



THE Rental gazette



Condominium Property Act Changes

BY SONNY MIRTH, QC

This note is for landlords who own and rent out individual condominium units (herein "Condo landlords").

A number of changes to the regulations under the Condominium Property Act came into force on January 1, 2020: see Alberta Regulation 154/2019 and O.C. 113/2019. Some are of special interest for Condo landlords. Most significant are the new insurance deductible liability provisions and the new damage deposit limits.

Insurance and Deductibles

Briefly, the new regulations make unit owners "absolutely" liable for deductibles under the condominium corporation's insurance for any "damage that originates in or from the owner's unit or an exclusive possession area assigned to the owner" (regulation 62.4 (2)). Condominium corporations no longer have to show or establish any wrongdoing or other fault on the part of an owner or his occupant to establish liability. If a toilet splits or a pipe bursts inside a unit, the unit owner has to pay the deductible regardless of fault. Of course, if the owner or his tenant is at fault,

the same rule applies; but there is no need to prove or establish that. If a sink overflows or a pipe inside the unit boundary bursts by reason of a window being left open in winter, the only thing the condominium corporation needs to show is that the damage originated in or from the unit. It does not need to prove fault or negligence; and absence of fault or negligence will not excuse or avoid liability.

There are limits and exceptions. The deductible liability will vary in accordance with the actual policy deductible; it is after all an absolute liability for only the deductible. The condominium corporation is generally required under the statute to insure the building on behalf of unit owners as well as the corporation; but is permitted to do so with reasonable deductibles. Further, the statute places a \$50,000.00 maximum on the deductible liability. For now, that is; for the amount can be changed by simple change in the regulation itself.

The statute also makes this liability inapplicable to faults ("acts or omissions") of the corporation itself, or its board

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Editor's Message

BY RAPHAEL YAU, CHAIR RENTAL GAZETTE

Spring is upon us but unfortunately with the global pandemic which is Covid-19, daily life has been upended and when we were supposed to be replacing shovels and salt with brooms and rakes, we find ourselves buying essential items to hunker down and self-isolate for the foreseeable weeks. We would like to acknowledge all the workers whether in health care or any other essential services that we are behind you and appreciate all that you do in this intrepid times. On behalf of those that are still needing to go out to work, thank you to all of you who have shifted to home-based work or have otherwise limited your outings so that the risk to them, and therefore to the population, is lower.

Going forward economically will definitely be a crisis of confidence. While it's still early days, indicators are beginning to show the widespread anxiety gripping consumers and business alike.

"By our count, the Conference Board's Canadian consumer confidence indicator registered its largest monthly decrease (~32points) on record. Like many other countries, Canada has taken bold steps to contain and slow down the spread of COVID-19. With these necessary measures in place it's likely that things will look worse before they look better and we could see confidence continue to fall. A plunge in confidence adds to the broad narrative we've seen in financial and commodity markets. Since February 20, Canada's TSX is down 35% slightly more than the 30% drop in the global stock index. Oil prices have fared even worse, as they weather a twin crisis; one of confidence (low demand) and over supply. Despite recently announced fiscal and monetary stimulus we are already seeing businesses announce layoffs. This isn't surprising given the latest CFIB survey shows businesses are now expecting their performance to be weaker in the next year. How Canadians respond to

this downturn depends largely on how quickly we can see signs of normalcy emerging. For now, it's too early to tell when that time will come." (RBC Economics; March 19, 2020)

In regards to the housing market, Covid-19 is about to change everything. The unprecedented measures to slow down the spread of the coronavirus including social distancing have the potential to bring house hunting activity to a virtual halt this spring. This will have an effect on the rental market and should decrease vacancy when things get back on track. An expected recession marks a further deterioration in the housing market's near-term outlook. Home resales are poised to decrease though prices could hold up: The very tight starting position of most markets across the country provide property values some cushion against a correction. Potential sellers are also likely to hold off put their home up for sale under the circumstances which would help demand-supply conditions stay in balance.

The light switch was definitely 'on' in February. Canada's housing market roared last month as the threat of COVID-19 still seemed at bay. Kinder weather or was it a prescient move to get ahead of a looming coronavirus crisis? This inspired more sellers to list their property for sale, which finally helped quench some of the plentiful pent-up demand. A drop in supply had restrained activity in most major markets in the previous couple of months. In February even with the rise in new listings in some of Canada's hotter markets; demand-supply conditions were still tight and in some cases, very tight. This is perhaps the biggest takeaway as buyers and sellers get set to hunker down in the face of the coronavirus. Many local markets were entering this challenging period from a position of strength.

