

RADON:

a guide for

BRITISH COLUMBIA

RENTERS



TRAC
TENANT RESOURCE & ADVISORY CENTRE

BC LUNG
FOUNDATION

Summary



Radon gas is an invisible, odourless, radioactive gas resulting from the breakdown of uranium in rock and soil. When radon is released from the ground and into outdoor spaces, it is diluted and is not dangerous. However, radon also enters indoor spaces through openings such as cracks in the foundation and walls, floor drains, or window casements and can building up over time. When people breath in radon gas, radiation can damage lung cells. Radon is the leading cause of lung cancer after smoking, killing over 3,000 people a year in Canada. However, it is easily tested and fixed. Since 2007 Health Canada has recognized indoor radon as a significant health problem, setting guidelines for indoor concentrations at 200 Bq/m³.

While radon law and policy has been slow to develop in British Columbia, we think that there are already obligations and rights in law. This Guide spells out current obligations of landlords and rights of renters in relation to radon.

We describe the steps that landlords and renters can take to test for radon and mitigate if levels are over Canada's Radon Guideline. We provide a checklist for testing to ensure testing is done in a way that others will trust. We describe steps that renters can take to ensure they are protected from high radon. This includes how to approach landlords and property managers, a template letter asking for radon testing, and how to seek help from housing advocates and others. We describe how to appear before the Residential Tenancy Branch. We also consider the special considerations for landlords and renters in strata buildings, and renters who develop lung cancer.

About Our Organization



**BC LUNG
FOUNDATION**

The BC Lung Foundation's Healthy Indoor Environments is focused on providing education, resources, and policy options for addressing priority indoor air pollutants in British Columbia. Canadians spend 90% of their day indoors, with about 70% at home and 20% at work or school. The air we breathe indoors can contain particulates, gases, allergens and fumes that can significantly impact our health in both the short and long term. Knowing the main indoor air pollutants, their sources, and how to reduce them are key to reducing harm to our health. For more information visit our website at <https://bclung.ca/programs-initiatives/healthy-indoor-environments-program>.

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Introduction to Radon

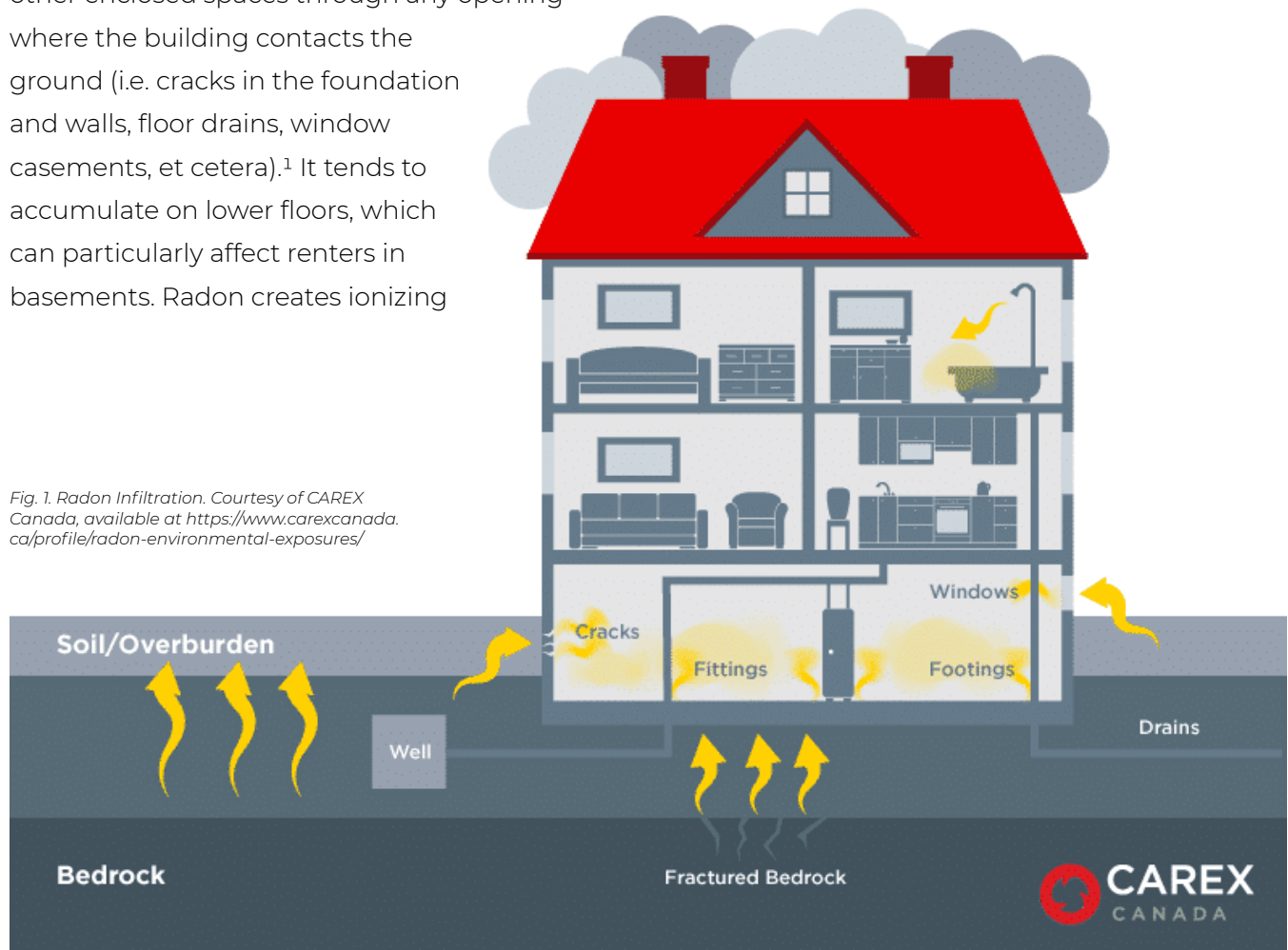


Radon is the #1 Cause of Lung Cancer in Non-Smokers

Radon gas is a naturally occurring radioactive gas resulting from the breakdown of uranium in rock and soil. When radon is released from the ground and into outdoor spaces, it is diluted and is not dangerous. However, radon also enters indoor spaces. Radon is invisible, odourless, and tasteless and can seep into homes and other enclosed spaces through any opening where the building contacts the ground (i.e. cracks in the foundation and walls, floor drains, window casements, et cetera).¹ It tends to accumulate on lower floors, which can particularly affect renters in basements. Radon creates ionizing

radiation—it naturally decays over time and emits alpha particles. When we breathe in radon gas, alpha particles can damage the DNA in lung cells, creating a risk of developing lung cancer. Exposure to some radon should not be a cause for alarm (as might be a fire in your home), but over time the risks can add up.

