



**I AM A VICTIM OF SPOUSAL VIOLENCE
OR SEXUAL ASSAULT -
CAN I TERMINATE MY RESIDENTIAL LEASE?**

Yes. Under the *Civil Code of Québec*,⁽¹⁾ a tenant can resiliate (terminate) his residential lease if, due to the violent behaviour of a spouse or former spouse, or due to sexual aggression, even by a third party, the safety of the tenant or a child living with the tenant is threatened.

It is important to note that a lease can be resiliated due to spousal violence or sexual aggression even if no police complaint has been made.

The tenant must send the landlord two (2) documents required by law:

- 1- A *Notice of resiliation of lease because of spousal violence or sexual aggression*, available on the Régie du logement website at:
[http://www.rdl.gouv.qc.ca/en/pdf/RDL-818A-E\(0606\).pdf](http://www.rdl.gouv.qc.ca/en/pdf/RDL-818A-E(0606).pdf)
- 2- An *Attestation* acknowledging that the tenant has been the victim of spousal violence or sexual aggression.

How can I obtain this attestation?

You must fill out a *Request for an attestation for the purpose of resiliating a lease on grounds of violence or sexual assault*. This form and all the necessary information on this subject are available on the Justice Québec website at:

www.justice.gouv.qc.ca/english/publications/generale/bail-a.htm

Where do I send the request for an attestation?

You must send your duly sworn request for an attestation together with a copy of your lease and a document in support of your request from a person who is in contact with you or with the child (copy of the police statement or a written statement prepared by a person from a crime victims' assistance centre (CAVAC), by a doctor or by another person mentioned on the Justice Québec website) to:

- the office of the Director of Criminal and Penal Prosecutions for the courthouse nearest your home
- OR
- the Montreal Municipal Court (if a complaint of spousal or sexual violence has been filed with the City of Montreal police department).

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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.



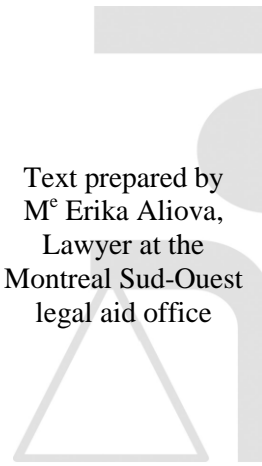
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(Continued)**

Once you have obtained the attestation, you must send the notice of resciliation (because of spousal violence or sexual aggression) and the sworn attestation to your landlord by registered mail, by bailiff or by delivery in person. If delivery is made in person, it is recommended that you have an acknowledgment of receipt signed by the recipient. It is important to retain proof of the landlord's receipt of the notice, in case the landlord contests the resciliation of the lease before the Régie du logement.

The lease will be resiliated within the following time periods:

- for a lease of 12 months or more: 2 months after the notice was sent;
- for a lease of less than 12 months: 1 month after the notice was sent;
- for a lease with an indeterminate term: 1 month after the notice was sent.

It is important to note that during the applicable time period, the tenant is responsible for paying the rent. However, a tenant can always agree with the landlord to resiliate the lease immediately or at any other time. The tenant's responsibility also ends if the dwelling, which has been vacated by the tenant, is re-leased in the meantime.



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⁽¹⁾ Article 1974.1 C.C.Q.

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