



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 31
(2024, chapter 2)

**An Act to amend various legislative
provisions with respect to housing**

**Introduced 9 June 2023
Passed in principle 26 September 2023
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EXPLANATORY NOTES

This Act amends the Civil Code to provide that the lessor of a dwelling that is situated in a recently built immovable or that has been the subject of a recent change of destination must indicate in the lease the maximum amount that the lessor could impose as rent in the five years after the date on which the immovable is ready for its intended use. The Act adds elements to the minimum content to be included in a notice of modification of the conditions of a lease and amends certain rules concerning repossession of a dwelling or eviction or concerning non-renewal of the lease of a dwelling that is subleased for more than 12 months, including by adding presumptions whereby lessees having received a notice of eviction from their dwelling or of non-renewal of their lease are deemed to have refused if they do not reply within the time allotted. Changes are made to the amount of the indemnity that a lessor must pay to the lessee being evicted, and an obligation is introduced for the lessor to prove, in proceedings for damages arising from such a repossession or eviction, that it was carried out in good faith. The Act provides for the granting of punitive damages where the lessor makes, at the time a lease is entered into, a misrepresentation concerning the last rent paid and where the lessor's dwelling has become unfit for occupation due to the lessor's negligence. Lastly, the Act prohibits a lessee who transfers his or her lease from requiring consideration or from subleasing his or her dwelling for an amount exceeding the rent the lessee pays to the lessor, and allows the lessor of a dwelling to terminate the lease after receiving a notice of lease assignment from the lessee.

The Civil Code is amended to provide that the rules adopted by the Government with respect to maintenance logs and contingency fund studies may vary according to the characteristics of an immovable, and to allow the leasing to persons pursuing studies, by an owner recognized in accordance with a government regulation, of dwellings that are subject to special provisions applicable to the lease of a dwelling intended for a person pursuing studies.

The Act respecting municipal taxation is amended in order to limit the scope of tax exemptions granted by operation of law to university establishments and to allow a non-profit legal person recognized for the lease of dwellings intended for persons pursuing studies to be exempted from taxes by the Commission municipale du Québec.

The Act respecting the Société d'habitation du Québec is amended to allow the Société d'habitation du Québec to require financial compensation when it grants a loan or a loan guarantee, to provide certain services and to invest, with the authorization of and on the conditions determined by the Government, in a limited partnership. In addition, the Société may, with the authorization of the Minister of Finance, alienate its immovables below their market value. A municipality or a housing bureau that alienates a low-rental housing immovable may use the proceeds of the alienation for renovating or rebuilding such an immovable or for creating affordable housing, with the authorization of the Société. The Société is granted the power to acquire immovables by exercising a pre-emptive right. The maximum period of time that housing agencies may be placed under provisional administration is increased to 12 months, and the extension period allowed is increased to 6 months. A director dismissed from office by a decision of the Minister ceases to be qualified to sit on the board of directors of a housing agency. Furthermore, the Société may determine fees, costs or tariffs by regulation.

The Companies Act and the Cooperatives Act are amended to, among other things, specify that non-profit organizations and housing cooperatives that own an immovable that was acquired or built or has been restored or renovated with the help of housing assistance are subject to requirements specific to such immovables. Certain provisions of the Cooperatives Act are also amended to harmonize that Act with the Companies Act.

The Act amends certain rules set out in the Act respecting the Administrative Housing Tribunal concerning the organization of the Administrative Housing Tribunal and the procedure applicable before it, in particular to allow the parties to be represented by a mandatory of their choice and to allow the Tribunal to hear any application for an order relating to the lease of a dwelling, regardless of the amount involved. The amounts of the fines related to offences under that Act are increased.

The Act respecting land use planning and development is amended to specify that a land use planning and development plan and a planning program must describe anticipated housing needs, including with respect to social or affordable housing.

The Act also amends the Act respecting the Communauté métropolitaine de Montréal to allow the Communauté métropolitaine de Montréal to reimburse the contribution paid by a municipality in its territory for the carrying out of a housing project not covered by a program of the Société d'habitation du Québec.

The Act contains temporary provisions, including the possibility for a minister having authority over an immovable to alienate it, by gratuitous or onerous title, for purposes of social or affordable housing or of dwellings intended for persons pursuing studies. The Act also authorizes the building of an accessory dwelling in certain residential buildings, despite the urban planning by-laws in force, and allows a municipality, in certain circumstances, to authorize a housing project that includes at least three dwellings that are at variance with its planning by-laws.

Lastly, the Act contains transitional and final provisions.

LEGISLATION AMENDED BY THIS ACT:

- Civil Code of Québec;
- Act respecting land use planning and development (chapter A-19.1);
- Cities and Towns Act (chapter C-19);
- Municipal Code of Québec (chapter C-27.1);
- Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);
- Companies Act (chapter C-38);
- Cooperatives Act (chapter C-67.2);
- Act respecting municipal taxation (chapter F-2.1);
- Act respecting the Société d’habitation du Québec (chapter S-8);
- Act respecting public transit authorities (chapter S-30.01);
- Act respecting the Administrative Housing Tribunal (chapter T-15.01);
- 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).

Bill 31

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS WITH RESPECT TO HOUSING

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CIVIL CODE OF QUÉBEC

1. Article 1070.2 of the Civil Code of Québec is amended by adding the following sentence at the end of the second paragraph: “The standards provided in the regulation may vary according to the characteristics of an immovable.”

