

ENGLISH

GUIDE

OPENING AN APPLICATION WITH THE TRIBUNAL ADMINISTRATIF DU LOGEMENT



**COMITÉ LOGEMENT
DU PLATEAU MONT-ROYAL**

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1. Download the application



www.tal.gouv.qc.ca/sites/default/files/TAL-001A-E.pdf

Do not use Firefox to fill out the form.

2. Fill out application

2.1 Basic info

Leave record number, application number, and recourse codes blank.

Fill out all the information for yourself and your landlord. You are the lessee; the landlord is the lessor.

You should use the address for the landlord written in your lease. Provide as much information as you can. However, do not worry if you are missing things like phone numbers and emails.

2.2 Object of the application (conclusion sought)

Repossession:

- ➔ **DECLARE** that the landlord cannot repossess the housing;
- ➔ **CONDEMN** the landlord to pay the tenant an amount of **X**\$ upon leaving or at the latest on the **X**;
- ➔ **AUTHORIZE** the tenant to offset future rent and, if there is a balance when the tenant leaves, **ORDER** the landlord to pay that balance at that time;
- ➔ **DECLARE** the landlord's notice of repossession invalid;
- ➔ **ALLOW** the tenant to leave the housing on the date scheduled for repossession by giving the landlord at least thirty days' notice before leaving.

Eviction:

- ➔ **DECLARE** that the landlord cannot evict the tenant;
- ➔ **DECLARE** the landlord's eviction notice invalid.

Rent Fixation:

- ➔ **FIX** the rent at **X**\$ per month from **X** to **X**;
- ➔ **DECLARE** the landlord's notice of renewal and modification of the lease invalid.

Damages and compensation

- ➔ **ORDER** the landlord to pay the tenant **\$X** in damages, with interest and the legal indemnity;
 - Damages are meant to compensate for financial harm (things that cost you money)
- ➔ **ORDER** the landlord to pay the tenant **\$X** in moral damages, with interest and the legal indemnity;
 - Moral damages are to compensate you for emotional harm. For example, stress, inconvenience owing to the landlord's negligence. It can also be to compensate for a violation, for example, of your right to privacy or dignity.
- ➔ **ORDER** the landlord to pay the tenant **\$X** in punitive damages, with interest and the legal indemnity;
 - Punitive damages are meant to denounce intentional violations of your rights by the landlord.

Condition of the Housing (Bedbugs, vermin, mice, water infiltration, mold, etc.):

- ➔ **ORDER** the landlord to proceed with the extermination of (bedbugs, vermin, mice, etc.);
- ➔ **CONDEMN** the landlord to pay the extermination costs;
- ➔ **DECREASE** the rent by a total and final amount of **X\$** for the period from **X** to **X**;
- ➔ **GRANT** a decrease in rent of **X%** to the tenant for the period from **X** to **X**;
- ➔ **DECREASE** the tenant's overall rent by **X\$** and **CONDEMN** the landlord to pay this amount to the tenant;
DECREASE the rent by an amount equivalent to **X%** of the rent payable from **X** until the situation regarding (noise from neighbors, presence of cockroaches, etc.) is resolved;
- ➔ **DECREASE** the rent by **X\$** for future rent, as long as the landlord has not sent the tenant a report from a recognized exterminator indicating that the problem is under control;
- ➔ **ORDER** the landlord to carry out the necessary work (mold, sewer backups, flooding, high humidity and CO₂ levels in the housing, etc.) within **X** days of this action;

Termination of lease:

- ➔ **TERMINATE** the lease (retroactively to (date), *depending on the case, not always necessary);
- ➔ **TERMINATE** the lease from **X**;
- ➔ **CANCEL** the lease termination agreement of **X** between the landlord and **X**;

Harassment:

- ➔ **ORDER** the landlord to stop harassing the tenant in any way;
 - Harassment is a case where moral and punitive damages may be warranted.

Other:

- ➔ **CONDEMN** the landlord to pay the tenant **X\$** in legal fees, **X\$** in notification fees, and **X\$** in legal indemnities (*you are entitled to a reimbursement of fees if you win); **ALLOW** the tenants to offset future rent.

(You always have the right to ask to be repaid court fees)

2.3 Grounds for the application

This should be a summary of why you are asking for these things. You do not need to include every detail. This is to give the TAL and the landlord a preview of what you are asking for. Make sure you address every point you discuss in the GROUNDS.

2.4 Notification of the application to the other parties

NOTIFICATION OF THE APPLICATION TO THE OTHER PARTIES

<input type="checkbox"/>	When it is notified, the application will be accompanied by the exhibits.
<input checked="" type="checkbox"/>	When it is notified, the application will be accompanied by the list of exhibits available on request, at no cost to the other parties.

