

About this guide

More and more people go to court without a lawyer. That's why the Québec Bar Foundation has prepared guides called *How to prepare for court*.

These guides offer information that helps people understand the main steps of the legal process. They also help the reader make informed decisions about the choices they will face.

The information in this guide is only for people who have a case with the Tribunal administratif du logement (TAL).

Since 1978, the Foundation has worked for the advancement of law and supported young legal professionals to help create a fairer society.

Primarily funded by private donations, the Foundation can count on the support of its Governors, its donors, its partners and successful fundraisers to accomplish its mission.

Working in a collective spirit, open to the community and attentive to its needs, the Québec Bar Foundation helps unite people and aspires to be at the heart of a legal community committed to the future of law.

To learn more about the Foundation and the free publications it offers, visit its website:

www.fondationdubarreau.qc.ca



This guide contains general information about current Québec law and is not meant to provide legal advice or a legal opinion.

This guide is both for tenants (lessees) and landlords (lessors) who wish to file an application with the Tribunal administratif du logement (TAL).

To keep things simple, we will usually refer to the Tribunal administratif du logement simply as the Tribunal. For the same reason, we will sometimes refer to the administrative judges that preside Tribunal hearings simply as judges, even though that is not their official title.

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A guide that doesn't apply in all cases

Only for residential leases

This guide is only for cases with the **Tribunal administratif du logement (TAL)**, formerly known as the Régie du logement.

It's meant both for tenants (formally known as lessees) and landlords (formally known as lessors). A lessee is someone who rents a dwelling. The lessor is normally the owner of the dwelling.

The Tribunal can settle different kinds of conflicts related to residential leases. Here are some examples:

- A rent increase, or modifications to lease conditions upon renewal
- Termination of a lease for failure to pay the rent
- Repossession of a dwelling by the landlord or their close family
- Fixing problems with a dwelling
- Conflicts between joint tenants (roommates) or a tenant and subtenant

Not for claims of \$100,000 or more

Do you wish to claim an amount of money from your tenant or your landlord? This amount must be under \$100,000 for the case to be heard by the Tribunal.

If you want to claim \$100,000 or more, you must instead file an application in Superior Court.

Not for commercial leases

The Tribunal administratif du logement can't settle conflicts related to commercial leases. The Tribunal can only hear cases relating to a residential lease.

If your lease says that over a third of the dwelling is meant for non-residential use, such as a daycare, the Tribunal won't be able to hear your case either.

For commercial leases, cases will instead be heard by the Court of Québec or Superior Court.

Not for vacation rentals or campsites

Did you rent an apartment for a weekend vacation? Are you renting a seasonal campsite?

Your rental agreement is not a residential lease.

The TAL will therefore not be able to settle your conflict. You will have to file an application with the Court of Québec or in Superior Court.



Not for other tribunals

There are several administrative tribunals in Quebec. Each one has its own rules and procedures.

If your case is with another tribunal, for example the *Tribunal administratif du travail* or the *Tribunal administratif du Québec*, you may find another guide more helpful:

[fondationdubarreau.qc.ca/guides-juridiques](https://www.fondationdubarreau.qc.ca/guides-juridiques)

Not for civil matters

Do you want to sue your tenant or your landlord for defamation (libel)? The TAL is not the right tribunal. To settle this kind of conflict, you should turn to the Court of Québec or Superior Court.

For such cases, you can read the guide called "[How to prepare for court—For civil matters](#)".

Not for criminal cases

If you were the victim of a crime committed by your tenant or your landlord, call the police. The TAL cannot deal directly with this kind of situation. However, the TAL can decide if the lease should be terminated.

You may also end a lease early if your safety, or your child's safety, is threatened by:

- domestic violence.
- sexual violence.
- violence toward a child who lives with you.

If your landlord refuses to let you leave, you can ask the TAL to intervene.

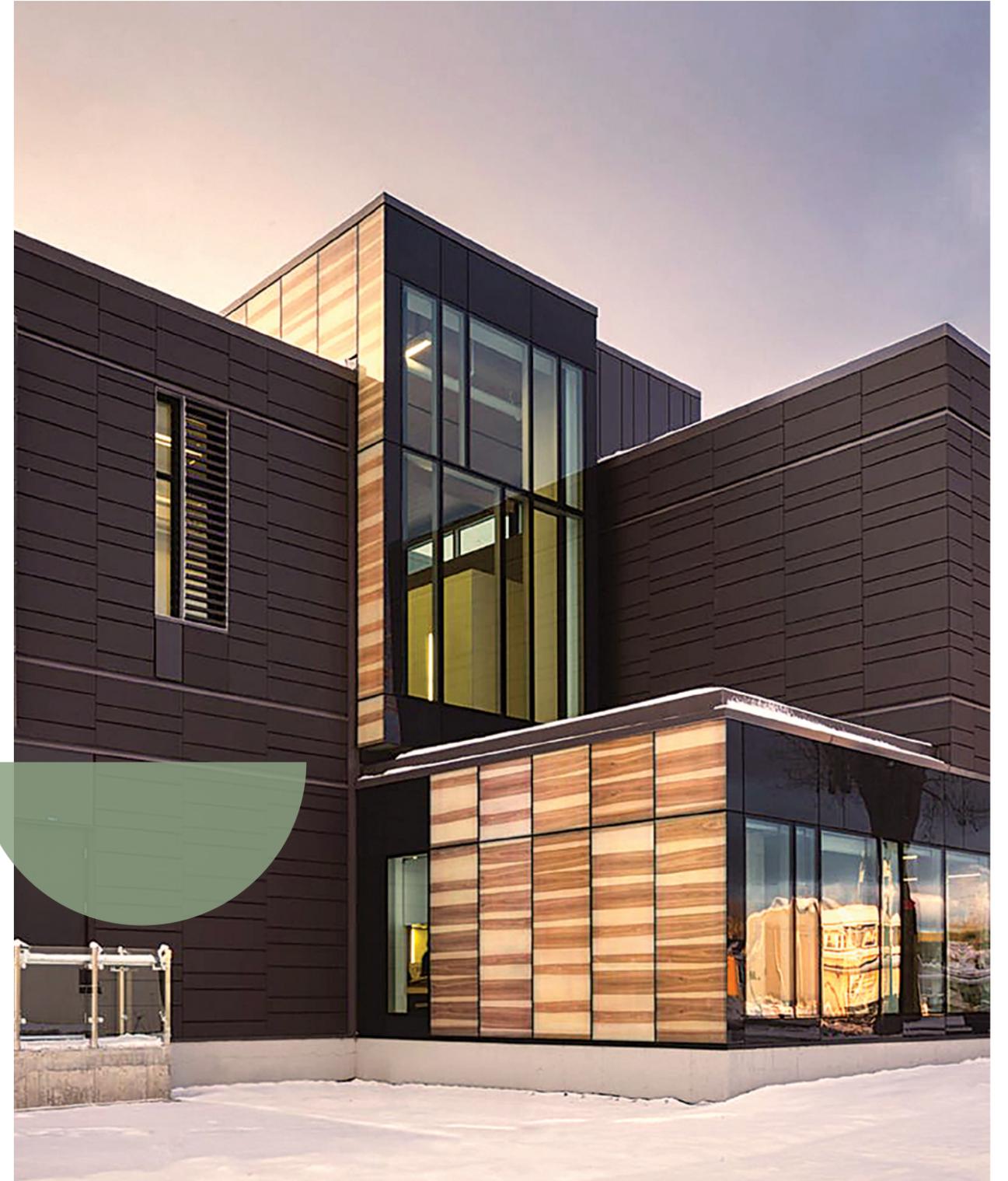


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Options to settle your conflict

Did you know going to court isn't the only way to settle a conflict?

Solving a conflict outside the courtroom is often more satisfying than a judge's decision. It's also a good way to reconcile with the other party.

Feel free to get creative with possible solutions. Who knows? Maybe you can make things better with a letter of apology or a recommendation letter. Sometimes, simply being able to feel heard and give your version of the facts can give you a sense of justice.

We'll explain three ways to settle a conflict: negotiation, mediation and conciliation. You can use any of these methods at any point before the hearing to try to solve things.

Negotiation: finding a compromise

What it is

Negotiation lets you find an agreement with the other party by making concessions.

It's an informal process that only involves the parties to the conflict. You can negotiate how you want, when you want. You only need to contact the other party.

It's still possible to be represented by a lawyer when negotiating. The legal fees will probably not be as expensive as they would be for a case that goes to trial.

If negotiations succeed

You can draw up a written agreement.

The agreement must be:

- signed by everyone involved.
- include all the details and conditions of the agreement.
- be written in clear terms that everyone understands.

If negotiations fail

Everything that was said or written during the negotiations remains confidential. The judge can't be told what was discussed if the case is eventually heard.

Mediation: negotiating with help

What it is

Mediation means negotiating with the help of someone who is neutral and impartial.

This person is called a "mediator". Their role is to help the parties find a solution to their conflict.

A mediator does not have the power to make any decisions for you. Their role is to help you discuss the issues so you can find an agreement. They can also propose solutions.

Mediation can take a single meeting or multiple sessions.



Finding a mediator

The parties to the conflict usually choose the mediator together.

Here are two ways you can find one:

- Free community mediation services are offered by Équijustice centers and ASSOJAQ members. These services are available throughout Québec. To find one, visit the Équijustice website (equijustice.ca/en) and click on the "Find an Équijustice" tab. You'll also find contact details for ASSOJAQ members.
- The Barreau du Québec can also help you find a mediator if necessary. In that case, services are not free, and the parties involved must pay the mediator. To find a lawyer-mediator, consult the Directory of lawyers on the Barreau du Québec website (barreau.qc.ca/en).

Conciliation: offered by the Tribunal

What it is

Conciliation is similar to mediation. But in general, the conciliator doesn't propose solutions, unlike a mediator. Their role is rather to make communication smoother and help the parties negotiate.

Conciliation is offered by the Tribunal for free. To obtain a conciliation session, you first have to make a request.

In some cases, the Tribunal contacts the parties directly to propose conciliation, but you are free to do so yourself.

To find out how to request a conciliation session from the Tribunal, see page 38.



Before filing an application

Here are the steps you need to take before filing your application:

- Send a notice or a demand letter (p. 14)
- Make sure it's not too late (p.17)
- Look up the law (p.18)
- Consider asking a lawyer for help (p.18)

Send a notice or a demand letter

Before filing an application with the Tribunal, have you considered sending a notice, or a demand letter?

