

1975 Bill 80

(Second Session)

First Session, 18th Legislature, 24 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 80

THE TEMPORARY RENT REGULATION MEASURES ACT

THE MINISTER OF CONSUMER AND CORPORATE AFFAIRS

First Reading

Second Reading

Third Reading

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THE TEMPORARY RENT REGULATION MEASURES ACT

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(Second Session)

THE TEMPORARY RENT REGULATION MEASURES ACT

(Assented to , 1975)

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

1. In this Act,

- (a) "Board" means the Rent Regulation Appeal Board established pursuant to this Act;
- (b) "base rent" with reference to any residential premises means
 - (i) the rental rate for the residential premises which is in effect on December 31, 1975, or
 - (ii) where the residential premises are not rented on December 31, 1975, the rental rate for those premises in effect on the last day on which they were rented in 1975;
- (c) "landlord" includes the owner, lessor and person giving or permitting the use or possession of residential premises;
- (d) "Minister" means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;
- (e) "permitted increase" means the increase in the rental rate that is permitted under section 7;
- (f) "rental rate" means the rate at which rent is paid or payable in respect of residential premises;
- (g) "service" includes any service, privilege, benefit or other thing provided directly or indirectly by a landlord which is associated with the use or possession of residential premises whether or not
 - (i) a separate consideration is paid, required or given or agreed or required to be paid or given in respect thereof, or
 - (ii) a separate agreement is made in respect thereof,and without restricting the generality of the foregoing, includes any or all of the following:

Explanatory Notes

1. Definitions.

- (iii) furniture and furnishings in the residential premises;
- (iv) parking and related facilities;
- (v) the provision of utilities and any service related thereto;
- (vi) **cleaning services**;
- (vii) storage facilities;
- (ix) recreational facilities;
- (h) the noun "rent" includes any consideration paid, required or given or agreed or required to be paid or given to a landlord in respect of any service, privilege, accommodation or other thing provided directly or indirectly by the landlord which is associated with the use or possession of residential premises, whether or not
 - (i) a separate consideration is paid, required or given or agreed or required to be paid or given in respect thereof, or
 - (ii) a separate agreement is made in respect thereof,
 and without restricting the generality of the foregoing, includes consideration paid, required or given or agreed or required to be paid or given with respect to any or all of the following:
 - (iii) furniture and furnishings in the residential premises;
 - (iv) parking and related facilities;
 - (v) the provision of utilities and any service related thereto;
 - (vi) cleaning services;
 - (vii) storage facilities;
 - (viii) laundry facilities;
 - (ix) recreational facilities;
- (i) the verb "rent" includes the granting of a licence to use or occupy and "rented" has a corresponding meaning;
- (j) "rent regulation officer" means a person designated as a rent regulation officer by the Minister pursuant to section 3, subsection (2);
- (k) "residential premises" means
 - (i) premises used for residential purposes, or
 - (ii) land rented as a site for a mobile home used for residential purposes, whether or not the landlord also rents that mobile home to the tenant,
 but does not include premises occupied for business purposes with living accommodation attached and

rented under a single tenancy agreement;

- (1) "tenancy agreement" means an agreement between a landlord and a tenant for possession of residential premises, whether written, oral or implied.

PART 1

GENERAL

2. This Act and the regulations apply only to residential premises that are or were rented at any time during 1975.

3. (1) In accordance with *The Public Service Act*, there may be appointed such persons as are necessary for the purposes of this Act and the regulations.

(2) The Minister may designate any person as a rent regulation officer for the purposes of this Act and the regulations.

(3) The Minister may

- (a) appoint such persons to assist and advise rent regulation officers, the Board or any person appearing before the Board, and
- (b) prescribe such remuneration and travelling and living expenses for persons appointed under clause (a) or any person designated as a rent regulation officer, as he considers reasonable.

4. The Minister may, by regulation, establish regions in Alberta for the purposes of ensuring the proper administration of this Act and the regulations.

