



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

PUBLIC HEALTH ACT RENTAL ACCOMMODATION REGULATIONS

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For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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PUBLIC HEALTH ACT
Chapter P-30

RENTAL ACCOMMODATION REGULATIONS

Made by the Lieutenant Governor in Council and having effect pursuant to section 23 of the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30:

1. Definitions

In these regulations

- (a) **“apartment”** means one or more habitable rooms, constituting a self-contained unit with a separate entrance, and occupied, or intended to be occupied, together for living and sleeping purposes by not more than one family, and containing a separate or properly ventilated kitchen with a sink and cooking facilities and also a bathroom unit;
- (b) **“apartment block”** means a house or building, portions of which are rented or leased as apartments to two or more families living independently of each other but having common rights in the halls, stairways, yards, or other conveniences;
- (c) **“attic”** means the space which is between the top floor ceiling and the roof and between a dwarf wall and a sloping roof;
- (d) **“basement”** means that portion of any dwelling located partly underground but having not more than half of its clear floor-to-ceiling height below the average of the finished grade of the land outside the building in which such a basement is located, such grade being taken at the foundation walls;
- (e) **“bathroom unit”** means a room
 - (i) containing a toilet and at least one sink and one bathtub or shower with hot and cold running potable water under adequate pressure,
 - (ii) constructed so that complete privacy and a dressing area are available to the user;
- (f) **“dwelling unit”** means one or more habitable rooms, constituting a self-contained unit with a separate entrance, and occupied, or intended to be occupied, together for living and sleeping purposes by not more than one family, and containing a separate or properly ventilated kitchen with a sink and cooking facilities and also a bathroom unit;
- (g) **“heating of water for bathroom and kitchen facilities”** revoked by EC493/16;
- (h) **“housekeeping room”** means a habitable room which is occupied or intended to be occupied and which is provided with a sink and with cooking facilities but relative to which a bathroom unit may be shared;

- (i) **“housekeeping unit”** means one or more habitable rooms occupied or intended to be occupied together for living and sleeping purposes for not more than one family and having its own separate and properly ventilated kitchen or kitchenette with a sink and cooking facilities and a bathroom unit;
- (j) to (l) **“inspector”** revoked by EC493/16;
- (m) **“owner”** includes the person for the time being receiving the rent of or managing the land or premises in connection with which the word is used, whether on his own account or as agent or trustee of any other person or who would so receive the rent if such lands and premises were let;
- (n) **“person”** revoked by EC493/16;
- (o) **“room”** means any room commonly used for living purposes including a bedroom and kitchen, but shall not include any space in a dwelling used as a lobby, hallway, closet, bathroom or any room having a floor space of less than fifty square feet;
- (p) **“sleeping unit”** means one or more habitable rooms occupied or intended to be occupied for sleeping or living purposes but not containing either a sink or cooking facilities and relative to which a bathroom unit may be shared;
- (q) revoked by EC493/16;
- (r) **“tenant”** means the occupant of a dwelling unit or part thereof;
- (s) **“N.H.A.”** revoked by EC493/16. (EC142/70; 301/80; 622/05; 493/16)

2. Space requirements, sleeping area

- (1) No person shall rent or allow to be rented or occupied as a sleeping unit or for purposes for sleeping any accommodation unless there is available not less than fifty square feet of floor area for each and every occupant, and also not less than four hundred cubic feet of space for each and every occupant.

Living area

- (2) Every room shall have a minimum ceiling height of seven feet six inches. Living room shall have a minimum floor area of eighty square feet and no other room other than kitchenettes, toilet compartments, or bathrooms shall be in any part less than seven feet wide.

Sanitary facilities

- (3) Each apartment, or dwelling unit or housekeeping unit, shall contain a bathroom unit. At least one bathroom unit shall be provided for every three sleeping units or housekeeping rooms or less, provided always that in exceptional circumstances and at the discretion of a public health official, one bathroom unit may serve more than three sleeping units or housekeeping rooms, so long as the total number of occupants of the sleeping units or housekeeping rooms served does not exceed ten.

When, in the opinion of a public health official, the type of accommodation warrants segregation, he may require the installation of such additional numbers of additional toilets for the use of one sex only as he deems requisite.

