FOURTH SESSION

THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 107

An Act to establish the Régie du logement and to amend the Civil Code and other legislation

(*Reprint*)

First reading .....

Second reading .....

Third reading .....

M. GUY TARDIF

Ministre des affaires municipales

L'ÉDITEUR OFFICIEL DU QUÉBEC

1979

EXPLANATORY NOTES

This bill revises the Act to promote conciliation between lessees and property owners and the provisions of the Civil Code respecting the lease of dwellings.

Title I contains six chapters, which deal with the Régie du logement, and with appeals to the Provincial Court from certain decisions of the board (Régie).

Chapter I provides that the act applies to the lease of a dwelling used for residential purposes, with its services, accessories and dependencies, whether it is rented, is offered for rent or, having been rented, has become vacant, and to the lease of a room, a mobile home, and land intended for the installation of a mobile home.

Chapter II establishes the Régie du logement and determines its functions.

Chapter III establishes the jurisdiction of the board, which will hear in first instance, to the exclusion of any tribunal, applications respecting the lease of dwellings, when the amount applied for or the value of the thing claimed or of the interest of the applicant in the object of the application does not exceed the amount of the jurisdiction of the Provincial Court. It also hears applications for the fixing of rent or for the revision of rent, and respecting the preservation of dwellings.

Chapter IV deals with the rules of proof and procedure before the board.

Chapter V provides a right of appeal to the Provincial Court from decisions respecting applications of a civil nature arising from the lease of dwellings.

Chapter VI provides that the Government may make regulations determining the form and content of mandatory clauses in the lease of a dwelling. It may also determine, by regulation, the rules for the implementation of the criteria provided by the act for the fixing of rent or the revision of rent.

Title II amends the existing provisions of the Civil Code, specifically, the special provisions respecting the lease of a dwelling.

Title III deals with offences, while Title IV contains miscellaneous and transitional and final provisions.

Bill 107

An Act to establish the Régie du logement
and to amend the Civil Code and other legislation

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

TITLE I

THE RÉGIE DU LOGEMENT

CHAPTER I

APPLICATION

1. This title applies to a dwelling contemplated in articles 1650 to 1650-2 of the Civil Code which is rented, offered for rent or, having been rented, has become vacant.

2. This title also applies, *mutatis mutandis*, to a piece of land intended for the installation of a mobile home which is rented, offered for rent or, having been rented, has become vacant.

3. This act is binding on the Government and the government departments, agencies and mandataries.

CHAPTER II

ESTABLISHMENT AND FUNCTIONS OF THE RÉGIE

4. A body, hereinafter called "the board", is established under the name of "Régie du logement".

5. The board shall exercise the jurisdiction conferred on it by this act and decide the applications that are submitted to it.

The board is also responsible for

(1) informing lessors and lessees on their rights and obligations resulting from the lease of a dwelling and on any matter contemplated in this act;

(2) promoting conciliation between lessors and lessees;

(3) promoting the preservation of dwellings;

(4) conducting studies and compiling statistics on the housing situation;

(5) giving its opinion to the designated minister on any matter he may submit to it;

(6) examining the consequences of the application of this act and making such recommendations to the designated minister as it deems expedient;

(7) publishing, from time to time, a compendium of the decisions rendered by the commissioners.

6. The board is composed of commissioners, including a chairman and two vice-chairmen, appointed in sufficient number by the Government for a term of not over five years. The Government shall determine the remuneration, social benefits and the other conditions of employment of the commissioners.

7. The Government may, by regulation, establish a procedure of selection of commissioners other than the chairman, vice-chairmen and judges and, in particular,

(1) determine the manner in which a person may apply for the office of commissioner;

(2) authorize the designated minister to form a selection committee to evaluate the aptitudes of candidates for the office of commissioner or to submit opinions to him in respect of such candidates;

(3) fix the composition of the committee and the mode of appointment of its members;

(4) fix the indemnities and allowances that the members of the committee may receive;

(5) determine the criteria of admissibility and selection to be considered by the committee;

(6) determine what information the committee may require of a candidate and what persons it may consult.

A regulation made under this section comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

8. The Government may determine, by regulation, a code of ethics applicable to commissioners.

9. The chairman shall direct the board and he is responsible for the management and general administration of its affairs.

10. The chairman, or the vice-chairman appointed by him for that purpose, shall co-ordinate, apportion and supervise the work of the commissioners, and they must comply with his orders and directives in that respect.

11. If the chairman is absent or unable to act, he shall be replaced by the vice-chairman designated for that purpose by the Government, on such conditions as it may fix and, if the vice-chairman designated is absent or unable to act, by the other vice-chairman.

12. The vice-chairmen shall exercise the functions delegated to them by the chairman.

13. Commissioners shall exercise their functions on a full-time basis.

14. The term of office and salary of a commissioner once fixed cannot be reduced.

15. The chairman, the vice-chairmen and the commissioners remain in office, notwithstanding the expiry of their term, until they are reappointed or replaced.

16. On pain of forfeiture of office, no commissioner may have any direct or indirect interest in any undertaking that may put his personal interest in conflict with the duties of his office, unless such an interest devolves to him by succession or gift, provided that he renounces or disposes of it with all possible dispatch.

17. Commissioners are vested with the powers and immunity of commissioners appointed pursuant to the Public Inquiry Commission Act (Revised Statutes, 1964, chapter 11).

18. No extraordinary recourse provided by article 844 of the Code of Civil Procedure may be exercised nor any injunction granted against the board or the commissioners acting in their official capacity.

A judge of the Court of Appeal may, on a motion, summarily annul any writ, order or injunction issued or granted contrary to this section.

19. The clerks, inspectors, conciliators and the other members of the personnel of the board are appointed and remunerated in accordance with the Civil Service Act (1978, chapter 15).

20. No commissioner nor any member of the personnel of the board may be prosecuted by reason of an official act done in good faith in the exercise of his functions.

21. A member of the personnel of the board must provide assistance for the drafting of an application to every person who requests it.

22. The head office of the board is at the place determined by the Government; a notice of the location or of any change of the head office shall be published in the *Gazette officielle du Québec*.

The board may have offices and record offices at any place it determines.

23. The board may hold its sittings anywhere, even on non-juridical days, between the hours determined by the chairman.

24. The fiscal period of the board ends on 31 March each year.

25. Not later than 30 June each year, the board shall transmit to the designated minister a report of its activities for the preceding fiscal period.

That report shall be tabled before the Assemblée nationale within thirty days of its receipt, if it is in session; if it is not in session, it shall be tabled within thirty days after the opening of the next session or, as the case may be, after resumption.

26. The chairman shall furnish to the designated minister any information or report he may require on the activities of the board.

27. The books and accounts of the board shall be audited every year by the Auditor General and, in addition, whenever the Government requires it.

CHAPTER III

JURISDICTION OF THE BOARD

DIVISION I

GENERAL PROVISIONS

28. The board hears in first instance, to the exclusion of any tribunal, any application

(1) respecting the lease of a dwelling where the sum claimed or the value of the thing claimed or of the interest of the applicant in the object of the application does not exceed the amount of the jurisdiction of the Provincial Court;

(2) based on articles 1658 to 1659-6 and 1662 to 1662-9 of the Civil Code;

(3) contemplated in Division II.

29. A commissioner hears and decides, alone, applications that are within the jurisdiction of the board.

However, the chairman, or the vice-chairman designated by him for that purpose, may increase the number of commissioners for a hearing to five; he shall in that case designate one of them, from among the judges or advocates, to preside.

30. Only the commissioners selected from among the judges or advocates may hear applications other than those contemplated in Division II.

31. At the request of the parties, the board may entrust a conciliator with meeting the parties and attempting to reach an agreement.

DIVISION II

SPECIAL PROVISIONS FOR THE PRESERVATION OF DWELLINGS

§ 1.—*Demolition of dwellings*

32. This subdivision is applicable in respect of any dwelling situated outside of a municipality where a by-law made under section 426*b* of the Cities and Towns Act (Revised Statutes, 1964, chapter 193), article 393*h* of the Municipal Code or paragraph 18 of article 524 of the Charter of the City of Montreal is in force.

33. The lessor may evict the lessee in order to demolish a dwelling.

He must give him an eviction notice of not less than six months before the expiry of the lease if it is for a fixed term and not less than six months before the date on which he intends to evict the lessor if the lease is for an indeterminate term. The notice must indicate the reason for and the date of the eviction.

34. The lessee may, within one month of receiving the notice, apply to the board for a declaration on the advisability of the demolition, failing which he is deemed to have consented to vacate the premises on the date indicated.

The application of one lessee benefits all the lessees who have received an eviction notice.

35. Before deciding an application, the board shall consider the condition of the dwelling, the prejudice caused to the lessees, housing needs in the area, the possibilities of relocating the lessees, the deterioration of the architectural appearance or esthetic character of the neighbourhood or of the quality of life in the neighbourhood, the cost of restoration and any other pertinent criterion.

36. A person who wishes to preserve a dwelling as rental housing may, at the hearing of an application, intervene to ask for a delay to undertake or pursue negotiations to acquire the immoveable in which the dwelling is situated.

37. The board shall postpone its decision if it believes that the circumstances justify it, and grant the intervener a delay of not over two months from the end of the hearing to allow the negotiations to reach a conclusion.

38. Where the board grants the authorization to demolish a dwelling, it may impose such conditions as it thinks fair and reasonable. It may, in particular, determine the conditions of the relocation of a lessee.

39. The evicted lessee is entitled to an indemnity equal to three months' rent and his moving expenses, unless the amount of the damage sustained is greater, in which case he may apply to the board to fix the amount.

The indemnity is payable at the expiry of the lease, and the moving expenses, on presentation of the vouchers.

40. The demolition must be undertaken and completed within the time fixed by the decision of the board.

41. The board may, for reasonable cause, change the time fixed to undertake or complete the work, provided that the application is made before that time has expired.

42. If the demolition work has not been undertaken within the time fixed by the board to complete it, the authorization to demolish is without effect. If, on that date, the lessee continues to occupy the dwelling, the lease is extended of right and the lessor may, within one month, apply to the board to fix the rent.

43. If the work is not completed within the time fixed, any interested person may apply to the board to obtain an order enjoining the offender to complete it within such time as the board may fix.

44. If the board grants the authorization to demolish, no lessee may be compelled to vacate his dwelling before the term of his lease nor before the expiry of three months from the authorization.

