

1981 BILL 95

Third Session, 19th Legislature, 30 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 95

LANDLORD AND TENANT AMENDMENT ACT, 1981

THE MINISTER OF CONSUMER AND
CORPORATE AFFAIRS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 95

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1981

LANDLORD AND TENANT AMENDMENT ACT, 1981

(Assented to _____, 1981)

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

1 *The Landlord and Tenant Act, 1979 is amended by this Act.*

2 *Section 38 is amended*

(a) by repealing subsection (1) and substituting the following:

38(1) Subject to subsection (2), a landlord shall pay annually to the tenant interest on a security deposit consisting of money held by him or anyone on his behalf calculated

(a) at the rate of 6% per year, and

(b) on and after January 1, 1982 at the rate of 12% per year.

(b) in subsection (2) by striking out "of 6% per year";

(c) in subsection (4) by striking out "6% per year" and substituting "the rate prescribed in this section".

In accordance with section 4(1) of The Interpretation Act, 1980, this Bill comes into force on the date it receives Royal Assent.

Explanatory Notes

1 This Bill will amend chapter 19 of the Statutes of Alberta, 1979.

2 Section 38 presently reads:

38(1) Subject to subsection (2), a landlord shall pay annually to the tenant interest on a security deposit consisting of money held by him or anyone on his behalf at the rate of 6% per year.

(2) If a security deposit consists of money, a tenant and his landlord may agree in writing that the interest on the security deposit shall not be paid annually and in that case the interest of 6% per year shall be compounded annually and be paid to the tenant on the termination or expiration of the tenancy.

(3) A landlord is entitled to retain any interest and profit resulting from the investment of a security deposit in excess of the amount of interest payable to the tenant under this section.

(4) If a landlord and tenant agree that interest shall be payable under this section at a rate higher than 6% per year, subsections (1), (2) and (3) shall be deemed to refer to the higher rate.