

# Hoarding and Tenancy



Dealing with hoarding in a tenancy situation involves a balancing act between a landlord's rights and tenant's rights under the law. Under the *Residential Tenancies Act (RTA)*, a tenant has the right to quiet enjoyment of their property, and a landlord has a corresponding duty to make sure this right is upheld.

However, a tenant also has a duty to keep their home in a reasonably clean condition and a landlord also has a duty to meet minimum housing and health standards in their housing premises.

Hoarding situations can be especially challenging when mental disability and/or other human rights issues are involved. The following publication will provide some basic information about hoarding and tenancy situations for landlords.

## What is hoarding?

It is estimated that 2 to 6 out of every 100 people suffer from hoarding disorder, which is recognized as a mental disorder in the 5th Edition of the *Diagnostic and Statistical Manual of Mental Disorders*.

Hoarding disorder is the persistent difficulty in getting rid of things and/or a strong desire to acquire things, resulting in extremely cluttered living space and significant impairment in important areas of functioning (for example, social and occupational functioning).

Hoarding disorder can present in different ways and can vary in severity.

*For example, a hoarding tenant may simply accumulate an inordinate amount of clutter or a large number of animals.*

Sometimes hoarding becomes so severe that it can lead to potential health and safety hazards for both the tenant and others.

*For example, hoarding can lead to fire hazards, mold, insects, rodent infestations, or noxious odours.*

Extreme hoarding can lead to property being declared unfit or unsafe for human habitation.

## I'm a landlord and have received several complaints that one of my tenants is a hoarder. What can I do?

If you suspect that your tenant is hoarding and there may be potential safety and health issues in the premises, you can serve the tenant with a 24 hour Notice of Entry to inspect the premises. You should document the inspection and outline your concerns in writing.

Talk to your tenant about your concerns and work with them to formulate solutions for removing clutter – especially any clutter that poses an immediate health and safety concern. You can also refer your tenant to community resources for hoarding disorder.

### TIP

The *Residential Tenancies Act* does not address the issue of accumulation and removal of clutter on rental properties. If the law is silent on a particular issue, then the landlord and tenant can agree to anything in the rental agreement, as long as it is not illegal.

Consider having your standard rental agreement reviewed by your lawyer. Your lawyer may be able to provide advice on how to address this issue in your rental agreement, as well as any other concerns.

If you are concerned about a tenant's hoarding, be aware that you may have a duty to accommodate the tenant. Under the *Alberta Human Rights Act*, a landlord cannot discriminate against a tenant based on mental disability or any other grounds under the *Alberta Human Rights Act*.

Hoarding may be considered a disability requiring accommodation under the *Alberta Human Rights Act*. If a tenant is suffering



Image credit: ASPCA's A Closer Look at Animal Hoarding  
[www.asPCA.org/animal-cruelty/animal-hoarding/closer-look-animal-hoarding](http://www.asPCA.org/animal-cruelty/animal-hoarding/closer-look-animal-hoarding)

from hoarding disorder that is a symptom of or amounts to a disability, a landlord has a duty to accommodate that tenant, up to the point of undue hardship. Undue hardship occurs if accommodation would create onerous conditions for a landlord, for example, intolerable financial costs or serious disruption to business.

### TIP

To learn more about the *Alberta Human Rights Act* and a landlord's human rights obligations in a tenancy situation, refer to the Alberta Human Rights Commission's website:

[www.albertahumanrights.ab.ca](http://www.albertahumanrights.ab.ca)

## How can I accommodate a hoarder?

Accommodation means making changes to certain rules, standards, policies, and physical environments to ensure that they don't have a negative effect on a person because of the person's mental disability or any other protected ground.

In a tenancy situation, reasonable accommodation may include:

- Allowing tenants to accumulate more clutter than other tenants
- Working with tenants to help them improve any legitimate health and safety implications of a large accumulation of property
- Providing extra storage space for tenants unable to get rid of possessions that are safety concerns after all other efforts have failed

Content in list adapted from article by Sarah Eadie, "Human Rights in Residential Tenancies and the RTDRS" (May 8, 2012), online (blog): The Access Review :  
<https://accessreview.ca/2012/05/08/human-rights-in-residential-tenancies-and-the-rtdrs/>

## What can I do if accommodation doesn't work?

Eviction may be an option if accommodation doesn't work. Under the RTA, if a tenant breaches the rental agreement or the RTA, a landlord can evict a tenant through a 14 Day Eviction Notice. If a tenant opposes or fails to move out, the landlord can apply to the RTDRS or the Provincial Court for an order terminating the tenancy.