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Continued From Cover

or agents, to construction defects, and to “normal structural deterioration of the common property...”. The latter is likely a very limited exception. The fault exception in practice will, in some cases, place a reverse onus obligation on the unit owner. The corporation does not have to prove the owner or his occupant is at fault, but if the water leak comes as a result of corporation action or failure to act but originates in or from the owner’s unit, the owner is absolutely liable unless he can prove corporate fault. The practical application of this dichotomy will be quite a challenge where the damage comes from failed pipes inside walls or from steam heating elements along unit perimeter walls.

So what does this change mean for Condo landlords? It means they should (must: see below) be sure they have their own insurance coverage that will protect them in the event of a deductible claim. Probably it should be for \$50,000.00, regardless of the corporation’s actual deductibles. Deductibles do seem to go up each year. Condo landlords should revisit their current coverage to be sure it meets these new risks.

A second insurance aspect arising out of the new regulations is the need to be sure unit improvements are adequately covered. New regulations 61.1 and

61.2 require condominium corporations to develop “standard insurable unit descriptions” and provide those to unit owners. The idea is to let corporations insure units without regard to improvements made by or for unit owners (“betterments”, as they are sometimes called). The consequence is that for any unit finished (or for that matter re-finished) to a standard higher than that identified in the “standard” descriptions there will be no coverage of the betterments. So Condo landlords need to address these circumstances in the context of their unit owner’s coverage.

New regulation 60.2 permits condominium corporations, by bylaw, to require owners to purchase coverage for deductibles. Many bylaws already in existence specifically mandate owner coverage to some degree; over the next year or two, probably most will do so. Bylaw amendments to capture these new regulation concepts can, for a short while, be passed without more than simple majority support (not the 75%+ usually required).

Damage Deposits

Condominium corporations continue to be entitled to charge and collect damage deposits in unit rental situations. The maximum limit, however, has changed. It

is now the greater of \$1,000.00 or one month month’s rent: regulation 74.2.

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Non-stop Covid-19 news coverage along with the mounting economic toll (e.g. layoffs and work hour reductions) are bound to shake consumer confidence. Lower mortgage rates will keep the housing market going at first but ultimately won't stop negative sentiment setting in. A price collapse is unlikely although economists expect home resales to drop across the board in the coming weeks. In all likelihood, this will be a temporary hit with a rebound taking place later this year once the COVID-19 situation settles down; though the timing and magnitude of the rebound are highly uncertain at this point. Despite it all, we expect property values to generally hold up. We believe the position strength with current tight demand-supply conditions in most major markets; will provide some cushion against a correction. The price outlook isn't as very favourable for housing in the prairies, where softer market conditions and the plunge in crude oil prices are poised to further drive prices lower. Multifamily properties are still high in demand as the rental markets have stabilized over the past 12 months. As home sales decrease, there will always be a need for housing and as landlords, you will adjust and make accommodation for the increase in demand. We have still yet to understand the fiscal package from the Federal and Provincial governments and how this will affect our balance sheets and whether assistance to tenants will be sufficient to weather this storm.

As a residential landlord association and as landlords, the multifamily will have to make adjustments to this "new normal". We will have to interpret and adjust the way we do things to ensure the safety of the tenants and the viability of our businesses. One thing is for certain: Purpose built rental units are needed in good times and bad. Renter demand remains strong compared to other real estate assets and this feeling of uncertainty and anxiety shall pass.

Raphael M.H. Yau, B.A. (Econ), Multi-family & Investment Sales, Cushman & Wakefield Edmonton. Source: RBC Economics, Cushman & Wakefield Edmonton Research Services



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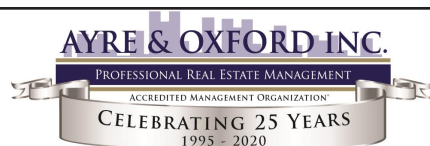
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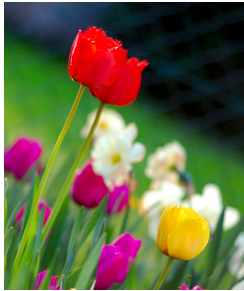
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Executive Director Report Spring 2020

BY DONNA MONKHOUSE, EXECUTIVE DIRECTOR

I struggled with writing this update for the Spring Gazette. It is hard to put words on paper during this unprecedented crisis we are currently experiencing. The news and bulletins we are all receiving and information that is being put to us is exhausting. Our day to day workload has shifted into a new direction and we as Landlords and Service providers find ourselves doing things we never thought we would have to. ARLA is here to help with whatever we can so please reach out to us.

