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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 22

**An Act to amend the Civil Code as  
regards the resiliation of a dwelling lease  
in certain cases**

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**Introduction**

**Introduced by  
Madam Marguerite Blais  
Minister responsible for Seniors**

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## **EXPLANATORY NOTES**

*This bill amends certain provisions of the Civil Code as regards the cancellation (resiliation) of a dwelling lease.*

*The bill provides that in a number of cases, a lease may be cancelled before the cancellation notice period expires not only if the parties so agree, as the current provisions provide, but also once the dwelling has been vacated by the lessee and is re-leased by the lessor during that period. This is to apply in cases where the lessee is allocated a dwelling in low-rental housing or, by reason of a decision of the court, is relocated in an equivalent dwelling corresponding to his or her needs, or where the lessee can no longer occupy the dwelling because of a handicap or is an elderly person who has been admitted permanently to a residential and long-term care centre or to a home.*

*The bill also amends the provisions governing the cancellation of a lease in cases where the lessee's safety, or the safety of a child living with the lessee, is threatened by reason of the spouse's violent behaviour or a sexual aggression. The current applicable provisions already provide that the cancellation takes effect if the dwelling is re-leased by the lessor during the cancellation notice period. However, the bill further specifies that, in such a case as well, the cancellation of the lease cannot take effect before the dwelling has been vacated by the lessee.*

*Lastly, the bill provides that if a lessee dies while living alone in a dwelling, the cancellation of the lease takes effect before the cancellation notice period expires if the parties so agree or once the dwelling is re-leased by the lessor during the cancellation notice period.*

## **LEGISLATION AMENDED BY THIS BILL:**

– Civil Code of Québec.

## **Bill 22**

### **AN ACT TO AMEND THE CIVIL CODE AS REGARDS THE RESILIATION OF A DWELLING LEASE IN CERTAIN CASES**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Article 1939 of the Civil Code of Québec is amended by adding the following paragraph at the end:

“The resiliation takes effect before the three-month period expires if the liquidator or the heir and the lessor so agree or once the dwelling is re-leased by the lessor during that same period.”

**2.** Article 1974 of the Code is amended by replacing the second paragraph by the following paragraph:

“The resiliation takes effect three months after the sending of a notice to the lessor, with an attestation from the authority concerned, or one month after such a notice is sent if the lease is for an indeterminate term or a term of less than 12 months. However, the resiliation takes effect before that period expires if the parties so agree or once the dwelling has been vacated by the lessee and is re-leased by the lessor during that same period.”

**3.** Article 1974.1 of the Code is amended by replacing the second paragraph by the following paragraph:

“The resiliation takes effect three months after the sending of a notice to the lessor, or one month after such a notice is sent if the lease is for an indeterminate term or a term of less than 12 months. However, the resiliation takes effect before that period expires if the parties so agree or once the dwelling has been vacated by the lessee and is re-leased by the lessor during that same period.”

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