5. For the purposes of this Act and the regulations, a rent regulation officer may

- (a) inspect and examine all books, payrolls and other records of a landlord that in any way relate to the cost of administering or operating residential premises;
- (b) require any landlord, tenant or other person in possession of books, records, documents, papers, payrolls, contracts of employment and any other record relating to residential premises to produce them for inspection;
- (c) take extracts from or make copies of books, records, documents, papers, payrolls, contracts or any other records relating to residential premises;

2. Application of Act.

3. Staff.

4. Minister may establish regions.

5. Powers of rent regulation officers.

- (d) require any other person to make, furnish or produce full and correct statements either orally or in writing respecting any matter referred to in clauses (a) to (c) and may require the statements to be made on oath;
- (e) at any reasonable time and upon giving notice to the occupier, enter, inspect and examine any residential premises;
- (f) make such examination and inquiry and investigation as is necessary to determine whether
 - (i) any increase in a rental rate is permitted or should be approved, or
 - (ii) any person has contravened or is contravening any order of a rent regulation officer, the Board or any provision of this Act or the regulations.

PART 2

REGULATION OF RENT INCREASES

6. A landlord shall, with respect to any residential premises rented by him under a tenancy agreement under which the tenancy commences on January 1, 1976 or any subsequent date, notify the tenant thereof in writing of the base rent of the residential premises within 10 days of the tenant taking possession of the premises or March 31, 1976, whichever is the later.

7. (1) A landlord shall not increase the rental rate for residential premises effective as of any date during the period commencing January 1, 1976 and ending on June 30, 1977 unless

- (a) notice of the increase is given in accordance with
 - (i) section 21 of *The Landlord and Tenant Act*, or
 - (ii) subsection (4),as the case may be, and
- (b) the increase is
 - (i) permitted under subsection (2), or
 - (ii) approved by a rent regulation officer under section 11 or on appeal by the Board under section 26.

(2) A landlord may increase the rental rate for any residential premises

- (a) during 1976, by not more than 10 per cent of the base rent of the residential premises, and
- (b) during the period commencing on January 1, 1977 and ending June 30, 1977 by not more than 9 per cent of the total of
 - (i) the base rent for the residential premises,
 - (ii) any increase in the rental rate made pursuant to clause (a), and
 - (iii) any increase in the rental rate made pursuant to an order of a rent regulation officer under section 11 or on appeal, by the Board under section 26.

(3) Where, effective as of January 1, 1976 or any subsequent date, the tenancy period on which the rental rate is based is different from the tenancy period on which the base rent is based, then, for the purposes of subsection (2),

- (a) the base rent shall be recalculated in accordance with the regulations so that it relates to the new tenancy period, and

6. Landlord must notify new tenants of the base rent of the residential premises.

7. Increases in rent limited.

- (b) any increase permitted under subsection (2) shall be determined on the basis of base rent as so recalculated.
- (4) Where a landlord of residential premises wishes to make a permitted increase and the premises are vacant or will become vacant by reason of a landlord having given notice of termination of tenancy, the landlord shall give to a rent regulation officer a written notice of the increase in the rental rate at least 90 days before the date on which the increase is to be effective.
- (5) Notwithstanding subsection (1), no notice of a permitted increase is required to be given by a landlord
 - (a) to any person during any period that the residential premises are vacant, if the premises are vacant by reason of a tenant terminating the immediately preceding tenancy agreement under which the residential premises were rented, or
 - (b) to a tenant upon the commencement of a tenancy agreement, if the immediately preceding tenancy agreement under which the residential premises were rented was terminated by the tenant.

8. (1) Subject to the regulations, a landlord may apply to a rent regulation officer to increase the rental rate for any residential premises by a sum greater than the permitted increase.

- (2) An application under subsection (1) shall
 - (a) be in writing,
 - (b) state the reasons why a greater increase in the rental rate than the permitted increase should be approved by the rent regulation officer,
 - (c) be made at least 90 days before the increase is proposed to be effective,
 - (d) state the base rent of the residential premises,
 - (e) state whether or not the residential premises are vacant, and
 - (f) state the number of increases in the rental rate that have come into effect in respect of the residential premises on or after January 1, 1976.
- (3) Where residential premises in respect of which an application is made under this section are occupied, a copy of the application shall be sent to the tenant of the residential premises.