2. Article 1071 of the Code, amended by section 39 of chapter 28 of the statutes of 2019, is again amended, in the second paragraph,

(1) by striking out “Every five years,”;

(2) by inserting “and determines the intervals at which a new study must be obtained by the board of directors. The standards may vary according to the characteristics of an immovable” at the end.

3. Article 1896 of the Code is amended by adding the following sentence at the end of the first paragraph: “If the notice contains a misrepresentation or the lessor knowingly fails to give notice, the lessee may demand that the lessor be condemned to pay punitive damages.”

4. Article 1917 of the Code is amended by adding the following paragraph at the end:

“It may also, at the request of the lessee, award punitive damages if the dwelling has become unfit for habitation as a result of negligence on the part of the lessor.”

5. Article 1943 of the Code is amended by inserting “shall indicate the lessee’s rights and remedies set out in articles 1945 and 1947 and contain any other particular prescribed by regulation. It” after “The notice” in the second paragraph.

6. The Code is amended by inserting the following article after article 1944:

“1944.1. Within one month after receiving the notice referred to in article 1944, the lessee of a dwelling subleased for more than 12 months is bound to notify the lessor that he refuses to terminate the lease or that he is

vacating the dwelling; otherwise, he is deemed to have refused to vacate the dwelling.”

7. Article 1947 of the Code is replaced by the following article:

“1947. Where a lessee objects to the proposed modification, the lessor may apply to the court, within one month after receiving the notice of objection, to have the rent fixed or for a ruling on any other modification of the lease, as the case may be. Where a lessee who has subleased his dwelling for more than 12 months refuses to vacate the premises, the lessor may also apply to the court to terminate the lease.

If the lessee fails to file an application within one month after the objection or the refusal, the lease is renewed by operation of law on the same conditions.

If the court dismisses the application to terminate the lease but its decision is rendered after the expiry of the time for giving notice of modification of the lease, the lease is renewed but the lessor may, within one month after the final judgment, apply to the court to have a new rent fixed.”

8. Article 1948 of the Code is amended

(1) by striking out “A lessee who has subleased his dwelling for more than 12 months, or” in the first paragraph;

(2) by striking out “of the lessee” in the second paragraph.

9. Article 1955 of the Code is amended by replacing the third paragraph by the following paragraph:

“Those restrictions may not be set up by the lessor against the lessee unless they are set out in the lease and, in the case of a dwelling referred to in the second paragraph, unless the lease indicates the maximum rent that the lessor may impose in the five years after the date on which the immovable is ready for its intended use.”

10. Article 1962 of the Code is amended by replacing “notice of repossession” by “a notice of repossession or of eviction”.

11. Article 1963 of the Code is amended

(1) by inserting “or evict the lessee” after “repossess it” in the first paragraph;

(2) by replacing “for the purpose mentioned in the notice and not as a pretext for other purposes” in the second paragraph by “or evict the lessee for the purpose mentioned in the notice and not as a pretext for other purposes and, in the case of an eviction, that the subdivision, enlargement or change of destination of the dwelling is permitted by law”.

12. Article 1965 of the Code is amended

(1) by replacing the first paragraph by the following paragraph:

“The lessor shall pay to the evicted lessee reasonable moving expenses as well as an indemnity equal to one month’s rent for each year of uninterrupted lease of the dwelling by the lessee, which indemnity may not however exceed an amount representing 24 months’ rent or be less than an amount representing 3 months’ rent. If the lessee considers that the injury suffered warrants a greater indemnity, the lessee may apply to the court to have the amount fixed.”;

(2) by adding “Unless the court decides otherwise,” at the beginning of the second paragraph.

13. Article 1966 of the Code is repealed.

14. Article 1968 of the Code is replaced by the following article:

“1968. The lessee may recover damages resulting from repossession or eviction, whether or not he has consented to it, unless the lessor proves that the repossession or eviction was in good faith.

The lessee may also apply for punitive damages against the lessor if the lessee shows that the repossession or eviction was in bad faith.”

15. The Code is amended by inserting the following subdivision after article 1978:

“§8.1. — *Assignment of lease*

“1978.1. If the notice of assignment provided for in article 1870 concerns a lease of a dwelling, it must indicate the date of assignment fixed by the lessee.

“1978.2. A lessor who is given notice of the lessee’s intention to assign the lease may refuse to consent to it for a reason other than a serious reason referred to in the first paragraph of article 1871. In such a case, the lease is resiliated on the date of assignment indicated in the notice sent by the lessee.”

16. The Code is amended by inserting the following articles before the heading of subdivision 9 of Division IV of Chapter IV of Title II of Book V:

“1978.3. A lessee who assigns his lease may not exact consideration.

“1978.4. A lessee who subleases his dwelling may not exact, in addition to the cost of the services offered and reasonable expenses for the use of movable property owned by the lessee, an amount exceeding the rent the lessee pays to the lessor.”

17. The heading of subdivision I of subdivision 9 of Division IV of Chapter IV of Title Two of Book Five of the Code is replaced by the following heading:

“I.—Lease of a dwelling intended for a person pursuing studies”.

18. Article 1979 of the Code is amended

(1) by inserting the following paragraph after the first paragraph:

“A person who leases a dwelling situated in an immovable for which the owner is recognized in accordance with a government regulation is entitled to maintain occupancy for any period during which the person is enrolled in an educational institution as a full-time student. The government regulation establishes the terms and criteria for obtaining such a recognition and the authority in charge of granting it.”;

(2) in the second paragraph,

(a) by replacing “Celle” in the French text by “La personne”;

(b) by striking out “non plus” in the French text.

