



CHAPTER 32

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

[Assented to 19 December 1981]

HER MAJESTY, with the advice and consent of the National
Assembly of Québec, enacts as follows:

1979, c. 48,
s. 6, am.

1. Section 6 of the Act to establish the Régie du logement and to amend the Civil Code and other legislation (1979, chapter 48) is amended by adding the following paragraph:

Part-time
commis-
sioner.

“In places where the Government considers it necessary because of the distance and where the number of demands does not appear to it to justify the appointment of a full-time commissioner, it may, notwithstanding section 13, authorize a part-time commissioner to devote his time to other work than that of the board.”

1979, c. 48,
ss. 30.1-
30.4,
added.

2. The said Act is amended by inserting, after section 30, the following sections:

Special
clerk.

“**30.1** A member of the personnel of the board may be appointed as special clerk by the designated Minister, with the approval of the chairman of the board.

Powers.

The special clerk has the powers of the commissioner in the cases where the Act expressly states it.

Special
clerk.

“**30.2** The special clerk may decide

(1) every application the sole object of which is the recovery of the rent or the resiliation of the lease on the ground that the lessee has delayed payment of the rent for more than three weeks, or both the recovery of the rent and the resiliation of the lease on such ground if, at the time fixed for the hearing, one of the parties is absent even though he has been duly notified;

Authori-
zation.

(2) the authorization to deposit the rent under article 1656 of the Civil Code.

Review. **“30.3** In the cases provided in paragraph 2 of section 30.2, the decision of the special clerk may be reviewed by a commissioner on the application of the lessee.

Appli- The application must be filed with the board within ten days of
cation. the date of the decision of the special clerk.

Referral to **“30.4** The special clerk may refer to the commissioner any
commis- matter submitted to him if he considers that the interests of justice
sioner. require it.”

1979, c. 48, **3.** Section 62 of the said Act is replaced by the following sec-
s. 62, re- tion:
placed.

Witnesses. **“62.** A party wishing to produce a witness may summon such
witness by way of a writ of *subpoena* issued by the board and
served within the time and in the manner provided in the rules of
procedure.”

1979, c. 48, **4.** Section 73 of the said Act is replaced by the following sec-
s. 73, re- tion:
placed.

Small **“73.** Notwithstanding the Charter of human rights and free-
claims. doms (R.S.Q., chapter C-12), no advocate may act if the sole object
of the application is the recovery of a debt not exceeding the juris-
diction of the Provincial Court in matters of recovery of small
claims, exigible from a debtor resident in Québec by a person in his
own name and account or by a tutor or curator in his official capac-
ity.”

1979, c. 48, **5.** Section 74 of the said Act is replaced by the following sec-
s. 74, re- tion:
placed.

Written **“74.** Where a party is represented by a mandatory other
mandate. than his spouse or an advocate, the mandatory must furnish to the
board a written mandate, signed by the person he represents, indi-
cating, in the case of a natural person, the causes preventing the
party from acting himself. Such a mandate must be gratuitous.”

1979, c. 48, **6.** The said Act is amended by inserting, after section 79, the
s. 79.1, following section:
added.

Costs. **“79.1** At the time of the decision, the commissioner or the
special clerk may adjudge the costs prescribed by regulation.”

1979, c. 48, **7.** Section 82 of the said Act is replaced by the following sec-
s. 82, re- tions:
placed,
s. 82.1,
added.

Execution. **“82.** Except where provisional execution is ordered, a deci-
sion is executory on the expiry of the time allowed for appeal or, as

the case may be, of the time allowed for review. A decision contemplated in Division II of chapter III is executory on being rendered.

Execution. In the case of a decision relating to an application concerning only the recovery of a debt contemplated in section 73, the decision is executory on the expiry of ten days from its date.

Execution. “**82.1** The commissioner may, if he deems it expedient, order the provisional execution of the decision in whole or in part notwithstanding review or appeal, in the case of

- (1) major repairs;
- (2) eviction from premises where the lease is expired, resiliated or cancelled;
- (3) exceptional urgency.”

1979, c. 48,
s. 90, am. **8.** Section 90 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

Review. “**90.** The board may review a decision concerning an application the sole object of which is the fixing or revision of the rent, if the application is made by a party within one month from the date of the decision.”;

(2) by replacing the third paragraph by the following paragraph:

Suspension of execution. “Except where provisional execution is ordered, the application for review suspends the execution of the decision. However, the board may, on a motion, either order provisional execution when it has not been ordered, or bar or suspend it when it has been ordered.”

