

1975 Bill 222
(Second Session)

First Session, 18th Legislature, 24 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 222

AN ACT TO AMEND THE LANDLORD AND TENANT ACT

MR. NOTLEY

First Reading

Second Reading

Third Reading

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Bill 222
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AN ACT TO AMEND THE LANDLORD AND TENANT ACT

(Assented to _____, 1975)

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

1. The Landlord and Tenant Act is hereby amended.

2. Section 16 is amended as to subsection (1) by adding the following clause after clause (c):

(d) "Board" means the Landlord Tenant Adjudication Board established hereunder.

3. The following section is added after section 21.1:

21.1 (1) (a) Where the landlord gives to a tenant a notice to terminate a tenancy of residential premises the tenant may, not later than four days before the date the termination is specified to be effective, give to a landlord a notice demanding written reasons for the termination of the tenancy and particulars thereof.

(b) The landlord shall give to the tenant, not later than two days from the date the landlord is given notice under clause (a), notice in writing of the reasons for the termination and particulars thereof.

(2) (a) A tenant of residential premises may appeal a notice to terminate to the Board or to a municipal board where such a municipal board has been established pursuant to this Act.

(b) If a tenant appeals a notice to terminate a tenancy, the Board shall hold a hearing as soon as practicable and may receive evidence under oath to determine whether the landlord's written reasons and particulars justify termination of the tenancy and shall make a ruling confirming, amending or annulling the notice to terminate.

Explanatory Notes

2. Landlord and Tenant Adjudication Board defined.

3. Provides for Board to review termination of a tenancy.

(c) At least five days notice of a hearing by the Board shall be given to the landlord and tenant involved.

(3) Any notice given by a tenant under clause (a) of subsection (1) or a landlord under clause (b) of subsection (1) or the Board under clause (c) of subsection (2) shall be given in the manner prescribed in section 5.

4. Section 17 is amended by re-numbering subsections (1) and (2) as subsections (3) and (4) and by adding the following as subsections (1) and (2):

(1) A lease in the standard form to be provided for by regulation under this Act shall cover all agreements between landlords and tenants for tenancy of residential premises.

(2) The landlord and tenant may agree to terms of the lease which differ from those provided for in the standard form provided pursuant to subsection (1) provided that:

(a) such terms are evidenced in writing by amendment of the standard form, and

(b) the amendments to the standard form are made in such a way that the terms in the standard form that are deleted or varied remain legible in their original form.

5. Section 18 is struck out and the following is substituted therefor:

18. (1) A landlord may require a tenant to provide a security deposit not to exceed the sum of one month's rent.

(2) The security deposit shall be paid to the Board by the tenant on or before the first day the tenancy agreement comes into effect and the Board shall provide the landlord and tenant with evidence of the receipt thereof.

(3) The Board shall hold the security deposit in trust for the landlord and tenant jointly.

(4) The Board may invest the security deposit in investments authorized by *The Trustee Act*, and shall pay interest thereon to the tenant at a rate of six per cent payable at the end of each year and upon termination of the tenancy.

(5) The Board shall return the security deposit to the tenant five days after the expiry of the tenancy unless the landlord files with the Board a claim to all or part of the security deposit, supported by an affidavit setting out particulars of the claim, within five days of the expiry of the tenancy.

4. Provides for all leases to be completed on a standard form.

5. Provides for Board to hold security deposits.

(6) If the landlord files a claim for all or part of the security deposit, the Board shall provide a copy thereof to the tenant if he applies in person, by agent or by mail therefor, and

- (a) if the claim is not contested by the tenant within seven days of his receipt of a copy or of the date of mailing of a copy to him, the Board shall pay the landlord the portion of the security deposit claimed and return the remainder to the tenant, or
- (b) if the claim is contested by the tenant, the Board shall hold a hearing as soon as practicable to adjudicate on the disposition of the security deposit.

6. Section 19 is struck out and the following is substituted therefor:

19. (1) A landlord who requires a tenant to post a security deposit under Section 18 shall post with the Board a maintenance deposit equal to the amount of the security deposit.

(2) The Board shall hold the maintenance deposit in trust for the landlord and tenant jointly.