A notice lets you inform the tenant or the landlord of your intentions concerning the dwelling. A demand letter, also known as a formal notice, is a final warning, before filing an application.

It's not always mandatory to send a demand letter. Sometimes, you must send a notice before starting legal proceedings. If not, you will probably still need to send a demand letter before filing an application in court. If you don't send a demand letter in a case where it is required, the judge might reject your application.

Notice

A landlord must inform their tenant about many things, such as their intention to repossess a dwelling or raise the rent.

Similarly, a tenant must inform their landlord if they do not wish to renew the lease. A tenant must also inform them before subletting the dwelling, for example.

The Tribunal has prepared model notice and answer forms that cover all of these situations. They are available for free on their website on the following page:

tal.gouv.qc.ca/en/models-of-notices/find-a-notice-model

Each model also contains information about the rules and procedures to follow. Make sure you read them properly! Each type of notice has different formal rules specifying what they must contain and deadlines to be respected.

For notices of all types, you must:

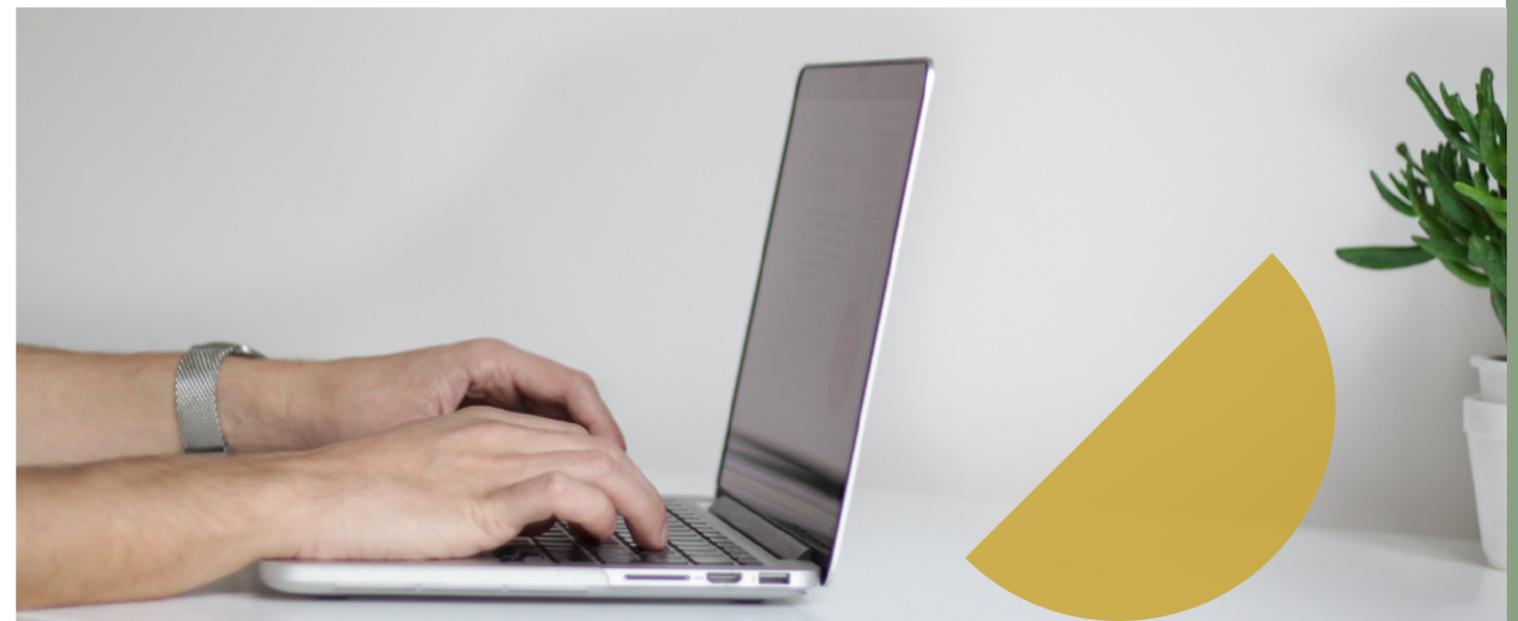
- write the notice in the same language as the lease, except in special cases.
- send the notice by registered mail to the address indicated in the lease, or in person with an acknowledgement of receipt. The key is to have a document that proves the notice was received.

Demand letter

A demand letter, or formal notice is sent to someone who, for example:

- owes you something.
- has caused you harm.
- is not respecting obligations related to the lease (the rules of good conduct, the upkeep of the dwelling, etc.).

Usually, its purpose is to inform that person of your intention to start judicial proceedings if they don't do what you ask in your letter. But it can also suggest other solutions, such as mediation, negotiation, a letter of apology, or an exchange of services, for example. Who knows? A positive response might help you avoid having to file an application with the TAL.



Here is a sample demand letter¹:

Place and date

WITHOUT PREJUDICE
By registered mail (or By bailiff)

Name and address of the recipient

Re: Formal notice

Sir/Madam,
I am writing to inform you that I am claiming the sum of \$XX from you for the following reasons:
[...]

This letter constitutes formal notice to pay me the sum of \$XX within ten days.

Otherwise, I may take legal action against you immediately and without further notice.

I hereby inform you that I will consider any proposal for mediation or negotiation before referring the case to the courts.

Please act accordingly.

Signature
Your address and telephone number

Your letter must be sent by registered mail or delivered by a bailiff so you can prove it was received.

For more advice, read the article "[Writing a Demand Letter](#)" on the Éducaloi website. To find it, click on the link above or type "How to write a demand letter Éducaloi" in a search engine such as Google.

¹This model for a formal notice was taken from the Government of Québec website:

quebec.ca/en/justice-and-civil-status/small-claims/filingclaim/process-help-applicant/formal-notice#c208832

Make sure it's not too late

The law specifies time limits to respect when filing an application with the Tribunal. You might lose the right to do so if too much time passes.

This is called prescription.

Prescription deadlines can be quite short and must always be respected. **Sending a demand letter does not stop prescription.**

Here are some examples of prescription deadlines to respect when filing an application with the Tribunal:

- Ten days if a dwelling must be temporarily vacated for major work.
- One month after a tenant refuses a rent increase or the repossession of a dwelling.
- Three years to claim a sum of money (unpaid rent, for example).

To find out the prescription deadline for a specific situation, ask a Info Justice lawyer for free (info-justice.ca/en).



Look up the law

Before filing your application, it's important to learn about all the laws that apply to your situation. Not only will you discover your rights and obligations, but it will also help you prepare your case properly from the start.

Make sure the information you find is reliable, current and valid in Québec.

Many free legal research tools are available online. To find them, read the guide "How to do your own legal research" on the Info Justice Montréal webpage. It's at the bottom of the page, in the "Guides and tools" section: info-justice.ca/en/centres/montreal-2

Ask a lawyer for help... or not

You have the right to be represented by a lawyer before the TAL, in almost all cases... but not quite all.

In fact, lawyers are not allowed in a specific situation: when the claim is only monetary, and the amount claimed is \$15,000 or less. In other words, if you are only claiming money (\$15,000 or less) and nothing else, you can't be represented by a lawyer at the hearing. On the other hand, you are allowed to consult a lawyer before the hearing if you choose.

What if you don't know any lawyers? Groups and associations of lawyers provide referral services by area of law and by region. For more information, consult the "[Referral Services](#)" page on the Barreau du Québec website. You can find it by typing "referral services Barreau du Québec" in a search engine like Google.

Claim of \$15,000 or less



No other request



No lawyers allowed



Claim of \$15,000 or less



Other request
(such as termination of the lease)



Lawyers allowed



Claim of over \$15,000



Lawyers allowed



Too expensive? Options to consider

You might not have enough money to pay a lawyer. Whether by force or by choice, you can represent yourself before the Tribunal.

Without a lawyer, you'll have to complete all the tasks explained in this guide yourself. Laws and rules of procedure can be hard to understand, and you can easily feel lost. It's important to know that they apply equally to everyone. Unfortunately, you won't get special treatment if you represent yourself, although the Tribunal has an obligation to be fair and impartial with you. You'll have to find out what rules to follow, understand these rules and respect them.

Remember that if the other party is represented by a lawyer, you'll have to deal with a professional who knows the appropriate rules of law and procedure.

Before concluding that you don't have enough money to hire a lawyer, consider the following options:

Free legal information

Did you know it's possible to get legal information specific to your situation for free?

Such resources are available throughout Québec. Here are some of them:

- Info Justice (offering a free monthly information session about the TAL): info-justice.ca/en/information-sessions
- Clinique juridique du Barreau du Québec: cliniquejuridiquebarreau.ca/en
- Boussole juridique (directory of free or low-cost legal resources): boussolejuridique.ca/en
- Housing committees and tenants' associations (tenants only): rclalq.qc.ca/en

To find out more, read the section "Resources to make things clearer", starting on page 78.

Legal aid

You might be entitled to legal aid, which lets you be represented by a lawyer paid for by the government.

To find out if you are eligible, contact your local legal aid office, or consult the Commission des services juridiques website at csj.qc.ca/commission-des-services-juridiques/lang/en

Legal assistance and legal expense insurance

Some home insurance and car insurance policies offer a form of coverage called legal expense insurance. In some circumstances, this coverage lets you claim a portion of the fees for the lawyer you choose.

In addition, most insurers also offer legal assistance, which gives you access to an information phone line where you can talk to lawyers working for your insurer. Members of some groups or organizations, such as unions, are also sometimes eligible for legal assistance.

Consult the "[Legal Assistance and Legal Expense Insurance](#)" section on the Barreau du Québec website for more information. To find it, type "legal assistance and legal expense insurance" in a search engine like Google.

A brief consultation or specific mandate with a lawyer

If you're working alone on your case, you can still consult a lawyer, even if only for a few hours.

This can be especially useful at the start of the process, but you can ask for this type of help at any time. If you have limited resources, choose a moment that will give you the most value for your money.

You can also briefly consult a lawyer to find out how much it would cost for them to represent or assist you, either for the whole case or a portion.

Talk with a lawyer to find out if it's possible to negotiate their fees. In some cases, a lawyer can agree to work for a fixed fee or accept other terms that are helpful for you.

