NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 65

An Act to limit lessors' right of eviction and to enhance the protection of senior lessees

Introduction

Introduced by
Madam France-Élaine Duranceau
Minister Responsible for Housing

Québec Official Publisher
2024

EXPLANATORY NOTES

This bill prohibits, for a period of three years, the lessor of a dwelling from evicting a lessee to subdivide the dwelling, enlarge it substantially or change its destination. It allows the Government to exempt any part of the territory of Québec from the application of that prohibition and provides that the prohibition ends if the vacancy rate for rental townhomes and apartments published by the Canada Mortgage and Housing Corporation for all of Québec's urban centres with a population of at least 10,000 inhabitants reaches 3%.

In addition, the bill provides that the protection against evictions and repossession of dwellings conferred by article 1959.1 of the Civil Code applies to persons 65 years of age or over whose revenue does not exceed 125% of the revenue qualifying a person for a dwelling in low-rental housing.

The bill amends the minimum content of a notice of modification of the lease of a dwelling, specifying among other things that the notice must contain any particular determined by government regulation.

Lastly, the bill includes transitional and final provisions.

LEGISLATION AMENDED BY THIS BILL:

– Civil Code of Québec;

– Act to amend various legislative provisions with respect to housing (2024, chapter 2).

Bill 65

AN ACT TO LIMIT LESSORS' RIGHT OF EVICTION AND TO ENHANCE THE PROTECTION OF SENIOR LESSEES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

PROHIBITION AGAINST EVICTING A LESSEE FROM A DWELLING

1. Despite article 1959 of the Civil Code, no lessee may be evicted from a dwelling before (*insert the date that is three years after the date of assent to this Act*) for the purposes provided for in that article.

2. The Government may exempt dwellings situated in any part of the territory of Québec from the application of section 1, for a determined or undetermined period.

3. A lessee evicted in contravention of section 1 may apply to the Administrative Housing Tribunal to claim the indemnity provided for in article 1965 of the Civil Code, damages for any injury the lessee has suffered and punitive damages.

DIVISION II

AMENDING PROVISIONS

CIVIL CODE OF QUÉBEC

4. Article 1943 of the Civil Code of Québec is amended

(1) by inserting the following paragraphs before the first paragraph:

"Every notice of modification shall inform the lessee of his rights and remedies set out in articles 1945 and 1947 and shall contain any other particular prescribed by regulation.

A notice to modify the term of the lease shall indicate the proposed term.";

(2) by striking out "of modification" in the first paragraph;

(3) by striking out the second paragraph.

5. Article 1959.1 of the Code is amended

(1) by replacing "the maximum threshold" in the first paragraph by "125% of the maximum income";

(2) by replacing all occurrences of "70" by "65".

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS WITH RESPECT TO HOUSING

6. Section 5 of the Act to amend various legislative provisions with respect to housing (2024, chapter 2) is repealed.

7. Section 97 of the Act is amended by striking out paragraph 1.

DIVISION III

TRANSITIONAL AND FINAL PROVISIONS

8. Section 1 applies to eviction processes under way on (*insert the date of assent to this Act*).

Article 1959.1 of the Civil Code, as amended by section 5, applies to processes of eviction and of repossession of a dwelling that are under way on (*insert the date of assent to this Act*).

Section 1 of this Act and article 1959.1 of the Civil Code, as amended by section 5, do not apply to processes of eviction or of repossession of a dwelling in the following situations:

(1) the notice of eviction or of repossession of a dwelling was sent before (*insert the date of introduction of this bill*); or

(2) the notice of eviction or of repossession of a dwelling was sent after (*insert the date preceding the date of introduction of this bill*) and, as the case may be,

(*a*) the lessee notified the lessor before (*insert the date of assent to this Act*) of their intention to comply with the notice; or

(*b*) the lessor applied to the Administrative Housing Tribunal before (*insert the date of assent to this Act*) for authorization to evict the lessee or to repossess the dwelling.

9. Section 1 does not apply to the following evictions:

(1) an eviction that concerns a dwelling situated in a part of the territory that has been exempted from the application of section 1, in accordance with section 2, insofar as the notice of eviction was sent while that part of the territory was thus exempted; or

(2) an eviction to change the destination of a dwelling situated in a private seniors' residence in the following situations:

(*a*) the lessor is the holder of an authorization to operate such a residence referred to in section 557 of the Act to make the health and social services system more effective (2023, chapter 34) and

i. Santé Québec has granted the lessor's application to revoke the authorization, in accordance with section 637 of that Act; and

ii. the dwelling is situated in the places to which the revocation applies, in the case of a partial revocation; or

(*b*) the lessor is the holder of a temporary certificate of compliance referred to in section 346.0.2 of the Act respecting health services and social services for the Inuit and Naskapi (chapter S-4.2) or a certificate of compliance referred to in section 346.0.4 of that Act and

i. the lessor's cessation-of-activities plan has been approved in accordance with the fourth paragraph of section 346.0.17.1 of that Act; and

ii. the dwelling is situated in the part of the residence covered by the plan, in cases where the lessor ceases activities with respect to that part only.

10. Until the date of coming into force of section 1293 of the Act to make the health and social services system more effective, subparagraph *b* of paragraph 2 of section 9 of this Act is to be read as if "for the Inuit and Naskapi" in the introductory clause were struck out.

11. The Minister must publish a notice in the *Gazette officielle du Québec* when the vacancy rate for rental townhomes and apartments published by the Canada Mortgage and Housing Corporation with regard to all of Québec's urban centres with a population of at least 10,000 inhabitants reaches 3%.

Division I and the first paragraph cease to have effect on the date of publication of the notice.

12. The minister responsible for housing is responsible for the administration of this Act.

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

(1) section 4, which comes into force on the date of coming into force of the first regulation made under article 1943 of the Civil Code, as amended by section 4; and

(2) subparagraph *a* of paragraph 2 of section 9, which comes into force on the date of coming into force of section 1293 of the Act to make the health and social services system more effective.