We at ARLA, remain in touch with government officials, other landlord associations, City of Edmonton Mayor and Council, RTDRS as well as other members. We are here for you!

January and February for ARLA were eventful and connections made with Minister Glubish and the Director of Service Alberta in February have now given us an outlet to be heard on the current issues.

In February we sent a letter to the City with respect to

Property Taxes and the need to help our Landlords and now we just must wait to see what transpires after all of this is over.

We attended a challenge panel for the City of Edmonton with respect to the Landlord and tenant advisory board. We sat in a meeting for the Pesticide Advisory Committee for Alberta and were able to hear what is happening in the area of Pest Control and will share this information shortly with all of you. We sit on a council for Safety Codes Canada and will be able to share information with respect to these meetings as well.

We held our 25th Anniversary celebration and enjoyed seeing so many old and new faces.

We thank all our sponsors for helping make the event such a great one!!



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Awards were handed out for the Past Presidents that were able to join us and for those members that have supported ARLA for over 20 years. THANK YOU to all of you.

Although we have had to postpone our March and April events for now, it is our hope that we will be able to host the planned events soon and know our membership will return with enthusiasm. We will ensure all members are kept up to date on any and all information.

WHAT ELSE IS HAPPENING AT ARLA'S OFFICE?

- We are staying apprised of the Proposed Waste Management Strategy and how it affects our landlords.
- We are always looking for ways we can assist the

members and be heard to improve the Residential Rental Industry. If you have any issues that you want to share, please let us know and we will do our best to make sure we are heard.

- We heard from our Downtown Landlords the issues occurring with increased vandalism and tenant's security. We met with the City of Edmonton Police Department who were helpful in identifying areas of concern and gave some ideas on what Landlords can do. These will be sent out shortly.

Thanks go out to all the members for their continued support of ARLA. We look forward to reuniting with all of you. For now, please Stay Safe.



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Left to Right: Jonathan Bussey, Dan Posa, Donna Monkhouse, Raphael Yau, Sandy Pon, Sherri Doucette, Jaime Lopresti, Paul Jones, Pete Ages, Kate Brisson, Brittany Dorado, Marisa Redmond, Sonny Mirth and Carolyn Flexhaug.

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Pesticide Applications in Rental & Multi-Family Dwellings

FACTS AT YOUR FINGERTIPS

Pesticide Legislation

In Alberta, pesticide management falls under the *Environmental Protection and Enhancement Act*, which contains the *Pesticide (Ministerial) Regulation*, the *Pesticide Sales, Handling, Use and Application Regulation*, and the *Environmental Code of Practice for Pesticides*.

What is required to apply pesticides?

A **certified applicator** is required when applying Schedule 1, 2, or 3 pesticides in and around the following areas;

- rental dwellings,
- the grounds of a school, hospital, nursing home or day\care, or
- the common areas (indoor and outdoor) of multi-family dwellings.

Any individual or company offering (advertising) or providing a pesticide service in Alberta requires a **pesticide service registration**. A pesticide service registration requires that at least one staff member hold a pesticide applicator certificate for the correct class of activity.

Property management companies or building owners that provide pest control as part of their service to clients are required to be or employ a certified applicator and hold a pesticide service registration for the correct class of activity.

A third party can also provide pest control. If subcontracting, the property management company, building owner, or owner's agent **MUST** ensure the subcontracted company holds a valid Pesticide Service Registration for the correct class of activity **AND** is or employs a certified applicator for the correct class of activity (i.e. structural).

What is Notification?

It is not your regular pop-up notification, and definitely one you do not want to turn off! This notification is the written information provided prior to a pesticide application to persons who may be directly affected. Proper notification allows individuals to prepare for the pesticide application, which helps to ensure the pesticide application can be successful and protects human health, animal health, and the environment. The *Environmental Code of Practice for Pesticides* includes specific notification requirements for structural pest control.

Landlord Responsibilities for Structural Pest Control

Prior to any structural pest control application in a multi-family dwelling, the **building owner** or **owner's agent** must notify (at least 24 hours prior) and maintain a record of all persons who could be directly affect by the pesticide application.

