



Province of Alberta

ALBERTA HOUSING ACT

HOUSING ACCOMMODATION TENANCIES REGULATION

Alberta Regulation 242/1994

With amendments up to and including Alberta Regulation 142/2017

Office Consolidation

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(Consolidated up to 142/2017)

ALBERTA REGULATION 242/94

Alberta Housing Act

HOUSING ACCOMMODATION TENANCIES REGULATION

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Interpretation and application

1(1) In this Regulation,

- (a) "Act" means the *Alberta Housing Act*;
- (b) "household" has the same meaning it has in the *Social Housing Accommodation Regulation* under the Act;
- (c) "housing accommodation" means housing accommodation that is provided under the Act;
- (d) "management body" means a management body that is established under the Act for the purpose of providing housing accommodation;
- (e) "over or under housed" means occupying housing accommodation that is larger or smaller than is necessary to be considered suitable and adequate or that has more or less services or facilities than are required.

(2) The Minister may exempt a management body or any housing accommodation operated and administered by a management body from the application of any of the provisions of this Regulation, subject to any terms and conditions the Minister considers appropriate.

Application of Residential Tenancies Act

2(1) Except where this or any other regulation under the Act or any order or direction of the Minister under the Act provides otherwise, the *Residential Tenancies Act* applies to tenancies in housing accommodation provided by management bodies.

(2) The *Residential Tenancies Act* does not apply to lodge accommodation provided by management bodies.

AR 242/94 s2;409/94

Tenant's responsibilities

3 The individual representing a household who enters into a tenancy agreement with a management body in respect of housing accommodation is, in addition to the individual's responsibilities under the *Residential Tenancies Act*, responsible for the actions and consequences of those actions of the members of the household and any other person who occupies the housing accommodation with the consent of a member of the household.

Tenancy agreements

4(1) A management body and an individual on behalf of a household shall enter into a written form of tenancy agreement.

(2) A tenancy agreement in respect of housing accommodation other than lodge accommodation must contain provisions substantially to the following effect:

- (a) the individual signing a tenancy agreement with a management body shall ensure that accurate income and household information is supplied to the management body as required by the management body, including information regarding gross household income, incomes of individual members of the household, assets of the household, and characteristics of the household;
- (b) the information provided under clause (a) is subject to verification by the management body;
- (c) rent for the housing accommodation is based on the income, assets and characteristics of the household;
- (d) the individual signing a tenancy agreement with a management body shall ensure that the management body is promptly advised of any changes in the income, assets or characteristics of the household that occur during the term of the tenancy agreement;
- (e) any changes in the household's income, assets or characteristics, as determined by the management body,

may result in an adjustment to the rent for the housing accommodation;

- (f) the management body shall recalculate the rent for housing accommodation on becoming aware of any changes in the household's income, assets or characteristics, including any changes resulting from verification;
- (g) any adjustment in rent will become effective on the first day of the month following the month in which notice of the adjustment is sent;
- (h) if, as a result of any recalculation of rent, the management body determines that additional amounts are owing to the management body for any period of the tenancy since its starting date, the management body may, without limitation to its remedies under the *Residential Tenancies Act*, demand prompt payment from the individual signing the tenancy agreement with the management body;
- (i) the individual signing a tenancy agreement with a management body shall be provided notice of any change in the manner of calculating the rent for the housing accommodation in accordance with the provisions of the *Residential Tenancies Act*;
- (j) the parties agree to amend the tenancy agreement as directed by the Minister in order to bring the agreement into compliance with the Act, the regulations under the Act and the *Residential Tenancies Act* to the extent that it applies.

(3) A tenancy agreement in respect of housing accommodation in lodge accommodation must contain provisions substantially to the following effect:

- (a) the provisions referred to in subsection (2)(a), (b), (d), (f), (g) and (j);
- (b) if as a result of any recalculation of rent the management body determines that additional amounts are owing to the management body for any period of the tenancy since its starting date, the management body may demand prompt payment from the individual signing the tenancy agreement with the management body;
- (c) the individual signing the tenancy agreement with a management body shall be provided notice of any change in the manner of calculating the rent for the housing

accommodation at least 30 days prior to the effective date of the change.

(4) Tenancy agreements that do not contain provisions as required by subsection (2) or (3) are deemed to contain them.

(5) Any provision of a tenancy agreement that is inconsistent with a provision included or deemed to be included in the agreement by reason of the operation of this section is void.

Transfer of household

5(1) If a household is over or under housed, the management body may, of its own motion or on the request of the household, transfer the household to other housing accommodation that is operated and maintained by the management body and is suitable and adequate for the household's needs.

(2) The management body shall evaluate the priority of the need of the household and carry out the transfer in accordance with the *Social Housing Accommodation Regulation* under the Act.

(3) Where a household refuses a transfer under this section, the management body may terminate the tenancy by giving 30 days' notice to vacate.

(4) A household that is transferred under this section is responsible for its own moving costs unless the management body agrees otherwise.

Vacancies

6(1) Where a vacancy occurs in housing accommodation, a management body shall give priority to households eligible for housing accommodation under the Act.

(2) Where a vacancy occurs in housing accommodation and no eligible household has applied for the housing accommodation, the management body may, subject to subsection (3), offer the housing accommodation to any other person on the terms and conditions it considers appropriate.

(3) Where a management body provides housing accommodation to another person under subsection (2), the management body shall at least every 6 months, review all applications for housing accommodation received from households and determine if the housing accommodation is suitable and adequate for any of the households that have made application.

(4) Where the management body determines that

- (a) a household that has applied for housing accommodation is eligible for housing accommodation that has been provided to another person under subsection (2), and
- (b) the housing accommodation is suitable and adequate for the household

the management body may terminate the tenancy of the other person and provide the housing accommodation to the household in accordance with the *Social Housing Accommodation Regulation*.

(5) Notwithstanding subsection (4), if the management body determines that the other person referred to in subsection (4) is eligible for any type of housing accommodation, the management body may elect not to terminate the tenancy and instead may provide other housing accommodation to the applicant household in accordance with the *Social Housing Accommodation Regulation*.

Termination of tenancy

7 In addition to the grounds on which a landlord may terminate a tenancy agreement under the *Residential Tenancies Act*, a management body may terminate a tenancy agreement for housing accommodation if the household ceases to be eligible for the housing accommodation.

Notice

8(1) The period of notice required in a case to which section 6(4) applies is the period determined by agreement between the management body and the person occupying the housing accommodation under section 6(3).

(2) The period of notice required in a case to which section 7 applies is the period determined under section 7, 8(1)(b) or 9(b) of the *Residential Tenancies Act* for weekly, monthly or yearly tenancies, as the case may be.

AR 242/94 s8;409/94;251/2001

9 Repealed AR 142/2017 s2.

10 Repealed AR 142/2017 s3.



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