

THE HEARING

Once the file is complete, the Tribunal schedules a hearing date.

If you have a serious reason that prevents you from being present on this date, you can file an Application for Postponement of a Hearing (s. 122 of the Charter and s. 49 of the Regulation). An application for postponement form is available on the Tribunal's website.

The process before the Tribunal

- The hearing takes place before a panel of 3 members of the Tribunal (1 judge and 2 assessors);
- First, the plaintiff presents his arguments and evidence. He questions his witness(es), if he has any;
- Then, it is the defendant's turn to present his arguments, evidence and witness(es).

Each party:

- Has the opportunity to explain their point of view, present their evidence and have their witness(es) heard;
- Cross-examine the other party's witness(es);
- May be represented by a lawyer. This is not mandatory.

THE DECISION OF THE TRIBUNAL

The Tribunal may rule in favour of the plaintiff (s. 49 of the Charter). The Tribunal can, for example:

- Order the defendant to reimburse the financial losses incurred by the plaintiff;
- Order the defendant to pay a sum of money to the plaintiff in compensation for the inconveniences and psychological damage suffered;
- Order the defendant to hire the plaintiff or to sign a lease or another contract with him.

The Tribunal may also decide to dismiss the application if it finds that:

- The evidence was insufficient or incomplete;
- There was no discrimination, harassment, exploitation, etc.

The Tribunal can also condemn the plaintiff or the defendant to the costs or split them between the parties (s. 126 of the Charter).

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- Call these people to act as witnesses using a subpoena (a summons to testify) delivered by a bailiff;
 - Make sure that the witnesses receive the subpoena at least 10 days before the date on which they are required to testify (s. 39 of the Regulation).

AFTER THE COMMISSION: THE TRIBUNAL

You have filed a complaint (plaintiff), or have been subject to a complaint (defendant) before the *Commission des droits de la personne et des droits de la jeunesse* (Commission).

The Commission conducted an investigation and has come to a decision. The parties are informed of this decision in a letter. If this letter indicates that the file may be brought before the Tribunal, the Commission can either:

- Take charge of the plaintiff's file and bring it before the Tribunal (s. 111 of the Charter);

OR

Withdraw itself from the file. If certain conditions are met, the plaintiff can pursue the process before the Tribunal. In such a case, the plaintiff can represent himself or be represented by a lawyer (s. 84 of the Charter).

YOU WANT TO BRING YOUR APPLICATION BEFORE THE TRIBUNAL

Plaintiff

You have 90 days from the date you received the letter from the Commission to apply to the Tribunal (s. 84 of the Charter). Your application is, in some respect, the continuation of your complaint. This application must contain two documents (procedures):

- An Application to Institute Proceedings (filed no later than 90 days after you received the letter from the Commission);

AND

- A Factum (filed no later than 15 days after you filed the Application to Institute Proceedings).

YOU CAN CONTACT THE COMMISSION IN
ORDER TO RECEIVE A COPY OF YOUR FILE.

The Human Rights Tribunal

How to assert your rights

TDP

Tribunal des droits de la personne

<https://tribunaldesdroitsdelapersonne.ca>

Procedural documents are available on the Tribunal's website.

Are you searching for general information about Human Rights

- Commission des droits de la personne et des droits de la jeunesse: www.cdpedj.qc.ca
- Éducaloi: www.educaloi.qc.ca

