THIRD 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

First reading .....

Second reading .....

Third reading .....

M. GUY TARDIF

Ministre des affaires municipales

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 hears in first instance, to the exclusion of any tribunal, civil disputes, arising from the lease of dwellings, that are not within the jurisdiction of the Superior Court, and applications to demolish or subdivide a dwelling or to change its destination.

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 in civil disputes 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. The Government may also make regulations establishing criteria and methods of fixing rent and minimum requirements respecting the fitness for habitation and the maintenance of a dwelling.

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 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. For the application of this title, "dwelling" means a dwelling contemplated in articles 1650 to 1650.3 of the Civil Code, that is rented, is offered for rent or, having been rented, has become vacant.

CHAPTER II

ESTABLISHMENT AND FUNCTIONS OF THE RÉGIE

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

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

The board is also responsible for

(1) examining the consequences of the application of this act and making such recommendations to the Ministre des affaires municipales as it may deem expedient;

(2) giving its opinion to the Minister on any matter he may submit to it;

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

(4) promoting the preservation of dwellings;

(5) promoting conciliation between lessors and lessees;

(6) informing the public on the rights and obligations arising from the lease of a dwelling and on any matter contemplated in this act;

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

4. 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, by regulation, shall determine the criteria of selection of commissioners, as well as their salaries, pension plan and other conditions of employment.

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

6. If the chairman is temporarily 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.

7. The chairman is responsible for the general policies of the board; he shall co-ordinate, apportion and supervise the work of the commissioners, and they must comply with his orders and directives in that respect.

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

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

9. The term of office of a commissioner once fixed cannot be reduced.

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

11. 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; however, that forfeiture is not incurred if such interest devolves to him by succession or gift, provided that he renounces or disposes of it with all possible dispatch.

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

13. No extraordinary recourse provided by articles 834 to 845 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.

14. The clerks, inspectors, conciliators and the other members of the personnel are appointed and remunerated in accordance with the Civil Service Act (1965, 1st session, chapter 14).

15. 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.

16. In the exercise of his functions, an inspector of the board may, between 9 o'clock A.M. and 9 o'clock P.M., having indentified himself, enter a dwelling to ascertain whether this act, a regulation hereunder, or an act, regulation or municipal by-law concerning the safety or sanitation of dwellings is being applied.

The lessor or the lessee must admit an inspector of the board to the dwelling or immoveable if he requests it and identifies himself.

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

18. 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.

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

20. Not later than 30 June each year, the board shall transmit to the Ministre des affaires municipales a report of its activities for the preceding fiscal year.

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.

21. The chairman shall furnish the Minister with any information or report he may require on the activities of the board.

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

23. The books and accounts of the board shall be audited every year by the Vérificateur général and, in addition, whenever the Government requires it.

CHAPTER III

JURISDICTION OF THE BOARD

DIVISION I

GENERAL PROVISIONS

24. The board hears in first instance, to the exclusion of any tribunal, civil disputes arising from the lease of dwellings that are not within the jurisdiction of the Superior Court, as well as the applications contemplated in Division II of this chapter.

It also hears appeals from decisions of municipalities regarding the granting or refusal of demolition permits, subdivision permits or permits to change the destination of a dwelling.

25. A commissioner hears and decides, alone, disputes that are within the jurisdiction of the board.

However, the chairman of the board may increase the number of commissioners for a hearing to five; he shall in that case designate one of them to preside.

26. Only the commissioners selected among judges or advocates may hear applications other than those contemplated in Division II of this chapter.

DIVISION II

SPECIAL PROVISIONS FOR THE PRESERVATION OF DWELLINGS

§ 1.— *Demolition, subdivision or change of destination of dwellings*

27. No person may, unless authorized by the board, demolish or subdivide a dwelling or change its destination.

However, that authorization is not required

(1) in the case of a dwelling situated in a municipality where a by-law adopted pursuant to paragraph 1*e* or 1*f* of section 426 of the Cities and Towns Act (Revised Statutes, 1964, chapter 193), paragraph *m* or *n* of article 392*f* of the Municipal Code or paragraph 18 of article 524 of the Charter of the City of Montreal is in force, as to the matters governed by such municipal by-law;

(2) in the case of a vacant room or land intended for the installation of a mobile home, if the land is vacant.

Where the government or a department or agency of the Government intends to demolish, subdivide or change the destination of a dwelling, it shall consult with the board before acting.

28. A person who intends to acquire, by agreement or expropriation, an immoveable comprising a dwelling may, before acquiring it, apply to the board for authorization to demolish or subdivide it or change its destination after the acquisition.

29. Before deciding on an application contemplated in section 27 or 28, the board must consider the condition of the dwelling, the prejudice caused to the lessee, 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.

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

31. Where the board is convinced of the seriousness of the person who intervenes, it shall postpone the pronouncement of its decision and grant a delay of not more than two months from the end of the hearing to allow the negotiations to reach a conclusion.

32. Where the board grants authorization to demolish or subdivide a dwelling or change its destination, it may determine fair and reasonable conditions for the protection of the lessee, particularly, in respect of the conditions of his relocation.