Referral services

Some referral services offer an initial consultation for free or at a low cost.

You can learn more about these services on the Barreau du Québec website (barreau.qc.ca/en). Click on "General Public" in the horizontal menu, then on "Need a Lawyer?" in the "Access to Justice" submenu.

Landlords who are members of a group such as the [CORPIQ](#) or the [APQ](#) also have access to lawyers for free or at a reduced rate.

Being represented by someone else

If you don't have a lawyer and can't be present at the hearing, you can be represented by someone else.

By whom?

You can be represented by the person of your choice, with very few exceptions. This person can be a friend, a family member, or someone you trust. They will be your mandatary. But you are not allowed to be represented by a professional who has been disbarred, declared ineligible, or whose right to practice has been limited or suspended.

In your absence, your mandatary can ask for the hearing to be postponed. In fact, that's one of the main reasons you might need a mandatary².

If you want the hearing to take place without you, make sure that your mandatary knows your case very well. But be careful, because they are not allowed to present evidence or testimony unrelated to their personal, direct knowledge of the facts. So even though you would have the right to testify about your personal knowledge of some facts if you were present, your mandatary would have to prove the same facts in another way. For example, they could ask another witness to testify.

How?

The person who will represent you must give a mandate to the judge.

This mandate lets you inform the Tribunal that you have authorized this person to represent you. It must be written and signed by you.

There is no official form for such a mandate, but you can use the following example:

Example of a mandate:

I, (your full name) ,
 domiciled at (your address) ,
 authorize (full name of your mandatary) ,
 domiciled at (their address)
 to represent me at the hearing with the
 Tribunal administratif du logement concerning
 the following case(s):

Signed at (city where you signed the
 mandate) , on (date of the signature)

Your signature

Being assisted by someone you trust

You can be assisted by someone you trust at the hearing. Many factors can justify your need for assistance. For example:

- Your age
- Your health
- Your vulnerable situation
- Your insufficient language skills

The person who assists you must do so for free. They can help you handle documents, read and understand them, or simply help you feel less anxious.

On the other hand, this person is not allowed to represent you. This means that they can't:

- examine or counter-examine witnesses.
- make your closing argument.
- give you legal advice.

² If you filed your application after February 24, 2024, you don't have to justify your absence in order to be represented by a mandatary.

Filing an application

Filing an application is the starting point of your case with the Tribunal administratif du logement.

There are three ways to file an application with the Tribunal. No matter which one you choose, you will have to complete the following steps:

- Step 1: Write your application (p. 27)
- Step 2: File your application (p. 29)
- Step 3: Notify the other parties (p.32)
- Step 4: File proof of notification and a list of exhibits (p.33)

Three ways to file

Here are the three ways to file an application with the Tribunal:

1. With help from Tribunal clerks

Tribunal staff members can help you file an application. They can guide you through the necessary steps by:

- helping you identify the correct type of application to file.
- helping you fill out the application.
- answering your questions and explaining the procedure to follow.

To request their help, you must make an appointment online unless it's an emergency.

To make an appointment online, go to tal.gouv.qc.ca/en and click on « Make an appointment online » on the « Info offices » tab of the home page. This form is in French only at the time of writing. You can also make an appointment by phone at 514 873-2245 (Montréal, Laval and Longueuil only) or 1 800 683-2245 (all other areas).



2. Online

It's simple to file an application online, but it's not possible for all types of applications. The following applications can be filed using an online form³:

- Application to modify the lease (introduced by the landlord)
- Application regarding unpaid rent (rent recovery and termination of the lease)
- Application to repossess a dwelling
- Application to fix the rent (introduced by the landlord)
- Application to fix the rent for a new tenant or subtenant (introduced by the tenant or subtenant)

With an online application, you simply have to fill out or check the boxes on the form, depending on what is required. Help bubbles will help you correctly fill out your application. But note that these online forms are only available in French at the time of writing.

Online forms are available on the Tribunal website (tal.gouv.qc.ca/en) by hovering over Online Services in the horizontal menu and selecting "Filing an application to the Tribunal". You can also scan the following QR code:



³ You can also apply online to contest your eviction, but only if the eviction notice was sent before February 21, 2024.

3. With a PDF document

There are more than a dozen official forms that can be used to file an application with the Tribunal administratif du logement. Make sure you choose the right form for your situation.

These forms are available at all Tribunal offices as well as on its website (tal.gouv.qc.ca/en/forms).

If you're not sure which form to choose, here are some tips:

- **Amendment forms:** A few forms start with the word "Amendment". If you want to modify a previously filed application, use the one that best fits your situation. If no specific amendment form seems to apply, use the general form, simply called "Amendment".
- **Application forms:** Many forms start with the word "Application". If you see one that seems to fit your situation, use it. Otherwise, use the general form, simply called "Application".
- **RN form:** Use this form, which starts with "RN" followed by consecutive years (such as "2025–2026"), if you are a landlord and want to file an application to fix the rent. This form is filed in addition to the rest of your application. You must submit it within 90 days after filing your application.

If you're not sure which form to use, the Tribunal can give you more information. You can also ask another legal information service, such as Info Justice (info-justice.ca/en).



Step 1: Write the application

For most applications, you simply have to appropriately fill out each box of the form. Some forms even offer examples of orders that the Tribunal can issue (in the section called "Object of the application"), as well as valid reasons that can justify your application (in the section called "Grounds for the application"). If so, you can simply choose the option that applies to your situation.

Note that you won't receive any such suggestions if you fill out the "Application" form in PDF format. You'll have to identify the object (what you want the Tribunal to order) and the grounds (the reasons that would justify this order) yourself.

Make sure you don't forget anything when writing your application. In fact, the judge can't give you more than what you've claimed. You should also take the time to make sure everything in your application is true. All the information it contains is considered to have been given "under oath". This means that you have sworn that the information in your application is true.

Here are some tips to help you write your application:

- **The object of the application:**

You must specify what you want. For example, this could be a specific order, termination of the lease, or an amount of money.

You can also ask for the defendant to reimburse you for part of the costs of filing and notifying the application. To do so, you must add the sentence "The whole, with costs" to the object of your application. You will need to win your case and show proof of the amounts paid to notify your application. Keep your receipts!

- **The grounds for the application:**

Write the reasons that explain why you are filing an application with the Tribunal.

This section must briefly sum up why your application is justified. Don't go into great detail. The purpose is simply to give an overview of the situation to the Tribunal and the other party. Keep to the most important facts and make sure they justify all the elements you specified in the object of the application.

Do you need more information about filling out an application in PDF format?

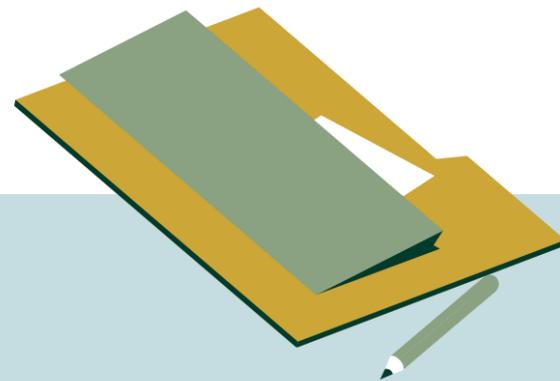
Read the guide called "[How to open a case with the administrative housing tribunal](#)". It was written by the Comité logement du Plateau Mont-Royal team for the use of tenants who use the general application form. Landlords can also find it useful if they make appropriate modifications.

It's available here:



You can also get answers from Tribunal staff members.

Is your application urgent? If your health or safety is at risk, make that clear so that your case can be heard faster.



Step 2: File the application

Once you have filled out your application, you must submit it to the Tribunal using one of the following methods:

- **Online**

You can file your application on the Tribunal's website and pay the fees using a credit card. To do so, click on the Online Services tab in the horizontal menu on the homepage (tal.gouv.qc.ca/en). Note that the instructions for how to file online are only in French at the time of writing.

- **By mail**

Fill out the form online, print it and sign it. You must pay the fees using a certified check, postal money order or bank draft made out to the Ministre des Finances du Québec.

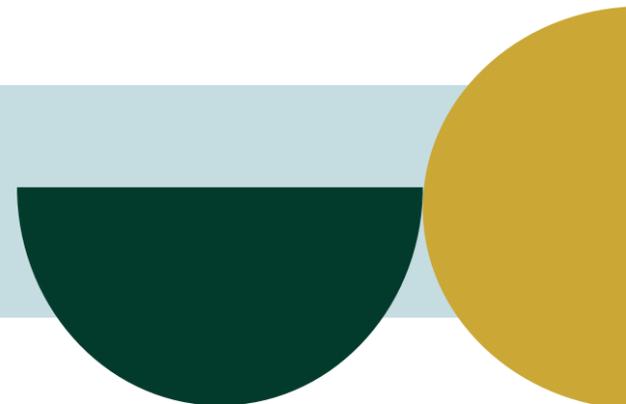
Send the application and payment to this address:

Village olympique
5199, rue Sherbrooke Est, bureau 2360
Montréal (Québec) H1T 3X1

- **In person**

Tribunal staff members can help you fill out your application in person. You can also fill it out online, print it and sign it before going to file it in person. You must make an appointment to file your application at a Tribunal office and pay the fees.

To make an appointment online, go to tal.gouv.qc.ca/en and click on « Make an appointment online » on the « Info offices » tab of the home page. This form is in French only at the time of writing. You can also make an appointment by phone at 514 873-2245 (Montréal, Laval and Longueuil only) or 1 800 683-2245 (all other areas).



Deadlines to meet

There are deadlines to meet when filing an application. If you're late, you could lose your right to make a claim.

The specific deadline depends on the type of claim. To learn more, see page 17.

If you are filing by mail, make sure you have accounted for mail delivery times.

Is your application urgent? You can go to the Tribunal without an appointment in one of the following situations:

- The deadline for your application is about to expire, and you are applying to:
 - have a decision revoked.
 - repossess a dwelling.
 - fix the rent.
- Your application is for the eviction of a tenant after the lease has expired or after the agreed date for their departure.
- The health or safety of the residents of a dwelling is at risk.

Certain other types of applications can also be filed without an appointment. Find out more by contacting the Tribunal.

Fees to pay

You must pay fees to file an application. The amount depends on the type of claim.

