



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 190

**An Act to amend the Civil Code in order
to protect the rights of seniors as lessees**

Introduction

**Introduced by
Madam Françoise David
Member for Gouin**

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EXPLANATORY NOTES

The purpose of this bill is to protect the rights of seniors as tenants (“lessees”) by modifying the conditions subject to which a dwelling may be repossessed or tenants evicted under the Civil Code.

A landlord (“lessor”) wishing to repossess a dwelling or evict a tenant from a dwelling occupied by a senior is required to offer the senior an equivalent dwelling suited to his or her needs in the same municipality, in the case of a municipality having a population of less than 100,000, or in the same borough, in the case of a municipality having a population of 100,000 or over, if the senior’s financial situation or health is precarious.

The bill also provides for a winter truce preventing the repossession of dwellings occupied by seniors or the eviction of seniors between 1 December and 31 March.

LEGISLATION AMENDED BY THIS BILL:

- Civil Code of Québec.

Bill 190

AN ACT TO AMEND THE CIVIL CODE IN ORDER TO PROTECT THE RIGHTS OF SENIORS AS LESSEES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Civil Code of Québec is amended by inserting the following articles after article 1963:

“1963.1. A lessor wishing to repossess a dwelling or evict a lessee from a dwelling occupied by a person 65 years of age or over, whether or not that person is the lessee, must offer the person an equivalent dwelling suited to his or her needs in the same municipality, in the case of a municipality having a population of less than 100,000, or in the same borough, in the case of a municipality having a population of 100,000 or over, if

(1) the person’s income is equal to or less than one and a half times the maximum amount a person may receive as a guaranteed income supplement under the Old Age Security Act (Revised Statutes of Canada, 1985, chapter O-9);

(2) the person could, owing to his or her degree of autonomy as assessed by a professional authorized to do so using the functional autonomy measurement system called the *Système de mesure de l’autonomie fonctionnelle (SMAF®)*, suffer medical or psychosocial consequences that may adversely affect that degree of autonomy; or

(3) the person is a handicapped person within the meaning of section 1 of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1).

“1963.2. Repossession or eviction may not take effect between 1 December and 31 March if a person 65 years of age or over occupies the dwelling concerned, whether or not that person is the lessee. Repossession or eviction is then postponed to the end of that period, despite the expiry of the lease in the case of a lease with a fixed term.”

2. This Act comes into force on (*insert the date of assent to this Act*).

