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Legal Brief*

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Protecting Seniors from Economic Exploitation

With demographic aging, we are seeing a worrying increase in situations of financial exploitation of the elderly. This phenomenon manifests itself in various ways:

1. Extortion of money: Individuals, often relatives, take advantage of their relationship of trust with seniors to cheat them out of money.
2. Abusive acquisitions: Some people appropriate the property of the elderly at prices well below its real value, taking advantage of their vulnerability or lack of knowledge of the market.
3. Forced gifts: Ill-intentioned people can manipulate seniors into signing deeds of gift in their favour, often to the detriment of the true wishes of the senior or of other legitimate heirs.

These abusive practices constitute a form of economic abuse of seniors that takes advantage of their trust and potential fragility for personal financial gain. This problem underscores the importance of vigilance and increased protection for the elderly against these forms of exploitation.

When faced with such situations, it's important to know that, in Quebec, seniors are protected under [section 48 of the Charter of Human Rights and Freedoms](#):

“48. Every aged person and every handicapped person has a right to protection against any form of exploitation.

Such a person also has a right to the protection and security that must be provided to him by his family or the persons acting in their stead.”

The Court of Appeal has interpreted this article as a substantive law provision that confers the right on seniors to be protected against all forms of exploitation. It extends that protection to elderly victims of exploitation, whether or not the victim gave a valid consent and whether or not the victim is under a protective supervision regime.¹

Thus, when faced with a situation where a vulnerable senior is being exploited, it is possible to go to court to have a gift or contract annulled, or to claim the sums stolen, even if the senior has given his or her consent.

In a recent Superior Court judgment, the Court annulled a rental agreement and a notarized deed of preference signed between a senior and his neighbours, pointing out that three criteria must be met in order to conclude that a situation of economic exploitation exists: [TRANSLATION] “an advantage; obtained by someone in a position of power; to the detriment of more vulnerable interests”.²

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* The information set out in this document is not a legal interpretation.

The masculine gender is used to designate persons solely in order to simplify the text.

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¹ [Vallée c. Commission des droits de la personne et des droits de la jeunesse, 2005 QCCA 316, paras. 23 and 24.](#)

² [G.H. c. Ferme La Seigneurie enr., 2025 QCCS 84, para. 39.](#)



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**Protecting Seniors from Economic Exploitation
(CONTINUED)**

So if you witness the economic exploitation of an elderly person, it is possible to turn to the courts to remedy the situation.

Don't hesitate to make an appointment at your nearest legal aid office for advice on how to assess such a situation, or contact the [Commission des droits de la personne et des droits de la jeunesse](#).

Don't hesitate to have your eligibility for legal aid evaluated by making an appointment at a legal aid office near you. You can also check your eligibility online [here](#).

To find the contact information for your legal aid office, please click on the following link www.csj.qc.ca.

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