19. Article 1980 of the Code is amended

(1) by replacing the first paragraph by the following paragraph:

“A person pursuing studies who wishes to avail himself of the right to maintain occupancy shall give notice that he intends to renew the lease. The notice shall be given one month before the expiry of the lease in the case of a dwelling leased from an educational institution, and three months, but not more than six months, before the expiry of the lease in the case of a dwelling situated in an immovable for which the owner is recognized.”;

(2) by inserting “or an owner holding a recognition” after “institution” in the second paragraph.

20. Article 1981 of the Code is replaced by the following article:

“1981. A person pursuing studies who leases a dwelling from an educational institution may not sublease his dwelling or assign his lease.

A person who leases a dwelling situated in an immovable for which the owner is recognized may, with the owner’s consent, sublease his dwelling or assign his lease.”

21. Article 1982 of the Code is amended

(1) by inserting “or an owner holding a recognition” after “institution”;

(2) by replacing “The person pursuing studies” by “A person pursuing studies who leases a dwelling from an educational institution”.

22. Article 1983 of the Code is replaced by the following article:

“1983. The lease of a person pursuing studies who leases a dwelling from an educational institution is terminated by operation of law when the person terminates his studies or when the person ceases to be enrolled in the educational institution.”

23. The Code is amended by inserting the following article after article 1983:

“1983.1. A lessee of a dwelling for which the lease was entered into before the owner obtained a recognition continues to benefit from the right to maintain occupancy, whether or not the lessee is pursuing studies.”

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

24. Section 5 of the Act respecting land use planning and development (chapter A-19.1) is amended by replacing “housing needs” in subparagraph 6 of the second paragraph by “needs with respect to housing, including social or affordable housing.”

25. Section 83 of the Act is amended by replacing “housing needs” in subparagraph 5 in the second paragraph by “needs with respect to housing, including social or affordable housing.”

26. Section 148.0.14 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“The lessor must pay the moving expenses and the indemnity provided for in the first paragraph of article 1965 of the Civil Code to a lessee evicted from a dwelling.”;

(2) by adding “Unless the Administrative Housing Tribunal orders otherwise,” at the beginning of the second paragraph.

CITIES AND TOWNS ACT

27. Section 500.2 of the Cities and Towns Act (chapter C-19) is amended by replacing “a university establishment within the meaning of the University Investments Act (chapter I-17)” in subparagraph 2 of the first paragraph by “an educational institution at the university level referred to in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1)”.

28. Section 572.0.3 of the Act is amended

(1) by inserting the following paragraph after the third paragraph:

“A notice of pre-emptive right may, however, be registered in respect of an immovable that was the subject of such a notice registered by the Société d’habitation du Québec under the Act respecting the Société d’habitation du Québec (chapter S-8). In such a case, the municipality shall inform the Société d’habitation du Québec, which shall then have the notice removed from the land register. The municipality shall reimburse the Société for the expenses incurred with respect to the notice.”;

(2) by inserting “or of the Société d’habitation du Québec” after “paragraph” in the fourth paragraph.

MUNICIPAL CODE OF QUÉBEC

29. Article 1000.2 of the Municipal Code of Québec (chapter C-27.1) is amended by replacing “a university establishment within the meaning of the University Investments Act (chapter I-17)” in subparagraph 2 of the first paragraph by “an educational institution at the university level referred to in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1)”.

30. Article 1104.1.3 of the Code is amended

(1) by inserting the following paragraph after the third paragraph:

“A notice of pre-emptive right may, however, be registered in respect of an immovable that was the subject of such a notice registered by the Société d’habitation du Québec under the Act respecting the Société d’habitation du Québec (chapter S-8). In such a case, the municipality shall inform the Société d’habitation du Québec, which shall then have the notice removed from the land register. The municipality shall reimburse the Société for the expenses incurred with respect to the notice.”;

(2) by inserting “or of the Société d’habitation du Québec” after “paragraph” in the fourth paragraph.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE
DE MONTRÉAL

31. Section 119 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) is amended by replacing paragraph 3 by the following paragraph:

“(3) social, affordable or student housing;”.

32. The heading of Division IV of Chapter III of the Act is amended by replacing “SOCIAL HOUSING” by “SOCIAL, AFFORDABLE OR STUDENT HOUSING”.

33. Section 152 of the Act is amended by replacing “social housing fund” and “social housing development project” by “housing fund” and “housing project that includes social or affordable housing or dwellings intended for persons pursuing studies within the meaning of article 1979 of the Civil Code”, respectively.

34. Section 153.1 of the Act is amended by adding the following paragraph at the end:

“It may reimburse to such a municipality any other contribution the municipality paid for a housing project that includes social or affordable housing or dwellings intended for persons pursuing studies within the meaning of article 1979 of the Civil Code.”

COMPANIES ACT

35. The heading of Division III.2 of Part III of the Companies Act (chapter C-38) is amended by replacing “BUILT, ACQUIRED” by “ACQUIRED, BUILT”.

36. Section 227.7 of the Act is amended

(1) by replacing “with a social or community destination that was built or acquired” by “, including land, with a social or community destination that was acquired or built”;

(2) by inserting “, for the purposes of that destination,” after “granted”.

37. Section 227.10 of the Act is amended by replacing “a certified statement from the Land Registrar of the charges encumbering the immovable” in the first paragraph by “an up-to-date copy of the land file opened for the immovable in the land register setting out the charges encumbering it and covering a period of at least 35 years”.

