

Draft Regulation

Act respecting the Administrative Housing Tribunal
(chapter T-15.01)

Civil Code of Québec
(Civil Code)

Act to limit lessors' right of eviction and to enhance the
protection of senior lessees
(2024, chapter 23)

Mandatory content of a notice of modification of the lease of a dwelling

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the mandatory content of a notice of modification of the lease of a dwelling, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to prescribe the mandatory particulars that must be included in a notice of modification of the lease of a dwelling.

Study of the matter has shown no impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Benoît Saulnier-Tremblay, Direction des orientations et de la gouvernance municipales, Ministère des Affaires municipales et de l'Habitation, 10, rue Pierre-Olivier-Chauveau, aile Chauveau, 3^e étage, Québec (Québec) G1R 4J3; telephone: 418 691-2015, extension 83607; email: benoit.saulnier-tremblay@mamh.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Benoît Saulnier-Tremblay at the above contact information.

FRANCE-ÉLAINE DURANCEAU
Minister Responsible for Housing

Regulation respecting the mandatory content of a notice of modification of the lease of a dwelling

Act respecting the Administrative Housing Tribunal
(chapter T-15.01, s. 108, 1st par., subpar. 6).

Civil Code of Québec
(Civil Code, art. 1943, 1st par.).

Act to limit lessors' right of eviction and to enhance the
protection of senior lessees
(2024, chapter 23, s. 4).

1. A notice of modification of the conditions of the lease of a dwelling must, in addition to the particulars prescribed by article 1943 of the Civil Code, amended by section 4 of the Act to limit lessors' right of eviction and to enhance the protection of senior lessees (2024, chapter 23), reproduce the text contained in the schedule to this Regulation.

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE (Section 1)

- 1.** The lessee who receives this notice has three options:
- (1) I agree to the renewal of the lease with the modifications;
 - (2) I object to the proposed modifications and I renew my lease;
 - (3) I do not renew my lease and I will vacate upon termination of the lease.
- 2.** The objection to the proposed modifications requires the lessee to vacate the dwelling upon termination of the lease in the following cases (arts. 1945 and 1955 C.C.Q):
- (1) the section of the lease related to the restrictions of the right to fix the rent and the modification of the lease indicates that the dwelling is situated in a housing cooperative of which the lessee is a member;
 - (2) the section of the lease related to the restrictions of the right to fix the rent and the modification of the lease indicates that the dwelling is situated in an immovable constructed or whose destination has changed in the past 5 years or less.

In addition, if the lease is entered into after 20 February 2024 and the immovable is ready for its intended use after that date, the lessor must also, to set up the restriction of the right to fix the rent against the lessee, indicate in the lease the maximum rent the lessor may impose in the 5 years following the date on which the immovable is ready for habitation.

3. If the lessee objects to the proposed modifications, such as a rent increase, the lessor may apply to the Administrative Housing Tribunal, 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.

The lessee and the lessor must then comply with the decision of the Tribunal. If the lessor does not apply to the Tribunal within the month following the objection, the lease is renewed at the same rent and on the same other conditions.

The costs related to the lessor's application are borne by the lessor. The Tribunal has the discretion to order the lessee to reimburse the costs, in particular when the Tribunal grants an increase of the rent requested by the lessor and the lessor had, before filing the proceeding, allowed the lessee to have access to the relevant data in order to make an informed decision on the increase.

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