

1999 BILL 201

Third Session, 24th Legislature, 48 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 201

TENANCIES STATUTES
AMENDMENT ACT, 1999

MR. STRANG

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 201
Mr. Strang

BILL 201

1999

TENANCIES STATUTES AMENDMENT ACT, 1999

(Assented to _____, 1999)

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

Mobile Home Sites Tenancies Act

Amends SA
1982 cM-18.5

**1(1) The *Mobile Home Sites Tenancies Act* is amended
by this section.**

**(2) Section 4.1 is amended by adding the following after
subsection (3):**

(4) No landlord shall terminate a periodic tenancy solely on
the basis that a tenant has vacated the tenant's mobile home site
pursuant to an order issued under section 72 of the *Public
Health Act* where the order is issued due to an act or omission
by the landlord.

(3) The following is added after section 25:

Orders under
*Public Health
Act*

25.1(1) No landlord shall consider a tenancy agreement
repudiated solely because a tenant has vacated the tenant's
mobile home site due to an order issued under section 72 of the
Public Health Act.

(2) Section 4.1(4) and subsection (1) cease to apply 30 days
from the date the landlord provides notice to the tenant that the
landlord has complied with the requirements of the order issued
under section 72 of the *Public Health Act*.

Explanatory Notes

Mobile Home Sites Tenancies Act

1(1) Amends chapter M-18.5 of the Statutes of Alberta, 1982.

(2) Section 4.1(3) presently reads:

(3) No landlord shall terminate a periodic tenancy for the reason that the tenant

(a) made an application or filed a statement under this Act, or

(b) made a complaint, assisted in an investigation or inquiry or gave evidence at a hearing under this Act or the Public Health Act.

(3) Orders under *Public Health Act*.

(3) A tenant is not liable to pay rent from the date the tenant vacates the tenant's mobile home site pursuant to an order under section 72 of the *Public Health Act* until the date the landlord provides notice to the tenant under subsection (2).

(4) This section only applies where the order under section 72 of the *Public Health Act* is issued due to an act or omission of the landlord.

(4) Section 34 is amended by renumbering it as section 34(1) and by adding the following after subsection (1):

(2) When an order is issued under section 72 of the *Public Health Act* which

- (a) requires a tenant to vacate the tenant's mobile home site, and
- (b) is issued due to an act or omission of the landlord,

the tenant may terminate the tenancy.

(5) Section 55(1) is amended

- (a) in clause (a) by striking out "4.1(3)," and substituting "4.1(3) or (4),"; and
- (b) by adding "25.1(1)," after "22(2.1),".

(4) Section 34 presently reads:

34 If a landlord commits a breach of a tenancy agreement or contravenes this Act, the tenant may apply to a court for one or more of the following remedies:

- (a) recovery of damages resulting from the breach or contravention;*
- (b) abatement of rent to the extent that the breach or contravention deprives the tenant of the benefit of the tenancy agreement;*
- (c) compensation for the cost of performing the landlord's obligations;*
- (d) termination of the tenancy by reason of the breach or contravention if in the opinion of the court the breach or contravention is of such significance that the tenancy should be terminated.*

(5) Section 55(1) presently reads:

55(1) A person who contravenes

- (a) section 4.1(3), 17.1, 21, 22(2.1), 42, 42.1, 43 or 44(1) or (4.1),*
- (b) the regulations, or*
- (c) an order of a court made under this Act*

is guilty of an offence and liable to a fine of not more than \$5000.

Residential Tenancies Act

Amends RSA
1980 cR-15.3

2(1) The *Residential Tenancies Act* is amended by this section.

(2) Section 4.1 is amended by adding the following after subsection (3):

(4) No landlord shall terminate a periodic tenancy solely on the basis that a tenant has vacated the tenant's premises pursuant to an order issued under section 72 of the *Public Health Act* where the order is issued due to an act or omission by the landlord.

(3) The following is added after section 28.1:

Orders under
Public Health Act

28.2(1) No landlord shall

- (a) issue a notice to vacate, or
- (b) consider a residential tenancy agreement repudiated,

solely because a tenant has vacated the tenant's premises due to an order issued under section 72 of the *Public Health Act*.

(2) Section 4.1(4) and subsection (1) cease to apply 30 days from the date the landlord provides notice to a tenant that the landlord has complied with the requirements of the order issued under section 72 of the *Public Health Act*.

(3) A tenant is not liable to pay rent from the date the tenant vacates the tenant's premises pursuant to an order issued under section 72 of the *Public Health Act* until the date the landlord provides notice to the tenant under subsection (2).

(4) This section only applies where the order under section 72 of the *Public Health Act* is issued due to an act or omission by the landlord.

(4) Section 29 is amended by renumbering it as section 29(1) and by adding the following after subsection (1):

(2) When an order is issued under section 72 of the *Public Health Act* which

- (a) requires a tenant to vacate the tenant's premises, and

Residential Tenancies Act

2(1) Amends chapter R-15.3 of the Revised Statutes of Alberta, 1980.

(2) Section 4.1(3) presently reads:

(3) No landlord shall terminate a periodic tenancy for the reason that the tenant

(a) made an application or filed a statement under this Act, or

(b) made a complaint, assisted in an investigation or inquiry or gave evidence at a hearing under this Act or the Public Health Act.

(3) Orders under *Public Health Act*.

(4) Section 29 presently reads:

29 If a landlord commits a breach of a residential tenancy agreement or contravenes this Act, the tenant may apply to a court for one or more of the following remedies:

(a) recovery of damages resulting from the breach or contravention;

(b) is issued due to an act or omission of the landlord,
the tenant may terminate the tenancy.

(5) Section 50(1) is amended

- (a) in clause (a) by striking out “4.1(3),” and substituting “4.1(3) or (4),”; and**
- (b) by adding “28.2(1),” after “18,”.**

Coming into Force

3 This Act comes into force on Proclamation.

- (b) abatement of rent to the extent that the breach or contravention deprives the tenant of the benefit of the tenancy agreement;*
- (c) compensation for the cost of performing the landlord's obligations;*
- (d) termination of the tenancy by reason of the breach or contravention if in the opinion of the court the breach or contravention is of such significance that the tenancy should be terminated.*

(5) Section 50(1) presently reads:

50(1) A person who contravenes

- (a) section 4.1(3), 15.1, 17, 18, 37, 37.1(1) or (3), 38 or 39(1) or (4.1),*
- (b) the regulations, or*
- (c) an order of a court made under this Act*

is guilty of an offence and liable to a fine of not more than \$5000.

Coming into Force

3 Coming into force.