

2007 Bill 34

Third Session, 26th Legislature, 56 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 34

TENANCIES STATUTES AMENDMENT ACT, 2007

THE MINISTER OF SERVICE ALBERTA

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 34

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2007

TENANCIES STATUTES AMENDMENT ACT, 2007

(Assented to , 2007)

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

Residential Tenancies Act

Amends SA 2004 cR-17.1

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

(2) Section 1(2) is amended by striking out “section 70(h)” and substituting “section 70(1)(h)”.

(3) Section 5 is amended by adding the following after subsection (4):

(5) A period of notice required by section 7, 8, 9, 11 or 12 may be modified by a regulation made under section 70(1)(c.1).

(4) Section 14 is amended

(a) in subsection (4) by striking out “since the last increase in rent”;

(b) by adding the following after subsection (7):

Explanatory Notes

Residential Tenancies Act

- 1(1) Amends chapter R-17.1 of the Statutes of Alberta, 2004.
- (2) Consequential to renumbering of section 70 as section 70(1).
- (3) Period of notice may be modified.
- (4) Section 14(4) presently reads:
(4) A landlord shall not increase the rent payable under a residential tenancy agreement or recover any additional rent resulting from an increase unless the prescribed amount of time has passed since the last increase in rent.

(8) A period of notice required by this section may be modified by a regulation made under section 70(1)(c.1).

(5) Section 60 is amended

(a) in subsection (1)(b) by striking out “70(1)” and substituting “70(1)(1)”;

(b) by adding the following after subsection (1):

(1.1) A landlord who fails to give the minimum required period of notice under section 12 is guilty of an offence and liable to a fine of not more than \$5000.

(c) in subsections (2) and (4) by adding “or (1.1)” after “subsection (1)”.

(6) Section 70 is amended

(a) by renumbering it as section 70(1);

(b) in subsection (1)

(i) in clause (c) by adding “and for fixed term tenancies” after “periodic tenancies”;

(ii) by adding the following after clause (c):

(c.1) modifying any period of notice required by section 7, 8, 9, 11, 12 or 14;

(iii) by adding the following after clause (l):

(5) Section 60 presently reads in part:

60(1) A person who contravenes

- (a) section 18, 19(6), 23, 24, 25, 31(13) or (14), 43, 44(1), (3), (5) or (6), 45 or 46(2) or (6) or this Act as described in section 6(2), or*
- (b) a provision of the regulations referred to in section 69(1)(b) or 70(l),*

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

(2) Where a corporation is convicted of an offence, every officer, director, employee or agent of the corporation who authorized the commission of the offence or assented to it or acquiesced or participated in it is also guilty of an offence and is liable to the penalty provided for in subsection (1).

(4) Where a landlord is convicted of contravening a provision referred to in subsection (1) and the justice considers that the landlord has wrongfully withheld prepaid rent paid by the tenant, the justice may order the landlord to pay all or part of that prepaid rent to the tenant.

(6) Section 70 presently reads:

70 The Minister may make regulations

- (a) establishing forms that may be used by landlords and tenants for leases, inspection reports and other documents under this Act;*
- (b) prescribing the reasons for which a landlord may terminate a periodic tenancy under Part 1;*
- (c) prescribing the minimum amount of time between increases in rent for periodic tenancies;*
- (d) prescribing or providing for the manner of determining periods of notice for the purposes of section 11(b);*

- (m) providing with respect to any provision of this Act, other than a provision referred to in section 60(1)(a) or (1.1), that its contravention constitutes an offence and prescribing penalties in respect of those offences;
- (n) respecting any other matter considered necessary to carry out the intent of this Act.

(c) by adding the following after subsection (1):

(2) A regulation made under this section may be made effective with reference to a date before it is made.

(3) Notwithstanding section 3(5) of the *Regulations Act*, a person is deemed to have notice of a regulation made under this section when the regulation is filed with the registrar under the *Regulations Act*.

(7) This section is deemed to have come into force on April 24, 2007.

Mobile Home Sites Tenancies Act

Amends RSA 2000 cM-20

2(1) The *Mobile Home Sites Tenancies Act* is amended by this section.

