Draft Rules

Act respecting the Administrative Housing Tribunal (chapter T-15.01)

Procedure of the Tribunal administratif du logement — Replacement

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Rules of procedure of the Tribunal administratif du logement, appearing below, may be made on the expiry of 45 days following this publication.

The draft Rules replace the Rules of procedure of the Administrative Housing Tribunal (chapter T-15.01, r. 5). In particular, they introduce new rules to harmonize the procedure with the various legislative amendments following the coming into force of the Act mainly to regulate building inspections and divided co-ownership, to replace the name and improve the rules of operation of the Régie du logement and to amend the Act respecting the Société d'habitation du Québec and various legislative provisions concerning municipal affairs (2019, chapter 28) and the Act to establish a new development regime for the flood zones of lakes and watercourses, to temporarily grant municipalities powers enabling them to respond to certain needs and to amend various provisions (2021, chapter 7). They specify the terms and conditions of application of the rules established by the Act respecting the Administrative Housing Tribunal (chapter T-15.01) by introducing new provisions promoting the accessibility, quality and promptness of justice, a new framework for the use of technological means and new rules concerning joint applications.

Further information of the draft Rules may be obtained by contacting Mtre. Marie-Josée Persico, Tribunal administratif du logement, Village Olympique, Pyramide Ouest (D), Rez-de-chaussée, bureau 2360, 5199, rue Sherbrooke Est, Montréal (Québec) H1T 3X1; telephone: 514 873-6575; fax: 514 864-3025; email: reglementprocedure@tal.gouv.qc.ca.

Any person wishing to comment on the draft Rules is requested to submit written comments within the 45-day period to Mtre. Marie-Josée Persico, Tribunal administratif du logement, Village Olympique, Pyramide Ouest (D), Rez-de-chaussée, bureau 2360, 5199, rue Sherbrooke Est, Montréal (Québec) H1T 3X1; telephone: 514 873-6575; fax: 514 864-3025; email: reglementprocedure@tal.gouv.qc.ca.

Patrick Simard
Chair of the Tribunal administratif du lodgement

Rules of procedure of the Tribunal administratif du logement

Act respecting the Administrative Housing Tribunal (chapter T-15.01, s. 85)

PRELIMINARY

These Rules establish procedure that will apply to recourses before the Tribunal administratif du logement in such a way as to ensure the accessibility, quality and promptness of justice, the fair, simple, proportionate and economical application of procedural rules, the exercise of the parties' rights in a spirit of co-operation and balance, and respect for those involved in the administration of justice.

CHAPTER I
GENERAL

1. The failure to respect a rule of procedure does not affect the outcome of an application provided the irregularity is remedied in a timely manner.

Unless the Tribunal decides otherwise, any delay, or formal or procedural irregularity may be remedied before it at the hearing.

2. The Tribunal may correct any improper term in the conclusions sought in order to give them their proper characterization in light of the allegations in the application.

3. The hearing of an application is held at the place designated by the Tribunal in the terrority in which the dwelling is situated.

At any stage of a proceeding, the Tribunal may, in the interests of the parties or if warranted on other grounds to ensure the proper administration of justice, hold the hearing of an application in another place served by the Tribunal.

The party who, on serious grounds, requests the transfer of the hearing of an application to a territory other than the territory in which the dwelling is situated must notify a copy of the application to the other party.

CHAPTER II
PROCEDURE BEFORE THE TRIBUNAL

DIVISION I
APPLICATION

§1. Form, content and filing of application

4. An originating application must be filed in writing and be signed by the party filing it or, as applicable, by the party's advocate.

It must contain

(1) the names, addresses of the domicile or residence of the parties, their telephone numbers and, where applicable, their fax numbers and email addresses;

(2) where applicable, in what capacity persons are party to the proceding if otherwise than in their own name;

(3) the address of the dwelling concerned; and

(4) any other information the Tribunal may require.

5. An application must specify its purpose and state the facts on which it is based and the conclusions sought. It must also state anything which, if not alleged, could take another party by surprise or raise an unexpected debate.

