



## Victims of crime


### » Rights, Remedies and Resources



If you are the victim of a crime, what are your rights? What are the rights of your immediate family? What remedies are available? Where can you get help? We will attempt to answer all of these questions in this document.

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## » Your rights

In Québec, the [Act respecting assistance for victims of crime](#)  guarantees victims and their immediate family the following rights:


- the right to be treated with courtesy, fairness and understanding, and with respect for their dignity and privacy;
- the right to be informed as fully as possible of their rights and the remedies available to them, of their role in legal proceedings, and of the progress and outcome of the police investigation and the resulting proceedings;
- depending on the resources available, the right to assistance services and protection against intimidation and reprisal;
- the right to present and have their concerns and viewpoints examined at the appropriate stages of legal proceedings, if their personal interest is affected;
- the right to receive reasonable compensation for expenses incurred to testify;
- the right to receive, as stipulated by the applicable legislation, prompt and fair restitution or compensation for damages suffered;
- the right to have any seized property returned as soon as possible when it is no longer required for legal purposes.

Under article 1974.1 of the Civil Code of Québec, a lessee may resiliate a current lease if, because of the violent behaviour of a spouse or former spouse or because of a sexual aggression, even by a third party, the safety of the lessee or of a child living with the lessee is threatened.


## » Your responsibilities

Victims must cooperate as fully as possible with the relevant law enforcement authorities.

## » Remedies

There are various ways to seek compensation or restitution for injury or damage suffered as the victim of a criminal act. This document provides a brief overview of the possibilities, depending on individual situations. Assistance in seeking compensation or restitution is available from your local [crime victim assistance centre](#)  (CAVAC).

### ***Application for compensation under the Crime Victims Compensation Act***

A person who is injured - physically or mentally - as the victim of a crime against the person is eligible for compensation under the [Crime Victims Compensation Act](#) .


If the victim dies as the result of the crime, the victim's spouse, dependents or parents, if the victim was a minor, may receive the compensation provided for in the Act (funeral expenses, benefits, etc.).

In addition, since March 22, 2007, psychotherapeutic rehabilitation services have been available for the close relations of a crime victim, as defined by the Crime Victims Compensation Act, if the crime was committed after May 9, 2006.

### **Important**

The application for compensation must be submitted in **the year following** the commission of the crime.

The Crime Victims Compensation Act does not apply in the case of crimes against property such as housebreaking, robbery without violence, vandalism or fraud, or in the case of a hit-and-run accident.

Application forms to obtain compensation are available from the [Direction de l'indemnisation des victimes d'actes criminels](#)  at:

1199, rue de Bleury, 5<sup>e</sup> étage  
Case postale 6056, succursale Centre-ville  
Montréal (Québec) H3C 4E1  
Telephone, Montréal area: 514 906-3019  
Toll-free: 1 800 561-4822  
E-mail: [ivac@csst.qc.ca](mailto:ivac@csst.qc.ca)

The forms, and assistance from a resource person, are also available at all CAVACs.

### ***Application for compensation under the Act respecting industrial accidents and occupational diseases***


If you are injured during a crime committed at your place of work, you are eligible for compensation under the Act respecting industrial accidents and occupational diseases administered by the Commission de la santé et de la sécurité du travail du Québec (CSST).

Your employer must be notified immediately of the injury, and must in turn notify the CSST.

#### **Important**

If you are absent from work for a period of **more than fourteen days**, you must apply to the CSST for compensation **within six months** of the date on which you were injured.

If an employee dies as the result of a crime, the employee's spouse and dependents may receive death benefits. The employer must notify the CSST immediately after learning of the death. An application for compensation must be made to the CSST by a beneficiary or representative of the employee **within six months** of the date of death.

For more information, contact your regional CSST office at the address listed in the blue pages of the telephone directory in the Québec government section under the Workplace Health and Safety heading. You can also get information from the [CSST](#)  website.