8. Application by landlord to increase rent by an amount greater than the permitted increase.

9. Not more than two increases in the rental rate may be made effective during 1976 and not more than one increase in the rental rate may be made effective during the period commencing January 1, 1977 and ending June 30, 1977, whether the increases are

- (a) permitted increases, or
- (b) increases made pursuant to an order of a rent regulation officer or, on appeal, pursuant to an order of the Board, or
- (c) a combination of both.

10. (1) A tenant of residential premises may, within 15 days of his receipt of a copy of the landlord's application for a greater increase in the rental rate than the permitted increase, file a written statement of interest with a rent regulation officer and shall, at the same time, give a copy of the statement of interest to the landlord of the residential premises.

(2) The landlord may, within 15 days of his receipt of a statement from a tenant under subsection (1)

- (a) reduce the proposed increase in the rental rate to such an amount, not exceeding the permitted increase and notify the rent regulation officer and the tenant in writing accordingly, or
- (b) notify the tenant and the rent regulation officer that the notice of increase in rent is withdrawn.

(3) Where a landlord takes no action under subsection (2), the landlord is deemed to wish his application for a greater increase in the rental rate than the permitted increase to proceed.

(4) Where a landlord reduces an increase in the rental rate to an amount not exceeding the permitted increase pursuant to subsection (2), clause (a), the application made by the landlord under section 8 shall be deemed to have been a notice given to the tenant under section 21 of *The Landlord and Tenant Act* for the reduced rental rate notified to the rent regulation officer under subsection (2), clause (a), and shall take effect accordingly.

11. (1) The rent regulation officer shall within 60 days of his receipt of an application by a landlord under section 8, consider the application and any statement of interest filed and after making such inquiry as he considers necessary, may, by order,

- (a) grant, vary or refuse any application in whole or part;

9. Number of rent increases limited.

10. Tenant's right to file a statement of interest to landlord's application to increase the rental rate to an amount greater than the permitted increase.

11. Decision of rent regulation officer.

(b) direct the landlord to repay to the tenant any moneys paid in excess of the amount which he has fixed in his order under this section or that the excess be set off by way of abatement of rent;

(c) direct the tenant to pay to the landlord any amount of money owing to the landlord by reason of the decision of the rent regulation officer,

and shall serve a copy of the order on the landlord and each tenant affected by it.

(2) An order under this section may

- (a) be made subject to such conditions as the rent regulation officer considers necessary, and
- (b) take effect retrospectively or from such other date or dates as are prescribed by the rent regulation officer.

(3) Where a rent regulation officer fails to give a decision within 60 days of his receipt of a landlord's application under section 8, the application shall be deemed

- (a) to have been refused with respect to that amount that is greater than the permitted increase, and
- (b) to have been a notice to the tenant in accordance with section 21 of *The Landlord and Tenant Act* for the permitted increase and shall take effect accordingly.

12. (1) Until

- (a) a rent regulation officer or on appeal, the Board, serves a copy of his or its order, or
- (b) the expiration of 60 days from the date the landlord's application under section 8 was received by the rent regulation officer,

a permitted increase may be charged and collected by the landlord on and after the date the proposed increase is to be effective.

(2) For the purposes of subsection (1), an application to a rent regulation officer for an increase in the rental rate greater than the permitted increase shall be deemed to have been a notice to the tenant in accordance with section 21 of *The Landlord and Tenant Act* for the permitted increase and shall take effect accordingly.

Reduction or Cessation of Services

13. (1) Where, on or after October 1, 1975, any service

- (a) is or was reduced below the level at which it was provided to a tenant before October 1, 1975, or

12. Rental rate increases up to the permitted increase are allowed subject to notice having been properly served.

13. Reduction in service.

(b) ceases or has ceased,
the tenant may apply to a rent regulation officer for an investigation.

(2) Where, on or after October 1, 1975,

(a) the consideration for any service is or has been increased by the landlord, or

(b) a landlord demands or has demanded consideration for a service for which, before October 1, 1975, no consideration was demanded,

a tenant may apply to a rent regulation officer for an investigation.

(3) Where a rent regulation officer receives an application under subsection (1) or (2), the officer may investigate the matter and endeavour to bring the parties to an amicable agreement.

(4) No application may be made by a tenant under this section with respect to any reduction or cessation of service or increase or demand for consideration by a landlord after June 30, 1977.

