

2023 Bill 205

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First Session, 31st Legislature, 2 Charles III

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 205

**HOUSING STATUTES (HOUSING SECURITY)  
AMENDMENT ACT, 2023**

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MEMBER IRWIN

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## BILL 205

2023

### HOUSING STATUTES (HOUSING SECURITY) AMENDMENT ACT, 2023

(Assented to \_\_\_\_\_, 2023)

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

#### Alberta Housing Act

##### Amends RSA 2000 cA-25

1(1) *The Alberta Housing Act* is amended by this section.

(2) The following is added immediately after section 31.3:

#### Affordable and Social Housing Accommodation Minimums

##### Requirement for minimum number of affordable and social housing accommodations

**31.4(1)** On or before January 1 of each year, the Minister  
must, by order, prescribe each of the following:

- (a) the minimum number of housing accommodations that  
must, within the following fiscal year, be designated  
under section 31.1 as an affordable housing  
accommodation;
- (b) the minimum number of each of the following types of  
housing accommodations that must form a part of the  
minimum number of affordable housing  
accommodations prescribed under clause (a):
  - (i) a single family residence;

## **Explanatory Notes**

### **Alberta Housing Act**

**1(1)** Amends chapter A-25 of the Revised Statutes of Alberta 2000.

(2) Affordable and Social Housing Accommodation Minimums; Requirement for minimum number of affordable and social housing accommodations; Report of the Minister.

- (ii) a multi-unit residence;
  - (iii) an apartment;
  - (iv) any other type of housing accommodation that the Minister considers necessary to include in the order;
- (c) the minimum number of social housing accommodations that must, within the following fiscal year, be provided under the Act by a management body;
- (d) the minimum number of each of the following types of social housing accommodations that must form a part of the minimum number of social housing accommodations prescribed under clause (c):
- (i) a seniors lodge accommodation;
  - (ii) a seniors self-contained housing accommodation;
  - (iii) any other type of social housing accommodation that the Minister considers necessary to include in the order.
- (2) On making an order under subsection (1), the Minister
- (a) must publish a copy of the order on the publicly accessible website of the Department administered by the Minister, and
  - (b) is responsible for ensuring that each minimum number of affordable housing accommodations and social housing accommodations prescribed under the order is met or exceeded within the fiscal year to which the order relates.

**Report of the Minister**

**31.5(1)** The Minister must include in the Minister's report on the Department in respect of a fiscal year each of the following:

- (a) the number of housing accommodations designated as an affordable housing accommodation within that fiscal year;
- (b) the number of revocations within that fiscal year of designations made under section 31.1;



- (c) the number of each of the following types of housing accommodations that form a part of the affordable housing accommodation designations referred to in clause (a) and the number that form a part of the revocations referred to in clause (b):
  - (i) a single family residence;
  - (ii) a multi-unit residence;
  - (iii) an apartment;
  - (iv) any other type of housing accommodation prescribed under the order made under section 31.4 that applies to that fiscal year;
- (d) the number of affordable housing accommodation designations referred to in clause (a) that were made in respect of each of the following:
  - (i) a newly built building or unit;
  - (ii) a conversion of an existing building or unit;
- (e) the number of social housing accommodations that were provided under the Act by a management body within that fiscal year;
- (f) the minimum number of each of the following types of social housing accommodations that form a part of the social housing accommodations referred to in clause (e):
  - (i) a seniors lodge accommodation;
  - (ii) a seniors self-contained housing accommodation;
  - (iii) any other type of social housing accommodation prescribed under the order made under section 31.4 that applies to that fiscal year;
- (g) the number of direct rent supplements that have been allocated under the Act within that fiscal year;
- (h) the number of applications for a direct rent supplement made under the Act for which no determination has been made as of April 30 of that fiscal year;



- (i) the number of rent supplement housing accommodations that have been approved under the Act within that fiscal year;
- (j) the number of applications made for an approval referred to in clause (i) for which no determination has been made as of April 30 of that fiscal year;
- (k) the number of housing accommodations that are housing units of non-profit continuing housing cooperatives as defined in the *Cooperatives Act*.

