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# Legal Brief\*

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## Neighbourhood Disturbances Between Tenants

You've been renting a new apartment for a few months and the neighbours are too noisy.

According to article 1854 of the *Civil Code of Québec* (hereinafter the "C.C.Q."), landlords, also referred to as lessors, have the obligation to provide their tenants with peaceable enjoyment of their dwelling throughout the term of the lease. Thus, if one of the other tenants in the same building repeatedly disturbs your peaceful enjoyment of your apartment, you can give your landlord a formal notice to comply with his obligation.

Tenants, also referred to as lessees, are bound to act in such a way as not to disturb the normal enjoyment of the other tenants (1860 C.C.Q.) It is the landlord's responsibility to ensure that tenants respect each other's rights, since the lease is the legal contract between a landlord and a tenant. As for the landlord, he can even go so far as to ask for the resiliation of the lease of the disturbing tenant and/or ask for damages. In such a case, the evidence must establish serious harm resulting from the tenant's repetitive and constant behaviour, such as the odour of cigarette smoke, violent behaviour or excessive noise.

Tenants, however, must "suffer the normal neighbourhood annoyances that are not beyond the limit of tolerance they owe each other, according to the nature or location of their land or local usage" (976 C.C.Q.).

A tenant who is disturbed by another tenant can also claim a retroactive rent reduction or damages from the landlord to whom he has reported the disturbance and who has failed to fulfil his obligation to put an end to it (1861 C.C.Q.). Articles 1860 and 1861 C.C.Q. are provisions of public order that the TAL must ensure are respected.

If the disturbance includes harassment by the landlord or the delinquent tenant, the TAL may also order the defendant to pay punitive damages under article 1902 C.C.Q.

In all cases, if you are a victim of neighbourhood disturbances, don't hesitate to consult a lawyer at the legal aid office nearest your home to ensure that, in accordance with the services covered by the *Act respecting legal aid and the provision of certain other legal services*, your rights as a tenant are respected.

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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](http://www.csj.qc.ca).

To find the contact information for your legal aid office, please click on the following link [www.csj.qc.ca](http://www.csj.qc.ca).

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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.