§ 2.—*The alienation of an immoveable situated in a housing complex*

45. In this division, "housing complex" means several immoveables situated near one another and comprising together more than twelve dwellings, if such immoveables are administered jointly by the same person or by related persons within the meaning of the Taxation Act (1972, chapter 23), and if some of them have an accessory, a dependency or part of the structure, except a common wall, in common.

46. No person may, unless authorized by the board, alienate an immoveable situated in a housing complex, or confer a right of occupancy or habitation or any similar right in respect of that immoveable except by a contract of lease.

The forced sale, expropriation or retaking of possession of the immoveable following the execution of a clause of giving in payment or of any other similar agreement is not considered an alienation, if that clause or agreement is executed in good faith.

Any interested person, including the board, may apply to the Superior Court for a declaration of the nullity of an agreement that has been made in contravention of this section.

47. No authorization is required for

(1) the alienation of a housing complex by a single contract to one and the same person;

(2) the alienation of vacant land where that land has no accessory or dependency in common with the other immoveables in the housing complex;

(3) the alienation of a fraction situated in an immoveable on which a declaration of co-ownership is registered pursuant to articles 441*b* to 442*p* of the Civil Code.

48. The authorization of the board may be applied for by the owner or by a person who promises to purchase the whole or a part of a housing complex provided that he obtains authorization to alienate the complex piece by piece.

The authorization of the board may also be applied for by a person who promises to purchase a part of a housing complex provided that he obtains that authorization.

49. Before granting its authorization, the board shall consider the consequences the alienation of the immoveable would have on the lessees, the number of lessees who could be evicted following this alienation, the individualization of the services, accessories and dependencies of the dwelling or immoveable, the financing conditions, the fact that the immoveable was erected or restored within the framework of a government programme and any other criterion prescribed by regulation.

50. Where the board grants the authorization to alienate, it may impose such conditions as it deems fair and reasonable. It may, in particular, fix conditions for the protection of the lessee or of the acquirer of the immoveable.

§ 3.—*Co-ownership*

51. No person may, without the authorization of the board, register a declaration of co-ownership contemplated in articles 441*b* to 442*p* of the Civil Code in respect of an immoveable comprising a dwelling.

Any interested person, including the board, may apply to the Superior Court for the cancellation of the registration of a declaration of co-ownership made in contravention of this section and the annulment of any agreement made following that registration.

52. The authorization of the board may be applied for by the owner or a person who promises to purchase the immoveable provided that he obtains that authorization.

53. Before granting its authorization, the board shall consider the criteria prescribed by regulation.

The board shall not grant its authorization before the coming into force of the regulation.

54. Where the board grants the authorization to register a declaration of co-ownership, it may impose such conditions as it considers fair and reasonable. It may, in particular, fix conditions for the protection of the prospective lessee or acquirer.

§ 4.—*Intervention of the board*

55. Where a person contravenes or is about to contravene this division, or acts or is about to act against a decision rendered under this division, the board may, *ex officio* or at the request of an interested person, issue an order enjoining that person to comply with the decision or to cease or not to undertake his operations and, where necessary, to restore the premises to a state of good repair.

CHAPTER IV

PROCEDURE BEFORE THE BOARD

DIVISION I

PROOF AND PROCEDURE

56. A party who files an application must serve a copy thereof on the other party within the time and in the manner provided in the rules of procedure.

57. Several applications between the same parties, in which the questions at issue are substantially the same, or for matters which might properly be combined in one application, may be consolidated by order of the board on such conditions as it may fix.

The board may also order that several applications made before it, whether or not between the same parties, be heard at the same time and decided on the same evidence, or that the evidence in one be used in another, or that one application be heard and decided first, and the others meanwhile stayed.

58. Where the Superior Court and the board are seized of actions and applications having the same juridical basis or raising the same questions of law and fact, the board must, if one of the parties so requests and no serious prejudice can result to the adverse party, suspend the hearing of the application before it

until the judgment in the case before the Superior Court has become definitive.

59. The board may, for reasonable cause and on appropriate conditions, extend a delay or release a party from the consequences of his failure to comply with it, provided that no serious prejudice can result thereby to the other party.

60. Before rendering a decision, the board shall allow the interested parties to be heard, and must, for that purpose, serve on them a notice of proof and hearing in the manner provided by the rules of procedure.

61. The board shall, if possible, fix the hearing at such a time and date as to allow the parties and their witnesses to be present without too much inconvenience for their ordinary occupations.

62. The board may, at the request of one of the parties, summon such witnesses as may be indicated by the latter, by writ of *subpoena* served in the manner provided in the rules of procedure.

63. At the time fixed for the proof and hearing, the commissioner shall call the case, acknowledge the presence or absence of the parties and proceed with the proof and hearing.

Each party shall state his pretensions and introduce his witnesses.

64. A commissioner may be recused

1. if he is related or allied to one of the parties within the degree of cousin-german inclusively;

2. if he is himself a party to an application involving a question similar to the one in dispute;

3. if he has given advice upon the matter in dispute, or has previously taken cognizance of it as an arbitrator or as a conciliator;

4. if he has acted as a mandatary for one of the parties, or he has made known his opinion extra-judicially;

5. if he has provided professional services to one of the parties;

6. if he is directly interested in an action pending before a court in which any of the parties will be called to sit as judge;

7. if there is mortal enmity between him and any of the parties, or if he has made threats against any of the parties, since

the institution of the action or within six months previous to the proposed recusation;

8. if he is tutor, subrogate-tutor or curator, presumptive heir or donee of any of the parties;

9. if he is a member of a group or corporation, or is manager or patron of some order or community which is a party to the dispute;

10. if he has any interest in favouring any of the parties;

11. if he is related or allied to the attorney, representative or counsel or to the partner of any of them, either in the direct line, or in the collateral line in the second degree.

65. A commissioner is disqualified if he or his consort is interested in the application.

66. If there is a ground for which a commissioner may be recused, he must immediately declare it in writing.

The same applies to a party who is aware of a ground of recusation of a commissioner.

67. Where a party duly notified does not appear or refuses to be heard, the commissioner may, nevertheless, proceed with the hearing of the matter and render a decision.

68. The commissioner may visit the premises or require an expert opinion or an inspection by such qualified person as he may designate, for the examination and appraisal of the facts relating to the dispute. Unless the commissioner intervenes under section 55, the visit of a dwelling cannot then take place before nine o'clock in the morning nor after nine o'clock in the evening.

An inspector must identify himself before making an inspection.

The procedure applicable to the obtention of an expert opinion is that determined by the commissioner.

69. The lessee or the lessor must give access to the dwelling or immoveable to a commissioner, an expert or an inspector of the board acting under section 68.

70. On being seized of an application contemplated in Division II of Chapter III, the board must cause a notice of the application, easily visible to passers-by, to be posted on the immoveable contemplated in the application. Furthermore, the

board may cause a public notice of the application to be published, in the manner provided in the rules of procedure.

Every notice contemplated in the first paragraph must indicate that every person wishing to object to the application must, within ten days of the publication of the public notice or, if there is no public notice, within ten days following the posting up of the notice on the immoveable concerned, notify the board in writing of his objection and the reasons therefor.

The board may, if it considers it expedient, hold a public hearing at which it may hear any person who has notified it of his objection to the application.

At such a hearing, a commissioner may limit the duration of the intervention or refuse it if he considers it not pertinent.

71. The commissioner or the person designated for that purpose must draw up the minutes of the hearing.

These minutes, signed by their author, are proof of their content.

72. A natural person may be represented by his consort, or by an advocate.

If such a person cannot appear himself by reason of illness, distance or any other cause considered sufficient by a commissioner, he may also be represented by a person related to him by blood or by marriage or, if there is no such person in the municipality, by a friend.

A corporation may be represented by an officer, a director, an employee exclusively employed by it, or by an advocate.

73. Notwithstanding the Charter of human rights and freedoms (1975, chapter 6), no advocate may act if the application concerns only the recovery of a debt not exceeding the jurisdiction of the Provincial Court in matters of recovery of small claims, exigible from a debtor resident in Québec by a natural person in his own name and account or by a tutor or curator in his official capacity.

74. Where a party is represented by a mandatary other than his consort or an advocate, the mandatary must furnish to the board a written, special mandate, signed by the person he wishes to represent, indicating, in the case of a natural person, the causes preventing the party from acting himself. Such a mandate must be gratuitous.

75. Subject to sections 76 and 77, articles 1203 to 1245 of the Civil Code apply to the proof made before the board.

76. The following may be proved by producing a copy in lieu thereof if the commissioner is satisfied with the veracity of the copy:

(1) a juridical instrument evidenced in a writing; or

(2) the content of a writing other than an authentic writing.

However, proof may be made by any means where a party establishes that, in good faith, he can neither produce the original of the writing nor any copy in lieu thereof.

77. A party may administer proof by testimony,

(1) even to contradict or vary the terms of a writing, where he wishes to prove that this act has not been complied with;

(2) where he wishes to prove that the rent actually paid is not that appearing in the lease;

(3) where he wishes to interpret or complete a writing.

78. A commissioner may decide that a report of inspection signed by an inspector of the board, a municipal inspector or an inspector appointed under the Industrial and Commercial Establishments Act (Revised Statutes, 1964, chapter 150), the Environment Quality Act (1972, chapter 49), the Québec Housing Corporation Act (1966/1967, chapter 55), the Pipe-Mechanics Act (Revised Statutes, 1964, chapter 154) or the Electricians and Electrical Installations Act (Revised Statutes, 1964, chapter 152), is accepted in lieu of the testimony of such inspector.

However, one of the parties may require the presence of the inspector at the hearing, but if the board considers that the filing of the report would have sufficed, it may condemn that party to pay costs in such amount as it may fix.

79. Every decision of the board must be substantiated and transmitted to the parties concerned, in the manner provided in the rules of procedure.

A copy of a decision, certified true by the commissioner having heard the case or by the person authorized for that purpose by the chairman, has the same value as the original.

80. Where a case is heard by more than one commissioner, the decision is made by a majority of the commissioners having heard the case; where opinions are equaly divided on a question, it is decided by the commissioner who has presided at the hearing.

81. Unless otherwise decided by the board, the decision of a commissioner is executory on the expiry of the delay for appeal or

of the delay for review, as the case may be, or in the case of an application contemplated in Division II of Chapter III, on being rendered.