33. The demolition or subdivision of a dwelling or its change of destination must be undertaken and terminated within the delay fixed by the decision of the board.

34. The board may, for reasonable cause, change the delays fixed to undertake and terminate the work, provided that the application is made before the delays have expired.

35. If the work pertaining to the demolition or subdivision of a dwelling or to its change of destination has not been undertaken and the delay fixed by the board to terminate it has expired, the decision is without effect.

36. If the work is not terminated within the delay fixed, any interested person may apply to the board to obtain an order enjoining the offender to terminate it within such delay as the board may fix.

37. If the board grants an authorization under section 27 or 28, no lessee may be compelled to vacate his dwelling before the term of his lease nor before the expiry of three months' delay from the authorization.

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

38. For the application of 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.

39. No person may, unless authorized by the board, sell, promise to sell or offer to sell 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.

Any agreement in contravention of this section is null *pleno jure*.

40. No authorization is required for the sale of the housing complex to a single acquirer under a single contract.

41. Before granting its authorization, the board shall consider the consequences the sale of the immoveable would have on the lessees, the number of lessees who would be evicted following such a sale, 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 pertinent criterion.

§ 3.—*Co-ownership*

42. No person may register a declaration of co-ownership in application of articles 441*b* to 442*p* of the Civil Code in respect of an immoveable comprising a dwelling.

§ 4.—*Intervention of the board*

43. Where a person, without the required authorization, is carrying out or is about to carry out work of demolition or subdivision of a dwelling or work to change its destination, is about to sell an immoveable situated in a housing complex or acts in contravention to a condition imposed under a decision made by the board pursuant to this division, the board may, at the request of an interested person or *ex officio*, issue an order enjoining that person to comply with the decision or to cease his operations and, where necessary, to restore the premises to a state of good repair.

CHAPTER IV

PROOF AND PROCEDURE

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

45. 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.

46. 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.

47. 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.

48. 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.

49. 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.

50. 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.

51. A commissioner may be recused on any of the grounds provided in articles 234 and 235 of the Code of Civil Procedure.

52. 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.

53. The commissioner may visit the premises or require an expert's opinion by such qualified person as he may designate, for the examination and appraisal of the facts relating to the dispute. In such a case, the visit of a dwelling cannot take place before nine o'clock in the morning nor after nine o'clock in the evening.

The procedure applicable to obtain an expert's opinion is that determined by the commissioner.

54. In the case of an application contemplated in Division II of Chapter III of this title or of an appeal contemplated in section 24, the chairman may, if he considers that the public interest requires it, publish, in the manner provided in the rules of procedure, a notice inviting any person to make representations at a hearing held for that purpose.

A person wishing to make representations at that hearing must give notice thereof to the board within ten days of the publication of the notice.

55. At a hearing contemplated in section 54, a commissioner may limit the duration of the intervention or refuse it if he considers it not pertinent.

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

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

57. A natural person may be represented by his consort, by a person in the possession of a written, special and gratuitous mandate, or by an advocate; a corporation may be represented by an officer, a director, a duly authorized employee or an advocate.

Notwithstanding the Charter of human rights and freedoms (1975, chapter 6), no advocate may act for a plaintiff or a defendant if the application concerns only the recovery of a small claim within the meaning of Book Eight of the Code of Civil Procedure; however, an advocate may act where there is a joinder of actions or a joint hearing in accordance with section 45 or 46.

58. Where a party is represented by a mandatary other than his consort or an advocate, the mandatary must furnish to the board the mandate provided for in section 57.

59. A commissioner may admit as proof any evidence he considers pertinent to the settlement of the dispute.

A party may, in particular, give oral evidence even to contradict or vary the terms of a writing where this act was not complied with.

60. 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.

61. 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.

62. 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 presiding at the hearing.

63. Unless otherwise decided by the board, the decision of a commissioner is executory on the expiry of the delay for appeal or, in the case of a decision made pursuant to Division II of Chapter III of this title, on being rendered.

64. 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 district where the dwelling is situated.

65. A decision in which there is an error in writing or in calculation or any other clerical error may be corrected by the commissioner who rendered it; the same rule applies to an error which, by obvious inadvertence, has granted more than was demanded or has omitted to adjudicate upon part of the demand.

Such correction may be made on the motion of one of the parties, so long as the decision has not been appealed; it may be made *ex officio* 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.

66. Article 273 of the Code of Civil Procedure applies to an application made before the board if that application has the same juridical basis or raises the same questions of law and fact as an action brought before the Superior Court.

67. At a meeting called by the chairman, the commissioners may make, 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 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.

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

CHAPTER V

APPEAL

69. An appeal lies to the Provincial Court from decisions other than those contemplated in Division II of Chapter III of this title.

That appeal is brought by filing, with the clerk responsible for the application of Book Eight of the Code of Civil Procedure, at the place where the dwelling is situated, an inscription which has been served upon the adverse party in the manner provided in the rules of practice of the Court.

