

# Housing for Seniors

Your Options and Your Rights



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Information Empowers



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Éducaloi's mission is to explain to Quebecers the law, their rights, and their responsibilities in everyday language that is easy to understand.

## Important Notice

The law changes. This guide is up to date to January 2021. Visit Éducaloi's website at [educaloi.qc.ca/seniors](http://educaloi.qc.ca/seniors) to see if there is a more recent version of this guide.

This guide is meant as legal information, not legal advice. If you need advice on a specific situation, consult a notary or a lawyer. This guide applies only in Quebec.

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# Housing Options for Seniors

If you are a senior, your housing needs are often closely tied to your level of independence and your health care needs. You have several options depending on how independent you are, any special services or care you may require, and your ability to pay.

You may move from one option to another as your needs evolve. Here is an overview of each option:

## Staying in Your Home



- You live an independent or semi-independent lifestyle, but you need help with some tasks around your home.
- You own your own home. Or you rent housing from a landlord.



## Private Seniors' Residences



- You live an independent or semi-independent lifestyle, but you prefer to live in a structured environment where some personal care and assistance services are provided.
- These retirement homes are private, but they are regulated by the government.



## Intermediate Resources (Supervised Apartments or Publicly Regulated Retirement Homes Providing Assisted Living)



- You have experienced a slight or moderate loss of your independence, and you need to live in a structured environment where more personal care and assistance services are provided.
- These retirement homes are private, but they are regulated by the government.



## Long-Term Care Centres (CHSLDs)



- You have lost a lot of your independence, and you need continuous care from health care professionals.
- Some CHSLDs are public. Other CHSLDs are private but are regulated by the government.



# Staying in Your Home

## Getting Help at Home

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Depending on your needs, there are various options to make it easier to stay in your home longer while still receiving the support you need:



A caregiver, usually a family member or close friend, can help you. Caregivers can submit a [form to the Commission des normes, de l'équité, de la santé et de sécurité au travail \(CNESST](#) or workplace health and safety board) (French only) to have their status recognized officially. This means they can take time off work for caregiving duties.



[Meals-on-wheels](#) programs can deliver hot meals to you.



[Domestic help](#) is available at a reduced hourly rate. It includes housekeeping, laundry, meal preparation, and shopping. You must hire domestic help from a social economy business approved by the Ministère de la Santé et des Services sociaux (MSSS or department of health). The Régie d'assurance maladie du Québec (RAMQ or health insurance board) gives you a grant through the “Financial Assistance Program for Domestic Help Services” to help pay for this.



At-home support for people with a loss of autonomy is a more comprehensive set of services. It includes nursing and medical care, psychosocial services, physiotherapy, help adapting your home, or end-of-life care. You must contact your [local community services centre \(CLSC\)](#). They will evaluate your needs and help arrange the type of service that is right for you.

To learn more about each of these support services, see the Resources section at the end of this guide.

## Adapting Your Home to Your Needs

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Revenu Québec offers tax credits to help make living in your own home as long as possible easier and more affordable. These include:

- “[Tax Credit for Home-Support Services for Seniors](#)” for services such as housekeeping, outdoor maintenance work, or nursing
- “[Independent Living Tax Credit for Seniors](#)” for equipment to adapt your home or for a short-term stay in a rehabilitation facility before returning to your home

The Société d’habitation du Québec (SHQ or housing society) also has a program to adapt a home for people with special needs. The “[Residential Adaptation Assistance Program](#)” can help with the cost of installing ramps outside the home, redoing a bathroom, or enlarging doorways.

To learn more about tax credits and financial aid to adapt your home, see the Resources section at the end of this guide.

## The Right to Stay in Your Apartment

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Your landlord is generally not allowed to evict you or repossess your apartment if you or your spouse meets these conditions:

- is 70 years old or more
- has lived in the apartment for 10 years or more
- has an annual income that makes him or her eligible for low-rental housing (HLM)

Even in this situation, a landlord can repossess an apartment in some cases. For example, if a landlord is also 70 years old or more, he or she can repossess an apartment to live there. Contact the [Tribunal administratif du logement](#) (TAL, formerly Régie du logement or rental board) to learn more.