14. (1) Where a rent regulation officer is unable to settle a matter pursuant to section 13, he shall make a written report with recommendations and send it to the Board.

(2) The rent regulation officer shall send a copy of his report and recommendations to the landlord and the tenant concerned.

(3) No application may be made by a tenant under section 13 and no order or recommendations may be made by a rent regulation officer under this section with respect to any reduction in services by reason only of reasonable wear and tear of the residential premises or anything therein or by reason of normal deterioration due to use or lapse of time.

15. (1) No tenant shall

(a) sublet the balance of his term under a tenancy agreement for consideration that is greater than the rent that is lawfully charged by a landlord under this Act, or

(b) charge any consideration for an assignment or subletting of his tenancy agreement.

(2) Where upon investigation a rent regulation officer considers that a tenant has contravened subsection (1) he may order that the tenant return any moneys received by him under subsection (1) to the subtenant or assignee entitled thereto.

14. Report and recommendations of a rent regulation officer.

15. Subletting and assignment.

PART 3

RENT REGULATION APPEAL BOARD

16. (1) There is hereby established a Rent Regulation Appeal Board consisting of such persons as are appointed by the Minister.

(2) The Minister may designate one member of the Board as Chairman and any other members as vice-chairmen.

(3) The Minister may prescribe such remuneration and living and travelling expenses to the Chairman and other members of the Board as he considers reasonable.

17. (1) The members of the Board shall meet at such times and places as the Chairman of the Board directs.

(2) At the direction of the Chairman, a vice-chairman shall

- (a) act as chairman of the Board, or
- (b) act as chairman of a division of the Board.

18. (1) The members of the Board shall, at the direction of the Chairman meet as

- (a) the Board, or
- (b) a division of the Board, or
- (c) two or more divisions of the Board.

(2) A quorum of the Board or where the Board meets as a division of the Board, a quorum of a division of the Board, is the Chairman or vice-chairman and two other members.

(3) The Board may meet in two or more divisions simultaneously or at different times.

(4) A decision of a division of the Board is a decision of the Board.

(5) A decision of a majority of the members of the Board or a division of the Board present and constituting a quorum, is the decision of the Board, but if there is a tie vote, the Chairman or vice-chairman may cast a second vote.

19. (1) The Board or the chairman of the Board may authorize any one or more of the members of the Board to make an inquiry and report to the Board upon any question or matter arising in connection with any inquiry, ap-

16. Rent Regulation Appeal Board established.

17. Meetings of the Board.

18. Meetings of divisions of the Board.

19. One Board member may conduct inquiry and report thereon.

plication or investigation under this Act or upon any matter or thing over which the Board has jurisdiction.

(2) A member authorized pursuant to this section to inquire and report to the Board upon any question or matter has and may exercise all the powers of the Board for the purpose of taking evidence or acquiring the necessary information for the purpose of his inquiry and report.

20. (1) For the purposes of this Act the Board may

- (a) summon and enforce the attendance of witnesses in the same manner as a court of record in civil cases;
- (b) require any person to attend and produce such documents and things as it considers necessary for the purpose of hearing any appeal to it under this Act;
- (c) administer oaths.

(2) The Board

- (a) may accept such oral or written evidence as it, in its discretion, considers proper whether admissible in a court of law or not, and
- (b) is not bound by the law of evidence applicable to judicial proceedings.

21. (1) Where, in the opinion of the Board,

- (a) the attendance of a person is required, or
- (b) the attendance of a person to produce a document or other thing is necessary,

the Board may cause to be served on the person concerned a notice to attend or a notice to attend and produce, as the case may be, signed by the Chairman or a vice-chairman.

(2) Where a person fails or refuses to comply with

- (a) a notice to attend, or
- (b) a notice to attend and produce a document or other thing,

issued by the Board, a judge of the Supreme Court, on application of the Board, may issue a bench warrant requiring the attendance of the person or the attendance of the person to produce the document or other thing, as the case may be, before the Board.

22. A Board may make such rules of procedure for the conduct of its business and for hearing and conducting appeals and for other matters as it considers necessary.

