

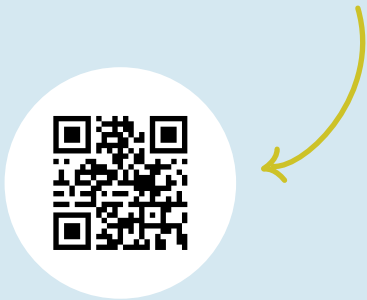
To speak to a professional 24/7	Info-Social 811 (option 2)
To request an in-home assessment	Local CLSC 811 (option 2) https://www.sante.gouv.qc.ca/en/repertoire-ressources/clsc/
For more information about incapacity and legal protection	Quebec’s public curator (Curateur public du Québec) 514-873-4074 or 1-844-LECURATEUR (532-8728) https://www.quebec.ca/en/government/departments-agencies/curateur-public
To find a notary	Quebec’s notaries’ association (Chambre des notaires) 514-879-1793 or 1-800-263-1793 www.cnq.org/
To consult a lawyer or notary for free	Community Justice Centers (Centres de justice de proximité) https://www.justicedeproximite.qc.ca/en/
To get support, respite and accompaniment as a caregiver	L’Appui pour les proches aidants 1-855-852-7784 https://www.lappui.org/en/

Éducaloi’s publications

For more information about incapacity, consent, health care, housing options and your recourses if there’s a problem, visit our website: educaloi.qc.ca/en

You will also find information for caregivers on our website.

To order free physical copies of this document, visit our webpage, “Order Éducaloi’s Products”.



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HOUSING: How to Support a Senior Who Is Losing Their Autonomy



Is someone close to you losing their autonomy and having trouble living at home alone?

What can you do in this situation?

Who can decide where this person will live?

In this pamphlet, you will find legal information and resources to help you accompany someone close to you.

If you're worried about someone close to you, do you have the right to step in?

- ✓ You can share your concerns with the team responsible for this person's medical care. You can also communicate with their local CLSC by dialling 811 and then choosing option 2.
- ✗ You can't make decisions on someone's behalf without first taking steps to be given this legal responsibility. If the person you're close to can still make their own decisions and understand the consequences, they usually have the right to decide where to live.

How can you know if someone close to you can still make their own decisions?

Different conditions, like dementia or Alzheimer's, can affect someone's mental capacity. This means they can affect this person's ability to make important decisions about their health.

When someone is no longer able to make their own decisions, a court can decide that they're "incapacitated". People can have different levels of incapacity and still be able to make certain decisions on their own. This loss of capacity can be permanent or temporary.

To confirm if someone close to you is incapable of deciding where to live, they need to go through a medical assessment and a psychosocial assessment.

Important! These assessments need to be done even if a court has already decided that someone is incapacitated. This person might still be capable of deciding where they want to live.

To get the assessments done, you can ask the person's family doctor or their health provider (CLSC or CHSLD). The assessments will determine if they can understand the current state of their health and what it would mean for them to move to the housing that's being recommended to them.

- If the assessments confirm that the person close to you can make their own decisions, they get to choose where they want to live. **You must respect their decision**, even if you disagree.
- If the assessments confirm that the person close to you can't decide for themselves, **someone else will need to make this decision for them**.

If someone close to you can't make decisions anymore, who decides where they live?

If the evaluation confirms that the person close to you can no longer decide where they should live, follow these steps to figure out who can make this decision for them.

Step 1

Check if the person close to you prepared an official document that names someone to make decisions for them. This document is called a "protection mandate". It allows someone called **a mandatary** to make certain decisions for someone else if they become incapacitated. To be valid, this document must be approved by a court.

Step 2

If the person close to you doesn't have a protection mandate, check if they are covered by a "tutorship". A tutorship is another way to protect someone who's incapacitated. When someone is covered by a tutorship, their tutor will decide where they live. The **tutor** is chosen by the court. To find out if the person close to you is covered by a tutorship, check Quebec's **Public register of representation measures**.

Step 3

If there's no mandatary or tutor, the person's **spouse or common-law partner** decides for them. If they don't have one, another relative or anyone close to them can decide.

Important! No matter who decides, the person making decisions for someone else must consider what this person wants and then choose housing that's in their best interests.

What happens if the person who's supposed to decide can't for some reason? Or you disagree with their decision? Or someone close to you is refusing to move?

If the person who's supposed to make decisions for someone close to you can't or doesn't want to, a court will need to decide. A court also needs to decide if the person making decisions for someone else rejects housing that would be in this person's best interests.

If the person close to you must move because of the current state of their health but they refuse, a court will also need to step in. In this case, the person making decisions for them will be able to ask the court for an order forcing them to move.

To decide, the court will listen to the opinion of the person being asked to move and the opinions of people close to them. Everyone must respect the court's decision, even if some people think different housing would be better.