



PESTICIDES

In Your Home?

A RENTER'S GUIDE TO PESTICIDES

What are Pesticides?

Is your home your castle? If you rent, the answer may be no. When it comes to dealing with weeds, rodents and insects, your landlord may resort to using chemical pesticides – powerful substances designed to kill these pests.

This booklet is for tenants – meaning anyone who rents a unit from another person – who are concerned that their landlord’s use of pesticides may threaten their health. We use the word “apartment” to refer to all rented homes – but of course your home may be another type of dwelling place.

There are many reasons to be concerned about pesticides. Some of these reasons can be found in the companion to this booklet, *Pesticides and Your Health*. As the Ontario College of Family Physicians stated in 2004:

People should reduce their exposure to pesticides wherever possible... [The College’s literature review] shows consistent links to serious illnesses such as cancer, reproductive problems and neurological disorders, among others.

This booklet provides both practical tips about how to minimize exposure to pesticides and information on the rights of tenants in relation to pesticides.

The good news is that there are non-pesticide solutions to pest problems that can be implemented by a tenant, either on his or her own or working together with the landlord. In addition, the tenant can often insist on exploring these alternatives before pesticides are used.

This booklet should be read along with *Pesticides and Your Health* – a booklet that describes the health risks associated with pesticides

Your Relationship with Your Landlord

Do not underestimate the value of a good relationship between yourself and your landlord. Please do not take the parts of this booklet that talk about your legal rights as a tenant as an invitation to threaten a responsible landlord with legal action; whenever possible, keep avenues of communication open.

We recommend discussing your concerns about pesticides with your landlord and asking about his or her approach to managing pests. A landlord may be willing to respect your concerns. In some cases, the landlord may be using pesticides out of a desire to keep rental units free from pests – for the benefit of the tenants. You may also want to see pests kept under control – but may object to the use of potentially harmful chemicals. Keep in mind that even if the pests aren't bothering you, the landlord may have very good reasons for wanting to control them, such as protecting the property or dealing with pests that are bothering other tenants.

If there are particular pests that the landlord is concerned about, you may be able to suggest alternatives to chemical pesticides, or to offer to take on pulling weeds by hand. However, don't offer to help control pests unless you are sure you will follow through. If you reach an understanding with your landlord, it is a good idea to write down a summary of your agreement and send a copy to your landlord; you can also thank him or her for accommodating your concerns.

If you don't reach an agreement, insisting on your rights can inflame tensions with your landlord. If your landlord consistently ignores your concern, you may choose to assert the rights discussed in this booklet, but be aware that this may introduce new tensions into your relationship.



Tenants and Pests

The number one thing tenants can do to prevent a landlord from applying pesticides is to prevent pests from establishing themselves in the first place. Indoor pest species are usually rodents, bugs or fungus. While pest problems can occur even in well-maintained and clean units, bugs and rodents require a source of food, while bugs and fungi often favour moist conditions. By keeping your apartment clean and ensuring that food is securely stored, you lessen the chance of attracting pests. Even an infestation can often be controlled by removing infested food and cleaning the area. If you become aware of a leak or moisture in your apartment, tell your landlord so that he or she can fix the problem.

Although many rental units are well-maintained, some are unclean or have structural problems that encourage rodents or insects. The tenants are not usually able to make long-term investments in their homes to address these problems and to stop pest problems before they start. You should ask your landlord to address these structural issues.

For some pest species, there may be other – non-pesticide – ways of treating the infestation. There are many websites that suggest things to do (for example <http://www.pesticide.org/factsheets.html#alternatives>). Even the difficult to eradicate bed bug can be eliminated through a special process of heating the infected mattress.

If you have pests, act immediately. Once you have an infestation, or if your neighbours have one, it will be more difficult to get the pests out of your apartment.



Tenancy Agreements

The tenancy agreement between yourself and your landlord may be a formal written lease setting out your right to live in your apartment or an informal month-to-month agreement, with nothing in writing. Either way, your agreement with your landlord can define your rights as a tenant.

If having a pesticide-free home is a must-have for you, you may want to ask a potential landlord about their approach to pest control even before moving in, and ensure that you have an agreement about pesticide use. If you reach an agreement, your best option is to include it in a written lease. Here's some possible language (the words in square brackets are optional):

The landlord and tenant agree that no chemical pesticides will be used within the unit [or on common spaces or property] under this lease [except as agreed by both in writing]/[unless all efforts have been made to control the pest through non-chemical alternatives].

