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**Legal
Brief***

Vol. 17

Number 01

January 2025

Repossession of a Rental Property

The owner of a dwelling who is the landlord of the dwelling may repossess it for specific reasons, in general, as a residence for the landlord or for ascendants or descendants in the first degree or for any other relative or person connected by marriage or a civil union of whom the landlord is the main support. The landlord may also repossess the dwelling as a residence for a spouse of whom the landlord remains the main support after a separation from bed and board or divorce or the dissolution of a civil union.

It is important to note, however, that repossession of a rental property must be carried out in accordance with the law and the regulations in force.

To begin, landlords must give their tenant a prior notice. This notice must be given in writing and must specify the reason for the repossession. The deadline for giving a notice of repossession varies according to the term of the lease. For example, for a fixed-term lease, the landlord must notify the tenant at least six months before the end of the lease. However, if the lease is for six months or less, the notice period is one month.

Within one month after receiving a notice of repossession, tenants must notify their landlord as to whether or not they intend to comply with the notice. Otherwise, they are deemed to have refused to vacate the dwelling.

If a tenant refuses to vacate the dwelling, or is deemed to have refused, the landlord may apply to the [Administrative Housing Tribunal](#) for the authorization to repossess the dwelling. A hearing will be scheduled before the Administrative Housing Tribunal. At such hearings, landlords must demonstrate the sincerity of their intentions, prove that this is not a pretext for other purposes, and comply with the conditions set by law.

If the Administrative Housing Tribunal rules in favour of the landlord, the tenant will have to vacate the premises on the date specified in the decision. If, however, the tenant refuses to leave, the landlord may seek the forced execution of the Tribunal's decision.

It is crucial to note that repossession of a rental property can have financial consequences for the tenant, such as the payment of moving costs or the search for a new dwelling. Nonetheless, repossession is a legal process that allows a landlord to recover a rental property, but there are restrictions to this general rule.

In addition, since June 6, 2024, the law protects seniors who are tenants (with some exceptions). Thus, a landlord may not repossess a dwelling occupied by a tenant if the tenant or the tenant's spouse is 65 years of age or over, has lived in the dwelling for at least 10 years and has income equal to or less than 125% of the maximum income to qualify for a dwelling in low-rental housing. This protection, however, does not apply if the landlord or the beneficiary of the repossession is 65 years of age or older and wishes to live in the dwelling.

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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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Repossession of a Rental Property (CONTINUED)

Tenants have a number of rights in the event of repossession by their landlord, such as the right to claim damages in the event of repossession in bad faith and/or the right to claim compensation for moving expenses.

When the Administrative Housing Tribunal authorizes a repossession, it can impose conditions on the landlord, including compensation for moving costs.

It is strongly recommended that tenants who receive a notice of repossession of their rented dwelling consult a lawyer at the legal aid office in their area so as to understand their rights and options.

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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