

## ***Measures Respecting Premises with Illegal Drug Activity Act, 2025*** **Additional Information for Landlords and Tenants**

The purpose of this document is to provide additional information to landlords and tenants and can be used to assist with understanding this Act.

Disclaimer: This document is for informational purposes only and does not constitute legal advice. Landlords should seek legal advice to determine their obligations under this Act.

The [\*Measures Respecting Premises with Illegal Drug Activity Act, 2025\*](#) (MRPIDAA) which will come into force on July 1, 2026, prohibits commercial landlords from knowingly permitting their premises to be used in relation to drug offences that are prescribed under the Act. The only prescribed offence of the Act is s. 7.1 (1) (a) of the *Controlled Drugs and Substances Act* (CDSA), which states that “no person shall possess, produce, sell, import or transport anything intending that it will be used (a) to produce a controlled substance, unless the production of the controlled substance is lawfully authorized”. The Act also prohibits any person from knowingly possessing proceeds of an offence under the Act and creates new provincial offences with penalties for individuals and corporations (including fines of up to \$250,000 or a term of imprisonment).

When the Act comes into force, it will apply only to commercial landlords. It will not apply to residential landlords, retirement homes, long-term care homes, or premises providing homelessness prevention and support services, including emergency shelters and providers of health and social services.

Once in force, the Act will provide police officers with an additional enforcement tool with respect to illegal drug production.

Under the Act, if police officers have reasonable grounds to believe that a commercial landlord is knowingly permitting offences under s. 7.1 (1) (a) of the CDSA, they can:

- Seize items that will provide proof of an offence under the Act;
- Order people to vacate premises if the prescribed drug offence is occurring there. This power would not apply to people living on the premises;
- Close premises if a person has been charged with committing the prescribed drug offence and the police have reasonable grounds to believe the premises were used in the commission of the alleged offence. This power would not apply to residences;
- Apply to court to recover certain enforcement costs.

### **Regulations under the Act:**

MRPIDAA includes two regulations. The first regulation ([Exclusion of Certain Landlords O. Reg 145/26](#)) excludes certain persons from the definition of “landlords” and the second regulation ([Prescribed Offences O. Reg 144/26](#)) prescribes one offence.

#### **1. Exclusion of persons as “landlord” (O. Reg 145/26)**

MRPIDAA includes regulation-making authority to clarify who is a landlord and who is excluded.

Under s. 1 (2) of the Act, a person is a landlord of a premises if:

- a) the person has leased the premises to a tenant for residential use;
- b) the person has leased the premises to a tenant for commercial use; or
- c) the person is a tenant to whom the premises is leased, whether for residential or commercial use, and has sublet the premises to another person.

**Note:** Only clause (b) of s. 1 (2), “*b) the person has leased the premises to a tenant for commercial use*” of the Act will come into force on July 1, 2026.

As a result of the Exclusion of Certain Landlords regulation made under the Act, a person is not a landlord in relation to the following premises:

- A retirement home
- A long-term care home
- Premises providing homelessness prevention and support services, including emergency shelters and providers of health and social services

## 2. Prescribed Offences (O. Reg 144/26)

MRPIDAA allows the government to make regulations to prescribe offences for the purposes of the Act that are offences under federal laws that relate to the production or trafficking of a controlled substance, a precursor, or cannabis. The Prescribed Offences regulation makes possession, production, selling, importing or transporting anything intending that it will be used to produce a controlled substance, unless lawfully authorized, as captured in **section 7.1 (1) (a) of the *Controlled Drugs and Substances Act (CDSA)***, a “prescribed offence” for the purpose of MRPIDAA.

**Section 7.1 of the CDSA** provides that:

7.1 (1) No person shall possess, produce, sell, import or transport anything intending that it will be used

(a) to produce a controlled substance, unless the production of the controlled substance is lawfully authorized.