Notification **MUST** include:

- (a) Name, address, and telephone number of the pesticide service;
- (b) Preparation procedures for each room in a dwelling;
- (c) Date and time to vacate the premises;
- (d) Name and *Pest Control Products Act* registration number of each pesticide being used; and
- (e) Re-entry periods for occupants and clean-up procedures.

Although, the *Environmental Code of Practice for Pesticides* states the responsibility is on the building owner or owner's agent for notification, the certified applicator or service would likely need to provide the necessary information as building owners might not be familiar with structural pesticide applications, procedures, or products.

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of Alberta** ■



Back With a Vengeance

BY TOM SCHULTZ, EDMONTON EXTERMINATORS

Just when it appeared as though the bed bug onslaught had eased off, we have a new/old nemesis wreaking havoc. For the past few years, cockroach issues have surpassed the bed bug as every landlords' worst pest nightmare. Many are left scratching their heads as to why this new (but in reality, old) problem has arisen. While there are many theories, the two biggest seem to be lack of efficient products and just like the bed bug, world travel. Not so much world travel by people, but rather by food.

To further elaborate on this, I and many others believe that because we have become a country of huge multi-culturalism, we also have become a country of immense multi-cultural food importation. People relocating here from so many warm climate countries bring with them a taste for foods from home. The massive importation of foods from around the world usually leads to importation of some insect issues as well. Enter the German cockroach. This is not something new, but in any fast-developing country like Canada, population numbers have grown by leaps and bounds over the last 20 years. So of course, the issues are magnified because of this. The foods and sometimes the cockroaches make their way overseas, end up in warehousing and are distributed to smaller food stores and restaurants. I have been involved in pest control for over 40 years and it's always been this way, just in much smaller numbers. Larger food chains tend to have somewhat less issues simply because of handling smaller amounts of the "specialty" foods and requiring more stringent federally regulated inspection of products. That's not to say they don't still have some issues, but usually not too the same extent.

Now we get to the other part of the problem. Which is of course is effective pest control products to combat the cockroaches. A quick look back to when I started in the 1970's saw us utilizing residual insecticides

combined with quick knockdown non-residual insecticides. These products were applied with pump-up sprayers. Then along came the fogging machines to apply the quick knockdown insecticides. Around the late 80's-early 90's we saw the creation of the first really effective gel baits. These gel baits revolutionized how we performed cockroach treatments with amazing results. But over time like every other product, the cockroaches adapted to the baits. New baits slowly found their way to the Canadian market (emphasis on slowly) to be able to help with the problems. Since then we have had a small number of bait products (relative to what is available in the U.S.) with mixed results. About 2 ½ years ago I found that although the baits were easier to apply and much less hassle for the tenants, they were in fact much less effective than the spray and fog methods that had been used years before. (Because I am also in the chemical wholesale business, I get feedback from many other technicians and companies to confirm our observations.)

This brings us to today. Because we don't have access to many of the newer, more effective baits available south of the border, our company and a number of others have all but eliminated baiting for cockroaches. Spraying and fogging involves quite a bit of prep work for tenants. Not to mention the hassle of vacating the units for a period of hours to let everything settle and dry. But we and a number of others have found much better results with this method. Plus, we have a few chemical options and are able to rotate products to help avoid resistance.

Hopefully this gives you a better understanding of what we are all up against. The most important tip I can offer up to every single landlord is try and be proactive when it comes to cockroaches. By this I mean monitoring. Laws prohibit unlicensed application of insecticides to occupied units, but everyone

and I do mean everyone is able to enter units (with notification of course) and install insect monitors (glue traps) into any empty or occupied unit. These glue filled cardboard traps are invaluable to early cockroach detection. For as simple as they are, they work extremely well. By identifying an infestation in its infancy, you stand a much better chance of eliminating the problem. Position the monitors under the sinks, behind and above fridges and stoves and in food pantry areas if so equipped. These will be the areas cockroaches normally show up first.

One final bit of information I will end with is if you do experience pest issues of any kind and are looking for help, please make multiple inquiries and ask questions. Over the past 15 years we have had an influx of new pest control companies popping up. Especially since the economy in Alberta has taken a turn for the worse. Unfortunately, the government has made it far too easy for individuals to study, write and obtain new pest control licenses with zero practical knowledge. It isn't uncommon for us to have someone come into our business with an applicators license and service registration in hand and ask what product and equipment they need to spray for cockroaches and bedbugs.