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

71. An appeal regularly brought suspends the execution of the decision, unless the tribunal decides otherwise.

72. Without prejudice to his right to bring an appeal himself within the delay provided for in section 70, the respondent may, within ten days following the filing of the inscription, make an incidental appeal in the manner provided in section 69.

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

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

75. Sections 49 to 53, 57 to 60, 65 and 68 apply *mutatis mutandis* to an appeal heard pursuant to this chapter.

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

77. The clerk 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.

78. The tribunal, 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.

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

80. 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.

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

82. Article 273 of the Code of Civil Procedure applies to an appeal made to the Provincial Court where such appeal has the same juridical basis or raises the same questions of law and fact as an action instituted before the Superior Court.

83. Book Four and articles 986 to 988 of the Code of Civil Procedure apply to this chapter, *mutatis mutandis*.

84. In dismissing an appeal that it considers dilatory or immoderate, the tribunal may condemn the appelant to damages.

85. 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 permit the application of an incidental procedure provided by Title IV of Book Two of that Code.

CHAPTER VI

REGULATIONS

86. The Government may make regulations

(1) subject to section 67, prescribing what must be prescribed by regulation pursuant to articles 1650 to 1665 of the Civil Code;

(2) imposing the inclusion of mandatory clauses in the lease or writing contemplated in articles 1651 to 1651.2 of the Civil Code and determining their form and tenor;

(3) establishing the criteria and the method of fixing the rent of a dwelling or of land intended for the installation of a mobile home;

(4) establishing minimum requirements respecting the fitness for habitation and maintenance of a dwelling;

(5) defining the expression "a dwelling unfit for habitation".

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

87. 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.

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

89. Paragraph 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 the lease of dwellings*

"I. GENERAL PROVISIONS

"**1650.** Articles 1650 to 1665 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 used in part for non-residential purposes if that part exceeds one-third of the total surface area of the dwelling.

"**1650.1** For the purposes of this paragraph, 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 and sanitary installations independent of those used by the lessor.

"**1650.2** For the purposes of this paragraph, a mobile home, with or without a permanent foundation, erected on a chassis is a dwelling.

"**1650.3** Articles 1650 to 1665 also apply, *mutatis mutandis*, to the lease of land intended for the installation of a mobile home.

"**1650.4** Article 1616, paragraph 2 of article 1628 and articles 1637 to 1641, 1646 and 1647 and the first paragraph of article 1649 do not apply to the lease of a dwelling.

"**1650.5** Articles 1650 to 1656 and 1660 to 1665 apply to the sublease of a dwelling.

"II. OBLIGATIONS OF THE PARTIES

"THE LEASE

"**1651.** Within ten days of the making of a written lease, the lessor must give the lessee a copy of the lease reproducing the mandatory particulars prescribed by regulation, in the form indicated therein.

"**1651.1** If the parties agree to an oral lease, the lessor must, within ten days of the agreement, give the lessee a writing reproducing the mandatory particulars prescribed by regulation, in the form indicated therein.

"**1651.2** The lessor must, upon granting a lease, give the new lessee a writing indicating the rent paid by the preceding lessee and any other information relating to the lease of the preceding lessee prescribed by regulation, in the form indicated therein.

"**1651.3** The lessor must, before making or agreeing to the lease, give the lessee a copy of the rules he has etablished with respect to the immoveable.

These rules then form part of the lease.

"**1651.4** The lease, writing or rules of 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.

"**1651.5** Every notice relating to the lease of a dwelling must be given in writing and drawn up in the same language as that of the lease or writing contemplated in article 1651.1

Notices given under articles 1658.2 to 1658.4 and 1659.1 must be given in accordance with the form prescribed by regulation.

"CONDITION OF THE DWELLING

"**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 and the lessee must maintain it in that condition.

"**1652.2** The lessor is bound to comply with the obligations imposed on him by law or a municipal or other by-law respecting safety, sanitation or the minimum requirements relating to the habitation and maintenance of a dwelling.

Those obligations form part of the lease.

"**1652.3** The lessee may abandon the dwelling if it is unfit for habitation or if it becomes so without his fault.

If, within a reasonable delay, 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.

"**1652.4** On the dwelling's again becoming fit for habitation, the lessor notifies the lessee if he knows 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 cancellation 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.

"**1652.5** 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.

"**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 and it suspends the carrying out of the work unless the tribunal orders otherwise.

"**1653.2** The lessor who has carried out repairs or improvements must restore the dwelling to clean condition.

"**1653.3** The 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.

"INEXECUTION OF THE OBLIGATIONS OF THE LESSOR

"**1654.** In the case of inexecution of an obligation by the lessor, the lessee may deposit his rent at the tribunal if he gives the lessor a prior notice of at least ten days indicating the grounds for deposit.

"**1654.1** The lessor may apply to the tribunal to recover the rent so deposited.

The tribunal may then, as it sees fit,

1. order that the deposit be remitted to the lessor;

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

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

"**1654.2** 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.

