



Housing

Know your rights! — Guide to legal information

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Important

The information in this guide is of a general nature, and should not be taken as legal advice. If you require information about a specific legal issue, you should **contact a lawyer or a legal aid clinic**.

Acknowledgements

CNIB wants to thank the volunteers and numerous contributors to this guide to legal information. For additional information about the **Know your rights!** project, please go at <https://cnib.ca/en/support-us/advocate/quebec-advocacy/know-your-rights>.

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Table of contents

General issues	5
What are my rights in regard to housing in Quebec?	5
Are there any housing units where I have no real rights?	6
Where do my rights stem from?	6
How can I stand up for my rights in regard to housing?	7
Specific issues	8
I am trying to fill out a housing application form, but it is not in an accessible format. What can I do?	8
Am I required to disclose my sight loss to a potential landlord?	9
I think that my application for housing was turned down because of my sight loss. What can I do?	11
What happens if my housing application is turned down because I have a guide dog?	11
I would like to make changes to my home to compensate for my sight loss. Is my landlord required to make these accommodations?	12
Am I required to cover the cost of accommodation to my dwelling?	13
My landlord provides important information about the building (fire alarm drills, repairs, temporary water interruptions) in an inaccessible format (for instance by using posters in the common areas or distributing flyers). What can I do?	14
My landlord has indicated that the accommodation I requested conflict with another law or policy (for example condominium by-laws). Does that mean the accommodation cannot be made?	15

I live in a long-term care facility, and I am under the impression that my rights have been violated. What can I do? 16

I live in a non-profit housing cooperative, and I believe that I have been the victim of discrimination due to my sight loss. What can I do? 17

This document covers the area of **housing**. A number of **general** and **specific** issues are addressed. The document also includes some of the laws and sections in them that will be useful to you in **standing up for your rights** in regard to housing whenever they are not respected.

General issues

This section covers general issues about rights when it comes to housing, as well as specific recourses available to you. For information about **general recourses**, you can consult the document entitled Advocacy and Essential Legal Information.

What are my rights in regard to housing in Quebec?

Internationally

The **Convention on the Rights of Persons with Disabilities**¹, was signed by Canada in 2010.

Article 28 of the **Convention** calls on States Parties to recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and to take the appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.

¹ This Convention was adopted by the United Nations on **December 13, 2006**, and ratified by Canada on **March 11, 2010** and by Quebec on **March 10, 2010**. For comments on this Convention, see V. A. Boujeka, **La convention des Nations unies relative aux droits des personnes handicapées et son protocole facultatif**, RDSS sept-oct. 2007, n° 5, p. 799.

Nationally

In Quebec, there is a **home adaptation program** that helps disabled people pay for the cost of work required to adapt their home to make it accessible. In addition, there are more than 1,600 adapted government-funded low-income housing units for disabled people. The [AccèsLogis](#) program also maintains a supply of rental housing for these clients².

The general rights and obligations of tenants are set out in the **Civil Code of Québec** (payment due date, repairs, visits, etc.).

Are there any housing units where I have no real rights?

As indicated in **Office des personnes handicapées du Québec** publications, disabled people face a number of barriers. These are real, but there are no alternatives or rights to help those people in vulnerable situations. For example:

- **There are no rights** to ensure access to subsidized housing;
- **There are no rights** to help those people access adapted housing;
- **There are no rights** to ensure access to additional adaptation measures, which means they have to pay their own costs, unless they are eligible for a government program; and
- **There are no rights** to information regarding access to adapted housing.

Where do my rights stem from?

The **Constitution of Canada** is what protects our rights.

² **Convention on the Rights of Persons with Disabilities – First Report of Canada**, para. 199.

Quebec's Charter of human rights and freedoms also stems from Canada's **Constitution**, and, in section 10, includes the right to inclusion. Other provincial statutes also protect people's rights. Access to **housing** is covered under provincial statutes and in **the doctrine**. At the provincial level, the rights of lessees are protected under the **Civil Code of Québec**. Lessees have rights in regard to landlords, which are protected under the **Civil Code of Québec** and the **Act respecting the Administrative Housing Tribunal**.

All things considered, when it comes to determining your rights in regard to housing, it is important to rely primarily on **Quebec's Charter**, which applies provincially in challenges against the Province and private matters, as well as statutes.

Section 10 of **Quebec's Charter** provides as follows:

"Every person has a right to full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on race, colour, sex, gender identity or expression, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap."

How can I stand up for my rights in regard to housing?