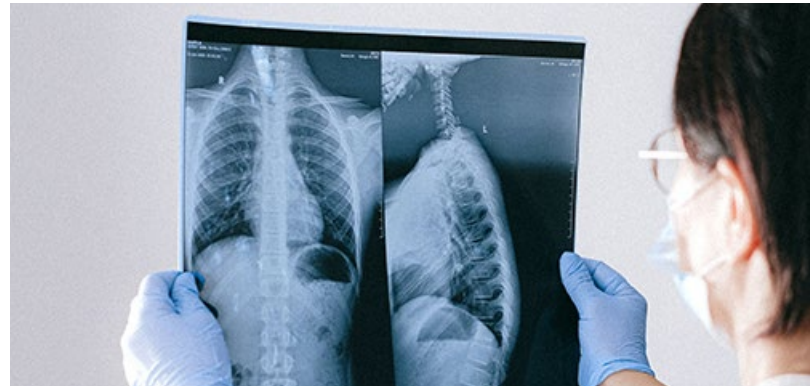
Fig. 1. Radon Infiltration. Courtesy of CAREX Canada, available at <https://www.carexcanada.ca/profile/radon-environmental-exposures/>



In Canada, radon exposure is the leading cause of lung cancer after smoking, and accounts for an estimated 16% of lung cancer deaths.² An estimated 29,800 Canadians contract lung cancer each year. An estimated 29,800 Canadians contract lung cancer each year. For 2021, it was estimated that approximately 21,200 Canadians would die from lung cancer, accounting for 25% of all cancer deaths for that year³ Radon causes approximately 3,360 deaths per year, or slightly more than one in 100 deaths in Canada.⁴

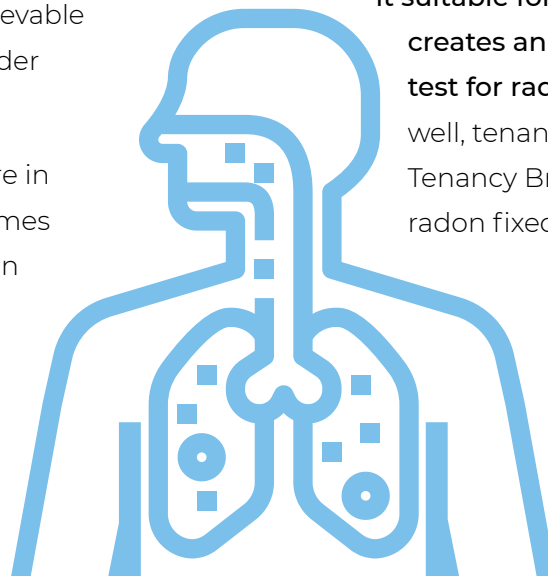
Health Canada has set a [national radon guideline](#), representing a level of radon concentration at which health impacts become more significant. Radon is measured in becquerels per metre (Bq/m^3). One Bq/m^3 means that for every square metre of air, there will be one decay event each second. The National Radon Guideline is set at $200 \text{ Bq}/\text{m}^3$ and applies to homes and other regularly occupied spaces.⁵ Health Canada recommends that for radon levels between 200 and $600 \text{ Bq}/\text{m}^3$ mitigation occur within two years, and for levels over $600 \text{ Bq}/\text{m}^3$ that mitigation occur within one year. Mitigation should be to levels as low as reasonably achievable (which in practice is usually under $100 \text{ Bq}/\text{m}^3$).

Because uranium is everywhere in the Earth's crust and radon comes from uranium, radon is found in



almost all homes in Canada. Most homes have low concentrations that do not pose a significant health risk. An estimated 7% of homes in Canada have radon levels above $200 \text{ Bq}/\text{m}^3$ but results vary by geography. In some parts of British Columbia's Southern Interior, over half of homes have tested over the Canadian Guideline.

Under the *Residential Tenancy Act*, a landlord must provide and maintain residential property in a state of decoration and repair that complies with the health, safety and housing standards required by law, and, having regard to the age, character and location of the rental unit, makes it suitable for occupation by a tenant. This creates an obligation on landlords to test for radon and fix the problem. As well, tenants can go to the Residential Tenancy Branch for orders for to have radon fixed and other remedies.





Radon Policy in BC is Evolving

Radon exposure can be easily avoided. Radon is inexpensive to test and there are now well-trained building professionals who know how to reduce radon levels in buildings. In many cases, testing and fixing homes is a cheaper health intervention than many drugs and surgeries our medical system routinely pays for.⁶ Yet radon is still unknown to many people in Canada. A majority of British Columbian households (94%) have not tested for radon.⁷

One of the reasons for this is that law and policy to protect people from elevated radon has been slow to develop in Canada. The federal government has a National Radon Program which has made strides in building awareness and developing guidance materials. However, provinces maintain jurisdiction over key areas under which radon action falls—buildings, public health, and air quality.

In British Columbia different agencies have taken limited steps to address radon. While we think much more should be done, there are signs of increasing momentum.

- The Building Standards Branch has made changes to the BC Building Code. These apply in specific municipalities where testing has found a problem (see Figure 2).⁸

Division B Appendix C Climatic and Seismic Information for Building Design in British Columbia. Table C-4 -Locations in British Columbia Requiring Radon Rough-Ins

100 Mile House Abbotsford Ashcroft Atlin Barriere Burns Lake Cache Creek Castlegar Carmi Chetwynd Clearwater Cranbrook Crescent Valley Dawson Creek Dease Lake Dog Creek Duncan Elko Fernie Fort Nelson Fort St. John Genelle Glacier Golden Grand Forks Greenwood Hope Invermere Kamloops Kaslo Kelowna Kimberley Lillooet Little Fort Lytton Mackenzie McBride McLeod Lake Merritt Montrose Nakusp Nelson Osoyoos Penticton Prince George Princeton Quesnel Revelstoke Rossland Salmon Arm Sechelt Smith River Smithers Stewart Taylor Terrace Trail Valemont Vaverby Vernon Whistler Williams Lake

section 1.1.3.3 (2) allows other towns to be added if they choose

Fig. 2 Municipalities listed in the BC Building Code as requiring radon rough-ins

- Shared Services BC—the agency that looks after government buildings—has a radon testing program.
- One health authority—Interior Health-- has ordered testing in childcares.⁹
- The British Columbia Real Estate Association and British Columbia Financial Services Authority consider elevated radon levels as a latent defect. This means that someone who sells a home, must proactively tell the buyer if they know the home has radon levels over 200 Bq/m³. This policy also means real estate agents and residential property managers must also tell buyers or tenants about elevated radon in a home.¹⁰

While there are many ways in which the province or the Residential Tenancy Branch could strengthen radon protections, we think even under existing law landlords have responsibilities and tenants have important legal rights.

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Steps in Addressing Radon



Know the Radon Level in Your Home

Radon levels vary significantly from home to home. Radon levels depend on a mix of factors, including the underlying geology in the area, the types of soil, how the building is constructed and designed, and even the behaviour of occupants. (Some people are more likely to keep windows and doors open, for instance, and outside air can dilute radon levels). High radon has even been found on the upper floors of high-rise buildings. The only way to be sure that a home does not have elevated radon is to test.

Some geographical regions have many more homes with high radon than others.

Our current knowledge categorizes some areas of BC as having a higher radon potential, such as the Kootenays, Okanagan and Northern region—as well as above the national average. In Castlegar, for instance, a sample of 1000 homes found 44% had levels above 200 Bq/m³ and in one subdivision 32 out of 33 homes had unacceptably high radon levels.¹¹

The British Columbia Centre for Disease Control has an excellent [radon map](#). Users can search by various health boundaries or by municipality. For each area selected, the map generates a simple infographic explaining radon levels.