"ACCESS TO AND VISIT OF THE DWELLING

"**1655.** A lessee wishing to avoid the extension of the lease in conformity with article 1658.5 or 1658.6 must allow the dwelling to be visited and signs to be posted immediately upon his giving the notice provided for by these articles.

"**1655.1** 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.

"**1655.2** 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.

"**1655.3** 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.

"**1655.4** Locks allowing access to the dwelling may be changed only with the consent of the parties.

"SUBLETTING AND ASSIGNMENT OF THE LEASE

"**1656.** The lessee cannot sublet the dwelling or assign his lease unless he gives the lessor a notice indicating the name and address of the person to whom he intends to sublet or to assign the lease.

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

"III. MAINTENANCE IN THE PREMISES

"**1657.** A lessee cannot be evicted from a dwelling except in the cases provided by law.

"**1657.1** If there is a change of lessor, the new lessor succeeds for the future to the rights and obligations arising out of 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 cohabiting with the lessee for at least six months, may, by continuing to live in the dwelling after ceasing to cohabit, succeed for the future to the rights and obligations arising out of the lease by notifying the lessor of his intention within sixty days after the cessation of cohabitation.

"**1657.3** If a person is cohabiting with a lessee at the time of the lessee's death and continues to live in the dwelling, he succeeds for the future to the rights and obligations arising out of the lease, if he gives the lessor a notice to that effect within sixty days of the death.

If no person avails himself of that right within the delay provided, the heir or legatee may, at the expiry of that delay, cancel the lease by giving the lessor notice of at least thirty days.

"**1657.4** If no person is cohabiting with the lessee at the time of his death, the heir or legatee may cancel 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 the person from whom he has leased the room.

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

"**1658.** A lease for a fixed term is, at term, extended of right 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** Article 1658 does not apply to the lease granted by an employer to his employee accessory to a contract of work.

An employer may at any time terminate the lease by giving the employee notice of at least one month.

"**1658.2** 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.

"**1658.3** 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 of it.

"**1658.4** The lessor may avoid the extension of the lease of an heir or legatee who, without having cohabited with the deceased lessee, has succeeded to the rights and obligations arising out of the lease, if he notifies the heir or legatee of it.

"**1658.5** The lessee 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.

However, that notice is not required if the lessee has received a notice of non-extension or a notice contemplated in article 1658.2.

"**1658.6** The lessee may, within thirty days after the receipt of the notice provided for in article 1658.2, notify the lessor that he is vacating the dwelling or apply to the tribunal to have the rent fixed or, as the case may, to rule on the term or the change of the lease, failing which he is deemed to have accepted the new rent or the new conditions.

"**1658.7** If a lessee receives the notice provided for in article 1658.3 or 1658.4, he may, within thirty days, 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 1658.2 to 1658.5 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 not less than one month.

However, the lessee of a room may terminate the lease for an indeterminate term if he gives notice of ten days.

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

"**1658.9** If a decision dismissing an application for retaking possession or for cancellation of a lease or granting the application contemplated in article 1658.7 is rendered after the expiry of the delay 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. The lessor may then, within a reasonable delay, apply to the tribunal to fix the rent.

"**1658.10** A new lessee may, within sixty days 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 containing a false declaration, the latter may, within sixty days 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 succeeded to 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 revised 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.

That revision of rent cannot be requested during the first twelve months of the lease nor more than once during each period of twelve months.

Within thirty days of a request for revision of the rent, the lessee may apply to the tribunal to have the rent fixed.

"**1658.14** A sublessee may, within sixty days of the beginning of the sublease, apply to the tribunal to have the rent revised if he pays more than the lessee himself pays.

"**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.

The rent so fixed is in force for the extension period provided by article 1658 or for the extension period determined by the tribunal, but in the case of a new lessee, that rent is fixed for the term of the lease.

"**1658.16** If the lease is for a term of more than twelve months, and the rent has been fixed in accordance with article 1658.15, the lessor may 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.

"**1658.17** The tribunal granting an increase of rent may spread the arrears over a period not exceeding the term of extension of the lease.

"**1658.18** Articles 1658.2 to 1658.15 do not apply

1. to the lease of a dwelling in low rental housing within the meaning of article 1661;

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.

"V. RETAKING POSSESSION OF A DWELLING

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

However, the undivided owner of a dwelling cannot retake possession of it except to lodge himself therein.

"**1659.1** The 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.

However, the retaking of possession may, upon application of the lessee and with the authorization of the tribunal, take effect on a later date, particularly if it is to take place between the first of December and the first of March.

"**1659.2** The lessee who receives the notice of retaking possession may, within thirty days, notify the lessor of his intention to comply or not to comply with such notice, failing which he is deemed to have refused 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 thirty days of the refusal and he shows that he really intends to retake possession of it for one of the purposes mentioned in article 1659.

"**1659.4** If, since the notice of retaking possession, another dwelling of the lessor, of the same type as that occupied by the lessee, 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 and the lessor may, within a reasonable delay, apply to the tribunal to have the rent fixed.