For more information on controlled substances and precursors, please refer to the [Controlled Drugs and Substances Act \(CDSA\)](#) and [Precursor Control Regulations](#) and their schedules.

## Questions and Answers

### Who is considered a commercial landlord?

For the purposes of this Act, a landlord who leases their premises for commercial use would be considered a commercial landlord. A landlord may determine whether their premises have been leased for commercial use, based on the terms of the lease.

**Are there certain landlords who are currently excluded from the meaning of landlord under this Act?**

Yes. There are specific exemptions for retirement homes, long-term care homes, and premises providing homelessness prevention and support services (including emergency shelter providers and providers of health and social services).

The Act will only apply to commercial landlords.

**Why does the government feel it is appropriate to hold commercial landlords responsible for the actions of their tenants?**

Landlords have a responsibility to ensure that their premises are safe for everyone and are not knowingly being used for illegal purposes.

When illegal drug production activities take place in commercial buildings, it can create dangerous, unsafe conditions for other tenants and businesses.

Landlords who knowingly permit prescribed illegal drug production activity on their premises will be held accountable.

**Are commercial landlords expected to take proactive measures to detect possible drug production activity?**

The Act does not create new obligations for landlords to proactively find out if their tenants are engaging in illegal production activities. However, if a landlord believes that tenants are engaged in illegal production activity, failing to confirm this belief might result in a landlord being found to knowingly permit the activity.

As set out in the Act, if a landlord is charged with an offence for knowingly permitting prescribed illegal drug production activity on their premises, it is a defence to the charge that the landlord took reasonable measures to prevent the activity.

If they are not already doing so, possible actions landlords could take to reduce the chance that prescribed drug offences take place on their leased premises could include:

- Implementing oversight measures such as inspections and installing security systems where appropriate;
- Ensuring staff, property managers and board members are educated on their responsibilities and establishing internal protocols for responding to suspected illegal activity;
- Consulting with legal counsel for lease drafting, risk management, and compliance strategies;

- Reviewing and updating lease agreements to include clauses allowing for termination upon discovery of illegal activity.

### **What are signs that may indicate possible illegal drug production on site?**

Tell-tale signs of drug labs include physical, behavioural and supply indicators.

Physical indicators include stronger unusual chemicals (e.g., ammonia), excessive condensation, blacked out windows, corrosion in stove/sink, modified vent, unexplained modifications to the premise and utility flags (water, electrical).

Behavioral indicators include tenants refusing entry, high foot traffic at all hours, rent cash payments, short-term occupants rotating through the premise, refusing criminal checks, avoiding other tenant interactions, and being secretive.

Supply indicators include large quantities of chemicals, deliveries at night of chemicals, dumping chemicals down sinks causing corrosion, and garbage such as glass or chemical containers.

Other signs include waste being dumped, disheveled properties (especially rural), properties where nobody is living but people are coming and going at all hours, and a driveway/parking lot not shoveled.

### **What are the “reasonable measures” (i.e. the due diligence) landlords may take if they become aware that the prescribed offences are taking place on the premises?**

As set out in the Act, if a landlord is charged with an offence for knowingly permitting prescribed illegal drug production activity on their premise, it is a defence to the charge that the landlord took reasonable measures to prevent the activity.

If a landlord becomes aware, or has reason to suspect, that prescribed illegal drug production activity may be taking place on their premise, the landlord may contact the police. The landlord may also consider taking other appropriate steps to prevent the illegal drug production activity from continuing, which depending on the circumstances could include:

- Gathering further information about the activities occurring on the premise;
- Conducting a reasonable inspection of the premise if permitted by their lease;
- Taking steps to lawfully evict the tenant, in accordance with the *Commercial Tenancies Act* and the rules set out in their lease;
- Once a tenant has been lawfully evicted, ensuring that the tenant no longer has access to the premises.

What is reasonable in a specific scenario will depend on the circumstances. Landlords who are concerned about their tenant’s activities are strongly encouraged to seek legal advice.