



HOW CAN A DECISION OF THE RÉGIE DU LOGEMENT BE EXECUTED?

Martin sued his landlord before the Régie du logement for damages and to force him to make repairs to his dwelling. After a lengthy legal battle, Martin obtained a judgment in his favour granting him \$1,500 in damages.

Now, Martin is wondering what to do in order to collect the sums owed to him.

There are a few steps he can take in order to execute his judgment.

First, he should formally ask his landlord to comply with the judgment and pay him the sums owed, including interest. He should do this in writing, stating that he wants the payment within a specific time limit, failing which he will have no choice but to take steps for the compulsory execution of the judgment.

If the landlord does not cooperate, Martin will have to wait until the decision becomes executory. Sometimes, the time period until steps can be taken for the compulsory execution of a judgement is set out in the judgment itself. If not, it will depend on the proceedings that were instituted, because the law provides for different time periods. In Martin's case, the time period is 30 days.

Once the 30 days have elapsed, if the decision has not been contested and Martin is still the tenant and there has been no change of landlord, Martin will be able to collect the amount owed to him by effecting compensation against future rental payments. For example, if he pays a monthly rent of \$500, he can effect compensation by not paying his rent for 3 months. It is important to note that Martin cannot effect compensation for his damages before the judgment has been rendered and the execution period has elapsed. He cannot take the law into his own hands.

If Martin is no longer the tenant or there has been a change of landlord (sale of the building, repossession, etc.), Martin will have to use traditional methods of execution. Several such methods are available. The following are the ones most commonly used:

➤ **Seizing the debtor's salary:**

Martin can have his landlord's salary seized directly through the landlord's employer, but only up to the percentage allowed by law. However, he will need to know the employer's contact information;

➤ **Seizing the bank account:**

Martin can ask that the sums in the landlord's bank account be seized. He will need to know the name of the institution with which his landlord does business as well as his landlord's account number;

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The masculine is used to designate persons solely in order to simplify the text.



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(Continued)**

➤ Seizing movable property:

Martin can have a bailiff seize his landlord's movable property, with the exception of unseizable property, such as the instruments of work used by his landlord for carrying on his professional activities, clothing and furniture necessary for the life of the household, etc. After the movable property has been seized, it will be sold in a judicial sale and Martin will be able to collect the amount owed to him from the proceeds of sale.

Martin should consult a firm of court bailiffs, because bailiffs are the ones responsible for executing judgments. The bailiffs will be able to open a file in the Court of Québec and see to it that a writ of seizure is issued and served. They will also be able to explain the various seizure or execution methods available and determine those that are best suited to his situation. (*Chambre des huissiers du Québec: 514-721-1100*).

If the decision had only dealt with repairs ordered by the Court, Martin could also have made an application to deposit his rent at the Régie du logement. If the authorization to deposit his rent had been granted, this would have put pressure on the landlord to perform his obligations and comply with the judgment.

Lastly, it is important to remember that a judgment is executory for a period of 10 years.

For more information, please visit the web site of the Régie du logement at <http://www.rdl.gouv.qc.ca>

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