Any room containing a toilet, urinal, bathtub, shower or sink shall be adequately ventilated and shall be provided with artificial lighting equipped with a globe of at least sixty watts. (EC142/70; 493/16)

3. Basement rooms for living quarters

No room in a basement shall be used as a habitable room unless



- (a) the height of such room is not less than seven feet six inches from the finished floor to the finished ceiling;
- (b) the elevation of the finished floor is not greater than fifty per cent of the height of the foundation below the finished grade outside the building taken at the foundation walls, and shall in no case be greater than four feet below the average of such finished grade;
- (c) the floors and walls are water-tight;
- (d) the basement is dry and has a floor drain;
- (e) such room conforms with space, light and ventilation requirements herein provided;
- (f) each apartment shall have two exits to exterior from within said apartment as approved by the Fire Marshal or an inspector under the *Fire Prevention Act* R.S.P.E.I. 1988, Cap. F-11. (EC142/70; 493/16)

4. Cellar rooms for living quarters

No room in a cellar shall be used as a habitable room provided, however, that where any building used as a dwelling is located on sloping ground and the lowest floor of which is on ground level on at least one side of the building, the portion of the building which is in part below ground level may, with the approval in writing of a public health official and to the extent so approved by him and subject to such conditions as he may prescribe, be used, as a habitable room or rooms, notwithstanding that more than half of its clear floor-to-ceiling height is below the average of the finished grade outside such building taken at the foundation walls. (EC142/70; 493/16)

5. Light

- (1) Every habitable room shall be provided with one or more windows opening directly to the external air and having an area of not less than one-tenth of the total floor area of the room, provided that such window shall have a minimum area of not less than eight square feet and shall be constructed so as to open to the extent of at least thirty per cent of the glass area.

Ventilation

- (2) Every bathroom or room containing a toilet or urinal shall be provided with ventilation
 - (a) by means of one or more windows opening directly to the outside air;
 - (b) by means of one or more windows opening directly into a vent shaft which extends to and through the roof or into a courtyard or airwell;
 - (c) by means of a separate duct of non-combustible material which is non-corrosive in composition not less than twelve square inches across section which extends independently of any duct used for other purposes to and through the roof;
 - (d) by a ventilating skylight; or
 - (e) by such approved means of mechanical ventilation as approved by a public health official.

Area of glass

- (3) The aggregate area of glass in windows required for these rooms shall not be less than ten per cent of the floor area of such rooms, provided that the said glass area shall be not less than three feet square.

Opening of windows

- (4) All windows required for the purposes of ventilation shall be capable of being opened to an extent of at least thirty per cent of the glass area required for such window.

Skylights

- (5) Where skylights are used instead of windows, they shall be placed directly over the room and the provisions of subsection (3) shall apply thereto.

Lighting

- (6) Every building or dwelling in which three or more families reside shall have a minimum of one foot candle of daylight or artificial illumination at all times in all public halls and passageways used in common by the occupants of such building or dwelling.

Ventilation

- (7) Revoked by 493/16. (*EC142/70; 493/16*)

6. Housekeeping requirements

An owner may rent or allow to be rented or occupied any accommodation

- (a) as a housekeeping unit provided the main habitable room has a floor area measuring not less than one hundred and twenty square feet, having its own separate and properly ventilated kitchen or kitchenette provided with a sink and cooking facilities and which kitchen or kitchenette must also be sufficiently large or provide a work area for the preparation of food;
- (b) as a housekeeping room, the room if occupied by two persons only has a floor area measuring not less than one hundred and forty-four square feet and is provided with a sink and cooking facilities or the room if occupied by only one person, has a floor area measuring not less than one hundred and twenty square feet, and is provided with a sink and cooking facilities and the occupation thereof has received the approval of a public health official. (*EC142/70; 493/16*)

7. Garbage disposal

The owner shall provide or cause to be provided properly maintained the following:

one regulation garbage can in good repair and properly located for each dwelling unit provided that where an incinerator is properly installed, used, and maintained, the number of garbage cans required may be reduced to the approval of a public health official provided that in the case of the dwelling unit, the tenant shall supply and maintain such garbage can. (*EC142/70; 493/16*)

8. Heating

- (1) All buildings and dwelling units shall be weather-proof and capable of being adequately heated with a reasonable consumption of fuel and the heating equipment in any building or dwelling shall be in working order and in good repair.

Dampness

- (2) All buildings and dwelling units shall be free from dampness to the satisfaction of a public health official.



