

**COMMUNITY REVIEW FEEDBACK REPORT
REGULATION RESPECTING REQUESTS FOR EVICTION ORDERS**

DATE RECEIVED	FEEDBACK - GENERAL	RESPONSES
<p>Submitted by e-mail on February 2, 2024 @ 2:55 PM</p>	<p>Section 15 (Payment of filing fees or expenses): Should there be a fee indicated or is it not determined as of yet?</p>	<p>The required fees that must be paid for a document to be considered validly filed have not been determined as of yet. It is expected that they will be established in a separate document.</p>
	<p>Section 19.1 (Dismissal of proceeding): The Justice may, upon an incidental request, dismiss a proceeding it deems improper.....should it read he/she instead of "it?"</p>	<p>This was a clerical oversight that will be corrected. The correction will read that the Justice "may, upon an incidental request, dismiss a proceeding <u>they deem</u> improper or unreasonably delayed, or subject it to certain conditions."</p>
	<p>Section 30.9 (Witnesses): Professional secrecy means..... should this not be in "definitions?"</p>	<p>Yes - it will be moved to the definition section for ease of reference.</p>
	<p>Section 38.1 (Decorum): Should this continue "or be subject to removal or expulsion"?</p>	<p>Agreed - the statement "or be subject to removal or expulsion" will be added to section 38.1.</p>
	<p>Section 56.1 (Use of force): The last sentence says "the bailiff may request the assistance of a Peacekeeper." My question would be, "what about the compliance officer, can he/she request assistance of a Peacekeeper?" Or will this be in an addendum to this regulation, and not necessarily in this document?</p>	<p>This question pertains to the use of force for entry when removing property or evicting a person pursuant to section 56.1 of the draft regulation. It states that the bailiff may request the assistance of a Peacekeeper if they are concerned about possible difficulties.</p> <p>In this situation, it would be the bailiff who would request the assistance of the Peacekeepers since it is the bailiff who would be entering the premises and performing the actual removal of property or eviction of a person. The Compliance Officer gives execution instructions to the bailiff but does not carry-out the actual execution of an eviction order.</p>

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DATE RECEIVED	TOPIC	RESPONSES
<p>Focus group held on February 7, 2024</p> <p><i>*Note: Only two (2) questions were asked to focus group participants due to the procedural nature of the draft regulation.</i></p>	<p>It was asked by the Technical Drafting Committee whether an individual who was not authorized to practice law in the province or otherwise authorized by law to represent a person (e.g.: tutor) should be able to represent a respondent before the Court of Kahnawà:ke with prior authorization.</p> <p>This question pertained to section 3.8 (definition of “Representative) of the draft regulation.</p>	<p>There was support by focus group participants for removing this option from the list of potential representatives in section 3.8 of the draft regulation. Several concerns were raised about this type of representative. These concerns included how such representatives would work better with the Administrative Tribunal (which deals with less serious matters), that such representatives are not permitted before the Court of Kahnawà:ke in any other matters, that ethical rules would not apply to them as it would for lawyers, and whether it would even be worthwhile to include on the basis that the standard for prior authorization would be high.</p> <p>In light of the feedback received by the focus group, section 3.8(3) of the draft regulation will be deleted. Moreover, this revision will also require the deletion of sections 21.1-21.3 (Representation) of the draft regulation to ensure consistency throughout the document.</p>
	<p>It was asked by the Technical Drafting Committee whether the sections on recusation should be removed from the regulation and placed in a separate document (like a policy) that would then apply to all types of court proceedings.</p> <p>The sections on recusation deal primarily with how situations of conflict of interest or reasonable apprehension of bias on the part of a Justice would be managed.</p> <p>This question pertained to sections 39-43 (Recusation) of the draft regulation.</p>	<p>There was support by focus group participants to remove the recusation sections from the draft regulation and that they be put into a document that would apply to all types of court proceedings. It was understood by the focus group that these provisions would one day be placed in a regulation setting out general rules of court but until then would be housed in a policy, code of conduct or other similar type of document.</p> <p>In light of the feedback received by the focus group, sections 39-43 (Recusation) of the draft regulation will be removed and placed into a separate document that will apply to all court proceedings.</p>