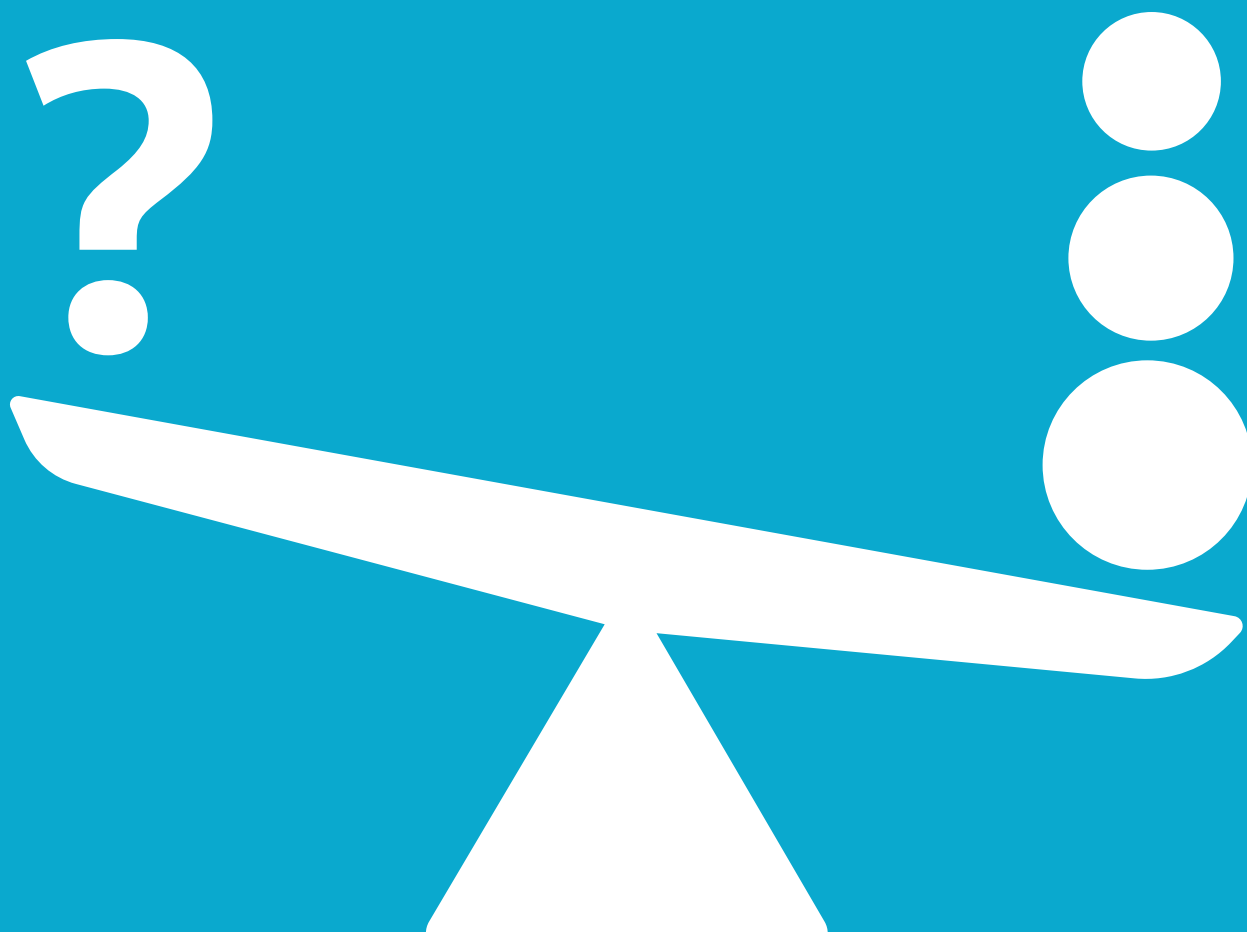


Your Rights:

What to Do if There Is a Problem?

A Guide for Seniors

Detailed Version



Simplified guide on seniors' rights and recourses
at home or in housing for seniors



IMPORTANT NOTICE

This guide contains general information about the law in Quebec.
For specific advice on your situation, contact a legal professional.

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Department of Justice
Canada

Contents of this Guide

All seniors want to live in an environment where they feel respected and safe. However, certain situations raise issues or concerns, such as conflicts with a landlord, inappropriate care, or acts of abuse.