"**1659.6** A dwelling that has been the object of a recovery of possession cannot, without the authorization of the tribunal, be leased or used for a purpose other than that for which the recovery of possession was obtained.

The tribunal, if it authorizes the leasing of the dwelling, fixes the rent of it.

"**1659.7** A 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. CANCELLATION OF THE LEASE

"**1660.** If the inexecution of an obligation by the lessee or sublessee causes the lessor or the other occupants of the immoveable serious prejudice, the tribunal may order the performance of the obligation.

If the party in default does not perform his obligation, the lessor may demand cancellation of the lease of the lessee or sublessee.

"**1660.1** A lessor may demand cancellation of the lease if the lessee is more than three weeks behind in the rent.

However, the lessee may avoid the cancellation by paying, before judgment, the rent due and the interest fixed in accordance with section 28 of the Revenue Department Act (1972, chapter 22).

"**1660.2** A lessee may cancel the current lease if he is allocated a dwelling in low rental housing within the meaning of article 1661 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 cancellation takes effect as soon as the dwelling is leased to a new lessee or 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.

"**1660.3** The lessor may demand cancellation of the lease if the dwelling becomes dangerous for the public or for the occupants.

"**1660.4** If the lessee abandons the dwelling, taking his moveable effects, the lease is cancelled of right.

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

"**1660.5** Where the Government or a department or agency of the Government expropriates a multiple dwelling-house, it may cancel a lease by giving notice of not less than three months to the lessee.

"**1660.6** An educational institution that leases a dwelling to a student may demand cancellation of the lease if the latter ceases to be a student in that institution.

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

"**1661.** For the application of this subparagraph, the expression "dwelling in low rental housing" designates a dwelling situated in low rental housing owned by the Société d'habitation du Québec or administered 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).

"**1661.1** 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 list of persons eligible to lease such a dwelling.

"**1661.2** Where a dwelling is vacant, the lessor must, in accordance with the by-laws of the Société d'habitation du Québec, offer it for rent to one of the persons entered on the eligible list.

"**1661.3** If the lessor refuses to enter a person on the eligible list or to allocate to him a dwelling of the category to which he is entitled under the law, that person may, within thirty days from the refusal, apply to the tribunal to have the lessor's decision revised.

The lessor must establish that the criteria of eligibility and allocation have been applied.

"**1661.4** If the tribunal orders the lodging of the person in a dwelling of the category to which he is entitled and no dwelling is vacant, the lessor must relodge him 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.

"**1661.5** 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.

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 by law, the lessee may, within thirty days of the decision of the lessor, apply to the tribunal to contest that decision.

"**1661.6** If the dwelling no longer meets the needs of the lessee, the lessor, after giving notice of at least three months, 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 thirty days of the notice.

"**1661.7** If the rent is not fixed in accordance with the scale of rents established by by-law of the Société d'habitation du Québec, the lessee, within three months from the determination of the rent, may apply to the tribunal to have the rent revised.

"**1661.8** The lessor must, at the request of a lessee who has suffered a reduction of income, 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 apply to the tribunal to contest the re-establishment.

"**1661.9** A lessee cannot sublet the dwelling or assign his lease.

"**1661.10** A lessee may vacate the dwelling at any time on giving notice of one month.

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

"**1662.** 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 or a municipal by-law.

"**1662.1** The lessor cannot refuse to lease land for the sole reason that the lessee's mobile home is secondhand, that it was not purchased from him or that the lessee does not allow him to instal it.

"**1662.2** 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 a mobile home.

"**1662.3** The lessor cannot require that he himself remove the lessee's mobile home to the new site.

"**1662.4** If the lessor installs or removes a mobile home at the request of the lessee, he may only require the reimbursement of reasonable expenses he has incurred.

"**1662.5** The purchaser of a mobile home situated on leased land succeeds for the future to the rights and obligations arising out of the lease of the land, unless he notifies the lessor of his intention to leave the premises within thirty days from the purchase.

"IX. INEFFECTIVE CLAUSES AND CLAUSES THAT CANNOT BE OPPOSED TO A LESSEE

"**1663.** In the lease of a dwelling, every stipulation inconsistent with articles 1606, 1607, 1609, 1610, 1612 to 1615, 1618, 1619, 1622, 1625, 1628, 1635, 1643, 1644 and 1650 to 1665 is without effect.

"**1663.1** Every stipulation by which the lessee acknowledges that the dwelling is in good condition is without effect.

"**1663.2** Every clause to forfeit the term for payment of the rent is without effect.

"**1663.3** Subject to article 1661.8, 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.

"**1663.4** Every clause of exoneration or limitation of liability in favour of the lessor or intended to render the lessee liable for damage caused without his fault is without effect.

"**1663.5** 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.

"**1663.6** A notice provided for by this Code or by the regulations cannot be invoked against the person for whom it is intended unless it is given in accordance with the prescribed form.

"**1663.7** A clause to limit, for the benefit of the lessor, the right of the lessee of land used for the installation of a mobile home to alienate the mobile home, or a clause by which the lessee undertakes to pay to the lessor any amount of money by reason of the alienation of his mobile home, cannot be invoked against the lessee.

