



12

## Landlords seek cannabis veto

Looming legalization sparks call for property owner banning rights

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by Erin Ruddy

With the Cannabis Act set to make recreational pot use legal throughout Canada, landlords are demanding the right to ban the divisive substance within their rental units before the law officially takes effect, July 1.

According to federal guidelines, Canadians will be allowed to possess and smoke cannabis legally in their homes and may also grow up to four pot plants for personal consumption.

The immediate concern for Ontario landlords stems from the province's strict tenancy laws that make it illegal to modify a rental lease before that lease comes due. As such, landlords will be unable to regulate marijuana consumption in their apartment buildings with existing tenants—only with those who apply for tenancy after legalization takes effect.

This, according to John Dickie, president of the Canadian Federation of Apartment Association, leaves landlords exposed to a host of aggravations. As he stated in a release to the media: “(The province is) not going to allow marijuana to be smoked in public areas, so where the heck are people going to smoke marijuana? Well they're going to do it in their apartments. The problem is, just like when they smoke tobacco, the smell goes to neighbouring units. Buildings are not hermetically sealed.”

Furthermore, some landlords estimate that the cost to clean and deodorize a single apartment will rise considerably at the time of turnover. Chris Seepe, who owns and manages a small portfolio of mid-sized buildings in the GTA, says his current ‘no smoking’ policy was already modified to include cannabis a year ago.

“The issue for me isn't so much about the potential concerns from the diminished capacity of an individual,” he notes, “but that smoking of any kind causes tremendous property damage to a rental unit.”

And then there's the unwanted impacts of growing the plants. As Seepe points out, “Grow ops are known for the significant damage they cause to property because of the high humidity level required to grow marijuana plants. High humidity and warm air is the ideal stewing pot for mould. Given almost 85 per cent of Ontario's entire purpose-built rental units were built before 1980 and have very little insulation by today's standards, condensation leading to mould growth is something to take seriously.”

## **A complete ban on cannabis**

LandlordBC, BC's leading resource for owners and managers of rental housing, still isn't satisfied that will be enough. Currently, the group is pushing for new legislation that would outlaw the smoking of cannabis across all B.C. rental housing, a law that would be a first of its kind in Canada.

"LandlordBC is concerned about the negative impact the consumption and growing of recreational cannabis will have on a property and how both activities will infringe on a landlord's ability to provide safe and secure rental housing to their tenants," said David Hutniak, CEO, LandlordBC. "Smoking cannabis should be banned anywhere that smoking tobacco is banned. In addition, landlords should be able to ban the smoking of tobacco, or the smoking of cannabis, on their properties."

Like Seepe, Hutniak asserts that growing cannabis in multi-unit or rented dwellings is even more problematic than the act of smoking it. Concerns include:

- Safety hazards due to electrical overloading, and excess humidity
- Use of hazardous chemicals, such as pesticides
- Interference with other tenants through strong odours
- Potential liability for the landlord and risk to the tenants and mortgage holder
- Potential cancellation of building insurance or the calling of a mortgage with financially disastrous results for the building owner

For more on the Cannabis Act and how legalization will affect landlords moving forward, *Canadian Apartment* will continue to follow this important industry story.