The statements in the application must be clear, precise and concise. They must be presented in logical order and be numbered consecutively.

6. An application may include two or more subject matters or claims, provided the conclusions sought are compatible.

7. An application may be filed at any office of the Tribunal.

8. An application may be sent to the Tribunal using media-based information technology taking into account the technological environment in place to support the business of the Tribunal.

The Tribunal distributes by any means it considers appropriate the list of those means, as well as the technical conditions specific to their use.

9. The date of filing of an application is held to be the date on which it is received at any office of the Tribunal. The application is validly filed only if the fee has been paid.

An application received after 4:30 p.m. on a working day or a holiday is considered to be received on the working day after it is received.

§2. Application for contesting an adjustment of rent or changing a lease

10. Where the Tribunal is seized of an application for contesting an adjustment of rent or an application for a ruling on a change in a lease, the lessor must, within 90 days of the date on which the form to be completed by the lessor is sent by the Tribunal, file the duly completed form in the record.

The lessor must also, within the same time, notify a copy of the completed form to the lessee and file proof of such notification in the record of the Tribunal. Where the applicant is the lessor and fails to file such proof of notification in the record of the Tribunal within the prescribed time, the application expires and the Tribunal closes the record

Despite sections 56.1 and 56.2 of the Act respecting the Administrative Housing Tribunal (chapter T-15.01), the applicant is not required to notify the exhibits or a list of the exhibits in support of the application, or to file such a list in the Tribunal's record.

This section does not apply to an application for review of rent for low-rental housing within the meaning of article 1984 of the Civil Code of Québec.

§3. Application for authorization to be relieved from a prohibition to file an application

11. An application for authorization to be relieved from a prohibition to file an application must be addressed to the chair or a member designated by the chair. It must contain the grounds in support of the application and the application to be filed if the authorization is granted, and be accompanied by the evidence related to the application.

An application for authorization to be relieved from a prohibition to file an application may be heard in writing.

If it is granted, a copy of the authorization must be attached to the application when it is notified to the adverse party.

12. Unless prior authorization has been given by the chair or a member designated by the chair, an application from a party who is prohibited from presenting an application is deemed not to exist.

§4. Application to have a proceeding declared excessive or dilatory

13. An application to have a proceeding declared excessive or dilatory and, where applicable, to obtain damages for any injury suffered or punitive damages due to such proceeding, may be presented orally.

Where the hearing proceeds in the absence of the other party, no claim for damages for any injury suffered or for punitive damages due to a proceeding declared excessive or dilatory will be heard unless it has been filed and notified to the other party. The claim must be accompanied, if applicable, by a copy of the exhibits supporting it.

§5. Joint application referred to in section 57.0.1 of the Act respecting the Administrative Housing Tribunal (chapter T-15.01)

14. The notification of a joint application to the defendant by one of the applicants is valid for all the applicants identified in the application.

15. Despite section 44, where, by amending the joint application, a lessee is added as a party, the application regarding the lessee is deemed to have been filed on the date on which the original application is instituted.

16. The lessee whose impleading is ordered by the Tribunal is added to the joint application as a defendant, without other formality. The application regarding that lessee is deemed to have been filed on the date on which the original application is instituted.

17. The operator of a private seniors' residence who is convened to a case management conference must bring, in addition to any document required by the Tribunal, the list of the names and addresses of all the lessees, the date of the beginning and end of their respective leases and the amount of the agreed rent.

18. The lessee who is a party to the joint application may request that any written communication from the Tribunal addressed to the lessee also be sent to an addressee identified by name, address, email address and telephone number.

DIVISION II
NOTIFICATION

§1. General

19. An application intended for a nunber of addressees must be notified to each separately. The same applies to any other document that must be notified.

The notification of an application is made after it is filed with the Tribunal.

20. The notification of an application or any other document is validly demonstrated by the production of proof of receipt.

§2. Notification by public notice

21. The Tribunal may, even on verbal application, authorize notification by public notice.

22. Notification by public notice is made by publishing a notice, by any means likely to reach the addressee, indicating the date, designation of the parties, record number, address of the dwelling concerned and the place where the defendant may go to receive the application.

