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THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 53

THE RENT DECONTROL ACT

THE MINISTER OF CONSUMER AND CORPORATE
AFFAIRS

First Reading

Second Reading

Third Reading

THE RENT DECONTROL ACT

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THE RENT DECONTROL ACT

(Assented to , 1977)

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 Decontrol Appeal Board established pursuant to this Act;
- (b) “base rent” with reference to any residential premises means
 - (i) the rental rate for residential premises that was charged on June 30, 1977 or that was permitted or authorized to be charged under *The Temporary Rent Regulation Measures Act* on June 30, 1977, whichever is less, or
 - (ii) if the residential premises were not rented on June 30, 1977, the rental rate that was charged or that was permitted or authorized to be charged under *The Temporary Rent Regulation Measures Act* when the residential premises were last rented on or after January 1, 1975, whichever is less, or
 - (iii) the base rent as revised in accordance with the regulations;
- (c) “decontrol limit” means
 - (i) in the case of residential premises having three or more bedrooms, a rental rate of \$375 per month,
 - (ii) in the case of residential premises having two bedrooms, a rental rate of \$325 per month, and
 - (iii) in the case of residential premises having less than two bedrooms, a rental rate of \$275 per month;

Explanatory Notes

1. Definitions.

- (d) “landlord” includes the owner, lessor and person giving or permitting the use or possession of residential premises;
- (e) “Minister” means the Minister of Consumer and Corporate Affairs;
- (f) “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 consisting of sites primarily used as sites for vacation trailers;
- (g) “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;
- (h) “permitted increase” means the increase in the rental rate that is permitted under section 7;
- (i) “rental rate” means the rate at which rent is paid or payable in respect of residential premises;
- (j) “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 and without restricting the generality of the foregoing, includes any or all of the following:
 - (i) furniture and furnishings in the residential premises;
 - (ii) parking and related facilities;
 - (iii) the provision of utilities and any service related thereto;
 - (iv) cleaning services;
 - (v) storage facilities;
 - (vi) laundry facilities;
 - (vii) recreational facilities;
- (k) 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
 - (i) any privilege, accommodation or other thing provided directly or indirectly by the landlord to a tenant which is associated with the use or possession of residential premises, or

(ii) any service,

but does not include any consideration paid, required or given or agreed or required to be paid or given to a landlord in respect of any service where

(iii) the consideration therefor is separately identified in the tenancy agreement, or

(iv) the consideration therefor is payable under an agreement separate from the tenancy agreement;

(l) the verb “rent” includes the granting of a licence to use or occupy and “rented” has a corresponding meaning;

(m) “rent regulation officer” means a person designated as a rent regulation officer by the Minister pursuant to section 3, subsection (2);

(n) “residential premises” means

(i) premises used for residential purposes, or

(ii) a mobile home site,

but does not include premises occupied for business purposes with living accommodation attached and rented under a single tenancy agreement;

(o) “tenancy agreement” means an agreement between a landlord and a tenant for possession of residential premises, whether written, oral or implied.

PART 1
APPLICATION

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

(2) Where the sum of the base rent, any permitted increase and any increase approved by a rent regulation officer under section 11 or, on appeal, by the Board under section 27, for residential premises is or becomes equal to or greater than the decontrol limit relating to the residential premises, this Act and the regulations cease to apply to those residential premises on January 1, 1978 or six months after the date the decontrol limit is reached, whichever is later.

(3) Where the rental rate of residential premises is based on a tenancy period other than a monthly tenancy period, the rental rate shall, for the purposes of subsection (2), be recalculated in accordance with the regulations so that it relates to a monthly tenancy period.

2. Application of the Act.

PART 2

GENERAL

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 as he considers necessary, 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;
- (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;

3. Staff.

4. Minister may establish regions.

5. Powers of rent regulation officers.

- (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 3

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 July 1, 1977 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.

7. (1) A landlord shall not increase the rental rate for residential premises effective as of any date during the period commencing July 1, 1977 and ending on June 30, 1980 unless

(a) subject to subsection (5), 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.

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

(a) effective as of any date during the period commencing on July 1, 1977 and ending on December 31, 1977 by the amount, if any, by which 109 per cent of the rental rate for the residential premises

(i) charged on December 31, 1976, or

(ii) permitted or authorized to be charged under *The Temporary Rent Regulation Measures Act* on December 31, 1976,

whichever is less, exceeds the base rent for the residential premises,

(b) effective as of any date during the period commencing on January 1, 1978 and ending on December 31, 1978 by not more than 8 per cent of the total of

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

7. Increases in rent limited.

- (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 effective in 1977 pursuant to an order of a rent regulation officer under section 11 or, on appeal, by the Board under section 27,

or by \$20 per month, whichever is greater,

- (c) effective as of any date during the period commencing on January 1, 1979 and ending on December 31, 1979 by not more than 8 per cent of the total of

- (i) the base rent for the residential premises,
- (ii) any increases in the rental rate made pursuant to clauses (a) and (b), and
- (iii) any increase in the rental rate made effective in 1978 pursuant to an order of a rent regulation officer under section 11 or, on appeal, by the Board under section 27,

or by \$20 per month, whichever is greater, and

- (d) effective as of any date during the period commencing on January 1, 1980 and ending on June 30, 1980, by a percentage or amount determined by the regulations.