82. A decision of the board may be executed as if it were a judgment of the Provincial Court, if it is served on the adverse party and registered in the office of the Court of the place where the dwelling is situated.

83. At a meeting called by the chairman, the commissioners may adopt, by a majority, the rules of procedure considered necessary.

They may also, by by-law, determine the form and tenor of the forms necessary for the application of this act and articles 1650 to 1665-6 of the Civil Code and make the use thereof obligatory.

Such rules and by-laws come into force from their publication in the *Gazette officielle du Québec* or on a later date fixed therein.

84. In the absence of provisions applicable to a particular case, a commissioner may compensate for them by any procedure not inconsistent with this act or the rules of procedure.

85. In computing a delay provided by this act or by articles 1650 to 1665-6 of the Civil Code,

(1) the day which marks the start of the delay is not counted, but the terminal day is counted;

(2) holidays are counted but when the last day is a holiday, the delay is extended to the next following day that is not a holiday;

(3) Saturday is considered a holiday, as are 2 January and 26 December.

DIVISION II

SPECIAL PROCEDURES

86. The commissioner who rendered a decision may correct it if it contains an error in writing or in calculation, or any other clerical error or, by obvious inadvertence, it grants more than was demanded or omits to adjudicate upon part of the demand.

He may make the correction, *ex officio* or on the motion of one of the parties, so long as the decision has not been appealed or before the decision becomes executory.

The motion for correction suspends the execution of the decision and interrupts the delay for appeal until the parties are notified of the decision.

87. Where a decision has been rendered against a party who was prevented from producing or supplying evidence by surprise, by fraud or by any other reason considered sufficient, that party may apply for the revocation of the decision.

A party may also apply for the revocation of the decision where the board has omitted to adjudicate upon part of the demand or has decided beyond the application.

The application for revocation must be made in writing within ten days after the decision is known or from the time the cause of prevention ceases, as the case may be.

88. The board may, on the application of a party, review a decision concerning an application of which the sole object is the fixing of rent or the revision of rent, within one month of the receipt of the decision.

The review is effected in accordance with the procedure provided in Division I. The chairman of the board or the vice-chairman designated by him for that purpose shall determine the number of commissioners who are to hear the application; that number must be greater than the number of commissioners who heard the application for the fixing or revision of the rent.

The application for review suspends the execution of the decision, unless the board decides otherwise.

CHAPTER V

APPEAL

89. An appeal lies to the Provincial Court from decisions other than those concerning an application

(1) the sole object of which is the fixing of rent or the revision of rent;

(2) the sole object of which is the recovery of a debt contemplated in section 73;

(3) contemplated in Division II of Chapter III, except an application contemplated in section 39.

90. That appeal is brought by filing, in the office of the Provincial Court of the place where the dwelling is situated, an

inscription which has been served upon the adverse party and the board in the manner provided in the rules of practice of the Court.

91. The appeal must be brought within one month of the receipt of the decision, but one of the parties may, for reasonable cause, apply to the Court for authorization to file an inscription in appeal of a case after the expiry of that time if no serious prejudice can result thereby to the other party.

92. An appeal suspends the execution of the decision unless the Court decides otherwise.

93. Without prejudice to his right to bring an appeal himself within the time provided for in section 91, the respondent may, within ten days following the filing of the inscription, make an incidental appeal in the manner provided in section 90.

94. Where more than one party has appealed from the same decision, all appeals are joined.

95. The Court may, *ex officio* or on a motion, join several appeals if the matters at issue are substantially the same.

96. The Court hears the application again and sections 60 to 69, 75 to 78, 84, 86 and 87 apply, *mutatis mutandis*, to an appeal heard pursuant to this chapter.

97. The Court may hold its sittings even on a non-juridical day, between the hours determined by the chief judge.

98. The Court, at the request of one of the parties, or the clerk, with the consent of the parties, may postpone the hearing to a later date.

99. The Court may confirm, amend or quash the decision contemplated by the appeal and render the judgment that should have been rendered.

100. The judgment is without appeal; it must be written, subtantiated and signed by the judge who rendered it and served on the parties in the manner provided in the rules of practice.

101. The judgment is executory at the expiry of ten days from the date of service, unless otherwise ordered by the Court.

102. When the Superior Court and the Provincial Court are seized of an action and an appeal having the same juridical basis or raising the same questions of law and fact, the Provincial

Court must, if one of the parties so requests and no serious prejudice can result to the adverse party, suspend the hearing of the appeal before it until the judgment in the case before the Superior Court has become definitive.

103. Book Four of the Code of Civil Procedure applies to this chapter, *mutatis mutandis*.

104. In dismissing an appeal that it considers dilatory or immoderate, the tribunal may, *ex officio* or at the request of a party, condemn the appellant to damages.

105. The Provincial Court may, in the manner provided in article 47 of the Code of Civil Procedure, make the rules of practice necessary for the proper carrying out of this chapter and, in particular, permit the application of an incidental procedure provided by Title IV of Book Two of that Code.

CHAPTER VI

REGULATIONS

106. The Government may make regulations

(1) establishing minimum requirements concerning the maintenance, safety, sanitation or habitability of a dwelling or an immoveable comprising a dwelling;

(2) determining what constitutes a dwelling unfit for habitation;

(3) determining the rules for implementing the criteria provided in articles 1658-15 to 1658-18 of the Civil Code for the fixing of rent or for the revision of rent;

(4) exempting, in whole or in part, from the application of articles 1658-15 to 1658-17 of the Civil Code, a category of persons, of leases or of dwellings, or making different criteria applicable to them;

(5) prescribing, where such is the case, the payment of an amount for the making of an application to the board and determining the amount;

(6) making the inclusion of certain particulars mandatory in a lease, writing or notice contemplated in articles 1651-1, 1651-2 and 1658-21 of the Civil Code;

(7) prescribing, subject to section 83, what must be prescribed by regulation under this title.

These regulations come into force from their publication in the *Gazette officielle du Québec* or on a later date fixed therein.

TITLE II

PROVISIONS AMENDING THE CIVIL CODE

107. Article 1631 of the Civil Code, amended by section 2 of chapter 75 of the statutes of 1974, is again amended by striking out the last paragraph.

108. Article 1641 of the said Code is amended by striking out the last paragraph.

109. Subsection 2 of Section II of Chapter First of Title Seventh of Book Third of the said Code, comprising articles 1650 to 1665, is replaced by the following:

"§ 2.—*Special provisions respecting leases of dwellings*

"I. GENERAL PROVISIONS

"**1650.** Articles 1650 to 1665-6 apply to the lease of a dwelling, with its services, accessories and dependencies, even if the lease concerning them is distinct from the lease of the dwelling.

However, they do not apply to the lease of a dwelling leased as a vacation resort or in which over one-third of the total floor area is used for non-residential purposes.

"**1650-1** For the purposes of articles 1650 to 1665-6, a room is a dwelling, unless it is situated in an establishment for which a permit has been issued under the Hotels Act (Revised Statutes, 1964, chapter 205) or the Act respecting health services and social services (1971, chapter 48) or unless not more than two rooms are leased or offered for rent within the main residence of the lessor.

Except upon proof to the contrary, a room is presumed not to be situated in the main residence of the lessor if it has a separate exit opening directly outdoors and sanitary installations independent of those used by the lessor.

"**1650-2** For the purposes of articles 1650 to 1665-6, a mobile home, with or without a permanent foundation, erected on a chassis is a dwelling.

"**1650-3** Articles 1650 to 1665-6 also apply, *mutatis mutandis*, to the lease of land intended for the installation of a mobile home.

"**1650-4** Articles 1616, 1637 to 1641, 1646 and 1647 do not apply to the lease of a dwelling.

"**1650-5** Articles 1650 to 1656-5 and 1660 to 1665-6 apply to the sublease of a dwelling.

"II. OBLIGATIONS OF THE PARTIES

"THE LEASE AND THE RENT

"**1651.** The lessor must, before making the lease, give the lessee a copy of the rules he has established with respect to the immoveable.

These rules then form part of the lease.

"**1651-1** Within ten days of the making of a lease, the lessor must give the lessee a copy of the written lease or, in the case of an oral lease, a writing, indicating the name and address of the lessor and reproducing the mandatory particulars prescribed by regulation, in the form indicated therein.

"**1651-2** Within ten days of the beginning of the lease, the lessor must give the new lessee a writing indicating the lowest rent paid during the twelve months preceding the beginning of the lease or, as the case may be, the rent fixed by the tribunal for the same period and any other information prescribed by regulation, in the form indicated therein.

This article does not apply to the lease of a dwelling in low rental housing within the meaning of article 1662.

"**1651-3** The lease, the writing or the rules regarding the immoveable must be drawn up in French. They may, however, be drawn up in another language if that is the express wish of the parties.

"**1651-4** Every notice relating to the lease of a dwelling must be given in writing at the address indicated in the lease or in the writing contemplated in article 1651-1 or at the new address notified to the party after the making of the lease and drawn up in the same language as that of the lease or writing.

Notices given under articles 1658-1 to 1658-5, 1659-1 and 1660-1 must be given in accordance with the form prescribed by regulation.

"**1651-5** Rent is payable in equal instalments except the last, which may be less.

The lessor cannot require that any instalment exceed one month's rent.

"**1651-6** Unless otherwise agreed, rent is payable in advance on the first day of each term.

"**1651-7** In the case of the alienation of an immoveable or a transfer of debt, when the lessee is uncertain as to the person to whom he must pay the rent, he may address the tribunal to have the person entitled to it determined.

"CONDITION OF THE DWELLING

"Obligations of the lessor

"**1652.** The lessor must deliver and maintain the dwelling in condition fit for habitation.

"**1652-1** The lessor must deliver the dwelling in clean condition.

"**1652-2** The lessor is bound to comply with the obligations imposed on him by law, by regulation or by municipal or other by-law respecting maintenance, safety, sanitation or any other condition relating to the habitation of a dwelling.

These obligations form part of the lease.

"Obligations of the lessee

"**1652-3** The lessee must keep the dwelling clean.

"**1652-4** The lessee is bound to comply with the obligations imposed on him by law, by regulation or by municipal or other by-law respecting the safety and sanitation of a dwelling.

These obligations form part of the lease.

"**1652-5** If the lessee becomes aware of a serious defect or deterioration of the dwelling, he must inform the lessor within a reasonable time.

"**1652-6** At the end of the lease, the lessee must leave the dwelling free of all moveable effects except those belonging to the lessor.