Please note that there are also [general recourses](#). You will find them in the document entitled [Advocacy and Essential Legal Information](#).

There are **two** recourses specific to housing, as follows.

1. Administrative Housing Tribunal (previously the Régie du logement)

The **Tribunal administratif du logement (TAL)** hears any dispute within the jurisdiction of the **Court of Québec** (\$85,000 or less under section 35 of the **Code of Civil Procedure**) and in matters of housing (lease

termination, rent reduction, etc.) concerning articles 1941 to 1994 of the Civil Code of Québec (section 28, **Act respecting the Administrative Housing Tribunal**).

2. Office municipal d'habitation de Montréal (OMHM)

If you live in a unit belonging to **OMHM**, you can file a complaint with the latter. The complaint must concern the fact that you were not given equal treatment, that you were not treated with respect or were treated rudely, or that you received a service that was contrary to the standards of **OMHM**.

Specific issues

This section covers specific situations and certain rights in regard to **housing** that can be trampled.

I am trying to fill out a housing application form, but it is not in an accessible format. What can I do?

You'll have to ask the centre where you obtained your housing application form to provide you with one that is in accessible format. According to **Quebec's Charter**, the organization or agency you consult is **obligated to accommodate you** to protect your rights.

Am I required to disclose my sight loss to a potential landlord?

When you are renting a dwelling, **you are under absolutely no obligation to disclose your sight loss to your potential landlord.** In fact, you are entitled to protect your personal information, which includes anything related to your physical health. However, if you want to request accommodation, you will have to disclose your sight loss to your landlord so that he or she can implement the necessary changes to accommodate you.

You should be aware that the **Civil Code of Québec** has certain provisions specifically focused on disabled people in the chapter entitled **Lease**. Section 1921 of the **Code** provides as follows:

“Where a handicapped person significantly limited in his mobility occupies a dwelling, whether or not that person is the lessee, the lessor is bound, at the request of the lessee, to identify the dwelling in accordance with the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration.”

In that regard, the Minister of Justice commented on that section in the [Annotated Civil Code of Québec](#), as follows:

“[translation] This section is based on a previous law regarding the identification of a dwelling occupied by a disabled person. However, it provides a further clarification, by expressly stating that the rule applies whether or not the disabled person is the lessee.”

Regarding the termination of a lease, section 1974 of the **Civil Code of Québec** provides as follows:

“A lessee may resiliate the current lease if he or she is allocated a dwelling in low-rental housing or, because of a decision of the court, the lessee is relocated in an equivalent dwelling corresponding to his or her needs; the lessee may also resiliate the lease if he or she can no longer occupy the dwelling because of a handicap or, in the case of a senior, if he or she is permanently admitted to a residential and long-term care centre, to a facility

operated by an intermediate resource, to a private seniors' residence where the nursing care and personal assistance services required by his or her state of health are provided, or to any other lodging facility, regardless of its name, where such care and services are provided, whether or not the lessee already resides in such a place at the time of admission.”

In that regard, the Minister of Justice commented on that section in the [Annotated Civil Code of Québec](#), as follows (N 3-5):

“[translation] in order for a lessee to be able to use the provision of resiliation due to a disability, that disability must have occurred since the lease was signed, or at least for it to have gotten so much more serious that it prevents the lessee from occupying the dwelling where it did not before³.

A mental illness such as Alzheimer is a disability within the meaning of this provision⁴. It is important to keep in mind that this provision has a restrictive interpretation. The burden of proof is on the lessee⁵.”

In a May 14, 2021 decision on proof of disability, the Tribunal administratif du logement referred to another decision (Dagenais c. Sabourin) as follows: “[translation] [23] the notice must specify that the resiliation occurred due to a specific and clearly identified disability. It must be accompanied by a certification from the appropriate authority. There is extensive case law on the matter of the required certification. A medical certificate is generally considered acceptable as long as it is sufficiently precise, complete and conclusive to adequately inform the landlord.

[24] The loose wording used in the medical note prepared by the lessee’s treating physician does not enable the Tribunal to conclude that she has a disability within the meaning of the Act.”⁶

³ **Gestion Reluc inc. c. Lemelin**, (R.D.L., 1997-01-10), SOQUIJ AZ-97061033, [1997] J.L. 77

⁴ **Bilodeau-Dorval c. Immeubles 1270 Québec enr.**, (R.D.L., 1996-10-25), SOQUIJ AZ-97061015, [1997] J.L. 36

⁵ **Fortier c. Immeuble 3385-3395**, (R.D.L., 1996-08-22), SOQUIJ AZ-97061005, [1997] J.L. 12

⁶ **Adjetey c. 155671 Canada inc.**, 2021 QCTAL 12523 (CanLII).