### **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 16(1) is repealed and the following is substituted:**

#### **Notice of increase in rent**

**16(1)** A landlord may only increase the rent payable under a tenancy agreement or recover any additional rent resulting from an increase as follows:

- (a) by giving the tenant a written notice of the increase in rent at least 180 days before the date on which the increase is to be effective;
- (b) in accordance with section 16.2.

**(3) The following is added immediately after section 16.1:**

#### **Maximum amount of rent increase**

**16.2(1)** In this section,

- (a) “Alberta CPI” means the monthly All-Items Consumer Price Index for Alberta, not seasonally adjusted, published by Statistics Canada;
- (b) “Dispute Resolution Service” means the body designated in section 59.2(1).

**(2)** Subject to subsection (4), a notice provided by a landlord under section 16 may only increase the rent payable under a tenancy agreement by the following amount:



## **Mobile Home Sites Tenancies Act**

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

(2) Section 16(1) presently reads:

*16(1) A landlord shall not increase the rent payable under a tenancy agreement or recover any additional rent resulting from an increase unless the landlord gives to the tenant a written notice of the increase in rent at least 180 days before the date on which the increase is to be effective.*

(3) Maximum amount of rent increase; Rent increase following vacancy of mobile home site.

- (a) if the percentage increase in the Alberta CPI in the previous calendar year is 5% or more, by up to 5%;
- (b) if the percentage increase in the Alberta CPI in the previous calendar year is greater than 2% and less than 5%, by up to that percentage;
- (c) if the percentage increase in the Alberta CPI in the previous calendar year is 2% or less, by up to 2%.

(3) Despite subsection (2) and subject to subsection (4), during the period beginning on the date on which this section comes into force and ending on December 31, 2025, a notice provided by a landlord under section 16 may only increase the rent payable under a tenancy agreement by up to 2%.

(4) A landlord may, in accordance with the regulations, apply to the Dispute Resolution Service for approval of a rent increase in an amount greater than the applicable amount set out in subsection (2) or (3).

(5) This section does not apply to the following classes of mobile home sites:

- (a) mobile home sites owned by a non-profit continuing housing cooperative as defined in the *Cooperatives Act*;
- (b) any other prescribed class of mobile home site.

(6) If, before this section comes into force, a landlord gives notice to a tenant of an increase in rent payable in accordance with section 16 that is effective on a date following the day on which this section comes into force, and that proposed increase exceeds the applicable amount permitted under subsection (2) or (3), the increase in the notice is considered to be substituted with the permitted amount.

#### **Rent increase following vacancy of mobile home site**

**16.3(1)** In this section,

- (a) “initial rent” means the amount of rent payable under a tenancy agreement from the date on which the agreement is entered into until the expiry of the amount of time set out in section 16(3);



(b) “vacancy control period” means the period beginning on the date on which this section comes into force and ending on December 31, 2028.

(2) If, during the vacancy control period, a tenancy agreement expires or is terminated and the landlord enters into a new tenancy agreement in respect of the same mobile home site, the initial rent payable under that new agreement may not exceed the sum of the amount of rent payable under the previous tenancy agreement plus the amount by which the rent payable may be increased in accordance with section 16.2(2) or (3), as applicable.

(3) This section does not apply to the classes of mobile home sites listed in section 16.2(5).

**(4) The following is added immediately after section 66(1)(b.1):**

(b.2) respecting an application made under section 16.2(4);

(b.3) prescribing classes of mobile home sites for the purposes of section 16.2(5)(b);

## **Residential Tenancies Act**

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

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

**(2) Section 14(1) is repealed and the following is substituted:**

#### **Notice of increase in rent**

**14(1)** A landlord may only increase the rent payable under a residential tenancy agreement or recover any additional rent resulting from an increase as follows:

(a) by serving on the tenant a written notice of the increase in rent

(i) in respect of a weekly tenancy, at least 12 tenancy weeks before the date on which the increase is to be effective,