Maps are only as good as the information mappers must work with. Over time, maps will

improve as more people test. It is important to remember that existing maps may not tell the whole story as many communities lack sufficient radon data or have a very small sample of known radon tests. For instance, Coquitlam, British Columbia has not traditionally been identified as an area with a significant radon problem. However, in 2019 Take Action on Radon—a national radon educational and awareness campaign, sampled 100 homes, and found 2 percent of homes in the city had radon above 200 Bq/m³.¹²

Radon levels can be very different from home to home even within the same community.

The only way to know the radon level in a home is to test. It doesn't matter if a home is new—it can still have high radon levels. Radon should also be tested after major renovations or energy efficiency upgrades as these can change radon levels.



Fig. 3 BC Centre for Disease Control Radon Map.



Testing is Easy

In many parts of British Columbia local libraries lend out digital monitors (see figure 4, below). British Columbia Lung Foundation's [library lending program](#) provides a list of participating libraries. Digital monitors can help people understand radon levels, because they can quickly see the levels in their home and how they fluctuate over time.

Unfortunately, **radon levels can change significantly from day to day**. There is a significant danger a short-term test will not correspond to the average radon levels over the long term. Health Canada recommends long term tests of at least 3 months. If you take a short-term test and it shows high radon levels, you should follow up with a long-term test. However, low radon levels on a short-term

test may be the result of a 'false negative'—a momentary sample in time when radon levels are lower than usual.

The most common way to conduct a long-term test



Fig. 5 An alpha tracker long-term radon testing device

is by using a small 'hockey puck' style device known as an 'alpha tracker' (Figure 5). They have a small piece of plastic inside which is dented when hit by alpha particles. They come with clear instructions. The user places them in the lowest floor of the home which is occupied for four hours a day or more. They are available from leading retailers from between \$20 and \$50 and Take Action on Radon provides [a list of providers for British Columbia](#). The British Columbia Lung Foundation sells them at our [website](#), by email: info@bclung.ca. or by phone: 604.731.LUNG (5864).

Health Canada has prepared a [Guide for Radon Measurements in Residential Dwellings \(Homes\)](#) and this should be followed by both landlords and renters.

At the end of the document, we provide a checklist that landlords or tenants can use to ensure they are following Health Canada's guidance. Following this checklist can help avoid conflict over testing and provide evidence testing was done right.



Fig. 4 A digital radon monitor



Radon is Easy to Fix

Since the 1980s when residential radon was first discovered, building professionals across North America and Europe have developed proven methods for reducing radon levels in new construction and in older homes. There are now many trained radon professionals in Canada. They are certified through the Canadian National Radon Proficiency Program (C-NRPP). [C-NRPP provides a list of mitigators on its website](#) that can be searched by location. Professional mitigators can put a system in place in a single day in a house and charge an average of about \$2,900, including materials, with some variation by building size and location. These systems will last for a very long time and ensure safe radon levels for all subsequent occupants. Compared to the cost of lung cancer and premature death this is very inexpensive.

In houses, the most common technique is 'active-sub-slab depressurization' (Figure 6). A hole is drilled in the basement foundation (slab) and a vent pipe put in that moves any gases from beneath the slab through and out the house. This technique reduces the air pressure under the slab, ensuring radon is not sucked into the lower parts of the house. In larger buildings, this technique can be used as well. Mitigators may also work with the heating and ventilation

system to find ways of increasing air flow and diluting radon gas to safe concentrations.

In 2012 the BC Building Code started requiring 'rough ins'—the bare bones of a radon system—in homes in select areas of the province. The BC Building Code was updated in 2015 to require a full vent pipe, and in 2018 a list was created of specific municipalities. Even if a home has a rough-in it still needs to be tested, and if radon levels are high a fan will need to be added to the radon system.

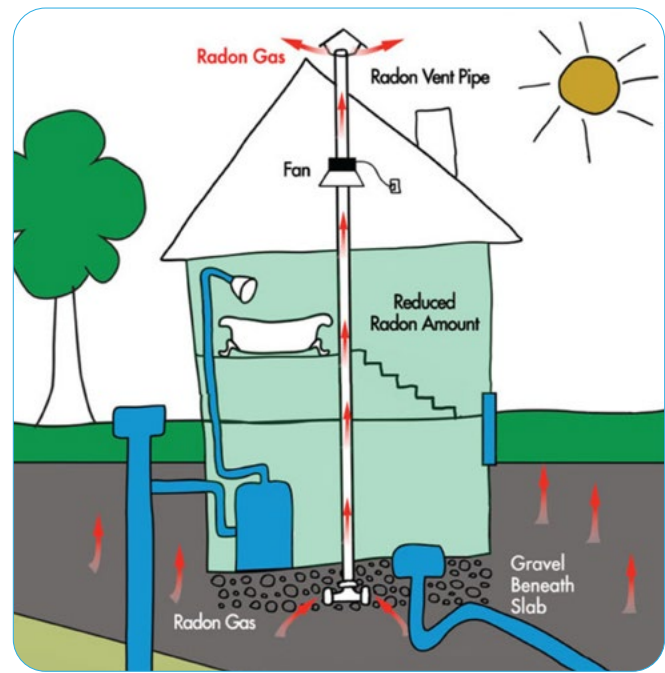


Fig. 6 Sub-slab depressurization in a house monitor

People Who Can Help

Landlords

Radon is still relatively unknown and both landlords and tenants are beginning to learn about it. Some landlords may not be acting on radon for the simple reason that they do not understand the problem. We have prepared a separate [Radon Guide for Landlords](#), endorsed by Landlord BC, which explains the problem in language earmarked for landlords..

Renters should first approach landlords to discuss the radon issue. If landlords and tenants can agree on how to test for radon and to accept the results of radon testing, the process will be much easier. In Appendix 1 we provide a checklist that landlords and tenants can use for radon testing, which has been endorsed by Landlord BC and the Canadian National Radon Proficiency Program.

Ultimately, it is the landlord's responsibility to ensure a rental unit does not have elevated radon levels. Landlords have an obligation to cover the cost of testing. We have prepared a template letter for renters to request landlords test, see Appendix 2.

Rental Property Managers

Many larger rental buildings will have professional managers. Renters should be aware that rental property managers are professionally governed as real estate licensees by the *Real Estate Services Act*. The British Columbia Financial Services Authority (BCFSA), the governing body for real estate licensees, has issued [guidance](#) and [checklists concerning radon for rental property managers](#).¹³ BCFSA advises rental property managers that radon exceeding Health Canada's Guideline of 200 Bq/m³ constitutes a material latent defect, and that this must be disclosed to all potential tenants. Property managers should discuss with tenants any available options such as requesting a test and/or remediation before taking possession of the property.

Renters can discuss radon issues with managers (and refer them to BCFSA checklists). There is also a complaint and discipline process through BCFSA when licensees do not follow their professional rules. The *Real Estate Services Act* sets up a process for persons to make complaints, RECBC to investigate, and hold disciplinary hearings. This will not result in monetary awards to a renter-complainant, but may result in penalties, reprimands, fines, suspension or cancelling a license.¹⁴

Complaints against licensed property managers can be filed online through the BCFSA website called [File a Real Estate Complaint](#), by mailing BCFSA using their complaint form, or by calling **(604) 660-3555** (in the Lower Mainland) or toll-free through **(866) 206-3030**. The complaint should be in writing, signed by the complainant, and accompanied by any relevant supporting documentation.