Don't only ask questions but ask to see if they have a service registration. This is provided by Alberta Environment to licensed applicators after they have produced proof of insurance. If they make excuses why they can't produce it, there is a good possibility they carry no insurance. I don't want to come across like the industry watchdog, but I have seen far too many people spend far too much money and receive no results.

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ARLA 25th Anniversary Party



Understanding the Rental Housing Market

Most owners of multi-unit residential buildings know what's going on with respect to rent levels and vacancy rates. However, do they truly know their tenants' wants and needs? Knowing more about tenants is essential to keeping current tenants in their buildings, and attracting new tenants when there is turnover.

RHB Magazine analyzed data acquired from multiple sources to help building owners and property managers understand renters' preferences and identify rental housing trends.

Data sources include the following:

- Kijiji.ca accumulates comprehensive data on renters, including the most popular days and times that they search for a place to live
- Rentals.ca produces a monthly national rent report that lists and analyzes average rents levels, vacancy rates, and other key market data
- Informa Canada conducts the annual Canadian Multi-Res Tenant Rental Survey, interviewing approximately 20,000 Canadian rental tenants to understand their preferences and identify trends
- Canada Mortgage and Housing Corporation (CMHC) conducts in-depth analysis and market trends of primary and secondary rental markets across Canada
- Bullpen Research & Consulting conducts research to better understand the residential housing market, focusing on new developments in Ontario
- Local Logic provides hyperlocal content on neighbourhood resources and amenities
- Landlord Web Solutions offers online marketing and data syndication for the rental housing market
- PadMapper accumulates information on rental properties, enabling tenants to filter apartments by multiple data points and factors

What will the rental housing market look like in 2020?

If 2019 is any indication, average rental rates are expected to rise in most markets across Canada, as vacancy rates continue to stay low or even decrease. Toronto is expected to see an average rent increase of

around 7 per cent, given greater migration to the city, higher housing prices, and the continuation of new rental supply falling behind demand. According to our research, national average rents will increase by 3 per cent year over year. Demand for rental units is on the rise, due to various factors, including the cost of buying a home, shifts in lifestyle demands, changing demographics, growth in the short-term rental market, and increasing migration.

Lack of rental supply in many markets will likely continue to be a story in 2020, even though purpose-built rental housing construction is expected to increase. There will be opportunities to add to the rental housing supply, such as renovating older multi-unit apartment buildings, given the return on investment from higher rents, and cities looking at alternative rental options, including co-living developments, laneway suites, and smaller homes. Some companies will also purchase entire condominium developments and lease out the entire building as a pooled rental arrangement. Developers will continue to construct new rental properties, but might focus on smaller and more affordable units, and providing more shared amenities.

Who are your tenants?

Tenants come from all walks of life, and span all age groups, family situations, and backgrounds. The demographics of one building in one area might vary widely from the demographics of a building located in another neighbourhood, city or province. If we were to profile the "typical" tenant based on demographics and research, they would be female, under the age of 40, living with one roommate and no dependants, and working full-time with a household annual income greater than \$50,000. They probably speak English as their first language and have no pets. They also prefer to rent because all aspects of their housing are taken care of for them.

Our research identified some interesting results when comparing families with and without children. The majority of renters with children are over the age of 30, while renters without children are mostly under the age of 40. When asked about whether their unit fully meets their needs, families with children were equally split, while more families without children were more satisfied than not. The key complaint for families with children was the lack of space, while those without children were

more concerned about the lack of an in-suite washer/dryer. Families with children were more bothered by tenants smoking cannabis in outside common areas.

Both types of families had some common interests. For example, both preferred a bathtub/shower combination over just a shower, and one full bathroom and one powder room rather than two full bathrooms. Having a basic gym was preferable over having a higher end facility or working out elsewhere. The most popular way to pay for rent was via pre-authorized debit, and both family types preferred paying for the utilities they used. There was also no great interest in using technology like Google Home or Alexa to control their units.

What features and amenities are important to tenants?

It's important to know what matters to prospective tenants when promoting your building's features and amenities, so that you know what to mention in advertising available units. It's also relevant for retaining tenants, as they are more likely to stay in the building longer if it already has what they want.