1979, c. 48,
s. 90.1,
added. **9.** The said Act is amended by inserting, after section 90, the following section:

Execution. “**90.1** The decision on the application for review is executory on the expiry of ten days from the date thereof unless immediate execution is ordered.”

1979, c. 48,
s. 91, am. **10.** Section 91 of the said Act is amended by adding the following paragraph:

“(4) for authorization to deposit the rent by a motion under article 1656 of the Civil Code.”

1979, c. 48,
s. 93, re-
placed. **11.** Section 93 of the said Act is replaced by the following section:

Prescribed
time.

"93. The appeal must be brought within one month of the date of the decision, but one of the parties may, for reasonable cause, apply to the Court for leave to file an inscription in appeal of a case after the expiry of that time if no serious prejudice results thereby to the other party."

1979, c. 48,
s. 94, re-
placed.

12. Section 94 of the said Act is replaced by the following section:

Suspension
of execu-
tion.

"94. Except where provisional execution is ordered, an appeal suspends the execution of the decision.

Order.

The provisional execution of the whole or part of the decision may, on a motion, be ordered by a judge of the Provincial Court when such execution has not been ordered by the decision appealed from. It may, in the same manner, be barred or suspended when it has been ordered."

1979, c. 48,
s. 108, am.

13. Section 108 of the said Act is amended by replacing subparagraph 4 of the first paragraph by the following subparagraph:

"(4) prescribing, where such is the case, the duties or costs exigible for any act performed by the board or by a party in the case of an application or a proceeding, and the duties or costs relating to the administration of the Act, establishing the standards, conditions and modalities applicable to the receipt, keeping and reimbursement of such duties or costs, exempting certain categories of persons from the payment of such duties or costs, and determining, where necessary, the maximum amount that a party may be bound to pay under section 79.1 for the whole or one or other of such acts."

1979, c. 48,
s. 136.1,
am.

14. Section 136.1 of the said Act, enacted by section 2 of chapter 16 of the statutes of 1981, is amended by replacing the first paragraph by the following paragraph:

Condo-
miniums.

"136.1 In no case may the owner of an undivided portion of an immovable containing five dwellings or more exercise, directly or indirectly, the right provided in article 1659 of the Civil Code unless his deed was registered before 11 June 1981, or unless he was a signatory to a promise to purchase for which a deposit or an earnest was paid prior to that date, provided that his deed was registered before 16 December 1981."

1979, c. 48,
s. 144, re-
placed.

15. Section 144 of the said Act is replaced by the following section:

Minister.

"144. The Government shall designate a minister responsible for the carrying out of Title I and section 136.2."

C.C.
a. 1651.1,
am.

16. Article 1651.1 of the Civil Code is amended by adding, at the end, the following paragraph:

“Where there is extension of a lease in writing and the parties agree to amend it, the lessor must remit to the lessee, before the beginning of the extension, either a duplicate of the written lease reproducing the mandatory particulars prescribed or a writing evidencing the amendments.”

C.C.
a. 1651.4,
replaced.

17. Article 1651.4 of the said Code is replaced by the following article:

“1651.4 Every notice relating to the lease except that contemplated in article 1654.1 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.”

C.C.
a. 1656,
am.

18. Article 1656 of the said Code is amended by replacing the last paragraph by the following paragraph:

“The lessee may also deposit his rent at the tribunal if he gives the lessor a prior notice of ten days indicating the grounds for the deposit and if he obtains leave from the tribunal on a motion.

The tribunal authorizes the deposit if, after hearing the lessee, it appears that he has a valid ground for making it. The tribunal fixes the amount and conditions of the deposit, if necessary.”

C.C.
a. 1658.1,
am.

19. Article 1658.1 of the said Code is amended by replacing the last paragraph by the following paragraphs:

“The notice of increase of rent must indicate in dollars the increased rent or the amount of the increase expressed in dollars or as a percentage of the present rent.

When the rent is the subject of an application for fixing or for review, the increase may be expressed as a percentage of the rent to be determined by the tribunal.

The notice must, further, indicate, where such is the case, the term proposed for the extension of the lease.”

C.C.
a. 1658.8,
am.

20. Article 1658.8 of the said Code, amended by section 1 of chapter 16 of the statutes of 1981, is again amended by striking out the last paragraph.

Applica-
bility.

21. Section 20 does not apply to notices given under articles 1658.1 to 1658.5 of the Civil Code before 19 December 1981.

Coming
into force.

22. This Act comes into force on the day of its sanction, except sections 2, 10, 16 and 18, which will come into force on any later date or dates fixed by proclamation of the Government.