DIVISION III
COMMUNICATION AND FILING OF EXHIBITS AND OTHER EVIDENCE

§1. General

23. Any exhibit or material evidence must be filed at the hearing.

An applicant who intends to file an exhibit must, if it does not accompany the application when it is notified, send, on request, a copy to the adverse party, without costs. In the case of material evidence, it is deemed sent by making it available as soon as possible before the hearing.

If they have not been sent, exhibits and other material evidence may not be filed without leave of the Tribunal.

§2. Hearing held using technological means

24. When convened to a hearing held using technological means, the parties must send to the Tribunal and the other parties, at least 10 days before the hearing, a copy of the exhibits they intend to file and that are included in the list of exhibits notified with the application, if applicable. The exhibits need not be sent again to the parties if they were sent with the notification of the application.

The Tribunal distributes by any means it considers appropriate the conditions for sending the exhibits.

No other exhibit will be produced without leave of the Tribunal.

§3. Written declaration

25. Where a party intends to apply to the Tribunal for authorization to file a statement to avail in lieu of testimony, including a bailiff's ascertainment, the party must,

as soon as possible before the hearing, notify the other party and provide the other party with a copy of the written statement, unless the other party consents to the filing.

Despite the absence of consent from the other party, the Tribunal may authorize such a statement, but the Tribunal must ascertain that it is impossible for the declarant to appear as a witness, or that it is unreasonable to require the declarant to do so, and that the reliability of the statement is sufficiently guaranteed by the circumstances in which it is made.

§4. Technology-based document

26. A party who, at a hearing, wishes to file a techology-based document must make sure that the Tribunal has the required equipment to allow the presentation at the hearing.

If the Tribunal does not have the required equipment, the party must transfer the document to a medium adapted to the equipment the Tribunal has at its disposal at the hearing or provide, at the hearing, the equipment required for the presentation of the technology-based document.

The Tribunal may require that the party file a copy of the document on another medium in order to facilitate examination.

§5. Expert's report

27. An expert's report must be notified with the application. If such a report is obtained after the filing of the application, it must be sent to the Tribunal and the other parties at least 20 days before the date set for the hearing.

The Tribunal may, however, authorize the filing of such a report within any other period and on the conditions it determines, if it considers it appropriate to ensure the proper administration of justice and none of the parties is seriously harmed.

§6. Authorization to file a document after the hearing

28. No document may be filed after the hearing, except with the prior authorization of the Tribunal.

The party filing such a document with the authorization of the Tribunal must send a copy to the other party, unless the Tribunal decides otherwise.

DIVISION IV
REPRESENTATION

29. If a party is represented by an advocate, the advocate must file with the Tribunal and send to the other parties a dated representation statement including the advocate's name and the name of the partnership or the name under which the advocate is known. The advocate must also indicate professional contact information such as address, email address, telephone and fax numbers, and the name of the party represented, the record number and the address of the dwelling.

From the time of filing the statement, the advocate receives any written communication issued by the Tribunal other than the information necessary for fixing the rent form.

30. An advocate who ceases to represent a party must file with any office of the Tribunal a declaration indicating the date on which the mandate ended.

The declaration may also be made verbally at the hearing.

31. Unless the mandatary is the party's spouse or an advocate, the mandatary authorized in accordance with the law must present the written mandate which the mandatary holds to the Tribunal.

The mandate may be filed subsequently, even in review, if it is proven to the Tribunal that a mandate existed at the time of the hearing.

DIVISION V
INCIDENTAL PROCEEDINGS

32. The Tribunal may rule, before the hearing on the merits, on any ancillary application.

§1. Postponement, adjournment and striking of a case

33. A party who must request the postponement of a hearing must file with the Tribunal a written application, with reasons, and notified to the other parties as soon as soon as the party becomes aware of the grounds the party wants to invoke. If applicable, the application for postponement must be accompanied by supporting documents and the written consent of the parties.

