

Residential Tenancies Act, Chapter R-17.1

Comes into force November 1, 2004

Table of Concordance

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**J. Burns
October 6, 2004**

Alberta
GOVERNMENT SERVICES

Consumer Services

Table of Concordance – Residential Tenancies Act, Chapter R-17.1

OLD SECTION	NEW SECTION	CHANGE	REASON
	1(1)(d)	New definition “Director” added, “means the Director of Residential Tenancies appointed under s. 55”.	Director has authority to determine compliance with RTA and to manage Alternative Dispute Resolution process.
1(1)(e) (i)	1(1)(f) (ii)	(i) Added “of the residential premises” to landlord definition. (ii) Property manager, added “who acts as agent for the owner of the residential premises and any other person who, as agent for the owner” Deleted the heirs of property manager and person who permits occupation.	Clarification.
1(1)(g)	1(1)(i)	Periodic Tenancy. Added (iii) “with respect to a fixed term tenancy that does not contain a provision referred to in subclause (ii), the part of the tenancy that arises after the end of the fixed term tenancy, where the landlord and tenant by their conduct expressly or impliedly indicate that they intend that the tenancy be renewed or continued after the end of the fixed term tenancy”.	Include implied periodic tenancy portion to link the periodic portion of a fixed term tenancy, if the parties wish to continue a tenancy arrangement.
1(1)(l)	1(1)(n)	Security deposit definition, deleted “or to anyone on the landlord’s behalf”. Subclauses created. (i) to be held by or for the landlord as security for the performance of an obligation or the payment of a liability by the tenant, or (ii) to be returned to the tenant on the happening of a condition.	Clarification.
1(1)(m)		Senior citizens lodge, deleted definition	Not referenced in RTA.

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OLD SECTION	NEW SECTION	CHANGE	REASON
1(1)(o)	1(1)(p)	<p>Substantial breach</p> <p>(i) on the part of a tenant, a breach of a covenant specified in section 21 or a series of breaches of a residential tenancy agreement, the cumulative effect of which is substantial, and</p> <p>(ii) on the part of a landlord, a breach of a covenant specified in section 16(c).</p>	<p>Combined (i) and (ii).</p> <p>Added breach of landlord covenants as new ss. (ii). Linked to section 28.</p>
1(1)(s)	1(1)(t)	<p>Tenant, (i) added “by the landlord”.</p> <p>(iii) Added “assign or personal representative of a person referred to in subclause (i) or (ii)”.</p>	<p>Clarification.</p> <p>Corresponds with landlord definition.</p>
1(2)		<p>section 1(1)(l) is now 1(1)(n);</p> <p>section 18(2), (3) is now 19(2), (3);</p> <p>section 28 is now 31;</p> <p>section 34 is now 37;</p> <p>section 38 is now 41;</p> <p>section 43 is now 37</p> <p>section 48 is now 46;</p> <p>section 60(3), (4) is now 60(3), (5);</p> <p>section is now 64(g) is now 70(h)</p> <p>and added 25(b) and 44(5)(a).</p>	<p>Updated.</p> <p>To ensure the rights of tenants who have left the premises are continued.</p>

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OLD SECTION	NEW SECTION	CHANGE	REASON
	1(3)	<p>New definition “Taking possession”</p> <p>“For the purposes of this Act, unless the landlord and the tenant agree otherwise, the tenant is considered to have taken possession of the residential premises when</p> <p>(a) the tenant has paid the required security deposit and fees, if any, and the rent required at the beginning of the tenancy, and</p> <p>(b) the landlord, being in lawful possession of the residential premises, has given the keys to the residential premises to the tenant for the purpose of the tenant’s occupying the residential premises under the residential tenancy agreement.”</p>	<p>Clarifies taking possession whenever used in the Act.</p> <p>Codifies the common law.</p>
	1(4)	<p>New definition “Giving up possession”</p> <p>“Where, before the end of the residential tenancy agreement the tenant has paid the rent to the end of the agreement but has not turned in the keys to the residential premises, the tenant shall not be considered to have given up possession of the residential premises unless</p> <p>(a) the landlord and the tenant agree that the tenant has given up possession, or</p> <p>(b) the landlord reasonably believes that the tenant has repudiated the residential tenancy agreement or has abandoned the residential premises.”</p>	<p>Clarifies giving up possession whenever used in the Act.</p> <p>Codifies the common law. Some tenants advised that they had moved out, the rent was paid to the end of the month; however, they still had keys with the intention of cleaning and removing the rest of their belongings. Some landlords are cleaning, deducting cleaning charges from the security deposits and allowing new tenants to move in before the beginning of the next tenancy period. Some landlords are changing locks.</p>
	2(2)(c)	<p>Rooms in the living quarters of the landlord. Changed “lives” to “actually resides”.</p>	<p>61% of stakeholders supported this change to clarify bona fide landlord.</p>

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OLD SECTION	NEW SECTION	CHANGE	REASON
2(2)(g)		<p>Senior citizens lodge changed to “lodge accommodation as defined in the <i>Alberta Housing Act</i> that is operated</p> <p>(i) by a management body under a ministerial order under section 5 of that Act or,</p> <p>(ii) under an agreement with the Minister responsible for that Act.”</p>	Updated as requested by Alberta Seniors.
7		Notice to terminate weekly tenancy, added “given by a landlord or tenant” and “on the other party”.	Clarification.
11		<p>Notice to terminate tenancy of employee.</p> <p>“(b) a period prescribed in or determined in accordance with the regulations”.</p>	<p>Landlords and tenants in the tourism industry advised there are problems with tenants who get terminated from their employment and subsequently cause major disturbances for either the other tenants or landlord. Most of the problems seemed to have occurred in the probationary period of new employee tenants.</p> <p>Because there are more employer/tenant situations than tourism, like oilfield and construction work camps, it was decided to add a subsection to allow regulating of termination notice periods.</p> <p>Any new notice period for termination of tenancy for employees will go into regulation. S. 11(a) will then be repealed.</p>