# Private Seniors' Residences

This housing is for independent and semi-independent seniors. You rent your own apartment or room and have access to personal care and assistance services the residence offers, such as these:

- meals
- help with bathing and dressing
- housekeeping and laundry
- help with medication
- nursing care
- transportation
- social activities

These residences are privately owned and operated and must meet government standards of quality and safety to get certified.

At-home support for people with a loss of autonomy (see the “Staying in Your Home” section) is available even if you live in a private seniors’ residence because the residence is your home. Contact your CLSC.

## How to Apply

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You usually find and choose your own residence, and neither your local community services centre (CLSC) nor the government is involved. The Ministère de la Santé et des Services sociaux (MSSS or department of health) website has a [register of private seniors’ residences](#) you can search by region or by services offered (French only). See the Resources section at the end of this guide.

The residence may want to evaluate your independence to see what your needs are. It can refuse you if, for example, you need services it doesn’t offer.

Once you've chosen and been accepted by a residence, you sign a lease. A lease is the legal agreement you have with the residence that says what you and the residence must do. You become a tenant and the residence is your landlord.



## Cost

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You pay rent each month. It includes these things:

- basic rent for your unit
- general services the residence offers with your unit, such as heating, cable TV, or telephone services
- personal care and assistance services you have chosen to have on a regular basis, such as meals, help with medication, or activities

If you want any personal services that are not included in your rent, you pay for them separately when you use them. For example, you decide not to include meals in your total rent, but occasionally you want the residence's meals. So, you pay for the meals each time you have them.

The residence decides the basic rent and cost of services. In most cases, there are rules about increases in rent and cost of included services. But services that are not included in your rent are not subject to these rules.

## What the Lease Says

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The residence must use the standard lease form available from the Tribunal administratif du logement (TAL, formerly Régie du logement or rental board).

The residence must attach a document called Schedule 6 to the lease. It is also available from the TAL and includes these things:

- services included in your basic rent
- personal care and assistance services you have chosen and their cost
- your total monthly cost including basic rent and personal care and assistance services

To learn more about [signing a lease in a private seniors' residence](#), see the Resources section at the end of this guide.

## Rent Increases and Other Changes

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When it's time to renew your lease, the residence might want to make changes, for example, increase your rent or the cost of services included in your rent.

Before making any changes, the residence must send you a notice. You can refuse the change in writing within 30 days of getting the notice. If you refuse, the residence must usually ask the Tribunal administratif du logement (TAL, formerly Régie du logement or rental board) to decide the rent.

There are rules about when a landlord, including a private seniors' residence, must send the notice and apply to the TAL.

**Important!** Newly constructed residences that have been open for less than five years may have different rules. Ask questions and read the lease carefully before signing.

## Quality and Safety Standards

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To be certified by the government, the residence must meet quality and safety standards. Here are some examples of standards:

- a minimum number of staff on duty
- staff qualifications, including first aid
- fire safety plans and sprinkler systems
- call-for-help systems installed in rental units
- procedures to find residents who might be missing
- procedures for keeping residents cool during a heatwave

The government can inspect the residence at any time.

You can get information about the residence and [check whether it is certified](#) (French only). See the Resources section at the end of this guide.

## Death of a Resident

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The lease can be cancelled when the resident who lived alone dies. The person settling the deceased resident's affairs can cancel the lease by sending a written notice to the residence no later than six months after the death. The lease ends two months after the notice is sent. But if the residence agrees, or rents the unit to someone else, the lease can end earlier.

If the resident lived with someone who hadn't signed the lease, the other person can become the new resident named on the lease by sending a written notice to the residence within two months of the death.

If the resident lived with someone who had signed the lease, the other person remains responsible for the lease. The death of one resident doesn't release the other resident from the lease.

# Intermediate Resources

This type of housing is for people who can't live on their own but don't need continuous care or supervision. "Intermediate resources" is a term the government uses to describe supervised apartments or publicly regulated retirement homes that provide assisted living. This type of housing offers an intermediate level of support services, depending on the needs of the residents, but not on-site physiotherapy, nursing, or medical care.

You have access to personal care and assistance services the residence offers, such as these:

- meals
- help with bathing, dressing, and laundry
- help managing your budget and your property
- running errands and transportation
- social activities
- follow-up with health and social services
- support staff always on duty

They are mostly privately operated but are connected to the public health and social services system through agreements.

