Seniors' Housing Series

Renting a Condominium

If you are thinking about renting a condominium, there are certain laws and regulations in Alberta that you should be aware of.

A tenant in a condominium is bound by rental laws, and also by condominium laws and regulations. When you are a tenant in a condominium, you are bound by more laws and follow different rules than a person renting an apartment.

This booklet will help you understand the laws in Alberta that impact and relate to renting a condominium.

You should **not** rely on this booklet for legal advice. It provides general information on **Alberta law only**.

Legal
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What is a condominium?

A condominium unit ("condo") is a form of property. The owner of a condo owns two things:

1. the condo unit; and
2. the common property as joint tenant with all other condo owners in the building.

The common property is the area of the building or complex that is used by everyone. Some common examples are interior hallways and common stairways, and sometimes exterior sidewalks and roads. All of the condo owners own the common property together.

Another feature of a condo building is that there is a Condominium Corporation ("Corporation"). The Corporation is responsible for making decisions about the condo building, for making sure the bylaws are followed, and for maintaining the common property. The Corporation is run by a Board of Directors ("Board"). The people on the Board are elected by the condo owners. The Board reports to the condo owners at least once a year.

What laws in Alberta relate to renting a condo?

In Alberta, the rental of a condo is covered by the ***Residential Tenancies Act*** ("RTA") and the ***Condominium Property Act*** ("CPA").

The RTA outlines several rights and responsibilities for both tenants and landlords, such as:

- what terms should be included in your rental agreement;
- types of tenancy agreements (fixed term or periodic);
- inspections (conducted when you move in and when you move out);
- security deposits;
- rent increases;
- notice periods to terminate a tenancy;
- the obligations that a tenant has to the landlord, and the obligations a landlord has to a tenant; and
- minimum standards of conduct for landlords and tenants.

What are some advantages and disadvantages of renting a condo?

ADVANTAGES	DISADVANTAGES
If you have a **fixed term lease**, costs are fixed for that time period.	In Alberta, there is no rent control. If you have a **periodic lease**, your Landlord can raise the rent by any amount once a year.
You do not need a lot of money up front. In Alberta, a security deposit cannot be more than one month's rent.	When you move, the only money that you get back is your security deposit, after deductions for damage, plus interest.
As a renter, you don't need to be concerned about the property losing equity.	As a renter, you will not benefit from any equity gains on the property.
If you have a **fixed term lease**, you can move when the lease is up. If you have a **periodic lease**, you can move whenever you like, so long as you give proper notice.	Your landlord may choose to not renew your lease when it is up, or they may choose to terminate your agreement if they (or their family members) want to move in.
You will most likely have fewer responsibilities in terms of upkeep (shoveling snow, lawn maintenance, etc.).	You will likely have limitations on how much you can personalize your living space (painting, hanging pictures, renovating, etc.).

The CPA outlines several matters relating to the formation, organization and regulation of condominiums. The CPA outlines the rights and responsibilities of tenants, owners, the Corporation, and the Board, such as:

- the obligations the tenant has to the common property of the condo building;
- the obligation the tenant has to obey the bylaws of the condominium;
- the notice period and circumstances under which the Board can terminate the tenancy; and
- the obligations that a condo owner has to the Corporation and the Board.

What are the bylaws of the condo?

The bylaws are rules that set out what a condo owner, and a tenant, can and cannot do with their unit and the common property. For example, the bylaws may restrict what pets may be kept in the building and the presence of barbecues or satellite dishes on balconies. The bylaws are passed and enforced by the Board. A tenant must obey the bylaws or else they can be evicted by the Corporation. Before signing a rental agreement, you should review the bylaws.

A contract does not have to be in writing. An oral or spoken contract is valid as long as it has the legal characteristics of a contract. A written contract, however, will provide a record of the terms the parties agree to. In cases of disagreements, the agreements made in an oral contract are much harder to prove.

What is a Rental Agreement?

A rental agreement is a contract that a tenant makes with a landlord. A rental agreement is also called a lease. This lease protects and instructs tenants about their rights and obligations. A lease can be written or verbal. A written lease is preferable so that you have a record of the terms in case there is a dispute. A lot of misunderstandings can be avoided by having a written lease.