If the lessee leaves moveable effects after his lease has expired or after vacating the dwelling, the lessor may dispose of them if they have no value. If they have value, the lessor may apply to the tribunal for authorization to dispose of them on such conditions as the tribunal may determine.

"Dwelling unfit for habitation

"**1652-7** Every dwelling in such a state of deterioration or uncleanliness as to seriously endanger the health or safety of its occupants or the public is unfit for habitation.

"**1652-8** The lessee may abandon the dwelling if it is unfit for habitation.

If, within ten days of his abandoning it, the lessee notifies the lessor that the dwelling is unfit for habitation, he is not bound to pay the rent for the period during which the dwelling is in that condition without his fault.

"**1652-9** On the dwelling's again becoming fit for habitation, the lessor notifies the lessee if the latter has notified him of his new address and the lessee must, within ten days, notify the lessor of his intention to return or not to return to the dwelling.

If the lessee has not notified the lessor of his new address or of his intention to return to the dwelling, the lessor may make a lease with a new lessee. The new lease entails resiliation of the former lease, but the lessor retains his recourses for damages against the person who has left the dwelling without having notified the lessor of the condition of the dwelling.

"**1652-10** The tribunal may, when seized of an application, declare even *ex officio* that a dwelling is unfit for habitation; it may then rule on the rent, fix the conditions necessary for the protection of the rights of the lessee and, if the dwelling is unfit for habitation, order that it be made fit for habitation.

"REPAIRS

"**1653.** Major improvements or major repairs other than urgent repairs shall not be undertaken in a dwelling before the lessor has given the lessee a notice of at least ten days indicating the nature of the work, the date on which it is to begin and its duration. That notice indicates, where required, the necessary period of vacation and the other conditions under which the work will be carried out if it is of such a nature as to substantially reduce the enjoyment of the premises.

If the necessary period of vacation is more than one week, the notice must be of not less than one month.

"**1653-1** Where a condition is immoderate, the lessee may, within ten days after the receipt of the notice, apply to the tribunal to have it modified or suppressed. However, he cannot contest the nature or the expediency of the work.

The application of the lessee is heard and decided by preference. It suspends the carrying out of the work unless the tribunal orders otherwise.

The tribunal may impose conditions it considers fair and reasonable.

"**1653-2** Articles 1653 and 1653-1 do not apply where the improvements or repairs made have been the subject of an agreement between the lessor and the lessee within the scope of a housing preservation and restoration programme contemplated in section 78*c* of the Québec Housing Corporation Act (1966/1967, chapter 55).

"**1653-3** A lessor who has carried out repairs or improvements must restore the dwelling to clean condition.

"**1653-4** A lessee who carries out urgent and necessary repairs in conformity with article 1644 may withhold from his rent the amount of reasonable expenses so incurred.

The lessee must render an account to the lessor for the repairs made and deliver to him vouchers for the expenses incurred.

"ACCESS TO AND VISIT OF THE DWELLING

"**1654.** A lessee wishing to avoid the extension of the lease in conformity with articles 1658-4 and 1658-5 must allow the dwelling to be visited and signs to be posted immediately upon his giving the notice provided for by these articles.

"**1654-1** Except in case of urgency, the lessor must give the lessee notice of at least twenty-four hours of his intention to ascertain the condition of the dwelling in conformity with article 1622 or to have the dwelling visited by a prospective purchaser.

"**1654-2** The lessee may refuse to allow the dwelling to be visited if the visit is to take place before nine o'clock in the morning and after nine o'clock in the evening.

"**1654-3** The lessee may require the presence of the lessor or of his representative while the dwelling is being visited by a prospective lessee or purchaser.

"**1654-4** Locks allowing access to the dwelling may be changed only with the consent of the lessor and the lessee.

The tribunal may order a lessor or lessee who fails to comply with that obligation to allow access to the dwelling to the other party.

"**1654-5** The lessee cannot allow the overcrowding of the dwelling in a manner inconsistent with the regulations or the municipal or other by-laws respecting health and safety or the standards of occupation of a dwelling.

"SUBLETTING AND TRANSFER OF THE LEASE

"**1655.** The lessee cannot sublet the dwelling or transfer his lease unless he gives the lessor a notice indicating the name and address of the person to whom he intends to sublet to dwelling or to transfer the lease.

If the lessor refuses to allow the lessee to sublet the dwelling or transfer the lease, he must, within ten days, notify him of his grounds of refusal; otherwise, he is deemed to have consented.

A lessor who consents to the subletting of the dwelling or to the transfer of the lease can only require reimbursement of reasonable expenses, up to fifty dollars.

"**1655-1** Where inexecution of an obligation by the sublessee causes serious prejudice to the lessor or other occupants of the immoveable, the lessor may require resiliation of the sublease.

"**1655-2** A student who leases a dwelling from an educational institution cannot sublet the dwelling or transfer his lease.

"INEXECUTION OF OBLIGATIONS

"*Inexecution of the obligations of the lessor*

"**1656.** In addition to the specific performance of the obligation, damages, the resiliation of the lease, or a reduction of rent, the lessee, in the case of the inexecution of an obligation by the lessor, may demand the authorization to withhold the rent to perform the obligation himself or cause it to be performed. Articles 1613 to 1615 apply to this last demand.

The lessee may also deposit his rent at the tribunal if he gives the lessor a prior notice of at least ten days indicating the grounds for the deposit.

"**1656-1** The lessor may apply to the tribunal to recover the rent so deposited.

The tribunal may then, as it sees fit,

1. authorize the deposit to be remitted to the lessor if he has carried out his obligation or if the deposit was made without a valid reason;

2. permit the lessee to continue to deposit his rent until the lessor performs his obligation; or

3. authorize the deposit to be remitted to the lessee to enable him to perform the obligation himself.

"**1656-2** The lessee may also, if the inexecution of an obligation by the lessor endangers the health or safety of the occupants or the public, require an order enjoining the lessor to perform his obligation.

"Inexecution of the obligations of the lessee

"**1656-3** In addition to the specific performance of the obligation or damages, the lessor, in the case of the inexecution of an obligation by the lessee, may demand the resiliation of the lease if the inexecution of the obligation causes serious prejudice to the lessor or to the other occupants of the immoveable or if the lessee has delayed payment of the rent for more than three weeks.

"**1656-4** Where the lessor demands the resiliation of the lease for delayed payment of the rent, the lessee may avoid the resiliation of the lease by paying, before judgment, the rent due and interest fixed in accordance with section 28 of the Revenue Department Act (1972, chapter 22).

"**1656-5** Where the lessor demands the resiliation of the lease for a reason other than delayed payment of the rent, the tribunal may resiliate the lease immediately or order the lessee to perform his obligation within the period determined by it.

If the lessee does not comply with the order, the tribunal, at the demand of the lessor, must resiliate the lease.

"III. MAINTENANCE IN THE PREMISES

"**1657.** The lessee is entitled to maintenance in the premises and may be evicted only in the cases provided for by law.

"**1657-1** The new lessor has towards the lessee the rights and obligations resulting from the lease.

"**1657-2** The consort of a lessee, or a blood relative, a relative by marriage or the concubinary of the lessee, if he has been living with the lessee for at least six months, has in regard to the lessor the rights and obligations resulting from the lease if he continues to occupy the dwelling and gives the lessor a notice to that effect within two months after the cessation of cohabitation.

"**1657-3** A person living with the lessee at the time of the lessee's death has in regard to the lessor the rights and obligations resulting from the lease if he continues to occupy the dwelling and gives the lessor a notice to that effect within two months of the death.

The heir or legatee may, if no person avails himself of this right within the prescribed period, resiliate the lease by giving the lessor a notice of not less than one month to that effect.

"**1657-4** If no person is living with the lessee at the time of his death, the heir or legatee may resiliate the lease by giving the lessor, within six months after the death, notice of at least three months.

"**1657-5** The lease of a room terminates on the same date as the lease of the dwelling in which it is situated, but the lessee is not bound to vacate the room before receiving notice of at least ten days to that effect from the lessor of the room or of the dwelling.

The lessee of the room retains his recourses for damages against his lessor.

"IV. EXTENSION OF LEASE AND INCREASE AND FIXING OF RENT

"**1658.** A lease for a fixed term is, at term, extended of right on the same conditions and for the same term or, if that lease exceeds twelve months, for a term of twelve months.

The parties may, however, agree to a different extension term.

"**1658-1** The lessor may, for the extension of a lease, increase the rent or change the term or another condition of the lease if he gives the lessee notice to that effect.

"**1658-2** The lessor may avoid the extension of the lease if the lessee has sublet the dwelling for more than twelve consecutive months and if he notifies the lessee and the sublessee of it.

"**1658-3** The lessor may avoid the extension of the lease if the lessee has died and the heir or legatee was not living with him and if he notifies the heir or legatee of it.

"**1658-4** The lessee who has not received a notice contemplated in article 1658-1 may avoid the extension of the lease for a fixed term or terminate the lease for an indeterminate term, if he gives the lessor notice to that effect.

"**1658-5** The lessee must, within one month after receipt of the notice provided for in article 1658-1, notify the lessor that he is vacating the dwelling or that he objects to the requested increase or change, and if he fails to do so, he is deemed to have agreed to the new rent or the new conditions.

"**1658-6** If the lessee notifies the lessor that he objects to the requested increase or change, the lessor may, within one month after receipt of the notice, apply to the tribunal to have the rent fixed or, as the case may be, to rule on the term or the change of the lease, failing which the lease is extended of right.

"**1658-7** The lessee may, within one month after receipt of the notice provided for in article 1658-2 or 1658-3, apply to the tribunal to object to the notice on its merits, failing which he is deemed to have accepted to vacate the premises.

"**1658-8** The notice contemplated by articles 1658-1 to 1658-4 is given not later than three months before the expiry of the term in the case of a lease for twelve months or more, and not later than one month before the expiry of the term in the case of a lease for less than twelve months.

In the case of a lease for an indeterminate term, the notice is of not less than one month.

However, the lessee of a room may terminate a lease for a fixed term of less than twelve months or a lease for an indeterminate term by giving a notice of not less than ten days.

A notice contemplated in this article cannot be given before a period equal to twice the period provided.

"**1658-9** If a decision dismissing an application for retaking possession or for resiliation of a lease or granting the application contemplated in article 1658-7 is rendered after the expiry of the period provided to avoid the extension of the lease or to give a notice of increase of rent or change of another condition of the lease, the lease is extended of right. The lessor may then, within one month of the final decision, apply to the tribunal to fix the rent.

