

# SCHEDULE 6 TO THE LEASE

## Services Offered to the Lessee by the Lessor

### TRIBUNAL ADMINISTRATIF DU LOGEMENT MANDATORY FORM | TWO COPIES

This schedule must be used when a lessor offers services in addition to those indicated in the lease, including services of a personal nature pursuant to articles 1892.1 and 1895.1 of the *Civil Code of Québec (C.C.Q.)*. In addition, Revenu Québec may require the schedule in order to grant a lessee a tax credit for home-support services.

The provisions pertaining to the rights and obligations of lessors and lessees in articles 1851 to 2000 of the C.C.Q., as well as certain provisions pertaining to persons living in a private seniors' residence, pursuant to the *Act respecting health services and social services (AHSSS)* and the *Regulation respecting the conditions for obtaining a certificate of compliance and the operating standards for a private seniors' residence*, apply not only to a leased dwelling or room, but also to services (e.g. meals, nursing care, laundry service), accessories and dependencies.

The lessor may not, by means of a clause in the lease, limit the lessee's right to purchase property or to obtain services from such persons as he or she chooses and on such terms and conditions as he or she sees fit.

#### COST OF SERVICES OF A PERSONAL NATURE PROVIDED TO THE LESSEE

If the lease provides for services of a personal nature to be provided to the lessee, the lessor must complete this schedule and specify the part of the rent that relates to the cost of each of those services. The same applies to a senior admitted to a private seniors' residence where the nursing care and personal assistance services required by his or her state of health are provided, or to any other lodging facility, regardless of its name, where such care and services are provided.

#### NOTICE OF RESILIATION OF THE LEASE

(arts. 1938, 1939, 1974 and 1974.1 C.C.Q.)

A lessor who receives a written notice of resiliation during the term of the lease may claim only the rent that relates to the dwelling, as well as the part of the rent that relates to the cost of the services that are provided for in the lease, in this schedule or in a separate contract, and that were provided to the lessee before he or she vacated the dwelling, if the lessee vacated it for one of the following reasons:

1. he or she is allocated a dwelling in low-rental housing; or
2. he or she is relocated in an equivalent dwelling corresponding to his or her needs, following a decision of the tribunal; or
3. he or she can no longer occupy his or her dwelling because of a handicap; or
4. if the safety of the lessee or of a child living with the lessee is threatened because of the violent behaviour of a spouse or former spouse or because of a sexual aggression, even by a third party; or
5. if he or she has died, in which case the notice of resiliation may be given by one of the persons provided for by law (see the particular respecting death in the mandatory lease forms); or
6. if the person is a senior permanently admitted to a residential and long-term care centre (CHSLD), to an intermediate resource, to a private seniors' residence where the nursing care and personal assistance services required by his or her state of health are provided, or to any other lodging facility, regardless of its name, where such care and services are provided, whether or not the person already resides in such a place at the time of admission.

#### PRIVATE SENIORS' RESIDENCE

The operator of a private seniors' residence must obtain a certificate of compliance pursuant to the AHSSS, which defines the term "private seniors' residence". Only an operator who has obtained certification or a temporary certificate of compliance may call his or her lodging facility by that name.

To keep the certificate, the operator must meet a series of health and social criteria and operating standards. These criteria and standards are defined in the *Regulation respecting the conditions for obtaining a certificate of compliance and the operating standards for a private seniors' residence*.

They concern, in particular, residents' rights, the exchange of information between the operator and the lessees on their health and safety, diet, medication and third party liability insurance. In some cases and on the conditions provided for in the AHSSS, the lease may be resiliated or the lessee relocated (arts. 346.0.18 and 346.0.20.2 to 346.0.20.4 of the AHSSS).

#### ■ Services for independent elderly persons

The lessor of a private seniors' residence offering services for independent elderly persons provides services in at least two of the following categories: meal services, domestic help services, security services and recreation services (see Parts 1 and 2 below). In addition, the operator of such a residence must give to a prospective resident or the prospective resident's representative, if applicable, a document stating in particular that no nursing services and no personal assistance services are provided.