In Alberta, there is no standard lease. You must read the lease carefully to ensure that you know what you are agreeing to. Once you sign the lease, you are bound by all of the terms. The written lease should contain all of the promises that the landlord, or the landlord's agent, made to you. If the lease does not contain these promises, then you usually will not be able to force the landlord to fulfill these promises. The lease should also not contain any statements that contradict what the landlord or agent told you.

What kind of lease can I have when I rent a condo?

A lease can be a fixed term lease, or a periodic lease. A **fixed term lease** means that you are agreeing to rent the condo for a fixed length of time (in other words, there is an end date). You may pay rent on a weekly, monthly, or yearly basis. When the lease ends, it is assumed that the lease will automatically be over and that you will move out. If you want to continue to stay in the condo, you should contact your landlord before the lease expires to see if you can negotiate a new lease. If you continue to live in the condo after your lease is over, and the landlord continues to accept rent, then your lease becomes a periodic lease.

A **periodic lease** means that you rent the premises without a definite end date. You pay rent periodically, on either a weekly, monthly, or yearly basis. A periodic tenancy ends when either you give the landlord notice that you want to end the tenancy, or when the landlord gives you notice to end the tenancy. The amount of notice that you have to give varies depending on what periodic basis you pay rent. For example, in a monthly periodic tenancy, you have to give notice to your landlord that you are moving out one full tenancy month in advance.

What else do I need to know about contracts?

An agreement to rent a place to live is a contract. When you enter into a contract you agree to legal obligations (or duties) and you agree to certain rules in your relationship with the other party to the contract. The promises that you agree to are called the terms of the contract, and these terms are significant because:

- both you and the landlord must live by these terms (you must fulfill your promises, and the landlord must fulfill their promises); and
- if either side fails in their duties or breaks their promise, then they are at risk of facing a penalty.

Is renting a condominium different from renting an apartment?

Yes, renting a condo is dirrenert than renting an apartment.

- The laws that you must obey are different:
  - When you rent an apartment, you are bound by your promises in the lease and by the RTA. When you rent a condo, you are bound by your lease, by the RTA, by the CPA, and by any additional conditions that are implied by the CPA. For example, when you rent a condo, you are bound by the terms and responsibilities outlined in the condominium bylaws.
  - The CPA will override some of the rights and obligations that are outlined by the RTA. For example, the CPA allows the Board of the Corporation to terminate a tenancy in particular situations. The Board can use this power to end a periodic or fixed term tenancy with as little as one month's notice. You should make sure that you know all of the rules and bylaws that have been established for the building so that you don't break these rules.
- The fees that you have to pay might be different:
  - Your lease should clearly state who is responsible for paying the condo fees. Condo fees are basically maintenance fees that are used to maintain the common property and to make repairs to the building. Either you or your landlord can pay these fees, and there should be a term in your lease that addresses who is responsible to pay.
- The obligations you have might be different:
  - The Corporation is responsible for insuring the entire condominium building against certain hazards. You will need to have your own insurance on the contents of your unit, because the Corporation's insurance will NOT cover your belongings or any improvements that you made in the condo if, for example, there was a fire.

Sometimes a lease will refer to another document, such as "Tenant Rules and Regulations" or "Additional Condominium Bylaws". You should read these documents before you agree to rent the condo so that you know all of the terms that you are agreeing to.

What should I do if I have a problem with my Landlord?

The RTA is administered by Service Alberta, so many rental issues can be dealt with through Service Alberta's Consumer Contact Centre (see 'Contacts' at the end of this booklet). Before you contact the Consumer Contact Centre, you should make sure that you have taken every step that you can to deal with and understand the problem that you are facing. You may need to contact a different governmental department if a certain law has been broken. For example, health and sanitation issues are dealt with by your health authority.

You should also remember that when you rent a condo, the CPA will apply and so there may be additional requirements that you must meet. For example, in certain situations you must give notice to the Condominium Board as well as to the landlord. Also, the Board can serve you with notice to end the tenancy, even if your landlord does not give you notice and even if your landlord wants to keep you as a tenant.

Other Alberta laws may apply, depending on the problem that you are having with your landlord.

