

Application relating to abandonment

Record number: _____ Application number: _____ 1863 RA _____ 1863 DD _____ 1863 D _____ Recourse code: _____

ADDRESS OF DWELLING IN QUESTION

No. _____ Street _____ Apt. _____ City / Municipality _____ Postal code _____

All or a part of this building is a private seniors' residence (box to be checked off).

Beginning of lease: Year _____ Month _____ Day _____ End of lease: Year _____ Month _____ Day _____ Indeterminate term: Monthly rent: \$ _____ Lease renewed until: Year _____ Month _____ Day _____

IDENTIFICATION OF PARTIES

Plaintiff 1 Lessor Lessee Other (specify) _____

Last name _____ First name _____
No. _____ Street _____ Apt. _____ City / Municipality _____ Postal code _____
Telephone (home) _____ Telephone (work) _____ Fax _____ Email _____

Plaintiff 2 Lessor Lessee Other (specify) _____

Last name _____ First name _____
No. _____ Street _____ Apt. _____ City / Municipality _____ Postal code _____
Telephone (home) _____ Telephone (work) _____ Fax _____ Email _____

Defendant 1 Lessor Lessee Other (specify) _____

Last name _____ First name _____
No. _____ Street _____ Apt. _____ City / Municipality _____ Postal code _____
Telephone (home) _____ Telephone (work) _____ Fax _____ Email _____

Defendant 2 Lessor Lessee Other (specify) _____

Last name _____ First name _____
No. _____ Street _____ Apt. _____ City / Municipality _____ Postal code _____
Telephone (home) _____ Telephone (work) _____ Fax _____ Email _____

OBJECT OF THE APPLICATION (conclusion sought)

Damages: \$ _____
 Recovery of rent owing at the time of the lessee's departure: \$ _____
 Solidary condemnation of the defendants
 Interest and additional indemnity provided under the *Civil Code of Québec*
TOTAL \$ _____
 Order to pay costs

GROUNDS FOR THE APPLICATION

The lessee illegally left the dwelling around Year _____ Month _____ Day _____
 The lessee was evicted on the basis of a decision rendered on Year _____ Month _____ Day _____ Record number _____
 The lessee did not take possession of the dwelling.
 When the lessee left, the rent was unpaid for the months of _____ which represents the sum of \$ _____
 The dwelling was re-rented as of Year _____ Month _____ Day _____
 The dwelling was not re-rented.
The lessor suffered the following damages:
 Equivalent of lost months of rent \$ _____
 Energy costs \$ _____
 Advertising costs \$ _____
 Screening costs \$ _____
 Losses and degradation: _____
 Other: _____
 Bank costs \$ _____

NOTIFICATION OF THE APPLICATION TO THE OTHER PARTIES

When it is notified, the application will be accompanied by the exhibits.
 When it is notified, the application will be accompanied by the list of exhibits available on request, at no cost to the other parties.

CONCILIATION

Would you like to participate in a conciliation session (see reverse for details)?
YES In person * By phone By videoconference
*This option is only available at the Tribunal's offices located at 5199 Sherbrooke East in Montreal, and at 1434 boul. Daniel-Johnson in Laval.
NO

Date of filing: _____
 Lawyer Plaintiff(s)
Year _____ Month _____ Day _____ Block letters _____ Signature * _____
Year _____ Month _____ Day _____ Block letters _____ Signature * _____
Information clerk code: _____

**I understand that my application is deemed to have been made under oath.*

Appendix for additional information

INFORMATION ON NOTIFICATION

The plaintiff must, **after filing the application with the Tribunal administratif du logement**, notify a copy to each party. When it is notified, the application must be accompanied by the exhibits supporting it or a list of the exhibits indicating that they are available on request. Proof of notification and a list of the exhibits must be filed in the record of the Tribunal.

The Tribunal may refuse to convene the parties to a hearing as long as the documents (list of exhibits and proof of notification) have not been filed in the record.

If proof of notification of the application is not filed within **45 days after the application is filed**, the application expires and the Tribunal closes the record. However, if you are convened within that time period, you must bring proof of notification to the hearing, if it has not already been filed in the record. When sending proof of notification to the Tribunal, clearly indicate the record number(s) and the names of the parties concerned on each document.