"**1658-10** A new lessee may, within two months from the beginning of the lease, apply to the tribunal to revise the rent if he pays a monthly rent higher than the lowest rent paid during the twelve months preceding the beginning of the lease, unless that rent has been fixed by the tribunal.

"**1658-11** If the lessor gives the new lessee a writing provided for in article 1651-2 containing a false declaration, the latter may, within two months after he knows the declaration to be false, apply to the tribunal to have the rent revised.

"**1658-12** For the application of articles 1658-10 and 1658-11, the expression "new lessee" includes a person who was occupying the dwelling during the lease of the preceding lessee

and becomes the lessee himself at the end of that lease, but it does not include a person who has the rights and obligations resulting from a lease in accordance with articles 1657-2 and 1657-3.

"**1658-13** In a lease for more than twelve months, the parties may agree that the rent will be readjusted proportionately to a variation in the municipal or school taxes affecting the immoveable, in fire insurance or liability insurance premiums, or in the unit cost of fuel or of electricity if the dwelling is heated or lighted at the expense of the lessor.

However, the rent cannot be readjusted during the first twelve months of the lease nor more than once during each period of twelve months.

Within one month of the notice of readjustment of rent, the lessee may apply to the tribunal to have the rent readjusted.

"**1658-14** A sublessee may, within two months of the beginning of the sublease, apply to the tribunal to have the rent revised if he pays a monthly rent higher than the lowest rent paid during the twelve months preceding the beginning of the lease, except where the rent was fixed by the tribunal.

"**1658-15** The tribunal seized with an application for the fixing of rent or for the revision of rent determines the rent exigible in accordance with the regulations, taking into consideration

1. the rent paid for that dwelling at the end of the lease;

2. the variations in rent that have occurred in respect of that dwelling during the twelve months preceding the end of the lease;

3. the share of the total revenue from the immoveable represented by the rent of the dwelling;

4. the variations in the operating costs of the immoveable;

5. the major repairs or improvements made to the immoveable or to the dwelling, and new services;

6. the variations in economic factors concerning the financing and the value of housing; and

7. the decline in the general maintenance of the immoveable or, as the case may be, of the quality of the service.

"**1658-16** The tribunal seized with an application for a change of the conditions of a lease may authorize, or not authorize, that change.

If it authorizes the change, it determines the rent exigible for the dwelling, taking into consideration, as the case may be, the relative value of the change in relation to the rent of the dwelling.

"**1658-17** The tribunal seized with an application for the readjustment of the rent under article 1658-13 determines the rent exigible in accordance with the regulations, taking into consideration

1. the rent paid for that dwelling at the beginning of the lease;

2. the subsequent variations in rent;

3. the share of the total revenue from the immoveable represented by the rent of the dwelling; and

4. the variation imputable to operating costs for which the readjustment is applied for.

"**1658-18** The rent fixed by the tribunal is in force for the period of extension provided for in article 1658 or for the period determined by the tribunal, which cannot exceed twelve months. However, in the case of a new lessee, that rent is fixed for the term of the lease.

"**1658-19** If the lease is for a period of more than twelve months, and the rent has been revised pursuant to the application of a new lessee, the lessor may, notwithstanding article 1658-18, apply for an annual revision. That application for revision must be made not later than three months before the expiry of each twelve-month period from the date when the last fixing has taken effect.

"**1658-20** The tribunal granting an increase of rent may spread the arrears over a period not exceeding the term of extension of the lease.

"**1658-21** Articles 1658-6 to 1658-20 do not apply

1. to the lease of a dwelling in low rental housing within the meaning of article 1662;

2. to the lease of a dwelling leased by a housing cooperative to one of its members; or

3. to the lease of a dwelling situated in an immoveable on which construction work began after 31 December 1973, for five years after the date on which the immoveable is ready for the use for which it is intended.

The lessor must, in accordance with the terms and conditions provided by regulation, notify the lessee that articles 1658-6 to 1658-20 do not apply to the lease of the dwelling.

"V. RETAKING POSSESSION OF A DWELLING

"**1659.** The lessor of a dwelling may retake possession of it to live in or to lodge his ascendants or descendants, his son-in-law, daughter-in-law, father-in-law, mother-in-law, stepson or stepdaughter or any other relative of whom he is the main support.

"**1659-1** A lessor wishing to retake possession of a dwelling must give the lessee notice of not less than six months before the expiry of the lease if it is for a fixed term and of not less than six months before the date on which he intends to retake possession of it if the lease is for an indeterminate term. The notice must indicate the name of the person for whom the retaking of possession of the dwelling is requested, and, where such is the case, the degree of relationship with the lessor, and the date for which the retaking of repossession of the dwelling is requested.

However, the retaking of possession may, upon the application of the lessee and with the authorization of the tribunal, take effect on a later date.

"**1659-2** The lessee may within one month of the receipt of the notice, notify the lessor of his intention to comply with it or not; on failing to do so, he is deemed to refuse to vacate the dwelling.

"**1659-3** If the lessee refuses to vacate the dwelling, the lessor may, with the authorization of the tribunal, retake possession of it provided that he applies therefor within one month of the refusal and he shows that he intends to retake possession of it for the purpose mentioned in the notice.

"**1659-4** If, after the notice of retaking possession, another dwelling of the lessor, of the same type as that occupied by the lessee and situated in the neighbourhood and of an equivalent rent, becomes vacant or is offered for rent before or on the date provided for retaking possession, the lessor must, except with the consent of the lessee, occupy it rather than exercise his right of retaking possession.

"**1659-5** If the lessor does not retake possession of the dwelling on the date provided for and if on that date the lessee continues to occupy it with the consent of the lessor, the lease

is extended of right and the lessor may, within one month of the date for which retaking of possession of the dwelling was applied for, apply to the tribunal to have the rent fixed.

"**1659-6** A dwelling that has been the object of a retaking of possession cannot, without the authorization of the tribunal, be leased or used for a purpose other than that for which the retaking of possession was obtained.

If the tribunal authorizes the leasing of the dwelling, it fixes the rent of it.

"**1659-7** The lessee may recover damages resulting from a retaking of possession obtained in bad faith, whether or not he has consented to that retaking of possession.

"VI. DIVISION OR CHANGE OF DESTINATION OF A DWELLING

"**1660.** The lessor of a dwelling may evict the lessee to divide the dwelling or change the destination of it.

"**1660-1** A lessor who wishes to evict a lessee must give the lessee a notice of not less than six months before the expiry of the lease in the case of a lease for a fixed term and of not less than six months before the date on which he intends to evict the lessee in the case of a lease for an indeterminate term. The notice must indicate the reason for which eviction is requested and the date of that eviction.

However, the eviction may, upon application by the lessee and with the authorization of the tribunal, take effect on a later date.

"**1660-2** The lessee may, within one month of receipt of the notice, apply to the tribunal to oppose the division or change of destination of the dwelling; if he fails to apply, the lessee is deemed to have agreed to vacate the premises.

"**1660-3** The lessor must demonstrate to the tribunal that he really intends to divide the dwelling or to change the destination of it and that the law, the regulations and the municipal or other by-laws authorize it.

"**1660-4** The evicted lessee is entitled to an indemnity equal to three months' rent and moving expenses, unless the amount of the damage sustained is greater, in which case he may apply to the tribunal to fix the amount.

The indemnity is payable at the expiry of the lease, and the moving expenses, on presentation of the vouchers.

"**1660-5** Articles 1659-5 and 1659-6 apply, *mutatis mutandis*, to this section.

"VII. RESILIATION OF THE LEASE

"**1661.** A lessee may resiliate the current lease if he is allocated a dwelling in low rental housing within the meaning of article 1662, if he is relocated following an order issued under article 1662-5, or if he is admitted to a reception centre contemplated in the Act respecting health services and social services (1971, chapter 48) or to a foster home for the aged administered by a non-profit corporation.

The resiliation takes effect as soon as the dwelling is leased to a new lessee or, failing that, three months after a notice is sent to the lessor if the lease is for a fixed term of twelve months or more, and one month after that notice is sent if the lease is for a fixed term of less than twelve months; that notice must be accompanied with an attestation from the authority concerned.

"**1661-1** The lessor or the lessee may demand resiliation of the lease if the dwelling becomes dangerous for the public or for the occupants.

"**1661-2** Subject to articles 1652-8 and 1652-9, if the lessee abandons the dwelling, taking his moveable effects, the lease is resiliated of right.

However, the lessor retains his recourses for damages against that lessee.

"**1661-3** Expropriation does not terminate the lease.

However, the expropriating party may resiliate the lease by giving the lessee a notice of not less than six months.

The notice may be given from the time the expropriating party is authorized to take possession of the immoveable in conformity with the Expropriation Act (1973, chapter 38).

"**1661-4** The employer may resiliate the lease accessory to a work contract by giving to the employee who ceases to be in his employ a notice of not less than one month, except where otherwise stipulated in the work contract.

"**1661-5** An educational institution that leases a dwelling to a student may demand resiliation of the lease if the latter ceases to be a student in that institution.

"VIII. SPECIAL PROVISIONS RESPECTING THE LEASE OF A DWELLING IN LOW RENTAL HOUSING

"**1662.** For the application of this subsection, the expression "dwelling in low rental housing" designates a dwelling situated in low rental housing owned or administered by the Société d'habitation du Québec or by a corporation constituted in accordance with section 55 of the Québec Housing Corporation Act (1966/1967, chapter 55) or constructed under the Act to authorize the members of the council of the city of Montreal to carry out a plan for the elimination of slums and the construction of sanitary housing (1956/1957, chapter 23) and the Act further to facilitate the carrying out of a plan for the elimination of slums and the construction of sanitary dwellings in the city of Montreal (1956/1957, chapter 53), or a dwelling in respect of which the Société d'habitation du Québec pays a subsidy to meet an operating deficit under the Québec Housing Corporation Act.

"**1662-1** The lessor of a dwelling in low rental housing must, in accordance with the by-laws of the Société d'habitation du Québec, keep an up-to-date register for the entry of applications for such a dwelling, an eligible list for leasing and a list of the selected persons.

"**1662-2** If a dwelling is vacant, the lessor, in accordance with the by-laws of the Société d'habitation du Québec, must offer to rent it to one of the persons entered on the list of selected persons.

