



Province of Alberta

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

Statutes of Alberta, 2020  
Chapter 6

Assented to April 2, 2020

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*Bill 11*

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

### **Chapter 6**

*(Assented to April 2, 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.

**(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.

**(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**

**(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**

**(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 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.

**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.



