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CHAPTER P-30

PUBLIC HEALTH ACT

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. In these regulations

Definitions

- (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; apartment
- (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; apartment block
- (c) “attic” means the space which is between the top floor ceiling and the roof and between a dwarf wall and a sloping roof; attic
- (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; basement
- (e) “bathroom unit” means a room bathroom unit
- (i) containing one water closet, one hand basin and one bathtub or shower with both hot and cold running water, and subject to the Plumbing Code, and
- (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; dwelling unit

heating of water for bathroom and kitchen facilities	<p>(g) “heating of water for bathroom and kitchen facilities” means If the owner of the said dwelling or apartment does not provide heating facilities in the form of a furnace, he must supply tenant or tenants of his apartments or dwelling units with a suitable water heater which will supply hot running water for bathroom and kitchen facilities;</p> <p>If the said dwelling has no facilities for heating water, a water storage tank shall be installed in each and all apartments and in such a manner that the tenant may install a stove or other such heating facility which may be used in conjunction with said water storage tank for the purpose of heating water;</p>
housekeeping room	<p>(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;</p>
housekeeping unit	<p>(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;</p>
inspector	<p>(j) “inspector” means the sanitary officer or other persons designated by the Minister to enforce the provisions of these regulations;</p>
medical health officer	<p>(k) “medical health officer” means a physician appointed by the Lieutenant Governor in Council under the provisions of the <i>Public Health Act</i> R.S.P.E.I. 1988, Cap. P-30;</p>
Minister	<p>(l) “Minister” means the Minister of Health;</p>
owner	<p>(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;</p>
person	<p>(n) “person” includes any person, male or female, and any body corporate or politic, and heirs, executors, administrators, or other legal representatives of such person to whom the content can apply according to law;</p>
room	<p>(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>

(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;

sleeping unit

(q) “sanitary facilities” means any water closet, urinal, bathtub, shower or hand basin, including the room where such facility is installed, provided that property fronts on water main or sewage system; where said property does not front on water main or sewage system the sanitary facilities will be examined at the discretion of the Minister or the inspector. The facilities will be constructed so as to give privacy and be a specified distance from the dwelling and comply with the *Public Health Act* as to chemicals used;

sanitary facilities

(r) “tenant” means the occupant of a dwelling unit or part thereof;

tenant

(s) “N.H.A.” means National Housing Act. (EC142/70; 301/80; 622/05)

N.H.A.

2. (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.

Space requirements,
sleeping area

(2) Every room shall have a minimum ceiling height of seven feet six inches and in compliance with N.H.A. Regulations. Living room shall have a minimum floor area of eighty square feet and no other room other than kitchenettes, water closet compartments, or bathrooms shall be in any part less than seven feet wide or in compliance with N.H.A. Regulations.

Living area

(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 the medical health officer, 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.

Sanitary facilities

When, in the opinion of the medical health officer, 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 in which is installed any of the sanitary facilities detailed above hereof shall be adequately ventilated and shall be provided with artificial lighting equipped with a globe of at least sixty watts.

Any building where water main facilities or sewage systems are not available (i.e. outhouse) must comply with use of proper sanitary chemicals according to the regulations and directives of the Minister. (EC142/70)

Basement rooms for living quarters

- 3.** 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 or in compliance with N.H.A. Regulations;
 - (c) the floors and walls are water-tight;
 - (d) the basement is dry and has a floor drain which complies with the requirements of the Plumbing Code of the Province of Prince Edward Island;
 - (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 Fire Inspector. (EC142/70)

Cellar rooms for living quarters

- 4.** 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 the Minister 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 or in compliance with N.H.A. Regulations. (EC142/70)

Light

- 5.** (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 or in compliance with N.H.A. Regulations.

(2) Every bathroom or room containing a toilet or urinal shall be provided with ventilation 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 the Medical Health Officer or the Minister.

(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. Area of glass

(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. Opening of windows

(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. Skylights

(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 or in compliance with N.H.A. Regulations. Lighting

(7) For those buildings that do not front on a water main or sewage system, the toilet facilities shall have proper ventilation so as not to create a health hazard. (EC142/70) Ventilation

6. An owner may rent or allow to be rented or occupied any accommodation Housekeeping requirements

- (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 or subject to N.H.A. Regulations;

(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 the medical health officer or subject to N.H.A. Regulations. (EC142/70)

- Garbage disposal **7.** 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 the medical health officer provided that in the case of the dwelling unit, the tenant shall supply and maintain such garbage can. (EC142/70)
- Heating **8.** (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 the Minister or the medical health officer.
- 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 fire inspector. (EC142/70)
- Maintenance of premises **9.** 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. 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 or in compliance with Residential Standards Supplement No. 5 to the National Building Code of Canada.
(EC142/70)

Food storage

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

Number of persons

- (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. 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 the medical health officer following a written complaint signed by two or more occupants of the dwelling. (EC142/70)

Pets

13. 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)

Register

14. The tenant shall

Responsibility of
the tenant

- (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 sanitary inspector of the Department of Health 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 the medical health officer 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)

Inspection **15.** (1) The medical health officer or an authorized inspector shall have the right at all reasonable times to enter and inspect any rental dwelling or any part thereof.

Idem (2) Inspections may be carried out where the Department of Health deems necessary, or upon a written complaint will define the reason for said inspection.

Obstruction (3) No person shall obstruct the medical health officer or the inspector in his duties or refuse or fail to comply with any provision of these regulations or with any notice issued in accordance with these regulations. (EC142/70; 301/80; 622/05)

Notice of violation **16.** (1) Whenever the Minister determines that there are reasonable grounds to believe that there has been a violation of any of the provisions of these regulations, he shall give written notice of such alleged violation to the owner or occupants, as the case may require, of the dwelling or premises containing such violation as hereinafter provided.

Contents of notice (2) Such notice shall
(a) contain a statement of the point or points of non-compliance with these regulations; and
(b) fix a definite period of time, not to exceed thirty days in which such owner or occupants, as the case may require, must complete whatever remedial action is necessary to eliminate the point or points of non-compliance with these regulations.

Closure of premises (3) If the owner or occupant refuses or neglects to comply with the order after thirty days the premises will be closed by order of the Minister or medical health officer, and will not be reopened until all regulations therein are complied with. (EC142/70)

Penalties **17.** (1) Any person or tenant who infringes any of the provisions of these regulations or fails to comply therewith or with any notice lawfully given thereunder shall, where no other penalty is provided, be liable under summary conviction to a penalty of not less than twenty-five dollars and not more than five hundred dollars.

(2) The imposition of a penalty for failure to comply with a notice shall not relieve the person in default from carrying out the work therein mentioned, but he shall be liable on summary conviction to a further penalty of not less than one dollar and not more than ten dollars for each day after the first penalty is imposed until he has complied with the notice. (EC142/70) Continuing default

18. (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. Application

(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. *Idem*

(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) Relaxation of requirements