COOPERATIVES ACT

38. The Cooperatives Act (chapter C-67.2) is amended by inserting the following section after section 191:

“191.1. As part of the winding-up of a housing cooperative, the Minister of Revenue or the designated liquidator may, with regard to an immovable that is included in the cooperative’s assets, after sending the Conseil québécois de la coopération et de la mutualité a summary description of each of the purchase offers received for the immovable, accept a purchase offer the amount of which

is not the highest, regardless of when it was received, if the following conditions are met:

(1) the offer maintains the social or community destination of the immovable or confers on it such a destination;

(2) the amount of the offer is

(a) equal to or greater than the lesser of the amount of the municipal assessment or that of the market value of the immovable established by a chartered appraiser, taking into account, if applicable, the social or community destination of the immovable; or

(b) higher than that of the other offers that meet the condition set out in subparagraph 1; and

(3) in the 15 days after obtaining the summary description of the offers, the Conseil québécois de la coopération et de la mutualité agreed to, or did not object to, the acceptance of the offer.

39. The heading of subdivision 2 of Division I of Chapter IV of Title II of the Act is amended by replacing “*built, acquired, restored or renovated under a housing assistance program*” by “*acquired, built, restored or renovated with the help of housing assistance*”.

40. Section 221.2.3 of the Act is amended by replacing “has been built, acquired, restored or renovated under a housing assistance program of the Government, the federal government or one” in the introductory clause by “, including land, with a social or community destination was acquired or built or has been restored or renovated, for the purposes of that destination, with the help of housing assistance granted by the Government, the federal government or one”.

41. Section 221.2.6 of the Act is amended by replacing “any assistance program” and “a certified statement from the Land Registrar of the charges encumbering it” in the first paragraph by “assistance” and “an up-to-date copy of the land file opened for the immovable in the land register setting out the charges encumbering it and covering a period of at least 35 years”, respectively.

42. Section 246.1 of the Act is amended

(1) by replacing “built, acquired, restored or renovated under a housing assistance program without the authorization of the Minister” in paragraph 4 by “acquired, built, restored or renovated with the help of housing assistance without the Ministers’ joint authorization”;

(2) by replacing “the Minister’s” and “built, acquired, restored or renovated under a housing assistance program” in paragraph 5 by “the Ministers’ joint” and “acquired, built, restored or renovated with the help of housing assistance”.

43. The Act is amended by replacing all occurrences of “a building” and “the building” by “an immovable” and “the immovable”, respectively.

ACT RESPECTING MUNICIPAL TAXATION

44. Section 204 of the Act respecting municipal taxation (chapter F-2.1) is amended by replacing “a university establishment within the meaning of the University Investments Act (chapter I-17)” in paragraph 13 by “an educational institution at the university level referred to in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1)”.

45. Section 236 of the Act is amended by replacing “a university establishment within the meaning of the University Investments Act (chapter I-17)” in subparagraph *c* of paragraph 1 by “an educational institution at the university level referred to in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1)”.

46. Section 243.7 of the Act is amended by replacing the second paragraph by the following paragraph:

“However, no recognition shall be granted in respect of an immovable if that use consists in

(1) providing lodging, unless the lodging is temporary or is intended for persons enrolled in an educational institution; or

(2) storage services other than those inherent in the conservation of objects referred to in subparagraph 2.1 of the second paragraph of section 243.8.”

47. Section 243.8 of the Act is amended by inserting the following subparagraph after subparagraph 2.1 of the second paragraph:

“(2.2) the lease of dwellings to persons enrolled in an educational institution at the university level referred to in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1), a general and vocational college, a college-level institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1), a private educational institution accredited for purposes of subsidies, under the Act respecting private education (chapter E-9.1), with respect to college-level general and vocational instructional services, or the Conservatoire de musique et d’art dramatique du Québec;”

48. The Act is amended by inserting the following section after section 243.10.1:

“243.10.2. For the purposes of subparagraph 2.2 of the second paragraph of section 243.8, the lessor must hold, in respect of the immovable concerned by the application, a recognition granted under article 1979 of the Civil Code.”

49. Section 255 of the Act is amended by replacing “a university institution within the meaning of the University Investments Act (chapter I-17)” in subparagraph 1 of the third paragraph by “an educational institution at the university level referred to in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1)”.

ACT RESPECTING THE SOCIÉTÉ D’HABITATION DU QUÉBEC

50. Section 3 of the Act respecting the Société d’habitation du Québec (chapter S-8) is amended by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) to promote housing construction, acquisition, development, restoration and management;”.

51. Section 3.1 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“Programs implemented by the Société may provide for the payment of financial assistance in the form of a subsidy, loan, remission or loan guarantee granted by the Société. They may also provide that the Société may require financial compensation for the risk presented by a loan or loan guarantee.”;

(2) by inserting the following paragraph after the third paragraph:

“Financial assistance paid as a housing allowance in accordance with a program of the Société is unassignable and unseizable.”

52. Section 3.2.1 of the Act is replaced by the following section:

“3.2.1. The Société may provide any stakeholder in the housing sector, for consideration and for self-financing purposes, with the expertise or services required to facilitate the carrying out of projects, activities or operations related to its objects and mandates.”

53. The Act is amended by inserting the following section after section 3.3.1:

“3.4. The Société may, with the authorization of and on the conditions determined by the Government, contribute as a special partner to the common stock of a limited partnership whose activities are related to its objects.”

