

PARTICIPANT'S GUIDE FOR A CONCILIATION SESSION



Tribunal administratif du logement

CONCILIATION SERVICE

What is conciliation?



Conciliation is a way to achieve an amicable settlement, led by a neutral and impartial conciliator **with no decision-making power** who helps you find solutions. The goal is to reach a satisfactory agreement for all parties involved in the file and thereby end their dispute.

The negotiations take place in a climate of respect that fosters dialogue. The conciliator makes sure that the discussion is balanced and holds individual meetings (a caucus) with each of the parties. In addition, it is important to know that conciliation is completely confidential in order to facilitate the exchange of information. Consequently, recording is not allowed, and you will not be given a summary. Since this is a voluntary process, the parties are free to end it at any time without explanation. Your participation in the conciliation process will not delay the handling of your file by the Tribunal.

How to get ready

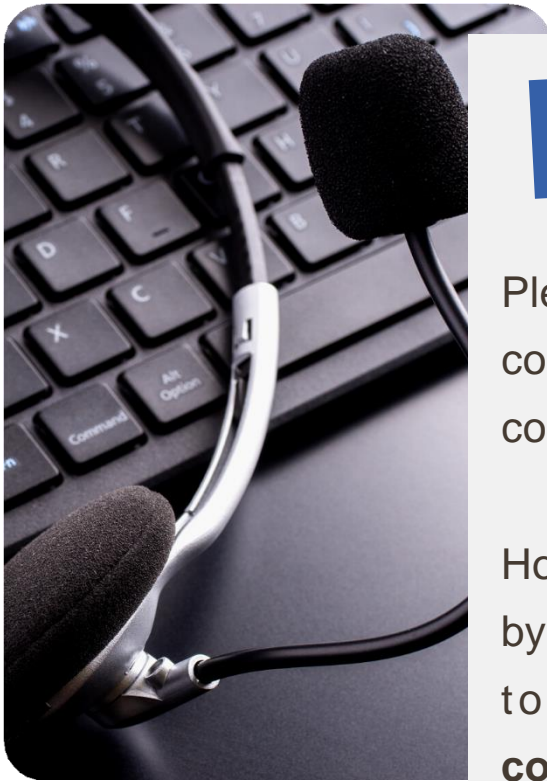
Contrary to a hearing, **there is no evidence or testimony to be presented** during a conciliation session. However, you can prepare a checklist with the points you want to cover and the solutions you are interested in. You must act openly and in good faith during the negotiations.

Since the parties are the ones in the best position to know what meets their needs, it is a good idea to think about possible solutions before the conciliation session.



Here are a few relevant questions to ask yourself:

- *What are the points I want to cover?*
 - *What is the most important thing for me?*
 - *What are my expectations?*
 - *Would a judge rule in my favour?*
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Important

Please note that the conciliator will not communicate with the parties prior to the conciliation session.

However, you can ask us your questions by calling **514-864-9242** (other regions, toll-free at 1-866-330-5467) or by email at **conciliation@tal.gouv.qc.ca**.

Can I have someone come with me?

The participants in a conciliation session are the parties themselves and their representatives.

Assistance from someone you trust

However, the parties can be assisted during a conciliation session by someone they trust, for any cause deemed sufficient, in particular due to age, health, a vulnerable position or language fluency. This assistance must be provided free of charge. The trusted person may reassure the party he or she accompanies, or help the party read or understand documents.

