

Regulations and other acts

Gouvernement du Québec

O.C. 1303-97, 8 October 1997

An Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8)

Dwellings in low-rental housing

— Conditions for the leasing

— Amendments

By-law to amend the By-law respecting the conditions for the leasing of dwellings in low-rental housing

WHEREAS under subparagraph *g* of the first paragraph of section 86 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8), the Société d'habitation du Québec may, by by-law, establish the conditions upon which leases may be taken or granted by a municipality, a municipal housing bureau or by any organization or person that obtains a loan, subsidy or allowance for the carrying out of a housing program;

WHEREAS under the second paragraph of section 86 of the Act, a by-law relating to the matters referred to in subparagraph *g* may, subject to the Charter of human rights and freedoms (R.S.Q., c. C-12) and the Canadian Charter of Rights and Freedoms, include distinctions, exclusions or preferences based on age, handicap or any element pertaining to the situation of a person;

WHEREAS the By-law respecting the conditions for the leasing of dwellings in low-rental housing approved by Order in Council 251-92 dated 26 February 1992 was amended by the By-law approved by Order in Council 1008-97 dated 13 August 1997 so as to take into account the changes made to the scales of income security resulting from the coming into force of the Act respecting family benefits (1997, c. 57) on 1 September 1997;

WHEREAS by Order in Council 1008-97 dated 13 August 1997, section 2 of the By-law respecting the conditions for the leasing of dwellings in low-rental housing was amended so as to establish the minimum income taken into account in the calculation of the basic monthly rent of lessees who receive benefits under the Act respecting income security (R.S.Q., c. S-3.1.1) by referring to the scales as established by the Regulation respecting income security in force on 31 August 1997;

WHEREAS as it reads presently, the By-law respecting the conditions for the leasing of dwellings in low-rental housing neglects to establish a rule for a minimum income or minimum rent applicable to lessees who do not receive income security benefits at the time they renew their lease, apply for a rent reduction or sign a first lease;

WHEREAS that situation creates an iniquity between the two large categories of persons who rent subsidized dwellings in Québec and prevents the attainment of the initial objective of the Société, that is, that no significant impact on either the Government or the lessees result from the changes made to the income security scales due to the coming into force of the Act respecting family benefits on 1 September 1997;

WHEREAS the Société d'habitation du Québec made the By-law to amend the By-law respecting the conditions for the leasing of dwellings in low-rental housing by its resolution 97-071 dated 2 October 1997;

WHEREAS, by this By-law, the Société wishes to introduce an additional rule re-establishing a minimum basic monthly rent applicable, if necessary, to all low-rental housing lessees; that rule would fix a minimum basic rent according to the type of household by using a separate table the parameters of which would correspond to the scale based on non-participation of the income security as it existed on 31 August 1997;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be approved notwithstanding the publication requirement in section 8 of that Act if the authority approving it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority approving it is of the opinion that the urgency of the situation requires it;

WHEREAS under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force shall be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication and its coming into force on the date of its publication:

1) the iniquity existing between the two large categories of persons renting subsidized dwellings which results from the absence of a rule establishing a minimum basic monthly rent for households which do not receive income security benefits whereas such a rule exists in respect of households who receive benefits;

2) it is important to attain, as soon as possible, the objectives sought by the initial amendment made last August, that is, that no significant impact on either the Government or the lessees result from the changes made to the scales of income security due to the coming into force of the Act respecting family benefits on 1 September 1997;

WHEREAS it is expedient to approve the By-law;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs, responsible for Housing:

THAT the By-law to amend the By-law respecting the conditions for the leasing of dwellings in low-rental housing, attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

By-law to amend the By-law respecting the conditions for the leasing of dwellings in low-rental housing (*)

An Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8, s. 86, 1st par., subpar. g and 2nd par.)

1. Section 2 of the By-law respecting the conditions for the leasing of dwellings in low-rental housing is amended by substituting the following for the second and third paragraphs:

“For the purposes of this By-law, the minimum income taken into account to determine the basic monthly rent of a household where one or more members receive financial assistance under the Act respecting income security (R.S.Q., c. S-3.1.1) shall be equivalent *mutatis mutandis* to the sum of the amounts provided for the persons included in the household in the scale of needs of the financial support program, the scale of needs of the work and employment incentives program or the mixed scale of that program, as determined by the Regulation respecting income security in force on 31 August 1997. In such cases, the basic rent of a household may not be less than 25 % of the minimum income.

In all cases, the basic rent of a household may not be less than the amount corresponding to the amount determined according to the type of household and appearing in the Table of minimum monthly rent provided for in Schedule 1.”

2. This By-law comes into force on the date of its publication in the *Gazette officielle du Québec*.

* The By-law respecting the conditions for the leasing of dwellings in low-rental housing, approved by Order in Council 251-92 dated 26 February 1992 (1992, *G.O.* 2, 991), was amended once by the By-law approved by Order in Council 1008-97 dated 13 August 1997 (1997, *G.O.* 2, 4347).

SCHEDULE

(s. 2)

MINIMUM BASIC MONTHLY RENT ACCORDING TO THE TYPE OF HOUSEHOLD

		OCCUPANT 1					
		Adult			Couple		
		1	1	1	Couple	Couple	Couple
		Child					
Adult	Child	0	1	2+	0	1	2+
0	0	\$119.25	\$180.50	\$210.75	\$184.50	\$214.75	\$238.75
1	0	\$188.50	\$249.75	\$280.00	\$253.75	\$284.00	\$308.00
1	1	\$249.75	\$311.00	\$341.25	\$315.00	\$345.25	\$369.25
1	2 or more	\$280.00	\$341.25	\$371.50	\$345.25	\$375.50	\$399.50
<i>Where a child of the head of the household or of this spouse is the second occupant</i>							
U	Child, aged 18 to 20	\$163.50	\$224.75	\$255.00	\$228.75	\$259.00	\$283.00
P	Child, aged 21 to 24	\$188.50	\$249.75	\$280.00	\$253.75	\$284.00	\$308.00
A	Child, aged 21 to 24 with children or spouse	\$232.75	\$294.00	\$324.25	\$298.00	\$328.25	\$352.25
N	<i>Where a couple is the second occupant</i>						
T	Couple	0	\$253.75	\$315.00	\$345.25	\$319.00	\$349.25
2	Couple	1	\$284.00	\$345.25	\$375.50	\$349.25	\$379.50
	Couple	2 or more	\$308.00	\$369.25	\$399.50	\$373.25	\$403.50