To find out the amount to be paid for your application, go to the Tribunal's website (tal.gouv.qc.ca/en). Hover over the "Tribunal" tab in the horizontal menu, then click on "Filing an application". Then click on "Costs exigible" in the menu at the bottom of that page.

List of exhibits

This is a list of all the evidence you want to present to the Tribunal at the hearing.

A list of exhibits must be submitted with each application. Otherwise, the Tribunal could refuse to set a hearing date. What's more, if your list is incomplete, the judge might refuse to hear evidence that wasn't listed.

Things to know

You must keep a copy of your application

It's important to keep a copy of all the documents you submit to the Tribunal.

Keep the Tribunal informed if your address changes

Any mail from the Tribunal will be sent to the last address on record in your file, including hearing notices (to let you know the date of your hearing).

If you miss your hearing because you did not know when it was to be held, a judgment could be rendered against you in your absence.



Step 3: Notify the other parties

Once the Tribunal receives your application and you have paid the costs, you will be assigned a case number. You will then be sent a stamped copy of your application. That's when you must notify a copy of the stamped application to the other parties.

What it is

We all know about the notifications that pop up on our phones and computers. They let us know something new has happened.

Judicial notification is similar. You must “notify” the other parties that you are making a legal claim.

To do so, you must send a copy of your stamped application and your list of exhibits in a way that lets you prove they were received. This can be done by using a bailiff, registered mail, a courier service or email with read receipt.

If your application concerns more than one person, you must notify each individually.

At the hearing, the judge will confirm that you have properly notified a copy of your application to everyone involved in the case. It's your responsibility to prove that they have all received a copy of the application.

People who refuse to be notified

What happens when someone refuses or neglects to accept the message you send them? This obviously makes notification harder.

To increase your chances, it's best to send a copy of your application in two ways:

- By registered mail or courier service, to the address indicated in the lease
- By email with read receipt

If you can't get proof of notification by either method, you will need the services of a bailiff to get valid proof of delivery.

You can find the list of qualified bailiffs on the website of the Chambre des huissiers de justice du Québec (chjq.ca). This website is only in French at the time of writing.

Step 4: File proof of notification and a list of exhibits

You must file the proof of notification and a list of exhibits with the Tribunal no more than **45 days after filing your application**. You can file these items online on the Tribunal's website (tal.gouv.qc.ca/en). To do so, hover over “Online Services” in the horizontal menu, then click on “Transmission of Documents to the Tribunal”.

If you file this proof too late, your application will expire, and the Tribunal will close your file. You will lose all the money you have spent on it up to that point. Once your file is closed, prescription deadlines might also mean that you lose the right to make your claim.

Note that the Tribunal can call the parties to a hearing before the end of this 45-day deadline, even if proof of notification hasn't yet been filed. In that case, you must be able to provide proof of notification at the hearing.



Getting information from Tribunal staff members

The role of a Tribunal clerk is limited to giving general information and accepting certain legal documents.

Here are some of the ways staff members CAN help:

- They can give you impartial information about:
 - rights and obligations related to a residential lease.
 - rules of evidence and procedure for the Tribunal.
 - available legal recourses.
- They can inform you about the forms you might need, the correct way to fill them out, and any related fees.
- They can explain how to file an application or related legal documents.

Here are some of the things staff members CAN'T do for you:

- Recommend a lawyer
- Advise you about applications you should file with the Tribunal
- Advise you about what evidence to present or which witnesses should testify
- Give you a legal opinion about your chances
- Give you legal advice about your rights after a decision is rendered by a Tribunal judge

To get legal information, you can also consult a Info Justice lawyer for free (info-justice.ca/en).

Do you need advice about your situation? The team at the Barreau du Québec legal clinic can also help you for free (cliniquejuridiquebarreau.ca/en).

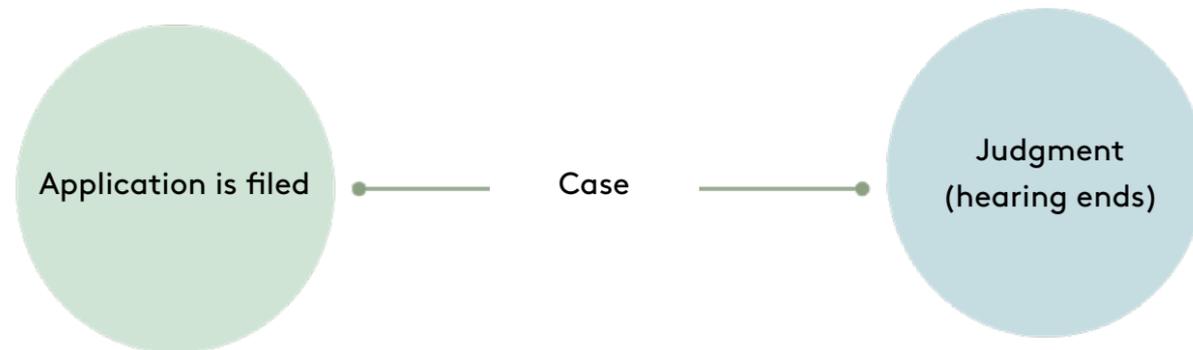
Housing committees are also a good source of information for tenants. Don't hesitate to contact one or visit their website (rclalq.qc.ca/en).

Other resources are available. To find out more, see the list of resources starting on page 78.



After filing an application: the case

The period that starts when you file an application and ends when the judgment is handed down is called the case.



The situation can change during the case. Here are some possible new events that could happen during this period:

- An additional application (p.36)
- A discontinuance or an agreement (p.37)
- An amendment (p.38)
- A conciliation (p.38)

New application

During the case, you can file an application with the TAL in addition to the original application. The other party can also do so. For example, one party could file an application to have a proceeding be declared “abusive”.

To do so, you must file a new application, following all the steps set out in the “Filing an application” section, starting on page 24. For this new application to be linked to the main one, you must specify it in the object of your application.

Did you file the initial application? An amendment might be enough. In fact, an amendment lets you modify an application that has already been filed. To learn more about amendments, see page 38.

Discontinuance or agreement

You might be able to come to an agreement with the other party. It’s never too late until the hearing takes place. The plaintiff can also choose to discontinue their application, which means they withdraw their request.

A model notice in case of discontinuance or agreement is available on the TAL website (tal.gouv.qc.ca/en). You can find it by hovering over the Forms and Notices tab in the horizontal menu.

For an agreement

Simply send the notice to the TAL, signed by both parties. Once you file this form, the case will be closed, unless you ask for it to be suspended (put on hold) instead.

You can file your notice by mail or online on the Tribunal’s website (tal.gouv.qc.ca/en). To do so, hover over “Online Services” in the horizontal menu, then click on “Transmission of Documents to the Tribunal”.

For a discontinuance

Simply send the notice to the TAL, signed by the plaintiff. Filing this form closes the case.

The TAL will inform the other party that the case has been closed, unless the discontinuance takes place in their presence at the hearing.

In some cases, the defendant can claim certain costs related to the case, except fees for a lawyer.



Amendment

At any point before the hearing, you can add to an application, or correct the reasons provided or the conclusions sought. These changes to your application are called “amendments”.

To file an amendment, you must fill out the form called "Amendment". You can find it by hovering over the Forms and Notices tab in the horizontal menu on the Tribunal’s website (tal.gouv.qc.ca/en).

After filling out the form, you must:

- file it with the Tribunal by mail or online via its website (tal.gouv.qc.ca/en). To do so, hover over “Online Services” in the horizontal menu, then click on “Transmission of Documents to the Tribunal.”
- notify a copy to each party before the hearing. To learn more about notification, see page 32.
- file proof of notification with the Tribunal.

If the amendment is meant to introduce a new party to the application, you must give the new party a copy of the application and a copy of the amendment using notification.

If needed, an amendment can be made orally at the hearing if the other party is present, but the administrative judge will decide whether to accept it. For example, if the amendment risks prolonging the hearing without sufficient reason, it might be refused. Note that an amendment that was filed before the hearing can still be refused by the judge presiding the hearing.

Conciliation

What it is

Conciliation is a way to settle your case before the hearing. It is conducted by a conciliator, who helps both parties find a solution.

What does this mean in practice? Conciliation can help you:

- communicate with the other party.
- negotiate.
- understand everyone’s needs.
- make clear everyone’s position on the issues.
- explore solutions that can satisfy everyone.

The ultimate goal of conciliation is to find an agreement that is acceptable to all. If this happens, the proceedings are over and the case is closed.

But even if you don’t come to an agreement, conciliation can help you better understand the situation and properly prepare for the hearing. Holding a conciliation session will not delay your hearing.

Conciliation is free.

When

At any point before the hearing.

As soon as you have filed an application, you can request to take part in conciliation.

How

The Tribunal can propose a conciliation session in the right circumstances.

A party can also request a conciliation session. But all parties must agree to conciliation for a session to take place.

To request a conciliation session, you can communicate with the Service de conciliation du Tribunal administratif du logement:

By mail

Service de conciliation
Tribunal administratif du logement
5199, rue Sherbrooke Est
Bureau 2360
Montréal (Québec) H1T 3X1

By email

conciliation@tal.gouv.qc.ca

By phone

Montréal, Laval and Longueuil: 514 864-9242
Other areas: 1 866 330-5467
Fax: 514 873-6805

With whom

Conciliation takes place with a conciliator.

Who is a conciliator? A conciliator works for the Tribunal. They are neutral and impartial. Their role is to help you discuss the issues with the other party and to find solutions. They also make sure that everyone communicates in a respectful manner.

The conciliator can't decide anything related to your case, nor can they evaluate your chances of success.

Confidentiality

Conciliation takes place in private. Everything that is said or written during a conciliation session is confidential. This means that none of this information can be revealed at the TAL hearing or before another tribunal, unless both parties agree otherwise.

This also means that the conciliator can't be forced to tell anyone what they heard during conciliation.

Preparing for conciliation

Even if the rules aren't as strict as for a hearing, it's important to properly prepare for a conciliation session. It will be easier to explain your point of view and negotiations can go more smoothly.

Here is how to prepare:

- Decide in advance what you consider essential, what you hope for and why you believe you should get it. This isn't just about your legal positions. You should also think about your needs, values and emotions.
For example:
 - Your legal position might be that you claim a sum of money.
 - Your needs might be to feel respected, get an apology, have the problems stop, improve long-term relations with the other party, etc.
- Decide how far you are willing to go for a compromise.
- Try to see things from the other party's point of view so you can understand what their demands might be and how you should react to them.
- Learn the main legal rules that apply to your situation.