Check the box that says when notified, the application will be accompanied by the list of exhibits (explained in more detail below).

2.5 Sign and date

This is very important. If you do not, your application will be returned to you.

3 Upload your application

You will need a credit card.

To upload your application, use this link: www.tal.gouv.qc.ca/fr/services-en-ligne/votre-demande-en-ligne/soumettre-une-demande-en-lot.

You will need to enter your email address and specify that the application is “Pour moi-même”.

Pour qui faites-vous la demande ?

- Je dépose une demande pour **moi-même**.
- Je dépose une demande pour une **personne morale** (ex. : compagnie, société).
- Je dépose une demande en tant qu'**avocat**. ⓘ
- Je dépose une demande pour une **succession** ⓘ
- Je dépose une demande pour une **fiducie** ⓘ

Identification

Courriel *

example@email.com

You will select the option “Autre” for the “Type de demande”.

Type de demande *

Autre.

ATTENTION : Pour les demandes de

Joindre des fichiers

Télécharger (format PDF)

Pour sélectionner plusieurs fichiers
commande (Mac).

Upload your files and pay the \$84 fee.

Next, wait until the TAL sends you a completed application (up to a week).
The application will now have a dossier and file number at the top.

12312312312
Record number

1231231
Application number

Note these numbers for your list of exhibits.

4. Complete the list of exhibits

Next, download the list of exhibits and fill out the basic information (including record and application number): www.tal.gouv.qc.ca/sites/default/files/TAL_100A_E.pdf

The list of exhibits is a list of all the documents that you intend on using as proof at the hearing at the TAL. You will generally want to include the lease as well as any correspondence between you and your landlord relating to the issue.

You need only write down general categories of documents, not each specific document you intend to use (ex: “emails” and not “Email of June 7th, 2022” etc).

You do not need to list witnesses.

Make sure to sign and date.

You must send the completed list of exhibits to both your landlord and the TAL: www.tal.gouv.qc.ca/en/your-application-online/transmission-of-documents-to-the-tribunal

You will need to fill out the same basic information as you did with your application. Copy the file application and record number from the TAL’s completed copy of your application.

5. Notify your landlord

Notification is the process of informing your landlord that you have opened a file at the TAL by sending them a copy of your application and the list of exhibits.

The most important thing about notification is that you must be able to prove that the landlord received a copy of your application (the one completed by the TAL with record and application number) and of your list of exhibits.

Print two copies of your completed application and list of exhibits. Keep one for yourself, the other will be sent to your landlord (notification).

There are several ways to notify:

1. In person

- a. Make sure that you get a signature from the person receiving it confirming that they got it. It can be the landlord or one of their “agents” (concierge, rental agent, etc.).
- b. This is the cheapest option as it only requires you to print two copies of the documents to sign (one for you to keep, one for the landlord or their agent).

2. Registered mail

- a. Make sure to pay for a signature upon delivery.
- b. Once delivered, go to the Canada Post website, enter your tracking number, and save/print the certificate of delivery.
- c. Costs about \$15.

3. Bailiff

- a. This is the best way to notify, but also the costliest. Consider this option if you worry that the landlord will attempt to evade notification.
- b. Notifying by bailiff will cost at least \$80. However you can request to be reimbursed at your TAL hearing if you win. You will have to pay for opening the file as well as distance travelled by the bailiff. You should find a bailiff that works close to your landlord: chjq.ca/bottin-des-huissiers-de-justice

4. Electronically

- a. You can also notify by text, email, or even Facebook Messenger.
- b. However, it’s important to show that the landlord received the documents. Ideally, a reply confirming receipt.
- c. You should only use electronic notification as a last resort. Unfortunately, the TAL clerks and judges may not be tech “savvy” and can refuse proof that the message was “read” (read receipts like on Facebook Messenger, Instagram, iMessages, etc.).

6 **Upload proof of notification**

You will need to upload the proof of notification as well as your list of exhibits to your TAL dossier within 45 days of filing the application: www.tal.gouv.qc.ca/en/your-application-online/transmission-of-documents-to-the-tribunal

If you notified:

➔ **In person**

- Copy of the signature of the landlord or their agent confirming receipt

➔ **Registered mail**

- Copy of the official delivery certificate as well as a copy of the receipt with the tracking number on it

➔ **Bailiff**

- Copy of the bailiff's delivery report

➔ **Electronically**

- Screenshots or printouts of proof that the landlord received it





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