Housing Advocates

Some renters may find the legal system intimidating and want help accessing the Residential Tenancy Branch. There are approximately 90 advocates spread across British Columbia who help low-income tenants with landlord-tenant problems. In Appendix 3 we provide a list of advocates.

Housing advocates may be able to send a letter, speak with a landlord, or help tenants to access the Residential Tenancies Branch.

Housing advocates may not be familiar with radon. We have produced this Guide in part to help advocates understand the issues. We have also produced a more detailed legal opinion, [Radon and Renters: Current BC Law and Potential for Reform](#), which provides further details.

Health Officers

Health officers (such as environmental health officers and medical officers) are employed by Health Authorities. They have specific duties, such as inspecting restaurants and schools, but also more general powers to work to maintain public health. At the time of writing, we do not

know of any examples where public health officers have helped tenants with radon in British Columbia. However, it is clearly possible, and there are examples where it was done in other provinces, such as Alberta.¹⁵

British Columbia's *Public Health Act* allows health officers to help tenants address health hazards. If the occupant, such as a renter, gives permission, health officers can inspect a home.¹⁶ Often the landlord will listen to health officers concerns and work to remedy the problem. However, health officers can also issue orders against landlords. If landlords do not comply, health officers can go to the Supreme Court to enforce the order, or even do the work or hire contractors and then seek monetary compensation in Supreme Court.¹⁷

We have spoken to health officers who have said that generally they do not work with tenants. However, individual officers may do so on a discretionary basis especially where there are many complaints.

TO CONTACT HEALTH OFFICERS:

- **Vancouver Coastal Health** has a [feedback page](#) which can be used to contact officers.
- **Interior Health** publishes online a [list of local offices](#) the public can contact.
- **Island Health** provides a list of local [health protection and environmental service locations](#).
- **Fraser Health** provides an [online list of local health protection offices](#).
- **Northern Health** provides a Health Protection central line: 250-565-7322 and an email: publichealth.protection@northernhealth.ca



Using The Residential Tenancies Branch



Residential Tenancies

Residential Tenancies legislation in British Columbia—the *Residential Tenancy Act (RTA)*—covers most rental situations, including government owned social housing.¹⁸ The Act provides that

32(1) A landlord must provide and maintain residential property in a state of decoration and repair that

- (a) complies with the health, safety and housing standards required by law, and
- (b) having regard to the age, character and location of the rental unit, makes it suitable for occupation by a tenant.

Similar provisions are also found in the *Residential Tenancy Regulation (RTR)*, at section 8.

At the time of writing this Guide, there were no decisions of the Residential Tenancy Branch on radon. However, we think it is just a matter of time until there is a decision in BC saying that renters are protected from high radon. The Canada Radon Guideline provides a clear standard, and radon has been considered by landlord-tenant tribunals in Ontario and

Quebec where there are similar rules on rental accommodation being suitable for occupation and safe.¹⁹

Readers who want a more detailed description of the law should consult our publication [Radon and Renters: Current BC Law and Potential for Reform](#).

We think the provisions under section 32 of the RTA are strong enough to compel landlords to address radon.

Renters can show their landlords our Radon Guide for British Columbia Landlords, this Guide and our more in-depth legal opinion—to convince them to start testing for radon and fixing elevated radon if found. If this does not work, renters can proceed to the Residential Tenancy Branch.





Process

Some landlords may accept their obligations under the *Residential Tenancies Act* and seek to comply with the law. Unfortunately, this is not always the case. Tenants can make an application to Residential Tenancy Branch (RTB). The RTB now provides [an online portal](#) that explains how to make a claim.

The RTB will make a ruling concerning whether renters are protected from elevated radon. A renter will need to show that their unit has a radon problem and ask the RTB to impose a solution. The RTB can

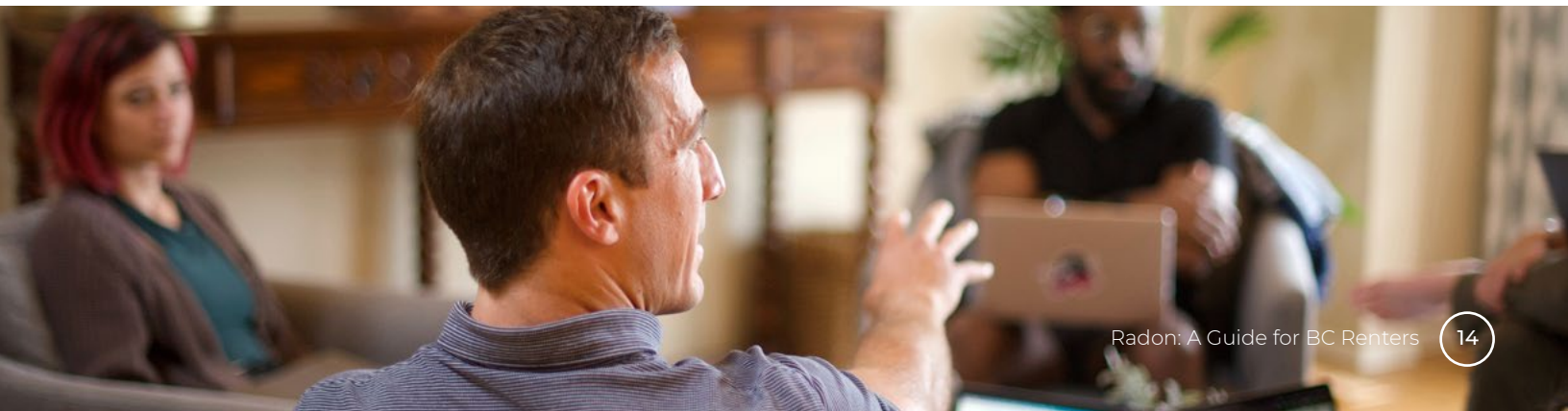
- order that the landlord fix the situation²⁰
- end the tenancy earlier²¹
- have rent reduced to reflect damages²²

Radon exposure is a long-term problem, and for radon readings between 200 and 600 Bq/m³ Health Canada's guidance is to fix within 2 years of discovering the problem. In most cases the RTB will likely order the landlord to fix the issue.

To be successful at dispute resolution, renters will need to gather and submit enough quality evidence to convince an arbitrator to rule in their favour.

- Renters should have a good radon test, and we discuss that further below.
- Other evidence that will help renters include correspondence with the landlord in which the renter raises concerns about radon, and any notes on any discussions with the landlord about testing.
- It is a good idea to prepare an affidavit outlining the steps you have taken to work with the landlord on addressing radon. A notary public, commissioner for taking affidavits or a lawyer can help you with that.

Once a renter obtains an order from the RTB, the landlord should comply. There is also an enforcement unit at the RTB that can ensure compliance with RTB decisions. After a hearing, a director can impose requirements or order a monetary penalty up to \$5,000 per day of contravention.