"**1662-3** If the lessor refuses to enter an application in the register or to enter an eligible person on the eligible list, that person may, within one month from the refusal, apply to the tribunal to have the decision of the lessor revised.

The lessor must establish that the criteria for registration or of eligibility have been respected. The tribunal may, as the case may be, order the application registered or the name of the person entered on the eligible list.

"**1662-4** If the lessor allocates a dwelling to a person other than the person entitled to it under the by-laws of the Société d'habitation du Québec, the person entitled to the dwelling may, within one month from the allocation of the dwelling, apply to the tribunal to have the decision of the lessor revised.

The lessor must show that the criteria of selection have been respected.

"**1662-5** If the lessor cannot show that the criteria of selection have been respected, the tribunal orders the lodging of

the person in a dwelling of the category to which he is entitled or, if no dwelling is vacant, the allocation to him of the next dwelling of that category that becomes vacant.

It may also, in cases of urgency, order the lodging of that person in an equivalent dwelling, in low rental housing or not, corresponding to his needs. If the rent for that dwelling is higher than the rent that that person would have paid for the dwelling he is entitled to, the lessor must pay the excess rent.

"**1662-6** If a lessee is in need of a dwelling of a different category from that of the dwelling he occupies, he may apply to the lessor for re-entry on the eligible list of persons selected in accordance with the by-laws of the Société d'habitation du Québec.

If the lessor refuses to re-enter the lessee or if he allocates to him a dwelling of a category other than that to which he is entitled, the lessee may, within one month of receipt of the notice of refusal from the lessor or of the allocation of the dwelling, apply to the tribunal to contest the lessor's decision.

"**1662-7** If the dwelling no longer meets the needs of the lessee, the lessor, at the end of the lease, may relodge him in a dwelling of the category to which he is entitled.

The lessee may have that decision revised by the tribunal within one month of receipt of the notice.

"**1662-8** If the rent is not fixed in accordance with the by-laws of the Société d'habitation du Québec, the lessee, within two months following the fixing of the rent, may apply to the tribunal to have the rent revised.

"**1662-9** The lessor must, during the term of a lease, at the request of a lessee who has suffered a reduction of income or a change in the composition of his household, reduce the rent in accordance with the by-laws of the Société d'habitation du Québec; if the lessor fails to do so, the lessee may apply to the tribunal to have the rent reduced.

If the income of the lessee becomes equal to or greater than what it was, the prior rent is re-established; the lessee may, within one month of the re-establishment of the rent, apply to the tribunal to contest the re-establishment.

"**1662-10** A lessee cannot sublet the dwelling or transfer his lease.

"**1662-11** A lessee may vacate the dwelling at any time on giving notice of one month.

"IX. SPECIAL PROVISIONS RESPECTING THE LEASE OF LAND INTENDED FOR THE INSTALLATION OF A MOBILE HOME

"**1663.** The lessor of land intended for the installation of a mobile home must deliver it and maintain it in accordance with the development standards provided by law, regulation or a municipal or other by-law.

This obligation forms part of the lease.

"**1663-1** The lessor cannot limit the right of the lessee who occupies land to replace his mobile home by another mobile home of his choice.

"**1663-2** The lessor cannot require that he act as the mandatary or that he choose the person who will act as the mandatary of the lessee for the alienation or leasing of the mobile home.

"**1663-3** The lessor cannot require any amount of money from the lessee for the alienation of his mobile home, unless he acts as the mandatary of the lessee for the sale, lease or exchange of that mobile home under a written contract.

"**1663-4** The lessor cannot require that he himself remove the lessee's mobile home to the new site.

"**1663-5** The acquirer of a mobile home situated on leased land has, in regard to the lessor, the rights and obligations resulting from the lease of the land, unless he notifies the lessor of his intention to leave the premises within one month of the acquisition.

"X. INEFFECTIVE CLAUSES AND CLAUSES THAT CANNOT BE SET UP

"**1664.** Every private agreement inconsistent with articles 1606, 1607, 1609, 1612 to 1615, 1618, 1622, 1625, 1635, 1636, 1643 and 1644, where they apply to the lease of a dwelling, or with articles 1650 to 1665-6, is without effect.

"**1664-1** Every stipulation by which the lessee acknowledges that the dwelling is in good condition is without effect.

"**1664-2** Every clause to forfeit the term for payment of the rent is without effect.

"**1664-3** Subject to article 1662-9, in a lease for a fixed term of twelve months or less, every clause that would vary the rent during the term of the lease is without effect.

"**1664-4** Every clause of limitation or exoneration of the liability of the lessor or intended to render the lessee liable for damage caused without his fault is without effect.

"**1664-5** Every clause to alter the rights of the lessee by reason of an increase in the number of members of his family, unless the space of the dwelling warrants the application of that clause, is without effect.

"**1664-6** Every clause prohibiting the lessee from purchasing furniture by instalment is without effect.

"**1664-7** A notice provided for by this code or the regulations that is not given in prescribed form cannot be set up against the addressee.

"**1664-8** A clause limiting, for the benefit of the lessor, the right of the lessee of land used for the installation of a mobile home to alienate or to lease his mobile home cannot be set up against the lessee.

"**1664-9** Every clause limiting the right of the lessee to purchase goods or to obtain services from persons of his choice, is without effect.

"**1664-10** A penal clause in which the amount provided for exceeds the damage actually sustained by the lessor may be annulled or reduced.

"**1664-11** Every clause which, in the circumstances, is unreasonable, may be annulled or reduced.

"XI. PROHIBITIONS

"**1665.** No one may refuse to make a lease with a person or to maintain the person in his or her rights for the sole reason that the person is pregnant or has one or several children, unless the refusal is justified by the limited space of the dwelling.

"**1665-1** The lessor cannot exact the issue of a cheque or other post-dated instrument for the payment of rent.

"**1665-2** The lessor can only exact in advance payment of rent for one term or, if such term exceeds one month, the payment of one month's rent.

He cannot exact an amount of money other than the rent, in the form of a deposit or otherwise.

"**1665-3** The lessor cannot lease or offer for rent a dwelling declared unfit for habitation by the competent authority.

"**1665-4** Upon written application of the lessee, the lessor cannot refuse to identify, in accordance with the Act to secure the handicapped in the exercise of their rights (1978, chapter 7), a dwelling occupied by a handicapped person significantly restricted in his movements.

"**1665-5** The lessee cannot, without the consent of the lessor, use or keep in the dwelling any substance which constitutes a risk of fire and which would have the effect of increasing the insurance premiums of the lessor.

"**1665-6** The lessor cannot prohibit access to the immoveable or to the dwelling to a candidate for a federal, provincial, municipal or school board election, or to his duly authorized representative, for election purposes."

TITLE III

PENAL PROVISIONS

110. Every person who refuses to comply with an order of the board other than the order provided for in article 1656-5 of the Civil Code is guilty of contempt of court and articles 51 to 54 of the Code of Civil Procedure apply, *mutatis mutandis*, in such a case.

However, where the offender refuses to comply with an order provided for in section 55 or article 1656-2 of the Civil Code, the fine is not less than five thousand dollars nor more than twenty-five thousand dollars.

111. Every person who contravenes section 69 of this act or any of articles 1654, 1654-1, 1659-6 and 1665 to 1665-6 of the Civil Code, is guilty of an offence and is liable, in addition to costs, to a fine of not less than one hundred nor more than one thousand dollars in the case of a person other than a corporation and of not less than two hundred nor more than two thousand dollars in the case of a corporation.

112. Every person who makes a declaration that he knows to be false in a form or writing the use of which is compulsory under this act or articles 1650 to 1665-6 of the Civil Code is guilty

of an offence and is liable, in addition to costs, to a fine of not less than two hundred nor more than two thousand dollars.

113. Where a corporation is guilty of an offence contemplated in section 111 or 112, any officer, director, employee or agent of that corporation who ordered, authorized, assented to or acquiesced in the commission of the offence is deemed to be a party of the offence and is liable to a fine not exceeding the fine provided for in these sections.

114. Proceedings for contravention against this act are instituted by the board or by a person generally or specially designated by it for that purpose.

115. The Summary Convictions Act (Revised Statutes, 1964, chapter 35) applies to proceedings instituted under this act.

TITLE IV

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

116. Article 34 of the Code of Civil Procedure, amended by section 2 of chapter 81 of the statutes of 1969, section 1 of chapter 63 of the statutes of 1970, section 1 of chapter 70 of the statutes of 1972 and by section 1 of chapter 8 of the statutes of 1978, is again amended by adding at the end the following paragraph:

"This article does not apply to an application resulting from the lease of a dwelling or land contemplated in articles 1650 to 1650-3 of the Civil Code."

117. Article 954 of the Code of Civil Procedure, enacted by section 2 of chapter 86 of the statutes of 1971, amended by section 58 of chapter 83 of the statutes of 1975 and by section 2 of chapter 8 of the statutes of 1978, is again amended by replacing the first paragraph by the following paragraph:

"**954.** Nevertheless, this book does not apply to demands resulting from the lease of a dwelling or land contemplated in articles 1650 to 1650-3 of the Civil Code, to demands for alimentary pensions, suits for slander, rents or other matters which may affect the future rights of the parties, nor to the recovery of a small claim where it is being prosecuted by means of a class action."

118. The Cities and Towns Act (Revised Statutes, 1964, chapter 193) is amended by inserting, after section 426, the following subdivision, heading and sections:

"§ 5*a*—*Demolition of Immoveables*

"**426***a*. In this subdivision,

(1) "committee" means the committee established by virtue of section 426*u*;

(2) "dwelling" means a dwelling within the meaning of the Act to establish the Régie du logement and to amend the Civil Code and other legislation (1979, chapter *insert here the chapter number of Bill 107*).

"**426***b*. The council may, by by-law,

(1) prohibit the demolition of an immoveable unless the owner has previously obtained a permit for that purpose from the committee;

(2) prescribe the procedure to be followed in applying for a permit, both in first instance and in appeal.

(3) provide that, for certain categories of immoveables that it shall specify, the public notice contemplated in section 426*d* is not required; and

(4) establish a tariff of fees exigible for the issuance of permits.

"**426***c*. The by-law contemplated in section 426*b* may prescribe that, prior to the consideration of his application for a permit, the proprietor submit to the approval of the committee a preliminary programme of reutilization of the vacated land. The by-law may also prescribe that, if the programme is approved, the proprietor furnish to the municipality, prior to the issuance of his permit, a monetary guarantee of execution of that programme in an amount not exceeding the value entered on the valuation roll of the immoveable to be demolished.

