



HOW TO AVOID THE RESILIATION OF YOUR LEASE FOR FAILURE TO PAY THE RENT

When you sign a residential lease with a landlord, your primary obligation as a tenant is to pay your rent in full when it is due. The law states that a tenant must pay his rent the first of every month, unless otherwise agreed upon with the landlord.⁽¹⁾ It is possible to agree with the landlord on different payment terms for the rent, but if you do so, it is important to include those terms in the lease.

As a tenant, you have the right to ask the landlord to provide you with a receipt to prove you have paid the rent. Indeed, the law states that a debtor who pays his debt is entitled to an acquittance.⁽²⁾

A tenant against whom proceedings for resiliation of a lease are brought for failure to pay the rent can avoid the resiliation by paying, before judgment, the rent due, the costs and interest at the rate fixed in accordance with section 28 of the *Tax Administration Act*⁽³⁾ or at any other lower rate agreed upon with the landlord.⁽⁴⁾

In other words, if you pay the landlord the rent owed, the landlord's costs for his application to the Régie du logement as well as the interest, before the Régie has rendered its decision, the landlord will not be able to evict you from your dwelling. If, despite having paid the rent before the judgment, a bailiff serves you with an eviction order, consult a lawyer immediately in order to determine if there is a possibility of filing a motion in the Court of Québec to oppose the eviction order and have it annulled.

The landlord must wait until the expiry of the stipulated time limit before enforcing a judgment of the Régie du logement. If his prior notice of eviction is sent too early, the eviction order will be premature and there will be grounds for filing a motion to oppose in the Court of Québec.

Finally, if, after the judgment of the Régie du logement has been rendered, your landlord cashes a rent cheque, without any mention or reservation, but nevertheless serves you with an eviction order, go to the legal aid office nearest your home in order to meet with a lawyer who will be able to determine whether it is possible to oppose the eviction order.

⁽¹⁾ Article 1903 C.C.Q.

⁽²⁾ Article 1568 C.C.Q.

⁽³⁾ CQLR, c. A-6.002.

⁽⁴⁾ Article 1883 C.C.Q.

Text prepared by
M^e Erika Aliova,
Lawyer at the
Montreal Sud-Ouest
legal aid office

Contact Us

Commission des
services juridiques
Communications Department
2 Complexe Desjardins
East Tower
Suite 1404
P.O. Box 123
Succursale Desjardins
Montreal, Québec
H5B 1B3

Telephone: (514) 873-3562

Fax: (514) 873-7046

www.csj.qc.ca

* The information provided in this document is not a legal interpretation.

The masculine gender has been used to designate persons solely in order to simplify the text.