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OLD SECTION	NEW SECTION	CHANGE	REASON
14		<p>Notice of increase in rent.</p> <p>(1) Changed “gives to” to “serves on”.</p> <p>Added</p> <p>“(2) A notice under this section must indicate the date on which the increase is to be effective and must be dated and signed by the landlord”.</p> <p>Added</p> <p>“(6) A notice of increase in rent that does not comply with or is not given in accordance with this section is void”.</p> <p>Changed (7): “A tenant who pays increased rent pursuant to a notice of increase in rent that does not comply with or is not given in accordance with this section may recover the amount by which the rent was increased in an action in debt.”</p>	<p>Clarified requirements like other notices.</p> <p>Clarification.</p> <p>Clarify no option to correct a notice that does not include the proper notice period.</p> <p>Clarification.</p>
	15	<p>New Section:</p> <p>“Notice to terminate not required.</p> <p>Notwithstanding any agreement to the contrary, notice to terminate is not required in order to terminate a fixed term tenancy”.</p>	<p>Clarifies fixed term tenancy ends on date in tenancy agreement and no notice is required. This does not apply if the parties’ agreement allows the tenancy to continue as a periodic.</p>

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OLD SECTION	NEW SECTION	CHANGE	REASON
15	16	Landlord’s covenants, Changed (c) that the premises will “meet at least the minimum standards prescribed for housing premises under the <i>Public Health Act</i> and regulations”.	The provision is amended to require landlords to ensure their rental premises continually meet the Minimum Housing & Health Standards set out in the <i>Public Health Act</i> (PHA), not just at the beginning of the tenancy as in the prior Act. Clarifies that the RTA and PHA interrelate. This is not an offence under the RTA. Public health inspectors under the PHA will be the only individuals who can investigate and charge a landlord for failing to meet the Minimum Housing & Health Standards.
17	18	Notice of landlord, added to (i) “written”, “is dated and signed by the landlord and” Changed “street address” in (i) to “physical location”. (4) Added “forthwith”.	Consistency with other notices. Covers rural address. Timeline for landlord to provide changes to notice of landlord to tenant.
18(1) & (2)	19(1) & (2)	Inspection report, added “forthwith on completion of the inspection”	Timeline for landlord to provide report to tenant.
18(3)	19(3)	Inspection report, changed “suggested” to “proposes”.	Clarification.
	19(4)	Inspection report, added “For the purposes of subsection (3) the landlord may propose alternate inspection times, with the inspection to take place on the 2 nd date and time if it does not proceed on the first date and time”.	Clarification. Consistent with common law.

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OLD SECTION	NEW SECTION	CHANGE	REASON
	19(6)	Inspection report, added new section “A landlord shall (a) keep a copy of an inspection report prepared under this section for at least 3 years after the termination of the tenancy, and (b) make the inspection report available for inspection by the Director or an authorized person for the purposes of an inspection or investigation under Part 6”.	<p><u>New offence.</u></p> 84% of stakeholders consulted agreed that landlords be required to keep records and make them available to investigators. 3 years coincides with the new limitation period.
21(6)	22(6)	Added “a fee or other consideration”.	Clarify what landlord may not charge.
22	23(3)(c)	Entry of premises, added “(c) to take necessary steps to control pests in the premises to ensure that the premises meet standards in that regard that are required under any law in force in Alberta”.	The PHA allows landlords to enter premises for pest control purposes (subject to compliance with Environmental Protection legislation). Ties PHA into RTA.
22(3)(c)	23(3)(d)	Entry of premises, added “whether directly or through a real estate broker”.	Allows landlords to give written notice to tenants that real estate brokers may be showing the premises to prospective purchasers or mortgagees.
	23(6)	Entry of premises, added “The date and time of entry referred to in subsection (5)(d) may be expressed as a period of time of reasonable duration, which must begin and end at specified times”.	Clarification. To alleviate problem of landlord having to arrive precisely at a specified time. Good relations.

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23	24(4)	Locks and security devices, added “(4) Where a tenant adds to or changes a lock in accordance with subsection (1) the tenant shall make a key available to the landlord as soon as the addition or change is made.”	Sometimes tenants have to change locks in emergency or personal security situations. If a landlord consents to a tenant’s request to change the locks, the tenant has to make a key available to the landlord as soon as an addition or change is made.
6(3)	25(b)	Named section: “Prohibition re: termination of tenancy”. Added “or (b) take any kind of retaliatory action against a tenant including, without limitation, the imposition of a financial penalty”.	Broadened to apply to fixed term tenancies Landlords cannot terminate a fixed term or periodic tenancy when a tenant issues a complaint under the Residential Tenancies Act or the PHA. Landlords cannot punish tenants either financially or by other retaliatory means when a tenant issues such a complaint.
24(a)	26(1)(a)	Landlord’s remedies, added “where the breach consists of non-payment of rent”.	Clarification.
24(b), (d), (c)	26(1)(b)	Landlord’s remedies, added “where the breach consists of failing to give up possession of the residential premises”.	Clarification.
24(e)	26(1)(c)	Landlord’s remedies, added “where the breach is a substantial breach”.	Clarification.
39	26(2)	Landlord’s remedies affidavit	Linked court application process with section.