That programme may be approved only if it is in conformity with the by-laws of the municipality. To determine that conformity, the committee must consider the by-laws in force at the time the programme is submitted to it, except in the case where the issuance of a building permit for the proposed programme is suspended by reason of a notice of motion or a resolution of the executive committee, according to the procedure applicable to the municipality. When the issuance of permits is thus suspended, the committee shall not approve the programme before the expiration of the suspension or before the coming into force of the amending by-law contemplated in the notice of motion or in the resolution, if such coming into force occurs before the expiration of the suspension; the decision of the committee is then rendered having regard to the by-laws in force at the time of such decision.

"**426***d*. On being seized of an application for a demolition permit, the committee must cause a notice of the application, easily visible to passers-by, to be posted on the immoveable contemplated in the application. Furthermore, it must immediately cause a public notice of the application to be published, except in the cases contemplated by the by-law adopted pursuant to section 426*b*.

Every notice contemplated in this section must reproduce the first paragraph of section 426*f*.

"**426***e*. Where the immoveable contemplated in the application includes one or more dwellings, the applicant must send, by registered or certified mail, a notice of the application to each of the lessees of the immoveable.

"**426***f*. Every person wishing to oppose the granting of a demolition permit must, within ten days of publication of the public notice or, failing such notice, within the ten days following the posting of the notice on the immoveable concerned, make his objections known in writing to the clerk of the municipality, giving the reasons for his objections.

Before rendering its decision, the committee must consider the objections received; it may hold a public hearing if it considers it advisable.

"**426***g*. Where the immoveable contemplated in the application includes one or more dwellings, a person wishing to preserve that immoveable as rental housing may, at the hearing of the application, intervene to ask for a delay to undertake or pursue negotiations to acquire the immoveable.

"**426***h*. The committee shall postpone its decision if it believes that the circumstances justify it, and grant the intervener a delay of not more than two months from the end of the hearing to allow the negotiations to reach a conclusion.

"**426***i*. Subject to paragraph 1*d* of section 426 and to the Cultural Property Act (1972, chapter 19), the committee, before deciding an application for a demolition permit must consider the condition of the immoveable contemplated in the application, the deterioration of the architectural appearance or esthetic character of the neighbourhood or of the quality of life in the neighbourhood and the cost of restoration and any other pertinent criterion, in particular, where the immoveable includes one or more dwellings, the prejudice caused to lessees, the housing needs in the area and the possibilities of relocation of the lessees.

"**426***j*. The committee must, in addition, reject the application for a permit if the preliminary programme of reutilization of the vacated land has not been approved, if the procedure of application for permits has not been substantially complied with or if the exigible fees have not been paid.

"**426***k*. Where the committee grants the permit, it may impose any condition relating to the demolition of the immoveable or the reutilization of the vacated land. It may, in particular, determine the conditions of the relocation of a lessee, where that is the case.

"**426***l*. No lessee may be compelled to leave his dwelling before the term of the lease, nor before the expiry of three months from the issuance of the permit.

"**426***m*. The evicted lessee is entitled to an indemnity equal to three months' rent and his moving expenses, unless the amount of the damage sustained is greater, in which case he may apply to the Régie du logement to fix the amount.

The indemnity is payable at the expiry of the lease, and the moving expenses, on presentation of the vouchers.

"**426***n*. Where the committee grants the permit, it may fix the time within which the demolition must be undertaken and completed.

It may, for reasonable cause, change that time, provided that the application for the change is made to it before the time has expired.

"**426***o*. If the demolition work is not undertaken before the expiry of the time fixed by the committee, the demolition permit is without effect.

If, on that date, in the case of an immoveable that includes one or more dwellings, a lessee continues to occupy his dwelling, the lease is extended of right and the lessor may, within one month, apply to the Régie du logement to fix the rent.

"**426***p*. If the work is not completed within the time fixed, the council may cause it to be carried out and recover the costs thereof from the proprietor. The costs thus incurred by the council constitute after registration a privileged charge on the land where the immoveable was situated, of the same nature and rank as a municipal tax. The registration of the privilege is made by the filing of a notice by the clerk.

"**426***q*. The decision of the committee concerning the issuance of the permit must be substantiated and be sent immediately to every party concerned by registered or certified mail.

"**426***r*. Every interested person may appeal to the council from a decision of the committee.

Any member of the council, including a member of the committee, may sit on the council to hear an appeal made in virtue of the first paragraph.

"**426***s*. Every person who carries out the demolition of an immoveable or causes it to be carried out without a permit or in contravention of the conditions of the permit is liable to a fine of not less than five thousand nor more than twenty-five thousand dollars.

"**426***t*. At all times while the demolition work is being carried out, a person in authority on the premises must have a copy of the permit in his possession. An officer or employee of the municipality designated by the council may enter the premises where that work is being carried out to ascertain whether the demolition is in conformity with the permit. The refusal to allow the officer or the employee of the municipality on the premises or to let him see the copy of the permit renders the contravening person liable to a fine not exceeding five hundred dollars.

"**426***u*. A council that has adopted a by-law in virtue of section 426*b* must constitute a committee having the functions of deciding applications for demolition permits and exercising any other powers conferred on it by this subdivision.

This committee shall be composed of three members of the council designated for one year by the council. Their term is renewable.

"**426***v*. A member of the council who ceases to be a member of the committee before the end of his term, is temporarily unable to act, or has a direct or indirect personal interest in a matter of which the committee is seized, shall be replaced by another member of the council designated by the council for the unexpired portion of his term, for the duration of his incapacity or for the duration of the hearing of the matter in which he has an interest, as the case may be.

"**426***w*. This subdivision applies to every city or town municipality, by whatever law governed, even to those not contemplated in section 1, except the City of Montreal. It prevails over any inconsistent provision of the charter of a municipality to which it applies."

119. Section 427 of the said act, amended by section 121 of chapter 55 of the statutes of 1968, is again amended by replacing paragraph 8 by the following paragraph:

"(8) to regulate the construction, alteration, maintenance and quality of dwellings, rooms offered for rent, tenement and apartment houses and their dependencies; to prohibit their occupancy if they are not in conformity with the by-law and with the laws and regulations of Québec; to render the by-law applicable to existing premises;".

120. The Municipal Code is amended by inserting, after article 392*h*, the following article :

"**392***i*. Any local corporation may make, amend or repeal by-laws to regulate the construction, alteration, maintenance and quality of dwellings, rooms offered for rent, tenement and apartment houses and their dependencies; to prohibit their occupancy if they are not in conformity with the by-law and with the laws and regulations of Québec; to render those by-laws applicable to existing premises."

121. The said code is amended by inserting, after article 393*f*, the following subsection, heading and articles:

"§ 4.—*Demolition of Immoveables*

"**393***g*. In this subsection,

(1) "committee" means the committee established by virtue of article 393*aa*;

(2) "dwelling" means a dwelling within the meaning of the Act to establish the Régie du logement and to amend the Civil Code and other legislation (1979, chapter *insert here the chapter number of Bill 107*).

"**393***h*. Any local corporation may make, amend or repeal by-laws to

(1) prohibit the demolition of an immoveable unless the owner has previously obtained a permit for that purpose from the committee;

(2) prescribe the procedure to be followed in applying for a permit, both in first instance and in appeal.

(3) provide that, for certain categories of immoveables that it shall specify, the public notice contemplated in article 393*j* is not required; and

(4) establish a tariff of fees exigible for the issuance of permits.

"**393***i*. A by-law contemplated in article 393*h* may prescribe that, prior to the consideration of his application for a permit, the proprietor submit to the approval of the committee a preliminary programme of reutilization of the vacated land. The by-law may also prescribe that, if the programme is approved, the proprietor furnish to the municipality, prior to the issuance of his permit, a monetary guarantee of execution of that programme in an amount not exceeding the value entered on the valuation roll of the immoveable to be demolished.

That programme may be approved only if it is in conformity with the by-laws of the municipality. To determine that conformity, the committee must consider the by-laws in force at the time the programme is submitted to it, except in the case where the issuance of a building permit for the proposed programme is suspended by reason of a notice of motion or a resolution of the executive committee, according to the procedure applicable to the municipality. When the issuance of permits is thus suspended, the committee shall not approve the programme before the expiration of the suspension or before the coming into force of the amending by-law contemplated in the notice of motion or in the resolution, if such coming into force occurs before the expiration of the suspension; the decision of the committee is then rendered having regard to the by-laws in force at the time of such decision.

"**393***j*. On being seized of an application for a demolition permit, the council must cause a notice of the application, easily visible to passers-by, to be posted on the immoveable contemplated in the application. Furthermore, it must immediately cause a public notice of the application to be published, except in the cases contemplated by a by-law adopted pursuant to article 393*h*.

Every notice contemplated in this article must reproduce the first paragraph of article 393*l*.

"**393***k*. Where the immoveable contemplated in the application includes one or more dwellings, the applicant must send, by registered or certified mail, a notice of the application to each of the lessees of the immoveable.

"**393***l*. Every person wishing to oppose the granting of a demolition a permit must, within ten days of publication of the public notice or, failing such notice, within the ten days following the posting of the notice on the immoveable concerned, make his objections known in writing to the secretary-treasurer of the municipality, giving the reasons for his objections.

Before rendering its decision, the committee must consider the objections received; it may hold a public hearing if it considers it advisable.

"**393***m*. Where the immoveable contemplated in the application includes one or more dwellings, a person wishing to preserve that immoveable as rental housing may, at the hearing of the application, intervene to ask for a delay to undertake or pursue negotiations to acquire the immoveable.

"**393***n*. The committee shall postpone its decision if it believes that the circumstances justify it, and grant the intervener a delay of not more than two months from the end of the hearing to allow the negotiations to reach a conclusion.

"**393***o*. Subject to paragraph *l* of article 392*f* and to the Cultural Property Act (1972, chapter 19), the committee, before deciding an application for a demolition permit, must consider the condition of the immoveable contemplated in the application, the deterioration of the architectural appearance or esthetic character of the neighbourhood or of the quality of life in the neighbourhood and the cost of restoration and any other pertinent criterion, in particular, where the immoveable includes one or more dwellings, the prejudice caused to lessees, the housing needs in the area and the possibilities of relocation of the lessees.