Capital Expenditures and Rent Increases

Renters should be aware that at the time of writing there are provisions in the RTA, together with the RTR, that allow for rent increases for “capital expenditures” (RTA, s. 43 (1), RTR, s. 23.1). While the RTB might rule that a landlord should pay up front to fix radon, landlords can later turn around and apply to the RTB for permission to recoup the costs over time. The RTB can order a rent increase so that tenants pay a portion of building expenses attributable to their unit, pro-rated over a ten-year period.

For instance, a house is divided into three units, and the landlord installs a radon system at a cost of 3,000 dollars on the whole house. The RTB could potentially allow a new rent increase of about eight dollars a month per unit (to cover the \$1,000 spent per unit over ten years). This is on top of the normal annual allowable rent increase (e.g., to cover cost of living changes or inflation). The RTR puts a cap of 3% increase of rent for eligible capital expenditures.

Renters' organizations are unhappy about this provision, in part because it's difficult to predict how RTB decisions will go. At the time of writing the RTB provides little guidance, and the regulation is unclear. One provision in the RTR allows capital expenditures to install major systems

necessary to keep the property in a healthy and safe state of repair (RTR, 23.1(4)(a)(i)). However, another provision in the RTR says the RTB can decline a landlord's application when the landlord is at fault for the inadequate condition of the unit (RTR 23.1(5)(a)). It seems just as likely that the RTB could approve or reject a landlord's application for a radon system installed after a high radon test! As well, the RTR allows that there should not be a rent increase if tenants can show someone else paid for the radon system (for instance if funds came from a grant) (RTR, section 23.1(5)(b)).

As things currently stand, tenants should be aware of the risk that they may have to pay some of the costs of radon mitigation in the long-term. For persons with sufficient income this is a wise investment in health. However, many renters will feel they cannot afford the costs. We hope that in the future the legislation and regulation is changed, and direct grants come available, to ensure everyone is protected from radon.





Special Considerations for Radon Testing

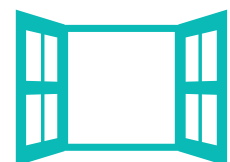
Renters need to be careful in conducting radon tests if they are considering using the results before the Residential Tenancies Branch. If radon testing is done poorly, hearing officers may not accept the results. In some decisions in Quebec, renters were denied redress because of conflicts over radon tests.²³ Renters should take steps to avoid their landlord appearing at a RTB hearing with contradictory radon readings. To do this we suggest:

- Renters discuss their concerns with radon with their landlord or property manager and tell them they want their home tested.
- Renters and landlords should settle on who will pay for testing. Landlords have a general obligation to ensure the homes they rent are safe and in good repair, so should support and pay for testing. We have prepared a Guide for Landlords, this Guide, a short summary and a longer legal opinion to help convince landlords to take this obligation seriously. We have also created a template letter. In some cases, however, renters will need to initiate and pay for testing as part of seeking a remedy. Testing is an activity that occurs



within a renter's own home, and renters have every right to test their homes for radon.

- Renters should try and get the landlord or property manager to agree to the method of testing and the results that will come out of the testing process
- Landlord and renters should follow the procedures in [Health Canada's Guide for Radon Measurements in Residential Dwellings \(Homes\)](#)²⁴ (Hopefully, the renter and the landlord can agree on this protocol). Our Checklist for Radon Testing is based on protocols established by Health Canada and endorsed by Landlord BC and C-NRPP.
- If a landlord or property manager does not cooperate, the renter can still test on their own. Also, if a renter thinks a landlord might conduct a test on their own but does not trust the landlord's methods, the renter should test on their own. (Renters should know that there are ways to tamper with radon tests, such as putting them near open windows).



- We have designed the Checklist for Radon Testing to help increase trust between landlords and tenants, and also to help radon test results serve as evidence at the RTB. We have designed the Checklist so you can swear it is true before a lawyer, Notary Public or Commissioner of Oaths. Doing so may cost money but is generally stronger evidence than an unsworn statement.
- If either party thinks the other might actively dispute the results of their radon test, it is worth getting outside help, such as from a C-NRPP certified radon tester.



A CNRPP certified radon tester will cost approximately \$200, depending on location. A person who is worried about the cost can do the long-term test on their own, and if the results show radon levels over 200 Bq/m³ and there is likely to be conflict with the landlord over results, hire a certified radon tester or mitigator to confirm the results.



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Special Rules for Renters in Strata

Strata properties (condominiums) pose special challenges because fixing radon may involve changes to the structure of the building or common areas, which will require cooperation from the strata council. In some cases, fixing radon will fall be entirely outside the control of the landlord. Renters will still have protections under the *Residential Tenancy Act*, but in strata properties there will also be rules set out in the *Strata Property Act*, the specific bylaws of the strata corporation and the decision-making of the strata council to consider.

In a strata development, individual owners own their units, but they jointly own the common areas outside their lots. These common areas are managed by the strata corporation, whose members are all the owners in the building. Most strata corporations will have bylaws that require owners to obtain written permission prior to making alterations to the structure and exterior of the building or to common areas.²⁵

We expect that in the normal case, a landlord will be happy to work with the strata council, and the strata council will be happy to cooperate. Strata corporations have a general requirement

to fix radon that involves common property. This follows from general obligations in the *Strata Property Act* for the corporation to repair and maintain common property and common assets.²⁶ Members of the strata council are also likely to cooperate in addressing radon. Members of the strata council have a duty of care to act in the best interests of the strata corporation.²⁷ As well, the Standard Bylaws hold that the strata corporation must not unreasonably withhold its approval for necessary repairs.²⁸ Under the standard bylaws, there may also be action against another owner who allows radon to enter their own unit and then flow to other parts of the building. Most strata corporations have bylaws that say an owner or occupant must not use a strata lot in a way that causes a nuisance or hazard to another person.²⁹

In approaching strata councils, renters and landlords can share this Guide and our legal opinion on Radon and Renters. Depending on the building, radon may be a problem for most or all occupants, or it may be cheaper, easier, or even necessary for the whole building to be tested and mitigated and the costs shared amongst the members.



If the strata does not cooperate, there are steps that owners can take. The *Strata Property Act* provides that owners can:

- Requesting a hearing at a strata council meeting³⁰
- Organizing a special general meeting (requiring a written demand signed by persons holding at least 20% of the strata corporation's votes³¹
- Seeking to have the bylaws changed (for which $\frac{3}{4}$ of votes is required);³²
- Using a voluntary dispute resolution process (provided for in the standard bylaws);

The *Strata Property Act* also sets up a series of more formal steps to handle disputes. A condo owner can initiate a mediation-arbitration process³³ and if this does not work, proceed to the Civil Resolution Tribunal (for small claims up to \$5,000.³⁴ For more expensive and complex matters applications can be made to the Supreme Court ³⁵

If owners refuse to approach the strata council, renters can still go to the Residential Tenancy

Branch. A successful award would create that much more incentive for the landlord to work with the strata council. As well, renters can also directly approach the strata council. The *Strata Property Act* also provides tenants with the power to participate in strata meetings and, in some cases decision-making. Renters can also approach the strata council directly, independently from their landlord.