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OLD SECTION	NEW SECTION	CHANGE	REASON
	<p>28</p>	<p>Added new section “Termination for substantial breach by landlord”</p> <p>(1) A tenant may apply to a court to terminate the tenancy or may terminate the tenancy by serving the landlord with a notice at least 14 days before the day that the tenancy is to terminate where</p> <p>(a) the landlord commits a substantial breach of the residential tenancy agreement, and</p> <p>(b) an executive officer has issued an order under section 62 of the <i>Public Health Act</i> in respect of the circumstances that constitute the substantial breach, and the landlord has failed to comply with the order.</p> <p>(2) The notice must</p> <p>(a) be in writing,</p> <p>(b) be signed by the tenant,</p> <p>(c) set out the reasons for the termination, and</p> <p>(d) set out the termination date.</p> <p>(3) A notice to terminate under this section is ineffective if, before the termination date set out in the notice, the landlord</p> <p>(a) complies with the order under the <i>Public Health Act</i>, or</p> <p>(b) serves the tenant with a notice in writing objecting to the termination that sets out the landlord’s reasons for objecting.</p>	<p>69% of stakeholders consulted, including landlords, supported giving tenants the ability to terminate the tenancy with notice if the landlord commits a substantial breach. Parallels the landlord’s right to terminate for substantial breach by the tenant.</p> <p>PROPOSED AMENDMENT to say “tenant believes on reasonable grounds that the” before “landlord” in (1)(b).</p> <p>Gives tenants the right to terminate a periodic or fixed term tenancy by serving 14 days notice to the landlord, or by successfully applying to court for a termination order, if landlords commit the substantial breach by failing to meet the Minimum Housing & Health Standards under the PHA.</p> <p>PROPOSED AMENDMENT to change (3) so that “a notice to terminate under this section is ineffective if, within 7 days from when the landlord receives the notice, the landlord serves a notice in writing objecting to the notice as he has complied with the PHA order or has been given a stay of the order.”</p>

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OLD SECTION	NEW SECTION	CHANGE	REASON
26(2)	29(2)(c)	New subsection added: “(c) set out separately (i) the rent due as of the date of the notice, and (ii) any additional rent that may become due during the notice period”.	Clarifies that notice must include amounts due and owing by tenant.
	29(3)	New subsection: “(3) Where a landlord terminates a tenancy for non-payment of rent, the notice to terminate must state that the tenancy will not be terminated if, on or before the termination date specified in the notice, the tenant pays the rent due and any additional rent that has become due under the residential tenancy agreement as of the date of payment.”	Housekeeping to provide notice to tenants of their rights.
26(3)(a)	29(4)(a)	Changed: “pays all arrears of rent” to “pays all rent due as of the date of payment”.	Clarification.

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OLD SECTION	NEW SECTION	CHANGE	REASON
26(3)(b)	29(4)(b)	Deleted: “if the alleged breach is for grounds other than the failure to pay rent”.	<p>The Chair of the Legislative Review Committee pointed out that the previous wording would not allow a tenant to challenge (and halt) the landlord's notice of termination even if the tenant alleges that they had in fact paid the rent - for example - by slipping a cash-filled envelope underneath the landlord's door the night before, but that the landlord subsequently claims they never received.</p> <p>"Rent" means "the consideration to be paid by a tenant to a landlord". As such, not all "rent" is necessarily paid in cash, but may well include rent in exchange for general maintenance services by the tenant around the property, etc. Under the previous wording, if the tenant had in fact performed those services as due consideration, but the landlord was not satisfied with the work done, then a landlord could simply deny that a tenant had in fact ever "paid" their rent.</p> <p>PROPOSED AMENDMENT add back the words that were deleted.</p>

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OLD SECTION	NEW SECTION	CHANGE	REASON
27(1)(b)	30(1)(b)	Termination of tenancy for damage or assault, added "or threatened to physically assault". Reduced "48-hour" notice to "24 hours".	Allows termination for a threatened assault. 85% of landlords and 62% of all stakeholders agreed that the notice period if a tenant causes significant damage to the premises or assaults a landlord or tenant should be shortened from 48 hours. Issues include dangers to landlords and other tenants.
27(3)	30(3)	Changed 5 days to 10 days.	Accommodates the potential of a 5-day Christmas break and to allow for problems meeting the 5-day time line in some rural locations.
40	30(4)	Termination affidavit (a) Added "or threat"	Linked court application process with section. See section 30(1)(b) comments.
27(4)	30(5)	Termination Changed 5 days to 10 days.	Accommodates the potential of a 5-day Christmas break and to allow for problems meeting the 5-day time line in some rural locations.
27(5), (6)	30(6), (7)	Termination Added "or threat"	See section 30(1)(b) comments.
28(9), (10)	31(9), (10)	Abandoned goods, changed "Provincial Treasurer" to "Minister in favour of the Minister of Finance".	Updated.

