

## INSTITUTIONAL GUIDELINES FOR REQUESTS TO HOLD A HEARING, A CONCILIATION SESSION OR ANY OTHER ADJUDICATIVE ACTIVITY IN A COURTROOM

### OBJECTIVES

These institutional guidelines are adopted in the context of a health emergency forcing the Tribunal administratif du Québec (Tribunal) to take measures to facilitate the conduct of the adjudicative activities. To that effect, the decree 615-2020 dated June 10<sup>th</sup>, 2020<sup>1</sup> states that an administrative tribunal may impose the use of technological means to hold a hearing if the parties have such means.

As such, the institutional guidelines seek to provide a framework regarding the requests to hold a hearing, a conciliation session or any other adjudicative activity in a courtroom. For the sake of transparency and to promote uniform application, they set out the applicable criteria and the procedure to be followed to submit a request.

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

### SCOPE OF APPLICATION

These institutional guidelines apply to all requests made by a party for a hearing, case management conference, pre-hearing conference, conciliation or any other adjudicative activity to be conducted, in whole or in part, in a courtroom.

### PROCESSING THE REQUEST

No request to proceed in a courtroom will be granted solely on the basis of the consent of the parties.

#### Criteria

The Tribunal will decide the request, taking into account the nature of the proceeding, the reasons underlying the request and the prejudice the parties could suffer. To grant the request, the Tribunal must find that a courtroom hearing would better serve the ends of justice.

Such a request may be addressed if the information, help and support given by the Tribunal are not sufficient to ensure that an online hearing be held without causing harm to the rights of a party.

#### Deadline

The request that the hearing be held in a courtroom must be made as soon as possible once the court date is set.

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<sup>1</sup> Decree 615-2020, 10 juin 2020, [Décret concernant l'ordonnance de mesures visant à la santé de la population dans la situation de pandémie de la COVID-19.](#)

## PRESENTATION OF THE REQUEST

A party who wishes to make a request that a hearing be held in a courtroom should send such request, in writing, to the Secretariat of the Tribunal.

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 making the request, their street and email addresses, and their telephone and fax numbers;
- The reasons justifying that the hearing be held in a courtroom;
- Whether or not the other parties consent, if this information is available.
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A copy of the request must be sent to the other parties.

## DECISION

Once the duly completed request is received by the Secretariat of the Tribunal, it is submitted to the coordinator administrative judge who then makes a recommendation to the Vice-President of the section concerned or the Chairperson of the CETM. He may refuse or grant, in whole or in part, the request to hold the hearing or other adjudicative activity in a courtroom. It may also be made subject to any conditions deemed necessary.

The Secretariat of the Tribunal informs the parties of the decision concerning the request.

If the request is not granted, the parties must join the online hearing as indicated and at the time mentioned in the notice of hearing. The same applies if the Tribunal does not communicate with the parties to inform them of the decision regarding the request.

November 17<sup>th</sup> 2020