

1968 Bill 54

First Session, 16th Legislature, 17 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 54

An Act to amend The Landlord and Tenant Act

THE ATTORNEY GENERAL

First Reading

Second Reading

Third Reading

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1968

An Act to amend The Landlord and Tenant Act

(Assented to _____, 1968)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Landlord and Tenant Act* is amended by adding the following section after section 8:

8a. (1) In this section "damage deposit" means any deposit of money that was given to a landlord by a tenant leasing premises from him and which is refundable on the expiry or termination of the tenancy, subject to such conditions as to deductions therefrom as were agreed to by the tenant.

(2) Where a landlord has received a damage deposit from a tenant, then upon the expiry or termination of the tenancy,

(a) the landlord shall return the deposit to the tenant,
or

(b) if all or any part of the deposit is deducted in accordance with the conditions agreed to by the tenant, the landlord shall

(i) deliver a statement of account therefor, and

(ii) return the balance of the deposit, if any,
to the tenant,

not later than 10 days after the tenant delivers up possession of the premises in respect of which the deposit was made.

(3) A person who contravenes subsection (2) is guilty of an offence and liable on summary conviction to a fine of not more than \$100.

(4) Where a landlord fails to return all or part of a damage deposit to a tenant in accordance with subsection (2), then, whether or not a statement of account was delivered to the tenant, the tenant may take proceedings under *The Small Debts Act* to recover the whole of the deposit or that part of the deposit to which the tenant claims to be entitled, if the amount claimed is within the monetary jurisdiction of the court.

Explanatory Notes

1. This Bill amends chapter 43 of the Statutes of Alberta, 1964 to require landlords to return or account for damage deposits within 10 days after a tenant moves out. It also provides for proceedings under The Small Debts Act to recover a deposit.

(5) In proceedings taken under subsection (4) the magistrate or judge

(a) shall determine the amounts, if any, which the landlord is entitled to deduct from the damage deposit in accordance with the conditions agreed to by the tenant, and

(b) where the deductions so determined are less than the amount of the deposit, shall give judgment in favour of the tenant for the balance.

2. This Act comes into force on the day upon which it is assented to.