20. Witnesses and documents.

21. Enforcing attendance of witnesses and documents.

22. Rules of procedure.

23. (1) Each member of the Board

- (a) has the same powers as a rent regulation officer, and
- (b) has the powers of a commissioner under *The Public Inquiries Act*.

(2) The Board may exercise all the powers, duties and functions imposed or conferred upon it by this Act and the regulations and without restricting the generality of the foregoing, the Board is empowered

- (a) to make or issue such orders, decisions, approvals or notices as it considers necessary;
- (b) to receive and investigate complaints.

(3) In addition to the matters specified or referred to in this section the Board has all necessary jurisdiction and power to perform such duties as may be assigned to it by the Lieutenant Governor in Council.

24. (1) An order purporting to be signed by the Chairman or vice-chairman of the Board on behalf of the Board shall be admitted in evidence in any court as prima facie proof

- (a) of the order, and
- (b) that the persons signing the order were duly authorized to do so,

without proof of the appointment or signature of the Chairman or vice-chairman.

(2) A copy of an order, having endorsed thereon a certificate purporting to be signed by the Chairman of the Board stating that the copy is a true copy, shall be received in any court as prima facie proof of the order and the contents thereof, without proof of the appointment or signature of the Chairman.

25. A member of the Board or a rent regulation officer is not a competent or compellable witness in proceedings before any Court respecting any information, material or report obtained by it or him or submitted to the Board or the officer pursuant to an investigation or a hearing held under this Act or the regulations.

23. Jurisdiction.

24. Proof of documents.

**25. Members of the Board and rent regulation officers not
compellable witnesses.**

PART 4

APPEALS

26. (1) A landlord or a tenant may, within 15 days of the date of the order of a rent regulation officer under section 11 or section 15, appeal to the Board by filing a notice of appeal with the Board.

(2) A notice of appeal under subsection (1) shall

- (a) be in writing,
- (b) state the reasons for the appeal, and
- (c) be filed with the Board

and a copy of the notice shall be given to the landlord or tenant affected by the appeal, as the case may be.

(3) The Board upon receipt of an appeal under this section

- (a) may hold a hearing, or
- (b) may authorize one or more members of the Board to inquire and report pursuant to section 19.

(4) The Board may by order

- (a) affirm the decision of the rent regulation officer, or
- (b) make any other decision the rent regulation officer is authorized to make under this Act and for that purpose the Board may substitute its opinion for that of the rent regulation officer, or
- (c) adopt all or part of the report of a member of the Board authorized pursuant to section 19 as an order of the Board,

and a copy of the order shall be served on the landlord and each tenant affected by it.

(5) The decision of the Board is final and binding.

27. (1) Within 10 days of the date that a report and recommendations are sent to the Board pursuant to section 14, a landlord or a tenant affected thereby may file with the Board written arguments with respect to the report and the recommendations or either of them.

(2) The Board, upon the expiration of 10 days from the date a report and recommendations are sent to it pursuant to section 14 may

- (a) hold a hearing, or
- (b) authorize one or more members of the Board to inquire and report pursuant to section 19.

26. Appeal to the Board.

27. Board to act upon rent regulation officer's report and recommendations.

28. (1) After a hearing or an inquiry and report under section 27, the Board may, for the purpose of ensuring

- (a) that no service is reduced below the level at which it was provided to a tenant before October 1, 1975, or
- (b) that no service existing before October 1, 1975 ceases, or
- (c) that no consideration is increased for any service after October 1, 1975, or
- (d) that no consideration is demanded for any service which was provided free of charge before October 1, 1975,

may make an order pursuant to subsection (2).

(2) The Board may, by order,

- (a) direct a landlord to reinstate or restore a service wholly or partially;
- (b) authorize a landlord to reduce or terminate a service;
- (c) direct a landlord to reduce the rent payable with respect to the residential premises to reflect the reduction in services;
- (d) direct the landlord to repay any consideration paid by a tenant;
- (e) make such other order as to him seems reasonable in the circumstances.

29. Where

- (a) a rent regulation officer makes an order under section 11 and the period permitted for an appeal has expired, or
- (b) the Board makes an order,

a rent regulation officer, the Board, or any landlord or tenant affected by the order may file the order with the clerk of the Supreme Court of Alberta or the District Court in the district in respect of which the residential premises the subject of the order are situated and thereupon the order is enforceable as a judgment or order of the court in which it is filed and may be enforced according to the ordinary procedure for enforcement of a judgment of that court.