An authorized representative

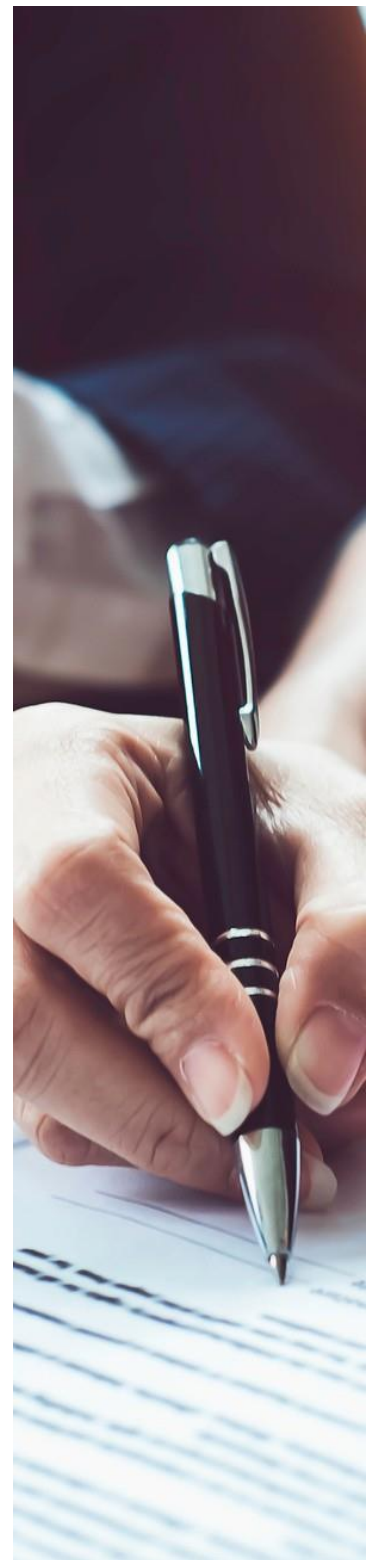
A natural person may be represented by a spouse or lawyer if he or she wishes. This person may also be represented by a relative, an associate or a friend under certain conditions. A legal person may be represented by a director, an officer, an employee in its sole employ, or a lawyer.

A party represented by a mandatary other than a spouse or lawyer must provide us with a written, signed mandate indicating, in the case of a natural person, the causes preventing the person from acting for himself or herself. This mandate must be free.

If you want someone to represent you at your conciliation session, make sure that you have sent us **your representation mandate** or a resolution (for a legal person). Your representative must have the authority to resolve the entire dispute and sign an agreement on your behalf.

Please note that a lawyer cannot act on your behalf if the application only concerns the recovery of an amount of money which is a small claim. See the Tribunal's website for more information on small claims.

In all cases, **only those persons who would be helpful in settling the dispute may participate.**



How is a conciliation session conducted?

The conciliator will start the meeting by explaining his or her role to the parties and how he or she plans to proceed so that the conciliation session runs smoothly. For that purpose, the conciliator will establish rules of conduct and see to it that they are followed throughout the session.

The conciliator will then ask the parties to state the issues they are experiencing and to propose possible solutions. The discussions will therefore look to the future and not dwell on the past because **the conciliator will not try to determine who is right or who is wrong.**

The parties must be available for the scheduled duration of the conciliation session.

Please note that conciliation sessions can take place in person, by video conference or by telephone. A party can use a different mode than you do to participate in a session.

Out of respect for everyone and to allow you to fully benefit from the services provided, punctuality is essential.

What happens after the conciliation?

No agreement: If no conciliation agreement is reached, the file will continue to be handled normally by the Tribunal so that the application can be heard at the hearing and a decision can be rendered. **Please note that your participation in a conciliation session does not affect the timeline for obtaining a hearing date.**

Agreement reached: If an agreement is reached between the parties, the conciliator will be responsible for putting it in writing and it will then be signed by all the parties. The agreement may remain confidential or it may be ratified by the Tribunal if the parties choose so. Once your agreement has been ratified, it can be incorporated into a binding decision; namely the defendant can be compelled to comply with it by a bailiff. Together with you, the conciliator will assess which of these options is the most appropriate under the circumstances.

The file can then be closed without a hearing.



What are the advantages?

There are many advantages to using the Conciliation Service. Below are a few of them:

Simple	Timeline not affected for scheduling a hearing	Free
Effective	Fits your needs and interests	Voluntary
Keeps you on good terms with the other party	Fast	No need for a hearing
Accessible	Helps you better understand the other party's position	Flexible
Resolves all aspects of the dispute	Participatory	Agreement reached is legally effective