#### ■ Services for semi-independent elderly persons

The lessor of a private seniors' residence offering services for semi-independent elderly persons provides services in at least two of the following categories: meal services, domestic help services, security services, recreation services, personal assistance services and nursing care (see Parts 1 and 2 below). In addition, at least one of the services provided to the lessee must be in the category of personal assistance services or the category of nursing care. Nursing care is a professional activity exercised by a nurse or a nursing assistant, in accordance with the law or an enabling regulation, or by any other person authorized to exercise that activity under a statute or a regulation.

The same residence may offer services for both independent and semi-independent elderly persons.

#### COMPLIANCE WITH THE LEASE

Before entering into a lease, the lessor must identify with the prospective resident or the prospective resident's representative, if applicable, all of the services that the prospective resident wishes to obtain. During the term of the lease, the lessor must offer and maintain the services listed in the lease, this schedule or a separate contract, without increasing the cost or diminishing the quality of the services. The cost of the services may be included in the rent or may be payable in accordance with another method provided for in the lease, this schedule or a separate contract.

#### CHARTER OF HUMAN RIGHTS AND FREEDOMS

The rights and obligations arising from the lease shall be exercised in compliance with the Charter, which prescribes, among other things, that every elderly person and every handicapped person has a right to protection against any form of exploitation.

In the case of differences between this document and the laws that apply to dwellings, the laws take priority.

PART 1		DETAILED DESCRIPTION OF DWELLING, ACCESSORIES, DEPENDENCIES AND SERVICES OTHER THAN THOSE OF A PERSONAL NATURE	
The lessor must provide the dwelling and maintain all the services, accessories and dependencies for which the lessee undertakes to pay rent.			
Check off if included in the lease.			
TYPE OF RESIDENCE		RECREATION SERVICES	
PRIVATE SENIORS' RESIDENCE OFFERING SERVICES FOR:		ACCESS TO RECREATIONAL ACTIVITIES	
■ independent persons		- specify: _____	
■ semi-independent persons		SOCIAL DIRECTOR	
OTHER LODGING FACILITY		INDOOR COMMON AREAS	
- specify: _____		■ library	
DESCRIPTION OF PREMISES AND SERVICES		■ shared kitchen	
■ dwelling with _____ rooms		■ private area for receiving visitors	
■ room		■ pool	
- private		■ fitness room	
- shared		■ billiard room	
BATHROOM		■ home theatre room	
■ private		■ multifunctional recreation room	
■ shared		■ bowling alley	
GRAB BARS/HANDRAILS		■ reception room	
■ bathroom		- may be rented for \$ _____	
■ corridors (common areas)		■ Internet room	
HEATING		■ other:	
■ central system		OUTDOOR COMMON AREAS	
■ individual control		■ recreation area	
AIR CONDITIONING		■ rest area	
■ central system		■ garden	
■ individual control		■ pool	
■ authorized personal air-conditioning system		■ other:	
- type: _____		OTHER SERVICES OFFERED	
TELECOMMUNICATION SERVICES		RELIGIOUS ACTIVITIES	
■ telephone		- specify: _____	
■ cable television		DINING ROOM OPEN TO VISITORS	
■ wireless Internet		MEDICAL SERVICES	
■ wired Internet		- specify: _____	
■ other:		NURSING CARE (SERVICES OFFERED BY THE LESSOR)	
CALL-FOR-HELP SYSTEM		■ nurse	
■ fixed		- specify: _____	
- bed		- schedule: _____	
- bathroom		■ nursing assistant	
- washroom		- specify: _____	
- other:		- schedule: _____	
■ mobile		CARE ATTENDANT (SERVICES OFFERED BY THE LESSOR)	
MANUAL OR POWERED WHEELCHAIR		- specify: _____	
■ accessible dwelling		- schedule: _____	
FURNITURE AND APPLIANCES (THE LESSEE HAS THE RIGHT TO BRING)		SECURITY	
■ household appliances		■ schedule: _____	
- specify: _____		■ staff member	
■ television		- nurse	
■ furniture		- nursing assistant	
- specify: _____		- care attendant	
BALCONY		- guard	
■ private		- receptionist	
■ shared		- other:	
LOCKED STORAGE SPACE		TRANSPORTATION	
- location: _____		■ shuttle service	
LAUNDRY ROOM		■ other: _____	
■ shared laundry room		- service payable on a per-use basis	
- service payable on a per-use basis		Yes <input type="checkbox"/> No <input type="checkbox"/>	
ELEVATOR		OTHER	

