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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

## Bill 133

(2005, chapter 49)

### **An Act to insert article 1974.1 in the Civil Code**

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**Introduced 15 November 2005**

**Passage in principle 24 November 2005**

**Passage 14 December 2005**

**Assented to 16 December 2005**

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**Québec Official Publisher  
2005**

**EXPLANATORY NOTES**

*This bill proposes to amend the Civil Code so that a lessee may resiliate a lease if, because of the violent behaviour of a spouse or former spouse or because of a sexual aggression, the safety of the lessee or of a child living with the lessee is threatened.*

## Bill 133

### AN ACT TO INSERT ARTICLE 1974.1 IN THE CIVIL CODE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** The Civil Code of Québec (1991, chapter 64) is amended by inserting the following article after article 1974:

**“1974.1.** A lessee may resiliate the current lease if, because of the violent behaviour of a spouse or former spouse or because of a sexual aggression, even by a third party, the safety of the lessee or of a child living with the lessee is threatened.

The resiliation takes effect three months after the sending of a notice to the lessor or one month after the notice if the lease is for an indeterminate term or a term of less than twelve months, or before the end of that period if the dwelling is re-leased or the parties agree otherwise.

The notice must be sent with an attestation from a public servant or public officer designated by the Minister of Justice, who, on examining the lessee’s sworn statement that there exists a situation involving violence or sexual aggression, and other factual elements or documents supporting the lessee’s statement provided by persons in contact with the victims, considers that the resiliation of the lease is a measure that will ensure the safety of the lessee or of a child living with the lessee. The public servant or public officer must act promptly.”

**2.** The Minister of Justice must, not later than 1 April 2008, report to the Government on the application of article 1974.1 of the Civil Code and on the advisability of amending it.

The Minister must table the report in the National Assembly within the following 30 days or, if the National Assembly is not sitting, within 30 days of resumption.

**3.** This Act comes into force on 1 April 2006.