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OLD SECTION	NEW SECTION	CHANGE	REASON
	31(13)	<p>“Abandoned goods, added new section:</p> <p>(13) A landlord shall keep a record of the storage and disposition or sale of goods under this section including</p> <p>(a) a description of the goods,</p> <p>(b) the period for which and the location at which they were stored,</p> <p>(c) in a case where subsection (8) applies, the costs claimed by the landlord and the date on which the goods were returned to the tenant,</p> <p>(d) where the goods are sold, the particulars of the sale, the amount claimed by the landlord under subsection (9) and the amount, if any, paid to the Minister under subsection (9), and</p> <p>(e) where the goods are neither returned to the tenant nor sold, the manner in which they were disposed of.”</p>	<p><u>New offence.</u></p> <p>63% of stakeholders consulted agreed that landlords be required to keep records of abandoned goods and how they were disposed of.</p>
	31(14)	<p>Abandoned goods, added new section:</p> <p>“(14) A landlord shall keep a record referred to in subsection (13) as it relates to particular goods for at least 3 years after the goods were returned to the tenant, sold or disposed of, as the case may be.”</p>	<p><u>New offence.</u></p> <p>3 years coincides with the new limitation period.</p>
30	33	Notice to vacate	Applies to premises abandoned by tenant but occupied by a person unknown to landlord.
41	33(5)	<p>Notice to vacate affidavit</p> <p>(b) Added “and manner”</p>	<p>Linked court application process with section.</p> <p>Clarification to protect landlord if a dispute arises.</p>

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OLD SECTION	NEW SECTION	CHANGE	REASON
31(a)	34(a)	Changed “deliver possession” to “give up possession”.	Bring in line with 1(4).
33	36	Notice to vacate	Applies to unauthorized person in premises occupied by tenant. Tenants may be subletting without permission from the landlord or have guests staying in the suite.
33(2)	36(2)	Notice to vacate to unauthorized person has been reduced from “30 days” to “14 days”.	The notice period for unauthorized tenants has been harmonized to 14-day notice to vacate to coincide with the notice period to be given to tenants.
33(3)(c)	36(3)(c)	Added “time and”	Clarification.
33(4)	36(4)	Added “on whom a notice to vacate is served” and “by the time and”	Clarification.
42	36(5)	Notice to vacate affidavit (a) Added “and manner”	Linked court application process with section. Clarification to protect landlord if a dispute arises.
43	37(2)	Tenant’s remedies affidavit	Linked court application process with section.
35	38	Possession unobtainable, changed to “If at the beginning of the tenancy the landlord is in breach of the landlord’s covenant under section 16(a) or (c), the tenant may do one or more of the following:”	Landlords covenant specified in 16(c), that the premises will meet the Minimum Housing & Health Standards under the <i>PHA</i> and regulations.

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OLD SECTION	NEW SECTION	CHANGE	REASON
	40(1)(c)	Frustration of tenancy agreement, added "(c) an order is made under section 62 of the <i>Public Health Act</i> that closes the residential premises, declares the residential premises unfit for habitation or otherwise operates so as to make the continuation of the tenancy practically impossible, or"	Clarification. An agreement is frustrated if the premises are destroyed, or severely damaged. Provides for frustration of an agreement if the rental premises are dangerous to public health or safety.
	40(1)(d)	Frustration of tenancy agreement, added "(d) the residential premises, the common areas or the property of which they form a part are in a condition that contravenes an enactment that regulates health and safety in housing accommodation, and the condition is not remedied in accordance with that enactment".	Clarification. An agreement is frustrated if the premises are destroyed, or severely damaged. Provides for frustration of an agreement if the rental premises are dangerous to public health or safety.
	44(1)(b)	Trust account, added "(b) ensure that the security deposit remains in trust until it is disposed of in accordance with this Act and the regulations."	Clarification. Logical extension as Act requires money to be deposited in trust. Regulation has withdrawal rules.

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OLD SECTION	NEW SECTION	CHANGE	REASON
	44(5)	<p>Trust account, added</p> <p>”(5) A landlord shall</p> <p>(a) keep security deposit records that show with respect to each tenant</p> <p>(i) the date of receipt of a security deposit by the landlord and the amount of the security deposit,</p> <p>(ii) the date on which the security deposit was deposited in a financial institution and the name and location of the financial institution,</p> <p>(iii) particulars of the interest payable and paid to the tenant, and</p> <p>(iv) particulars of the disposition of the security deposit under section 46, including the manner in which the security deposit or part of it was delivered to the tenant,</p> <p>and</p> <p>(b) make the security deposit records available for inspection by the Director or an authorized person for the purposes of an inspection or investigation under Part 6.”</p>	<p><u>New offence.</u></p> <p>Landlords are required to keep records and show records to investigators.</p>
	44(6)	<p>Trust account, added</p> <p>”(6) A landlord shall keep security deposit records under subsection (5) for at least 3 years after the expiration or termination of the tenancy to which they relate.”</p>	<p><u>New offence.</u></p> <p>Landlords are required to keep records and show records to investigators. 3 years coincides with the new limitation period.</p>

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OLD SECTION	NEW SECTION	CHANGE	REASON
	46(1)(a)	Return of security deposit, added "(a) "deliver" means to deliver by personal service or send by registered or certified mail."	Clarifies that service of documents in s. 57 applies. This was a policy issue to balance the rights of landlords and tenants and ensure there is some means of the landlord substantiating where they allege that a notice has been sent or delivered to a tenant. Using confirmed mail to return deposits to tenants provides landlords with a receipt proving deposits have been sent. PROPOSED AMENDMENT to add "regular" so security deposits and statements of account do not have to be sent registered or certified.
	47(2)	Obligations and rights of new landlord, added "(2) A person who acquires the interest of a landlord in residential premises shall, within a reasonable time after acquiring the interest and without cost to the tenant, serve on the tenant (a) a notice of landlord that meets the requirements of section 18, and (b) a statement setting out the amount of the security deposit and interest, calculated in accordance with the regulations, standing to the tenant's credit as of the date the person acquired the interest in the residential premises."	When a new landlord takes over a tenancy, they are required to give the tenant a notice of who they are and their address within 7 days, and a statement of the tenant's security deposit balance within a reasonable time.
56	54	"Entering" changed to "Enforcement of order".	Renumbered.