This guide is designed to help you better understand your rights and know what to do if you are experiencing a difficult situation.

Here, you will find information that will help you:

- ✓ know your rights as a senior,
- ✓ understand your rights when receiving care or services,
- ✓ know what to do if you are experiencing a problem with your home,
- ✓ find support and resources adapted to your needs.

Whether you live at home, in a residence, or elsewhere, the goal of this guide is to provide you with tools so you can exercise your rights with confidence.

Protecting yourself from abuse

Your rights as a senior

No matter where you live, you have the right to:

- be treated with dignity and have your privacy respected,
- live in an environment that is clean, safe and well-maintained,
- be protected from neglect and abuse,
- receive fair treatment, without discrimination because of your age, background, language, religion, etc.

What should you do if you are experiencing abuse?

Abuse can take many forms. Here are a few examples:

- An attendant insults you because you asked for help.
- Your daughter uses your bank card without telling you.
- A nurse often forgets to give you your medication.
- **En** employee threatens to evict you if you file a complaint.
- A nurse makes fun of you because of your accent or religious beliefs.
- The management of your residence takes money from you for services you never received.



CAN YOU INSTALL A CAMERA IN YOUR APARTMENT OR YOUR ROOM?

You can decide to install a surveillance camera for safety reasons or to talk remotely with your loved ones. But there are some rules: for example, you can't film the staff or other residents without their consent. Check with the staff in your facility to find out what is allowed.

Abuse-prevention policy

Private seniors' residences (RPA), intermediate resources (IR), long-term care centres (CHSLDs), senior homes (Maisons des aînés), and even businesses that offer at-home support, like housekeeping services or nursing care, must have **an abuse-prevention policy**.

This policy must be posted on the premises and available online. You can ask for a copy and **require that it be respected**.

What should you do?

If you are a victim of abuse, you have several options:

If the situation involves health care services

You can file a formal complaint with the service quality and complaints commissioner for your facility (see below).

If you need help or to talk to someone

Call the Mistreatment Helpline (1-888-489-2287).

If you fear for your safety

Call the police by dialing  9-1-1.

Receiving adequate health care and services

Your rights when receiving care and services

If you receive health care or social services, whether in a hospital, at home, in a CHSLD, or elsewhere, you have the right to:

- be informed about your state of health, your treatment options, available services, and how to access them,
- accept or refuse care,
- change your mind, even after consenting to a treatment,
- be treated with respect, dignity, and courtesy,
- receive safe and quality care,
- receive care that is adapted to your culture, beliefs, and language, as much as possible.

What to do if there is have a problem with your care

If you feel comfortable, try speaking about it with the person concerned. If not, you can speak to another staff member or the management. You can also talk to your loved ones. If the problem continues, you have the right to file a complaint.

What situations can you file a complaint about?

You can file a complaint if it concerns the care or services you received, the staff's behaviour, or any other situation you consider unfair or unacceptable. For example:

- care given without any respect or explanations,
- repeated delays in personal care or meal services,
- an employee who speaks to you in a hurtful manner,
- an important service that is not provided as promised.

You can also file a complaint if you experience problems:

- at home, with the care provided by the CLSC or an organization,
- in a CIUSSS (integrated university health and social services centres) or a hospital,
- in a long-term care centre CHSLD), a senior home (Maison des aînés), an intermediate resource (IR) or a private seniors' residence (RPA).

How to file a complaint

You must contact the **service quality and complaints commissioner** for the facility, by phone or in writing. This is free and confidential. You can find their contact information in the Resources section at the end of this guide.

You can file the complaint yourself or ask someone to do it for you, like your spouse, a family member, your mandatary, etc.

The commissioner will get back to you within 45 days. If you do not get a reply in this timeframe, or are not satisfied with the answer, you can turn to the Quebec Ombudsman, called the **Protecteur du citoyen** in French.

Getting help to file a complaint

Users and residents' committees

Most health and social service institutions have a "users' committee". Facilities that offer housing often have a "residents' committee" as well. These committees can explain your rights, and help you if you would like to file a complaint.

Complaints assistance and support centres (CAAP)

These centres provide free and confidential services across Quebec to:

- explain your rights,
- help you draft your complaint,
- support you throughout the process.

To contact the CAAP in your area, you can call 1-877-767-2227 or visit their website at fcaap.ca/en.

Renting a place safely

Your rights as a tenant

If you rent a house, an apartment or a room, even in a private seniors' residence, you have rights. Here are some of them.