"**393***p*. The committee must, in addition, reject the application for a permit if the preliminary programme of reutilization of the vacated land has not been approved, if the procedure of application for permits has not been substantially complied with or if the exigible fees have not been paid.

"**393***q*. Where the committee grants the permit, it may impose any condition relating to the demolition of the immoveable or the reutilization of the vacated land. It may, in particular, determine the conditions of the relocation of a lessee, where that is the case.

"**393***r*. No lessee may be compelled to leave his dwelling before the term of the lease nor before the expiry of three months from the issuance of the permit.

"**393***s*. The evicted lessee is entitled to an indemnity equal to three months' rent and his moving expenses, unless the amount of the damage sustained is greater, in which case he may apply to the Régie du logement to fix the amount.

The indemnity is payable at the expiry the lease, and the moving expenses, on presentation of the vouchers.

"**393***t*. Where the committee grants the permit, it may fix the time within which the demolition must be undertaken and completed.

It may, for reasonable cause, change that time, provided that the application for the change is made to it before the time has expired.

"**393***u*. If the demolition work is not undertaken before the expiry of the time fixed by the committee, the demolition permit is without effect.

If, on that date, in the case of an immoveable that includes one or more dwellings, a lessee continues to occupy his dwelling, the lease is extended of right and the lessor may, within one month, apply to the Régie du logement to fix the rent.

"**393***v*. If the work is not completed within the time fixed, the council may cause it to be carried out and recover the costs thereof from the proprietor. The costs thus incurred by the council constitute after registration a privileged charge on the land where the immoveable was situated, of the same nature and rank as a municipal tax. The registration of the privilege is made by the filing of a notice by the secretary-treasurer.

"**393***w*. The decision of the committee concerning the issuance of the permit must be substantiated and be sent immediately to every party concerned by registered or certified mail.

"**393***x*. Every interested person may appeal to the council from a decision of the committee.

Any member of the council, including a member of the committee, may sit on the council to hear an appeal made in virtue of the first paragraph.

"**393***y*. Every person who carries out the demolition of an immoveable or causes it to be carried out without a permit or in contravention of the conditions of the permit is liable to a fine of not less than five thousand nor more than twenty-five thousand dollars.

"**393***z*. At all times while the demolition work is being carried out, a person in authority on the premises must have a copy of the permit in his possession. An officer or employee of the municipality designated by the council may enter the premises where that work is being carried out to ascertain whether the demolition is in conformity with the permit. The refusal to allow the officer or the employee of the municipality on the premises or to let him see the copy of the permit renders the

contravening person liable to a fine not exceeding five hundred dollars.

"**393***aa*. A local corporation that has adopted a by-law in virtue of article 393*h* must constitute a committee having the functions of deciding applications for demolition permits and exercising any other powers conferred on it by this subdivision.

This committee shall be composed of three members of the council designated for one year by the council. Their term is renewable.

"**393***bb*. A member of the council who ceases to be a member of the committee before the end of his term, is temporarily unable to act or has a direct or indirect personal interest in a matter of which the committee is seized, shall be replaced by another member of the council designated by the council for the unexpired portion of his term, for the duration of his incapacity or for the duration of the hearing of the matter in which he has an interest, as the case may be."

122. The Québec Housing Corporation Act (1966/1967, chapter 55) is amended:

(*a*) by striking out the heading preceding section 63; and

(*b*) by striking out sections 63 to 66.

123. Section 67 of the said act, amended by section 30 of chapter 49 of the statutes of 1974 and by section 99 of chapter 7 of the statutes of 1978, is again amended by adding at the end the following paragraphs:

"(*n*) establish the criteria, terms and conditions according to which the lessor of a dwelling in low rental housing shall keep a register for the entry of applications, an eligible list for the lease of such a dwelling and a list of the selected persons;

"(*o*) establish the criteria to be respected by the lessor of a dwelling in low rental housing for the purposes of accepting or refusing the entry of a person in the application register or on the eligible list;

"(*p*) establish the criteria of selection to be respected by the lessor of a dwelling in low rental housing for the purposes of allocating such a dwelling according to the categories of dwellings and to the actual needs of a person."

124. The said act is amended by inserting, after section 78*b*, the following sections:

"**78***c*. The lieutenant-Governor in Council may, by regulation, to the extent and on such conditions as he may determine,

authorize the Société d'habitation du Québec to prepare and implement any other programme intended for the conservation and restoration of dwellings.

"**78***d*. The Corporation may substitute itself for any person who offers or agrees to purchase in good faith an immoveable situated on any of lots 388 to 390, 392 to 397, 400, 403 to 410, 417 to 421, 423 to 425, 427, 429, 433, 436, 438, 440 to 449, 452 to 454, 456, 458, 502, 507, 509, 511 to 514, 516 to 518, 521, 524 to 531, 533, 534, 536, 538, 539, 541, 542, 552, 554, 559, 563 to 566, 569, 570 and 572 to 574 of the official subdivision of original lot 159 and on lots 405, 406, 434 and 459 of the official subdivision of original lot 160, in the official plan and book of reference of the parish of Saint-Martin in the registration division of Laval.

The owner of such immoveable must inform, in writing, the Corporation of any offer to purchase or sell such immoveable. The Corporation has thirty days from the receipt of such notice to make known its decision as to availing itself of its right of pre-emption.

If the Corporation waives its right of pre-emption, it must forward to the prospective acquirer, on the expiry of the thirty day delay, a declaration in the form prescribed for registration evidencing its waiver.

The registrar is bound to refuse to register against the lots contemplated in the first paragraph any act or agreement not accompanied by such waiver, unless the Corporation purchases such immoveable.

The Corporation may request the cancellation of a sale made in contravention to this section."

125. Section 128 of the Bar Act (1966/1967, chapter 77), amended by section 45 of chapter 48 of the statutes of 1969, by section 72 of chapter 49 of the statutes of 1973, by section 55 of chapter 81 of the statutes of 1975 and by section 74 of chapter 57 of the statutes of 1978, is again amended by adding, at the end of paragraph *a* of subsection 2, the following subparagraph:

"5. The Régie du logement established under the Act to establish the Régie du logement and to amend the Civil Code and other legislation (1979, chapter *insert here the chapter number of Bill 107*)."

126. Section 2 of the Government and Public Employees Retirement Plan (1973, chapter 12), amended by section 1 of chapter 9 of the statutes of 1974, by section 47 of chapter 41 of the statutes of 1975, by section 9 of chapter 51 of the statutes of 1976,

by section 1 of chapter 21 and section 232 of chapter 68 of the statutes of 1977, by section 106 of chapter 7, section 25 of chapter 18, section 31 of chapter 24, section 31 of chapter 38 and by section 53 of chapter 64 of the statutes of 1978, is again amended by adding, after paragraph 15 of the first paragraph, the following paragraph:

"(16) the commissioners of the Régie du logement."

127. Sections 78 and 79 of the Act to secure the handicapped in the exercise of their rights (1978, chapter 7) are repealed.

128. The cessation of the effect of sections 16 to 16*k* of the Act to prolong and amend the Act to promote conciliation between lessees and property-owners (1975, chapter 84) does not entail the loss of the rights acquired under those sections, nor legalize retroactively deeds declared null or illegal by those sections.

Recourses and penal proceedings respecting the applicability of those sections that have been exercised or that are under advisement before a court, an administrator or the Commission des loyers are continued, heard and decided in accordance with those sections where the recourse or the penal proceeding is based on one of those sections or where it regards the applicability of the Act to promote conciliation between lessees and property-owners (1950/1951, chapter 20) to a dwelling contemplated in those sections.

The prescription of such a recourse or penal proceeding not exercised by 31 December 1979 continues to run after that date. Until that prescription is acquired, that recourse or penal proceeding may be exercised, heard and adjudged according to the sections mentioned in the first paragraph.

129. In the case of a lease ending after 30 June 1979, the rent fixed by an administrator or by the Commission des loyers pursuant to section 29*b* or 29*d* of the Act to promote conciliation between lessees and property-owners shall be maintained unless one of the parties applies to the board to obtain the fixing of a new rent.

The application for the fixing of rent must be made three months before the expiry of every twelve month period from the date the last fixing of rent took effect.

130. Applications pending before commissioners or before a rental administrator on (*insert here the date of the coming into force of Bill 107*) are continued and decided in accordance with the Act to promote conciliation between lessees and property-owners.

131. Cases pending before the Provincial Court on (*insert here the date of the coming into force of Bill 107*) are continued before that Court.

132. A notice of increase of rent, of change of a condition of the lease, of non-renewal of a lease or of retaking of possession given before (*insert here the date of the coming into force of section 110 of Bill 107*) is valid notwithstanding this act.

If the delays granted to the lessee under the Act to promote conciliation between lessees and property-owners to reply to a notice contemplated in the first paragraph have not expired and if he has not replied to such a notice, he must comply with this act.

133. This act replaces the Act to promote conciliation between lessees and property-owners (1950/1951, chapter 20), the Act to amend the Act to promote conciliation between lessees and property-owners, the Civil Code and other legislation (1977, chapter 76) and the Act to prolong certain provisions of the Act to amend the Act to promote conciliation between lessees and property-owners, the Civil Code and other legislation (1978, chapter 100).

134. The Régie du logement succeeds to the Commission des loyers and, for such purposes, it assumes its powers and duties.

In any act, proclamation, order in council or other document, the expression "Commission des loyers" designates the board.

135. The rules of practice of the Commission des loyers are, until replaced, the rules of procedure of the board, so far as they are consistent with this act.

136. The full-time commissioners who are remunerated on an annual basis, other than the chairman and the vice-chairmen, shall remain in office as commissioners, for the terms of office to which they were initially appointed. Their terms of office are deemed to be five years.

137. The staff of the Commission des loyers becomes, without other formality, the staff of the board.

[[**138.** The sums required for the application of this act shall be taken out of the consolidated revenue fund for the fiscal years 1979/1980 and 1980/1981 and, for the subsequent years, out of the moneys granted each year for that purpose by the Legislature.]]

139. The commissioners and administrators appointed under the Act to promote conciliation between lessees and property-owners may hear and decide the applications pending before the Commission des loyers, and they remain in office until they are heard and decided.

140. The Government shall designate a minister responsible for the carrying out of Title I.

141. This act will come into force on the date to be fixed by proclamation of the Government, except the provisions excluded by such proclamation, which will come into force on any later date to be fixed by proclamation of the Government.