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	55	Appointment of Director added: “In accordance with the <i>Public Service Act</i> there may be appointed a Director of Residential Tenancies and any other officers and employees required for the administration of this Act.”	<p>The role of “Director of Residential Tenancies” oversees the management of the Residential Tenancies Act. The Director is assigned responsibility for inspection and investigations of potential breaches of the Act.</p> <p>The legislated position for this Act has the authority to determine compliance.</p>
	56	Delegation added: “The Director may delegate any of the Director’s powers, duties or functions under this Act and the regulations to any person and may authorize that person to further delegate the power, duty or function.”	The Director has the authority to delegate.
57(2)(b)		Added section “47(2)”	Includes responsibility of new landlords to give a notice of landlord to tenants.
57(3)		Service of notices, etc. Changed “serve” to “effect service”.	Updated.
57(3)(b)		Service of notices, etc. Added “the notice, order or document”.	Updated.
57(4)		Service of notices, etc. Changed “serve” to “effect service”. Updated sections 30, 33 to 33, 36.	Updated.

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OLD SECTION	NEW SECTION	CHANGE	REASON
	57(5)	Service of notices, etc. Added: “If a landlord is unable to effect service on a tenant or a person referred to in section 33 or 36 by any means referred to in subsections (1) to (4) or if a tenant is unable to effect service on the landlord personally, by registered mail or by certified mail, the landlord or tenant may effect service of the notice, order or document by sending it by electronic means that will result in a printed copy of the notice, order or document being received by an electronic device that is situated in the residential premises or at the landlord’s address, as the case may be.”	Brought into line with the REA and FTA. Enables landlords and tenants to serve notices electronically as a last resort. It is important to note that the sender has to ask for acknowledgement and the recipient has to acknowledge receipt.
57(6)	57(7)	Due to a consequential amendment to the <i>Cooperatives Act</i> in 2001, “section 347 of the <i>Cooperatives Act</i> ” was added.	RTA does not apply to housing cooperatives if provided in cooperative’s bylaws (Section 393 of <i>Cooperatives Act</i>).
	60(1)(a)	Offences and penalties. Updated section numbers as follows: 6(3) is now 25 17 is now 18 22 is now 23 23 is now 24 45 is now 43 46(1) is now 44(1) 46(3) is now 44(3) 47 is now 45 48(2) is now 46(2) 48(6) is now 46(6) 6(2) is still 6(2).	Renumbered.

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		Added <u>new offence sections</u> as follows: 19(6)(a) & (b) 31(13) 31(14) 44(5) 44(6)	<u>New offence sections.</u> Landlords have to keep copy of inspection reports for 3 years after end of tenancy and make available for inspection. Landlords have to keep copy of specified records of abandoned goods. Landlords have to keep records for 3 years and make abandoned goods records available for inspection. Landlords have to keep specified security deposit records. Landlords have to keep security deposit records for 3 years and make them available for inspection.
60(1)(c)	60(1)(b)	Changed to: “a provision of the regulations referred to in section 69(1)(b) or 70(l)”.	Regulation making authority granted allows sections of the regulations to be classified as offences.
60(d)		Deleted section “an order of a court made under this Act.”	Updated.

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OLD SECTION	NEW SECTION	CHANGE	REASON
	60(4)	Offences and penalties. Added “Where a landlord is convicted of contravening a provision referred to in subsection (1) and the justice considers that the landlord has wrongfully withheld prepaid rent paid by the tenant, the justice may order the landlord to pay all or part of that prepaid rent to the tenant.”	Previously, if a landlord was successfully prosecuted for violating the Act, the tenant needed to launch a civil action to recover any pre-paid rent. If Alberta Government Services prosecutes successfully, the courts are allowed to award refunds of pre-paid rent to the tenant. This will save time for tenants, landlords and the courts.
60(4)	60(5)	Offences and penalties. Added “or (4)”. Added: “or other person in whose favour the order was made”.	Updated. Clarification.
61		Limitation period, changed from “12 months” to “3 years”.	The limitation period for prosecutions under the Act increased from one year to three years. This gives time for offences to come to light and is consistent with other Government Services Acts such as the Real Estate Act and the Fair Trading Act.
	62	Authorized person added “In sections 63 to 67, “authorized person” means a person to whom the Director has, under section 56, delegated the Director’s powers, duties or functions under those sections.”	Authority now in RTA to do investigations and inspections. The department was using provisions under the Government Organization Act to do inspections and investigations.

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OLD SECTION	NEW SECTION	CHANGE	REASON
	63	<p>Identification added “The Director or an authorized person who enters any place under the authority of sections 64 to 67 must, on request,</p> <p>(a) produce a document that identifies the person as the Director or an authorized person, and</p> <p>(b) explain the purpose for entering the place.”</p>	<p>Authority now in RTA to do investigations and inspections. The department was using provisions under the Government Organization Act to do inspections and investigations.</p>
	64	<p>Inspection added “(1) The Director or an authorized person may enter the business premises of a landlord at any reasonable time to conduct an inspection to determine if there is compliance with this Act and the regulations.</p> <p>(2) If the Director or authorized person has reasonable grounds to believe that</p> <p>(a) books, records, documents or other things of a landlord are located in another person’s business premises, and</p> <p>(b) those books, records, documents or other things are relevant to determine if there is compliance with this Act or the regulations,</p> <p>the Director or authorized person may enter those other business premises at any reasonable time.</p> <p>(3) The Director or authorized person may, in the course of an inspection, request an employee or agent of the landlord at the business premises referred to in subsection (1) or (2)</p> <p>(a) to give written or oral replies to questions,</p> <p>(b) to produce any books, records, documents or other things and to provide copies of them, and</p> <p>(c) to provide any other information</p> <p>to determine if there is compliance with this Act and the</p>	<p>Authority now in RTA to do investigations and inspections. The department was using provisions under the Government Organization Act to do inspections and investigations.</p>