30. (1) Any statement, order, notice, application or other document or matter required or permitted to be given under this Act or the regulations

- (a) by a tenant to a landlord, is sufficiently given if delivered personally to the landlord, or sent by ordinary mail addressed to the landlord at the address where the rent is payable, or

28. Board order with respect to services.

29. Enforcement of orders.

30. Service of documents.

- (b) by a landlord to a tenant, is sufficiently given if delivered personally to the tenant, but, where the notice or application cannot be given by reason of the tenant's absence from his premises or by reason of his evading service, the notice or application may be given
 - (i) by giving it to any adult person who apparently resides with the tenant, or
 - (ii) by posting it up in a conspicuous place upon some part of the premises, or
 - (iii) by sending it by registered mail to the tenant at the address where he resides;
 - (c) by a rent regulation officer or the Board to a landlord or tenant or both of them, is sufficiently given if delivered personally to the landlord or the tenant, or sent by ordinary mail addressed to
 - (i) the landlord, at the address where rent is payable by his tenants or the address for service indicated on any application made by him under this Act, and
 - (ii) the tenant, at his ordinary place of residence or the address for service indicated on any statement or application made by him under this Act.
- (2) Notwithstanding anything in this section, a notice to a corporation may be given in the manner permitted under section 289 of *The Companies Act*.

PART 5

REGULATIONS, OFFENCES AND PENALTIES

31. (1) The Lieutenant Governor in Council may make regulations

- (a) exempting any residential premises or any class or type thereof from the operation of all or any provision of this Act or the regulations;
- (b) without restricting the generality of clause (a), exempting residential premises from the operation of all or any provision of this Act on the basis of
 - (i) the use of the residential premises, or
 - (ii) the amount of rent charged in respect thereof, or
 - (iii) the region or geographic area in Alberta in which they are situated, or
 - (iv) the number of residential premises in a building;
- (c) governing the reasons in respect of which a landlord may apply to a rent regulation officer to increase the rental rate of residential premises by an amount greater than the permitted increase;
- (d) prescribing forms and providing for their use;
- (e) governing the manner in which and the method by which an appeal may be made or a notice filed under this Act;
- (f) prescribing the matters
 - (i) that a rent regulation officer must take into consideration when conducting an inquiry, considering an application or making any investigation under this Act, and
 - (ii) that a Board must take into consideration when hearing an appeal or making an inquiry under this Act;
- (g) permitting a landlord to convert residential premises to some other use;
- (h) governing the method by which and the manner in which a landlord may apply for an increase in a rental rate greater than the permitted increase;
- (i) governing the method by which and the manner in which a tenant may file a statement of interest with respect to an application referred to in clause (h);
- (j) governing any proceedings, the service of any notices, applications or documents and any other matter in connection with an application, notice or

objection, hearing or appeal under this Act or the regulations;

- (k) providing for types of applications, statements and objections that a landlord or a tenant may make to a rent regulation officer or the Board in addition to those prescribed in this Act;
 - (l) authorizing a rent regulation officer, the Board or the Minister to extend such time periods specified in this Act that he is authorized to extend by the regulations, subject to such conditions as may be prescribed in the regulations;
 - (m) prescribing the methods by which base rent shall be recalculated under section 7, subsection (3) and empowering a rent regulation officer to make any calculation or determination with respect thereto;
 - (n) respecting any matter of procedure relating to an application, complaint, inquiry, investigation, hearing, appeal, notice, statement, order or other proceeding under this Act or the regulations.
- (2) Any regulation made pursuant to subsection (1) may be made to come into effect retroactive to the date this Act is assented to.

Offences and Penalties

32. Any person who contravenes or fails to comply with any provision of this Act or the regulations for which no offence is specifically provided is guilty of an offence and liable on summary conviction to a fine not exceeding \$2000 and in default of payment to imprisonment for a term not exceeding one year.

33. Any person who

- (a) fails or refuses to comply with an order of a rent regulation officer, or
- (b) fails or refuses to comply with an order of the Board,

is guilty of an offence and liable on summary conviction to a fine not exceeding \$5000 and in default of payment to imprisonment for a term not exceeding two years.