(3) Where, effective as of July 1, 1977 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
- (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 (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.

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, 1975.

(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.

9. Not more than two increases in the rental rate may be made effective during the period commencing on July 1, 1977 and ending on December 31, 1977, not more than two increases in the rental rate may be made effective during 1978, not more than two increases in the rental rate may be made effective during 1979 and only one increase in the rental rate may be made effective during the period commencing on January 1, 1980 and ending on June 30, 1980, whether the increases are

- (a) permitted increases, or

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

9. Number of rent increases limited.

- (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, or
- (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, or

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.

- (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.

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

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*

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

Landlord and Tenant Act for the permitted increase and shall take effect accordingly.

13. (1) Where at or after the commencement of this Act any service

- (a) is reduced below the level at which it was provided or was ordered under *The Temporary Rent Regulation Measures Act* to be provided to a tenant immediately before the commencement of this Act, or
- (b) ceases,

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

(2) Where at or after the commencement of this Act,

- (a) the consideration for any service is increased by the landlord, or
- (b) a landlord demands consideration for a service for which, immediately before the commencement of this Act, 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, 1980.

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 report and 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.

13. Reduction in service.

14. Report and recommendations of a rent regulation officer.

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.

15. Subletting and assignment.

PART 4

RENT DECONTROL APPEAL BOARD

16. (1) There is hereby established a Rent Decontrol 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 a 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

16. Rent Decontrol 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.

inquiry and report to the Board upon any question or matter arising in connection with any inquiry, application 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

20. Witnesses and documents.

21. Enforcing attendance of witnesses and documents.

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.

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 a 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 compellable witness in proceedings before any court respecting

22. Rules of procedure.

23. Jurisdiction.

24. Proof of documents.

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

- (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.

26. (1) The Board and a rent regulation officer have sole discretion to determine with respect to any application, statement of interest, investigation or inquiry as to

- (a) whether or not to hold a hearing, and
- (b) if a hearing is held,
 - (i) whether any hearing is held in public or in private,
 - (ii) the persons who may attend the hearing as a party to the proceedings, and
 - (iii) the persons who may observe without taking part in the proceedings.

(2) Where, in the opinion of a rent regulation officer or the Board it appears desirable to do so, the officer or the Board, as the case may be, may keep confidential the name of any person making an application, filing a statement of interest or assisting in any inquiry or investigation or giving evidence at any hearing.

26. Discretion as to hearings.

PART 5

APPEALS

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

(2) A notice of appeal filed with the Board under subsection (1) shall state the reasons for the appeal and a copy of the notice shall be given to the landlord or tenant affected by the appeal at the same time that the notice of appeal is filed.

(3) The Board, upon receipt of a notice of 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,

or both.

(4) The Board may by order

- (a) affirm, vary or rescind any order of the rent regulation officer, or
- (b) make any other order that a rent regulation officer is permitted to make under section 11 or 15, or
- (c) adopt all or part of the report of one or more members of the Board authorized to inquire and report under section 19 as an order of the Board,

or make any combination of orders under clauses (a) to (c) as it considers necessary and shall cause to be served on the landlord and each tenant affected thereby, a copy of its order.

(5) An order under this section or section 29 may

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

(6) Any decision of the Board under this Act or the regulations is final and binding.

28. (1) Within 10 days of the date that a report and recommendations are sent to the Board pursuant to section 14, a

27. Appeal to the Board.

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

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.

29. (1) After an inquiry and report or a hearing or both, the Board may, for the purpose of ensuring

- (a) that no service is reduced below the level at which it was provided or was ordered under *The Temporary Rent Regulation Measures Act* to be provided to a tenant immediately before the commencement of this Act, or
- (b) that no service provided to a tenant immediately before the commencement of this Act ceases, or
- (c) that the consideration is not increased for any service unless the cost of operating the service has increased, or
- (d) that no consideration is demanded for any service that was provided free of charge immediately before the commencement of this Act, unless there is a cost or increase in cost of providing the service,

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 it seems reasonable in the circumstances.

29. Board order with respect to services.

30. 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 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.