Conciliation can touch on any element you find important. During a conciliation session, you can take into account factors that might not be admissible at a hearing, or that the judge might not find essential. For example, this could be a desire to keep things confidential, to get an apology, or to keep a good relationship with the other party.

How it takes place

A conciliation session can take place by phone, by videoconference, or at a Tribunal office.

The Tribunal will let the parties know the date, time and location of the session.

To learn more about how a conciliation session takes place, you can watch an informative video created by the Tribunal for their website (tal.gouv.qc.ca/en). To watch it, hover over the "Tribunal" tab in the horizontal menu, and click on "Conciliation Process", under "Conciliation between lessor and lessee".

How conciliation ends

You can end the conciliation session at any time. Here is how conciliation can end:

- **When no agreement is found:**

If you can't come to an agreement, or if conciliation only helps settle some of the issues, you can still be heard by an administrative judge at a hearing.

- **When an agreement is found:**

The parties must write and sign a conciliation agreement. Make sure that this agreement includes all the elements you agreed on, and that you understand all the terms that are used.

If you wish, the agreement can be submitted to the Tribunal for confirmation. In legal terms, the agreement is considered to have been "ratified". The ratified agreement has a similar status to a Tribunal decision, and the case is closed.

Preparing for the hearing

Make sure you prepare well for your hearing. The quality of your preparation can directly impact the outcome of your case.

Here are some steps to keep in mind before your hearing with the Tribunal administratif du logement.

Notice of hearing

The Tribunal will inform you of the date and location of your hearing with a notice of hearing. As soon as you receive it, make sure that your case is ready to be heard.

You should also check the location and time of your hearing to make sure you have a way to get there in time. People sometimes lose their case because they show up at the wrong Tribunal location and miss their hearing. Don't make the same mistake, because you could lose your right to make a claim.

How to ask for a postponement

What if you aren't available on the date set for your hearing? It's possible to have it postponed. Here is how to get a postponement:

- **If everybody agrees to postpone the hearing:**

This is the ideal scenario. In this case, simply ask all the parties for their written consent, and submit proof of consent online using the Tribunal's website (tal.gouv.qc.ca/en). Hover over "Online Services" in the horizontal menu, then click on "Transmission of Documents to the Tribunal".

If the postponement request is sent before the hearing, it's normally accepted. You don't have to take any further action. You will receive another notice of hearing, setting a new date.

- **If not everyone agrees to postpone the hearing:**

Are you unavailable for an important reason? If so, you can ask the Tribunal for a postponement.

To do so, you must submit your postponement request with supporting documents using the Tribunal's website (tal.gouv.qc.ca/en). Hover over "Online Services" in the horizontal menu, then click on "Transmission of Documents to the Tribunal".

Presence is mandatory... even if you can't be there

It might seem strange, but even if the reason for your postponement request is that you can't be present, the Tribunal still requires that someone come to the hearing to explain your request. This means that if you can't come yourself, you must ask someone else to represent you at the hearing.

This person is called a "mandatary". They must present a mandate, written and signed by you, to justify your request.

If no one shows up to the hearing to explain why you are requesting a postponement, the Tribunal is less likely to accept your request.

To find out more about the role of the mandatary and the procedures to follow, read the section "Being represented by someone else", on page 22.



Understand the relevant law

You might be convinced you are in the right, but the law might say otherwise. That's why you must take the time to fully understand the laws that apply to your situation.

Do more advanced legal research

To know what you need to prove to the judge, you must understand the law that applies to your situation.

These three sources can help you understand housing legal issues:

1. Law

The following laws and rules can be relevant:

- [The Civil Code of Québec](#), articles 1851 to 2000
- [The Act respecting the Administrative Housing Tribunal](#)
- [The Rules of procedure of the Administrative Housing Tribunal](#)
- [The Regulation respecting the criteria for the fixing of rent](#)

2. Jurisprudence (case law)

These are decisions handed down by Québec courts and tribunals that deal with situations like yours. You can find these decisions on free websites such as soquij.qc.ca/a/fr/english and canlii.org/en

3. Doctrine

These are theoretical texts by specialized authors. They can help you understand the relevant rules and legal principles for your case.



You can use case law or doctrine as an argument during the trial. To do so, you must have enough copies of the relevant text for yourself, the judge, and all the other parties. But it's not required to bring copies of the text for laws, rules and regulations.

Note that finding relevant case law or doctrine won't guarantee you win your case. The evidence presented at the hearing is often the most important factor. If you must choose, it's better to focus on your evidence.

Not all sources are good

When you are doing legal research online, make sure you are on a website based in Québec. Different laws and rules apply in other provinces and countries. You should also avoid forums and message boards, because they often contain false information.

Many reliable legal research databases can be consulted online for free. To find them, read the guide "How to do your own legal research" on the Info Justice Montréal webpage. It's at the bottom of the page, in the "Guides and tools" section: info-justice.ca/en/centres/montreal-2

You can also read the section "Resources to make things clearer" from page 78.

Prepare your evidence

You may be convinced that you are right, but the other party may disagree. You will both try to convince the Tribunal administrative judge that your position is correct.

During the hearing, you must prove the facts that support your position. You are in charge of showing that your evidence supports your case. No one will help you do so.

What makes for good evidence? The answer depends on the type of case. It can consist of:

- your testimony (and sometimes that of others).
- an expert report.
- documents (called “physical evidence”).

Your witnesses

How to select them

You must first decide if you believe your own testimony will be enough to convince the Tribunal that you are right.

In most cases, the testimony of the plaintiff and the defendant is enough. It’s possible to have more witnesses testify, but it’s not required, and you can win a case without doing so. Everything depends on the specific facts of your case.

To identify the witnesses who could be useful, ask yourself the following questions:

- What facts do you need to prove to the court?
- Who has first-hand knowledge of these facts and can come explain them? If more than one person can testify about the same facts, don’t have them all come to the hearing. Ask the most credible witness to testify.
- Who could contradict fully or in part what might be said by the witnesses of the other party?
- Do you intend to present a document, such as a letter or a picture? If this is the case, make sure the author of the document comes to the hearing, unless it’s you.

Will a mandatory represent you at the hearing? It’s important to know that they are not allowed to testify in your name. They can only testify about facts of which they have direct, personal knowledge. This rule applies to all witnesses.

Prepare your witnesses to be present

Once you have chosen your witnesses, don’t forget that you are responsible for making sure that they come to the hearing. Tell them the date of the hearing as soon as possible and send them a friendly reminder a few days before.

Your witnesses might be friends or family members. They will probably agree to serve as witnesses simply to help you out, without any formalities required. But if a witness doesn’t want to come to court, and you believe that their presence is essential, you might choose to force them to come to the hearing.

To force someone to come testify, you must send them a subpoena. This will ensure they come to the hearing. You can also compel the witness to bring any relevant documents you might need.



Here is the procedure to subpoena a witness:

- You must make a request to an administrative judge or a Tribunal special clerk, by making an appointment in person. If you have a lawyer, they are also authorized to write a subpoena.
- You must then give notice of the subpoena by bailiff. This means that you must ask a bailiff to hand the subpoena to the witness. You must pay the costs for the bailiff's services. To find a bailiff, go to the website of the Chambre des huissiers de justice du Québec (chjq.ca). This website is only in French at the time of writing.
- The witness must be notified of the subpoena at least 3 days before the hearing. If you are unable to meet this deadline, you can ask a Tribunal judge for an extension.
- Don't wait until the last minute to subpoena a witness, or you might get an unpleasant surprise and have to request for the hearing to be postponed.

Always keep in mind that a witness who you force to testify might not be very helpful in their testimony. Try to find another way to prove your claims if possible.

Witnesses who can't come to the hearing

If a witness absolutely can't be present at the hearing, you have three options:

1. **You can ask for a postponement.**
To find out how, see pages 42-43.
2. **You can ask the Tribunal for permission to file a Statement in lieu of testimony.**
This must be signed before a person authorized to receive a sworn statement, such as a lawyer, a notary, or a Commissioner for Oaths. You must also inform the other party of your intentions, or send them the statement as soon as possible before the hearing.
IMPORTANT: Written testimony is given less credibility, and since the witness isn't present, it can't be completed by asking questions. Use oral testimony if possible.
3. **It's possible for your witness to appear virtually.**
First, you must file a request. The required form is available in French on the Tribunal's website: extranet.tal.gouv.qc.ca/internet/asp/visio/temoinform.asp

Preparing witness testimony

At the hearing, you will have to explain your version of the facts. If you have witnesses, you will also have to ask them questions so they can describe what they saw or heard. This is called the examination.

This means that it's very important to prepare properly before the hearing.

Here is how to prepare:

1. Identify what each witness needs to prove.

Don't forget that your witnesses can only describe what they personally saw, heard or observed, unless they are expert witnesses. For example, only someone who took part in a conversation or was present to hear it can testify about what was said.

2. Prepare a list of questions for each witness.

If a witness forgets to talk about something during the hearing, you are allowed to help them complete their testimony by asking them questions. **IMPORTANT:** These must be open questions that ask for more than a yes or no answer. Here's a suggestion: ask questions that start with who, what, when, where, how or why. You are not allowed to suggest an answer when questioning your own witnesses.

Don't say...	Instead, say...
Were you at your apartment on the morning of October 5?	Where were you on the morning of October 5?
Was the apartment dirty?	How would you describe the state of the apartment?
Did you pay your rent?	How and when did you pay your rent?
Can you confirm that you saw four mice?	How many mice did you see?

3. Plan a practice session.

A practice session can help you understand how your witness sees the facts. Take down their answers and make sure that they collectively include all the elements you want to present at the hearing. You can always decide that you no longer wish to have a witness be heard. For example, you might discover that their version of the facts favours you less than you thought.

Don't forget, a witness must tell the truth. You must not try to influence their testimony in any way. It might seem tempting to have them memorize their testimony, but that would be a bad idea. They will seem more credible to the judge if they speak naturally.

You can also tell your witnesses that they might be questioned by the judge or the opposing party at the hearing. They won't be startled when this happens if you told them in advance.

Cross-examining the other party's witnesses

Cross-examination is when you ask questions to the other party's witnesses. Contrary to when you question your own witnesses, you are allowed to ask leading questions that expect a yes or no answer.