I think that my application for housing was turned down because of my sight loss. What can I do?

The protection provided by Quebec's **Charter of human rights and freedoms** prohibits refusal of your housing application on the basis of **your disability**. If you believe that your housing application was refused because of your disability, you can file a complaint with the **Commission des droits de la personne et des droits de la jeunesse**. If you intend to file a complaint, it is important that you keep all the information and documents related to the situation. Consult the [document entitled Advocacy and Essential Legal Information](#) to find out how to proceed.

What happens if my housing application is turned down because I have a guide dog?

Section 10 of **Quebec's Charter of human rights and freedoms** protects you against discrimination based on the means you use to deal with your disability. The matter of the [Commission des droits de la personne et des droits de la jeunesse c. 9185-2152 Québec inc. \(Radio Lounge Brossard\)](#), 2015 QCCA 577, EYB 2015-250130, paragraph 45, recognizes guide dogs as a means of dealing with a disability, hence falling under the protection of section 10 of Quebec's **Charter**. Therefore, you cannot be refused housing because of your guide dog.

In fact, **it is entirely up to you to decide whether you will use a guide dog**, because it is up to you to determine which means of dealing with your disability is the best one for you (see [Centre de la communauté sourde du Montréal métropolitain inc. c. Régie du logement](#), p.13). You cannot be

told to find a different means. If you need a guide dog, this is your recourse to this option. The choice of a means to deal with a disability is up to the disabled person and nobody else. It is not up to a restaurant to decide that a guide dog is not necessary in its establishment when the blind person is accompanied by someone else. The blind person and the guide dog are an indivisible unit⁷. If you are refused housing because of your guide dog, you can file a complaint with the **Commission des droits de la personne et des droits de la jeunesse**.

I would like to make changes to my home to compensate for my sight loss. Is my landlord required to make these accommodations?

Yes, the landlord is required to offer you reasonable accommodation. That means that unless it constitutes an excessive constraint and does not infringe on the rights of others, the landlord has an **obligation to improve your situation** and to correct its discriminatory consequences the same as for a person without a disability who would live in your unit. This is part of your rights under section 10 of **Quebec's Charter**.

In designing a solution, the landlord must work with you in good faith. You can indicate that the **Commission des droits de la personne et des droits de la jeunesse** offers a consultation service to inform landlords about their obligations, and to help them find solutions.

However, in a condominium situation, any modification for the purpose of accommodation will require the approval of the **condominium owners' association**. The association may propose another solution that would also work for you. In that regard, you can consult the matter of the **Commission**

⁷ **Commission des droits de la personne c. 2858029 Canada Inc.**, J.E. 95-2224 (T.D.P.). <https://elois.caij.qc.ca/C-12/article10>, N° 311

Am I required to cover the cost of accommodation to my dwelling?

There are **government programs** that can subsidize adaptations to make your dwelling more accessible:

- The **Société d'habitation du Québec's Programme d'adaptation de domicile (PAD)** if you live outside Montréal;
- The **Programme d'adaptation de domicile de Montréal** replaces the above **PAD** within Montréal; and
- Other **public and private programs**, including some insurance programs, that cover the cost of adaptation work.

It should be noted that every program has its own eligibility conditions and maximum eligibility amounts. The programs may request unanimous consent from the other condominium owners.

My landlord provides important information about the building (fire alarm drills, repairs, temporary water interruptions) in an inaccessible format (for instance by using posters in the common areas or distributing flyers). What can I do?

Your landlord is **obligated to provide you reasonable accommodation** to protect your right to equal treatment. Thus, you can ask your landlord to provide your documents in accessible format, in which case your landlord is required to comply unless such accommodation would constitute an excessive constraint.

Excessive constraint means that all reasonable accommodation measures have been exhausted and only unreasonable or unrealistic options remain⁸. In addition, the absence of accommodation measures can only be justified if their implementation would entail excessive risks or excessive costs⁹.

Your landlord's refusal to work with you on finding an adequate solution to the fact that you do not have access to important information about your building would constitute a violation of the obligation of reasonable accommodation, and of **Quebec's Charter**. Thus, you would be entitled to file a complaint with the **Commission des droits de la personne et des droits de la jeunesse**.

⁸ **Conseil des Canadiens avec déficiences c. VIA Rail Canada Inc.**, 2007 CSC 15, EYB 2007-116801, par. 122 et 130.