For more information on the laws that may apply, and who to contact for more information, please see the 'Relevant Alberta Laws' section at the end of this brochure.

Glossary

Condominium Bylaws	Rules set by Condominium Corporations that govern the conduct of owners, boards, and tenants in the complex. Anyone who occupies a unit is bound by the bylaws of the Corporation. Breaking a bylaw is considered to be an offence and may result in the Board issuing an eviction notice.
Inspections	A formal survey of the rental premises. Both the tenant and landlord should be present at the time of the inspection. Inspections should be done before furniture is moved into the premises.
Landlord and Tenant Advisory Boards	The function of a Landlord and Tenant Advisory Board is to advise landlords and tenants in matters relating to a tenancy; receive complaints and to try to mediate disputes between landlords and tenants; and make information available for educating and advising landlords and tenants about rental practices, their rights, and available remedies. In Alberta, there are two landlord and tenant advisory boards, one in Edmonton and one in Fort McMurray. The extent of services that a Board offers will depend upon its resources. Advice can generally be obtained in person or by phone. Information packages, including forms, are often available for purchase. Currently, Red Deer has a Landlord and Tenant Information Service that provides tip sheets and applicable forms through their office and website, but has no in-house advisor.
Lease	*See Rental Agreement*
Rental Agreement	A legally binding agreement to rent a premises between a landlord and tenant. Rental agreements can be written or oral; however, a written agreement will make it easier to see what has been agreed to and will also provide a record of the agreement. Also called a lease.
Security Deposit	Something that you give your landlord at the start of a tenancy with the understanding that it will be returned, with interest, if you keep certain conditions. The conditions will depend upon the reason that the landlord asks for a security deposit.

Glossary: Laws

To view any provincial laws, visit the Queen's Printer at www.qp.alberta.ca/Laws_Online.cfm

Condominium Property Act **(CPA)**	This Act outlines additional issues that are involved when you are living in a condo. For example, additional requirements relate to giving notices to the Condominium Board in addition to the owner/landlord. There are also circumstances outlined in this Act where a Condominium Board can serve a notice to you to end a tenancy, even if your landlord/owner of the unit hasn't given you notice and may not want to do so.
Alberta Human Rights Act **(formerly *Human Rights, Citizenship and Multiculturalism Act*)**	This Act protects individuals from discrimination and ensures that people are offered an equal opportunity to find a place to live and enjoy services available to the public without discrimination. This means a landlord and tenant cannot discriminate against each other on the basis of: • race • ancestry • place of origin • religious beliefs • physical disability • mental disability • marital status • family status • source of income • sexual orientation • gender (including pregnancy, sexual harassment & gender identity) If you feel that you have been discriminated against on the basis of any of these issues, you can contact the Alberta Human Rights and Citizenship Commission Toll-free within Alberta: 1-800-232-7215 or go to www.albertahumanrights.ab.ca
Minimum Housing and Health Standards **(Part of the *Alberta Health Act*)**	The goal of the *Minimum Housing and Health Standards* is to set minimum conditions which are essential to good health and which make housing premises safe, sanitary and fit for human habitation. The Standards cover such topics as mice and insect infestations, acceptable ventilation and plumbing, the minimum temperature your house can be in the winter, and so forth. If you have concerns regarding the quality of your living conditions, you should contact Alberta Health and Wellness or go to www.health.alberta.ca for more information.
Personal Information Protection Act (PIPA)	This Act protects individual privacy by requiring private-sector organizations (including your landlord) to obtain your consent for collecting, using and sharing your personal information. If you want to make a complaint about the improper handling of you personal information by your landlord, contact the Office of the Information and Privacy Commissioner toll-free in Alberta 1-888-878-4044.
Residential Tenancies Act (RTA)	The *Residential Tenancies Act* (RTA) is the main law that outlines the rights and responsibilities of the majority of landlords and tenants that live in Alberta. When you rent a condo, many of the issues that you may have will be outlined in this Act. In Alberta, the RTA is administered by Service Alberta, which is one of the Ministries of the Alberta Government.
Safety Codes Act	This law outlines the many different codes that relate to buildings. Some of these codes include: building, fire, electrical, gas, and plumbing. The Safety Codes Council is responsible for administering the laws and regulations related to many aspects of safety codes. Safety Code Officers carry out inspections under the Act. Federal laws may also have an impact on any work that you intend to do on your building.