54. Section 3.4.1 of the Act is amended by adding the following sentence at the end: “It may require financial compensation for the risk presented by a loan.”

55. The Act is amended by inserting the following section after section 3.4.2:

“**3.4.3.** The Société may, with the authorization of the Minister of Finance, alienate an immovable gratuitously or for consideration that is less than its market value determined by a chartered appraiser.”

56. Section 56.3 of the Act is amended by striking out “the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01),”.

57. Section 62 of the Act is amended by adding the following sentence at the end: “The proceeds of such an alienation may, however, with the authorization of the Société, be applied to the renovation or reconstruction of a low-rental housing immovable belonging to the municipality or the bureau or under a project aimed at creating affordable housing.”

58. The Act is amended by inserting the following subdivision after section 68.16:

“§11.—*Pre-emptive right*

“**68.17.** The Société may exercise a pre-emptive right to acquire any immovable, excluding immovables owned by a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

The Société’s pre-emptive right may only be exercised to acquire an immovable in respect of which a notice of the Société’s pre-emptive right has been registered. The right is exercised subject to the pre-emptive right provided for in section 56 of the Cultural Heritage Act (chapter P-9.002).

“**68.18.** The notice of the Société’s pre-emptive right must identify the immovable concerned and describe the purposes for which it may be acquired.

The notice must be notified to the owner of the immovable and takes effect on being registered in the land register. It is valid for the period specified in the notice, which may not exceed 10 years.

The Société may not have a notice of pre-emptive right registered in respect of an immovable that is already the subject of such a notice registered by a municipal body under the Cities and Towns Act (chapter C-19), the Municipal Code of Québec (chapter C-27.1) or the Act respecting public transit authorities (chapter S-30.01).

The Société may, for the purpose of exercising the pre-emptive right, act as mandatary of a municipal body that has adopted a pre-emptive right by-law

under any of the Acts referred to in the third paragraph. It may then provide, in its notice of pre-emptive right, that the immovable may be acquired for a purpose within the jurisdiction of the Société.

For the purposes of this section, a municipal body is a municipality, an intermunicipal management board or a public transit authority.

“68.19. The owner of an immovable in respect of which a notice of the pre-emptive right has been issued may not, on pain of nullity, alienate the immovable if the owner has not notified a notice to the Société of the owner’s intention to alienate the immovable.

The owner’s notice must state the price of the proposed alienation, the conditions to which it is subject, and the name of the person who intends to acquire the immovable. If the immovable is to be alienated, in whole or in part, for non-monetary consideration, the notice must include a reliable and objective estimate of the value of that consideration.

The first and second paragraphs do not apply to an alienation made for the benefit of a person related to the owner within the meaning of the Taxation Act (chapter I-3) or for the benefit of a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

“68.20. The Société may, not later than 60 days following notification of the notice of intention to alienate, notify a notice to the owner of its intention to exercise its pre-emptive right and to acquire the immovable at the price and on the conditions stated in the notice of intention to alienate, subject to any modifications subsequently agreed on with the owner. If the notice of intention to alienate contains an estimate of the value of a non-monetary consideration, the price must be increased by an equal amount.

The Société may, during that period, require from the owner any information allowing it to assess the condition of the immovable. It may also, after giving 48 hours’ prior notice, access the immovable to conduct, at its own expense, any study or analysis it considers useful.

If the Société does not notify the notice provided for in the first paragraph to the owner within that 60-day period, it is deemed to have waived its pre-emptive right.

If the Société waives its pre-emptive right and the proposed alienation occurs, it must have the notice of its pre-emptive right removed from the land register.

“68.21. If the Société exercises its pre-emptive right, it must pay the price of the immovable within 60 days after notifying the notice of its intention to acquire the immovable. If the Société cannot pay the amount to the owner, it may deposit it, on the owner’s behalf, at the office of the Superior Court.

Sections 133 to 135, 138 and 139 of the Act respecting expropriation (2023, chapter 27) apply, with the necessary modifications.

In the absence of a notarial contract, the Société becomes the owner of the immovable by registering a notice of transfer of ownership in the land register; the notice must include a description of the immovable, the price and conditions of its acquisition, and the date on which the Société will take possession of the immovable.

The notice of transfer must be served on the owner at least 30 days before it is registered in the land register.

To be registered, the notice must be accompanied by documents confirming that the amount has been paid to the owner or deposited at the office of the Superior Court and proof that the notice has been served on the owner.

“68.22. If the Société avails itself of its pre-emptive right, it must compensate the person who intended to acquire the immovable for reasonable expenses incurred during negotiation of the price and conditions of the proposed alienation.”

59. Section 85.1 of the Act is replaced by the following section:

“85.1. The provisions of this division apply to a housing agency which is a housing bureau or another non-profit organization

(1) that receives financial assistance from the Société for the operation and maintenance of residential immovables; or

(2) that has received financial assistance from the Société under a housing program implemented under this Act to carry out a project that includes affordable housing, for the duration of any agreement relating to the operation of that housing.”