- The tenant can directly approach the strata council on an informal basis.
- They have a right to obtain copies of any strata bylaws and rules and can check to see if there is any guidance concerning radon, or fixing common property and building structures ³⁶
- ask for a hearing at strata council meetings³⁷
- organize a special general meeting³⁸

A renter can use a mediation-arbitration process.³⁹ If that fails a renter can pursue the matter in the Civil Resolution Tribunal.⁴⁰ For more complex issues (and likely requiring a lawyer) there is an option of going to the Supreme Court.⁴¹



⑥

If Renters Develop Lung Cancer

Nobody wants to be diagnosed with cancer and it is a very serious illness. It is a highly personal decision whether to focus on health or other important concerns or to pursue legal action. Currently in Canada there are no reported cases of renters suing their landlord for negligently causing radon-induced lung cancer or for wrongful death. However, if a renter has been living in an environment of high radon, and contracts lung cancer, there is a possibility that the courts would make an award.

British Columbia's *Occupiers Liability Act* allows a tenant to apply to the court for compensation if there is a hazard in their unit or building that leads them to suffer a loss. In order for a case to be successful, the tenant or his or her lawyer will need to convince the court that the landlord ought to have known about radon and failed to take steps to address the issue.

We advise that a renter work with a personal injury lawyer if they wish to pursue such a claim. We spell out the law in this area in more detail in [Radon and Renters: Current BC Law and Potential for Reform](#). A first step in the process

will be establishing that the rental unit has had high radon levels. **We encourage anyone who develops lung cancer to test their home for radon if they have not done so.** If a person does not smoke, high radon is a likely cause of the lung cancer. Alternatively, smoking and radon act synergistically, and for people who smoke, high radon may have been a contributing factor.



Conclusion

Radon gas exposure is a problem across Canada but it is also one we can easily address.

We think there is more that the provincial government, municipalities and regional districts can do, and we advocate for strong rules requiring homes and business to be tested for radon. There are many possibilities for reform, and we spell this out more in our companion legal opinion. However, it remains important for people to do what they can now, including ensuring their homes are tested and mitigated. We have written this Guide knowing that there has not yet been significant action for renters in British Columbia. We expect that over time uncertainties will be removed, as landlords get used to testing and mitigated, and the Residential Tenancy Branch learns more about



radon. We hope this Guide will give landlords and renters the tools they need to ensure homes are free of elevated radon and accelerate the process of clear rules and guidelines developing in British Columbia.

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- 33 *Strata Property Act* s. 177 to 189
- 34 *Strata Property Act* s. 189.1
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Checklist for Radon Testing

This checklist is designed to help people ensure they have followed correct procedure in testing for radon. By filling in the form, a person can show they have taken care to follow appropriate procedure. This will help landlords and tenants agree as to how testing should be carried out. We encourage all parties to cooperate on friendly terms. In the event of a conflict, this checklist can also serve as evidence correct procedure was followed.

This checklist is based on Health Canada's Guide for Radon Measurements in Residential Dwellings (Homes)(2017).

1 Obtain a C-NRPP Certified Testing Device

Testing devices should be designed to allow for 91-day tests. Ideally, testing should be conducted during the heating season of October to April when radon levels tend to be highest.

If you are testing a multi-unit residential building and plan on deploying 10 detectors or more, Health Canada advises using duplicate measurements to ensure quality control. One duplicate should be deployed for each 10 detectors. Duplicate measurements are made by placing two detectors side-by-side (< 10 cm or 4 inches apart). In the case of multi-unit residential buildings, please ensure duplicated are placed evenly across units being tested.

To find testing devices visit https://takeactiononradon.ca/test/radon-test-kits/#local_1

To check whether the device is C-NRPP certified visit <https://c-nrpp.ca/approved-radon-measurementdevices/>

<i>Company and product name of device</i>
<i>Serial or identification number</i>
<i>Is the device C-NRPP certified?</i> <input type="radio"/> Yes <input type="radio"/> No
<i>State how you know its C-NRPP certified?</i>
<i>Number of test devices deployed including duplicates for quality control</i>

2 Place the Detector in Your Home

CHOICE OF ROOM

Place the radon detector in the normal occupancy area of the lowest lived-in level of the home.

You can test in bedrooms, hallways, living rooms, dining rooms and home offices.

Place the detector in a location where it is unlikely to be disturbed.

Do not test in bathrooms, kitchens, laundry rooms, closets, cupboards, sumps, crawlspaces or nooks within the foundation. These are locations in radon concentrations are likely to be different from other living spaces, or where people do not typically spend at least 4 hours a day.

For basements, only test if:

- A.** the basement has finished rooms that are inhabited for four hours a day or more, such as bedrooms, playrooms, family rooms, or
- B.** if it will be renovated for purposes where it will be inhabited for four hours a day or more.

Place the device in a basement area that is or will be used for 4 or more hours each day. If the basement does not have any areas where people spend 4 or more hours per day (i.e. work, play or sleep), the test on the main level.

<i>Room(s) in which radon detector placed</i>

LOCATION IN THE ROOM

The preferred device location is:

- near an interior wall at a height of 0.8 to 2 m (3 to 6.5 feet) from the floor in the typical breathing zone.
- at least 50 cm (20 inches) from the ceiling and 20 cm (8 inches) from other objects so as to allow normal airflow around the detector.
- approximately 40 cm (16 inches) from an interior wall or approximately 50 cm (20 inches) from an exterior wall.
- Do not place the detector near heating, ventilating, and air-conditioning vents, doors, fans, windows, fireplaces, electrically powered equipment, television sets, stereos and speakers, or in direct sunlight. Air currents, sources of heat, and electrically powered appliances can affect some measurement devices.

Did placement conform to preferred device locations? Yes No
If no, explain here:

Some detectors may have further instructions for placement.

Did the detector include further instructions on placement not yet mentioned on this checklist?
 Yes No
If so, please state what they are.

Did you follow those instructions? Yes No

Further explanations if necessary.

3 Measurement Process

Health Canada recommends that every homeowner test their home for radon through the placement of at least one long-term detector for a minimum of 3 months. Ideally, this testing period should be when indoor radon levels are highest. In Canada, this is typically during the heating season from October to April, when homeowners keep windows closed for extended periods of time, and heating systems tend to create negative pressure, drawing more radon into the home.

BEGINNING THE TEST

Individual radon detectors have instructions for starting the test (such as removing from a bag).

Please state requirements of your device for beginning the radon test.

Did you follow the requirements? Yes No

It is important to record date radon test begun

Date Radon Test begun

Is your living space normally heated by this date?
 Yes No

ENDING THE TEST

Health Canada recommends at least 3 months, but in many cases longer tests are acceptable.

Date Radon Test ended

Individual radon detectors may have instructions for ending the test (such as placing into an envelope).

Please state requirements of your device for beginning the radon test.

Did you follow the requirements? Yes No

4 Acquiring and Interpreting Results

After the monitoring period is complete, return the detector to the certified radon professional or analytical laboratory for processing and evaluation of radon concentrations.

Was a certified radon professional involved?

Yes No

If so, name of certified radon professional

Did you send the radon detector to a laboratory?

Yes No

If so, name of laboratory or company handling testing

Radon Test Result: Average radon levels in Bq/m³

Attach laboratory results if available.

5 Signature

Your Name

Signature

Date

6 Declaration

If this form is to be used in legal proceeding (such as before the Residential Tenancy Branch), please consider having it notarized as follows:

I solemnly declare or make oath that I followed the procedure in this checklist, that I filled it in honestly, and the contents I have added are true.

