

# Quebec's New Civil Code

## Tenants: Be Aware!



BY **ARNOLD BENNETT**

Quebec's new Civil Code, which took effect on January 1<sup>st</sup>, has changed the laws covering the landlord-tenant relationship. Overall tenants have gained new and better protections. But the changes are complicated and unclear. Below is a brief summary of some significant changes, but anyone having questions or needing detailed information should contact the Regie du logement. They have published a booklet that compares the old and new laws. People may also call my Housing Hotline at 488-0412 or attend one of the information meetings held every Saturday at 11 a.m. at 4335 Hampton and every Sunday at 11 a.m. at 1450 Stanley, Room 301.

### Notice of Increases

Landlords sending notices of rent increases or changes to the lease must state the tenant's dead-

line to reply. If no deadline is mentioned, the entire notice is invalid.

### Repossession

Landlords can't "repossess" or take back a dwelling for their grandparent or grandchild unless they prove they are that relative's main source of support. Owners (not managers!) may only repossess for themselves, their parents, their children, or an ex-spouse they are supporting.

### Renovation

Landlords must prove that major repairs are reasonable and that temporary evacuation of the tenant is necessary. Repairs must be done between 7 a.m. and 7 p.m.

### Sublet and Transfer

Tenants wanting to leave a dwelling can give the landlord written notice that they are leasing to another person (the name and address of that person must be included in the notice). The landlord has 15 days to reply and may refuse only for "serious" reasons such as inability to pay rent. If the landlord doesn't refuse, the transfer takes effect and the original ten-

ant is no longer responsible for the lease or the rent.

### Permission to Work

Tenants may now ask the Regie for permission to do repairs that cost up to a certain value. Therefore, tenants will no longer need a contractor to testify in court about the costs of small repairs.

### Number of Occupants

Leases restricting the number of occupants in a dwelling are no longer legal. However, landlords can still object to overcrowding.

### Punitive Damages

Tenants have the right to sue for punitive damages if a landlord harasses them, limits their "right of peaceful enjoyment or induces [them] to leave the dwelling," if they have been evicted in bad faith or if the apartment repossessed in bad faith. Discrimination against a pregnant woman is also grounds for claiming punitive damages.

### Dangerous Neighbors

Tenants no longer have to show that a "dangerous neighbor" (ex.: drug dealer) is bothering them personally. They only have to

show that someone in the building has been bothered.

The new code significantly changes rules governing condos and the combining of dwellings to make larger dwellings. Contact the Regie and/or the Housing Hotline for full information and stay informed!