## How to Apply

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Contact your [local community services centre \(CLSC\)](#). They will evaluate you to see if you should be admitted into this type of housing and, if so, will find a place for you.

## Cost

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The Régie de l'assurance maladie du Québec (RAMQ or health insurance board) determines how much you pay depending on your financial situation. The law limits the maximum amount. The amount covers your room or apartment and some services.

The RAMQ website has a [calculation tool you can use](#). See the Resources section at the end of this guide.

**Important!** Be careful if you want to give your house to your children or sell it for less than it's worth before moving to housing in the public system. When deciding how much you pay, the government can look at any property you gave away or sold in the two years before you applied for this housing.

## Quality and Safety Standards

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This type of housing must meet quality and safety standards set by the government. The CISSSs (integrated health and social services centres) and CIUSSSs (integrated university health and social services centres) must keep registers of these facilities and evaluate them regularly.

The government can also visit them to check on quality. You can see the [reports of these visits](#) on the website of the Quebec department of health and social services (French only). See the Resources section at the end of this guide.

# Long-Term Care Centres (CHSLDs)

This type of housing is for people who can't live on their own and need specialized care. CHSLDs offer medical and other services.

Some CHSLDs are part of the public health and social services system and others are private.

## How to Apply

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To apply for a place in a public CHSLD, contact your [local community services centre \(CLSC\)](#). They will evaluate you and find a place that offers the care you need.

For private CHSLDs, contact the CHSLD directly.

## Cost

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For public CHSLDs, the government determines how much you pay depending on your financial situation. The law limits the maximum amount. The amount covers your room, food, medical and nursing care, laundry, and some personal hygiene products.

The RAMQ website has a [calculation tool you can use](#). See the Resources section at the end of this guide.

The owners of private CHSLDs decide how much they charge residents.

**Important!** Be careful if you want to give your house to your children or sell it for less than it's worth before moving to housing in the public system. When deciding how much you pay, the government can look at any property you gave away or sold in the two years before you applied for this housing.

## Quality and Safety Standards

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All CHSLDs must be certified by a standards organization that is independent of the government. The certification must be renewed every five years.

Government representatives visit these facilities from time to time to check on the quality of the services. [Reports of these visits](#) are available on the website of the Quebec department of health and social services. See the Resources section at the end of this guide.

## Video Cameras

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Family members can put a [video camera in a CHSLD room](#). These surveillance cameras are sometimes called “granny cams” because they are small and hidden. A tablet, smart phone, or similar device in plain view is also allowed.

These cameras can help ensure your safety, protect your property, and prevent mistreatment by CHSLD staff. They can also help you stay in touch with loved ones.

There are certain [rules that must be respected](#) though. To learn more, see the Resources section at the end of this guide.

## Service in English

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Some CHSLD's offer services in English while others don't. The government has a list of CHSLDs that offer services in English. To learn more about the [right to health care in English](#), see the Resources section at the end of this guide.



# Cancelling a Lease

## When You Can Cancel

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If you are a senior and rent the place where you live, the law lets you cancel your lease if you are moving to

- a private seniors' residence or other housing that offers care or services you need because of your health;
- an intermediate resource; or
- a long-term care centre (CHSLD).

You can also cancel your lease in these situations:

- You are moving to low-rent housing.
- You have a disability that means you can't stay in your apartment.
- A court has decided that you need to move because of your special needs.



## How to Cancel

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1. Send a written notice to your landlord saying you want to leave, your reason for leaving, the date you want to leave, and the date your lease is supposed to end.
2. You must include a document from the place to which you're moving that states you've been accepted to live there and you have met the conditions required to be admitted to the facility.
3. You can leave as soon as you want, but you must pay your rent until the end of your notice period:
  - two months if your lease is for one year or more, or
  - one month before if your lease is for less than one year or if there is no time period in your lease.

If your rent includes personal services, you only pay for the services you receive until you leave.

You can also try to reach an agreement with your landlord to cancel the lease.

# How to Resolve Problems

If problems arise in your facility, you can try speaking first to the person causing the problem, another staff member, or a supervisor. If the problem continues, various resources can help you. To find out how to contact them, see the Resources section at the end of this guide.

