

DEFENCE

Section 115 of the *Charter of Human Rights and Freedoms*, CQLR, c. C-12.
Sections 20 and 23 of the *Regulations of the Human Rights Tribunal*, CQLR, c. C-12, r. 7.

GENERAL INFORMATION

A defendant who is the subject of proceedings before the Human Rights Tribunal may contest the application by filing a *Defence*. This form allows the defendant, or his lawyer, to file a *Defence* to inform the Tribunal and the other parties of the main elements of his case and the means on which he intends to support his defence.

Please note that a legal person (corporation, company, etc.) MUST be represented by a lawyer.

PROCEDURE

TIME LIMIT

If you file a *Defence*, it must be filed within **45 days of service (notification) of the *Originating Application***.

FILING AT THE COURT OFFICE

You must file your *Defence* accompanied by proof of notification to the other parties at the office of the Court of Québec in the district where the application is filed, and which is indicated on the *Originating Application*. As specified in the [Directive of the Human Rights Tribunal](#), **two paper versions** of the *Defence* must be filed.

It must also be transmitted to the Tribunal using a technology-based medium. Additional copies may be requested by the Tribunal.

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

FILING WITH THE GREFFE NUMÉRIQUE JUDICIAIRE DU QUÉBEC

You may file your *Defence* with the Greffe numérique judiciaire du Québec. To use this option, visit: <https://lexius-gnjq.justice.gouv.qc.ca/en/Accueil>

PLEASE NOTE that you cannot file your list of exhibits nor your exhibits with the Greffe numérique judiciaire du Québec.

JUDICIAL FEES

There are **no** judicial fees to file your *Defence*.

RECORD NUMBER

The record number appears on the *Originating Application* that was serve to you by bailiff. This number must appear on all the documents or proceedings that you file.

NOTIFICATION

You must notify your *Defence* to all other parties to the proceedings.

The notification may, for example, be made by registered mail, courier service (Purolator, UPS, etc.) or by bailiff. It can also be done by email if the parties consent to it.

CHECKLIST

Before you file your *Defence*:

- ☐ You must complete the *Defence*;
- ☐ You must sign on page 3;
- ☐ You must complete the back on page 4;
- ☐ You must file **two paper versions** of the documents mentioned in the preceding points printed only on **one side of each page**, accompanied by proof of notification to the other parties, at the office of the Court of Québec in the district where the application is filed;
- ☐ You must provide **one version** of the documents mentioned in the preceding points **using a technology-based medium to the Tribunal**.

District of: _____

Record no: _____

and

and

Plaintiff(s)

v.

and

and

Defendant(s)

DEFENCE

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IDENTIFICATION OF THE DEFENDANTS WHO ARE FILING THIS DEFENCE

Enter the name and contact information of each of the signatories to this defence.

You must notify the Tribunal of any subsequent change by completing the [Change of Address Form](#).

Defendant 1

Name and surname	Telephone				
Address					
Number	Street	Apartment	City	Province	Postal code
☐ I consent to the Tribunal notifying me of any document and judgement by email			Email address		

Defendant 2

Name and surname	Telephone				
Address					
Number	Street	Apartment	City	Province	Postal code
☐ I consent to the Tribunal notifying me of any document and judgement by email			Email address		

Defendant 3

Name and surname	Telephone				
Address					
Number	Street	Apartment	City	Province	Postal code
☐ I consent to the Tribunal notifying me of any document and judgement by email			Email address		

DEFENCE REGARDING THE ALLEGATIONS MADE BY THE PLAINTIFF(S)

Provide a defence for each allegation of discrimination, harassment, or exploitation mentioned in the plaintiff's application. For each date or period of time, indicate if you agree or disagree with the alleged facts and explain why. Also provide any additional element of information that you have and any defence that you intend to use.

If you need more space, please use a separate page and attach it to the present document.

DATE	EVENT
____ / ____ / ____ Year Month Day	[1]
____ / ____ / ____ Year Month Day	[2]
____ / ____ / ____ Year Month Day	[3]
____ / ____ / ____ Year Month Day	[4]

LEGAL ISSUE(S) IN DISPUTE

Write down the question(s) to be decided by the Tribunal.

1.
2.
3.

CONCLUSIONS SOUGHT

Explain to the Tribunal what you want the outcome of the trial to be, for example that the Originating Application be dismissed.

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WITNESSES AND EXPERTISES

List of witness(es)

State the name of the witness(es) that you will summon for the hearing (trial) before the Tribunal.

- 1.
- 2.
- 3.
- 4.

List of expert(s)

If you wish to file an expert evidence, state the name of the expert(s) and the subject of their expertise.

- 1.
- 2.

TIME REQUIRED TO PRESENT YOUR EVIDENCE AND ARGUMENTS

Indicate the number of hours you estimate will be necessary to present your evidence (testimonies, questioning, and cross-examining) and your arguments

____ hours

SETTLEMENT CONFERENCE

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 and no-cost process presided over by a judge of the Tribunal.

Do you wish to participate in a settlement conference?

☐

YES

☐

NO

SIGNATURE

Defendant 1

Signed in

(City)

On _____
(Date)

Defendant 2

Signed in

(City)

On _____
(Date)

Defendant 3

Signed in

(City),

On _____
(Date)

No:

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

and

and

Plaintiff(s)

v.

and

and

Defendant(s)

DEFENCE

Name:

Address:

Telephone:

Email: