

## **GUIDELINES OF THE OACIQ DISCIPLINE COMMITTEE**

### **SECTION I**

#### **ADMINISTRATION**

1. Any communication or request must be sent via the Registry, either by email at [greffes@oaciq.com](mailto:greffes@oaciq.com) or by mail. Any email notification to the Registry must be sent to [notificationgreffes@oaciq.com](mailto:notificationgreffes@oaciq.com).
2. The Registry of the Discipline Committee is open Monday to Friday from 8:30 am to 4:30 pm, except for statutory holidays and the closure for the Holiday season period.
3. The parties and their lawyers shall notify the Registry of the Discipline Committee immediately of any contact information change.
4. Anyone can consult a file of the Discipline Committee. Consultations are by appointment and in the presence of the committee's secretary or a person designated by the secretary.

### **SECTION II**

#### **REPRESENTATION BY A LAWYER**

5. Any party has the right to be assisted or represented by a lawyer.
6. The summons must be sent as soon as possible to the [Registry](#) and to the opposing party's lawyer, using the communication method indicated in item 1.
7. A lawyer who agrees to represent a party once the hearing date is set thereby confirms their availability for the retained hearing date(s).
8. Before the hearing date is set, the lawyer who wishes to cease representing a party may do so if he notifies the party he represents, the other parties, and the Registry of his intention.
9. Once the hearing date is set, the lawyer cannot cease to represent his party without the permission of the chair or vice-chair in charge of the case. Such permission can be obtained after submitting a written request to that effect.
- 9.1 The party revoking the mandate of its lawyer must, without delay, notify the Registry and the other parties in writing, indicating its intention to appoint a new lawyer or to act alone.

### **SECTION III**

#### **PROVISIONAL ROLL CALL**

10. The provisional roll call is held via videoconference by the chair or one of the vice-chairs of the Discipline Committee.
11. The parties are summoned to a provisional roll call to set a date for the hearing, determine the duration thereof, and settle any preliminary motion, if any. To schedule the hearing date, the parties or their lawyers must send the *Questionnaire for setting the*

hearing date form to the Registry and to the opposing party no later than the date specified on the summons notice.

11.1. No requests received, such as requests for postponement, setting of consent between the parties or others, will be processed by the Registry after the deadline indicated in the notice accompanying the complaint in anticipation of the roll call.

11.2. Any party wishing to file a motion after the deadline specified in the notice shall do so verbally during the roll call after obtaining permission from the chair or vice-chair.

12. The aim of the provisional roll call is to speed up the setting of hearing dates and to meet the deadlines set out in the *Regulation respecting disciplinary proceedings of the* Organisme d'autoréglementation du courtage immobilier du Québec, i.e., within 180 days following the notification of the complaint or within 120 days following conviction.

13. During the roll call, the parties or their respective lawyers must have their availability dates and those of their witnesses on hand.

14. A hearing date can be set unilaterally by the Discipline Committee if a party is not present or represented during the roll call.

15. Following the provisional roll call, a hearing notice confirming the date retained by the Committee is served on the parties and their lawyers, if any.

15.1 A copy of the minutes of the provisional roll call is sent to the parties that are bound by its content.

16. Section X below applies during the provisional roll call.

#### **SECTION IV**

##### **REQUEST FOR POSTPONEMENT OF HEARING**

17. The Discipline Committee may, ex officio or at the request of a party, postpone the hearing to another date.

18. The reasoned request for postponement must be sent in writing to the [Registry](#) and to the opposing party, using the communication method specified in item 1, as soon as possible.

19. Any request must state serious reasons justifying the postponement of the hearing and, where applicable, be accompanied by supporting documents (e.g., a doctor's note), even if all parties agree.

#### **SECTION V**

##### **MANAGEMENT CONFERENCE**

20. The chair or one of vice-chairs may, ex officio or at the request of one of the parties, require that a management conference be held to ensure the orderly conduct of forthcoming proceedings.

21. The management conference is held in the presence of the parties and/or their lawyers, via videoconference or conference call.

22. The aim of the management conference includes:
- 1° specifying the commitments to be fulfilled before the hearing and their deadlines;
  - 2° determining whether it is possible to simplify, facilitate, or speed up the hearing, notably by clarifying the disputed issues or by admitting certain facts or evidence;
  - 3° handling various preliminary requests or requests during the proceedings (e.g., testimony via videoconference for certain witnesses).
23. A copy of the minutes of the management conference is sent to the parties that are bound by its content.

## **SECTION VI**

### **SUMMONS OF WITNESSES**

24. The Discipline Committee summons witnesses deemed expedient to be heard by the committee or any of the parties. The list of witnesses to summon must be sent to the [Registry](#), using the communication method specified in item 1 at least 20 days prior to the hearing and must contain the following information:
- 1° The first and last name of the witness;
  - 2° His licence number, if any;
  - 3° His full address, including the postal code;
  - 4° His phone number;
  - 5° The time the witness should show up on the day of the hearing;
  - 6° The indemnities and allowances payable to the witness, if any;
  - 7° The information relating to any document that should be brought (*duces tecum*), if any.
25. The party that requested the summons of a witness is responsible for that witness. If the testimony is no longer required, the party must take steps to withdraw the summons and inform the opposing party.