(2) Section 1(3) is amended by striking out “section 66(a), (f)” and substituting “section 66(1)(a), (f)”.

(3) Section 6 is amended by adding the following after subsection (3):

(4) A period of notice required by section 8, 9, 10, 13 or 14 may be modified by a regulation made under section 66(1)(j).

(4) Section 16 is amended by adding the following after subsection (5):

(6) The period of notice required by subsection (1) may be modified by a regulation made under section 66(1)(j).

- (e) *prescribing the statements to be contained in inspection reports and governing the signing of inspection reports for the purposes of section 19;*
- (f) *prescribing an amount for the purposes of section 31(2) and (3);*
- (g) *prescribing a period for the purposes of section 31(4);*
- (h) *respecting the means of establishing the liabilities of a tenant for the purposes of section 31(9);*
- (i) *respecting trust accounts for security deposits;*
- (j) *respecting the circumstances under which landlords may charge a fee or penalty for late payments of rent by tenants, and prescribing the maximum amounts of such fees or penalties or the manner in which they are calculated;*
- (l) *prescribing, with respect to any provision of the regulations under this section, that contravention of the provision constitutes an offence.*

(7) Coming into force.

Mobile Home Sites Tenancies Act

2(1) Amends chapter M-20 of the Revised Statutes of Alberta 2000.

(2) Consequential to renumbering section 66 as section 66(1).

(3) Period of notice may be modified.

(4) Period of notice may be modified.

(7) The amount of time between increases in rent required by subsection (3) may be modified by a regulation made under section 66(1)(i).

(5) Section 63 is amended

(a) by adding the following after subsection (1):

(1.1) A landlord who fails to give the minimum required period of notice under section 13 when terminating a tenancy for the purposes referred to in section 13(1) is guilty of an offence and liable to a fine of not more than \$5000.

(b) in subsection (2) by adding “or (1.1)” after “subsection (1)”.

(6) Section 66 is amended

(a) by renumbering it as section 66(1);

(b) in subsection (1) by adding the following after clause (g):

(h) prescribing the amount of time between increases in rent for fixed term tenancies;

(i) modifying the amount of time between increases in rent for periodic tenancies;

(j) modifying any period of notice required by section 8, 9, 10, 13, 14 or 16(1);

(k) providing with respect to any provision of this Act, other than a provision referred to in section 63(1)(a) or (1.1), that its contravention constitutes an offence and prescribing penalties in respect of those offences;

(l) respecting any other matter considered necessary to carry out the intent of this Act.

(5) Section 63 presently reads in part:

63(1) A person who contravenes

- (a) section 7(3), 20, 26, 27(3), 48, 49, 50 or 51(1) or (5),*
- (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.

(2) Where a corporation is convicted of an offence, every officer, director, employee or agent of the corporation who authorized the commission of the offence or assented to it or acquiesced or participated in it is also guilty of an offence and is liable to the penalty provided for in subsection (1).

(6) Section 66 presently reads:

66 The Minister may make regulations

- (a) establishing forms that may be used by landlords and tenants for leases, inspection reports and other documents under this Act;*
- (b) respecting the reasons that a landlord may terminate a periodic tenancy under Part 1;*
- (c) prescribing the statements to be contained in inspection reports and governing the signing of inspection reports for the purposes of section 21;*
- (d) prescribing an amount for the purposes of section 34(2) and (3);*
- (e) prescribing a period for the purposes of section 34(4);*
- (f) respecting the establishment of the tenant's liabilities for the purposes of sections 34(9) and 35(7);*

(c) by adding the following after subsection (1):

(2) A regulation made under this section may be made effective with reference to a date before it is made.

(3) Notwithstanding section 3(5) of the *Regulations Act*, a person is deemed to have notice of a regulation made under this section when the regulation is filed with the registrar under the *Regulations Act*.

(7) This section is deemed to have come into force on April 24, 2007.

(g) *respecting trust accounts for security deposits and prescribing the investments permitted for money in the trust accounts.*

(7) Coming into force.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To