Where the application for postponement is contested, the Tribunal rules on the application at the hearing. The postponement is granted only if it is based on serious grounds and the interests of justice are thus better served.

34. The first two applications for postponement of consent are granted without further formality.

Where the parties have applied for two postponements of consent, the Tribunal convenes them to a case management confernce in order in particular to subject the further conduct of the proceeding to certain conditions.

35. At the hearing, the Tribunal may, on its own initiative or at the written or verbal request of one of the parties, postpone or adjourn the hearing or strike the case.

The decision must be recorded in the minutes.

Where the case is struck off the roll, the Tribunal notifies the parties in writing, at the last address indicated in the record, that the applicant may re-enter the case on the roll within 30 days following the date of the notice. If the applicant fails to do so, the application expires and the Tribunal closes the record.

The sending of the notice is, in the absence of proof to the contrary, proof that it has been received by the addressee.

36. The re-entry must be filed with the Tribunal in writing and be notified to the other parties.

The applicant must, without delay, notify the Tribunal of any change of address of the other parties to the proceeding.

Proof of notification, together with any notice of change of address, must be filed in the record of the Tribunal. The Tribual may refuse to convene the parties to a hearing as long as the document has not been filed.

The Tribunal may convene the parties without delay where it considers it appropriate.

§2. Continuance of proceedings and intervention

37. The Tribunal may authorize a person, who demonstrates sufficient interest, to intervene in a proceeding, on the conditions it sets, in particular as to the scope of the intervention. The application for intervention must be notified to all the parties.

The Tribunal may, at the hearing, authorize an intervention or a continuance of a proceeding on a simple verbal application noted in the minutes. It may then impose the conditions it considers necessary for the protection of the rights of the parties.

The Tribunal may, on its own initiative, order the impleading of any person whose rights or interests may be affected by the application.

38. Except in special circumstances, the proceeding may not be delayed because the status of one of the parties has changed, one of the parties ceased to hold the office under which the party was proceeding or the party died.

If the proceeding is not continued at the hearing, the applicant may proceed by default or the defendant may apply for dismissal of the application.

§3. Recusation

39. A member who is aware of a valid reason for recusation concerning the member must note it in the minutes and notify the parties. The member must abstain from sitting. The case is then heard by another member.

40. A party who intends to raise grounds for recusation against a member seized of a case must do so in writing, unless the member decides otherwise.

41. The application for recusation may be decided by the member seized of the case.

If the application is granted, the member must withdraw from the case and abstain from sitting. The case is then heard by another member.

If the application is dismissed, the member continues to be seized of the case and the hearing continues.

42. A member may send the application for recusation to the chair or any other member designated by the chair to determine which member will be called upon to hear and decide the application.

If the application for recusation is granted, the recused member must withdraw from the case and abstain from sitting.

If the application is dismissed, the case is continued or heard before the member initially seized of the case.

43. If more than one member hears a case and an application for recusation is filed against one of them, sections 40 to 42 apply to that member.

§4. Amendment of an application

44. A party may, at any time before the hearing, amend an application in particular to rectify or complete allegations or conclusions, to invoke facts that occurred during the proceeding in progress, to assert a right accrued since the application was filed that is related to a right exercised in the original application, or to add a party.

The party who files the amendment of an application must notify a copy to the other party.

Where a party is added by amendment of an application, a copy of the original application and the amendment must be notified to that party. The application with regard to the party is deemed to have been filed on the date on which the Tribunal receives the amendment.

45. The Tribunal may, at the hearing and in the presence of the adverse party, authorize an amendment on a simple verbal application noted in the minutes.

46. No amendment to the application is admitted if it is useless or contrary to the interests of justice or if it results in an entirely new application having no connection with the original one.

§5. Discontinuance

47. A party may discontinue totally or partially the application by means of a written declaration or verbally at any time during the proceeding.

The Tribunal notifies the other party of the discontinuance, unless it is filed at the hearing.

§6. Acquiescence in application

48. A defendant may, at any stage of the proceeding, acquiesce, in whole or in part, in the application by filing a declaration of acquiescence at any office of the Tribunal.

