

The Legalization of Marijuana and its Effect on Residential Real Estate Law in Alberta

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Legalization of Marijuana

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THE LEGALIZATION OF MARIJUANA AND ITS EFFECT ON RESIDENTIAL REAL ESTATE LAW IN ALBERTA

The passing of the *Cannabis Act* and the legalization and regulation of recreational cannabis has caused many Canadians to wonder how this will affect their daily lives. Below we will discuss how these changes will impact the practice of residential real estate law by examining the following:

1. Applicable provisions/definitions in the *Cannabis Act*;
2. Legalization's effect on residential tenancies; and
3. Legalization's effect on condominiums.

APPLICABLE PROVISIONS/DEFINITIONS IN CANNABIS ACT

"Dwelling-House"

- Same definition as *Criminal Code*
 - Means the whole or any part of a building or structure that is kept or occupied as a permanent or temporary residence, and includes:
 - a building within the curtilage of a dwelling-house that is connected to it by a doorway or by a covered and enclosed passage-way; and
 - a unit that is designed to be mobile and to be used as a permanent or temporary residence and that is being used as such a residence.
- For the purposes of cultivation, propagation and harvesting under the *Cannabis Act*, "dwelling-house" also includes any land that is subjacent to it and the immediately contiguous land that is attributable to it, including a 10 yard garden or any similar land any building or structure thereon.

Possession

- An adult (18+) is entitled to possess up to 30g of dried cannabis, provided it is not illicit cannabis (sold, produced or distributed in contravention of the Act).
- A young person (<18) is entitled to possess up to 5g of dried cannabis.
- Plants cannot be possessed in public if they are budding or flowering.