

DEFENDANT'S FACTUM AND LIST OF EXHIBITS

Section 115 of the *Charter of Human Rights and Freedoms*, CQLR, c. C-12
Sections 16, 18 and 28 of the *Regulation of the Human Rights Tribunal*, CQLR, c. C-12, r. 6

GENERAL INFORMATION

This form allows the defendant to file a *Factum*, a *List of Exhibits* and exhibits in order to inform the Tribunal and the other parties of the main elements of the case. Filing a factum is not mandatory.

Please note that a legal person (corporation, company, business, etc.) **MUST** be represented by a lawyer.

The defendant must:

- (1) Have received the *Plaintiff's Application to Institute Proceedings* and the *Plaintiff's Factum*;
- (2) Wish to contest the allegations.

PROCEDURE

TIME LIMIT

You must file your *Factum*, your *List of Exhibits* and your exhibits within **30 days** of receiving the *Plaintiff's Factum*.

FILING AT THE COURT OFFICE

You must file **5 copies, plus 1 additional copy for each of the other parties to the case** (e.g. if the Plaintiff is the Commission des droits de la personne et des droits de la jeunesse acting on behalf of 2 victims, you must file 8 copies) of your *Factum*, your *List of Exhibits* and your exhibits at the office of the Court of Québec of the judicial district where the *Application to Institute Proceedings* was filed.

To find the location of a courthouse: <https://www.justice.gouv.qc.ca/en/join-us/find-a-courthouse>

JUDICIAL FEES

There are no judicial fees to file your *Factum* and your *List of Exhibits*.

FILE NUMBER

The file number appears on the *Application to Institute Proceedings* that was served to you by court bailiff. This number must appear on all the documents or proceedings that you file.

NOTIFICATION

You do not have to send your *Factum*, your *List of Exhibits* and your exhibits to the other parties. The Tribunal will take care of this matter.

CHECKLIST

Before filing your *Factum*, your *List of Exhibits* and your exhibits:

- ☐ You must print your procedures on one side of each page (recto);
- ☐ You must sign on pages 3 and 4;
- ☐ You must attach all your exhibits (see the *List of Exhibits*);
- ☐ You must have 5 copies of the procedures, plus 1 additional copy for each of the other parties to the case.

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF

File n°: _____

HUMAN RIGHTS TRIBUNAL
Office of the Court of Québec

and

and

Plaintiffs

v.

and

and

Defendants

DEFENDANT'S FACTUM

Section 115 of the *Charter of Human Rights and Freedoms*, CQLR, c. C-12
Sections 16 and 18 of the *Regulation of the Human Rights Tribunal*, CQLR, c. C-12, r. 6

1 IDENTIFICATION OF THE DEFENDANTS WHO ARE FILING THIS FACTUM					
<i>Enter the names and contact information of all the defendants who sign this factum. You must notify the Tribunal of any subsequent changes.</i>					
Defendant 1					
Given name and family name				Telephone	
Address					
No.	Street	Apt./Office	City	Province	Postal code
<input type="checkbox"/> I consent to receive notification of all documents and judgements from the Tribunal by email				Email	
Defendant 2					
Given name and family name				Telephone	
Address					
No.	Street	Apt./Office	City	Province	Postal code
<input type="checkbox"/> I consent to receive notification of all documents and judgements from the Tribunal by email				Email	
Defendant 3					
Given name and family name				Telephone	
Address					
No.	Street	Apt./Office	City	Province	Postal code
<input type="checkbox"/> I consent to receive notification of all documents and judgements from the Tribunal by email				Email	

2 DEFENCE REGARDING THE ALLEGATIONS MADE IN THE PLAINTIFF'S APPLICATION AND FACTUM

Provide a defence for each allegation of discrimination, harassment or exploitation mentioned in the plaintiff's application and factum. For each date or period of time, indicate if you agree or disagree with the alleged facts and explain why. Also provide any additional element of information that you have and any defence that you intend to use. ».

If you need more space, please use a separate page and attach it to the present document.

DATE

EVENT

[1]

____ / ____ / ____
Year Month Day

[2]

____ / ____ / ____
Year Month Day

[3]

____ / ____ / ____
Year Month Day

[4]

____ / ____ / ____
Year Month Day

3 CONCLUSIONS SOUGHT

Explain to the Tribunal what you want the outcome of the trial to be, for example that the Application to Institute Proceedings be dismissed.

4 WITNESSES AND EXPERTISES

List of witnesses

State the name of the witnesses that you will summon for the hearing before the Tribunal.

- 1.
- 2.
- 3.
- 4.

List of experts

If you wish to file an expertise, state the name of the expert and the subject of the expert's opinion.

- 1.
- 2.

5 TIME REQUIRED TO PRESENT YOUR EVIDENCE AND YOUR ARGUMENTS

Indicate the number of hours you estimate will be necessary to present your evidence (testimonies, questioning, and cross-examining) and your arguments.

_____ hours

6 SETTLEMENT CONFERENCE

The Settlement Conference is an alternative to the trial, by which the parties try to reach an amicable settlement (mediation) to their dispute. This is a closed doors process, free of charge, and presided by a judge of the Tribunal.

Do you wish to participate in a Settlement Conference?

☐**YES**☐**NO****SIGNATURE****Defendant 1**

Signed in _____,
City

on _____
Date

Defendant 2

Signed in _____,
City

on _____
Date

Defendant 3

Signed in _____,
City

on _____
Date

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF

HUMAN RIGHTS TRIBUNAL
Office of the Court of Québec

File n°: _____

and

and

Plaintiffs

v.

and

and

Defendants

LIST OF EXHIBITS FILED BY THE DEFENDANT

Section 28 of the *Regulation of the Human Rights Tribunal*, CQLR, c. C-12, r. 6

7 EXHIBITS IN SUPPORT OF YOUR DEFENCE

*List the exhibits you intend to file in support of your defence. For example: documents, pictures, letters, emails.
The exhibits are identified by an exhibit number starting by the letter "D" (e.g.: D-1, D-2, D-3).
Make sure to indicate the exhibit number on each of your exhibits, in accordance with the present list of exhibits.
Please attach all of your exhibits.*

EXHIBIT D-1	
EXHIBIT D-2	
EXHIBIT D-3	
EXHIBIT D-4	
EXHIBIT D-5	
EXHIBIT D-6	
EXHIBIT D-7	
EXHIBIT D-8	

Note: If there are more exhibits, please add them on a separate blank page. Continue your list starting with exhibit number D-9.

SIGNATURE

Defendant 1

Signed in _____,
City

on _____
Date

Defendant 2

Signed in _____,
City

on _____
Date

Defendant 3

Signed in _____,
City

on _____
Date

No:

HUMAN RIGHTS TRIBUNAL
(Office of the Court of Québec)
DISTRICT OF

and

and

Plaintiffs

v.

and

and

Defendants

**DEFENDANT'S FACTUM, LIST OF EXHIBITS
AND EXHIBITS**

Name:

Address:

Telephone:

Email: