

1978 BILL 235

Fourth Session, 18th Legislature, 27 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 235

AN ACT TO AMEND THE LANDLORD AND TENANT ACT

MR. MANDEVILLE

First Reading -----

Second Reading -----

Committee of the Whole -----

Third Reading -----

Royal Assent -----

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AN ACT TO AMEND THE LANDLORD AND TENANT ACT

(Assented to _____, 1978)

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

1. *The Landlord and Tenant Act is amended by this Act.*

2. *The following is added after section 21:*

21.1 (1) In this section and in sections 21.2 to 21.6

- (a) "mobile home lot" means land rented as a site for a mobile home used for recreational purposes;
- (b) "mobile home park" means an area consisting of one or more mobile home lots, and
- (c) "park owner" means the owner or operator of a mobile home park.

(2) Every park owner shall offer to each mobile home owner to whom he agrees to lease a mobile home lot a written tenancy agreement setting forth

- (a) a description of the lot and of any other premises in respect of which the mobile home owner has the right of passage or enjoyment;
- (b) the amount of rent payable;
- (c) the services provided by the park owner and any payment due therefor;
- (d) the rights and duties of all parties;
- (e) all rules and regulations promulgated by the park owner; and
- (f) the security or deposit or any other fee or obligation imposed on the mobile home owner by the park owner.

(3) Every tenancy agreement for a mobile home lot shall be assignable to any person who purchases the mobile home situated on that lot during the tenancy subject to the consent of the park owner, such consent not to be unreasonably withheld.

Explanatory Notes

1. This Bill will amend chapter 200 of the Revised Statutes of Alberta, 1970.

2. Sections 21.2 to 21.6 establish certain rights and obligations for mobile home owners and park operators; limits charges; establishes permitted grounds for termination.

(4) A park owner shall not make any charge for giving a consent referred to in subsection (3), except to the extent of his reasonable expenses actually incurred therein.

(5) A mobile home owner may make summary application to the District Court for an order compelling a park owner to comply with this section.

21.2 A park owner shall not act as the agent of the mobile home owner in any negotiations to sell, lease or otherwise part with the possession of a mobile home situated in a mobile home park, unless the mobile home owner has appointed in writing the park owner as his agent in that regard.

21.3 A park owner shall not make any charge whatsoever in respect of

- (a) the entry of a mobile home into a mobile home park;
- (b) the exit of a mobile home from a mobile home park;
- (c) the installation of a mobile home in a mobile home park;
- (d) the removal of a mobile home from a mobile home park;
- or
- (e) the granting of a tenancy in a mobile home park, except to the extent of his reasonable expenses actually incurred thereby.

21.4 (1) Subject to subsections (2) and (3), a park owner shall not restrict in any way the right of a mobile home owner to purchase goods or services from the persons of his choice.

(2) A park owner may set reasonable standards for mobile home equipment in order to protect the safety, health or enjoyment of the other mobile home owners resident in the park.

- (3) Where a person selling goods or services has
- (a) unduly disturbed the peace and quiet of a mobile home park, or
 - (b) failed to observe such reasonable rules of conduct or traffic rules as have been established by the park owner,
- the park owner shall request him to discontinue such conduct, and if he does not comply, the park owner may restrict or prohibit his entry into the mobile home park.

21.5 (1) Every park owner is responsible for

- (a) providing or ensuring the availability of a means for the removal or disposal at reasonable intervals of garbage in the mobile home park;
- (b) maintaining all roads in the mobile home park in a good state of repair;
- (c) removing excess snow from all roads in the mobile home park as soon as reasonably possible;
- (d) maintaining the plumbing, sewage, fuel and electrical systems in the mobile home park in a good state of repair;

- (e) maintaining the grounds, buildings, structures, enclosures and equipment in the mobile home park, that are available for the common use or enjoyment of the mobile home owners, in a clean condition and a good state of repair; and
 - (f) repairing any damage to the mobile home owner's property that has been caused by the wilful or negligent act or omission of the park owner, his employees or agents.
- (2) The mobile home owner is responsible for
- (a) maintaining the rented premises in a clean condition, and
 - (b) repairing any damage to the park owner's property caused by the wilful or negligent act or omission of the mobile home owner or of persons who are permitted on the premises by him.
- (3) The obligations imposed by this section may be enforced by summary application to the District Court and the Court may
- (a) terminate the tenancy agreement subject to such relief against forfeiture of the security deposit as it sees fit;
 - (b) authorize any repair that has been or is to be made and order the cost thereof to be paid by the person responsible to make the repair; or
 - (c) make such further or other order as it considers appropriate.

21.6 A lease of a mobile home lot may not be terminated other than for

- (a) non-payment of rent;
- (b) conviction of a violation of some law which is detrimental to the health, safety or welfare of the other mobile home owners resident in the mobile home park;
- (c) violation of a reasonable rule or regulation of the park owner; or
- (d) a change in the use of the land on which the mobile home park is situated to a use other than a mobile home park.

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