Table of Concordance – Residential Tenancies Act, Chapter R-17.1

OLD SECTION	NEW SECTION	CHANGE	REASON
		<p>regulations.</p> <p>(4) The Director or authorized person may in the course of an inspection inspect, examine and make copies of or temporarily remove books, records or documents or other things that are relevant to determine if there is compliance with this Act and the regulations.</p> <p>(5) When the Director or authorized person removes any books, records, documents or other things under subsection (4), the Director or authorized person</p> <p style="padding-left: 20px;">(a) must give a receipt for them to the person from whom they were taken,</p> <p style="padding-left: 20px;">(b) may make copies of, take photographs of or otherwise record them, and</p> <p style="padding-left: 20px;">(c) must, within a reasonable time, return them to the person to whom the receipt was given.</p> <p>(6) A landlord and any employee or agent of the landlord must co-operate with the Director or an authorized person acting under the authority of this section.”</p>	
	<p>65</p>	<p>Order compelling assistance in inspections added “(1) For the purpose of enabling the Director or an authorized person to conduct an inspection to determine if there is compliance with this Act and the regulations, the Director may apply to the Court of Queen’s Bench for an order</p> <p style="padding-left: 20px;">(a) compelling a landlord or an employee or agent of a landlord to allow the Director or an authorized person to enter the business premises, private dwelling or other place occupied or controlled by the landlord, employee or agent and requiring the landlord, employee or agent to produce for examination books, records, documents or other things relevant to the inspection;</p>	<p>Authority now in RTA to do investigations and inspections. The department was using provisions under the Government Organization Act to do inspections and investigations.</p>

Table of Concordance – Residential Tenancies Act, Chapter R-17.1

OLD SECTION	NEW SECTION	CHANGE	REASON
		<p>(b) authorizing the Director or authorized person to copy or remove the books, records, documents or other things on any terms that the Court considers appropriate;</p> <p>(c) requiring a landlord or an employee or agent of a landlord to co-operate with the inspection on any terms that the Court considers appropriate.</p> <p>(2) The Court of Queen’s Bench may grant an order under subsection (1) if satisfied on evidence under oath by the Director that there are reasonable grounds to believe that</p> <p>(a) the inspection is reasonable,</p> <p>(b) the landlord, agent or employee of the landlord has not co-operated or likely will not co-operate with the inspection, and</p> <p>(c) the order is appropriate in the circumstances.</p> <p>(3) An application under this section may be made ex parte if the Court of Queen’s Bench considers it proper to do so.”</p>	
	<p>66</p>	<p>Investigation added “(1) The Director or an authorized person who has reasonable grounds to believe that a person has committed an offence under this Act or the regulations may, after explaining to the person or to the person’s agent that the Director or authorized person wishes to enter the person’s business premises for the purposes of carrying out an investigation, request permission to enter the business premises.</p> <p>(2) If a person permits the Director or authorized person to enter business premises for the purposes of an investigation, the Director or authorized person may, with the permission of the person, inspect, examine and make copies of or temporarily remove books, records, documents or other things that are relevant to determine if an offence has been committed under this Act or the regulations.</p>	<p>Authority now in RTA to do investigations and inspections. The department was using provisions under the Government Organization Act to do inspections and investigations.</p>

Table of Concordance – Residential Tenancies Act, Chapter R-17.1

OLD SECTION	NEW SECTION	CHANGE	REASON
		<p>(3) When the Director or authorized person removes any books, records, documents or other things under subsection (2), the Director or authorized person</p> <p>(a) must give a receipt for them to the person from whom they were taken,</p> <p>(b) may make copies of, take photographs of or otherwise record them,</p> <p>(c) must, within a reasonable time, return anything that has been copied to the person to whom the receipt was given, and</p> <p>(d) must return everything else that was removed to the person to whom the receipt was given within a reasonable time after the investigation and any prosecution resulting from the investigation are concluded.”</p>	
	<p>67</p>	<p>Order compelling assistance in inspections added “(1) For the purpose of determining if an offence has been committed under this Act or the regulations, the Director may apply to the Court of Queen’s Bench for an order</p> <p>(a) compelling a person to allow the Director or an authorized person to enter the person’s business premises, private dwelling or other place occupied or controlled by the person and requiring the person to produce for examination the person’s books, records, documents or other things relevant to the investigation;</p> <p>(b) authorizing the Director or an authorized person to copy or remove the books, records, documents or other things on any terms that the Court considers appropriate;</p> <p>(c) requiring a person to co-operate with the investigation on any terms that the Court considers appropriate.</p> <p>(2) The Court of Queen’s Bench may grant an order under subsection (1) if satisfied on evidence under oath by the Director</p>	<p>Authority now in RTA to do investigations and inspections. The department was using provisions under the Government Organization Act to do inspections and investigations.</p>