Minimum temperature

- (3) All buildings and dwelling units in which the heat is supplied by the owner shall have a temperature of not less than 65 F at all times in each apartment or dwelling unit by means of a heating system approved by the Fire Marshal or an inspector under the *Fire Prevention Act*. (EC142/70; 493/16)

8.1 Potable water

The owner of a dwelling unit, housekeeping unit, apartment or other rental accommodation to which these regulations apply shall provide hot and cold running potable water under adequate pressure in all kitchen and bathroom facilities in the dwelling unit, housekeeping unit, apartment or other rental accommodation. (EC493/16)

9. Maintenance of premises

The owner of any dwelling shall, when necessary

- (a) carry out repairs or alterations to such dwelling in order to make it sound, weatherproof, damp-proof, vermin-proof, safe and sanitary in every respect;
- (b) where the dwelling contains three or more dwelling units, provide sufficient janitor service and cleaning equipment to maintain all communal parts of the dwelling including bathrooms, and fixtures, halls, closets, stairways, storage rooms, basements, attics and grounds in a clean and sanitary condition, and that it shall be the responsibility of the owner to see that such a dwelling and all parts thereof is kept in a clean and satisfactory condition at all times, provided that the tenants shall likewise be responsible for cleanliness within the dwelling unit for the time being in his possession;
- (c) take necessary precautions and undertake necessary treatment to prevent or eliminate infestations by cockroaches, bedbugs, fleas, silverfish, weevils, flies, rats, mice and any or all other pests. (EC142/70)

10. Food storage

There shall be a suitable and convenient receptacle of not less than forty-eight cubic feet capacity for the storage of food in any dwelling unit used for housekeeping purposes. (EC142/70; 493/16)

11. Number of persons

For the purposes of ascertaining the number of persons occupying any room

- (a) children under one year of age shall not be counted;
- (b) children from one to ten years of age shall be deemed to be one-half a person;
- (c) a person over ten years of age shall be deemed to be one person. (EC142/70)

12. Pets

No pet, dog, bird or animal shall be kept in any dwelling so as to become a nuisance to other occupants of the dwelling, provided that any alleged violation of this section shall only be investigated by a public health official following a written complaint signed by two or more occupants of the dwelling. (EC142/70; 493/16)

13. Register

In the case of dwellings containing three or more dwelling units the owner shall keep a register containing the names of all persons occupying each dwelling unit within his dwelling. (EC142/70)

14. Responsibility of the tenant

The tenant shall

- (a) maintain his dwelling unit in a clean and sanitary condition;
- (b) if so requested, furnish the name of every person occupying the dwelling unit to the owner of the dwelling;
- (c) immediately notify the owner in writing of any defective plumbing or other unsanitary condition within his dwelling unit;
- (d) immediately notify the owner and a public health official of any infestation within or apparently within his dwelling unit; notification to both parties or all parties shall be in writing;
- (e) immediately notify the owner and a public health official of the occurrence of any reportable communicable disease within the dwelling unit;
- (f) not increase the number of persons occupying the dwelling unit so as to contravene the provisions of these regulations relating to the number of occupants nor shall he do any other act or thing contrary to the provisions of this or any other Act or regulation of this province;
- (g) cooperate with the owner and with other tenants to maintain bathrooms, toilet rooms, closets, halls, stairways, and other parts of the dwelling and the ground area pertinent thereto in a clean and sanitary, safe and tidy condition;
- (h) not use any fixture, service or appurtenance connected with any dwelling in any other than a normal manner or for other than a normal purpose. (EC142/70; 301/80; 622/05; 493/16)

15. Health hazard

A contravention or failure to meet the requirements of these regulations may constitute a health hazard. (EC142/70; 301/80; 622/05; 493/16)

16. Notice of violation

Revoked by EC493/16. (EC142/70; 493/16)

17. Penalties

Revoked by EC493/16. (EC142/70; 493/16)

18. Application

- (1) These regulations shall not apply to establishments covered by the regulations made under the *Tourism Industry Act* R.S.P.E.I. 1988, Cap. T-3.3.

Idem

- (2) These regulations shall apply to all new dwellings after February 11, 1970. *Re-rentals* will be considered as new dwellings and will not be *re-rented* until they comply with these



regulations. Any upward revision of the original renting rate shall be considered as a *re-rental*.

Relaxation of requirements

- (3) Where it is not practical or not possible for a person to meet all or certain of the standards contained in these regulations, the Minister may relax such requirements provided that no health hazard shall result therefrom. (EC142/70; 574/71; 622/05)