If acquiescence is unqualified, the Tribunal may render judgment in writing.

If acquiescence in the application is qualified or if the Tribunal considers it necessary for the proper administration of justice, the Tribunal may convene the parties to a hearing.

If there are two or more defendants and only one or some of them file a declaration of acquiescence, the Tribunal may render its decision accordingly, but if it is of the opinion that the dispute requires a uniform decision with respect to all the defendants, either because of the subject matter of the application or to avoid conflicting decisions, it may choose not to rule immediately so that a decision be rendered with respect to all the defendants.

§7. Agreement

49. Where the parties reach an agreement, the Tribunal closes the record on the filing of a notice of out-of-court settlement.

The Tribunal may however suspend the case if the applicant so requests in writing on the filing of an agreement signed by the parties.

If re-entry is not requested in the year following the date on which the case was suspended or the applicant does not require the extension of the suspension within that time, the application expires and the Tribunal closes the record. The extension of the suspension may be requested only once and for a maximum of 12 additional months.

50. An agreement filed in the record may be ratified in writing if the parties consent thereto. If there is no consent or if the Tribunal considers it necessary for the proper administration of justice, the Tribunal convenes the parties to decide the application for ratification.

The agreement filed or entered into at the hearing may be ratified by the Tribunal.

Where an agreement is ratified, it is enforceable as a decision of the Tribunal.

CHAPTER III
HEARING

DIVISION I
NOTICE OF HEARING

51. A notice indicating the place, date and time of a hearing and the nature of the application is sent to the parties at the last address indicated in the record.

The notice may also be sent by any other appropriate means to the parties that provided the required particulars of the place where they agree to receive the notice.

The sending of the notice is, in the absence of proof to the contrary, proof that it has been received by the addressee.

52. If the application is the subject of an authorization of notification by public notice, the Tribunal publishes the notice of hearing on the Tribunal's website.

DIVISION II
CALLING OF WITNESSES

53. A subpoena as a witness, issued by a member or a special clerk of the Tribunal or an advocate, must be served by a court bailiff, at the expense of the party that so requires, at least 3 days before the date of the hearing.

If exceptional circumstances warrant it, in particular in an emergency, the member or special clerk of the Tribunal may shorten the period, that may not be less than 24 hours. The decision to shorten the period is indicated in the subpoena.

If circumstances require it, the member or special clerk of the Tribunal may, on request, authorize another method of notification.

A person may, in the same manner, be assigned to file a document or other evidence.

54. A person held in a detention centre or a penitentiary may only be summoned as a witness on an order from a member or a special clerk of the Tribunal commanding the warden or the jailer, as the case may be, to make the person appear according to the instructions in the order so that the person may testify.

The subpoena must be notified by a court bailiff at least 10 days before the hearing. If exceptional circumstances warrant it, in particular in an emergency, the member or special clerk of the Tribunal may shorten that period, that may not be less than 72 hours. The decision to shorten the period is indicated in the subpoena.

If circumstances require it, the Tribunal may, on request, authorize another method of notification.

55. A warrant for witness is issued by the Tribunal, at the request of a party, with respect to the witness whose testimony may be useful but who fails to attend despite having been duly summoned. A witness against whom a warrant for witness has been issued remains at the disposal of the Tribunal until the witness has testified.

The warrant for witness is executed by a court bailiff at the expense of the party who requests it.

DIVISION III
PROCEDURE

§1. General

56. Hearings are public. The Tribunal may, of its own initiative or at the request of one of the parties, order that a hearing be held in private if it considers it necessary in the interest of justice.

In addition, the Tribunal may, of its own initiative or at the request of one of the parties, prohibit or restrict the disclosure, publication or dissemination of information of any document.

57. Persons present at a hearing must be dressed appropriately and must conduct themselves in a respectful and restrained manner. They must refrain from disrupting the hearing.

58. Outside the hearing, neither a party nor the party's witness may address the Tribunal without the other party being present.