Table of Concordance – Residential Tenancies Act, Chapter R-17.1

OLD SECTION	NEW SECTION	CHANGE	REASON
		<p>that there are reasonable grounds to believe that</p> <p>(a) an offence under this Act or the regulations has been committed, and</p> <p>(b) the order is appropriate in the circumstances.</p> <p>(3) An application under this section may be made ex parte if the Court of Queen’s Bench considers it proper to do so.”</p>	
62	68	“Cabinet” changed to “Lieutenant Governor in Council”.	Updated.
	69(1)(b)	<p>Subsidized public housing regulations. Added</p> <p>“(b) prescribing, with respect to any provision of the regulations under clause (a), that contravention of the provision constitutes an offence”.</p>	Landlord requiring security deposit higher than first month rent payable by tenant is an offence (regulation s.4(1)).
	70(d)	Ministerial regulations. Added “(d) prescribing or providing for the manner of determining periods of notice for the purposes of section 11(b)”.	Ministerial Regulation.
	70(j)	Ministerial regulations. Added “(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”.	We are not creating anything in the regulation at this time as we are hoping the Code of Practice and case law itself will keep fees reasonable.
	70(k)	<p>Ministerial regulations. Added “(k) respecting the establishment of an alternative dispute resolution mechanism for the purpose of resolving disputes in respect of matters under this Act including, without limitation, regulations</p> <p>(i) providing for the establishment of one or more dispute resolution bodies,</p> <p>(ii) providing for all matters relating to the appointment of</p>	<p>Regulation-making power to establish an Alternative Dispute Resolution process through which landlords and tenants can settle disputes outside of court, voluntarily.</p> <p>ADR may reduce court appearances</p>

Table of Concordance – Residential Tenancies Act, Chapter R-17.1

OLD SECTION	NEW SECTION	CHANGE	REASON
		<p>members to a dispute resolution body,</p> <p>(iii) respecting the kinds of disputes that a dispute resolution body can deal with,</p> <p>(iv) respecting the proceedings before a dispute resolution body,</p> <p>(v) respecting the matters that a dispute resolution body may or must consider when dealing with a dispute or class of dispute,</p> <p>(vi) subject to subclause (iv), authorizing a dispute resolution body to make rules governing its proceedings,</p> <p>(vii) respecting the kinds of orders a dispute resolution body is authorized to make for the purposes of resolving a dispute including, without limitation, regulations authorizing the body to make an order that a court would be authorized to make in the same circumstances,</p> <p>(viii) respecting the effect of an order of a dispute resolution body and how it may be enforced including, without limitation, regulations authorizing an order to be filed in a court,</p> <p>(ix) providing for the appeal of a decision of a dispute resolution body to the Court of Queen’s Bench and governing the manner in which the appeal is to be taken, and</p> <p>(x) governing fees that may be charged in respect of an alternative dispute resolution mechanism”.</p>	<p>and free up the courts for other matters.</p>
	70(I)	<p>Ministerial regulations. Added “(I) prescribing, with respect to any provision of the regulations under this section, that contravention of the provision constitutes an offence”.</p>	<p>Each regulation will identify offences.</p>
	73	<p>Repeal</p> <p>The <i>Residential Tenancies Act</i>, RSA 2000 cR-17, is repealed.</p>	

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OLD SECTION	NEW SECTION	CHANGE	REASON
	74	Repeal. Section 11(a) is repealed on a date to be fixed by Proclamation.	Will be repealed once the new employee termination rules are in the Regulation as per s. 70(d).
	75	Coming into force This Act comes into force on November 1, 2004.	

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Security Deposit Interest Rate Amendment Regulation

Section Number	CHANGE	REASON
1(a)	January 1, 1984 to February 28, 1987 = 8%	
1(b)	March 1, 1987 to January 31, 1993 = 6%	
1(c)	February 1, 1993 to June 30, 1994 = 3%	
1(d)	July 1, 1994 to December 31, 1994 = 1 1/2%	
1(e)	Jan 1, 1995 to December 31, 2004 = 3 1/2% below Alberta Savings Certificates.	
2	The rate of interest for 2005 and each following year will be <u>3% less than the cashable 1 year GIC rate paid by ATB Financial</u> in effect on November 1 of the previous year.	Created a new benchmark for the interest rate to be paid on tenant security deposits as Alberta Savings Certificates have been discontinued.

Residential Tenancies Exemption Regulation

Section Number	CHANGE	REASON
2(b)	<u>National Parks of Canada Lease and Licence of Occupation Regulation.</u>	Updated name of Regulation.

Subsidized Public Housing Regulation

Section Number	CHANGE	REASON
2	Landlords can terminate periodic tenancies if: (b) the tenant has not reported <u>or has misreported</u> income or other information required under the residential tenancy agreement.	Requested by stakeholder.
3	Rent is based on household income, <u>as adjusted in accordance with any applicable deductions made under section 1(3) of the Social Housing Accommodation Regulation.</u>	Requested by stakeholder.
4	Security deposit cannot exceed tenant's rent for the first month.	<u>New offence.</u>

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Residential Tenancies Ministerial Regulation

Section Number	CHANGE	REASON
1	Added “Act” definition.	Clarification
2	<p>Prescribed reasons for termination of periodic tenancies:</p> <ul style="list-style-type: none"> - Landlord or relative wants to move in. - Landlord agrees to sell premises and all sales conditions are met. Buyer must ask landlord in writing to give notice to tenant. - Detached or semi-detached premises are sold for investment purposes. Buyer must ask landlord in writing to give notice to tenant. - Landlord intends to demolish premises. - Landlord intends to do major renovations. - Landlord intends to use premises for a non-residential purpose. - Student of educational institution is no longer a student. 	<p>No significant changes.</p> <p><u>New offence.</u></p>
3	<p>Notices requirements for rent increases in periodic tenancies:</p> <ul style="list-style-type: none"> - Week to week – 26 full tenancy weeks - Month to month – 6 full tenancy months - Any other periodic tenancy – 180 days. 	<p>No change.</p> <p><u>New offence.</u></p>
4	<p>(1) Each inspection report made under section 19 of the Act must contain statements in accordance with this section and the statements must be signed in accordance with this section.</p> <p>(2) Each inspection report must contain the following statement: Inspections should be conducted when the premises are vacant unless the landlord and tenant or their agents otherwise agree.</p>	<p><u>New offence.</u></p> <p>Starting August 1, 1992 landlords have to complete move-in and move-out inspections reports to deduct from a security deposit for damage. Inspection forms are not prescribed. It has been found that many landlords do not include some of the prescribed statements on their forms.</p> <p>Failure to include all the statements results in tenants not being made aware of their right to disagree with the information about the condition of rental premises.</p>