While eviction is an option, balancing a tenant's right to enjoy their property with a landlord's duty to maintain minimum housing and health standards is difficult. The situation can become especially complicated when a tenant has a mental disability or if there's any other human rights issues involved.

Landlords should speak with a lawyer before evicting a tenant with hoarding disorder or pursuing any legal remedies.

### TIP

See these links for more information about Minimum Housing and Health Standards in Alberta.

<https://www.landlordandtenant.org/repairs/minimum-housing-and-health-standards/>

<https://www.cplea.ca/wp-content/uploads/MinimumHousingStandards.pdf>

<https://open.alberta.ca/publications/minimum-housing-and-health-standards>

## What can I do if animal hoarding is involved? My tenant is hoarding animals and I'm concerned about the welfare of the animals.

You can contact your local Humane Society or SPCA. Different agencies will investigate concerns based on the animal's location, type and the nature of the concern.

### TIP

For more information, refer to the Edmonton Humane Society's webpage on reporting animal concerns in Alberta:



[www.edmontonhumanesociety.com/what-we-do/services/report](http://www.edmontonhumanesociety.com/what-we-do/services/report)

## Community Resources for Hoarding Disorder

If you are renting to a tenant who may be suffering from hoarding disorder, you can refer them to the following community resources.

### Mental Health Help Line

24/7 telephone service for Albertans which provides information about mental health programs and services and referrals to other agencies

1.877.303.2642 (Toll free)

### Canadian Mental Health Association

(Edmonton)

Sorting Through Hoarding Drop-In Support Group

[www.edmonton.cmha.ca/programs\\_services/hoarding-support](http://www.edmonton.cmha.ca/programs_services/hoarding-support)

780.761.5693 or 780.717.1745

### Seniors Association of Greater Edmonton

(SAGE)

This Full House Program (program for individuals aged 55 and over)

[www.mysage.ca/help/this-full-house](http://www.mysage.ca/help/this-full-house)

587.773.1764

### Carya (Calgary)

Making Room A Hoarding Support Group

[www.caryacalgary.ca/our-programs/older-adults/making-room](http://www.caryacalgary.ca/our-programs/older-adults/making-room)

403.537.3383

### Calgary Community Hoarding Coalition

[www.toomuchstuffcalgary.ca](http://www.toomuchstuffcalgary.ca)

## Information on Hoarding Disorder

### My.Health.Alberta.ca

<https://myhealth.alberta.ca/health/pages/conditions.aspx?Hwid=abq2245>

### Anxiety Canada

[www.anxietycanada.com/adults/hoarding-disorder](http://www.anxietycanada.com/adults/hoarding-disorder)

### eMentalHealth.ca

[www.ementalhealth.ca/Alberta/Hoarding/index.php?m=article&ID=13330](http://www.ementalhealth.ca/Alberta/Hoarding/index.php?m=article&ID=13330)

## Other Resources

### Lawyer Referral Service

The Lawyer Referral Service can help people find a lawyer. The service operates out of the Calgary and Edmonton offices, but can provide contact information for lawyers from across Alberta.

[www.lawsociety.ab.ca/public/lawyer-referral](http://www.lawsociety.ab.ca/public/lawyer-referral)

1.800.661.1095 (toll free)

or 403.228.1722 (in Calgary)

### Alberta Human Rights Commission

An independent commission who has responsibility for human rights issues. The Commission resolves and settles complaints made under the *Alberta Human Rights Act*.

[www.albertahumanrights.ab.ca](http://www.albertahumanrights.ab.ca)

Northern Office: 780.427.7661

Southern Office: 403.297.6571

### CPLEA Laws for Landlords and Tenants Program

General information on landlord and tenant law in Alberta.

[www.landlordandtenant.org](http://www.landlordandtenant.org)

© April 2019

Legal Resource Centre of Alberta Ltd., Edmonton, Alberta

Operating as: Centre for Public Legal Education Alberta

**You should NOT rely on this publication for legal advice.  
It provides general information on Alberta Law only.**

This project was made possible through a grant from the Alberta Real Estate Foundation.