34. Any person who

- (a) obstructs or hinders a rent regulation officer, or any member of the Board in the performance of his duties, or
- (b) makes a false or misleading statement either orally or in writing to a rent regulation officer, the Board or any member thereof, or

32. General offence and penalty.

33. Penalty for failing to comply with an order of a rent regulation officer or the Board.

34. Various specific offences and penalties.

- (c) fails to notify a tenant of the base rent of residential premises in accordance with section 6, or
- (d) makes a false or misleading notification of base rent to a tenant,

is guilty of an offence and liable on summary conviction to a fine not exceeding \$3000 and in default of payment to imprisonment for a term of one year or to both fine and imprisonment.

35. No landlord shall charge, demand, require or collect any consideration

- (a) as a preparation or entry fee for the residential premises;
- (b) as a premium or other payment for the renting of residential premises;
- (c) for any club, membership or similar fee for the entry, use or possession of residential premises upon commencement of a tenancy agreement;
- (d) for any other reason, if the entry, use, possession or renting of the residential premises is dependent upon the payment or the giving of the consideration.

36. (1) No landlord of residential premises shall convert the premises to any use other than residential use unless

- (a) the landlord intends to use the premises for himself or his immediate family, or
 - (b) the landlord intends to demolish the premises, or
 - (c) the landlord intends to renovate the premises and
 - (i) the renovations cannot be made with a tenant in possession thereof, and
 - (ii) after the renovations are complete the premises will continue to be used as residential premises,
- or
- (d) the landlord is permitted to do so in accordance with the regulations.

(2) Notwithstanding any other Act, where any residential premises are not, at the time this subsection comes into force, included as part of a condominium plan approved by a local authority, the local authority shall not thereafter direct the issue of a certificate of approval of a condominium plan pursuant to *The Condominium Property Act* where the plan includes those residential premises.

(3) In subsection (2), “condominium plan” and “local authority” have the meanings given to them in *The Condominium Property Act*.

35. Various fees charged in connection with renting residential premises are prohibited.

36. Prohibition on conversion of residential premises to other use.

(4) This section expires on June 30, 1977.

37. Any landlord who serves a notice of termination of a tenancy agreement by reason only that a tenant

(a) makes an application or files a statement under this Act, or

(b) makes any complaint, assists in any investigation or inquiry or gives any evidence at a hearing under this Act,

is guilty of an offence.

38. (1) Where the rental rate for residential premises is increased otherwise than in accordance with this Act, the increase is void and unenforceable and any amount paid by a tenant

(a) is recoverable by the tenant by action, or

(b) may be set off by the tenant against any further rent due by him to the landlord.

(2) No person shall demand, collect or attempt to collect rent in excess of that permitted pursuant to this Act.

37. Self-explanatory.

38. Action to recover increases in rent that are not permitted increases or otherwise allowed under the Act.

PART 6

TRANSITIONAL, CONSEQUENTIAL AND COMMENCEMENT

- 39.** (1) This section applies only where
- (a) a landlord serves a notice of increase in the rental rate in accordance with section 21 of *The Landlord and Tenant Act* before January 1, 1976, and
 - (b) the notice of increase is to come into effect on or after January 1, 1976.
- (2) Where a notice referred to in subsection (1) provides
- (a) for a permitted increase, or
 - (b) for an increase less than the permitted increase,
- that increase in the rental rate shall take effect in accordance with the notice.
- (3) Where a notice referred to in subsection (1)
- (a) is for the permitted increase no further increase in rent shall be made by the landlord under section 7, before January 1, 1977;
 - (b) is for less than the permitted increase, the increase shall be deemed to be the first increase permitted pursuant to section 7.
- (4) Where a notice referred to in subsection (1) provides for an increase greater than the permitted increase, the increase in the rental rate
- (a) shall only be the permitted increase and the permitted increase shall be deemed to be the figure in the notice of increase, and
 - (b) no further increase in rent for the residential premises shall be made under section 7 before January 1, 1977.
- 40.** Where a tenancy agreement in existence before January 1, 1976
- (a) provides for an increase in rent greater than the permitted increase, the permitted increase shall be **deemed to be substituted therefor unless the landlord or tenant agree to an increase less than the permitted increase**, or
 - (b) provides for an increase in rent of less than the permitted increase, that agreement applies notwithstanding section 7 or 8.