If you don't have a written lease, you can send a letter to your landlord thanking him or her for addressing your concerns and confirming the agreement. Keep a copy, because this letter could later be used as evidence of your agreement.

As in any negotiations, you will need to figure out how important pesticide-free living space is to you. Are you prepared to turn down an apartment because of concerns about pesticides? What are your alternatives? Don't take a hard line about pesticides unless it's really an important issue to you and you can live with the consequences of not reaching an agreement with your landlord.

Residential Tenancy Act

The *Residential Tenancy Act* sets out the rules for renting a residential property in British Columbia. It does not apply to students living in university housing, to members of co-op housing or to roommates where the unit is owned by one of the roommates. The Act sets out the rights of tenants (and landlords) and allows either to complain to the Residential Tenancy Branch if they feel that their rights have been violated.

The Act says little about pesticides—and is focused on the more usual concerns of landlords and tenants, such as rent increases, evictions, etc. These rules can provide some protection for a tenant who has upset his or her landlord by complaining about pesticide use—for example, it forbids a landlord from evicting a tenant simply because he or she has complained.

A tenant does have some rights under the Act that may be useful in preventing the use of pesticides. First, a tenant has a right to use the apartment, and common areas (halls, gardens), free from “unreasonable disturbance.” While most use of pesticides will probably not be considered an “unreasonable disturbance”, it may become so if their use:

- is repeated and recurring,
- involves a particularly dangerous pesticide, or
- is unnecessary or unlikely to be effective.

In addition, a landlord cannot enter your apartment without your permission (to apply a pesticide or for any other reason) unless he or she first gives you notice. This notice must be given in writing at least 24 hours before (unless you agree otherwise), and not more than 30 days before, and should state the reason that the landlord will be entering the apartment.

For tenants in “multi-family dwellings,” with 4 or more units, this notice must be given at least 72 hours before (unless you agree to a shorter period), and further details are required (see *Integrated Pest Management Act*, below). Since the notice must state a reason for entering the apartment, you should feel free to ask for details about what pests are being treated and which pesticides will be used (including a copy of the label). In our opinion, a failure to give this type of information would undermine the claim that the entry was “reasonable.”

Finally, a landlord must not “unreasonably restrict” a tenant from accessing their apartment. Where pesticide labels require no-entry periods – a period of time when no one is allowed in the apartment – you could argue that the use of the pesticide unreasonably restricts access, particularly where the pesticide use is unnecessary or alternatives have not been tried.



Although these provisions may help tenants, there is nothing in the *Residential Tenancy Act* that allows a tenant to refuse pesticide use in their apartment. As long as your landlord is complying with the legal requirements discussed in this guide, he or she can make the choice to use an appropriate chemical pesticide to treat a pest problem.

Talk to your landlord if he or she is not respecting your rights. Keep notes of your conversations. If talking doesn't get you anywhere, put your complaints in writing, in a letter to your landlord.

In some cases, however, landlords and tenants can't come to an agreement. If this happens, you can apply to the Residential Tenancy Branch for “dispute resolution.” There is a fee (usually \$50), but it can be waived if you have limited income. The Branch can order your landlord to respect your rights or to compensate you if those rights have been ignored. Information on how to ask for dispute resolution can be found at:
<http://www.rto.gov.bc.ca/content/howApply/>.

TRAC (Tenant Resource and Advisory Centre) may be able to help answer questions about your rights as a renter and can be reached at 604-225-0546 or 1-800-665-1185. TRAC also produces resources on your rights as a tenant, available on-line at <http://www.tenants.bc.ca/factsheets/index.html>.

Integrated Pest Management Act

In many cases, pesticides used in rental units and on lawns will be done by someone with a license to use pesticides issued under the *Integrated Pest Management Act*. This is actually a requirement for landlords of “multi-residence buildings” (properties with 4 or more housing units); however, if a landlord of a smaller building has hired a lawncare or pest control company to apply the pesticide, that company must also have a licence.

This is good for two reasons. First, licensees will have training on how to handle pesticides, which hopefully means that safety precautions will be followed.

Second, before a licensee applies a pesticide, he or she must:

- identify and advise your landlord of reasonable measures to prevent pests from causing problems in the first place;
- identify what pests they intend to treat;
- monitor where the pests are and how many there are;
- evaluate whether the harm the pests have caused or will cause justify using a pesticide or other treatment; and
- select pest treatment methods based on what alternatives exist and the protection of human health and the environment.