## **SECTION VII**

### **TESTIMONY VIA VIDEOCONFERENCE**

26. Under certain circumstances and with the Committee's permission, it is possible to hear testimonies via videoconference. To do this, the parties must:
- 26.1 Send written authorization request to the [Registry](#), using the communication method specified in item 1 as soon as possible by indicating the name of the witness concerned by the request for testimony via videoconference and the reasons for said request.
- 26.2 To obtain permission to testify by videoconference, the party responsible for the witness must:
- 1° Certify that the witness has the necessary equipment to hold a videoconference;

2° Certify that a successful videoconference test has been conducted with the witness.

26.3 When the committee authorizes a witness to testify by videoconference, the party responsible for the witness must:

- 1° Ensure that the witness has received the videoconference link;
- 2° Agree with the witness on the time of his or her testimony, taking into account the time difference, if any.
- 3° Arrange another appointment during the second day of hearing (if necessary) should problems occur.
- 4° Communicate the committee's rules and guidelines to the witness, notably with regard to decorum;
- 5° Provide for an alternative means of communication in case of technical problems.

## SECTION VIII

### REQUEST FOR AN INTERPRETER

27 A party wishing to enlist the services of an interpreter for themselves or a witness must make a request during the provisional roll call and provide the following information:

- 1° The name of the witness;
- 2° The date, time, and duration of the testimony;
- 3° The language requested (e.g.: from Mandarin into French)

A party that did not make its request during the roll call may submit its request in writing to the committee, using the method of communication specified in item 1, at least 20 days prior to the scheduled hearing date, providing the information listed above.

## SECTION IX

### COMMUNICATION, ADMINISTRATION OF DOCUMENTS AND EVIDENCE, AND AUTHORITIES

28 The OACIQ Discipline Committee is a paperless tribunal. No copies of proceedings and/or paper documents may be filed with the committee's registry.

28.1 All exhibits, procedures, authorities, or other documents must be filed digitally with the registry by email at [greffes@oaciq.com](mailto:greffes@oaciq.com) **no later than four business days** before the hearing, unless otherwise agreed upon and approved by the chair or vice-chair.

28.2 The filing date of any digital document is the date on which it is received by the registry. Any document filed after 4:30 pm is deemed to have been filed on the next business day.

28.3 Exhibits, procedures, authorities, or other digital documents must be submitted to the registry in PDF format to ensure the integrity of the documents.

28.4 Exhibits, procedures, authorities, or other documents placed on file but not produced during the hearing will be destroyed and no longer be part of the file once the hearing is over.

28.5 Lawyers and parties must have at their disposal all the necessary computer equipment such as a computer, tablet, or smart phone, enabling them to consult the digital exhibits and documents during the hearing.

## **SECTION X**

### **HEARINGS**

29 The Discipline Committee holds its hearings at the OACIQ Head office located at 4905 Lapinière Boulevard in Brossard or in any other location determined by the Committee. A hearing may also be held via videoconference.

30 The hearings start at 9:30 am or at any other time set by the Committee.

31 The individuals attending a hearing in person shall stand up when the Committee members enter the room and remain standing until the members take their seats.

32 Hearings are public unless the Committee orders that the hearing be held in camera.

32.1 Any member of the public wishing to attend a hearing by videoconference must first complete and return the [Request to attend a hearing by technological means form](#) by email to the [Registry](#) of the Discipline Committee. After receiving the form, a confirmation email containing the link will be sent.

33 The individuals attending a hearing shall be properly dressed, behave appropriately, and observe decorum. They must abstain from any behaviour that could disrupt the smooth conduct of the hearing.

34 Cellphones or any other electronic devices must be turned off before entering the hearing room.

35 No drink or food is permitted in the hearing room, except for a bottle of water.

36 Any person attending a hearing is prohibited, under pain of contempt of court, from:

- 1° Sharing the link received to attend the virtual or semi-virtual hearing;
- 2° Allowing other persons to attend the virtual or semi-virtual hearing with him or her;
- 3° Recording, disseminating, filming, taking screenshots of the virtual hearing room, or taking photos of the hearing room;
- 4° Reproducing or communicating, by any means whatsoever, all or part of the images or audio of the hearing;
- 5° Intervening without the permission of the Committee's Chair or Vice-chair.

37        Anyone attending a virtual hearing shall keep their camera and microphone open at the start of the hearing to receive instructions from the Committee's Chair or Vice Chair.

38        A person attending a virtual hearing as a member of the public or media shall keep their microphone and camera turned off after receiving instructions from the chair or vice-chair.

39        Lawyers and parties must keep their microphones muted until it is their turn to speak.

40        When parties and their lawyers are transferred to virtual consultation rooms during a break, they must remain there until the clerk closes those rooms.