

*Bill 10*  
*Mr. Strang*

## **BILL 10**

2005

### **RESIDENTIAL TENANCIES AMENDMENT ACT, 2005**

*(Assented to* , 2005)

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

#### **Amends SA 2004 cR-17.1**

**1 The *Residential Tenancies Act* is amended by this Act.**

#### **2 Section 28 is amended**

**(a) in subsection (1)(b) by adding** “tenant believes on  
reasonable grounds that the” **before** “landlord”;

**(b) by repealing subsection (3) and substituting the  
following:**

**(3)** A notice to terminate under this section is ineffective if

(a) within 7 days from the date the landlord receives the  
notice, the landlord serves the tenant with a notice in  
writing objecting to the termination on the grounds that  
the landlord has complied with the order under the  
*Public Health Act* or has been granted a stay of the  
order, and

(b) at the time of serving the notice of objection the landlord  
has complied with the order or has been granted a stay of  
the order.

**3 Section 29(4)(b) is amended by adding “, if the alleged breach is other than a failure to pay rent” after “reasons for objecting”.**

**4 Section 46(1)(a) is amended by adding “regular,” before “registered”.**

**5 Nothing in this Act affects any notice given under the *Residential Tenancies Act* before the coming into force of this Act.**

### **Explanatory Notes**

**1** Amends chapter R-17.1 of the Statutes of Alberta, 2004.

**2** Section 28 presently reads in part:

*28(1) A tenant may apply to a court to terminate the tenancy or may terminate the tenancy by serving the landlord with a notice at least 14 days before the day that the tenancy is to terminate where*

*(a) the landlord commits a substantial breach of the residential tenancy agreement, and*

*(b) an executive officer has issued an order under section 62 of the Public Health Act in respect of the circumstances that constitute the substantial breach, and the landlord has failed to comply with the order.*

*(3) A notice to terminate under this section is ineffective if, before the termination date set out in the notice, the landlord*

*(a) complies with the order under the Public Health Act, or*

*(b) serves the tenant with a notice in writing objecting to the termination that sets out the landlord's reasons for objecting.*

**3** Section 29(4)(b) presently reads:

*(4) A notice to terminate under this section is ineffective if, before the termination date given in the notice, the tenant*

*(b) serves the landlord with a notice in writing objecting to the termination that sets out the tenant's reasons for objecting.*

**4** Section 46(1)(a) presently reads:

*46(1) In this section,*

*(a) "deliver" means to deliver by personal service or send by registered or certified mail;*

**5** Transitional re existing notices.