These steps are supposed to be done “in accordance with integrated pest management principles,” which government policy suggests includes the following:

- Alternatives to pesticides should be used where appropriate to minimize risk;
- When pesticides are necessary, a continuous effort should be made to improve the way they are used to reduce impact on non-target organisms; and
- Human health and the environment must be protected.

The licensee is not required by law to write up the results of his or her answers to the above questions into a formal report. However, you can ask your landlord to have the licensee prepare such a report, and to give you a copy. At a minimum, you can ask your landlord and the pesticide licensee what the results of the monitoring and evaluations were and what alternatives have been considered.

Third, if you live in a “multi-residence building” (4 or more units), then the licensee must also give you formal notice of proposed pesticide use – either in your apartment or in common areas. You should be given a personal notice, usually in writing, at least 72 hours before the licensee applies any pesticide inside your apartment. A licensee should also either give you personal notice or post signs warning of plans to use pesticides at least 48 hours in advance in:

- Indoor areas that you have access to in your building (laundry areas, hallways, etc.);
- Outdoor areas located within five metres of an entrance or window; or
- Outdoor areas that are used for recreation, parking or travel.

The notice **must** include information about:

- Where the pesticide will be used;
- What pests the licensee is attempting to control;
- The registration number and active ingredient of the pesticide being used;
- When the pesticides will be used, including any alternate dates and times;.
- Name, licence number and phone number for the licensee, so that you can get more information about the proposed pesticide use; feel free to contact him or her to get copies of the Pesticide Label and to discuss the monitoring and planning described above; and
- Any precautions that you should take to protect yourself from the pesticide, including times when you should not enter the area.

The failure of a licensee to follow any of the above requirements is a violation of the *Integrated Pest Management Act* and its regulations, and you can complain to the Integrated Pest Management Program in the B.C. Ministry of Environment at 250-387-3205. There are a small number of pesticides, considered relatively safe by the B.C. Ministry of Environment, which are “excluded” from the above *Integrated Pest Management Act* requirements. If your landlord is using one of these pesticides, the rules set out in the *Residential Tenancy Act* still apply.

“Cosmetic” Pesticides



A growing number of cities and towns are banning or restricting the use of “cosmetic pesticides” in gardens or lawns – pesticides which are applied to make a lawn or flowers look good, but which have no real economic or health benefit. Examples include pesticides that kill dandelions or crab grass. If you are fortunate enough to live in one of these municipalities, then your landlord should not be using pesticides simply to make the property look nice (although the bylaw or provincial rules may allow the use of certain lower risk pesticides).

Many communities have such bylaws – including Vancouver, Port Moody, Sechelt, North Vancouver, and Victoria – while others are developing them. Call your municipal offices to find out whether such a law exists where you live and what it says. You may be able to complain anonymously or the municipal staff may need you to make a formal complaint before they will consider talking to your landlord about banned pesticides.

If your municipal government doesn’t have a bylaw in place, at least your phone call will let them know that you want one. You can also contact the Canadian Cancer Society (at 1-800-663-2524 or 604-872-4400) to ask about groups near you that are pressing for cosmetic pesticide bylaws.

If Your Apartment is Treated with a Pesticide

If your landlord does use pesticides in your apartment, don't panic. There are ways to minimize your exposure, and most pesticides do break down (although typically more slowly indoors than outdoors). Make sure you follow any safety precautions recommended by a licensee or by the pesticide label.

If your apartment is treated with a pesticide, you should:

- Remove dishes from areas that will be treated before the pesticide is used; if they are exposed, wash them before using them.
- Vacuum/mop the treated rooms after the treatment is completed;
- You should also wash exposed counters and eating areas.
- Open windows after treatment to air out the apartment.
- Consider vacating the apartment, or avoiding treated outdoor areas, for a short period, especially if you are pregnant or have young children.

Document any health problems you suffer as a result of the exposure, and if necessary get medical help. If you or a family member suffer from vomiting, nausea, convulsions or other serious symptoms, leave the area and contact the poison control centre immediately – at 604-682-5050 in the Lower Mainland or 1-800-567-8911 in the rest of B.C.



For more information:

This booklet provides information about the current state of the law as of September 2008. It is not legal advice, and if you have a particular legal problem please contact a lawyer. An annotated version, with details on where the information in this booklet comes from, is available from the West Coast Environmental Law website at <http://wcel.org/pesticides>. You are welcome to contact West Coast Environmental Law with pesticide-related questions at 604-684-7378 or 1-800-330-9235.



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