### ***Application for compensation from the Société de l'assurance automobile du Québec (SAAQ)***

#### ***Bodily injury***

A person who sustains bodily injury in an accident involving an automobile, including an accident that occurs during the perpetration of a crime, is eligible for compensation under the Automobile Insurance Act, administered by the SAAQ.

### Important

The victim must contact the SAAQ **at the latest three years** after the accident, or after the injury resulting from the accident becomes apparent.


If the victim of an automobile accident dies as a result of the accident, the victim's spouse, dependents and, in some cases, parents may receive compensation under *Automobile Insurance Act*.

#### *Damage to property*

Damage to property is covered by liability insurance. However, the SAAQ may pay compensation if the victim's liability insurance does not cover the type of damage caused and if the person responsible for the damage cannot be identified (hit-and-run) or is insolvent.

### Important

You must report the accident to the police **within 48 hours** and you must not repair your vehicle until the SAAQ has assessed the damage.

To be eligible for compensation after a hit-and-run accident, you must contact the [SAAQ](#)  **within 60 days** of the date of accident.


If the person responsible for the accident is insolvent, the SAAQ must be informed **within one year** of the date on which a civil court renders a judgment in your favour.

The SAAQ can be contacted at:

Phone: 418 643-7620 (Québec City)  
514 873-7620 (Montréal)  
1 800 361-7620 (other areas, toll-free)  
E-mail: [courrier@saaq.gouv.qc.ca](mailto:courrier@saaq.gouv.qc.ca)

#### ***Request to terminate a lease on grounds of violence or sexual assault***

If you wish to terminate your lease because the violent behaviour of a spouse or former spouse, or because a sexual aggression, even by a third party, threatens your safety or the safety of a child living with you, you must send your landlord a written notice accompanied by an attestation from a public officer stating that the termination of the lease is a measure that will ensure your safety or the safety of a child living with you. To obtain the attestation, you must fill out the form [Request for an attestation for the purpose of resiliating a lease on grounds of violence or sexual assault](#).

After taking the oath or solemn affirmation (see Schedule 1 of the form), you must send the duly completed form to the office of the criminal and penal prosecuting attorneys (Bureau des procureurs aux poursuites criminelles et pénales) at the [courthouse](#) serving your municipality. If you made a complaint to the Montréal police service concerning the facts stated in your request, you must send your request to the [Montréal Municipal Court](#) . Your request will be processed by one of the public officers designated by the Minister of Justice.

#### ***Proceedings before the civil courts***

If the perpetrator of the crime of which you were the victim is known, you may sue for damages before the civil courts, whether or not the perpetrator has been prosecuted for a criminal offence or found guilty.

If your claim does not exceed \$7,000, you may go through the small claims division of the Court of Québec. The fees are minimal and you must act for yourself, without a lawyer.

It is important to note that in many cases it is necessary, even essential, to send a [formal demand](#) before undertaking legal proceedings. In fact, your action may fail if you cannot prove that you have sent a formal notice.

You may ask a lawyer to draw up a formal notice for you.

If the amount of your claim is greater than \$7,000, you should consult a lawyer. You can verify whether you are eligible for legal aid by contacting your local [Community Legal Centre](#) [CSJ](#).

### Important

The proceedings must be instituted **within three years** of the date on which the damage or injury was caused or the date on which it first became apparent.

For more information, contact the clerk of the Civil Division of the Court of Québec at the [courthouse](#) where the proceedings will be instituted.

### ***Restitution order issued by a criminal court***

If you sustain property damage or bodily injury as the result of a crime, and if the offender is found guilty of causing the damage or injury, the judge may, when pronouncing sentence, order the offender to make restitution. A restitution order may be made on the judge's initiative in addition to any other measure, or it may be made at the request of the criminal and penal prosecuting attorney. In all cases, it is up to the judge to decide whether a restitution order is appropriate.