## Rental Board

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For problems with your lease in a private seniors' residence, such as rent increases, contact the [Tribunal administratif du logement](#) (TAL, formerly Régie du logement or rental board). Your regional [complaints assistance and support centre \(CAAP\)](#) (see further in this section) can support you throughout the process with the TAL.

## Service Quality and Complaints Commissioner

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For problems about the quality of services in all types of seniors' housing, contact the [service quality and complaints commissioner for your integrated health and social services centre \(CISSS or CIUSSS\)](#). The commissioner can help you make a formal complaint. The complaint can be verbal or written. Your regional [complaints assistance and support centre \(CAAP\)](#) (see further in this section) can help you with your complaint.

See the Resources section the end of this guide to learn how to contact the commissioner.

## Users' Committee

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Residents living in CHSLDs as well as intermediate resources must have access to a users' committee. Most have a subcommittee called an in-patients' committee. These committees represent the interests of the residents and can help you resolve a problem you have with the facility. The users' committee can also help you file a formal complaint. The complaints commissioner or staff at your facility can give you contact information for the users' committee or in-patients' committee.

Many private seniors' residences have their own residents' committee. Although they don't have official status under the law, they can help find solutions to problems you have with the residence. Staff at your residence can tell you how to contact the committee.

## Complaint Assistance and Support Centres (CAAPs)

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The [complaints assistance and support centre \(CAAP\)](#) is a regional community organization that provides free and confidential services to help you file a complaint and to support you. Services include:

- providing information about the complaints process
- helping you write your complaint if necessary
- providing support at each step of the process
- helping you reach an agreement with the facility

For example, if you live in a private seniors' residence and you have problems with your lease, the CAAP can help you find a solution. Or, the CAAP can help you communicate with a Users' Committee or with the Service Quality and Complaints Commissioner.

Not all regions have services in English.

# Anti-Maltreatment Policy

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Health and social services institutions, such as CLSCs, CHSLDs, and hospitals, must adopt an [anti-maltreatment policy](#) to protect seniors and vulnerable adults. Private seniors' residences, intermediate resources, and home care services must also adopt such a policy. Your facility must post its policy in a public area and on its website, or you can ask staff for a copy.

If you are mistreated, you can say this confidentially in a complaint to the [service quality and complaints commissioner for your integrated health and social services centre \(CISSS or CIUSSS\)](#). In an emergency, you can also call the Elder Mistreatment Helpline (1-888-489-2287) or the police. See the Resources section at the end of this guide to learn more about this topic.

# Help to Pay for Housing

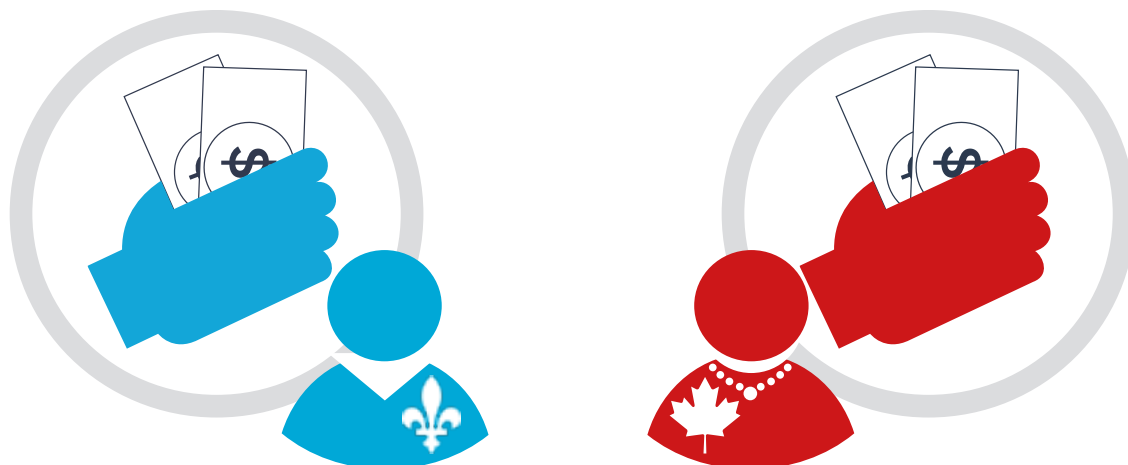
People with low incomes might qualify for a shelter allowance. The “Shelter Allowance Program” gives monthly financial help to people 50 years and older who spend too much of their income on housing. The program is funded by the [Société d’habitation du Québec](#) (SHQ or housing society) but managed by [Revenu Québec](#).