According to our research, the three most desired building amenities are having a washer/dryer in the building (or in the suite), free guest parking, and high-speed Internet access. The most desired building features include elevator access, air barriers (or air handling equipment) to prevent smells from entering common areas, and large windows. The most essential suite amenities include soundproof walls, having a balcony or private outdoor space, and an abundance of natural light in suite. Valet parking was the least desired building amenity, while the least popular suite amenity was having a built-in speaker/sound system. It's interesting to note that, regardless of the age or demographic, everyone would like a luxury shared space, but would still prefer the private balcony. The percentage of people who preferred a luxury shared space to a private balcony was low, and relatively equal across all demographics.

Most tenants stated that they are attracted to a particular building due to its amenities, and the majority use those amenities regularly after they move in. The most preferred building services include regular housekeeping, a digital portal for communications and social func-

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tions, and winter/summer tire change/storage. The most popular program offerings are tenant social events, followed by yoga and Pilates classes and cooking classes; the least popular are child and family planning services.

What about transportation and parking?

Demographic shifts have led to an increase in the sharing economy, so many younger people don't own vehicles. However, many families tend to rely on their vehicles for getting the kids to and from school, shopping, and activities. Location plays a factor, as people who live downtown seem to make do with public transit, while people who live in the suburbs or areas not easily accessible by public transit tend to drive where they need to go. As a result, building owners have to think about issues such as parking and transit access.

According to our research, tenants who commute to school tend to take public transit, and tend to live within 15 minutes of their school. The majority of tenants who commute to work drive rather than taking public transit, and most live within 20 minutes of where they work. Most tenants own one vehicle, have a designated spot, and have sufficient parking to meet their needs. The majority also live in buildings with guest parking, but do not want visitor parking to be metered or time limited.

How important is location?

Although building owners have no control over the amenities located near their properties, knowing what matters to prospective and existing tenants will help you to determine what to focus on when promoting your building as the ideal place to live. People prefer to live in safe, clean neighbourhoods, as well as being close to the amenities that would make their lives more convenient or enjoyable. Real estate is all about location, and the same goes for rental properties.

According to the Canadian Multi-Res Tenant Rental Survey, the three most desirable amenities to have in close proximity to a building are grocery stores, parks and outdoor space, and restaurants and retail. Regardless of whether you live in Toronto, Montreal, or Vancouver, people most want to live near a grocery store. While living near public transit (either subways, buses or streetcars) is the next most popular amenity to live near in Vancouver and Toronto, the second-most popular choice for tenants in Montreal involves living near parks and outdoor space.

Every age group most wanted to live close to a grocery store. However, people under the age of 20 were also most interested in living near where they work, followed slightly by living near parks and outdoor spaces. People aged 30-55 and over 55 were both interested in living near parks and outdoor spaces as their second-most popular choice. However, for their third choice, people aged 30-55 preferred to live closer to work, while people over 55 wanted to live near restaurants and retail.

The Rentals.ca National Rent Report shows different results for neighbourhood amenities. The data showed that proximity to schools is the most important community amenity, followed by transit friendliness and living near grocery stores (see sidebar). As the number of bedrooms in the rental unit increased, so did the percentage of

respondents who ranked proximity to schools as a high priority. The analysis suggests that as more families continue to rent, there will be an increasing willingness to sacrifice the ability to take transit or walk to the grocery store in favour of living near a quality school.

How do tenants communicate and use technology?

Renters typically use technology to find a place to live. According to our research, most tenants visited the building's website before renting, and the website made a positive impression on most searchers. The most popular method of looking for rentals was an online listing service, with Kijiji leading the way, closely followed by word of mouth through a friend or referral. Therefore, building owners and property managers should not ignore the fact that current tenants can help to promote their buildings to prospects.

There are a lot of assumptions about how tenants from different generations want to make use of technology in their lives. Some believe that there is a hard technological divide between age groups; tenants of a certain age rely entirely on their smartphones, and if a showing or application can't be done via texting or an app, then they are simply not interested. The data shows that most common methods of communicating with building owners and property managers are in person or over the phone. However, most tenants would prefer to communicate via email.

With online ordering so prevalent, building owners and managers must adapt to how their tenants shop as well as how they live. Most tenants purchase goods and groceries online, and have them delivered to their homes. The majority have to go to their mailbox to pick up their packages, but only some receive an email notice. However, most tenants would prefer to receive a text, email or app notice when their package arrives.

