
HOARDING IN RESIDENTIAL PREMISES

Once a very hot topic, instances of hoarding have been decreasing in the housing industry, probably because of some helpful public advocacy along with monitoring assistance introduced by various local authorities. Nevertheless, it still exists and could constitute a hidden problem for housing providers if hoarding is not apparent from the exterior of a residential unit.

The first step is to understand what hoarding is and why people engage in the behaviour. The Mayo Clinic describes hoarding as a disorder where there is a persistent difficulty in discarding or parting with possessions because of perceived need to save them. A person with hoarding disorder experiences distress at the thought of getting rid of the items. Excessive accumulation of items, regardless of actual value, occurs.

Detection of hoarding is important. Hoarding can cause damage to the residential premises. Excessive accumulation of items can cause moisture damage and vermin issues. Life safety issues may also arise if the kitchen, washrooms or even base-board heaters are covered with combustible items.

Housing providers have various remedies that permit them to inspect a residential unit:

Landlords are permitted to inspect a rental unit under s.29 of the *Residential Tenancy Act*;

Strata Corporations are permitted to inspect under Standard Bylaw 7 (subject to other bylaws filed by the Strata):

Housing Co-operatives are entitled to inspect under OA22 of the CHFBC Model Rules 2.0.

Housing Corporations rely on the terms of their leases for inspection.

Hoarding necessarily engages the *Human Rights Code*. Hoarding is a disability. Under the *Code*, a housing provider must accommodate a person's disability to the point of undue hardship.

Accommodation is not a one-way street. A hoarder's disability does not mean that they are relieved from compliance with the bylaws, rules or contractual provisions with the housing provider. Rather it means that if the hoarder is adversely impacted by the bylaws or rules or contractual provisions due to the disability, then the housing provider must take reasonable steps to accommodate the disabled person up to the point of undue hardship. Both parties have a responsibility in the accommodative process.

How should a housing provider respond to a hoarding situation? Suggested strategies include:

- Understanding;
- Because housing providers are dealing with mental and human rights issues, it is advisable to attempt to firstly resolve the issue through non-traditional methods such as scheduled clean up, inspections to review progress, providing a dumpster, community may assist and family involvement;
- Notify local authorities such as fire officials.

The duty to accommodate is not indefinite. There will come a time when a housing provider has done all they can do and is entitled to move on to eviction, member termination or lease termination. *Malitsky v. Vera Housing Co-operative Association* 2026 BCSC 858 is a good example of how to properly deal with hoarding. The Co-op had tried to work with the member for years with varying degrees of success. Nothing solved the problem. The Co-op obtained third party reports that detailed the state of the residential premises. The member was motivated by the possibility of termination to improve the situation and was able to satisfy local authorities as to safety issues. However, the state of the unit remained not in keeping with the standard of the development and the member was terminated. Critical to the case was a follow-up third party inspection undertaken just before the court hearing that indicated that the member had simply reverted to the old behaviour.

The *Human Rights Code* was not in play in the *Malitsky* case although it is probable that any human rights claim would fail because of the years-long attempts by the Co-op to accommodate the member's disability.

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