Your Name

Signature

Date

Witness (fill in name and signature or stamp below)



Radon Testing Letter

Tenant's Name: _____

Tenant's Address: _____

Landlord's Name: _____

Landlord's Address: _____

Date: _____

Re: Radon Gas Testing

We are writing to request radon gas testing results for our residential unit.

Radon gas is a colourless, odourless, radioactive gas produced by the breakdown of uranium in bedrock and soil. It can accumulate in buildings and poses a health threat. It is the leading cause of lung cancer in non-smokers.

Health Canada has established the Canada Radon Guideline which applies to normally occupied spaces, including rental accommodation. It states that if radon levels are at or over 200 becquerels per metre cubed (Bq/m³) efforts should be made to reduce them to as low as reasonably achievable. If it is necessary to reduce radon levels, professional radon mitigators can install radon mitigation systems in one to two days. The Canadian National Radon Proficiency Program has a webpage to help you find a mitigator (<https://c-nrpp.ca/find-a-professional/>).

Ensuring that radon gas concentrations are below Canada's Guideline are an important part of ensuring that residential units are in good repair and suitable for occupation. More information on radon and landlords role is contained in the British Columbia Lung Foundation and Landlord BC's Radon: A Guide for British Columbia Landlords available at this [website](#).

We request that any testing be long-term tests conducted in accordance with Health Canada's [Guide for Radon Measurements in Residential Dwellings \(Homes\)](#). The British Columbia Lung Foundation has created a Checklist for Radon Testing to help ensure that any testing follow Health Canada's approved procedure. We have attached that to this letter.

Yours,

YOUR SIGNATURE

List of Housing Advocates in British Columbia

This list was compiled from resources from www.povnet.org and www.clicklaw.bc.ca. Links verified April 11, 2022. Advocates often have in depth experience with renters issues and at times can offer guidance or appear with you at the Residential Tenancy Branch. If they do not have experience with radon, they may be able to use this Guide, or draw on [our in depth legal opinion on Renters and Radon](#).

Aboriginal Community Legal Worker (1-866-577-2525)

Nanaimo
https://lss.bc.ca/legal_aid/aboriginalCommunityLegalWorker

Access Centre (250-493-6822)

#209 304 Martin Street Penticton, BC
<https://accesscentre.org/services/legal-advocacy/>
Email: advocate@accesscentre.org

Active Support Against Poverty/ Poverty Law Clinic (250-563-6112)

1188 6th Ave. Prince George, BC
<https://www.clicklaw.bc.ca/helpmap/service/1313>
Email: jason@asaphs.com

The Advocacy Centre (250-352-5777)

100-205 Hall Street Nelson, BC
<https://www.anndavis.org/legal-advocacy/>
Email: advocacycentre@nelsoncares.ca

Ann Davis Transition Society (604-792-2760)

9046 Young Rd. Chilliwack, BC
<https://www.anndavis.org/legal-advocacy/>
Email: info@anndavis.org

Archway Community Services (604-702-2907)

2420 Montrose Ave. Abbotsford, BC
<https://archway.ca/program/community-legal-advocacy/>
Email: kim.donaldson@archway.ca & ilena.candiani@archway.ca

AVI Health & Community Services (250-830-0787)

1371 Cedar Street Campbell River, BC
<http://avi.org/our-services/campbell-river>
Email: info@avi.org

Bella Coola Community Support Society (250-799-5588)

1028 Elcho St. Bella Coola, BC
<https://bccss.net/home/about/>

Bella Coola Legal Advocacy Program (250-982-2110)

2515 Saloompt Road Bella Coola, BC
https://www.facebook.com/BCLegalAdvocates/services/?ref=page_internal

Campbell River Advocacy (250-626-3522)

#101 300 St Ann's Rd.
Campbell River, BC
<http://cradvocacy.ca/>

Chimo Community Services (604-279-7077)

#110 5751 Cedarbridge Way,
Richmond, BC
<https://chimoservices.com/advocacy/outreach-advocacy/>
Email: chimo@chimoservices.com

Community Connections Revelstoke Society (250-837-2920)

314 Second St. East, Revelstoke, BC
<http://community-connections.ca/project/housing-support/>
Email: info@community-connections.ca

Community Connections Society of Southeast BC (250-426-2976)

209A 16th Ave N. Cranbrook, BC
<https://www.ccs Cranbrook.ca>
Email: ekadvocate@ccssebcb.com

Community Legal Assistance Society (1-888-685-6222)

Suite 300-1140 West Pender St.
Vancouver
<https://clasbc.net/>
Email: contact@clasbc.net

Community Services Advocacy Program (604-467-6911 Ext. 1210)

#200 22722 Lougheed Hwy.
Maple Ridge, BC
<https://www.comservice.bc.ca/programs-services/community-services/legal-resources/community-law-advocacy-program>
Email: ckingsbury@comservice.bc.ca

Community Services Pitt Meadows/ Maple Ridge (604-467-6911 ext. 1203)

Pitt Meadows & Maple Ridge
<https://www.comservice.bc.ca/node/77>
Email: rmagnusson@comservice.bc.ca

Cowichan Women Against Violence (250-748-7000)

246 Evans St. Duncan, BC
<https://povertylawadvocate.ca/>
Email: povertylawadvocate@cwav.org

Dze L K'ant Friendship Centre (250-847-5211 Ext. 210)

Smithers, BC
<http://www.dzelkant.com/legal-support-worker/>
Email: legal.advocacy@dzelkant.com

Elder Law Clinic (604-336-5653)

Vancouver
<https://seniorsfirstbc.ca/programs/legal-programs/>
Email: info@seniorsfirstbc.ca

Elizabeth Fry Society of Greater Vancouver (604-520-1166)

402 E. Columbia St. New Westminister, BC
<https://www.elizabethfry.com/we-can-help/programs-services/>

Elkford Women's Task Force Society (250-865-2031)

Elkford, BC
<http://www.ewtfs.ca/>
Email: elkvalleysafehomes@gmail.com

First United Legal Advocacy (604-681-8365)

320 E Hastings St. Vancouver, BC
<https://firstunited.ca/how-we-help/legal-advocacy/>
Email: advocacy@firstunited.ca

Fort Nelson Aboriginal Friendship Society (250-774-2993)

Fort Nelson
<https://fnafs.org/>
Email: fnafs@northwestel.net

Fort St. John Women's Resource Society (250-626-3522)

Fort St. John, BC
www.fsjwrs.ca/projects
Email: povertylaw@fsjwrs.ca

Golden Women's Resource Centre (250-344-5317)

419C 9th Avenue North, Golden, BC
<http://goldenwomenscentre.ca/virtual-legal-clinic/>
Email: gwrccd@uniserve.com

Haida Gwaii Legal Project Society (250-626-3522)

Haida Gwaii, BC
<https://www.clicklaw.bc.ca/helpmap/service/1088>

Indigenous Community Legal Clinic (1-888-684-7874)

148 Alexander St. Vancouver, BC
<https://allard.ubc.ca/community-clinics/indigenous-community-legal-clinic/information-clients>
Email: iclc@allard.ubc.ca

Kamloops Immigrant Services (1-866-672-0855)

