Before your hearing at the Régie du logement

You should check with your municipality to confirm that your landlord has the required permit to divide, enlarge or change your dwelling's destination. According to the Régie du logement, a landlord's best piece of evidence is a municipal or borough work permit.

During your hearing at the Régie du logement

You can challenge the planned work by demanding proof:

· Architect's plans, contractor's quote, landlord's financial capability.

You could also show how the landlord acted in bad faith by presenting proof of:

· Present or past situations of harassment, past eviction notices, or even proof that the landlord intends to convert the apartment into a condominium (landlord's previous conversions, newspaper ads, etc.).

A tip on how to check your landlord's past:

→ Go to your local Régie du logement office and ask for all decisions related to your landlord!

The RCLALQ

- RCLALQ stands for the Regroupement des comités logement et associations de locataires du Québec. It was created in 1978.

- The RCLALQ promotes the right to affordable and adequate housing. It seeks to protect the right for all tenants to maintain occupancy and works toward the protection and preservation of the rental housing stock.

- The RCLALQ has member groups in several regions of Quebec and different Montreal neighbourhoods. Do not hesitate to contact the one in your area.

www.rclalq.qc.ca

Contact the housing committee or the tenants' association of your area.
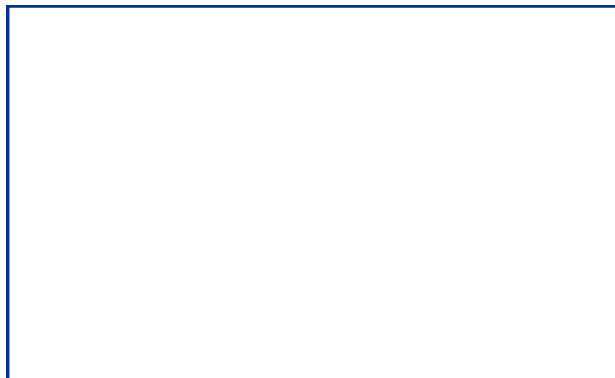
EVICTIONS:
Legal or illegal?

Regroupement des Comités Logement et Associations de Locataires du Québec

Know your rights to stay in your place !

There are exceptions to the right to maintain occupancy, i.e. the right to stay forever in your dwelling. Eviction for lawful reasons is one of these exceptions.

It is unlawful to evict a tenant in order to :

- Replace a tenant and then not do the major work or change the dwelling's destination as was specified in the notice of eviction.

- Convert a property into condominiums by getting rid of the tenants.

- Falsely declare a change of destination (i.e. to house a caretaker-tenant or to convert the dwelling into an apartment-hotel).

It is lawful to evict a tenant in order to:

- Subdivide in order to create more rental units (i.e. divide a 5 ½ apartment into two 2 ½)

- Substantially enlarge a dwelling by merging at least two apartments (i.e. create a 6 ½ by merging two 3 ½)

- Change the destination of the dwelling (i.e. business, office, seniors' home)

You must receive a legal notice!

A landlord must give notice of lawful eviction to a tenant within the time periods prescribed by law. Otherwise, the eviction request could be rejected.

Notification deadlines:

- For a lease with a fixed 12-month term, the notice must be sent six months before the end of the lease.

- Check with your housing rights organization for other notification deadlines.

A valid notice must include:

- The reason for eviction (division, enlargement or change of destination)

- The intended date of eviction

If you accept to vacate the dwelling, you are automatically entitled to an indemnity equal to three months' rent and moving expenses.

You can refuse an eviction!

Attention! If you don't answer an eviction notice, you are deemed to have agreed to vacate the dwelling.

• You have one month to file an objection with the Régie du logement (Rental Board).

If the eviction is unlawful, the fact you refused it will allow you to keep your aparment.

If the eviction is lawful, the fact you refused it will allow you to apply for additional compensation:

- Utility connection fees
- Compensation for hardship and inconvenience
- Postponement of the eviction to a later date for valid reasons (i.e. move after the end of the children's school year, time to find another dwelling, etc.)

→ You must refuse an eviction in order to qualify for these indemnities!

After you've been evicted, if you discover that your landlord acted in bad faith, you can file a complaint with the Régie du logement and apply for compensation!