

Commercial Real Estate: Landlord

Check off each item as they are completed

Done

Discuss the implications of unhealthy concentrations of radon gas with the landlord

- Explain what radon gas is and its health implications
- Provide the landlord with radon related links or publications.
- Ask if the landlord if they have tested their building for the presence of radon gas and whether they used a reliable radon test

If the landlord has tested for radon

- Ask for a copy of the certified test results.

The results show less than 200 Bq/m³

- Health Canada considers results at, or less than 200 Bq/m³, to be the maximum acceptable level.

The results show 200 Bq/m³ or higher

- If the results show 200 Bq/m³ or higher, and the landlord hired professional to remediate the properties, this will likely appeal to tenants.
- If the results show 200 Bq/m³ or higher, and the landlord has done nothing to mitigate the unhealthy concentration of radon gas, this is a material latent defect and you must disclose it to the commercial tenants.

If the landlord has not tested for radon, but their tenant does their own testing and levels over 200 Bq/m³ are found, the tenant could:

- File a complaint under the Public Health Act
- Sue for damages associated with the failure to providing an environment devoid of nuisances
- Terminate the tenancy