

Sending your request to the landlord

You must send your request to your landlord using a method that provides proof of receipt – for example, by registered mail or via a bailiff.

When will the lease be terminated?

Depending on the type of lease, it will be terminated one or two months after you send your request to your landlord.

Types of lease	Termination time
Lease of 12 months or more	2 months
Lease of less than 12 months	1 month
Lease for an indefinite period	1 month

However, if your landlord is able to find a new tenant, he or she may terminate your lease at an earlier date.

You may also agree on a different termination date with your landlord.

Can your landlord object to your request?

You have the right to terminate your lease and your landlord cannot prevent you from doing so, as long as you have provided an attestation from a public officer and a notice of termination.

For more information

The information summarized in this document was valid at the time of printing. For more information, go to the website of the Ministère de la Justice at www.justice.gouv.qc.ca, or contact

Ministère de la Justice

Phone: 418 643-5140

Toll-free: 1 866 536-5140

E-mail: informations@justice.gouv.qc.ca

TERMINATING A LEASE IN THE EVENT OF SPOUSAL VIOLENCE OR SEXUAL AGGRESSION



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Your spouse hits you, or threatens to do so. A “friend” rapes you in your home. Your neighbour spies on you when you are in the shower. Your son was a victim of sexual touching on his way home from school ... In specific situations such as these, you are entitled to terminate your lease, especially if you and your child no longer feel safe in your home because you have been victims of spousal violence or sexual aggression.

Who can terminate a lease?

If you are the person who signed the lease, you can ask your landlord to terminate it because you are, or your child is, a victim of:

- spousal violence, whether physical, psychological or any other type;
- sexual aggression, for example sexual assault, touching or voyeurism.

These acts may have been committed by:

- your spouse;
- your former spouse;
- a third party who may know where you live – for example, a friend, neighbour or community worker.

If you did not sign the lease for your home, you may move out at any time. In this case the lease is in the name of your spouse or roommate, and you do not need to terminate it.

Why terminate your lease?

Your lease is a contract that binds you to the owner of the dwelling in which you live. Under that contract, you are required to pay rent until the date on which the lease ends.

If you move out but do not terminate your contract, you must continue to pay rent to your landlord. If you do not pay, the landlord may take legal action against you.

It may also be necessary to terminate your lease to ensure your own safety or that of a child who lives with you. This will allow you to move away from your aggressor.

How do you terminate your lease?

To terminate your lease, you must:

1. obtain an attestation from a public officer;
2. produce a notice of termination;
3. send these documents to your landlord.

Obtaining an attestation from a public officer

An attestation from a public officer is a document attesting that you need to terminate your lease for your own safety or that of your child.

To obtain an attestation, you must:

- complete the form entitled *Request for an attestation for the purpose of resiliating a lease on grounds of violence or sexual assault*, which you will find on our website www.justice.gouv.qc.ca;
- take an oath (i.e. swear that the information in the form is true) and sign the form before a commissioner of oaths;
- attach a copy of your lease to the form, along with a document supporting your request, which may be:
 - a copy of your statement to the police, if you made a complaint,

- a document produced by a physician, a social worker or a person from a specialized institution (e.g. a crime victims' assistance centre [CAVAC] or an assistance centre for victims of sexual assault [CALACS]);
- send all these documents to the office of the Directeur des poursuites criminelles et pénales at the courthouse serving your municipality, or in some cases, to the Montreal municipal courthouse.

Your request will be processed free of charge, quickly and confidentially.

If you need help, ask a CAVAC or a CALACS.

Producing a notice of termination

The notice of termination is a letter in which you ask your landlord to terminate your lease. In the letter, you must state:

- your name;
- your address;
- the name and address of your landlord;
- the date on which your lease will terminate.

You must also state who is being threatened and why you want to terminate the lease.

You must sign the notice and enter the date on which it was signed.

If you prefer, you can use the model *Notice of resiliation of lease because of spousal violence or sexual aggression*. Copies of the form may be downloaded from the website of the Régie du logement www.rdl.gouv.qc.ca.