties to the proceeding.

For example, notification may be made by registered mail, courier service (Purolator, Dicom, etc.) or by court bailiff.

FILING WITH THE COURT OFFICE

You must **file 5 copies** of your *Application for Relief from Default* along with the proof of its notification to the other parties with the office of the Court of Québec from the district where the *Application to Institute Proceedings* was filed.

HOW TO FILL OUT THE FORM

- Fill out all required information.
- The number beside the following explanations refers to the corresponding section of the form.
- The form should only be printed on one side of the page.

1 DISTRICT AND FILE NUMBER

Write down the district and the file number as they appear on the *Application to Institute Proceedings*.

2 IDENTIFICATION OF THE PARTIES

Write down the name and surname of every party to the proceeding as they appear on the *Application to Institute Proceedings*.

3 CONTENT OF THE APPLICATION

- Select the appropriate designation in the introductory sentence.
- Write down the expiry date for the filing of the factum.
- Write down the reason(s) why your *Application for Relief from Default* should be granted.
- Write down the date until which you ask the delay to file your factum be extended to.
- Sign your *Application for Relief from Default*.

4 SWORN STATEMENT

Write down your complete address.

You must sign the document before a person who is authorized to administer oaths (e.g., a lawyer, a Commissioner for oaths or a clerk of a court of justice).

5 NOTICE OF PRESENTATION

Write down the name, surname, and address of the parties to whom you are notifying the application.

Write down the name and address of the courthouse where your application will be presented.

Sign the *Notice of Presentation*.

6 BACK

Most of the information required is automatically filled when you complete the present form.

You should only need to write down your email and telephone number in the required section.

You must staple the back at the end of your *Application for Relief from Default*.

1 CANADA
PROVINCE OF QUÉBEC
DISTRICT OF _____
File no: _____

HUMAN RIGHTS TRIBUNAL
Office of the Court of Québec

2 _____
and _____
and _____
Plaintiffs
v.
_____ and _____
and _____
Defendants

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3 **TO ONE OF THE HONOURABLE JUSTICES OF THE HUMAN RIGHTS TRIBUNAL,**

The _____ submits:
The _____ had until _____ to file a factum with the office of the Court of Québec.
Scheduled date
The _____ was prevented from filing their factum before this date for the following reason(s):

The _____ asks to be relieved from default of filing their factum in the time limit provided by section 115 of the *Charter of Human Rights and Freedoms*.

The _____ asks that the time limit to file their factum be extended by the Tribunal until:

Date

FOR THESE REASONS, MAY IT PLEASE THE TRIBUNAL TO:

GRANT the *Application for Relief from Default of Filing the Factum in the Time Limit*,

RELIEVE THE _____ from the default of filing their factum within the time limit;

EXTEND THE TIME LIMIT FOR THE _____ to file their factum until _____
Date

THE WHOLE, without costs.

SIGNATURE	SIGNATURE	SIGNATURE
<p style="text-align: center;">1</p> <p>Signed in _____, City</p> <p>on _____ Date</p> <p>_____ Name in block letters</p>	<p style="text-align: center;">2</p> <p>Signed in _____, City</p> <p>on _____ Date</p> <p>_____ Name in block letters</p>	<p style="text-align: center;">3</p> <p>Signed in _____, City</p> <p>on _____ Date</p> <p>_____ Name in block letters</p>

4

SWORN STATEMENT

I, the undersigned _____, domiciled and residing at _____
Name and surname

Number Street Appartment City Province Postal code

Declare the following:

- 1. I am the _____.
- 2. All the facts alleged herein are, to my personal knowledge, true.

I have signed in _____
City

Signature

Solemnly affirmed before me,

In _____, on _____
City Date

Lawyer / Clerk / Commissioner for oaths

Name in block letters

5

NOTICE OF PRESENTATION

To: _____

Notice is hereby given that the *Application for Relief from Default of Filing the Factum in the Time Limit* filed by the _____ will be presented on a date determined by the Human Rights

Tribunal, at the _____ courthouse, located at _____
City / Courthouse's name Address of the courthouse

In _____, on _____
City Date

Signature

Name in block letters

No:

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

and

and

Plaintiffs

v.

and

and

Defendants

**APPLICATION FOR RELIEF FROM DEFAULT
OF FILING THE FACTUM IN THE TIME LIMIT**

Name:

Address:

Telephone:

Email: