

Response to a notice of repossession

This notice is given in accordance with article 1962 of the *Civil Code of Québec*. It must be sent to each of the owners/lessors individually. The lessee should keep a copy of the notice and proof that the served notice was received.

Notice to:

(Owner/lessor name)

(Owner/lessor name)

(Address of leased dwelling)

In response to your notice of repossession, you are hereby informed that:

- I intend to comply with your notice and I will vacate the dwelling as asked.
- I refuse to vacate the dwelling.

Year Month Day (Lessee name – please print) (Lessee signature)

Year Month Day (Lessee name – please print) (Lessee signature)

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

I confirm that I received this notice on:

Year Month Day (Owner/lessor name – please print) (Owner/lessor signature)

Year Month Day (Owner/lessor name – please print) (Owner/lessor signature)

INFORMATION

A lessee has **one month after receiving** a notice of repossession to notify the owner/lessor as to whether or not they intend to comply with the notice. If the lessee does not respond, they are **presumed to have refused** to vacate the dwelling.

If the lessee refuses to vacate the dwelling, the lessor may nevertheless repossess it with the authorization of the Tribunal. The application for authorization must be made within one month after the refusal by the lessee or the expiry of the deadline for the lessee to respond; the lessor shall 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.

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.	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	If the lessee does not respond , he is deemed to have refused to vacate the dwelling.	
Lease with an indeterminate term	Six months before the anticipated date of repossession	If the lessee refuses or does not respond , it is up to the lessor to show the Tribunal administratif du logement that he truly intends to repossess the dwelling for the purpose mentioned in the notice and that it is not a pretext for other purposes.	

Where the Tribunal authorizes repossession, 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. If the lessor-owner does not request or obtain this authorization, the lessee shall retain his right to occupy the dwelling.

A dwelling that has been the subject of a repossession may not, without the authorization of the Tribunal, be leased or used for a purpose other than that for which the right was exercised. If the Tribunal 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 proves the Tribunal that the repossession was in good faith. He 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 lessee or the lessee's spouse meets all of the following criteria at the time of repossession:

1. They are 65 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 125% of 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 65 years of age or over and wishes to occupy the dwelling.
2. The beneficiary of the repossession is 65 years of age or over.
3. The lessor is an owner-occupant 65 years of age or over and wishes to have a beneficiary less than 65 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.