

2020 Bill 11

Second Session, 30th Legislature, 69 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 11

**TENANCIES STATUTES
(EMERGENCY PROVISIONS)
AMENDMENT ACT, 2020**

THE MINISTER OF SERVICE ALBERTA

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 11

2020

TENANCIES STATUTES (EMERGENCY PROVISIONS) AMENDMENT ACT, 2020

(Assented to _____, 2020)

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

Mobile Home Sites Tenancies Act

Amends RSA 2000 cM-20

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

(2) The following is added after section 16:

Prohibition on rent increases in emergency

16.1(1) In this section, “emergency end date” means the date of the lapse or termination of the state of public health emergency declared under Order in Council 80/2020 or such alternative date as may be prescribed.

(2) If a tenancy expires or is terminated on or after March 27, 2020, and the landlord and tenant enter into a new tenancy agreement in respect of the same mobile home site that was the subject of the expired or terminated tenancy agreement between March 27, 2020 and the emergency end date, the rent payable under the new tenancy agreement from the date the agreement was entered into until the emergency end date is deemed to be the amount of rent payable under the tenancy agreement that was in force immediately prior to the date on which the landlord and tenant entered into the new tenancy agreement.

Explanatory Notes

Mobile Home Sites Tenancies Act

- 1**(1) Amends chapter M-20 of the Revised Statutes of Alberta 2000.
- (2) Prohibition on rent increases in emergency.

(3) Despite section 16, a landlord shall not increase the rent payable under an existing tenancy agreement until after the emergency end date where

- (a) a landlord has given a tenant a written notice of an increase in the rent in accordance with section 16, and
- (b) the notice period required under section 16(1) or the regulations is to elapse between March 27, 2020 and the emergency end date.

(3) The following is added after section 24:

No payment of late fees or penalties in emergency

24.1(1) In this section, “end date” means June 30, 2020 or such alternative date as may be prescribed.

(2) This section applies to

- (a) every tenancy agreement in effect in Alberta on April 1, 2020, and
- (b) every tenancy agreement entered into in Alberta between April 1, 2020 and the end date.

(3) Notwithstanding any provision in a tenancy agreement referred to in subsection (2), a landlord shall not charge a fee or penalty for late payments of rent or non-payment of rent by tenants between April 1, 2020 and the end date.

(4) For greater certainty, this section voids any provision in a tenancy agreement referred to in subsection (2) with respect to

- (a) the imposition or charging of late fees or penalties for the period between April 1, 2020 and the end date, and
- (b) the enforcement or collection of late fees or penalties charged on or after the date immediately following the end date for the period between April 1, 2020 and the end date.

(3) No payment of late fees or penalties in emergency.

(4) Section 66(1) is amended

(a) by adding the following after clause (b):

(b.1) prescribing an alternative emergency end date for the purposes of section 16.1;

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

(c.1) prescribing an alternative end date for the purposes of section 24.1;

(5) This section has effect on March 27, 2020.

Validation in respect of ministerial orders

2(1) Everything done under or in reliance of Ministerial Order No. SA:004/2020 is validated and declared for all purposes to have been validly done.

(2) Everything done under or in reliance of Ministerial Order No. SA:006/2020 in respect of the *Mobile Home Sites Tenancies Act* is validated and declared for all purposes to have been validly done.

Residential Tenancies Act

Amends SA 2004 cR-17.1

3(1) The *Residential Tenancies Act* is amended by this section.

(2) The following is added after section 14:

Prohibition on rent increases in emergency

14.1(1) In this section, “emergency end date” means the date of the lapse or termination of the state of public health emergency declared under Order in Council 80/2020 or such alternative date as may be prescribed.

(2) If a tenancy expires or is terminated on or after March 27, 2020, and the landlord and tenant enter into a new residential tenancy agreement in respect of the same residential premises that was the subject of the expired or terminated residential tenancy agreement between March 27, 2020 and the emergency end date, the rent payable under the new residential tenancy

(4) Section 66(1) presently reads in part:

66(1) The Minister may make regulations

- (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;*

(5) Coming into force.

2 Validates ministerial order.

Residential Tenancies Act

3(1) Amends chapter R-17.1 of the Statutes of Alberta, 2004.

(2) Prohibition on rent increases in emergency.

agreement from the date the agreement was entered into until the emergency end date is deemed to be the amount of rent payable under the residential tenancy agreement that was in force immediately prior to the date on which the landlord and tenant entered into the new residential tenancy agreement.

(3) Despite section 14, a landlord shall not increase the rent payable under an existing residential tenancy agreement until after the emergency end date where

- (a) a landlord has given a tenant a written notice of an increase in the rent in accordance with section 14, and
- (b) the notice period required under section 14(1) is to elapse between March 27, 2020 and the emergency end date.

(3) Section 70(1) is amended

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

- (c.01) prescribing an alternative emergency end date for the purposes of section 14.1;

(b) by adding the following after clause (j):

- (j.1) respecting prohibitions against charging fees or penalties for late payments of rent or non-payment of rent;
- (j.2) respecting the voiding of provisions in residential tenancy agreements in respect of the imposition or charging of late fees or penalties or the enforcement or collection of late fees or penalties;

(4) This section has effect on March 27, 2020.

Validation in respect of ministerial order

4 Everything done under or in reliance of Ministerial Order No. SA:006/2020 in respect of the *Residential Tenancies Act* is validated and declared for all purposes to have been validly done.

(3) Section 70(1) presently reads in part:

70(1) The Minister may make regulations

- (c) prescribing the minimum amount of time between increases in rent for periodic tenancies and for fixed term tenancies;*
- (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;*

(4) Coming into force.

4 Validates ministerial order.

Validates AR 55/2020

5(1) The *Late Payment Fees and Penalties Regulation* (AR 55/2020) is validated and declared for all purposes to have been validly made as of the date on which it was made.

(2) Everything done under or in reliance of the *Late Payment Fees and Penalties Regulation* (AR 55/2020) is validated and declared for all purposes to have been validly done.

(3) The *Late Payment Fees and Penalties Regulation* (AR 55/2020) is not subject to and is deemed not to have been subject to section 3(5) of the *Regulations Act* and on filing is as valid against all persons as if it had been published.

5 Validates AR 55/2020.

