



# Noise

You have just moved into a new apartment. When you went to see it, the building seemed to be a very quiet one.

You are the landlord and have just rented to some people who seemed to be the quiet type. No such luck.

## Problems Begin

The family upstairs turns out to be particularly noisy. The T.V. is always blaring away and only gets turned off when the teenagers decide that it is time to turn the stereo set on full blast to listen to the latest hits until midnight or one o'clock in the morning.

The younger children race up and down the hallway making the ceiling shake. The parents are not without fault either ; when they come home in the evening you would think that a squad of foot soldiers is parading overhead.

That's what it feels like to you. However, as a tenant yourself, you try to be understanding and rationalize the situation by telling yourself that, after all, it's perfectly normal for a family – two grown-ups and a few children, including teenagers – to make more noise than a single person or a childless couple. You are ready to tolerate a certain amount of noise from your neighbours, but somehow, you feel that these are just a little too boisterous.

You decide to go over and speak to them. You tell them as diplomatically as possible, that you would really appreciate their turning the volume of the music down, especially late at night.

You return to your apartment and wait some time to see if your little intervention

will have positive results. Meanwhile, you decide to do a little in-house investigating and discover that the other tenants are also quite disturbed by the noise but don't dare do anything. Nevertheless, they congratulate you for your initiative and offer you their support, should you need it.

Over the next few days or evenings, there is indeed less noise but slowly the noise level goes back to being what it was before your intervention. You find it unbearable and complain to the landlord. You remind him that it is his legal responsibility to make sure the racket stops. You give him, let's say 8 days in which to act and you wait for results. During this period you keep an accurate daily and hourly account of the noises and their source.

Both the landlord occupying a dwelling in his own building and the tenant are entitled to what is called peaceable enjoyment of the premises.

Therefore it is in everyone's interest to behave in a good neighbourly fashion.

## The Landlord's Recourse

As the landlord concerned with giving his tenants the peaceable enjoyment of the premises rented, it is your obligation to intervene. You are well aware of being seriously inconvenienced by your noisy tenants. They have taken absolutely no notice of your warnings and you are therefore entitled to ask the Régie to cancel their lease. The Régie may then either grant you the cancellation immediately or order the tenants to stop the noise by a set date. Should they persist with the racket, the Régie will then cancel their lease at your request.

## IMPORTANT

The contents of this leaflet are for information purposes only and do not replace the legislation.

The staff at the Régie du logement can inform you of the recourse available to you for contesting a decision, the applicable procedure before the Régie and the deadlines involved. However, our staff cannot inform you of the procedures applicable before the other tribunals. If you need assistance, contact an attorney or notary.

## The Tenant's Recourse

Let us imagine that the landlord has not settled the problem within the eight-day period you had given him to do so. The noise is just as unbearable as ever. You now send him a letter in which you give him a formal new deadline. (e.g. a 10-day period) in which to act, failing which you will intervene through the Régie. Keep a copy of this formal notice and send the original by registered mail (with proof of receipt).

The 10-day period is over. The noise persists and you decide to take action.

In serious cases requiring intervention you may ask for immediate cancellation of your lease.

You may also ask for a reduction in rent if the noise prevents you from fully enjoying your dwelling.

Finally, you may claim damages from your landlord unless he can prove to you that he has tried everything in his power to get his tenants to stop the abuse.

## At the Hearing

Following an application filed at the Régie du logement, you will both be called to appear at a hearing during which you will have to prove your allegations.

Bring some witnesses, e.g. members of your family, friends, neighbours who have been just as inconvenienced as you have or guests who have had the opportunity to witness the excesses of which you are complaining. Bring also a copy of the letter which you sent to the landlord or tenant, as the case may be. You should

also have ready for presentation a list of dates and times when the noise was unbearable.

#### WEB SITE OF THE RÉGIE

<http://www.rdl.gouv.qc.ca>

#### HOW TO REACH US BY TELEPHONE

From Monday to Friday  
Between 8:30 a.m. and 4: 30 p.m.

Montréal, Laval and Longueuil areas :  
(514) 873-2245 \*

Elsewhere in Quebec :  
1-800-683-2245 \*

**\* An automated information service is available around the clock.**

Please have on hand all necessary documents before making your call.

The Régie du logement is answerable to the Minister of Municipal Affairs and Regions.

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