

Alberta Disaster Recovery

Quick tips: Landlords and Tenants

Information for Landlords and Tenants

These are difficult times. While the law provides mechanisms to settle disputes, landlords and tenants are encouraged to work together and find ways to keep everyone involved safe and secure. For complete information about the rights and responsibilities of tenants and landlords, visit Service Alberta at: www.servicealberta.ca or call the Consumer Contact Centre at 1-877-427-4088 (toll-free in Alberta).

NOTE: The *Residential Tenancies Act* (RTA) is the provincial law that governs landlord and tenant relationships in Alberta, with some exceptions. The RTA does not apply to federal reserve land nor does it apply to residential leases in National Parks entered into between the Federal Government and a sub-lessee/homeowner.

The RTA applies between a homeowner/landlord and their tenant in National Parks, with some exceptions. For information on your specific situation, contact the Service Alberta Contact Centre toll-free at 1-877-427-4088.

Additionally, it is unlikely that RTDRS has the authority to end a tenancy under a frustration of tenancy for National Park tenants who rent from a homeowner, due to the crown land aspect. This action would need to be commenced through Court.

The unit I rent was damaged in the disaster. Can I break my rental agreement?

It depends on the condition of the unit. If you cannot return to the unit because it is destroyed or damaged beyond repair, a rental agreement could be “frustrated”. This means it is not possible to continue living in the unit. Inform your landlord in writing that you are treating the rental agreement as frustrated. If you and your landlord agree that the tenancy is frustrated you may not have to continue paying rent. It is advisable a tenant get written confirmation of this from the landlord. The landlord would also be required to return the security deposit. The tenant should also ensure they provide a forwarding address to the landlord.

Document the condition of the property with photos and video in case your landlord disagrees the tenancy is frustrated.

What if my landlord disagrees and refuses to end the rental agreement?

If the landlord disagrees that the agreement is frustrated and you have stopped paying rent, the landlord can make an application for damages to provincial court or the Residential Tenancy Dispute Resolution Service (RTDRS) and/or keep some or all of the security deposit. The tenant may make a counter-application if they believe they are owed monies or make their own application if they believe the landlord should not keep their security deposit.

Both the tenant and landlord should be prepared to provide proof of the condition of the unit.

The tenant or the landlord can also contact Alberta Health Services to have an Environmental Health Officer inspect the unit and determine whether it is in livable condition.

Service Alberta
Consumer Contact Centre

Edmonton: 780-427-4088

Toll-free in Alberta: 1-877-427-4088

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Who is responsible for cleaning and repairing disaster damage?

The landlord is responsible for ensuring the unit is in a habitable condition. In most cases, the landlord or the landlord's insurance company will pay for repairs to the unit.

How long does a landlord have to repair a damaged rental unit?

There is no set period for a landlord to repair a rental unit, unless an Environmental Health Officer has inspected the property and issued an order to the landlord. However, landlords should attempt to repair the unit within a reasonable time.

If tenants believe it is taking too long to repair the unit they can contact Alberta Health Services. They can also make an application to provincial court or the RTDRS to terminate the rental agreement or obtain a rent reduction.

My belongings were damaged in the disaster. Who is responsible for cleaning, fixing or replacing them?

Tenants are usually responsible for their belongings. If you have tenant's insurance, read your policy closely to see what kind of damage is covered and call your insurer with any questions.

I wasn't able to live in the rental unit for several days because of the evacuation order. The landlord had to make some repairs before I could move back in. Do I still pay rent for the time I wasn't living in it?

You should talk to your landlord about what is expected for rental payments. It is advisable to get any agreement with the landlord in writing. If you and your landlord are not able to come to an agreement about the rent, you can apply to provincial court or the RTDRS for a temporary reduction in your rent.

Who is responsible for covering the cost of alternate accommodations?

Tenants are responsible for the cost of alternate accommodations unless otherwise stated in the rental agreement.

My landlord changed the locks during the evacuation. Is that legal?

The landlord might have changed the locks to protect the property from looting and was not able to contact you at the time. The landlord must give you the new key or they can be charged under the *Residential Tenancies Act*.

I can't get in touch with my landlord. What should I do?

Under the *Residential Tenancies Act*, the landlord must provide the tenant with their mailing and street address after the tenant moves in, or post it conspicuously in a common area of the building. If the tenant does not have this address, they should communicate in writing to the address on the lease.

Can landlords use my security deposit to pay for repairs due to disaster damage?

No. Security deposits are to cover items within the tenant's responsibility, such as cleaning costs, unpaid rent, or fixing damage beyond normal wear and tear.

As a landlord, do I need to consult with an Environmental Health Officer before I let tenants return?

You are not required to consult with an Environmental Health Officer. However, an inspection is recommended if there is a health or safety concern.

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The rental agreement was terminated but the tenants left many of their belongings. What can I do with everything?

Abandoned goods valued at \$2,000 or more must be placed in storage for at least 30 days, unless it would be unsafe or unsanitary to store the items. If the goods are valued at less than \$2,000, landlords can dispose of them as they see fit; however, in the case of a disaster where tenants had to leave on short notice, landlords may wish to show consideration about disposing items that may have personal value such as photo albums. Landlords are required to keep records for 3 years. For goods valued at more than \$2,000, landlords should check the *Residential Tenancies Act* for more complete information.

Additional Resources :

Residential Tenancy Dispute Resolution Service visit: www.servicealberta.ca/rtdrs, 780-644-3000 (in Edmonton) 310-0000, then 780-644-3000 (toll-free)

Laws for Tenants and Landlords in Alberta, visit: www.landlordandtenant.org
Alberta Health Service - Health Link, phone **811**

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