Table of Concordance – Residential Tenancies Act, Chapter R-17.1

Section Number	CHANGE	REASON
	<p>(3) When an inspection has been conducted by the landlord and the tenant or their agents, the inspection report:</p> <p>(a) must contain the following statement, and the landlord or the landlord's agent must sign the statement:</p> <p>The inspection of the premises was conducted on <u>(date)</u> by <u>(landlord or landlord's agent)</u> and by <u>(tenant or the tenant's agent)</u>.</p> <p>and</p> <p>(b) must contain both of the following statements, and the tenant or the tenant's agent must sign one of the statements:</p> <p>(i) I, <u>(name of tenant or tenant's agent)</u> , agree that this report fairly represents the condition of the premises.</p> <p>or</p> <p>(ii) I, <u>(name of tenant or tenant's agent)</u> , disagree that this report fairly represents the condition of the premises for the following reasons:</p> <p>(4) When the tenant or the tenant's agent refuses to sign one of the statements set out in subsection (3), the inspection report must contain the following statement, and the landlord or the landlord's agent must sign the statement:</p> <p>The tenant or tenant's agent present at the inspection refused to sign the tenant's statement.</p> <p>(5) Where an inspection is conducted by the landlord or the landlord's agent without the tenant or the tenant's agent being present, the inspection report must contain</p>	

Table of Concordance – Residential Tenancies Act, Chapter R-17.1

Section Number	CHANGE	REASON
	<p>the following statement, and landlord or the landlord's agent must sign the statement:</p> <p>The inspection of the premises was conducted on <u>(date)</u> by <u>(landlord or landlord's agent)</u> without the tenant or the tenant's agent being present.</p>	
5	Tenants' abandoned goods valued at more than \$2000 must be stored by landlord for 30 days.	<p><u>New offence.</u> The value was set at \$300 and increased to \$1,000 on August 1, 1992 and to \$2000 on November 1, 2004. The number of days for landlords to store or arrange for storage of abandoned goods was reduced from 60 days to 30 on August 1, 1992.</p>
6	<p>Establishing tenant liabilities for abandoning their goods.</p> <p>Landlords have to mail affidavits outlining tenant's liabilities to Director of RTA.</p>	<p><u>New offence.</u> This 1992 amendment eliminated the requirement for landlords to obtain a Court judgment in order to apply funds to pay tenants liability. It is now easier and less expensive for landlords to dispose of abandoned goods.</p>
7	Owner or non-owner is trustee of security deposit trust account.	<p><u>New offence.</u> Security deposit trust accounts became law on August 1, 1992. This section was designed to prevent property managers from absolving themselves from responsibility for security deposits received by the property manager who transfers the deposits to the owner.</p>
8	Trust account money may be invested only in deposit receipts, deposit notes, certificates of deposit, <u>bankers acceptances, debt securities issued by the Government of Canada or Alberta</u> and other similar instruments issued by or guaranteed as to principal and interest by a bank, credit union, loan corporation, treasury branch, trust corporation or insurance company authorized to carry on business in Alberta.	<p><u>New offence.</u> Included bankers acceptances and Government of Canada or Alberta securities as they are issued by banks & guaranteed.</p>
9	<p>Withdrawals from trust account.</p> <p>(1) If a landlord is entitled, under the Act, to money in a</p>	<p><u>New offence.</u> (1) Added "at the end of the tenancy" and landlords are not</p>

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Section Number	CHANGE	REASON
	<p>security deposit trust account, the money may be withdrawn from the trust account <u>at the end of the tenancy</u> and transferred to the landlord.</p> <p>(2) Money that has been withdrawn from the security deposit trust account by a non-owner landlord for the purpose of transferring it to the landlord who is entitled to the money is subject to the terms of any agreement or trust respecting that money between the non-owner landlord and the landlord entitled to the money.</p>	permitted to make deductions during the tenancy.
10	Sections 3 to 9, 14, 15, 34 and 35 of the Trustee Act do not apply to security deposit trust account.	Updated.
11	The contravention of sections 2 to 9 of this Regulation constitutes an offence for the purposes of section 70(l) of the Act.	Regulation offence sections are now specified.
12	<p>Forms</p> <ol style="list-style-type: none"> 1. Landlord’s notice to terminate a periodic tenancy 2. Tenant’s notice to terminate a periodic tenancy 3. Landlord’s notice to terminate for substantial breach 4. Landlord’s 24-hour notice to terminate tenancy 5. Landlord’s notice to terminate tenancy to person(s) who are not tenants 6. Tenant’s notice to terminate for substantial breach. 	Forms have been updated for clarification.
13	Previous regulation is repealed on November 1, 2004.	
14	Regulation expires on July 31, 2014.	
15	Regulation comes into force on November 1, 2004.	

This document has been provided solely for the convenience of research and has no legislative sanction