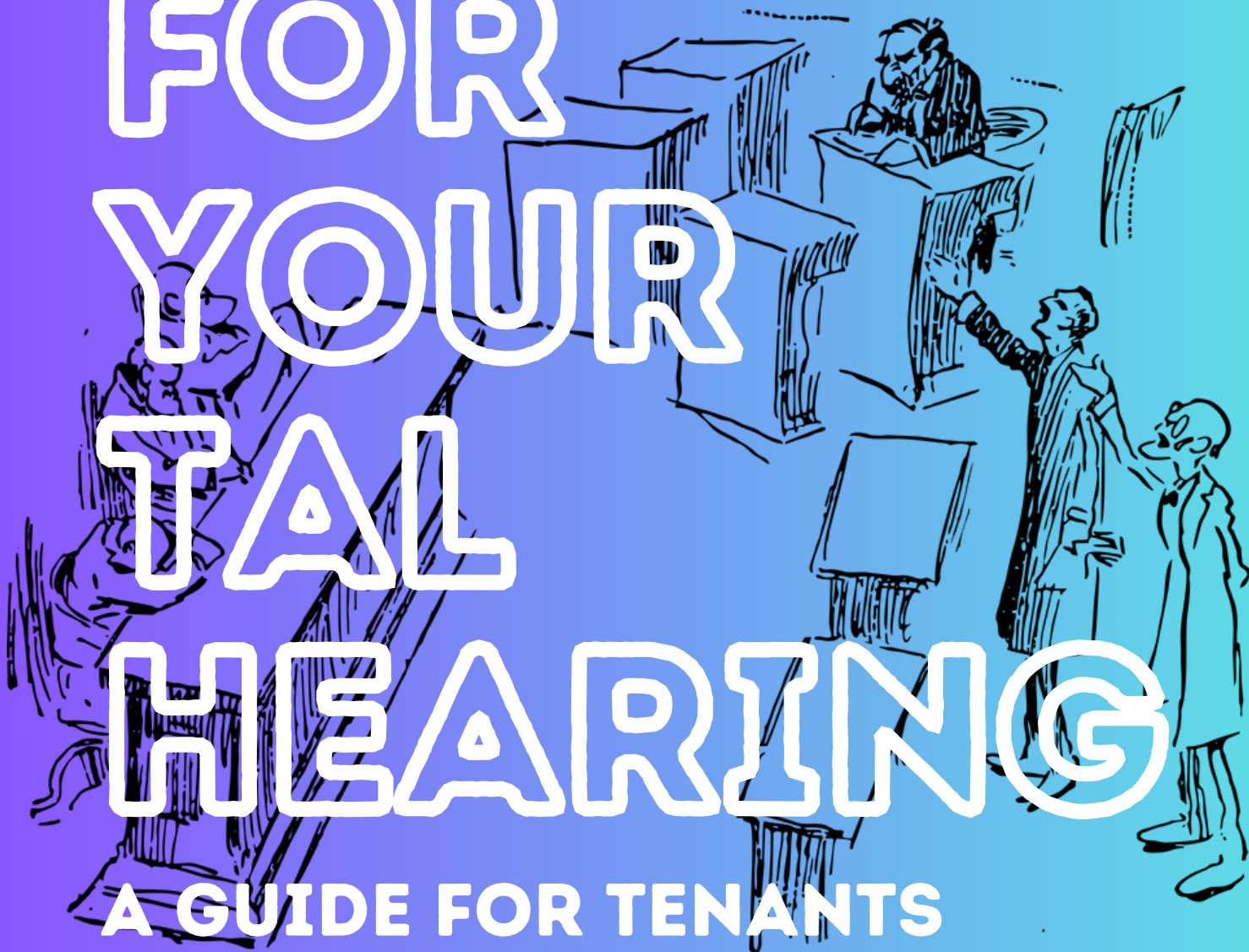


HOW TO PREPARE

FOR YOUR TAL HEARING

A GUIDE FOR TENANTS



Comité d'action des locataires
de l'Ouest-de-l'Île

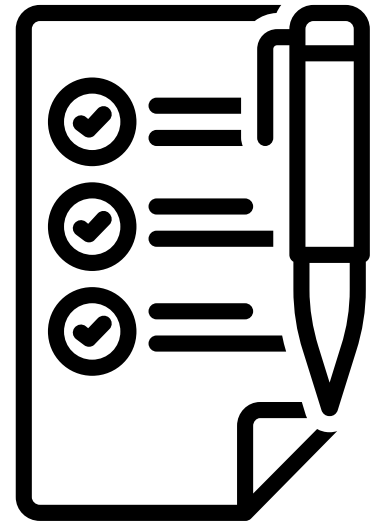


Centraide
du Grand Montréal

PREPARING YOUR CASE

Now that you have a date at the *Tribunal administratif du logement* (TAL), you must prepare your case. This will consist of proofs you present in the form of material evidence, testimonies, and your own argumentation.