A restitution order for property damage or bodily harm may also be made by the judge at the time of sentencing, as a condition of a probation order. In this case, an offender who fails to comply with the order within the deadline may be prosecuted.

If you do not receive payment from the offender, you may, depending on the amount set in the restitution order, have the order registered at the clerk's office of the Civil Division of the Court of Québec or the clerk's office of the Superior Court. Registering the order will ensure that it can be enforced as if it were a judgment by a civil court.

It is important to note that a restitution order in a criminal case may only be made if the accused is found guilty, if a suitable amount can be easily determined, and if the judge considers it appropriate.

The criminal and penal prosecuting attorney will, on request, provide more information about restitution orders.


## » Resources

Various resources and assistance services are available to the victims of crime, their close relations and witnesses. The local police department or the nearest health and social services centre or CAVAC can provide information about the most suitable resources.

### ***Crime victims assistance centres (CAVAC)***

Crime victims assistance centres (or CAVACs) provide free and confidential services specifically for victims of crime, their immediate family and witnesses. The centres offer reception, counselling and support services for victims and their immediate family after crimes involving bodily injury or property damage, whether or not a complaint has been filed.

The staff at each CAVAC are professionals who provide basic information about the legal process and victims' rights and remedies, in particular concerning compensation. They are trained to intervene in situations of post-traumatic shock and can support victims and their immediate family during dealings with the courts or other public or private organizations. If necessary, they will refer the individual to the appropriate legal, medical, social and community resources.

CAVAC services are available Monday to Friday. To contact a CAVAC, call 1 866 LE CAVAC (532-2822) or go to the [website](#) .


### ***Domestic violence hotline (S.O.S. violence conjugale )***

This confidential, bilingual telephone service is available free of charge twenty-four hours a day, seven days a week, for any person facing problems of domestic violence. It can be reached at 514 873-9010 in the Montréal area or 1 800 363-9010 (toll-free) elsewhere in Québec.

### ***Shelters and assistance centres for women who are the victims of domestic violence***

Shelters and assistance centres for women who are the victims of domestic violence offer housing, reception, information, support and guidance services. The domestic violence hotline (S.O.S. violence conjugale) can give information about the resources available in your area.

### ***Assistance centres for victims of sexual assault (CALACs)***

Assistance centres for victims of sexual assault (CALACs) offer assistance, support and guidance services for women and teenagers who are the victims of sexual assault. Some centres have an emergency telephone service available around the clock. To find the telephone number for one of these organizations, consult the [Regroupement des CALACS](#) .

## » For more information

Crime victims assistance centres (CAVACs):

- [CAVAC website](#) 

The regroupement québécois des CALACS:

- [Regroupement québécois des CALACS website](#) 

S.O.S. violence conjugale

- [Organization website](#)  (In French)

Legal proceedings and sentences:

- [Victims of crime - Understanding the court system and sentencing procedure](#)

The various stages in the judicial process for minors:

- [The Youth Criminal Justice Act: The legal procedure](#)
- [Victims of crime: Understanding the youth criminal justice system](#)

Measures to fight domestic violence:

- [Government action plan 2004-2009 on domestic violence](#)

The addresses and telephone numbers of Québec courthouses:

- [Courthouses](#)

The judicial district a municipality is located in:

- [Search for a judicial district](#)

The conditions of the crime victims compensation program:

- [INFOVAC-Plus](#)  (In French)

The Québec parole board:

- [Commission québécoise des libérations conditionnelles website](#) 

The Correctional Service of Canada:

- [Correctional Service of Canada website](#) 

The National Parole Board:

- [National Parole Board website](#) 

The federal Policy Centre for Victim Issues:

- [Policy Centre website](#) 

The Commission de la santé et de la sécurité au travail:

- [Commission de la santé et de la sécurité au travail website](#) 

The Société de l'assurance automobile du Québec:

- [Société de l'assurance automobile du Québec website](#) 



The community legal centre in your region:

- [Commission des services juridiques website](#)  

Community resources (by category and region)

- [Ministère de la Santé et des Services sociaux](#)  (In French)

Laws relating to assistance for victims of crime:

- [Act respecting assistance for victims of crime](#) 
- [Crime Victims Compensation Act](#) 

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**The content of this document is strictly informative and has no legal value.**

If you find some of the information difficult to understand, do not hesitate to [contact us](#).

