



What Is Radon Gas?

Radon occurs naturally when uranium breaks down in rock and soil. It is an invisible, odourless and tasteless gas.

When radon leaves the ground it is usually diluted in air and is relatively harmless. However, radon can seep into your home through small cracks and openings where the building contacts the soil. In some homes it can accumulate in higher concentrations, posing a health risk.

Radon testing is easy and techniques to lower radon levels are effective and can save lives. Renters have the right to live in spaces without elevated radon.

Radon and Health

Radon is naturally occurring radiation and when breathed in it can cause lung cancer. Radon gas is the #1 cause of lung cancer in non-smokers. High radon causes approximately 3,360 deaths per year in

Canada. Health Canada research estimates that with lifetime exposure at 800 Bq/m³, the lifetime lung cancer risk would be one in 20 for non-smokers, and one in three for smokers.

Health Canada has set a [National Radon Guideline](#) of 200 becquerels per metre (Bq/m³) for regularly occupied indoor spaces. Radon levels measuring more than 200 Bq/m³ can pose a risk to your health.

Radon is Easy to Test

The only way to know the radon level is to test. About 7% of homes in Canada have radon over the National Radon Guideline of 200 Bq/m³. In some communities in British Columbia more than half of homes have high radon.

The BC Centre for Disease Control has developed a [radon map](#) but in many places more community level data is still needed to estimate radon risks. Radon levels can be very different from home to home even within the same community, so your own home needs to be tested.

It is easy and inexpensive to test for radon using home testing kits that cost \$20 to \$60. These are available at leading retailers or from the British Columbia Lung Foundation at our [website](#), by email: info@bclung.ca or by phone: 604.731.LUNG (5864).

We also have a [Library Lending Program](#) which allows people in some communities to check out detectors from their library.

If the radon levels are higher than 200 Bq/m³ professional radon mitigators can put a system in place in one or two days. The [Canadian National Radon Proficiency Program](#) (C-NRPP) has lists of certified radon mitigation professionals by community.

Landlords' Responsibilities

Landlords need to ensure the spaces they rent are not exposed to high radon.

BC's *Residential Tenancy Act (RTA)* covers most rental accommodation in the province, including government owned social housing. It requires landlords to ensure that residential property complies with health, safety and housing standards required by law, and that the rental unit is safe for the tenant (ss. 28 and 32(1)).

As well, landlords are "occupiers" as defined under BC's *Occupiers Liability Act*. Through this legislation, landlords owe tenants a duty of care. Landlords need to take reasonable steps necessary to address an undue hazard. According to BC courts, landlords should bear risk instead of tenants when assessing what counts as an undue hazard. If an undue hazard causes a renter to suffer losses, the renter could seek relief in the courts. There has not been a court case yet on this in Canada, but high radon concentrations would likely be characterized as an undue hazard.



Renters Rights

Renters should first approach their landlords to ask for testing and if needed mitigation. If that fails renters can apply to BC's [Residential Tenancy Branch](#) for help.

The Residential Tenancy Branch has not yet decided a case about radon. However, renters in Ontario and Quebec, where laws on renters safety are very similar to BC, have been successful before landlord-tenant tribunals.

If the Residential Tenancy Branch finds your rental unit is not safe it can

- Issue an order that the landlord has to fix the situation (*RTA*, s. 62(4)).
- Allow you to end the rental agreement early (*RTA* s. 68(2)(a)).
- Have your rent reduced to reflect damages (*RTA* s. 67).
- If you already paid for testing and/or radon mitigation yourself, to redirect money to the cost of repairs (s. 62(4)(b)).

Renters should be careful when conducting radon testing to follow [Health Canada's recommended procedures for testing](#) or to hire certified radon testers through CNRPP. It is a good idea to show radon test results to the landlord and give them an opportunity to respond before commencing legal action.

Strata Councils

Individual owners of strata units are responsible for fixing issues inside their property. Tenants in strata units have the same rights as any tenant to seek redress at the Residential Tenancy Branch.

In some cases fixing radon in strata units may involve common property. This will require cooperation from the strata council. Under the Strata Property Act (SPA), renters can approach the building's strata council themselves. Under the SPA renters have a right to obtain copies of any strata bylaws and rules and can check to see if there is any guidance concerning radon (s. 146). Renters can ask for a hearing at strata meetings (s. 34.1). If this doesn't work, the SPA provides further steps renters can take including going to court.

Property Managers

If there is a professional rental property manager, they can be approached directly about radon issues.

Rental property managers are professionally governed as real estate licensees by the *Real Estate Services Act*. The BC Financial Services Authority, their governing body, says that [rental property managers must disclose radon measuring above the Radon Guideline to potential tenants](#). If your property manager does not address radon, you can [make a complaint to the BC Financial Services Authority](#).

Public Health Officials

BC's health authorities employ public health officers who have the power to help renters with radon. The *Public Health Act* says that health officers can, if occupants agree, inspect homes to see if health hazards exist (s. 23(a)(iv), and s. 24(1)). They can also make orders to prevent the health hazard (s. 30-31). Health officials could work with tenants to use their inspection powers to help renters test for radon, and issue orders against landlords to mitigate. Renters can ask for help from public health officers at their local health authority.

Further Information and Legal Opinion

As part of our [Radon and Renters](#) project we have prepared [a more detailed report](#). This outlines the scientific evidence and health concerns about radon, provides more detail on applicable law and steps that can be taken to address radon in rental accommodation. We also outline recommendations for reform. For information on our programming see the Healthy Indoor Environments [website](#) or contact healthyindoor@bclung.ca

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