

Notice of repossession

This notice is given in accordance with article 1960 of the *Civil Code of Québec*. It must be sent to each of the lessees individually. The owner/lessor should keep a copy of the notice and proof that the served notice was received.

Notice to:

(Lessee name)

(Lessee name)

(Address of leased dwelling)

You are hereby notified that, as the owner/lessor, I intend to repossess your dwelling:

☐ upon the expiry of your fixed-term lease ending on

| | | |
|------|-------|-----|
| | | |
| Year | Month | Day |

☐ on

| | | |
|------|-------|-----|
| | | |
| Year | Month | Day |

, your lease being of indeterminate term.

Your dwelling will be occupied by:

☐ myself

☐ _____
(Beneficiary **name** and **degree of relationship** [or other bond] with the owner/lessor)

| | | |
|------|-------|-----|
| | | |
| Year | Month | Day |

(Owner/lessor name – please print) (Owner/lessor signature)

| | | |
|------|-------|-----|
| | | |
| Year | Month | Day |

(Owner/lessor name – please print) (Owner/lessor signature)

Confirmation of receipt, if the lessee is served the notice in person

I confirm that I received this notice on:

| | | |
|------|-------|-----|
| | | |
| Year | Month | Day |

(Lessee name – please print) (Lessee signature)

| | | |
|------|-------|-----|
| | | |
| Year | Month | Day |

(Lessee name – please print) (Lessee signature)

INFORMATION

The owner/lessor of a dwelling may repossess it as a residence for themselves or for ascendants or descendants in the first degree (e.g., father, daughter) or for any other relative or person connected by marriage or a civil union if the owner/lessor is their main source of support. The owner/lessor may also repossess the dwelling as a residence for a spouse if the owner/lessor remains their main source of support following their separation or divorce.

The owner/lessor of an undivided share of a building cannot repossess one of the dwellings unless there is only one other owner, and that owner is their spouse. However, owners of a building purchased before July 15, 1988, may have acquired rights. If that is the case for you, please contact the Tribunal administratif du logement.

The owner/lessor wishing to repossess a dwelling must notify the lessee. If the lessee refuses or does not respond to the notice, the lessor can apply to the Tribunal for authorization to repossess the dwelling. This application must be made within one month of the refusal or expiry of the lessee's response period. The lessor shall then show the Tribunal that he truly intends to repossess the dwelling for the purpose mentioned in the notice and not as a pretext for other purposes. The landlord's notice and the tenant's response must be given within the deadlines indicated in the table below.

| Steps in the repossession process and notice deadlines (arts. 1960, 1962 and 1963, C.C.Q.) | | | |
|--|--|---|--|
| | Step 1: Owner/lessor gives notice | Step 2: Lessee responds | Step 3: Owner/lessor applies to the Tribunal administratif du logement |
| Lease of more than six months | Six months before the end of the lease | Within one month of receiving the owner/lessor's notice. If the lessee does not respond, they are presumed to have refused to vacate the dwelling. | Within one month of the lessee's refusal or the expiry of the deadline for the lessee to respond |
| Lease of six months or less | One month before the end of the lease | | |
| Lease with an indeterminate term | Six months before the anticipated date of repossession | | |

A response template provided by the Tribunal administratif du logement is available on the Tribunal's website (www.tal.gouv.qc.ca/en), from your local Tribunal office or by mail.

Where the court authorizes repossession or eviction, it may impose such conditions as it considers just and reasonable, including, in the case of repossession, payment to the lessee of an indemnity equivalent to his moving expenses.

A dwelling that has been the subject of a repossession or eviction may not, without the authorization of the court, be leased or used for a purpose other than that for which the right was exercised.

If the court gives authorization to lease the dwelling, it fixes the rent.

The lessee may recover damages resulting from repossession whether or not he has consented to it, unless the lessor shows the Tribunal that the repossession was made in good faith.

The lessee may also apply for punitive damages against the person who has repossessed the dwelling in bad faith.

NOTE: An owner/lessor may not repossess a dwelling if the tenant or the tenant's spouse meets all of the following criteria at the time of repossession:

1. They are 70 years of age or over.
2. They have occupied the dwelling for at least 10 years.
3. Their income is equal to or less than the maximum threshold to qualify for a dwelling in low-rental housing.

However, the owner/lessor may repossess the dwelling in one of the following situations:

1. The owner/lessor is 70 years of age or over and wishes to occupy the dwelling.
2. The beneficiary of the repossession is 70 years of age or over.
3. The lessor is an owner-occupant 70 years of age or over and wishes to have a beneficiary less than 70 years of age reside in the same building as themselves.

The Société d'habitation du Québec's website provides the maximum thresholds qualifying a lessee for a dwelling in low-rental housing.