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

*66(1) The Minister may make regulations*

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

### **Residential Tenancies Act**

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

(2) Section 14(1) presently reads:

*14(1) A landlord shall not increase the rent payable under a residential tenancy agreement or recover any additional rent resulting from an increase unless the landlord serves on the tenant a written notice of the increase in rent*

*(a) in respect of a weekly tenancy, at least 12 tenancy weeks,*

*(b) in respect of a monthly tenancy, at least 3 tenancy months, and*

*(c) in respect of any other periodic tenancy, at least 90 days,*

*before the date on which the increase is to be effective.*

- (ii) in respect of a monthly tenancy, at least 3 tenancy months before the date on which the increase is to be effective, and
  - (iii) in respect of any other periodic tenancy, at least 90 days before the date on which the increase is to be effective;
- (b) in accordance with section 14.2.

**(3) The following is added immediately after section 14.1:**

**Maximum amount of rent increase**

**14.2(1)** In this section,

- (a) “Alberta CPI” means the monthly All-Items Consumer Price Index for Alberta, not seasonally adjusted, published by Statistics Canada;
- (b) “Dispute Resolution Service” means the Residential Tenancy Dispute Resolution Service established by the regulations.

**(2)** Subject to subsection (4), a notice provided by a landlord under section 14 may only increase the rent payable under a residential tenancy agreement by the following amount:

- (a) if the percentage increase in the Alberta CPI in the previous calendar year is 5% or more, by up to 5%;
- (b) if the percentage increase in the Alberta CPI in the previous calendar year is greater than 2% and less than 5%, by up to that percentage;
- (c) if the percentage increase in the Alberta CPI in the previous calendar year is 2% or less, by up to 2%.

**(3)** Despite subsection (2) and subject to subsection (4), during the period beginning on the date on which this section comes into force and ending on December 31, 2025, a notice provided by a landlord under section 14 may only increase the rent payable under a residential tenancy agreement by up to 2%.

**(4)** A landlord may, in accordance with the regulations, apply to the Dispute Resolution Service for approval of a rent

(3) Maximum amount of rent increase; Rent increase following vacancy of residential premises.

increase in an amount greater than the applicable amount set out in subsection (2) or (3).

(5) This section does not apply to the following classes of residential premises:

- (a) affordable housing accommodation as defined in the *Alberta Housing Act*;
- (b) residential premises owned by a non-profit continuing housing cooperative as defined in the *Cooperatives Act*;
- (c) social housing accommodation as defined in the *Social Housing Accommodation Regulation* (AR 244/94);
- (d) subsidized public housing;
- (e) any other prescribed class of residential premises.

(6) If, before this section comes into force, a landlord gives notice to a tenant of an increase in rent payable in accordance with section 14 that is effective on a date following the day on which this section comes into force, and that proposed increase exceeds the applicable amount permitted under subsection (2) or (3), the increase in the notice is considered to be substituted with the permitted amount.

### **Rent increase following vacancy of residential premises**

**14.3(1)** In this section

- (a) “initial rent” means the amount of rent payable under a residential tenancy agreement from the date on which the agreement is entered into until the expiry of the amount of time set out in section 14(4);
- (b) “vacancy control period” means the period beginning on the date on which this section comes into force and ending on December 31, 2028.

(2) If, during the vacancy control period, a residential tenancy agreement expires or is terminated and the landlord enters into a new residential tenancy agreement in respect of the same residential premises, the initial rent payable under that new agreement may not exceed the sum of the amount of rent payable under the previous residential tenancy agreement plus the amount by which the rent payable may be increased in accordance with section 14.2(2) or (3), as applicable.





(3) This section does not apply to the classes of residential premises listed in section 14.2(5).

**(4) The following is added immediately after section 70(1)(c.01):**

(c.02) respecting an application made under section 14.2(4);

(c.03) prescribing classes of residential premises for the purposes of section 14.2(5)(e);

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

*70(1) The Minister may make regulations*

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