448 Tranquile Road Kamloops, BC
<https://immigrantservices.ca/get-settled/settlement-program>
Email: kis@immigrantservices.ca

Kitimat Community Development Centre (250-632-3144)

1515 Kingfisher Ave Kitimat, BC
<https://kitimatcdc.ca/>
Email: jmitton@kitimatcdc.ca

Langley Community Services Society (778-574-4119 Ext. 101)

#100 6470-201 St. Langley, BC
<https://www.lcss.ca/programs-and-services/povertylaw/>
Email: ncornwallace@lcss.ca

The Law Centre at the University of Victoria (250-385-1221)

University of Victoria
<https://www.uvic.ca/law/about/centre/index.php>

Law Students Legal Advice Program (LSLAP) (604-822-5791)

Peter A. Allard School of Law, UBC, Allard Hall, Room 129 1822 East Mall, Vancouver, BC
<https://www.lslap.bc.ca/who-we-can-help.html>

Nicola Valley Advocacy Centre (250-378-9632)

2-2025 Granite Ave Merritt, BC
<https://www.nvcjss.com/>

North Shore Community Resources Poverty Law Advocacy (604-982-3310)

#201 935 Marine Dr. North Vancouver, BC
<https://legal.nscr.ca/legal-advocacy-program/>
Email: nicholas.smith@nscr.ca

Okanagan Advocacy & Resource Society (778-475-0808)

105-3402 27 Ave Vernon, BC
<https://www.clicklaw.bc.ca/helpmap/service/1062>
Email: tishlakes@okadvocate.ca

Omineca Safe Home Society (250-567-9959)

Vanderhoof, BC
<https://www.ominecasafefhome.ca/>
Email: info@ominecasafefhome.ca

Peers Victoria (1-250-388-5325)

1-744 Fairview Rd. Victoria, BC
<http://www.safersexwork.ca/>
Email: info@peers.bc.ca

Port Alberni Friendship Centre Legal Advocacy (250-723-8281)

Port Alberni
<https://www.pafriendshipcenter.com/programs/outreach-legal-advocate/>
Email: smuise@pafriendshipcenter.com

Powell River Community Services Association (604-485-2620)

#209 6975 Alberni St. Powell River, BC
<http://powellriver.fetchbc.ca/service.html?i=219>
Email: povertylaw@telus.net

Prince Rupert Unemployment Action Centre (250-627-8776)

869 Fraser St. Prince Rupert, BC
<https://www.clicklaw.bc.ca/helpmap/service/1059>
advocate.pruac@citywest.ca

Quesnel Friendship Centre (250-992-8347)

319 North Fraser Drive Quesnel, BC
<https://www.quesnefriendshipcentre.com/services.html>
Email: ellen.brown@qnfc.bc.ca & tony.goulet@qnfc.bc.ca

Richmond Multicultural Community Services (604-729-7160)

#210 7000 Minoru Boulevard Richmond, BC
<https://www.rmcs.bc.ca/getting-started/>
Email: ashok@rmcs.bc.ca

Sea to Sky Community Services (604-892-2022)

38024 Fourth Ave. Squamish, BC
<http://www.sscs.ca/programs/poverty-law-advocacy/>
Email: reid.noblehearle@sscs.ca

Society for Equity, Inclusion and Advocacy (SEIA) (250-753-2321)

#203 489 Wallace St. Nanaimo, BC
<https://www.seia.ca/programs>
Email: don@seia.ca

The Shuswap Family Centre (250-832-2170)

681 Marine Park Drive NE, Salmon Arm, BC
<https://familyresource.bc.ca/programs/legal-advocacy-program/lawadvocacyinfo@familyresource.bc.ca>

**Seniors' Entitlement Services
(250-388-7696 Ext. 230)**

901 Kings Rd. Victoria, BC
<https://www.qvcc.ca/seniors-entitlement-services>
Email: sescoordinator@quadravillagecc.com

SHARE: Poverty Law Advocacy Program (604-540-9161)

#104 3020 Lincoln Ave. Coquitlam, BC
<https://sharesociety.ca/legal-advocacy>

SOURCES Community Resources Legal Advocacy (778-735-1368)

Lower Mainland
<https://www.sourcesbc.ca/our-services/advocacy-housing-prevention-services/>
Email: info@sourcesbc.ca

South Peace Community Resources Society (250-782-9174)

Dawson Creek, BC
<https://www.spcrs.ca/>
Email: reception@spcrs.ca

Sunshine Coast Resource Centre (604-885-4088)

107A – 5710 Teredo St. Sechelt, BC
<https://resourcecentre.ca/program/community-legal-advocacy/>
Email: advocate@resourcecentre.ca

St Paul's Anglican Advocacy Office (604-683-4287)

1130 Jervis St. Vancouver, BC
<https://www.stpaulsanglican.bc.ca/pages/advocacy-office>
Email: ao@stpaulsanglican.bc.ca

Tenant Resource & Advisory Centre House Law Clinic

(604-255-3099 Ext. 230)

Vancouver
<https://tenants.bc.ca/contact/>

Terrace & District Community Service Society (250-635-3178)

Terrance, BC
<https://tdcss.ca/services/legal-advocacy/>
Email: shirleygray@tdcss.ca

Together Against Poverty Society (250-361-3521)

828 View St. Victoria, BC
<https://www.tapsbc.ca/>
Email: tadvocate@tapsbc.ca

Trail FAIR Centre Society (250-364-2326)

2079 Columbia Ave. Trail, BC
<https://www.trailfair.ca/>
Email: hello@trailfair.ca

Thompson Rivers University Legal Clinic (778-471-8490)

204-246 2nd Ave Kamloops, BC
https://www.tru.ca/law/students/outreach/Legal_Clinic.html

Upper Skeena Counselling & Legal Assistance (1-877-842-5218)

4305 Field Street Hazelton, BC
<http://usclas.com/>

Vancouver Aboriginal Friendship Society (604-251-4844)

1607 East Hastings St. Vancouver, BC
<http://www.vafcs.org/programs/urban-aboriginal/>
Email: info@vafcs.org

Victoria Immigrant & Refugee Centre Society (250-361-9433)

1004 North Park St. Victoria, BC
<https://www.vircs.bc.ca/>
Email: haixia@vircs.bc.ca

Victoria Native Friendship Centre Support Programs (250-384-3211)

231 Regina Ave. Victoria, BC
<https://www.vnfc.ca/programs-services/health-services>
Email: raelene.c@vnfc.ca & tara.b@vnfc.ca

Wachiyai Friendship Centre Poverty Law Advocacy

McPhee Ave. Courtenay, BC
<https://www.wachiyai.org/our-services-2>
Email: shane.c@wachiyai.org

Westcoast Community Resource Society (250-726-2343)

500 Matterson Drive, Ucluelet, BC
<https://www.wccrs.ca>
Email: communityoutreach@wccrs.ca

Women's Contact Society (250-392-4118)

51A Fourth Ave S. Williams Lake, BC
<https://womenscontact.org/>
Email: advocacy@womenscontact.org

OTHER RESOURCES AND LOCAL DATABASES:

Access Pro Bono: <https://www.accessprobono.ca/get-legal-help>

Law Foundation Legal Advocates:
<https://www.lawfoundationbc.org/public-resources/contact-list/>