



Residential Tenancies (Safer Spaces for Victims of Domestic Violence) Amendment Act

This publication is intended to provide general information only and is not a substitute for legal advice.

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WHAT IS THE RESIDENTIAL TENANCIES ACT?

The *Residential Tenancies Act* (RTA) is the law in Alberta that applies to most people who rent the place where they live. The RTA sets out requirements and minimum standards of conduct for landlords and tenants during the term of a tenancy.

In August 2016, the *Residential Tenancies (Safer Spaces for Victims of Domestic Violence) Amendment Act*, Termination of Tenancy (Domestic Violence) Regulation, and amendments to the RTA Ministerial Regulation, were proclaimed. These changes to the RTA allow victims of domestic violence to end a tenancy early and without financial penalty.

This legislation applies in cases where if the tenancy continues:

- The tenant’s safety is at risk;
- A dependant child’s safety is at risk; or
- A protected adult’s safety is at risk.

The Amendment Act establishes a Designated Authority to receive an application from, and issue a certificate, to a victim of domestic violence. This certificate confirms that there are grounds to terminate the tenancy and is used by the tenant to give notice to their landlord that they are terminating the tenancy.

The Designated Authority can also help individuals applying for a certificate to find other supports, such as emergency shelters and financial supports for victims of domestic violence. The Ministry of Human Services has been appointed the Designated Authority for the purposes of the legislation.

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UNDERSTANDING DOMESTIC VIOLENCE

Domestic violence includes any of the following:

PHYSICAL ABUSE <ul style="list-style-type: none">• The use of physical force that may result in pain or injury. This includes pushing, shoving, kicking, slapping, biting, strangling, hitting, etc.• Being locked out or denied access to the home• Denied help when ill, injured or pregnant• By physical force not being allowed to leave• Weapons or objects being used against an individual• Abandoned in a dangerous situation	EMOTIONAL/PSYCHOLOGICAL ABUSE <ul style="list-style-type: none">• Threats to harm an individual, their family or pets• Manipulation through lies and contradictions• Being ridiculed for an individual's beliefs, race, heritage, class, religion or sexual orientation• Being convinced they are to blame for the abuse• Stalking
SEXUAL ABUSE <ul style="list-style-type: none">• Forced to have sex or watch sexual acts• Forced or pressured to perform sexual acts or have sexual acts performed on them• Forced to have sex after a physical assault, when they are ill, or as a condition of the relationship	ECONOMIC ABUSE <ul style="list-style-type: none">• Partner controls all of the finances• Prevented from getting or keeping a job or from going to school• Denied access to bank accounts, credit cards or vehicle• Limited access to health, prescription or dental insurance
DOMESTIC VIOLENCE IS COMMITTED BY: <ul style="list-style-type: none">• A current or past spouse or partner• A person they are dating or have dated• The biological or adoptive parents of one or more children with that person, regardless of marital status• A person that has care and custody over them pursuant to an order of a court	

INFORMATION FOR TENANTS

If you are a victim of domestic violence, there are steps you can take to end your tenancy:

1. Apply for a certificate through the Designated Authority in Human Services confirming termination of the tenancy. To issue the certificate, the Designated Authority will require **one** of the following documents:
 - A copy of an emergency protection order or Queen's Bench protection order, a restraining order, a peace bond, or another court order that stops the alleged perpetrator from contacting the tenant; or
 - A statement from a professional affirming the tenant has reported a risk to their safety, the

safety of a dependent child or protected adult. For example, you can ask for a statement from a doctor or nurse. Below is a full list of professionals who can provide a statement.

- a) A regulated member of the:
 - College of Physicians and Surgeons of Alberta
 - College and Association of Registered Nurses of Alberta
 - Alberta College of Social Workers
 - College of Alberta Psychologists
 - College of Registered Psychiatric Nurses of Alberta
- b) A police officer or Royal Canadian Mounted Police (RCMP)

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- c) An individual employed by an organization who:
- assists individuals by providing accommodation in an emergency or transitional shelter because of homelessness or abuse; or,
 - provides support for victims of crime (such as Victims Services).

After receiving one of these documents, the Designated Authority may issue a certificate.

2. Provide your landlord with the certificate and a written notice to terminate the tenancy. You must provide at least 28 days notice. The notice must be in writing, be signed by the tenant, set out the termination date, and be given no later than 90 days after the certificate is issued. The notice must be served personally or by registered mail.

Once these steps have been completed, the tenancy agreement will be terminated on the date stated in the notice. Tenants are still responsible for paying rent during the period of notice and can request that the landlord apply the security deposit as a payment of rent for the notice period.

INFORMATION FOR LANDLORDS

The following is important information landlords should be aware of:

- A landlord must ensure that any information received from or about a victim of domestic violence is kept confidential unless the landlord is authorized by the tenant to disclose that information. For example:
 - o A landlord cannot talk to other tenants about the victim's situation or why they are moving out.
 - o A landlord may be required to disclose information in connection with an investigation or prosecution.
- The tenant is still required to pay rent during the

- notice period (at least 28 days). If requested by the tenant, a landlord must apply the security deposit as a payment of rent for the notice period.
- o This does not prevent a landlord from seeking reimbursement for previous rent or utility arrears, or costs for damage to premises.
 - If other tenants are listed on the current tenancy agreement, these tenants would be notified of the termination by the landlord. The tenancy agreement is terminated for all tenants living in the rental unit. As the landlord, you can choose to enter a new rental agreement with the remaining tenants.

A landlord may apply to court or the Residential Tenancy Dispute Resolution Service (RTDRS) to set aside a notice to terminate only on the following grounds:

- The tenant did not provide proper notice of termination. Tenants are required to provide at least 28 days notice along with the signed certificate from the designated authority confirming there are grounds for terminating the tenancy.
- The tenant does not properly serve the notice and certificate to the landlord in person or by registered mail.
- The notice is not in writing, or not signed by the tenant, or does not include the date that the tenancy will terminate.
- The notice to terminate is served more than 90 days after the date on which the certificate was issued.

To file a dispute or claim damages, you may apply to the RTDRS or provincial court.

For more information about your rights and responsibilities as a landlord or tenant, call the Service Alberta Contact Centre at 1-877-427-4088.

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INFORMATION FOR TENANTS LIVING AT THE SAME RESIDENTIAL PREMISES AS A VICTIM

When a lease is terminated due to a certificate being issued, it means the tenancy agreement of everyone living with the victim will be terminated too. The victim is not responsible for telling other tenants that the tenancy is being terminated, but can if they feel comfortable doing so. The landlord may establish a new lease with the other tenants, but does not have to. It is recommended that the other tenants consult the landlord respecting entering into a new tenancy agreement if they would like to remain living at the premises.

FOR MORE INFORMATION

- **Family Violence Information Line**
Phone: 310-1818
- **Residential Tenancy Dispute Resolution Service (RTDRS)**
Phone: 780-644-3000
<http://www.servicealberta.ca/landlord-tenant-disputes.cfm>
- **Alberta Supports**
Phone: 1-877-644-9992
go to <http://www.alberta.ca/alberta-supports.aspx> to email or find a location
- **Safer Spaces Alberta website**
<http://www.alberta.ca/safer-spaces-certificate.aspx>