The government also offers [low-rent housing](#). The rent is equal to about 25% of your income. Contact the [Office municipal d’habitation](#) (municipal housing office) in your region to apply.

If low-rent housing is not currently available, then you will be put on a waiting list. While you are waiting, you could qualify for a rent supplement. The “[Rent Supplement Program](#)” covers the difference between the 25% of your income you would pay in low-rent housing and what your landlord charges you.

In addition to tax credits for home support and independent living (see the “[Staying in Your Home](#)” section), there are many other tax credits for seniors, both provincially and federally, regardless of which housing option you choose.

See the [Resources](#) section at the end of this guide for more information about help to pay for housing, how to apply for low-rent housing, and tax credits.



## Éducaloi

[educaloi.qc.ca/en](http://educaloi.qc.ca/en)

[educaloi.qc.ca/seniors](http://educaloi.qc.ca/seniors)

## Quebec Government: Programs and Services for Seniors

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[quebec.ca/en](http://quebec.ca/en)

Click on “Family and Support for Individuals”, then “Programs and Services for Seniors”.

## Staying in Your Home

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### Caregivers

[www.cnesst.gouv.qc.ca](http://www.cnesst.gouv.qc.ca) (French only)

Click on “Santé et Sécurité du travail”, then “Formulaires” from the list of topics at the bottom of the page, then scroll through the alphabetical list of forms to “Attestation d’une personne agissant à titre de proche aidant”, then download the form to be filled out by a health care professional to recognize your caregiver’s status.

### Meals-on-Wheels

1-877-277-2722, ext. 205

[www.popotes.org](http://www.popotes.org) (French only)

Meals-on-Wheels is offered by the Regroupement des popotes roulantes. From the home page, go to “Trouver une popote” and enter your postal code to find a service in your area.

## Domestic Help

[www.ramq.gouv.qc.ca/en](http://www.ramq.gouv.qc.ca/en)

Click on “Aid Programs”, scroll down to “Accommodation and domestic help”, then click on “Domestic help”.

## At-Home Support for People with a Loss of Autonomy

Find your local CLSC at [www.quebec.ca/en](http://www.quebec.ca/en).

Click on “Health”, then “Finding a resource”, scroll down to “Resource search”, click on “CLSC”, and enter your postal code.

## Private Seniors’ Residences

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### Signing a Lease

[www.tal.gouv.qc.ca/en](http://www.tal.gouv.qc.ca/en)

Go to “Lease” and click on “Signing a Lease”, then “Signing a Lease with a Private Residence”.

## To Apply to an Intermediate Resource or a public CHSLD

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**Go to your local community services centre (CLSC).**

Find your local CLSC at [www.quebec.ca/en](http://www.quebec.ca/en).

Click on “Health”, then “Finding a resource”, scroll down to “Resource search”, click on “CLSC”, and enter your postal code.



## To Apply for Low-Rent Housing

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[www.habitation.gouv.qc.ca](http://www.habitation.gouv.qc.ca) (French only)

Select “Répertoire de organismes” at the top of the page, then select “Office d’habitation” and enter your postal code to search for contact information for the municipal housing office for your region.

## Check Certification and Reports on Quality Standards

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### **Certification of Private Seniors’ Residences**

[www.msss.gouv.qc.ca](http://www.msss.gouv.qc.ca) (French only)

Click on “Réseau”, then “Registre des residence privées pour aînés”, then “Recherche”, and fill in the search form.

### **Government inspection reports on intermediate resources and CHSLDs**

[www.msss.gouv.qc.ca](http://www.msss.gouv.qc.ca) (French only)

Click on “Réseau”, then “Visites d’évaluation de la qualité des milieu de vie” at the bottom of the page, and choose your region.

