



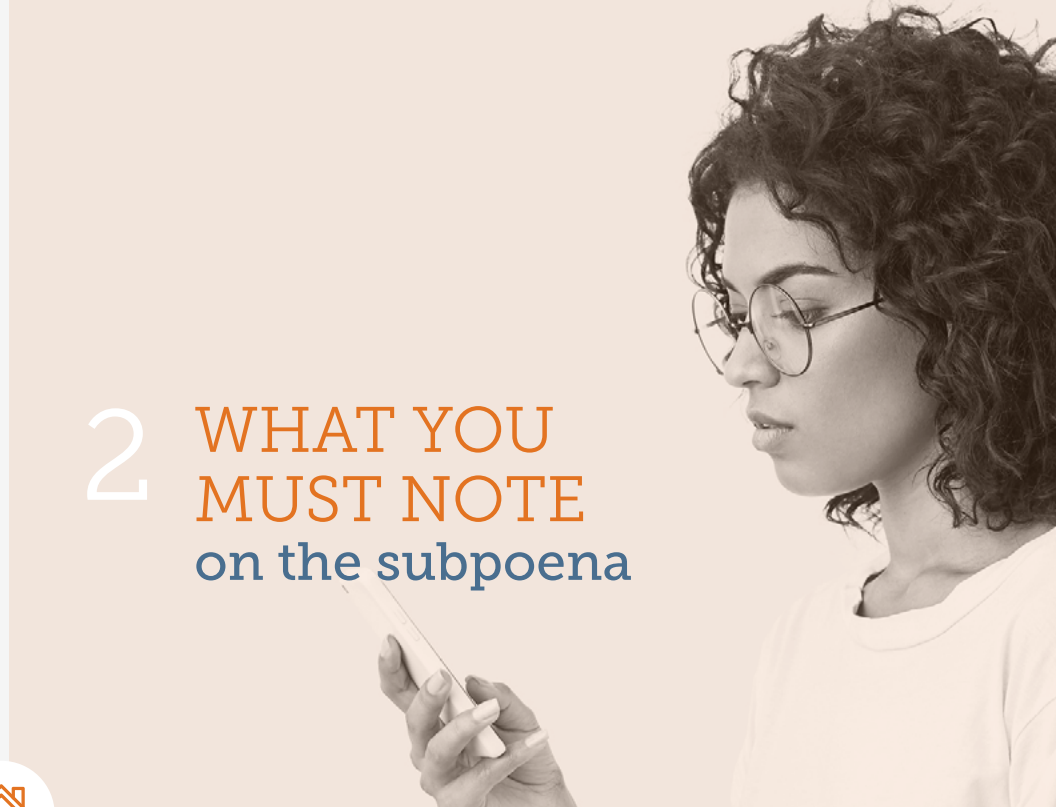
# GUIDE FOR WITNESSES SUMMONED

TO APPEAR BEFORE  
THE OACIQ DISCIPLINE  
COMMITTEE

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1 WHY  
you?



2 WHAT YOU  
MUST NOTE  
on the subpoena



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of your testimony



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your testimony

You have just received a writ of subpoena, also referred to as “**appearance notice**” or “**summons**”, ordering you to come and testify before the Discipline Committee of the Organisme d’autoréglementation du courtage immobilier du Québec (OACIQ)?



## DISCIPLINE COMMITTEE

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The **OACIQ Discipline Committee** is a decision-making body, created under the *Real Estate Brokerage Act*, in order to hear complaints concerning ethical breaches committed by brokers or agencies and impose penalties on those found guilty. The committee is composed of three members, including two brokers and a lawyer who presides over the hearing.

Through this guide, we wish to demystify your role as a witness vis-à-vis the parties involved and the committee.



Why  
YOU?





## You are in no way sued.

**You are only summoned to come and inform the committee of what you know and the facts you have personally witnessed in relation to the case subject of the hearing.**

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The role you have to play is essential for our justice system. It is your duty as a citizen to inform the committee about what you witnessed, i.e. what you were able to see, hear or say, so that justice can be done.

Other persons may be summoned to testify in the same case as you.



## CONSEQUENCE OF FAILURE TO APPEAR

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If you fail to appear and the committee considers your testimony useful, it has the power to compel you to appear before it and testify by issuing a warrant. If for a **SERIOUS** reason you are unable to appear, you must immediately contact the person who asked you to appear (*see section 1 of the notice*).



## WITNESS COMPENSATION

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Your employer must allow you to take time off work to go and testify. No penalty may be imposed on you by the employer for this reason. However, he is not obliged to pay you a salary for hours not worked. You should have received with your subpoena compensation for your travel expenses. In addition, and following your testimony, you may receive other allowances to which you are entitled, if applicable, as provided for by the Act and regulations. Please check the **“Witness information”** section attached to your subpoena.





WHAT YOU  
MUST NOTE  
on the subpoena



It is important to note **the place, date and time of the hearing** recorded on your **subpoena** (*see section 2 of the subpoena*).