(3) The Board may invest the maintenance deposit in investments authorized by *The Trustee Act*, and shall pay interest thereon to the landlord at a rate of six per cent payable at the end of each year and upon termination of the tenancy.

(4) A tenant may make an application to the Board which shall be supported by an affidavit for an order that the landlord undertake necessary maintenance or repairs to the premises to the extent that he is liable for maintenance and repairs under the lease and the Board has power to make such an order.

(5) If any landlord fails to comply with an order made under subsection (2) the Board may direct that maintenance or repairs be undertaken by or on behalf of the tenant and that the maintenance deposit or part thereof be used to pay for such maintenance or repairs.

(6) A landlord may make written application for the return of a maintenance deposit showing evidence that the security deposit has been returned to the tenant and if no claim has been filed against the maintenance deposit or if all claims against the maintenance deposit have been settled to the satisfaction of the Board, the Board shall return the maintenance deposit to the landlord.

6. Requires landlord to post a maintenance deposit with the Board and empowers the Board to order maintenance or repairs.

7. The following section is added after section 19:

19.1 (1) No person shall prevent or interfere with or attempt to prevent or interfere with the formation or operation of any formal or informal association between tenants whether or not those tenants are tenants of a common landlord.

(2) No person shall prevent or interfere with or attempt to prevent or interfere with communication between tenants whether or not those tenants have a common landlord.

(3) No landlord or employee or agent of a landlord may prevent a candidate or a person acting on behalf of a candidate in a municipal, provincial or federal election or by-election from gaining access to a point immediately outside the entrance to premises occupied by a tenant of such landlord between the hours of 8:00 a.m. and 10:00 p.m., unless

- (a) the person seeking access fails to produce written evidence of the fact that he is, or is acting on behalf of, a candidate when it is demanded of him by the landlord, his employee or agent, or
- (b) the person seeking access is causing a disturbance,
or
- (c) the person seeking access is or appears to be under the influence of alcohol or a drug, or
- (d) the tenant has requested in writing to the landlord that such persons should not be allowed such access,

8. Section 22 is struck out and the following is substituted therefor:

22. (1) The Landlord and Tenant Adjudication Board is hereby established.

(2) The Lieutenant Governor in Council shall appoint fifteen members to the Board of whom nine shall constitute a quorum.

(3) The Board may make by-laws governing its internal procedures.

(4) The functions of the Board are and it has power:

- (a) to adjudicate on disputes between landlords and tenants relating to termination of tenancy agreements;
- (b) to adjudicate on disputes between landlords and tenants relating to maintenance and repair of residential premises;

7. Tenants associations and access by political candidates not to be denied.

8. Establishes provincial Landlord and Tenant Adjudication Board.

(c) to receive and hold and return security deposits and maintenance deposits as provided for in this Act and in regulations issued hereunder.

(5) The Board may exercise its powers described in subsection (4) in up to five divisions responsible for defined geographical areas and in which three members shall constitute a quorum.

(6) The Board may receive remuneration and expenses specified by the Lieutenant Governor in Council and may hire such staff as it deems necessary to carry out its functions provided that moneys have been appropriated for those purposes by the Legislature.

9. The following sections are added after section 22:

22.1 (1) The council of a city, town, village, municipal district or county, or the board of administrators of a new town, may by by-law establish a Municipal Landlord and Tenant Adjudication Board with powers equivalent those granted to the Board by this Act within that jurisdiction.

(2) Where a Board has been established pursuant to subsection (1) it shall take over the responsibilities, duties and powers of the Board established by section 22 relating to tenancies of residential premises within that jurisdiction.

22.2 Any person who violates any provision of this Act commits an offence and is liable upon summary conviction to a fine not to exceed \$1,000.00.

10. Section 23 is amended by adding the following after clause (b):

- (c) establish the remuneration for members of the Board if monies have been appropriated for that purpose by the Legislature.
- (d) authorize the Board to carry out its functions in a larger number of divisions than those permitted by section 22.
- (e) prescribe the standard form of lease to be used pursuant to section 17.

11. This Act comes into force on a date to be fixed by Proclamation which shall not be earlier than the date upon which the Legislative Assembly by separate vote appropriates money to the purposes contained herein.

9. Municipal boards may be established; offences and penalties.

10. Authorizes regulations.

11. Commencement.