Be very careful at this stage! If you ask questions to which you don't know the answer, you might help the other party fill in gaps in the testimony, which could hurt your case.

Prepare your own testimony too!

You must also prepare to testify. Note what you wish to say and take the time to properly organize your thoughts.

Don't forget, your testimony will be a key pillar of the hearing. You shouldn't take it lightly.



What happens when two witnesses contradict each other?

The judge will evaluate the credibility of each witness. Even though a witness claims something is true, the judge might not believe their version of the facts.

Experts

An expert is someone who can give their opinion because they have special knowledge or skills that are related to a specific subject. They could be a therapist, a doctor, or a municipal inspector, for example.

Most cases heard by the Tribunal administratif du logement don't require experts. It's your responsibility to decide if your case is an exception.

Normally, expert witness testimony is given in person at the Tribunal hearing. In exceptional circumstances, testimony can take the form of a written report if the expert is a doctor, a police officer, a firefighter or a municipal inspector.

Whether or not your expert is present at the hearing, you must:

- submit your expert's CV to prove that they have relevant experience in the field in question.
- pay their fees, which are non-refundable, even if you win your case.



Your physical evidence

Physical evidence refers to the documents and objects you will present at the hearing to support your version of the facts.

Mandatory evidence

If you are the party who presented the application, you must bring the following evidence:

- Proof of notification of the application
- The list of exhibits
- Amendments to the application, if any
- A copy of the lease
- Lease modification notices, if any

If a mandatary is representing you at the hearing, they absolutely must bring the mandate.

Other evidence

You will no doubt need to present other documents as evidence.

For example:

- A copy of a formal notice
- Any messages exchanged with the other party
- Bills and receipts
- Contracts
- Pictures, videos or sound recordings. For pictures and videos, it's best if they are in color and the resolution is good
- A relevant ad
- Your electricity bills

Digital evidence

Are you planning to present digital evidence, such as video or sound recordings?

This material must be clear, informative and made at the time of the events.

Make sure that you will be able to play these recordings at the hearing. If necessary, you should bring any equipment you will need to present this evidence.

You must also bring copies of digital exhibits on an appropriate storage device (such as a USB key) so the judge and the other party can have a copy.

If necessary, you should contact the Tribunal in advance for tech support requests.

Prepare enough copies

You must have three copies of all your physical evidence: one for the judge, one for the other party, and one for yourself.

Prepare your closing argument

If you wish, you can present court and tribunal decisions (jurisprudence) and legal texts (doctrine) that seem to favor your case. To find out how to conduct legal research, see pages 44-45.

Is it necessary to present documents like these? Not in all cases, but it can be useful in some situations. If time is limited, it's best to focus on preparing your evidence.



Organize your files

Create a checklist

Info Justice have prepared a checklist you can fill out to help you organize your ideas by theme and with respect to the timeline of events. You can access it for free on the Info Justice Montréal webpage. You'll find it at the bottom of the page, in the "Guides and tools" section, under the title "Preparing my case": info-justice.ca/en/centres/montreal-2

We suggest you take the time to complete it. You can bring it with you to the hearing.

Make sure you have everything you need

Your files must contain all the relevant elements that you will need to make clear your point of view.

Remember, the judge knows nothing about your case. It's your job to explain the situation to them. The judge won't simply take your word for it, so it's essential to use evidence to show that what you are claiming is true.

... and only what you need

One of the biggest challenges when representing yourself is to decide what you need to explain to the Tribunal... and which details are not worth telling.

In fact, it's important to find the right balance between giving the judge all the information about your case and being brief. The better you've studied your files, the easier it will be to see the situation as though you were a neutral, objective party. This will help you identify the key points that the Tribunal will want to focus on.

Here's a tip: you can attend another Tribunal hearing. This will help you better understand what the administrative judges are looking for.

Keep your files in order

It's best to put your exhibits in the same order you wish to present them. Don't hesitate to tell the judge what you will talk about so that they can understand your process. For example, you could say: "First, I will explain the issues with rodents. Then, I will talk about the leaky faucet."

Do you need an interpreter?

You can speak in French or English at the hearing. It's your choice.

The other party, the witnesses, the lawyers and the judge can also choose to speak in French or English.

But if you or a witness wish to talk in another language, you will have to provide and pay for an interpreter. As a rule, these must be professional interpreters, not friends or family members.

You might also need an interpreter if your French or English isn't very good and you know that the other party will speak that language at the hearing.

Are you deaf or hard-of-hearing?

The Tribunal can provide a sign-language interpreter for free at your request.

Fill out the form called "[Demande de services d'interprétation en langues des signes](#)" (in French only) and send it by email to interprete@tal.gouv.qc.ca

You can also make such a request or get more information by contacting the Tribunal (tal.gouv.qc.ca/en/contact-us).



Rules of conduct to follow at the Tribunal

There are many formal rules of conduct to follow at a hearing. It's important to know and respect them.

These rules are mandatory. Breaking them can have significant consequences. You probably don't want the administrative judge to reprimand you for not respecting these rules. It would make the hearing more stressful.

The rules apply at all times, even if it's not your turn to speak.

Here are the main rules:

Be on time

This is essential. To make sure you are on time, get to the Tribunal early. That way, you will be sure to have enough time to find the right courtroom.

It's important to know that there might be a security check to go through that could cause a lineup.

Dress properly

You must watch how you dress when you go to the Tribunal. If your clothes are inappropriate, the judge might even order you to get changed.

Your clothes must be neat and proper. Do not wear caps, hats, sandals, or inappropriately short clothing (shorts, skirts, revealing shirts).

Be silent and discreet

When you enter the courtroom, you must avoid making noise or drawing attention.

That's why you must turn off your phone before entering the courtroom and not bring any food or beverages inside.

You should also be aware that it's forbidden to record any sounds or images inside a courtroom.

Stand when required

You must stand up when the judge enters or leaves the courtroom and remain standing until they sit down or leave the room.

You must also stand when it's time for you to speak.

Speak with respect

Disrespectful behaviour will not be tolerated. You must use polite forms of address for everyone in the courtroom.

When you speak to the administrative judge, feel free to ask them how they wish to be addressed. If lawyers are present at the hearing, the polite form of address is "Maître (Last name)".

Wait your turn to speak

During the hearing, listen attentively and don't interrupt.

You must wait your turn to speak. Ask the judge for permission to speak if you need to say something.

Respect the judge's requests and decisions

The judge is in charge of the hearing. Respect their decisions and obey their instructions at all times.

The judge can ask you questions about the facts you are explaining. Even though you know your case very well, remember that the judge is hearing your story for the first time. Some details might not seem important to you, but the judge might find them crucial. Listen carefully to their remarks and questions and try to answer as best you can.

The judge's comments do not indicate that they think you're right or wrong, nor do they mean that the judge favours either side.

Finally, don't forget that the judge is the only person you are trying to convince at the hearing. Talk to them directly and not to the opposing party, except when you are questioning a witness.

The hearing

The hearing is usually the last step of the process, especially when conciliation fails.

Free information session explaining Tribunal hearings (available only in French):

- **When?** On the third Monday of each month, from 6 PM to 8 PM.
- **Organized by whom?** Info Justice and the Tribunal.
- **Where?** Online using Zoom.

To find out more, go to the Info Justice website: info-justice.ca/seances-dinformation

Before going to your hearing, here are two important things to remember:

- **Bring all the documents you'll need to present your evidence.**
You must have enough copies for the judge and the opposing party. In general, this means that you need three copies of each document. If there's more than one other party involved, you will need additional copies.

Are you the plaintiff? You must bring these documents:

- Proof of notification of your application and any amendments, unless this proof was already filed in time with the Tribunal
- The lease, as well as any lease modification notices

Do you have a mandatary? Remind them to bring the mandate.

- **Don't be late!**
Get there early if you can. This would be a good moment to attend another hearing (they are all public). This could help relieve any anxiety you feel and help you better understand what the Tribunal expects.



The first moments at the Tribunal

First, go to the reception and tell them who you are and why you're there.

When you're in the waiting room, you should see a schedule of the hearings. This is called the "roll for hearing". You can read it to find out the scheduled time of your hearing and identify the room where it will take place. Your hearing could still start earlier or later, depending on how long previous hearings take.

The judge will call you when ready, and all the parties will be invited inside the courtroom.

You should know that your witnesses will not be allowed inside until they have to testify. If you are accompanied by an interpreter or by someone you trust, and this person is also a witness, they might also be asked to wait outside the courtroom until they have to testify.

Is one of the parties absent?

The judge can hear from the party that is present and hand down a decision.

If neither party comes to the hearing, the case is simply closed. To get a new hearing, the plaintiff will have to file a new application before any legal deadlines run out.

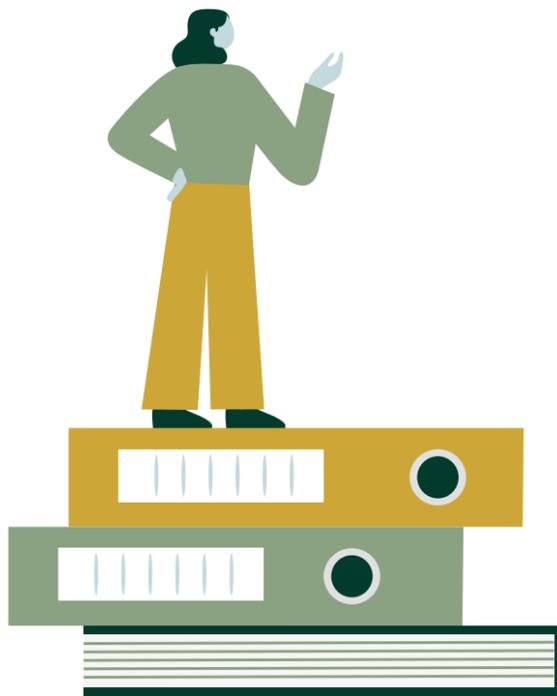
Do you wish to have the hearing postponed? You can ask for a postponement in advance, or in person at the hearing. To learn more, see pages 42-43.

Preliminary objections

Before the hearing, or when it starts, you are allowed to make special requests to the judge. These are called “preliminary objections” or “preliminary exceptions”.

For example, if you are the defendant, you could ask the Tribunal to declare that they do not have jurisdiction to hear the application, and that it should instead be heard by a different court.