"**1663.8** A penal clause in which the amount provided for exceeds the damage actually sustained by the lessor, or a clause which, in the circumstances, is unreasonable, may be annulled or reduced.

"**1663.9** Every clause to limit the right of the lessee to purchase goods or to obtain services from a person of his choice is voidable.

"X. PROHIBITIONS

"**1664.** 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 based on the limited space of the dwelling.

"**1664.1** The lessor cannot exact the issue of a cheque or other post-dated instrument for payment of rent.

"**1664.2** 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.

"**1664.3** The lessor cannot lease or offer for rent a dwelling declared unfit for habitation by the competent authority. In this regard, a dwelling unfit for habitation in accordance with the regulations is, in particular, considered unfit for habitation.

"**1664.4** 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 *insert here the chapter number of Bill 9*), a dwelling occupied by a handicapped person significantly restricted in his movements.

"**1664.5** 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.

"XI. COMPETENT TRIBUNAL

"**1665.** For the application of articles 1650 to 1664.5, the word "tribunal" designates, in first instance, the Régie du logement and, in appeal, the Provincial Court.

TITLE III

PENAL PROVISIONS

90. Every person who contravenes sections 27, 39 and 42 is guilty of an offence and is liable, in addition to costs, to a fine of not less than five hundred nor more than five thousand dollars in the case of a person other than a corporation, and of not less than five thousand nor more than twenty-five thousand dollars in the case of a corporation.

91. Every person who refuses to comply with an order of the board is deemed guilty of contempt of court and articles 51 to 54 of the Code of Civil Procedure apply in such a case, but a commissioner cannot impose imprisonment.

However, if the offender thereby endangers the health or safety of the occupants, the fine is of not less than five thousand nor more than twenty-five thousand.

92. Every person who contravenes any of articles 1651 to 1651.3, 1653.2, 1655, 1655.1, 1655.4, 1659.6, 1662.1 to 1662.3 and 1664 to 1664.5 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.

93. Every person who makes a false declaration in the writing provided for in article 1651.2 of the Civil Code or in the information form necessary for the fixing of rent prescribed by regulation 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.

94. Where a corporation is guilty of an offence contemplated in sections 92 and 93, any officer, director, employee or agent of that corporation who directed, authorized, assented to or acquiesced in the commission of the offence is deemed to have been a party to the offence and is liable to a fine not exceeding the fine provided for.

95. Proceedings under this title are instituted in accordance with the Summary Convictions Act (Revised Statutes, 1964, chapter 35) by the Procureur général or by a person generally or specially authorized by him for such purpose.

TITLE IV

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

96. 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 (*insert here the chapter number of Bill 39*) of the statutes of 1978, is again amended by replacing paragraph 3 by the following paragraph:

"3. to cancel a lease, except in the case of an application for the cancellation of a lease contemplated in articles 1650 to 1650.3 of the Civil Code, when the amount claimed for rent and damages is less than three thousand dollars;".

97. 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 (*insert here the chapter number of Bill 39*) 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 arising from the lease of a dwelling within the meaning of 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."

98. 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.

99. Section 67 of the said act, amended by section 30 of chapter 49 of the statutes of 1974 and by section 99 of chapter (*insert here the chapter number of Bill 9*) of the statutes of 1978, is again amended by adding at the end the following paragraph:

"(*n*) establish criteria of eligibility and selection that must be respected by the lessor of dwellings in low rental housing for the purposes of accepting or refusing a person as a lessee, and criteria for the allocation of a category of dwellings in relation to the actual needs of a person."

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

"**78***c*. The Corporation may substitute itself for any person who offers or agrees to purchase in good faith a building on any of lots 388, 389, 390, 392, 393, 394, 395, 396, 397, 400, 403, 404, 405, 406, 407, 408, 409, 410, 417, 418, 419, 420, 421, 423, 424, 425, 427, 429, 433, 436, 438, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 452, 453, 454, 456, 458, 502, 507, 509, 511, 512, 513, 514, 516, 517, 518, 521, 524, 525, 526, 527, 528, 529, 530, 531, 533, 534, 536, 538, 539, 541, 542, 552, 554, 559, 563, 564, 565, 566, 569, 570, 572, 573, 574 of the official subdivision of original lot 159 in the official plan and book of reference of the parish of Saint-Martin, in the registration division of Laval, or on any of 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 of the registration division of Laval 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."

101. Sections 78 and 79 of the Act to secure the handicapped in the exercise of their rights (1978, chapter *insert here the chapter number of Bill 9*) are repealed.

102. Section 426 of the Cities and Towns Act (Revised Statutes, 1964, chapter 193), amended by section 89 of chapter 17 and section 120 of chapter 55 of the statutes of 1968, section 21 of chapter 55 of the statutes of 1969, section 5 of chapter 45 and section 1 of chapter 46 of the statutes of 1974, section 14 of chapter 66 of the statutes of 1975, section 1 of chapter 18 of the statutes of 1977 and by section 90 of chapter (*insert here the chapter number of Bill 9*) of the statutes of the 1978, is again amended by adding after paragraph 1*d*, the following paragraphs:

"(1*e*) To prohibit the demolition of a dwelling within the meaning of the Act to establish the Régie du logement and to

amend the Civil Code and other legislation (1978, chapter *insert here the chapter number of this bill*) unless the proprietor has previously obtained a permit for that purpose from the council; to prescribe the procedure of application for a permit and establish a tariff of fees exigible for its issuance.

