

# Know your Student and Legal Rights!



# Structure of the Presentation

- Who are we?
  - What is the Legal Information Clinic at McGill?
- Know your legal rights
  - Residential leases



# Who are we?

The Legal Information Clinic at McGill is...

- A non-profit organization
- Student-run
  - 6 Directors
  - 90-100 volunteers
- Free
- Bilingual
- Confidential



# Our Services

## Legal Information



- Free answers to legal information questions
- Free referrals

## Student Advocacy



- Advice and representation for students dealing with disputes with the University
- Grievances, hearings

## Community Services



- Public legal education initiatives
  - Just Info Presentations
  - Know Your Rights
  - Court Accompaniment
- Commissioner of Oaths

# Residential Leases

## Sources

- Civil Code of Quebec
- Act Respecting the Regie du logement
- Rules of Procedure of the Regie du logement



# Overview



- Deposits
- Repairs and Maintenance
- Co-tenant Obligations
- Termination of the landlord-tenant relationship
- Subleases



# 1. Deposits

Can a landlord ask for a security deposit upon signing the lease?



## 1. Deposits

- The landlord is **not** allowed to ask for a deposit. The landlord may, however, ask for the first month's rent in advance. Any clause to the contrary in the lease is invalid.





## 2. Repairs and Maintenance

- Who is responsible for repairs : the tenant or the landlord?

### Landlord

- Urgent and necessary repairs
- Damage caused by the old age of the property
- Damage caused by superior force

### Tenant

- Minor maintenance repairs
- Damage caused by the tenant or visitors



## 2. Repairs and Maintenance

Whose responsibility is it?

- There is water damage in the apartment.
- The tenant hosted a party in his dwelling. A rowdy guest climbed on a table, lost their balance and fell on the floor. The impact formed a hole in the wall.



## 2. Repairs and Maintenance

### Other Landlord Responsibilities...

- Provide peaceable enjoyment of the property
- Maintain temperature at 21 degrees Celsius in the winter (Montreal)
- Provide a dwelling that is fit for habitation



### 3. Obligations owed to co-tenants

What happens if my co-tenant is late on paying rent?

#### Joint Liability

- Each tenant is responsible for their share of the rent.
- Each share is presumed equal.
- Default arrangement.

#### Solidary Liability

- Each tenant is responsible for the entire rent.
- Box H on the lease.



## 4. Resiliation of the Lease

True or False?

A tenant can easily get out of their lease.



## 4. Resiliation of the Lease

False!

A lease can be resiliated (by the tenant) in one of the following circumstances:

- The tenant is relocated to a low-income housing unit by a judge.
- The tenant is no longer able to live in the dwelling due to a disability.
- The tenant is victim of spousal violence or sexual abuse.
- A tenant is disturbed by another tenant or their visitors.
- The non-performance of an obligation by the landlord caused serious injury to the tenant.
- The landlord did not carry out urgent and necessary repairs to ensure the preservation or enjoyment of the leased property.



## 5. Subleases and Assignment of a Lease

### Sublease

- New Contract
- New Rights
- Tenant-subtenant relationship
- Consent of landlord

### Assignment of a Lease

- New Contract
- Transfer of Rights
- Consent of landlord



## 5. Recourse

Régie du logement

**Régie  
du logement**

**Québec** 





Any Questions?



Further questions?

Call the LICM!

Legal Information: (514) 398-6792

Student Advocacy: (514) 398-4384

Open for Fall 2019 !