## Calculation Tool: How Much You Pay

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### **For intermediate resources**

[www.ramq.gouv.qc.ca/en](http://www.ramq.gouv.qc.ca/en)

Click on “Aid programs”, scroll down to “Accommodation and domestic help”, then click on “Accommodation via an intermediate resource”.

### **For public CHSLDs**

[www.ramq.gouv.qc.ca/en](http://www.ramq.gouv.qc.ca/en)

Click on “Aid programs”, scroll down to “Accommodation and domestic help”, then click on “Accommodation in a public facility”.

## Rights of Residents

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### **Anti-Maltreatment Policy**

[www.quebec.ca/en](http://www.quebec.ca/en)

Click on “Family and support for individuals”, then “Assistance and support”, then “Mistreatment of older adults”, then “Act to combat mistreatment of seniors and other people of full age in vulnerable situations”.

## **Video Cameras in CHSLDs**

[educaloi.qc.ca/en/legal-news/can-you-install-video-camera-in-chsld-room/](https://educaloi.qc.ca/en/legal-news/can-you-install-video-camera-in-chsld-room/)

Read Éducaloi’s article “Can You Install a Video Camera in a Senior’s CHSLD Room?”.

[publications.msss.gouv.qc.ca/msss/fichiers/2018/18-834-04A.pdf](https://publications.msss.gouv.qc.ca/msss/fichiers/2018/18-834-04A.pdf)

Download the Quebec government’s leaflet “Use of Monitoring Mechanisms by Residents in Residential and Long-Term Care Centers (CHSLDs)”.

## **CHSLDs With Services in English**

[educaloi.qc.ca/en](https://educaloi.qc.ca/en)

Click on “The Law by Topic”, then “Rights and Governments” and “Rights and Freedoms”, scroll down to “Language Rights”, and click on “Health and Social Services in English”.

## **How to Resolve Problems**

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### **Elder Mistreatment Helpline (LAAA)**

1-888-489-2287

[www.aideabusaines.ca/en](https://www.aideabusaines.ca/en)

### **Tribunal du logement (TAL, formerly Régie du logement or rental board)**

[www.tal.gouv.qc.ca/en](https://www.tal.gouv.qc.ca/en)

Montreal, Laval, Longueuil: 514-873-2245

Other regions: 1-800-683-2245

## **Service Quality and Complaints Commissioner**

For contact information, call Services Quebec at 1-877-644-4545 or ask staff at your facility.

Contact information is also online:

[www.quebec.ca/en](http://www.quebec.ca/en)

Click on “Health”, then “Health system and services”, then “Rights, Recourses and Complaints”, then “The Health and Social Services Network Complaint Examination System”, then scroll down to “Contact Information for the Service Quality and Complaints Commissioner for Each Public Institution” to contact the CISSS or CIUSS for your region.

## **Complaint Assistance and Support Centres (CAAPs)**

1-877-767-2227

Not all regions have services in English.

[www.quebec.ca/en](http://www.quebec.ca/en)

Click on “Health”, then “Health system and services”, then “Rights, Recourses and Complaints”, then “The Health and Social Services Network Complaint Examination System”, then scroll down to “Centre d’assistance et d’accompagnement aux plaintes (CAAP)”.

# Help to Pay for Housing

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## **Quebec government programs and tax benefits**

[www.quebec.ca/en](http://www.quebec.ca/en)

Click on “Family and support for individuals”, then “Programs and Services for Seniors”, then scroll down to “Housing”.

[www.revenuquebec.ca/en](http://www.revenuquebec.ca/en)

Click on “Citizens”, then “Tax Credits”, then select “Seniors” to filter the results to see all provincial tax credits for seniors.

[www.habitation.gouv.qc.ca](http://www.habitation.gouv.qc.ca)

Click on “English”, then “Learn more about our programs”, then “Rent Supplement” or “Residential Adaptation Assistance Program” or “Shelter Allowance Program”.

## **Federal tax benefits for seniors**

[www.canada.ca](http://www.canada.ca)

Click on “Benefits”, then “Public pensions”.





# Éducaloi explains the law to Quebecers in everyday language.



Read about these and other topics at [www.educaloiquc.ca](http://www.educaloiquc.ca)

- Housing
- The health and social services network
- Wills and estates
- Loss of autonomy and protection of vulnerable people

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