60. Section 85.2 of the Act is amended by replacing “120 days” in the first paragraph by “12 months”.

61. Section 85.5 of the Act is amended

(1) by replacing “90 days” in subparagraph 1 of the first paragraph by “six months”;

(2) by adding the following subparagraph at the end of the first paragraph:

“(4) make any recommendation to the directors of the agency concerning its administration or that of a residential immovable.”;

(3) by inserting the following paragraph after the first paragraph:

“A director dismissed from office under subparagraph 3 of the first paragraph is disqualified from sitting as a member of the board of directors of any housing agency referred to in section 85.1 for a period of three years from the dismissal.”;

(4) by replacing “extension exceeds 90 days” in the second paragraph by “additional extension exceeds six months”.

62. Section 86 of the Act is amended by replacing subparagraph *j* of the first paragraph by the following subparagraph:

“(j) determine the amount of the fees, costs or tariffs applicable to any application made under this Act or to any expertise or service the Société provides;”.

63. Section 88 of the Act is amended by striking out “and on the recommendation of the Conseil du trésor”.

64. Section 89 of the Act is amended by replacing “, on the recommendation of the Conseil du trésor and on such conditions as the Government determines, may:” in the introductory clause of the first paragraph by “may, on the conditions it determines,”.

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

65. Section 92.0.3 of the Act respecting public transit authorities (chapter S-30.01) is amended

(1) by inserting the following paragraph after the third paragraph:

“A notice of pre-emptive right may, however, be registered in respect of an immovable that was the subject of such a notice registered by the Société d’habitation du Québec under the Act respecting the Société d’habitation du Québec (chapter S-8). In such a case, the transit authority shall inform the Société d’habitation du Québec, which shall then have the notice removed from the land register. The transit authority shall reimburse the Société for the expenses incurred with respect to the notice.”;

(2) by inserting “or of the Société d’habitation du Québec” after “paragraph” in the fourth paragraph.

ACT RESPECTING THE ADMINISTRATIVE HOUSING TRIBUNAL

66. Section 9.1 of the Act respecting the Administrative Housing Tribunal (chapter T-15.01) is amended by inserting “or more” after “two”.

67. Section 10 of the Act is amended by adding the following subparagraph at the end of the second paragraph:

“(6) designating members to coordinate the activities of the Tribunal.”

68. Section 12 of the Act is replaced by the following section:

“**12.** The Minister shall designate a vice-chairman to temporarily replace the chairman or another vice-chairman when required.

If the designated vice-chairman is absent or unable to act, the Minister shall designate another vice-chairman as a replacement.”

69. Section 28 of the Act is amended by adding the following paragraphs at the end:

“For the purposes of subparagraph 1 of the first paragraph, where two or more applicants join together or are represented by the same person in the same application, the Administrative Housing Tribunal has jurisdiction if it is competent to hear and determine each applicant’s application.

Despite subparagraph 1 of the first paragraph, the Administrative Housing Tribunal may hear in first instance any application respecting an order or an authorization contemplated in articles 1863, 1867, 1917 and 1918 of the Civil Code where the value involved exceeds the amount of the upper monetary limit for the concurrent jurisdiction of the Court of Québec.”

70. Section 39 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“The lessor must pay the moving expenses and the indemnity provided for in the first paragraph of article 1965 of the Civil Code to a lessee evicted from a dwelling.”;

(2) by adding “Unless the Tribunal orders otherwise,” at the beginning of the second paragraph.

71. Section 63 of the Act is amended by adding the following sentence at the end of the third paragraph: “It may, on its own initiative, raise the exception resulting from prescription by allowing the parties to respond to it.”

72. Section 72 of the Act is replaced by the following section:

“**72.** The parties may be represented by a mandatary, except a professional who has been struck off the roll or declared disqualified from practising, or whose right to engage in professional activities has been restricted or suspended in accordance with the Professional Code (chapter C-26) or any other legislation governing a profession.”

73. Section 74 of the Act is amended by replacing the first paragraph by the following paragraph:

“Where a party is represented by a mandatary other than an advocate, the mandatary must provide to the Tribunal a written mandate signed by the person the mandatary represents.”

74. Section 92 of the Act is amended by replacing “date of the decision” in the second paragraph by “decision is known”.

75. Section 94 of the Act is amended by inserting the following paragraph after the second paragraph:

“A decision appealed from is executory on the expiry of ten days from the date of notification of the decision refusing leave to appeal, unless the Court orders otherwise.”

76. Section 112 of the Act is amended by replacing “\$5,000 nor more than \$25,000” in the second paragraph by “\$17,500 nor more than \$90,000”.

77. Section 112.1 of the Act is amended by replacing “\$5,800 nor more than \$28,975” by “\$11,000 nor more than \$55,000”.

78. Section 113 of the Act is amended by replacing “and 1970”, “\$125 nor more than \$1,225” and “\$250 nor more than \$2,450” by “, 1970, 1978.3 and 1978.4”, “\$200 nor more than \$1,900” and “\$400 nor more than \$4,200”, respectively.

79. Section 114 of the Act is amended by replacing “\$250 nor more than \$2,450” by “\$400 nor more than \$4,200”.

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

80. Section 40 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) is amended by replacing “second” in paragraph 2 by “third”.

TRANSITIONAL AND FINAL PROVISIONS

81. Article 1896 of the Civil Code, as it read on 20 February 2024, continues to apply in respect of a lease entered into before 21 February 2024.

82. Article 1917 of the Civil Code, as it read on 20 February 2024, continues to apply to any application brought before a court before 21 February 2024.

83. Article 1944.1 of the Civil Code, enacted by section 6, does not apply to a lease non-renewal process regarding which the notice provided for in article 1944 of the Code was sent before 21 February 2024.

Article 1948 of the Code, as it read on 20 February 2024, continues to apply to the process referred to in the first paragraph.

