

1976 BILL 90

Second Session, 18th Legislature, 25 Elizabeth II.

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 90

**THE TEMPORARY RENT REGULATION MEASURES
AMENDMENT ACT, 1976 (NO. 2)**

THE MINISTER OF CONSUMER AND
CORPORATE AFFAIRS

First Reading

Second Reading

Third Reading

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THE TEMPORARY RENT REGULATION MEASURES AMENDMENT ACT, 1976 (NO. 2)

(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 1 is amended*

(a) by adding the following clauses after clause (d):

(d.1) "mobile home park" means land consisting of
five or more sites for mobile homes whether or
not the landlord also rents mobile homes on
those sites, but does not include land consist-
ing of sites primarily used as sites for vacation
trailers;

(d.2) "mobile home site" means 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;

*(b) as to clause (k) by striking out subclause (ii) and
substituting the following:*

(ii) a mobile home site,

3. *Section 32, subsection (1), clause (a) is amended by
striking out the words "any provision" and by substituting the
words "any of the provisions".*

Explanatory Notes

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

2. Section 1, clause (k) presently reads:

(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;

The expressions "mobile home park" and "mobile home site" are defined for the purpose of new provisions being added to the Act by sections 4 and 5 of this Bill.

3. Corrects a drafting error. Section 32(1)(a) presently reads:

32. (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;

4. *Section 37, subsection (1) is amended by adding after clause (c) the following clause:*

- (c.1) in a case to which section 37.1 applies, the landlord gives notice of termination of the tenancy of the mobile home site in accordance with that section, or

5. *The following sections are added after section 37:*

37.1 Notwithstanding anything to the contrary in *The Landlord and Tenant Act* or in any agreement, where

- (a) a landlord of a mobile home site in a mobile home park gives to the tenant a notice of termination of the tenancy,
- (b) the sole or principal reason for giving the notice of termination is to enable the landlord to obtain vacant possession of the mobile home site in order to use it otherwise than as a mobile home site, and
- (c) the giving of the notice of termination is part of a plan or scheme of the landlord to obtain vacant possession of all the mobile home sites in the same mobile home park in order to use them otherwise than as mobile home sites,

the notice of termination of tenancy shall be for a period of not less than one year from the date on which it is given to the tenant.

4. Section 37, subsections (1) and (4) presently read:

37. (1) No landlord of residential premises shall cease to rent premises as residential premises 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.

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

See the proposed section 37.1 in section 5 of this Bill.

5. The proposed section 37.1 will require one year's notice when a landlord of a mobile home site in a mobile home park wants to use that site and all other sites in the park for some purpose other than renting them as mobile home sites.

The proposed section 37.2 deals with cases where a court order for possession of a mobile home site has not been issued prior to the enactment of the Bill on the basis of a notice of termination already given before then. The court order must give the tenant one year to vacate, computed from the day on which he was given notice to vacate.

37.2 Where

- (a) a landlord of a mobile home site in a mobile home park has given a notice of termination of tenancy to the tenant before the coming into force of this section,
- (b) the sole or principal reason for giving the notice of termination was to enable the landlord to obtain vacant possession of the site in order to use it otherwise than as a mobile home site,
- (c) the giving of the notice of termination was part of a plan or scheme of the landlord to obtain vacant possession of all the mobile home sites in the same mobile home park in order to use them otherwise than as mobile home sites,
- (d) the tenant has not vacated the mobile home site in accordance with the notice at the time this section comes into force, and
- (e) an order for possession is given after the coming into force of this section as a consequence of the tenant's failure to vacate the mobile home site in compliance with the notice,

the date prescribed in the order for possession as the date by which the tenant is to vacate the mobile home site shall be a date not earlier than one year from the date on which the landlord gave notice of termination of the tenancy.

6. *The Landlord and Tenant Act is amended*

(a) as to section 12, subsection (1)

(i) in clauses (a), (a1) and (d) by striking out the word "he" and by substituting the word "it",

(ii) in clause (b) by striking out the word "him" and by substituting the word "it",

(b) as to section 12, subsection (1.1)

(i) by striking out the words "a judge" and by substituting the words "the Court", and

(ii) by striking out the words "the judge" wherever they occur and by substituting the words "the Court".

6. Section 12(1)(a), (a1) and (d) and (1.1) of The Landlord and Tenant Act presently reads:

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, or

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

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

give an order for possession,

(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 Regulation 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, or

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

the judge shall make an order declaring the notice of termination void.

The amendments will correct drafting inconsistencies.