Contacts: Information, Advice and Assistance

Alberta Human Rights and Citizenship Commission

An independent commission of the Government of Alberta reporting through the Minister of Culture and Community Spirit, who has responsibility for human rights issues. The Commission protects human rights in Alberta by resolving and settling complaints made under the ***Alberta Human Rights Act*** (formerly ***Human Rights, Citizenship and Multiculturalism Act***). Due to confidentiality concerns, the Alberta Human Rights Commission cannot accept or reply to complaints of discrimination via e-mail.

Northern Office: 780-427-7661
Southern Office: 403-297-6571
Website: www.albertahumanrights.ab.ca

Calgary Residential Rental Association

Provides forms, workshops and information for landlords in rental situations under the RTA. An annual membership is required.

Phone: 403-265-6055
Website: www.calapt.org

Edmonton Apartment Association

Provides forms, workshops and information for landlords in rental situations under the RTA. An annual membership is required.

Phone: 780-413-9773
Website: www.eaa.ab.ca

Edmonton Landlord and Tenant Advisory Board (Edmonton LTAB)

Provides landlord and tenant legal information that relates to living situations only covered by the RTA for City of Edmonton residents. Edmonton LTAB a useful resource for general information, and for obtaining forms such as rental agreements that you can use as a starting point for adapting to your situation.

Phone: 780-496-5959
Website: www.edmonton.ca/ltab

Law Society of Alberta Lawyer Referral Service

Operated by the Law Society of Alberta to assist people in finding a lawyer who will provide them with the legal services they require. The Law Society of Alberta Referral Service has two offices. Both the Calgary office and the Edmonton office serve the surrounding rural areas. If you live in rural Alberta, you can choose which office is closer to where you live:

To contact either office:
Toll Free: 1-800-661-1095
Phone: 403-228-1722 (in Calgary)
Website: www.lawsocietyalberta.com/public/lawyer_referral.aspx

Office of the Information and Privacy Commissioner of Alberta

Provides information needed to use and understand the ***Personal Information Protection Act*** (PIPA).

Toll Free: 1-888-878-4044
Website: www.oipc.ab.ca

Residential Tenancy Dispute Resolution Service

Provides a streamlined procedure as an alternative to going to court for dealing with disputes between landlords and tenants. This service is available in most parts of Alberta. The necessary forms are available online.

To contact either office:
Phone: 310-0000 then 780-644-3000.
Website: www.servicealberta.ca/rtdrs/

Red Deer Landlord and Tenant Service

Provides landlord and tenant legal forms and tip sheets relating to living situations covered by the RTA through their office and website, but does not have an in-house advisor to answer specific questions.

Phone: 403-343-0410
Website: www.lltrd.ca

Service Alberta's Consumer Contact Centre

Provides landlord and tenant information that relates to living situations only covered by the RTA, and is a useful resource for more general information and referrals relating to landlord and tenant information.

Phone: 780-427-4088
Toll Free: 1-877-427-4088
Website: www.servicealberta.gov.ab.ca/562.cfm

Wood Buffalo Landlord and Tenant Advisory Board (LTAB)

Similar to Edmonton LTAB, Wood Buffalo LTAB provides landlord and tenant legal information that relates to living situations covered by the RTA for individuals living in Fort McMurray and the surrounding area. The Wood Buffalo LTAB is a useful resource for general information and for obtaining forms such as rental agreements that you can use as a starting point for adapting to your situation.

Phone: 780-743-5000
Website: www.woodbuffalo.ab.ca/landlord

The Legal Resource Centre

The Legal Resource Centre is a non-profit organization whose purpose is to provide Albertans with reliable information about their rights and responsibilities.

Legal
Resource Centre
of Alberta

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www.legalresourcecentre.ca

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This booklet is part of a series on seniors' housing.

The series includes:

- Life Leases
- Renting a Condominium
- Renting out a Room in Your Home
- Reverse Mortgages

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