Preliminary objections can be made orally. They will be heard immediately, before getting to the rest of the case (the “merits”, in legal terms). If necessary, a request can be heard urgently regarding a specific issue.



Presenting the evidence

This is the most important part of the hearing. Most cases are won or lost when the evidence is presented.

What it is

This is when you present the elements that support your claim. For example:

- Witnesses who explain what they have seen or heard
- Written documents, such as contracts, letters and emails
- Material evidence, such as objects, pictures and videos

To learn more about properly preparing your evidence, read the section starting on page 46.

How it takes place

Each party has a turn to present their evidence. Normally, the plaintiff starts.

Your evidence

Try to present your evidence following the order of events.

Make sure to only present evidence that is relevant to the dispute. For example, if you bring up the bad state of the apartment when the issue at stake is fixing the rent, the judge might interrupt you and ask you to focus on something else.

Do you wish to raise an issue unrelated to your original application? Here is what you can do before the audience:

- Modify the application with an amendment, if you are the plaintiff. To find out how, see page 36.
- Introduce a new application, if you are the defendant. To find out how, see page 38.

The other party's evidence

Listen closely and respectfully while the other party presents their evidence. It's important not to interrupt, even though you might disagree with what is being said. Do you believe that what the other party is saying is untrue? Don't interrupt them, but take notes and raise the issue during your closing argument.

The administrative judge

The judge can take a more active role when needed to make sure the hearing goes well. Always listen carefully to what they say and make an effort to respond properly.

Pay attention to the judge as much as you can. If you see them writing while you're speaking, slow down so they can complete their notes and listen to what you say.

The judge might tell you that an item of evidence can't be presented because you are not respecting the relevant rules of evidence. You must listen to the judge's explanation and respect the rules. Otherwise, the evidence might be refused.

It's also possible that the judge tells you that something you are presenting is "not relevant". It's not uncommon for a judge to make such a statement when they believe the evidence being presented isn't key to the dispute. You can keep this from happening by doing research beforehand to find out what is actually relevant at trial. To find out how to properly prepare, read the section "Understand the relevant law" starting on page 44.

Testimony

Testimony plays a vital role at trial.

Before hearing witnesses, the judge does not know the facts of your case. The judge must carefully analyze the testimony they hear. The judge must decide if a witness is credible, if their story is consistent, and if the facts they state are relevant. Testimony will be a key factor in the decision the judge hands down.

Who starts? The party that filed the application questions their witnesses first.

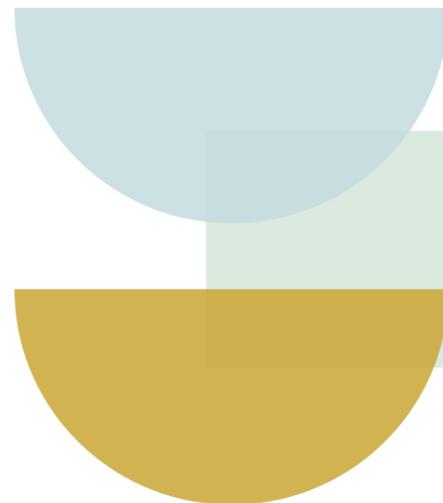
You are not obligated to have multiple witnesses. You can be your only witness. In fact, the other party could also testify as their only witness.

But if more than one person is to testify, the judge might ask them to wait their turn outside the courtroom. You will call them one by one, in the order you have chosen beforehand.

No witness is allowed to give their opinion on the issues related to the case unless they are an expert witness. An ordinary witness is only allowed to testify about facts of which they have direct knowledge. In other words, they are not allowed to testify about things someone else has told them.

You must never make any comments, give your opinion or show your disagreement while a witness is testifying.

To find out how to prepare for testimony, see pages 46 and following.



Examination-in-chief

The examination-in-chief, or direct examination, is when a party questions their own witness. The other party can then question the same witness during cross-examination.

Examination: questioning your own witness.

Cross-examination: questioning the other party's witness.

All witnesses are sworn in before they testify. This means that they promise to tell the truth.

Once this is done, examination can start. During direct examination, questions must be open-ended, which means they ask for more than a yes or no answer. In fact, you are not allowed to suggest an answer when questioning your own witnesses. If you believe the other party is doing this, you are allowed to object to their question.

Cross-examination

Once a party has finished questioning one of their witnesses, the other party gets a chance to question them. During cross-examination, you can ask leading questions that ask for a yes or no answer.

You should expect the other party to cross-examine you after you testify.

While cross-examining a witness, it's highly recommended to ask questions to which you know the answer. Otherwise, the answer might surprise you and strengthen the other party's case. If you don't know what the witness will answer, it might be wiser to avoid asking the question.

Remember, you don't have to cross-examine a witness called by the opposing party. The best evidence is often the one you present using your own witnesses.

Documents used as evidence

The documents, photographs and text messages you use as evidence are called "exhibits".

If you plan to present exhibits, make sure you have enough copies for yourself, the judge, and the other party or parties. If the information is on a digital storage device, such as your phone, you can either make paper copies or digital copies on USB keys.

When presenting your exhibits, your witnesses can give details about their content. For example, a witness could explain that they signed a job contract, or talk about an email conversation with someone else. Make sure to properly prepare the testimony of each witness so that they cover all the relevant documents.

During your closing argument (the next step), you will be able to explain to the judge why you believe that these exhibits support your position.

Closing arguments

After all the evidence has been presented, it's time for closing arguments. This will be your last chance to speak.

IMPORTANT: The judge might not ask you to make a closing argument. Why? Because many people who represent themselves don't prepare closing arguments. If you want to present your arguments to the judge and it appears they are about to end the trial, don't hesitate to stand and ask for permission to present them.

What they are

A closing argument is an oral presentation that lets you present your arguments to the judge. The goal is to briefly sum up your evidence (exhibits and testimony) and convince the judge.

There's no point trying to repeat the whole hearing at this stage. Don't forget that the judge has already heard all the evidence and taken notes. But it's important to insist on the specific facts that support your case. And if you think there are weaknesses in the other party's evidence, this is the moment to underline them. For example, you could mention that some of the testimony was unclear or not credible, or that a picture was too blurry to see what it was said to show.

You can also present court decisions (jurisprudence) and theoretical legal texts (doctrine) that you think favour your case.

When you make your closing argument, you are not allowed to introduce new facts or details that were not already established when presenting your evidence. In other words, it's too late to introduce new evidence.

Here is how to prepare:

- **Before the hearing:** Write down your arguments so that you don't forget key elements.
- **During the hearing:** Take notes while the other party is presenting evidence or making their closing argument. This will help you make more relevant observations.

How it takes place

Each party makes their closing argument in turn. The plaintiff normally goes first.

The judge can also ask you questions at this stage. Make sure you understand them, and answer as calmly and honestly as possible.

It's very important not to interrupt the other party while they are giving their closing argument.

The decision

The judge might not hand down a decision right after the hearing. In fact, judgment is usually rendered after the hearing. When this happens, the decision is said to be "under advisement".

When the judge is ready, they will write out their decision and explain it in full. The judge normally has three months to hand down their decision, but this deadline can be extended.

While you are waiting, you are not allowed to contact the judge. This means that you can't submit any new documents to them, unless you were authorized to do so during the hearing.

You will receive the decision by mail.



After the decision

Once the decision has been rendered, you have three options:

1. Accept the decision (p.68).
2. Contest the decision at the TAL (p.70).
3. Contest the decision at the Court of Québec (p.74).

In rare cases, you can also make a request for judicial review in Superior Court (p.76).

Accepting the decision

If you accept the decision, that means that you agree that what will happen next will be what the judge has decided.

When a decision is accepted, it is said to be “executed”. If the Tribunal condemned you in their decision, you must act accordingly.

Is the decision always executed immediately? Not always. There can be a delay, which varies depending on the type of application.

These deadlines are specified on the Tribunal’s website (tal.gouv.qc.ca/en). Hover over “Tribunal” in the horizontal menu, then click on “Executing a decision” in the “Decision” submenu. You will find a table presenting the different deadlines. But note that the judge may choose to shorten the deadline in their decision.

When the decision is not respected

Is the other party refusing to pay what they owe you, despite a Tribunal decision in your favour? Or are they refusing to leave the dwelling, even though the Tribunal has authorized their eviction?

These situations are frustrating, but solutions exist.



You have 10 years to execute the decision from the day it was handed down. In other words, you have 10 years to get your money back. After that deadline, you lose that right.

Eviction

Is your tenant refusing to leave, despite their lease having been terminated? You will have to hire a bailiff to force them to leave. It’s a delicate situation that is strictly regulated by law. This can be a costly process. A clear agreement that specifies the exact date when the dwelling must be freed up could be a less expensive alternative.

Garnishing wages

Does the person who owes you money have a job?

If so, you have the right to claim part of their salary. This seizure of income is called “garnishing wages”. For this to happen, you must make a request to the Court of Québec, Small Claims Division. Here is how to do so:

- Fill out this form: cdn-contenu.quebec.ca/cdn-contenu/justice/formulaires/pc-proces/sj1103-a.pdf
- A court office employee of the Court of Québec, Small Claims Division can help you fill out the form. You can go to the court office after making an appointment with Services Québec (call 1 866 536-5140).
- You must pay a fee. In 2025, the amount of this fee was \$55.50.
- The Court of Québec court office staff can help you understand the next steps once the form has been filled out.

Seizing money from bank accounts or other goods

What if the person who owes you money is jobless or works freelance?

In that case, you will have to hire a bailiff to seize money from a bank account, or seize other goods to pay back the amount owed.

To find a bailiff, go to the website of the Chambre des huissiers de justice du Québec (chjq.ca). This website is only in French at the time of writing.

Contesting the decision at the Tribunal

If you are not satisfied with the decision, you are allowed to contest it.



IMPORTANT: If someone uses a legal recourse solely to delay the execution of a decision (to avoid immediate eviction, for example), the judge may prevent them from doing so, unless they get special authorization from the president of the Tribunal or a designated judge.

What's more, if a legal recourse is judged to be abusive or meant only to waste time, the judge can condemn the person at fault to compensate the other party and pay punitive damages.

Here are your options if you want to contest a decision by the Tribunal:

Correction

If the decision contains an error (such as a miscalculation or a clear omission), you can ask for the Tribunal to correct it, as long as:

- the decision has not yet been appealed and is not under review.
- execution hasn't started yet.

