



# Contesting a Decision of the Tribunal

## IMPORTANT

The contents of this leaflet are for information purposes only and do not replace the legislation.

The staff at the Régie du logement can inform you of the recourse available to you for contesting a decision, the applicable procedure before the Régie and the deadlines involved. However, our staff cannot inform you of the procedures applicable before the other tribunals. If you need assistance, contact an attorney or notary.

## The decision by the Régie du logement

Further to an application to the Régie du logement, a hearing was held and you have received a decision. If you are dissatisfied with the tribunal's decision and wish to contest it, there are a number of recourse options available, but the appropriate option depends on the circumstances.

## Recourses before the Régie du logement

### Correction

In reading the decision, you notice a clerical error or an omission, such as an error in calculation, an incorrect date, an aspect of the application on which the tribunal omitted to rule, or a point not included in the application and on which the tribunal ruled. The appropriate recourse is the *correction* of the decision.

You may have a decision corrected as long as it has not been reviewed or appealed from, or before its execution has begun.

The commissioner may also correct his or her decision *ex officio*, that is, without a new hearing being necessary. In that case, the corrected decision will be mailed to you. If the decision cannot be corrected *ex officio*, you must file a motion for correction and pay the related fees.

The fees will be reimbursed to you if the tribunal allows the correction further to the hearing.

### Revocation

You feel that the conclusions reached by the tribunal in its decision might have been different:

- if you had been able **to attend** the hearing (this supposes that you were **prevented** from attending);

or

- if, although you were present at the hearing, you were **prevented** from supplying evidence by surprise, fraud or any other reason considered sufficient by the tribunal;

or

- if the tribunal omitted to rule on part of the application or ruled beyond the scope of the application.

In these three situations, you can file an application for **revocation** with the Régie du logement; a fee will be charged. The application must be submitted within **10 days** after you learned of the decision or, as the case may be, within **10 days** after you were no longer prevented from attending the hearing or supplying evidence.

Under the rules of procedure, the defendant in an application that gives rise to a contested decision must include, in his or her application for revocation, the **grounds for revocation** as well as a **brief statement of the grounds of defence** that you would have put forward at the initial hearing.

Please note :

- While an application for revocation suspends the execution of a decision, it must not be used in lieu of an appeal (see below).
- The use of revocation in a matter considered improper may result in the issuance of an order prohibiting a party from filing further applications in the same court case, except with the authorization of the chairman or any other person designated by the chairman.

### Review

When the decision rendered concerns fixing of the rent, modification of another condition of the lease or review of the rent, a party has one month following the date on which the decision is signed in which to apply to the Régie du logement for a review of the decision. Court cost must be paid.

The application must clearly state the reasons why you are contesting the decision, as the examination could be limited to the questions submitted.

### If a deadline cannot be met

When a deadline specified by law is exceeded by the applicant, a commissioner may, for reasonable cause, extend the deadline or release the applicant from his or her failure to comply with it, provided no serious prejudice results for the other party.

## Appeal before the Court of Québec

Except in certain specific cases (see **Exceptions** below), decisions rendered by the Régie du logement may be appealed from **if leave is granted by a judge of the Court of Québec** when the matter in dispute is a matter that should be submitted to that court.

A **motion for leave to appeal**, along with a notice of presentation, must be served on the adverse party and filed in the office of the Court of Québec within **30 days** after the date of the decision. That time limit is imperative and cannot be extended. The motion must state the conclusions sought, and contain a brief statement by the applicant of the grounds he or she intends to rely on. It must be accompanied by a copy of the decision by the Régie du logement, and by the documents of the contestation if they were not reproduced in the decision.

The motion does not suspend the execution of the decision. However, where the decision entails the eviction of the lessee or the occupants, the lessee may apply to the **Court of Québec** to suspend the execution, provided the lessee shows that he or she would otherwise be caused serious prejudice and that he or she has filed a motion for leave to appeal.

If leave to appeal is granted, the appeal is commenced and the Court will hear only the evidence and representations relative to the matters authorized by the judge and, except where provisional execution is ordered, the appeal suspends the execution of the decision.

### Exceptions

Certain decisions rendered by the Régie du logement cannot be appealed from. These include decisions regarding:

- an application that concerns fixing of the rent, modification of another condition of the lease or review of the rent: the recourse option is a **review** (before the Régie);
- an application the sole object of which is the recovery of a small claim (\$7000 or less);
- the subdivision of a housing complex, conversion to divided coownership or the demolition of a dwelling;

- an application for authorization to deposit the rent.

A legal person must go through an attorney to apply for leave to appeal before the Court of Québec. A natural person may entrust the mandate to an attorney or act on his or her own behalf.

When the judge hears the motion, he or she may dismiss it, and the matter ends there. The judge may also allow the motion, in which case the judgment authorizing the appeal serves as an inscription in appeal. The clerk of the Court immediately sends a copy of the judgment to the Régie and all the parties concerned.

If leave to appeal is granted, the parties are summoned again to appear before the Court of Québec to debate the questions specifically authorized in the leave to appeal. The judgment may amend, uphold or quash the Régie's decision, but, in all cases, it is final and without appeal.

### Please note:

**In the event of an appeal that is abusive or a delaying tactic, the Court of Québec judge may even order the appellant to pay damages.**

If, at the hearing before the Régie du logement, you submitted the originals of the exhibits as evidence, you should reclaim them in order to be able to submit them at the hearing before the Court of Québec.

## Recourse before the Superior Court

The Régie du logement is subject to the superintending and reforming power of the Superior Court. There are various ways of exercising that power, including a direct action in nullity and a motion in evocation or judicial review.

**These recourse options are subject to complex rules. Accordingly, it is preferable to consult an attorney before exercising them.**

## ADDRESS OF THE WEBSITE OF THE RÉGIE DU LOGEMENT

<http://www.rdl.gouv.qc.ca>

## HOW TO REACH US BY TELEPHONE

From Monday to Friday  
Between 8:30 a.m. and 4:30 p.m.

Montréal, Laval and Longueuil areas:  
(514) 873-2245 \*

Elsewhere in Quebec:  
1 800 683-BAIL (2245) \*

**\* An automated information service is available around the clock.**

Please have on hand all necessary documents before making your call.

The Régie du logement is answerable to the Minister of Municipal Affairs, Regions and Land Occupancy.

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Régie  
du logement

Québec