If the **subpoena** mentions it (*see section 3 of the subpoena*), you must bring with you the documents listed therein. During your testimony, some questions will focus on these documents. We recommend that you read their content before your testimony and keep copies

for your records as it may take some time before you can recover them. In general, you may request them approximately 30 days following the final decision that has been rendered.

For more information about what is required of you or what is expected of you, it might be helpful and reassuring to contact the person who asked you to testify or the lawyer who represents that person (*see section 1 of the subpoena*).



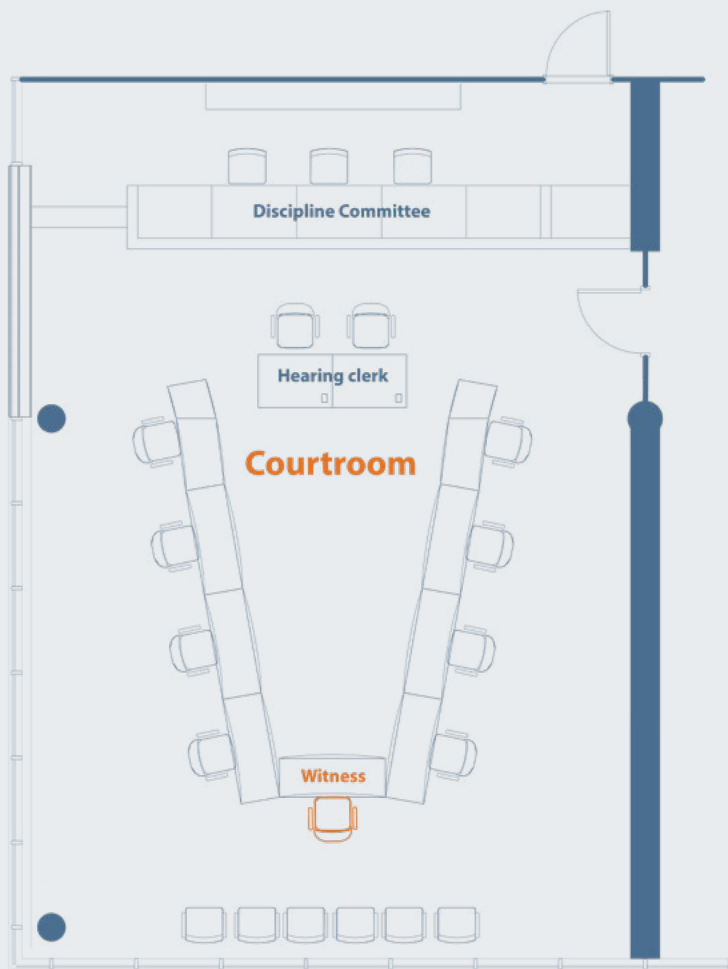


CONDUCT  
of your testimony



Go to the **waiting room near the hearing room** of the Discipline Committee located on the ground floor of the Organization's offices and wait for someone to call you. When the committee is ready, you will be invited to enter the hearing room.





Once in the hearing room, you will have to take the oath and give your name, address and occupation. Then you will be called to answer the questions of the person who summoned you and those of the other party. Note that the committee may intervene at any time and ask you questions as well.

It is difficult to estimate the time you will have to wait before testifying and you must remain at the committee's disposal until it releases you. While waiting or when you are still under oath, you are not allowed to discuss the content of your testimony with third parties or other witnesses for example.





Here are **some additional tips**  
and information:





Dress correctly;



Food, beverages and chewing gum are prohibited in the hearing room;



Turn off your cellphone or any other communication devices before entering the hearing room;



Address the chair of the committee by:  
"Mr. President" or "Madam President";



Use the designation "Maître" to address lawyers;



You have the right to testify in the language of your choice. If you are unable to understand or express yourself in the language used during the hearing, the services of an interpreter may be required to make your interrogation easier. In such a case, you must inform the person who requested your testimony in advance and as soon as possible;





Please listen carefully to the whole question before answering; If you do not understand it, do not hesitate to have it repeated or clarified;



Since you took an oath, you must tell the truth. Testify only to the facts you know (avoid speculating or trying to guess the facts you do not know);



Look at the committee when you answer questions even if it is the lawyers or the broker concerned by the complaint who ask them;



Be calm and relaxed and remain polite and respectful at all times;



If during your testimony you feel the need to take a break, do not hesitate to ask for it;



If a person or his/her lawyer objects to the question addressed to you, you must refrain from answering it and wait for the instructions of the chair.







**AFTER**  
your testimony



When your testimony is over and your presence is no longer needed, the Discipline Committee will release you. You may then leave.

As the hearings are public, you may remain in the room to attend the rest of the hearing, unless otherwise agreed by the parties or the Discipline Committee.

If you are eligible for indemnities or allowances (e.g. meal expenses, compensation if you suffered wage loss, etc.) other than those allocated for travel,

you may complete the form provided to you with your subpoena and submit it to the hearing clerk before leaving the room or deposit it in the box provided for that purpose in the waiting room.

We hope this guide answers your questions and would like to thank you for your collaboration with our justice system. Do not hesitate to contact the person who summoned you to appear for any other questions (*see section 1 of the subpoena*).



450-462-9800  
or 1-800-440-7170

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