31. (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;
- (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;

30. Enforcement of orders.

31. Service of documents.

- (d) by a tenant or a landlord to a rent regulation officer, is sufficiently given if delivered personally to the officer, or sent by ordinary mail addressed to the rent regulation officer administering this Act and the regulations in the area in which the residential premises the subject of the notice are situated;
- (e) by a tenant or a landlord to the Board, is sufficiently given if it is delivered personally to an office of the Board or sent by ordinary mail to an address of the Board prescribed by the regulations.

(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 6
REGULATIONS,
OFFENCES AND PENALTIES

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 of the provisions of this Act or the regulations;
- (b) without restricting the generality of clause (a), exempting residential premises from the operation of all or any of the provisions 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;

32. Regulations.

- (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 the rental rate shall be recalculated under section 2, subsection (3) and empowering a rent regulation officer to make any calculation with respect thereto;
 - (n) 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;
 - (o) providing for the revision of the base rent of any residential premises or any class or type of residential premises;
 - (p) for the purposes of section 7, subsection (2), clause (d), determining the percentage or amount of increase in the rental rate that may be made effective as of any date during the period commencing on January 1, 1980 and ending on June 30, 1980;
 - (q) 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 of commencement of this Act.

Offences and Penalties

33. Any person who contravenes or fails to comply with any provision of this Act or the regulations for which no penalty is specifically provided is guilty of an offence and liable on

33. General offence and penalty.

summary conviction to a fine not exceeding \$2000 and in default of payment to imprisonment for a term not exceeding one year.

34. 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.

35. 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
- (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.

36. (1) In addition to a penalty under section 33, 34 or 35, the court may, if it is satisfied on the evidence before it that a landlord has received any rent or consideration from any person contrary to this Act or the regulations, order the landlord to repay the rent or consideration to the person entitled to it.

(2) The person entitled to the rent or consideration under subsection (1) may file the order with the clerk of the Supreme Court of Alberta or the District Court 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.

37. (1) No landlord shall charge, demand, require or collect any consideration

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

35. Various specific offences and penalties.

36. Order for repayment of rent or consideration.

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

- (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 reason, if the entry, use, possession or renting of the residential premises or the termination of the tenancy agreement is dependent upon the payment or the giving of the consideration.
- (2) This section does not apply to a security deposit as defined in *The Landlord and Tenant Act*.

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

- (a) the landlord intends to use the premises as residential 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) in a case to which section 39 applies, the landlord gives notice of termination of the tenancy of the mobile home site in accordance with that section, or
- (e) 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 Act 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*.

38. Prohibition on conversion of residential premises to other uses.

(4) This section expires on June 30, 1980.

39. 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.

40. 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 November 4, 1976,
- (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 had not vacated the mobile home site in accordance with the notice by November 4, 1976, and
- (e) an order for possession is given on or after November 4, 1976 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.

39. Notice of termination of tenancy of mobile home site.

40. Date of possession of mobile home site.

41. 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.

42. (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.

41. Self-explanatory.

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

PART 7
TRANSITIONAL, CONSEQUENTIAL
AND COMMENCEMENT

- 43.** (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 July 1, 1977, and
 - (b) the notice of increase is to come into effect on or after July 1, 1977.
- (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, 1978;
 - (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 substituted for the increase provided for in the notice,
 - (b) the landlord is not entitled to recover any rent in excess of the permitted increase and shall refund any rent previously collected that is in excess of the permitted increase, and
 - (c) no further increase in rent for the residential premises shall be made effective under section 7 before January 1, 1978.
- 44.** (1) Where a tenancy agreement in existence before July 1, 1977

43. Notices of increase served before July 1, 1977 but effective on or after that date.

44. Tenancy agreement in effect before July 1, 1977.

- (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 and 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.

(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.

45. *The Landlord and Tenant Act is amended*

- (a) *as to section 12 by adding after the words "The Temporary Rent Regulation Measures Act" wherever they appear the words "or The Rent Decontrol Act", and*
- (b) *as to section 21, subsection (5) by adding after the words "The Temporary Rent Regulation Measures Act" the words "and The Rent Decontrol Act".*

45. Amends chapter 200 of the Revised Statutes of Alberta 1970. Sections 12 and 21 of The Landlord and Tenant Act 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 it is satisfied that the tenancy has expired, give an order for possession,

(a1) if it 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

(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,

(b) where a claim for rent is made, give judgment for the amount of rent proven to it 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 it thinks just.

46. *The Temporary Rent Regulation Measures Act is amended by striking out sections 36, 37.1 and 37.2.*

47. This Act comes into force on July 1, 1977.

(1.1) Where it appears to the Court that a landlord has terminated a tenancy for more than one reason and the Court 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 Court shall make an order declaring the notice of termination void.

(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.

(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.

46. Strikes out sections 36, 37.1 and 37.2 of chapter 84 of the Statutes of Alberta, 1975 (Second Session). Those sections become sections 37, 39 and 40 respectively of this Act.