84. Article 1955 of the Civil Code, as it read on 20 February 2024, continues to apply with regard to

- (1) a lease entered into before 21 February 2024; and
- (2) an immovable that is ready for its intended use before 21 February 2024.

85. Articles 1962, 1963, 1965, 1966 and 1968 of the Civil Code, as they read on 20 February 2024, continue to apply to a dwelling repossession process or eviction process regarding which the notice referred to in article 1960 of the Code was sent before 21 February 2024.

86. Articles 1978.1 and 1978.2 of the Civil Code, enacted by section 15, do not apply to the assignment of the lease of a dwelling regarding which the notice referred to in article 1870 of the Code was sent before 21 February 2024.

87. Section 148.0.14 of the Act respecting land use planning and development (chapter A-19.1) and section 39 of the Act respecting the Administrative Housing Tribunal (chapter T-15.01), as they read on 20 February 2024, apply to an eviction process if the notice referred to in section 148.0.6 of the Act respecting land use planning and development or the second paragraph of section 33 of the Act respecting the Administrative Housing Tribunal, as applicable, was sent before 21 February 2024.

88. No amount referred to in section 254 of the Act respecting municipal taxation (chapter F-2.1) is paid by the Government, from municipal fiscal year 2024, in respect of an immovable that is no longer contemplated in section 255 of that Act, as amended by section 49 of this Act.

The first paragraph applies despite the third paragraph of section 254.1 of the Act respecting municipal taxation and section 7.1 of the Regulation respecting compensations in lieu of taxes (chapter F-2.1, r. 2).

89. Any immovable included in a unit of assessment entered on the roll in the name of a non-profit legal person whose object is to build and administer residences for students at the university level is exempted from any property tax and any business tax.

The first paragraph ceases to have effect on 21 February 2029.

90. Section 191.1 of the Cooperatives Act (chapter C-67.2), enacted by section 38, applies only with respect to a housing cooperative that was the subject of a dissolution order deposited in the enterprise registrar under section 190 of the Cooperatives Act after 20 February 2024.

91. Sections 63, 72 and 74 of the Act respecting the Administrative Housing Tribunal, as they read on 20 February 2024, continue to apply to any application presented before 21 February 2024.

92. The minister having authority over an immovable may, for it to be used for the purposes of social or affordable housing or of dwellings intended for persons pursuing studies within the meaning of article 1979 of the Civil Code, alienate the immovable, by gratuitous or onerous title, to a housing cooperative, a non-profit organization or a housing bureau. The minister may also transfer that authority to another minister in order for that minister to alienate the immovable on the same conditions.

A municipality having management of part of the land areas in the domain of the State under a management delegation agreement referred to in section 17.22 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) may, with the authorization of the minister having authority over the immovable and despite any provision of the delegation agreement, alienate an immovable under its management on the conditions set out in the first paragraph.

An integrated health and social services centre, grouped institution or unamalgamated institution referred to in the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2) or a school service centre, school board or general and vocational college may also, with the authorization of the minister responsible for the centre, institution, board or college, alienate an immovable on the conditions set out in the first paragraph.

Division III.2 of Part III of the Companies Act (chapter C-38) or subdivision 2 of Division I of Chapter IV of Title II of the Cooperatives Act, as applicable, applies to any immovable acquired under the first, second or third paragraph, with the necessary modifications.

With the exception of the provisions of the Natural Heritage Conservation Act (chapter C-61.01), the Cultural Heritage Act (chapter P-9.002), the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), section 272.15 of the Education Act (chapter I-13.3) and section 180 of the Act respecting health services and social services (chapter S-4.2), an alienation referred to in the first, second or third paragraph is subject to no condition other than those set out in this section or prescribed by a government regulation made on the joint recommendation of the Minister of Finance and the Minister Responsible for Housing, or those determined by the minister or a body referred to in the second or third paragraph.

A government regulation made under the fifth paragraph may specify the cases where the authorization of another minister is required, in which case that other minister may subject the authorization to other conditions.

This section applies only with respect to an alienated immovable or to an immovable regarding which an offer to purchase was accepted during a five-year period that began on the date of coming into force of the first government regulation made under the fifth paragraph.

93. A local municipality may, before 21 February 2027, authorize a housing project that is at variance with the local planning by-laws in force in the territory of the municipality where the project includes the construction of at least three dwellings and where one of the following conditions is met:

(1) the majority of the project is made up of social or affordable housing or of dwellings intended for persons pursuing studies within the meaning of article 1979 of the Civil Code; or

(2) the municipality has a population of 10,000 or more and the most recent vacancy rates for rental dwellings published by the Canada Mortgage and Housing Corporation with respect to the territory of the municipality, or to a census metropolitan area which includes that territory, is less than 3% at any time between 21 February 2024 and 21 February 2027.

However, no authorization may be granted under the first paragraph if the project is situated

(1) outside an urbanization perimeter delimited in a land use and development plan in force in the territory of the municipality;

(2) in a place where land occupation is subject to special restrictions for reasons of public safety, public health, protection of the environment or general well-being; or

(3) in a zone where residential use is not permitted.

An authorization referred to in the first paragraph may include the authorization, despite any provision of a municipal by-law relating to the demolition of immovables, to demolish an immovable included in the site where the project is situated, excluding an immovable that includes a dwelling or a heritage immovable within the meaning of section 148.0.1 of the Act respecting land use planning and development.