Your landlord cannot raise the rent whenever they want

Your landlord can only propose a rent increase or changes to your lease when it is time to renew the lease. In that case, they must send you a written notice. Once you receive the notice, you have one month to refuse the changes. You must do this in writing.

If you refuse the changes, your landlord must turn to the housing court (Tribunal administratif du logement or TAL) to have the rent set.

Important!

In a private seniors' residence (RPA), the rules are similar to those that apply to regular rental housing, like an apartment. However, different rules can apply if your residence is part of a housing cooperative or if your building was built less than five years ago. Do not hesitate to ask the residence questions.

Your rental housing must be clean and in good condition

You have the right to rental housing that is well-maintained.
For example, your landlord must act if:

- a staircase is dangerous,
- the heating in your apartment does not work,
- you notice some mold in your room.

Your landlord cannot evict you without a valid reason

As a general rule, your landlord cannot repossess your home or evict you if you or your spouse meet all of the following conditions:

- you are 65 years of age or older,
- you have lived in your home for 10 years or more,
- your annual income is equal to or less than 125 % of the **maximum income that would allow you to be eligible for low-rental housing (HLM)**.

In some situations, however, your landlord can repossess your home, even if you or your spouse meet all the above conditions. For example, they could repossess your home if they are also 65 years of age or older.

Until June 6, 2027, landlords cannot evict a tenant to subdivide rental housing, to make it significantly larger, or to change its use. This applies across the province of Quebec.

You have the right to end your lease earlier if you need to move for health reasons

You can try to talk to your landlord about ending your lease early. If your landlord agrees, you can end **to** your lease. If your landlord does not agree, you can still end your lease early in the following cases:

- You are getting low-rental housing (HLM).
- You are moving into a private seniors' residence (RPA) that offers the care you need.
- You are moving into an intermediate resource (IR).
- You are moving into a long-term care centre (CHSLD) or a senior home (Maison des aînés).
- You have a disability that prevents you from staying in your home.
- A court has determined that you need to live elsewhere to meet your specific needs.

In these cases, to end your lease, you must send your landlord the following documents:

- a **written notice** explaining the reason why you are leaving, the planned moving date and the end date of the lease,
- a copy of your lease and a document confirming you are moving to a new living environment.

For more information, refer to the housing court of Quebec, called the Tribunal administratif du logement (TAL) in French. You can find their contact information in the Resources section at the end of this guide.

Important!

You can leave your rental housing when you want. However, you must continue to pay rent until the end of the notice period, i.e.:

- two months if your lease is for one year or more,
- one month if your lease is for less than one year, or if there is no end date to your lease.

What to do if there is a problem with your rental housing

If there is an issue with your rental housing or lease:

1. Talk to your landlord.
2. If the problem is not resolved, you can send a written notice to your landlord.
3. If the landlord ignores your message or does not solve the problem, you can file a formal application with the housing court of Quebec, called the **Tribunal administratif du logement** (TAL, formerly known as the rental board).

Help to file an application with the TAL

You can get help from the housing committee in your area.

A regional **Complaints assistance and support centre** (CAAP) can also support you throughout the process with the TAL. You can find their contact information in the *Resources* section at the end of this guide.

Ressources

To understand your rights

Éducaloi



educaloi.qc.ca/seniors/



Here you will find simple explanations on seniors' rights, including health care and housing.

To file a complaint about your health care

Service quality and complaints commissioner



Call Services Québec at 1-877-644-4545, or ask your facility's staff for help.



<https://www.quebec.ca/en/health/health-system-and-services/rights-recourses-and-complaints/the-health-and-social-services-network-complaint-examination-system>



Scroll to the table of contents and click on "Contact a local service quality and complaints commissioner" to find the commissioner in your area.

To get help filing a complaint

Complaints assistance and support centre (CAAP)



1-877-767-2227



fcaap.ca/en/ (click on "Contact us" at the top of the page.)

In case of abuse

Mistreatment Helpline



1-888-489-2287



In case of emergency: dial 9-1-1.

If you are having issues with your rental housing

Housing court (Tribunal administratif du logement or TAL)



Montreal, Laval and Longueuil: 514-873-2245



Other areas: 1-800-683-2245

Coalition of Housing Committees and Tenants Associations of Quebec (RCLALQ)



rclalq.qc.ca/en



1-866-521-7114

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