59. Before testifying, witnesses must swear under oath to tell the truth, the whole truth and nothing but the truth. Witnesses must state their name and place of residence or work, if applicable.

An expert witness must also swear that the testimony will respect the primary duty to enlighten the Tribunal and that the opinion provided will be objective, impartial, thorough and based on the most current knowledge on the questions on which the expert's opinion is required.

Where the services of an interpreter are needed for a hearing, the interpreter must swear that the translation will be accurate and impartial.

A refusal to take the oath constitutes a refusal to testify.

60. The Tribunal may, of its own initiative or at the requesdt of one of the parties, order that the witnesses testify outside the presence of one another.

§2. Recording of hearings

61. The Tribunal records hearings by any appropriate means.

If the Tribunal does not record the hearing, it must indicate the reasons in the minutes.

Only the persons who prove their status as journalists may make a sound recording of the proceedings and the decision, unless the Tribunal prohibits them from doing so; the recording may not be broadcast. In no case may images be recorded.

62. A person may request, in writing and on payment of costs, a copy of the sound recording made by the Tribunal.

No reproduction or broadcasting of any such recording is permitted.

§3. Contempt of court

63. A citation for contempt issued by the Tribunal orders the person who is charged with interfering with the ordinary course of the administration of justice or undermining the authority or dignity of the Tribunal, to appear at the place, day and time specified to hear proof of the facts against the person and to raise grounds of defence.

The citation must be notified personally by a court bailiff, unless, for valid grounds, the Tribunal authorizes another method of notification.

Contempt may be decided by a member other than the member before whom it was allegedly committed.

In exceptional circumstances, the Tribunal may immediately ask the person who is charged with contempt to explain themselves and to raise grounds of defence.

DIVISION IV
REOPENING OF HEARING

64. A member who has taken a case under advisement may, of the member's own initiative or at the request of one of the parties, allow the reopening of a hearing for the purposes and on the conditions determined by the member.

The Tribunal sends a notice of hearing to the parties.

CHAPTER IV
DECISION

65. A decision is rendered within 3 months after the matter is taken under advisement. To ensure the proper administration of justice, the chair may, however, extend that period.

If a member seized of a matter does not render a decision within the prescribed time, the chair may, on the chair's own initiative or at the request of one of the parties, remove the member from the matter and designate another member.

The new designated member may rely, as regards testimonial evidence, on the notes and minutes of the hearing or, as the case may be, on the stenographer's notes or the recording of the hearing.

Before extending the period or removing the member who has not rendered a decision with the prescribed time, the chair must take into consideration the circumstances and the interest of the parties.

66. The Tribunal sends to the parties a certified true copy of the decision, by mail, at the last address indicated in the record, except if it is rendered at the hearing.

The decision may also be sent using any other appropriate means, to the parties who have provided the required particulars of the place where they agree to receive the decision.

The sending of the notice is, in the absence of proof to the contrary, proof that it has been received by the addressee.

67. Where the Tribunal renders a decision at the hearing, it notes the conclusions in the minutes, a true copy of which may be issued on request.

CHAPTER V
DEPOSIT OF RENT

68. Where the Tribunal authorizes the deposit of rent, the rent must be deposited at any office of the Tribunal in cash, by cheque certified by a financial institution carrying on business in Québec, banker's draft or postal money order payable to the order of the Minister of Finance or by another method of payment offering the same guarantees and the Tribunal can accept the payment.

At the first deposit, it must be accompanied by the decision authorizing the deposit.

69. Rent deposited at the Tribunal may be remitted on the written consent of the parties.

A decision authorizing the remittal of the deposit of the rent is followed by an application for remittal, accompanied by a certificate of non-appeal, where applicable.

CHAPTER VI
MEANS TO CONTEST THE DECISION

DIVISION 1
REVOCATION

70. The application for revocation of a decision must include not only the grounds in support thereof, but also, if filed by the defendant to the original application, a brief statement of the grounds of defence to the original application.

71. If the Tribunal hearing an application for revocation of a decision grants the revocation, it may immediately hold a hearing on the original application or postpone the hearing.