The Tribunal can also correct an error on their own. If this happens, you will receive a corrected version of the decision by mail.

Costs: You must pay a fee to file for correction, but the amount will be reimbursed if the Tribunal accepts your request.

The form to apply for correction is only available at Tribunal offices. You will have to go there to make your application. If it's urgent, you might need to explain that it's important for a clerk to help you fill it out.

Revocation (having a decision cancelled)

When a decision is revoked, the situation is the same as if it had never been rendered.

You can request the revocation of a decision in the following circumstances:

- You were not able to be present at the audience for a reason the judge considers sufficient*.
- You were present, but were not able to provide evidence due to fraud or surprise.
- The Tribunal forgot a portion of your claim in their decision, or included issues that were not part of the application.

* Did you move while the case was ongoing and forget to inform the Tribunal that your address had changed?

If the hearing notice was sent to your old address, you are not allowed to ask for revocation because you did not receive the notice.

If the revocation request is accepted, there will be a new hearing followed by a new decision. Of course, this decision could be very similar to the original decision if the judge comes to the same conclusions.

How to ask for revocation

You have **10 days** to request revocation from the moment you were made aware of the decision, or from the moment you were no longer prevented from attending the hearing or supplying evidence.

Here is how to proceed:

- Fill out the form that can be found on the Tribunal’s website (tal.gouv.qc.ca/en). Hover over “Tribunal” in the horizontal menu, then click on “Find a form”. The correct form is called “Application for revocation”.
 - If you are the one filling out this form, you are now considered the plaintiff, even if you were the defendant for the original case.
- File your application with the Tribunal.
- Send a copy of the application to all concerned parties. You must choose a method that lets you prove it was received. For example, you can use email with read receipt, registered mail, or fax. This is called “notification”.
 - You must include a copy of the evidence that justifies your application, or a list of this evidence specifying that it will be provided on demand. These items of evidence are called “exhibits”.
- File proof of notification and the list of exhibits with the Tribunal. You have **45 days from the moment you file your application** to submit proof of notification.

When you apply for revocation, this suspends the execution of the decision. In other words, the decision will not be executed until the Tribunal decides on this new request. But be warned that if you request revocation simply to delay the execution of a decision, your actions could be judged abusive and you could suffer the consequences.

Revision

Revision is possible in the following cases:

- When it’s a decision to fix or revise the rent, or to modify the lease conditions.
- When the decision was rendered by a special clerk and one of the parties was absent (in certain circumstances).

How to ask for revision

You have **1 month** to make your request from the moment the decision was rendered. You will have to pay a fee.

Here is how to proceed:

- Fill out the form.
 - The form to apply for correction is only available at Tribunal offices. You will have to go there to make your application. If it’s urgent, you might need to explain that it’s important for a clerk to help you fill it out.
 - You must clearly specify the reasons for which you wish to contest the decision. In fact, it’s possible that the judge will only take into consideration the reasons that were provided in the application.
- Send a copy of the application to all concerned parties. You must choose a method that lets you prove it was received. For example, you can use email with read receipt, registered mail, or fax. This is called “notification”.
- For more information on this legal recourse, contact the Tribunal office.



Appealing a decision to the Court of Québec

To appeal a decision from the Tribunal administratif du logement, you must first obtain permission from a Court of Québec judge. This permission will only be granted if the matter at issue deserves to be examined by that Court (this is specified in the law).

But you should know that some decisions can't be appealed. This is true for applications that:

- aim to fix or revise the rent, or modify lease conditions.
- have as their sole object the recovery of a small claim (under \$15,000, at the time of writing in 2025).
- deal with conversion to divided co-ownership, demolition or the subdivision of a housing complex.
- request authorization to deposit rent.

Don't appeal simply because you are disappointed with the Tribunal's decision. An appeal is not a second chance for the losing party. You must meet strict judicial conditions in order to succeed with an appeal.

How to appeal

You must file your application for permission to appeal and notify it to the other party within 30 days after being made aware of the decision. This is a strict deadline that can't be extended.

Here is how to proceed:

- Write an application⁴ that includes:
 - a copy of the decision from the Tribunal administratif du logement.
 - the documents you filed with the Tribunal (if they are not included in the decision).
 - the legal questions you wish to submit to the Court of Québec, as well as the conclusions you want to request and the grounds that justify them.
- Send a copy of the application to the opposing party using the services of a bailiff (this is mandatory). This is called "service".
- Send a copy of the application to the Court of Québec court office. The correct courthouse depends on the location of the dwelling.

Appealing a decision does not automatically suspend its execution. But if the decision would lead to your eviction, you can include a request to suspend its execution because it would cause you serious harm in the conclusions of your application to the Court.

If permission is granted

An appeal trial will be held before the Court of Québec at a later date (sometimes more than a year later). At that trial, the judge will determine if they should modify, confirm or strike down the decision from the Tribunal administratif du logement. Their judgment is final.

If permission is refused

The decision is executed 10 days after notification of the refusal, unless the Tribunal decides otherwise.

Being represented by a lawyer

Legal persons (such as companies) must use the services of a lawyer to ask for permission to appeal to the Court of Québec. This is mandatory.

Actual persons (ordinary people) have the choice: they can represent themselves or give the case to a lawyer. If you can afford it, it would be wise to consult a lawyer quickly. The rules and procedures of the Court of Québec are different from those described in this guide. If you don't think you can afford a lawyer, read the section starting on page 19 to explore your options.



⁴ There is no specific form for this, but you can get a model application from Info Justice: info-justice.ca/en

Judicial review: if there was a serious error

Do you think there was a serious error in how your case was handled by the Tribunal or the Court of Québec? Has a final judgment been rendered with no possibility of appeal?⁵ You can still apply for judicial review in Superior Court to have this judgment revised.

In general, you must start this recourse within 30 days after receiving a final Tribunal decision (fixing the rent, for example), or after the Court of Québec rejects an appeal.

Filing for judicial review is very complex. It's strongly recommended that you consult a lawyer before you start.

⁵ Except where there is want or excess of jurisdiction.



Resources to make things clearer

Many free or low-cost resources can help you prepare for your hearing.

To find legal information and court decisions

Tribunal administratif du logement

tal.gouv.qc.ca/en

This site will be essential when preparing for your hearing. You will find a lot of information explaining the laws and procedures that apply to the Tribunal. You will also find the forms you need and model notices.

Justice décodée

justicedecodee.com

This is a research blog devoted to legal issues related to housing. The posts are written by students and revised by lawyers. *In French only.*

Éducaloi

educaloi.qc.ca/en

This is a good starting point for your legal research. You will find reliable information that's easy to understand.

To find Tribunal decisions and the text of the laws

Centre d'accès à l'information juridique (CAIJ)

caij.qc.ca/en

You can use its UNIK search engine to easily find doctrine, court decisions (jurisprudence), and the laws you need to prepare your case.

Institut canadien d'information juridique

canlii.org/en

This site lets you easily find Tribunal decisions, as well as the text of any law you might need.

You can easily find any law using the search engine. You can then use "Ctrl-F" to find a specific section of the law by number. To the right of each section, you will see a dialog box with a number. If you click on this box and select "Citing documents", you will get a list of decisions referring to that section of the law. This is a good way to find jurisprudence related to the section of the law you are researching.

Société québécoise d'information juridique (SOQUIJ)

soquij.qc.ca/a/fr/english

This website also offers a search engine for court decisions (jurisprudence).

To find it, click the link called "Looking for a court decision in English?" on the English homepage of the website.

To ask questions

Service de renseignements aux citoyens du TAL

To make an appointment (mandatory, in French only):

<https://extranet.tal.gouv.qc.ca/internet/asp/rdv/rdv.asp>

You can use this service, among other things, to:

- get information on your rights and obligations.
- get help writing an application.
- file an application or other documents.

Boussole juridique

boussolejuridique.ca/en

This site is essential!

It's an easy-to-use search engine that helps you find legal resources near you (such as legal clinics and housing committees).

All the resources you'll find on the Boussole juridique website are free or low-cost.

Clinique juridique du Barreau du Québec

cliniquejuridiquebarreau.ca/en

École du Barreau students can help you for free, closely supervised by lawyers.

For example, they can:

- give you information and legal advice relevant to your situation.
- help you prepare your case.
- help you prepare for your court hearing.

Meetings can be held in person (in Montréal) or online (everywhere in Québec).

Info Justice

info-justice.ca/en

Info Justice is an essential resource.

Located throughout Québec, Info Justice let you consult a lawyer for free. During this meeting, you can ask for:

- legal information specific to your situation.
- help finding the correct forms and information on how to complete them.
- help finding the resources you need.

Please note that Info Justice lawyers can't tell you what you should do or evaluate your chances of winning. They also can't fill out forms for you or represent you in court.

Bas-Saint-Laurent

418 722-7770 • 1 855 345-7770

Centre-du-Québec

873 382-2262

Côte-Nord

581 826-0088 • 1 844 960-7483

Estrie

819 933-5540

Laval-Laurentides-Lanaudière

450 990-8071

Mauricie

819 415-5835 • 1 888 542-1822

Montérégie

1 844 723-3700

Nunavik

819 254-8567 • 1 833 844-8055

Outaouais

819 600-4600

Québec-Chaudière-Appalaches

581 741-8726

Grand-Montréal

514 227-3782 (option 4)

Saguenay-Lac-Saint-Jean

418 412-7722 • 1 844 412-7722

Gaspésie-Îles-de-la-Madeleine

1 844 689-1505

Index: understanding legal jargon

The legal world has its own vocabulary which can be hard to understand.

If you have encountered a word during the judicial process and don't know what it means, look for it below.

Agreement	page 37	Mediation	page 11
Amendment	page 38	Negotiation	page 10
Case	page 36	Notice	page 14
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Demand letter (formal notice)	pages 14 to 16	Prescription	page 17
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Thank you



The *How to prepare for court* guides owe their existence to the **Barreau du Québec's** support and commitment to our mission.

Their enduring devotion to quality and accessible justice drives us to continue working for the advancement of law and to support the diverse next generation of legal professionals.

Thank you!



Info Justice

Thanks to Info Justice!

The production of the *How to prepare for court* guides would not have been possible without the participation of Info Justice. Thanks to their expertise, the information contained in the guides is accurate and meets the needs of citizens.

Together, we are helping to make justice more accessible and to increase public confidence in the justice system.