The hearing will concern only what is written in the application and any amendments submitted, so refer to these documents for all of the elements that you will need to prove or refute. The **burden of proof** is on you. Here are some things to keep in mind when preparing your case:



CREDIBILITY

Judges at the TAL base their opinions on your credibility and the preponderance of the proof, meaning that there's an over 50% chance that your evidence is valid. You should carefully construct your case with an emphasis on consistency to establish trust with the judges. Practice everything. In order to keep your story clear and convincing, only include details that are relevant to the case at hand. Inform your witnesses in advance of the hearing of the questions you will ask them. Try to anticipate what your landlord will say in their argumentation so that you can prepare your rebuttal.

EVIDENCE

You must prepare your evidence early on, as the TAL requires that you send a list of proofs to both the court and your landlord within 45 days of your application being approved. You may produce additional evidence on the day of the hearing, but this can lead to a postponement of your hearing to allow the other party sufficient time to prepare.



If you wish to present digital evidence, you must have a way to play it during the hearing and provide a copy on USB keys for the judge and the other party

Material evidence can consist of:

- Photos
- Written works such as texts and emails
- Invoices and proofs of payment
- Video or audio evidence
- Expert reports

If you wish to use an expert's report, try to bring the author along, as your landlord has the right to question them. You must bring three copies of all material evidence, one for you, one for the judge, and one for the other party.

In all cases, you must bring:

- Proof of notification for the application and any amendments
- The lease and any subsequent notices of modifications to it

Be sure to label and order your documents so that you can find everything easily during the hearing and save time for everyone involved. Judges are often pressed for time, as there are many hearings scheduled for each day, so the less time you waste, the better!

WITNESSES

Witness testimony can either be provided by an eye-witness or an expert. In the courtroom, you can only speak from your own experience. Otherwise, your comments will be dismissed as hearsay. Bringing others along with you allows them to add their experience as evidence and can strengthen your case through corroboration. Expert testimony can be given by a doctor, a police officer, a social worker, a municipal inspector, and other another professional. If you would like to make sure that a certain witness is at the hearing to testify, you can send them a subpoena by a bailiff at least three days before the hearing date; this subpoena must be signed by an administrative judge, a special clerk of the TAL, or a lawyer.



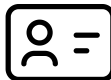
ON THE DAY OF:



GETTING THERE

If your hearing is taking place at the Olympic Village TAL office, you can get there by car, bus, or metro. There is paid parking in front of the office. If you are taking the metro, take the green line to l'Assomption and from there you can either walk (17 mins) or take the 136 bus. The 185 bus also stops in front of the TAL office.

ONCE YOU ARRIVE

Present your **hearing notice** and a **piece of ID** to the clerk in the waiting room. You will be assigned a courtroom and asked to wait. 

When it is time for you to go to your courtroom, your name will be called on the intercom. Try to arrive early; your name will be called three times, after which point the hearing will begin without you.

Hearings are conducted in French, unless all parties agree otherwise. If you do not speak French, bring a translator.

DECORUM

In the courtroom, it is forbidden to smoke, eat, or drink. You will be asked to discard all food or beverages upon entering the waiting room. It is also forbidden to chew gum and to use a cell phone or camera. Dress nicely and avoid wearing a hat, as well as clothes containing a violent or profane message or clothes that have stains or holes in them.

During the hearing you should address members of the TAL as “Mr Judge” or “Madam Judge.” If speaking in French, you should address all parties as “vous.” You must wait until the judge gives you the floor before speaking, and you must never interrupt the judge or the opposing party. Keep calm and avoid sighs, gestures of impatience, and displays of insolence during the hearing.



THE HEARING

SWEARING IN

At the beginning of the hearing, the judge will note the names of those present in the courtroom and proceed to the **swearing in**. Witnesses will have to remain in the waiting room and remain there until the moment they are called to the stand to give their testimony.

PRESENTATION OF EVIDENCE

The **plaintiff** will present their case first, and the **defendant** will present their defense. The plaintiff will then have an opportunity to contradict or invalidate elements of the defense by presenting counter-evidence, relating to new facts presented by the defendant.

HEARING OF WITNESSES

After the presentation of evidence, witnesses will be called to testify. Both parties, as well as the judge, will be able to question them.

PLEADING

After the hearing of witnesses, both parties have the opportunity to add other arguments to what has already been raised. At this point, you can evoke articles of law or past judgements that have been delivered in similar cases. This element is important because judges are required to ensure that decisions rendered in court are harmonious and consistent.

THE DECISION

Most of the time, the judge will not make a decision on the same day of the hearing. The decision, or judgment, will be sent by mail within 3 months following the hearing.



DEFINITIONS

Burden of proof: the duty to demonstrate the validity of one's claims with proof of the facts that support them. The burden of proof normally rests on the plaintiff, although both parties must provide evidence to back up their claims.

Corroboration: evidence that confirms or supports a statement of fact

Decorum: standards for proper behavior inside the courtroom

Defendant: the party that is being accused

Hearsay: an out-of-court statement that is being presented in court by someone who did not originally pronounce it

Plaintiff: the party that opened the case at the tribunal

Subpoena: a writ ordering a person to appear before the court

Swearing in: identification of a witness before the tribunal and solemn affirmation to say the truth

This guide has been developed exclusively for the purposes of informing and does not constitute legal advice. Please consider your options carefully before proceeding.
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