

SANITATION AND SAFETY IN YOUR RENTAL UNIT

A GUIDE FOR TENANTS



Comité d'action des locataires
de l'Ouest-de-l'Île



Centraide
du Grand Montréal

IS MY UNIT SANITARY AND SAFE?

As a renter, you have a right to sanitary and safe living conditions in your rented unit. But what constitutes a sanitation or safety issue, and what are the possible health risks of living in unsanitary conditions?

The following conditions are not considered sanitary or safe, and you have the right to seek remedies and recourse:

- Lack of heating, lighting, or ventilation
- Mold, water infiltration, or high humidity
- Leaking or non-functional plumbing
- Persistent bad odours
- The presence of insects, animals, or dead animals
- The accumulation of objects or garbage
- Lack of maintenance or adherence to building and fire codes
- Absence of a lock on doors or windows that are accessible from the street

Your unit must register at a minimum of 21°C, provided the temperature outside is above -23°C

Living under these conditions can have a serious impact on your health, such as:

- Asthma or worsening of asthma
- Cough or shortness of breath
- Itchy or irritated eyes, throat, and skin
- Bites on the body
- Headache
- Runny or stuffy nose
- Allergies
- Disturbed sleep, fatigue, stress, anxiety



You do not have to wait until the health and safety of you or your family members is under threat. If you are experiencing any of the above conditions, or any other problem that is impacting your right to sanitary and safe living conditions, your landlord has a duty to remedy these problems in a timely manner. This short guide will explain how to navigate these situations.

RESPONSIBILITIES AND RECOURSE

YOUR RESPONSIBILITIES

While the landlord has a duty to deliver and maintain your apartment in a clean and habitable condition, you also have a duty to maintain the apartment in this condition. As a tenant, **you have a duty to ensure that you are not creating favorable conditions for the proliferation of pests, mold, and other safety or sanitation issues.**



For example:

- Do not leave garbage or food waste out
- Clean regularly
- Use ventilation in your bathroom to prevent the build-up of moisture
- Do not bring in objects from the street that could carry vermin

You also have a duty to inform your landlord of any problems in your rented unit. For example, if you notice a leak in your ceiling, you should inform your landlord of the problem immediately to avoid liability for any damage it may cause. Any damage resulting from your actions or from your failure to report a problem becomes your responsibility.

YOUR LANDLORD'S RESPONSIBILITIES

In all other cases, it is the landlord's responsibility to take action and to remedy the problem in a timely manner. For example, mold and pest problems often arise as a result of structural defects in the building or regular usage of the building, in which case the landlord is responsible. Unfortunately, landlords do not always recognize their responsibilities to their tenants. If you have notified your landlord of a safety or sanitation issue and they are refusing to take action, **here are some steps you can take to force your landlord to act.**





1. SEND A FORMAL NOTICE

In your formal notice, you should **describe the problem at hand, give a reasonable time frame for repairs, and outline the steps you will take, including legal action**, if the problem is not remedied. This is a crucial step, as you will be required to present your formal notice as well as a proof of receipt in order to open a case at the *Tribunal administratif du logement* (TAL) and to request a municipal inspector. For more information on what is considered a reasonable time frame for repair in your municipality, see below. Generally, 10-15 days is considered sufficient, although it depends on the nature of the solution that is required and the level of urgency of the problem you are experiencing.

Visit our website for more information on formal notices and applying at the TAL!



2. CONTACT YOUR MUNICIPALITY

If your landlord does not respond to your formal letter or remedy the problem, you can contact your municipality to request an inspector, who will examine your apartment and ensure compliance with the city's by-laws. If your city has not adopted by-laws regarding sanitation, you can still request an inspection. **See below for more information regarding inspection in your municipality.**



3. CONTACT THE TAL

You can also file an application with the TAL to terminate the lease or to obtain an order obligating your landlord to carry out work. You can also apply to decrease your rent or to obtain damages. **Generally, your best bet is to take a two-sided approach by contacting both the city and the TAL;** both agencies will often require this approach in order to compel your landlord to take action.