72. An application for revocation of a decision must be heard by a member other than the member who rendered the decision.

Where the sole reason for the application is that a party was prevented from attending the hearing, the application may be heard by the member who rendered the decision which is the subject of the application for revocation.

CHAPTER VII
APPLICATIONS CONCERNING THE PRESERVATION OF DWELLINGS

DIVISION I
DEMOLITION OF DWELLINGS

73. If a lessee applies to the Tribunal for a ruling on the advisability of the demolition of a dwelling, the lessor must, within 10 days of receiving the application, file with any office of the Tribunal a list of the names and addresses of lessees who have received an eviction notice together with the dates of the end of their leases. The application may not be placed on the roll unless the lessor has filed that list.

The lessor must inform the Tribunal of any change to the list of lessees.

74. A lessee who applies to the Tribunal for a ruling on the advisability of the demolition of a dwelling may discontinue the application with the Tribunal's authorization and on the conditions the Tribunal considers necessary to protect the rights of the other lessees and, where applicable, of the person who wishes to preserve a dwelling as rental housing.

75. A person who wishes to preserve a dwelling as rental housing files a writing in the record, stating the person's name and address, before the notice of hearing is sent to the parties. The Tribunal sends the person a copy of the notice of hearing.

76. At the hearing, unless the Tribunal decides otherwise, the parties are heard in the following order: the lessor, the lessees and the persons who have made written statements, if any.

77. The Tribunal sends a notice of hearing and a copy of the decision to the lessor, to each lessee whose name appears on the list and to the persons who have made written statements, if any.

DIVISION II
ALIENATION OF AN IMMOVABLE LOCATED IN A HOUSING COMPLEX

78. A person applying to the Tribunal for authorization to alienate an immovable situated in a housing complex must file with any office of the Tribunal, together with the application, the updated cadastral description of the immovable and a list of the names and addresses of lessees in the housing complex and, where applicable, those of the promisor or of the owner. The application may not be placed on the roll unless the applicant has filed that information.

The applicant must inform the Tribunal of any change to the list of lessees.

79. The applicant must notify a copy of the application to each lessee in the housing complex and to every person who becomes a lessee.

The application for the alienation of an immovable located in a housing complex must also be notified, if applicable, to the owner or promisor.

80. The Tribunal sends a notice of hearing and a copy of the decision to the owner, to each lessee in the housing complex whose name appears on the list and to the persons who have made written representations, if any.

DIVISION III
CONVERSION OF A RENTAL RESIDENTIAL IMMOVABLE TO DIVIDED CO-OWNERSHIP

81. An owner who applies to the Tribunal for authorization to convert a rental residential immovable to divided co-ownership must file at any office of the Tribunal, together with the application, the updated cadastral description of the immovable and a list of the names and addresses of the immovable's lessees. The application may not be placed on the roll unless the owner has filed the information.

The owner must inform the Tribunal of any change to the list of lessees.

82. Sections 79 and 80 apply, with the necessary modifications, to an application for the conversion of a rental residential immovable to divided co-ownership.

DIVISION IV
INTERVENTION OF THE TRIBUNAL

83. The Tribunal convenes a person against whom it intends to render an order enjoining the person to comply with a decision respecting the conservation of dwellings or enjoining the person to cease or not undertake any operation contravening the Act respecting the Administrative Housing Tribunal (chapter T-15.01) in such matter and, where necessary, to restore the premises to a state of good repair.

The notice convening the person must indicate the place, date and time of the hearing and order the person to appear before the Tribunal to be heard on the facts giving rise to the intervention.

84. The Tribunal notifies by court bailiff, to the person concerned, the decision rendered.

CHAPTER VIII
RECORDS

85. Unless authorized by a member, where a hearing is adjourned or an application is taken under advisement, no exhibit may be removed from the record before the Tribunal's final decision is rendered or the proceeding terminating the proceedings is filed.

CHAPTER IX
FINAL

86. These Rules replace the Rules of procedure of the Administrative Housing Tribunal (chapter T-15.01, r. 5).

87. These Rules come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec.*

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