

1976 Bill 13

Second Session, 18th Legislature, 25 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 13

**THE TEMPORARY RENT REGULATION MEASURES AMENDMENT
ACT, 1976**

THE MINISTER OF CONSUMER AND CORPORATE AFFAIRS

First Reading

Second Reading

Third Reading

Printed by the Queen's Printer for the Province of Alberta, EDMONTON

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THE TEMPORARY RENT REGULATION MEASURES AMENDMENT ACT, 1976

(Assented to _____, 1976)

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

1. *The Temporary Rent Regulation Measures Act is hereby amended.*

2. *Section 7, subsection (1), clause (a) is amended by striking out the word "notice" and by substituting the words "subject to subsection (5), notice".*

3. *Section 11 is amended by adding the following subsection after subsection (3):*

(4) Where subsection (3) applies, the landlord may appeal to the Board as if the rent regulation officer had made an order to the same effect under subsection (1) and an appeal under this subsection shall be treated for the purposes of this Act as if

(a) it were an appeal from an order of a rent regulation officer under this section, and

Explanatory Notes

1. This Bill will amend chapter 84 of the Statutes of Alberta, 1975 (Second Session).

2. Section 7, subsection (1) and subsections (4) and (5) presently read:

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), where it applies,
- 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 27.

(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 (4), 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.

3. Section 11, subsection (3) presently reads:

(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.

- (b) the order were dated on the 60th day after the landlord made his application under section 8.

4. Section 25 is amended by striking out the words "competent or".

5. Section 38 is struck out and the following section substituted:

38. Any landlord or person on his behalf who serves a notice of termination of a tenancy agreement for the reason or the principal reason that a tenant

- (a) made an application or filed a statement under this Act, or
- (b) made any complaint, assisted in any investigation or inquiry or gave any evidence at a hearing under this Act,

is guilty of an offence.

6. Section 41 is amended by renumbering the section as subsection (1) and adding the following subsection after the renumbered subsection (1):

(2) Where a permitted increase is substituted in a tenancy agreement by reason of the operation of subsection (1), clause (a), the landlord may, in accordance with section 8, apply to increase the rental rate by

- (a) a sum greater than the permitted increase, or
- (b) the sum the tenancy agreement would have provided if this Act had not been enacted,

whichever is the lesser.

4. Section 25 presently reads:

25. A member of the Board or a rent regulation officer is not a competent or compellable witness in proceedings before any court respecting

- (a) any information, material or report obtained by it or him as a result of any application being made or statement of interest or notice of appeal being filed under this Act, or
- (b) any information or material obtained or report made by a rent regulation officer or a member of the Board as a result of any inquiry or investigation made under this Act, or
- (c) any information, material, report or other document obtained by a rent regulation officer or the Board as a result of a hearing held under this Act.

5. Section 38 presently reads:

38. 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.

6. Section 41 presently reads:

41. 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.

7. Section 12 of The Landlord and Tenant Act is amended

(a) as to subsection (1), clause (a1), by adding the word "or" at the end of subclause (i) and by adding the following subclause after subclause (i):

(iii) refused to pay a rental rate increase which is not in accordance with The Temporary Rent Regulation Measures Act,

(b) as to subsection (1.1) by adding the word "or" at the end of clause (b) and by adding the following clause after clause (b):

(c) refused to pay a rental rate increase which is not in accordance with The Temporary Rent Regulation Measures Act,

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

7. Section 12, subsections (1) and (1.1) presently read:

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, 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,
 - (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,
- (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.