Notification can be made by registered mail, by bailiff, in person by a courier service, by technological means, or by any appropriate method that provides the notifier with proof that the document was received. If the plaintiff is unable to notify using one of these methods, the Tribunal administratif du logement may authorize another mode of notification at any time.

CHANGE OF ADDRESS

You must notify the Tribunal and the other parties, without delay, of any change of address that occurs during the proceedings.

A party who fails to give notice of his or her change of address may not apply for revocation of a decision rendered against that party by invoking the fact that he or she did not receive the notice of hearing, if this notice was sent to the party's former address.

CONCILIATION OFFER

You must determine if your litigation can be submitted to the *Service de Conciliation* of the Tribunal administratif du logement. This service is free of charge and has several advantages:

- Your participation in conciliation does not mean that you acknowledge any liability or make an admission of any type whatsoever;
- Conciliation does not delay your case from being scheduled before the Tribunal;
- Conciliation allows finding a solution which takes into consideration your interests and needs in order to resolve a dispute;
- A conciliation session is confidential. Negotiations are conducted in a respectful atmosphere which fosters dialogue. You will accordingly be more comfortable to express your point of view;
- The process is simple and quick;
- Sessions are presided by a neutral and impartial conciliator who ensures that discussions between the parties remain respectful and useful for the settlement of the litigation;
- If the parties agree and want to do so, the agreement drafted by the conciliator may be confirmed by the Tribunal to have the same effect as a judgment.

For more details, please read the Conciliation between lessors and lessees page or view the short video dealing with conciliation and our Participant's Guidebook, available at www.tal.gouv.qc.ca. Please note that participation in conciliation is voluntary, as the parties are free to withdraw from the process at any time without having to justify anything. If all of the parties agree to participate in a conciliation session and if the circumstances are appropriate, you will receive a convocation to the conciliation session, which will specify the date, the time and the location where you will have to show up and the type of session (parties attending physically, by phone or videoconference). We ask you to be available at the time and on the date specified for the conciliation session. The sessions are held from Monday to Friday from 8:30 a.m. to 4:30 p.m. When litigation concerns only the fixation of rent, you must be available for a period of one hour. For other matters, you must be available for a period of 2 hours.

If mentioned in your application, your email will be used by the *Service de Conciliation* to contact you, for example, to forward you as the case may be, a confirmation of the conciliation session, the automatic reminders of this session or information about the follow up of your conciliation case.

Because the conciliation session is held on a voluntary basis, if you show interest in participating in the process, we must then determine if the other party is also interested in participating in it. **It is only on receipt of a positive answer from the other party and if the circumstances are appropriate, that we will convene you to a conciliation session.**

DISCONTINUANCE

A discontinuance closes the record with the Tribunal.

I am discontinuing the present application.

Signature - Plaintiff 1

_____|_____|_____|
Year Month Day

Signature - Plaintiff 2

_____|_____|_____|
Year Month Day

AGREEMENT

Where the parties reach an agreement, the Tribunal closes the record upon the filing of a copy of the agreement signed by the parties, unless the plaintiff files a written request to have the record suspended. Thereafter, the case will only be placed on the roll upon the written request of a party.

Where an agreement is made or filed at the hearing, it must be signed by the parties. The Tribunal may ratify it, provided it is in accordance with law, in which case it has the same effects as a decision.

We, the undersigned, have reached the attached agreement. agree to the following agreement:

_____|_____|_____|
Signature - Plaintiff 1

_____|_____|_____|
Year Month Day

_____|_____|_____|
Signature - Defendant 1

_____|_____|_____|
Year Month Day

_____|_____|_____|
Signature - Plaintiff 2

_____|_____|_____|
Year Month Day

_____|_____|_____|
Signature - Defendant 2

_____|_____|_____|
Year Month Day

The filing of the agreement closes the record with the Tribunal, unless the plaintiff requests to have the record suspended (see below).

Further to this agreement, I request that the record be suspended.

Signature - Plaintiff 1

_____|_____|_____|
Year Month Day

Signature - Plaintiff 2

_____|_____|_____|
Year Month Day

At the request of any of the parties, proceedings before the Tribunal will resume.

Date of filing

_____ Information clerk code