

We get asked questions...

Can someone grow cannabis in their condominium unit, even if there are condominium rules that prohibit it?

The short answer is: No.

Section 12(4) of the federal *Cannabis Act*, states,

- (4) Unless authorized under this Act, it is prohibited for an individual who is 18 years of age or older to cultivate, propagate or harvest, or to offer to cultivate, propagate or harvest,
 - (a) a cannabis plant that is from a seed or plant material that they know is illicit cannabis; or
 - (b) more than four cannabis plants at any one time in their dwelling-house.

This means it is not illegal to grow up to four cannabis plants in your home, including your condominium unit. It is not illegal – but that does not mean it is allowed. There are many things that are legal, so far as the Criminal Code or other laws are concerned, but are not permitted to be done on the condominium property if it is contrary to the condominium rules.

Section 58 of the *Condominium Act, 1998*, authorizes condominium corporations to make reasonable rules that promote the safety, security or welfare of the owners and of the property and the assets, if any, of the corporation, or that prevent unreasonable interference with the use and enjoyment of the units, the common elements or the assets, if any, of the corporation. Under section 119 of that Act, every unit owner and occupant of a unit is required to comply with those rules (and under section 17 of the Act, the condominium corporation, managed by the condominium board, has the obligation to enforce that compliance).

The Ontario government has acknowledged this on its information page, “Cannabis Laws” (located [here](#)), where it states,

You may grow up to four cannabis plants per residence (not per person) **if:**

- you are 19 years of age and older
- it is only for your personal use
- the starting material was purchased from the Ontario Cannabis Store or an authorized retail store
- **it is not forbidden by your lease agreement or condo rules**

Can there be circumstances where you can grow cannabis even if the condominium rules prohibit it?

Yes.

A situation where growing cannabis might be permitted, even if your condominium’s rules say you can’t, is where your rights under the Ontario *Human Rights Code* are affected. This could arise where it can be established that your medical condition legitimately **requires** you to grow your own cannabis at home, such as for daily medical use. (Note that, for medical marijuana, the 4-plant limitation does not apply; however, you would need to meet the requirements for registration under the *Cannabis Regulations* to grow a higher number of plants for medical use.)

Condominium corporations, like other entities, are required to accommodate the needs of people with disabilities, which could include persons who need to grow cannabis at home for daily medicinal use. The form and extent of that accommodation could differ on a case-by-case basis.

As in all cases, you should never take the law into your own hands. Before growing cannabis – including medical use cannabis – contrary to your condominium’s rules, you should seek advice from knowledgeable legal counsel.