⁹ **Commission des droits de la personne et des droits de la jeunesse c. 9185-2152 Québec inc. (Radio Lounge Brossard)**, 2015 QCCA 577, EYB 2015-250130, paragraphe 45.

My landlord has indicated that the accommodation I requested conflict with another law or policy (for example condominium by-laws). Does that mean the accommodation cannot be made?

The **Supreme Court of Canada** has recognized that the **Canadian Charter of Rights and Freedoms** has “preeminent, quasi-constitutional stature”¹⁰. This not only binds the Province, but also private individuals, both physical and legal, including a condominium owners’ association¹¹.

Thus, the right to equality, and consequently the right to reasonable accommodation, takes precedence over any other statute or policy. Inasmuch as a reasonable accommodation (that does not impose an excessive constraint) conflicts with another statute or policy, **the right to reasonable accommodation takes precedence**. That was demonstrated in *Amselem* as well as in the matter of the [Coopérative d’habitation L’Escale de Montréal c. Commission des droits de la personne et de la jeunesse](#), 2010, QCCA 1791, paragraphs 49 to 53.

¹⁰ **Québec (Commission des droits de la personne et des droits de la jeunesse) c. Communauté urbaine de Montréal**, 2004 CSC 30, REJB 2004-61850, par. 15.

¹¹ **Syndicat Northcrest c. Amselem**, [2004] 2 R.C.S. 551, REJB 2004-66513.

I live in a long-term care facility, and I am under the impression that my rights have been violated. What can I do?

CHSLDs are part of the **health care system**, and are therefore covered under the health care and social services system complaints review program. The same applies to private homes for seniors, as are adaptation or rehabilitation and social integration services.

Thus, the steps to follow are the same as for complaints related to the [health care system guide](#).

1. Service and Quality Complaints Commissioner

You must [file a complaint with the appropriate local service quality and complaints commissioner](#). Under the **Act respecting health services and social services** (RSQ, c. S-42), part I, chapter III, division I, section 34 the complaint to the local service quality and complaints commissioner may be made orally or in writing. If necessary, you can ask the local commissioner to help you formulate your complaint. In fact, the local commissioner is required to assist you throughout the process.

Shortly after filing your complaint, you will receive a letter from the local commissioner, confirming that it has been received. Once the local commissioner completes the review of the events, you will be informed of the findings, no later than 45 days after your complaint was received. If you are not informed of the findings by then, you can turn to the **Public Protector**.

2. Public protector

The **Public Protector** fulfills the functions of the **Health and Social Services Ombudsman** under the **Act respecting the Health and Social Services Ombudsman** (section 1).

The **Public Protector** generally intervenes as an authority of second instance, hence when the complainant is dissatisfied with the outcome of the first recourse with the **local service quality and complaints commissioner** (section 8).

Your complaint may be made orally or in writing (section 10, paragraph 3). However, it is recommended that you use the secure form on the **Public Protector [website](#)**.

3. Commission des droits de la personne et des droits de la jeunesse

You can always file a complaint with the **Commission des droits de la personne et des droits de la jeunesse**, which will be heard by the **Human Rights Tribunal** or **common law courts**, on the grounds of a violation of the **Quebec Charter**. For additional information about this recourse and how to proceed, you can consult the document on **[Advocacy and Essential Legal Information](#)**.

I live in a non-profit housing cooperative, and I believe that I have been the victim of discrimination due to my sight loss. What can I do?

Quebec's Charter binds not only the Province but also private individuals, both physical and legal. Thus, **Quebec's Charter** applies to housing

cooperatives, which are obligated to provide their members **reasonable accommodation**.

If you have been the victim of discrimination based on your disability, you can file a complaint with the **Commission des droits de la personne et des droits de la jeunesse**.

When your rights are not respected, stand up for them!

We hope this guide will help you stand up for your rights as they relate to education. We believe that you are in the best position to defend your rights. When your rights are not respected, you have the right to stand up for them and to make sure that others **Know your Rights**.

CNIB is here for you. Since its inception in 1918, CNIB has undertaken a variety of advocacy initiatives to **break down barriers** for people who are blind and to advocate for an **inclusive society**.

Please feel free to contact us for referrals and to take advantage of our services.

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Visit the campaign website for information on other rights:

<https://cnib.ca/en/support-us/advocate/quebec-advocacy/know-your-rights>

Join the conversation on social media by using the tagline

#KnowyourRights

Together, enforce the rights of blind people