

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 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 AT THE COURT OFFICE

You must file your *Application to Introduce Proceedings* at 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 at 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 on one side 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.

File no:

 For use by the office of the Court of Québec

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

| | | | | | |
|--|--------|-------------|------|-----------|-------------|
| 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> | | | |
| | | | |

No:

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

and

and

Plaintiffs

v.

and

and

Defendants

APPLICATION TO INSTITUTE PROCEEDINGS

Amount in dispute:

Name:

Address:

Telephone:

Email: