



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 492

An Act to amend the Civil Code to protect seniors' rights 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 seniors' rights as tenants ("lessees") by amending the conditions for repossessing dwellings or evicting tenants under the Civil Code.

A landlord ("lessor") wishing to repossess a dwelling from a senior or evict a tenant aged 65 or over must offer the senior an equivalent dwelling suited to his or her needs if the senior's financial situation or health is precarious. The equivalent dwelling must be in the same regional county municipality for municipalities of less than 100,000 inhabitants, or no more than seven kilometres from the original dwelling for municipalities of 100,000 inhabitants or more. If the tenant lives in Ville de Montréal, the equivalent dwelling must be within the city limits and no more than five kilometres from the original dwelling.

The bill also provides for a "winter truce" prohibiting 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 492

AN ACT TO AMEND THE CIVIL CODE TO PROTECT SENIORS' RIGHTS AS LESSEES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Civil Code of Québec is amended by inserting the following article after article 1967:

“1967.1. A lessor wishing to repossess a dwelling from, or evict, a lessee aged 65 or over must offer him an equivalent dwelling suited to his needs if

(1) the lessee's income is less than or equal to the maximum income making him eligible for a dwelling in low rental housing under the By-law respecting the allocation of dwellings in low rental housing (chapter S-8, r. 1); or

(2) the lessee 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).

The equivalent dwelling must be in the same regional county municipality for municipalities of less than 100,000 inhabitants, or be no more than seven kilometres from the original dwelling for municipalities of 100,000 inhabitants or more. If the lessee lives in Ville de Montréal, the dwelling must be within the city limits and no more than five kilometres from the original dwelling.

From 1 December to 31 March, repossession or eviction is deferred as of right to 1 April if the lessee is in one of the situations mentioned in the first paragraph.”

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