ABANDONING THE UNIT

In rare and extreme cases, a tenant can abandon an apartment that has been deemed “**unfit for habitation**” due to a threat to the health and security of its occupants. **Please note that in order to be considered “unfit for habitation,” a unit must be deemed as such by the TAL or by a municipal inspector.** Although you may personally find your apartment unfit due to the problems you are facing, in order to avoid facing any negative consequences, **you should obtain proof that the unit has been deemed unfit for habitation by a competent authority.** For example, a report done by an air quality inspector that indicates the presence of mold but does not explicitly state that the apartment is unfit for habitation will likely not be sufficient proof.

If your apartment has been deemed unfit for habitation and you decide to abandon, **you must notify your landlord before abandoning it or within the following 10 days.** A model notice of abandonment is available for download on the TAL website.

If you do not notify your landlord properly or if you abandon your dwelling prematurely or without just cause, your landlord can seek damages and the payment of unpaid rent, which could end up costing you a lot of money. For this reason, it is extremely important that you **exercise caution and, if possible, contact a lawyer** before exercising your right to abandon the dwelling. **Once again, this is an extreme measure for extreme situations.**

A NOTE ON BEDBUGS:

Bedbugs do not typically qualify a dwelling as “unfit for habitation.” Dealing with bedbugs is a complicated situation that requires the extensive collaboration of both the tenant and the landlord. Your landlord has the responsibility to contact an extermination service immediately and to pay for the extermination costs. As a tenant, you have a responsibility to collaborate with the extermination process and to follow any instructions that the exterminator gives you, notably regarding the disposal or removal of infested objects.

MUNICIPAL INSPECTION

Please note that only the City of Dorval and the City of Montreal have by-laws regarding sanitation. If you live in a municipality without sanitation by-laws, you can still request an inspection, but their scope of action may be limited. Contact your local representative to urge your municipality to adopt sanitation by-laws, or contact us if you would like support in organizing an action campaign.

BAIE D'URFÉ

This municipality does not currently offer a municipal inspection service to renters.

BEACONSFIELD

Contact the Urban Planning Department at 514-428-4430.

DOLLARD-DES-ORMEAUX

To request an inspection, you must have a registered letter and proof of receipt.



514-684-1033



aui_upe@ddo.qc.ca



Urban Planning Office, 12001 De Salaberry Boulevard
Dollard-Des Ormeaux, QC H9B 2A7

DORVAL

To request an inspection, you must have a registered letter (minimum delay of 15 days) and proof of receipt.



514-633-4084



amenagementurbain@ville.dorval.qc.ca



Urban Planning Department, 60 Avenue Martin
Dorval, QC H9S 3R4

KIRKLAND

Contact Alexandre Gervais at Urban Planning Department at 514-694-4100, extension 3414. Requests are handled on a case-by-case basis.

PIERREFONDS-ROXBORO & L'ÎLE-BIZARD-SAINTE-GENEVIÈVE

To request an inspection, you must have a registered letter (minimum delay of 10 business days) and proof of receipt.



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Pierrefonds-Roxboro:

Urban Planning Division, 13665 Boulevard de Pierrefonds
Pierrefonds, QC H9A 2Z4



L'île-Bizard–Sainte-Genève:

Urban Planning Division, 406 Montée de l'Église
L'Île-Bizard, QC H9C 1G9

POINTE-CLAIRE

To request an inspection, you must have a registered letter and proof of receipt.



514-630-1234



secpub@pointe-claire.ca



Inspection-Public Security

451 Saint-Jean Boulevard
Pointe-Claire, Québec H9R 3J3

SAINTE-ANNE-DE-BELLEVUE

Contact Building Inspector Eric Janukavicius at 514-457-1400, who can inspect your unit and issue a report.

SENNEVILLE

Contact the Town Hall at 514-457-6020.

This guide has been developed exclusively for the purposes of informing and does not constitute legal advice. Please consider your options carefully before proceeding.
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Centraide
du Grand Montréal



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Contact us!

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