The resolution by which the municipal council grants the authorization must set out any condition that must be met for the purpose of carrying out the project. The resolution may, in particular, provide that the authorization is subject to the making of an agreement between the applicant and the municipality to establish rules to ensure, for the time the agreement determines, the social nature or affordability of the housing or that the dwellings remain intended for persons pursuing studies.

The resolution must be preceded by a draft resolution submitted to a public consultation that includes a public meeting at which the representative of the municipality explains the draft resolution and hears the persons and bodies wishing to be heard. The municipality must announce the public meeting by means of a notice published not later than seven days before the meeting is held.

To come into force, the resolution must be in conformity with the land use and development plan in force in the territory of the municipality. That conformity is established in accordance with the rules applicable to the planning by-laws, including the rules set out in sections 137.2 to 137.5 of the Act respecting land use planning and development, with the necessary modifications. Despite any inconsistent provision, the following procedure applies with regard to the resolution:

(1) the regional county municipality must give its opinion within 30 days after receiving the resolution;

(2) if the regional county municipality fails to give its opinion within the period prescribed in subparagraph 1, the resolution is deemed to be in conformity with the land use and development plan;

(3) no regional county municipality may refuse to give its opinion on the ground that the municipality has failed to make a concordance amendment to its planning program or to any of its planning by-laws; and

(4) where the rules applicable to a municipality whose territory is not included in that of a regional county municipality provide that a proceeding may be brought before the Commission municipale du Québec to establish the conformity of the resolution with the land use planning and development plan, any application from a qualified voter must be sent to the Commission within 15 days after publication of the public notice by the municipality, and the Commission must give its opinion within 30 days after the expiry of that time.

The city council of Ville de Montréal, of Ville de Québec or of Ville de Longueuil may delegate to a borough council the exercise of the power provided for in this section.

A municipality must produce a report on the exercise of the power provided for in this section for each calendar year during which it grants an authorization under the first paragraph.

The report must

(1) give an account of the authorizations granted and a summary description, for each authorization, of the nature of the variances from the planning by-laws;

(2) indicate the number of dwellings built or developed as a result of such an authorization; and

(3) mention all applications to exercise the power provided for in this section that have been received by the municipality but have not given rise to an authorization.

The report is tabled at a sitting of the municipal or borough council, as applicable, not later than 1 April following the end of the year to which the report relates. At the sitting, a council member or an officer of the municipality must describe the subject of the report. The report is sent to the minister responsible for housing as soon as possible and published on the municipality's website or, if the municipality does not have a website, on the website of the regional county municipality whose territory includes that of the municipality.

The Minister Responsible for Housing may extend the term set out in the first paragraph for a period not exceeding two years.

94. A municipal planning by-law may not prohibit the building of an accessory dwelling where the following conditions are met:

(1) the site

(a) is a lot occupied or intended to be occupied by a totally residential principal building that is separated from all other principal buildings by open space and that comprises only one dwelling, other than an accessory dwelling built under this section;

(b) is included in an urbanization perimeter delimited in a land use and development plan in force in the territory of the municipality; and

(c) is not situated in a place where land occupation is subject to special restrictions for reasons of public safety under subparagraph 16 of the second paragraph of section 113 of the Act respecting land use planning and development;

(2) the accessory dwelling is built by subdividing or enlarging the principal building;

(3) a single accessory dwelling is built in the principal building; and

(4) the principal building is not a heritage immovable within the meaning of paragraph 1 of section 148.0.1 of the Act respecting land use planning and development.

The land use, building, architecture, parking and development standards for the lands prescribed by a planning by-law remain applicable to the building of the accessory dwelling referred to in the first paragraph.

Despite the preceding paragraphs, a local municipality may, by by-law,

(1) exempt any part of its territory from the application of the first paragraph; and

(2) set land use, building, architecture, parking and development standards for the lands to replace the standards prescribed by a planning by-law.

The provisions of the Act respecting land use planning and development do not apply to a by-law adopted under the third paragraph.

The city council of Ville de Montréal, of Ville de Québec or of Ville de Longueuil may delegate to a borough council the exercise of the powers provided for in the third paragraph.

This section ceases to have effect on 21 August 2029, except with regard to the building of an accessory dwelling referred to in the first paragraph

(1) that was the subject, before that date, of a substantially complete application for authorization that was in conformity with the municipal standards that remain applicable; or

(2) in respect of which the work began before that date, where the municipal standards that remain applicable do not provide for an authorization.

95. From the coming into force of section 1149 of the Act to make the health and social services system more effective (2023, chapter 34), section 92 is to be read as if

(1) “An integrated health and social services centre, grouped institution or unamalgamated institution referred to in the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2)” in the third paragraph were replaced by “Santé Québec, an institution referred to in Schedule II to the Act to make the health and social services system more effective (2023, chapter 34)”;

(2) “180 of the Act respecting health services and social services (chapter S-4.2)” in the fifth paragraph were replaced by “341 of the Act to make the health and social services system more effective”.

96. Sections 44, 45 and 49 of this Act have effect from 1 January 2024.

97. The provisions of this Act come into force on 21 February 2024, except

(1) section 5, which comes into force on the date of coming into force of the first regulation made under article 1943 of the Civil Code, as amended by section 5 of this Act;

(2) sections 46 to 48, which come into force on the date of coming into force of the first regulation made under article 1979 of the Civil Code, as amended by section 18 of this Act;

(3) the first and second paragraphs of section 94, which come into force on 21 August 2024.