The by-law designed to prohibit the demolition may prescribe that, prior to the consideration of his application for a permit, the proprietor submit to the approval of the council a premiliminary programme of reutilization of the vacated land. The by-law may also prescribe, if the programme is approved, that the proprietor furnish to the council, 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 council must consider the by-laws in force at the time the programme is submitted to it, except in the cases 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 council shall not approve the programme before the expiration 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 council is then rendered having regard to the by-laws in force at the time of such decision.

Subject to paragraph 1*d* and to the Cultural Property Act (1972, chapter 19), the council must, before deciding on an application for a demolition permit, consider the condition of the dwelling, the prejudice caused to the lessee, the housing needs in the area, the possibilities of relocation of 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.

The council may also reject the application for a permit if the preliminary programme of reutilization of the vacated land has not been approved or if the procedure of application for permits was not complied with or the fees exigible were not paid.

The decision of the council concerning the issuance of the permit must be substantiated and transmitted as soon as possible to all concerned parties by registered or certified mail.

If the council intends to grant a permit, it must have a public notice of its intention published as soon as possible; that notice

must identify the object of the permit and reproduce the seventh paragraph. A copy of that notice must be posted up on the immoveable contemplated in the application so as to be visible to passers-by.

Every person wishing to oppose the granting of such a permit must, within ten days of such publication, make his objections known in writing to the clerk of the municipality.

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

Where the council grants the permit, it may fix the delay within which the work must be undertaken and completed and, if after that delay has expired the work is not completed, 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 priviledge 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 by the clerk of a notice in authentic form executed *en minute* by a notary. No lessee may be compelled to vacate his dwelling before the first of the following two eventualities: the term of the lease or the expiry of three months from the issuance of the permit.

Every interested person may appeal to the Régie du logement from a decision of the council.

Every person who carries out the demolition of a dwelling 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.

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 employee of the municipality on the premises or to let him see the copy of the permit on demand renders the contravening person liable to a fine not exceeding five hundred dollars.

This paragraph 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.

"(1*f*) To prohibit the subdivision or the change of destination of a dwelling within the meaning of the Act to establish the Régie du logement and to amend the Civil Code and other legislation, unless the proprietor has previously obtained a permit for that purpose from the council; to prescribe the procedure of application for a permit and establish a tariff of fees exigible for its issuance.

The council must, before deciding an application for a permit, consider the condition of the dwelling, the prejudice caused to lessees, the housing needs in the area, the possibilities of relocation of the lessees, 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.

The council may also reject the application for a permit if the procedure of application was not complied with or the fees exigible were not paid.

The decision of the council concerning the issuance of the permit must be substantiated and transmitted as soon as possible to all concerned parties by registered or certified mail.

The council must reject the application if it is not in conformity with the zoning or building by-laws in force; it may also reject it even if it is in conformity with such by-laws.

If the council intends to grant a permit, it must have a public notice of its intention published as soon as possible; that notice must identify the object of the permit and reproduce the seventh paragraph. A copy of that notice must be posted up on the immoveable contemplated in the application so as to be visible to passers-by.

Every person wishing to oppose the granting of such a permit, must within ten days of such publication, make his objections known in writing to the clerk of the municipality.

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

Where the council grants the permit, it may fix the delay within which the work or the change of destination must be undertaken and completed. No lessee may be compelled to leave his dwelling before the first of the following two eventualities: the term of the lease or the expiration of three months from the issuance of the permit.

Every interested person may appeal to the Régie from a decision of the council.

Every person who carries out the subdivision or the change of destination of a dwelling 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.

At all times while the work or the change of destination 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 or change of destination is being carried out to ascertain whether the work or the change of destination 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.

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

103. Article 392*f* of the Municipal Code, enacted by section 5 of chapter 65 of the statutes of 1963 (1st session), amended by section 2 of chapter 46 of the statutes of 1974, section 7 of chapter 81 of the statutes of 1974, section 22 of chapter 82 of the statutes of 1975 and by section 28 of chapter 53 of the statutes of 1977, is again amended by adding, after paragraph *l*, the following paragraphs:

"*m.* To prohibit the demolition of a dwelling within the meaning of the Act to establish the Régie du logement and to amend the Civil Code and other legislation (1978, chapter *insert here the chapter number of this bill*) unless the proprietor has previously obtained a permit for that purpose from the council; to prescribe the procedure of application for a permit and establish a tariff of fees exigible for its issuance.

