

Cannabis Information for Tenants and Landlords

The Residential Tenancies Act was amended in the Northwest Territories' cannabis legislation. Provisions came into effect on June 1, 2018 setting new rules relating to the smoking and cultivation of cannabis in rental units.

Smoking cannabis in rental units

Landlords have the ability to set rules to protect the health and safety of their residents and their property. Rules and terms of the tenancy agreement must not conflict with federal or territorial laws.

If you have an existing tenancy agreement that was signed before June 1, 2018 and that restricts the smoking of tobacco, that same restriction will also apply to the smoking of cannabis. If a tenancy agreement is signed after June 1, 2018, it must refer to both cannabis and tobacco if the landlord wishes to prohibit the smoking of both.

Smoke-free clauses can be included at the start of a new tenancy agreement, or can be added to an existing tenancy agreement if the landlord and tenant agree in writing to the addition to the agreement.

Landlords may ban smoking in all or part of the building (for example, in units, common areas, outdoor balconies and patios). Tenants who want to live in a building where smoking is prohibited in all areas should discuss this with prospective landlords, and should make sure that it is included in their tenancy agreement.

Growing cannabis in rental units

Under the Federal Cannabis Act, adults will be able to grow up to four plants at their place of residence for personal use. There cannot be more than four plants – no matter how many adults live in the home.

If a landlord does not want a tenant to grow cannabis in a rental unit, they have the option of notifying existing tenants in writing that cultivation is prohibited in the rental premises. Any tenancy agreements signed after June 1, 2018 must include this prohibition if the landlord intends to ban cannabis cultivation in the unit. Enforcement

If a tenant has repeatedly breached smoke-free rules contained in a tenancy agreement, and approaching the tenant directly has not resolved the issue, the landlord may give the tenant at least 10 days' written notice to terminate the tenancy agreement. If the tenant refuses to leave, the landlord may make an application to a rental officer asking for an eviction order.

Medical Cannabis Generally, the same prohibitions and rules that apply to cannabis use also apply to medical cannabis users. Tenants who have a prescription for medical cannabis and who live in smoke-free buildings should explore mutually agreeable options with their landlords.