39. Notices of increase served before January 1, 1976 but effective after that date.

40. Tenancy agreement in existence before January 1, 1976.

41. *The Landlord and Tenant Act is hereby amended*

- (a) *as to section 10, subsection (3)*
 - (i) *by striking out the word "and" at the end of clause (c),*
 - (ii) *by striking out clause (d) and substituting the following clauses:*
 - (d) *stating the reasons for the termination of the tenancy, and*
 - (e) *stating any other relevant facts.*
- (b) *as to section 12, subsection (1)*
 - (i) *by striking out clause (a) and substituting the following clauses:*
 - (a) *if he is satisfied that the tenancy has expired, give an order for possession,*
 - (a1) *if he is satisfied that the tenancy has been terminated for a reason other than that the tenant has*
 - (i) *made any application or filed any statement under The Temporary Rent Regulation Measures Act, or*
 - (ii) *made any complaint, assisted in any investigation or inquiry or given any evidence at a hearing under The Temporary Rent Regulation Measures Act,*
 - give an order for possession,*
 - (ii) *by adding the following subsection after subsection (1):*
 - (1.1) *Where it appears to a judge that a landlord has terminated a tenancy for more than one reason and the judge considers that the principal reason was that the tenant had*
 - (a) *made any application or filed any statement under The Temporary Rent Regulations Measures Act, or*
 - (b) *made any complaint, assisted in any investigation or inquiry or given any evidence at a hearing under The Temporary Rent Regulation Measures Act,*
 - the judge shall make an order declaring the notice of termination void.*
- (c) *section 21 is amended by adding the following subsection after subsection (4):*
 - (5) *Notwithstanding anything in this section, any increase in rent or notice of increase in rent is subject to The Temporary Rent Regulation Measures Act.*

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

41. Amends chapter 200 of the Revised Statutes of Alberta 1970. Sections 10, 12 and 21 of *The Landlord and Tenant Act* presently read:

10. (1) Where a tenant, after his tenancy has expired or has been terminated, does not go out of possession of the premises held by him, the landlord may apply by originating notice of motion to the Supreme Court for an order for possession.

(2) The originating notice shall be served at least three days before the day named in the notice for hearing of the application.

(3) The application of the landlord shall be supported by an affidavit

- (a) setting forth the terms of the tenancy,
- (b) proving the expiration or termination of the tenancy,
- (c) stating the failure of the tenant to deliver up possession and the reasons given for the failure, if any were given, and
- (d) stating any other relevant facts.

12. (1) Upon hearing the motion, or, where it is opposed, upon hearing and considering, in a summary way, the oral and affidavit evidence of the parties and their witnesses, the Court may

- (a) if he is satisfied that the tenancy has expired or has been terminated, give an order for possession,
- (b) where a claim for rent is made, give judgment for the amount of rent proven to him to be in arrear,
- (c) where a claim for compensation is made, give judgment in such amount as the Court may determine as compensation for the use and occupation of the premises after the expiration or termination of the tenancy, having regard to the nature of the use and occupation and the rent payable during the tenancy, and
- (d) make such order as to costs as he thinks just.

(2) The Court may grant or dismiss the application in whole or in part and may direct the trial of an issue to determine any matter in dispute.

21. (1) A landlord shall not increase the rent payable under a tenancy agreement, or be entitled to recover any additional rent resulting from such an increase, unless he gives to the tenant a written notice of the increase in rent at least 90 days before the date on which the increase is to be effective.

(2) Subsection (1) does not apply where the tenancy agreement provides for a period of notice longer than 90 days before the increase in rent is effective.

(3) Any notice of termination of a tenancy of residential premises given by a landlord to a tenant is void if the landlord, either before or after giving the notice, initiates negotiations with that tenant towards an agreement to increase the tenant's rent effective as of a date prior to the expiration of 90 days from the date of giving the notice of termination.

(4) Subsection (3) applies only to a notice of termination given on or after November 1, 1974.