The by-law designed to prohibit the demolition may prescribe that, prior to the consideration of his application for a permit, the proprietor submit to the approval of the council a preliminary programme of reutilization of the vacated land. The by-law may also prescribe, if the programme is approved, that the proprietor furnish to the council, 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 council must consider the by-laws in force at the time the programme is submitted to

it, except in the cases 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 council shall not approve the programme before the expiration 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 council is then rendered having regard to the by-laws in force at the time of such decision.

Subject to paragraph *l* and to the Cultural Property Act (1972, chapter 19), the council must before deciding on an application for a demolition permit, consider the conditions of the dwelling, the prejudice caused to the lessee, the housing needs in the area, the possibilities of relocation of 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.

The council may also reject the application for a permit if the preliminary programme of reutilization of the vacated land has not been approved or if the procedure of application for permits was not complied with or the fees exigible were not paid.

The decision of the council concerning the issuance of the permit must be substantiated and transmitted as soon as possible to all concerned, parties by registered or certified mail.

If the council intends to grant a permit, it must have a public notice of its intention published as soon as possible; that notice must identify the object of the permit and reproduce the seventh paragraph. A copy of that notice must be posted up on the immoveable contemplated in the application so as to be visible to passers-by.

Every person wishing to oppose the granting of such a permit must, within ten days of such publication, make his objections known in writing to the clerk of the municipality.

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

Where the council grants the permit, it may fix the delay within which the work must be undertaken and completed and, if after that delay has expired the work is not completed, 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 priviledge charge on the land where

the immoveable was situated of the same nature and ranking as a municipal tax. The registration of the privilege is made by the filing by the clerk of a notice in authentic form executed *en minute* by a notary. No lessee may be compelled to leave his dwelling before the first of the following two eventualities: the term of the lease or the expiry of three months from the issuance of the permit.

Every interested person may appeal to the Régie du logement from a decision of the council.

Every person who carries out the demolition of a dwelling 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.

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 employee of the municipality on the premises or to let him see the copy of the permit on demand renders the contravening person liable to a fine not exceeding five hundred dollars.

"(*n*) To prohibit the subdivision or the change of destination of a dwelling within the meaning of the Act to establish the Régie du logement and to amend the Civil Code and other legislation unless the proprietor has previously obtained a permit for that purpose from the council; to prescribe the procedure of application for a permit and establish a tariff of fees exigible for its issuance.

The council must, before deciding an application for a permit, consider the condition of the dwelling, the prejudice caused to lessees, the housing needs in the area, the possibilities of relocation of the lessees, 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.

The council may also reject the application for a permit if the procedure of application was not complied with or the fees exigible were not paid.

The decision of the council concerning the issuance of the permit must be substantiated and transmitted as soon as possible to all concerned parties by registered or certified mail.

The council must reject the application if it is not in conformity with the zoning or building by-laws in force; it may also reject it even if it is in conformity with such by-laws.

If the council intends to grant a permit, it must have a public notice of its intention published as soon as possible; that notice must identify the object of the permit and reproduce the seventh paragraph. A copy of that notice must be posted up on the immoveable contemplated in the application so as to be visible to passers-by.

Every person wishing to oppose the granting of such a permit, must within ten days of such publication, make his objections known in writing to the clerk of the municipality.

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

Where the council grants the permit, it may fix the delay within which the work or the change of destination must be undertaken and completed. No lessee may be compelled to leave his dwelling before the first of the following two eventualities: the term of the lease or the expiration of three months from the issuance of the permit.

Every interested person may appeal to the Régie from a decision of the council.

Every person who carries out the subdivision or the change of destination of a dwelling 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."

104. 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 the provisions of 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 1978 continues to run after that date. Until that prescription is acquired, that recourse or penal pro-

ceeding may be exercised, heard and adjudged according to the provisions of the sections mentioned in the first paragraph.

105. 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 (1950/1951, chapter 20) shall be maintained unless one of the parties applies to a commissioner 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.

106. Applications pending before commissioners or before a rental administrator at the coming into force of this act are continued and decided in accordance with the Act to promote conciliation between lessees and property-owners (1950/1951, chapter 20).

107. Cases pending before the Provincial Court at the coming into force of this act are continued before that Court.

108. A notice of rent increase, 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 89 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 (1950/1951, chapter 20) 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.

109. 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 *insert here the chapter number of Bill 113*).

110. From the date fixed by proclamation of the Government, the Régie du logement replaces the body contemplated in section 2 of the Act to promote conciliation between lessees and property-owners and, for such purpose, assumes its powers and duties.

From such date, in any act or proclamation, order in council or any other document, the expression "Commission des loyers" designates the Régie du logement.

111. The rules of practice of the Commission des loyers adopted under the Act to promote conciliation between lessees and property-owners are, until replaced, the rules of procedure of the Régie du logement, so far as they are consistent with this act.

112. From the coming into force of sections 2 to 68, the staff of the Commission des loyers becomes without other formality the staff of the board.

[[**113.** 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 such purpose by the Legislature.]]

114. The Ministre des affaires municipales is responsible for the application of Title I, except for Chapter V of that title, which falls within the jurisdiction of the Ministre de la justice.

115. 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.