

**INSTITUTIONAL GUIDELINES FOR REQUESTS TO MODIFY, IN WHOLE OR IN PART, THE MODE OF PARTICIPATION IN A HEARING, A CONCILIATION SESSION OR ANY OTHER ADJUDICATIVE ACTIVITY FOR THE FOLLOWING SECTIONS:**

**IMMOVABLE PROPERTY SECTION (SAI)  
TERRITORY AND ENVIRONMENT SECTION (STE)  
ECONOMIC AFFAIRS SECTION (SAE)**

**1. OBJECTIVES**

These institutional guidelines are intended to provide a framework for all requests to modify, in whole or in part, the mode of participation in a hearing, conciliation session or any other adjudicative activity to be conducted in a courtroom or using technological means.

For the sake of transparency and to promote uniform application, they set out the applicable criteria and procedure to be followed to submit a request.

Essentially, these guidelines promote the quality, promptness, and accessibility of administrative justice, as well as the safeguard of the parties' right to be heard.

**2. SCOPE OF APPLICATION**

These institutional guidelines apply to all requests to modify the mode of participation in a hearing, conciliation session or any other adjudicative activity (such as case management conferences, for example).

They also apply to all requests to have a party or any other participant (such as a witness or expert, for example) participate in the courtroom or using technological means in an adjudicative activity by another mode of participation.

These guidelines do not apply to the adjudicative activities or files of the Social Affairs Section (in which case other institutional guidelines apply).

**3. CRITERIA AND DELAY**

The Tribunal will decide the request by considering the nature of the proceeding, the seriousness of the reasons raised, the feasibility of the request based on the availability of the technological material, the parties' diligence, and the potential prejudice to the parties if the request is denied. To grant the request, the Tribunal must decide that the ends of justice would be better served.

No request will be granted based solely on the consent of the parties.

Any request to modify, in whole or in part, the mode of participation in an adjudicative activity must be made as soon as possible after the hearing date is scheduled. A request can be refused solely because it is late.

**4. PRESENTATION OF THE REQUEST**

Any request to modify, in whole or in part, the mode of participation in an adjudicative activity must be sent to the following persons:

- A member of the panel hearing the matter (where applicable); or
- The vice-president of the SAI, the STE or the SAE, if no administrative judge has been assigned. The vice-president may then appoint a coordinating judge who will analyze the request.

The request must contain the following information:

- The names of the parties and the file numbers concerned by the request.
- The first and last name of the party or any other participant concerned by the request (such as a witness or expert, for example) and their contact information (civic address, telephone number and email address).
- The reasons why the hearing should be held virtually or in a courtroom.
- Whether the other parties consent or object to the request, if this information is available.

A copy of the request must be sent to the other parties.

## **5. DECISION**

A member of the panel hearing the matter, the vice-president of the SAI, the STE or the SAE, or the coordinating judge appointed by the vice-president may refuse or grant the request, in whole or in part. They may also impose any conditions deemed necessary.

The Tribunal then informs all parties involved of the decision.

If the request is refused, the parties must be present according to the mode and at the time indicated in the notice of hearing. The same applies if the date on which the request was made does not allow the Tribunal to communicate with the parties within a reasonable time to inform them of the decision.