

## **GUIDELINES OF THE RÉGIE DU LOGEMENT REGARDING THE USE OF VIDEOCONFERENCING**

### **OBJECTIVE**

These guidelines provide a framework for the use of videoconferencing, in keeping with the Commissioners' exercise of jurisdictional power and the decorum of the judicial process.

### **GUIDING PRINCIPLES**

The Tribunal's activities are guided by values such as respect, diligence, quality, availability and accessibility to administrative justice, as well as respect for the parties' right to be heard.

Videoconferencing must be used to further the sound administration of justice, the timely processing of applications, and compliance with the proportionality rule.

It is subject to the availability of technological resources that offer the quality and safety guarantees necessary to maintain decorum, ensure the orderly conduct of the hearing and see that each party's rights are respected.

### **ANALYSIS CRITERIA**

In all cases, the Régie du logement takes into account, in particular, the legal nature of the case, the number of participants (parties, witnesses and experts), the resources available, and the impact that the use of videoconferencing could have on the parties' rights and the sound management of the hearing.

Subject to analysis of those criteria, the following situations may be conducive to the use of videoconferencing:

- The Tribunal is to rule on questions of law only;
- The parties to the case and/or the witnesses are outside Québec;
- The parties to the case and/or a witness are incarcerated;
- The hearing concerns a proceeding in which the facts alleged are not very complex;
- The purpose of the hearing is to process one or more incidental applications;
- The case must be heard on an emergency basis;
- An expert would be unable to testify otherwise;
- During a pre-hearing conference.

However, the following situations are generally not conducive to the use of videoconferencing:

- The credibility of the parties or the witnesses is at the crux of the dispute;
- Several exhibits are to be filed as evidence;
- The technology available does not make it possible to ensure the necessary decorum.

A Commissioner assigned to a case for which videoconferencing has been planned is not bound by that decision. If the Commissioner decides that there is no reason for a videoconference, his or her decision must be based on the criteria set forth above.

At any time, the Commissioner may impose terms and conditions that he or she deems necessary for the sound management of the hearing.

## DIRECTIVES FOR THE PARTIES

### 1. Filing evidence before the hearing

#### 1.1 Deadline to file evidence

The evidence must be submitted **10 days** before the hearing date.

#### 1.2 Filing methods

Evidence is filed online, under the **Online Services/Transmission of Documents to the Tribunal** tab on the Régie's website: [www.rdl.gouv.qc.ca](http://www.rdl.gouv.qc.ca).

Online filing is the preferred method, given its efficiency. However, other methods can be used to submit evidence, such as by fax, although this method can affect the legibility of documents.

The applicant's record must be **complete**, and should therefore contain the following:

- *The proof of notification* (affidavit of service by a bailiff, delivery confirmation from Canada Post, email, proceeding signed by the defendant, or another document attesting to receipt of the proceeding by the defendant). In the case of evidence given by a witness, the witness must attend the hearing;
- *A copy of the lease (in full)* and all by-laws or schedules;
- *Invoices* that are the subject of a refund request.

It must also include, where applicable:

- *Legible copies of all reports by experts or inspectors;*
- *Legible copies of all photos;*
- *Legible copies of all notices, letters, emails, notes or other documents* that you wish to submit to the Commissioner as evidence.

Evidence in the form of video or audio recordings can also be filed online. Failing this, such evidence must be submitted on a data storage device (USB memory stick). Please assign a number and name to each file so that it can be easily identified and keep a copy for your records.

### 2. Filing evidence on the day of the hearing

Any evidence that was not previously filed with the Tribunal can be submitted to the clerk or the attending representative of the Régie du logement on the day of the videoconference hearing.

### 3. Application for postponement

Please inform the Régie of an application for postponement as soon as you learn the facts in support of your application; you must also submit the consent of the opposing party. This will make it possible for other litigants to avail themselves of the time slot that was reserved for hearing your case. Should you fail to do so, the Tribunal will rule on the application for postponement at the hearing.

### 4. Application for a videoconference

The application for a videoconference must be submitted to the Tribunal as soon as you learn the facts justifying the application.

The application must indicate:

- The record number(s);
- The given names and surname of the party who filed the application, as well as his or her contact information (home and email addresses, and telephone number);
- The reasons that justify a videoconference;
- The given names and surname of the remote participant, as well as his or her contact information, in the case of an application for testimony by videoconference while the parties are with the Commissioner;
- The expected duration of the videoconference;
- Whether the opposing party did or did not consent to the videoconference;
- Any other useful information.

A copy of the application must be sent to the opposing party.

The application will be submitted to the Commissioner assigned to the case, or failing this, to the Vice President, and will be analysed according to the criteria set out in these guidelines. The application for a videoconference will not be granted based solely on the consent of the parties.

The Commissioner or the Vice President, if applicable, may specify terms and conditions deemed necessary for the sound management of the videoconference hearing.

If the application is accepted, the applicant must follow the procedure for filing evidence before a hearing (see point 1, "Filing evidence before the hearing").

If the application is rejected, the party must appear at the location indicated on the notice of hearing.