**Please note, however, that we cannot interpret the information to apply it to a specific situation.**

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Québec 

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### » Request for an attestation for the purpose of resiliating a lease on grounds of violence or sexual assault

This form is to be used by a person wishing to obtain an attestation allowing a lease to be resiliated because the safety of the person or of a child living with the person is threatened.

Version: April 2007  
Type of File: ► **STATIC PDF**  
[Adobe Reader](#) 6.0.1. required  
File Size: 132 Kb

[Download](#)

#### For more information

[Victims of crime - Rights, Remedies and Resources](#)  
[Other forms](#)

A printed copy of the form and more complete information on lease resiliation may be obtained through the office of the public prosecutor at the [courthouse](#) in your municipality or by contacting the [crime victims assistance centre](#) (CAVAC) in your region.



## Demand letters

» A demand letter is a formal notice demanding that the addressee perform a legal obligation, such as rectifying a problem, paying a sum of money or honouring a contractual commitment, on specific terms and within a specified time. The letter gives the recipient a chance to perform the obligation without being taken to court.

In certain types of legal proceedings, a demand letter is mandatory; a person failing to send it could lose his or her case. It is always best to send a demand letter before instituting legal proceedings; in many instances, it encourages the recipient to settle the matter out of court.

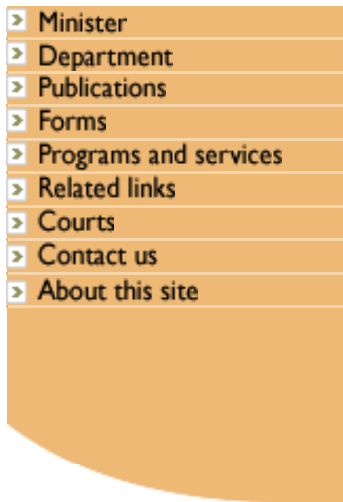
Sending a demand letter will not require the sender to actually sue the recipient. The decision on taking the matter to court is made when the recipient does not respond within the allowed time or refuses to perform the legal obligation.

A demand letter may be written by the person seeking redress or by a lawyer on that person's behalf. The original must be sent by certified or registered mail; a copy of the demand letter and the delivery confirmation or advice of receipt issued by Canada Post must be kept as proof that the letter was successfully delivered to the intended recipient.

A demand letter must contain the following information:

- the date, the recipient's contact information, and the legal phrase *WITHOUT PREJUDICE* to protect the sender with regard to the contents of the letter;
- a summary the matter at issue;
- a demand for a specific relief or payment;
- a deadline by which the matter must be settled;
- the sender's contact information and signature; and
- the term demand letter stated in the body of the letter to direct the recipient to act accordingly.

A sample demand letter is available in the section on [small claims](#) on this website.





## General Information

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» Ministère de la Justice du Québec  
Édifice [Louis-Philippe-Pigeon](#)  
1200, route de l'Église, 6<sup>e</sup> étage  
Québec (Québec) G1V 4M1

Telephone: 418 643-5140

Toll free: 1 866 536-5140

Email: [communications.justice@justice.gouv.qc.ca](mailto:communications.justice@justice.gouv.qc.ca)

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**Please note:** The personnel at the Service de renseignements of the Ministère de la Justice can help you understand the general rules for applying Québec legislation. They cannot, however, interpret these rules to respond to a specific case or situation.

When contacting us by mail or e-mail, please indicate your address and telephone number so that we can contact you when necessary.

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