

Cannabis Control Act - Frequently Asked Questions

Elements of Nova Scotia's recreational cannabis legislation, the Cannabis Control Act, was passed by the House of Assembly and came into effect immediately. One of the key elements of the legislation relates to landlords and their tenants.

Effective immediately, landlords now have the authority to change existing leases if they want to put new rules in place about smoking and growing recreational cannabis on their properties.

The following questions and answers will explain the change in more detail clarifying the rights for both landlords and tenants.

Can landlords change existing leases with their tenants to put new rules in place about smoking and growing recreational cannabis on their properties?

Yes, landlords can change existing leases if they want to put new rules in place about smoking and growing recreational cannabis.

When can they do this?

Landlords will have up to April 30, 2019 to make the change.

How much notice do landlords have to give their tenants?

Landlords must give their tenants four months' notice before April 30, 2019. The notice must be given to the tenant in writing.

Can the four-month notice to the tenant happen at any time before April 30, 2019?

Yes, landlords can give their tenants the four-month notice at any time.

What can tenants do if they don't want to stay because of the new rules?

The tenant can end their lease if they don't want to stay.

How much time does the tenant have to make their decision?

The tenant has one month to consider the new rules and can either agree to the new rule or terminate their tenancy.

How much notice do they need to give the landlord if they want to terminate the lease?

If tenants want to terminate the lease, they need to give the landlord three months' notice. The notice must be given to the landlord in writing, using the [Tenant's Notice to Quit—Early Termination of Tenancy Due to Cannabis Rules](#) form.

How do tenants notify the landlord if they want to terminate the lease?

There is a new form ([Tenant's Notice to Quit—Early Termination of Tenancy Due to Cannabis Rules](#)) they must complete which must be provided to the landlord.

What if one tenant wants to leave but their roommates want to stay?

If there is more than one tenant in the unit, the tenant wishing to leave must serve each of the other tenants with a copy of their notice to leave. They must also give the landlord proof that they provided notice to the other tenants. The tenants who want to stay may enter into a new tenancy agreement with the landlord's consent.

Will smoke-free buildings automatically be cannabis smoke-free buildings?

Yes, under the *Smoke-free Places Act*, no-smoking rules include the smoking of cannabis.

If I live in a smoking building, can the landlord restrict the smoking of cannabis only?

Yes, landlords may restrict the smoking of cannabis only by giving tenants the required notice.

Can a landlord restrict the cultivation of cannabis?

Yes, landlords may restrict the cultivation of cannabis by giving tenants the required notice.

What if a tenant chooses to ignore landlord rules restricting the smoking or cultivation of cannabis?

When a tenant does not follow the terms and conditions of the lease, a landlord can file an Application to the Director for a hearing and request a [termination of the tenancy](#).

Can landlords change their rules restricting the smoking or cultivation of recreational cannabis in the residential premises after April 30, 2019?

Yes, landlords can change or establish rules, however they must provide four months' notice to the tenant prior to the tenant's anniversary date.

Does this legislation impact the use of medical cannabis?

Medical cannabis is federal jurisdiction. The *Cannabis Control Act* is the legislative framework for the legalization of recreational cannabis. Landlords and tenants can use processes in the Residential Tenancies program to address disputes about medical cannabis.

If a building is smoke-free, does this apply to balconies, common areas or anywhere elsewhere on the property?

Under section 9A of the *Residential Tenancy Act*, landlords are permitted to create their own rules. If a landlord and tenant dispute whether a rule applies to their circumstances, either party may file an Application to Director to resolve the dispute.

The *Smoke-free Places Act* currently restricts smoking in public spaces and other common areas within commercial building or multi-unit residential buildings. The *Smoke-free Places Act* also applies to medical cannabis use. Municipalities may also enact by-laws restricting use.

Until the federal cannabis legislation is proclaimed, it is still against the law to possess, use, cultivate or sell recreational cannabis in Nova Scotia.