Even though Amazon and other e-commerce providers will deliver directly into the unit, most tenants would not feel comfortable with allowing entry into their homes. Most rental properties do not have a storage locker, while a high percentage of tenants would want an automated package locker system.

Why do tenants want to move out?

Eventually, most tenants will move on to find another place to live. There are many reasons for them to do so, such as change of job or life circumstances. Although they might have been renting for some time, given the choice, most tenants would prefer to purchase their own home, although the majority have no plans to purchase a home or condo in the foreseeable future. For those who choose to live in a purpose-built rental building, most prefer to do so because they like

the services that they get from renting. For people who choose to move into a condo, they tend to do so because of the building's amenities.

Most renters take less than one month to find where they currently live. Before deciding to move out, renters typically spend up to three months in looking for a new place to live. For those looking to move into a new rental unit, the majority would prefer to move into a new purpose-built rental building. Unfortunately for building owners, most tenants who plan to move are unlikely to be convinced to remain in their current units.

What do student renters want?

If you own or manage properties on or near a university or college campus, then your business depends on meeting students' needs. The majority of students live in furnished units, and prefer it that way when looking for a place to live. They also prefer to live on campus (rather than off-campus), although that's not as important as having furnishings. There is also great interest in having good amenities and programs in their student housing. Most students rate their building and unit as either average or above average. However, many would look for a better quality rental after graduating.


What about insurance?

Rental insurance is much more popular in the west than it is in the east. Edmonton, Calgary, and Vancouver have the highest percentage of tenants with insurance, while tenants in Montreal are at the bottom of the list. Overall, more than 80 per cent of tenants currently have rental insurance, and a significant percentage would purchase insurance through the building owner or property manager if they provided a group discount.

The percentage of tenants who have rental insurance has increased significantly in recent years, which is a positive sign for the rental housing industry.

Conclusion

Rents are on the rise and vacancy rates are either declining or stable in most markets. These trends may continue for some time, but they can also end and change direction for various reasons. There's a lot of research, data, and analysis on renters' demographics, preferences, and habits. How you decide to use this information is up to you.



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An Update on Short-Term Rentals in Alberta

BY JUDY FENG, BCOM, JD

I've been waiting for years to write this article. In the housing sphere, short-term rentals have been an issue for quite a while. Typically transacted through on-line platforms such as Airbnb, a short-term rental is a type of rental accommodation where a person (often referred to as a "host") rents out a premises or part of a premises for a short duration. For example, the rental accommodation can be an entire home, a condominium, a private room, a shared room or a space in a home where the "host" lives.

The short-term rental market has grown rapidly. Here are a few fast facts:

- The short-term rental market in Canada was estimated to be worth \$2.8 billion in 2018. From 2015 to 2018, the market in Canada grew nearly tenfold.
- Alberta is the fourth largest market for short-term accommodations in Canada, accounting for about 5.5% of total revenue.

- There are 2,239 active short-term rental listings in Edmonton (as of 2019) and 3,364 active short-term rental units in Calgary (as of 2018), posted across various on-line platforms.

Short-term rentals have largely operated in a legally grey area. With the rapid growth of the market, there have been increasing concerns about consistent standards and safety shared by guests, owners and communities. That said, whenever we receive questions about information or resources on short-term rentals in Alberta, my default response has been a wait and see approach. What can you do when there was no legislation, regulations or bylaws directly regulating short-term rentals? Really, I didn't think there was much to write or talk about. Until now.

In 2019, both the City of Edmonton and City of Calgary proposed business licencing bylaws for short-term rentals. The City of Edmonton voted to amend its bylaw on August 27, 2019. On September 30, 2019, the City

of Calgary passed its bylaw, and it came into effect on February 1, 2020.

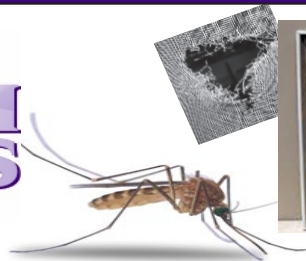
In Edmonton, a short-term rental is defined as rental accommodation in a private residence that lasts for 30 consecutive days or less. To operate a short-term rental in Edmonton, a person must apply for and have a valid City of Edmonton Business Licence. If the City issues a licence, Alberta Health Services (AHS) will be notified for follow up with compliance with health regulations. This may involve an inspection of the property. A person cannot operate another business in a premises used as a short-term rental without a licence for that other business.

In Calgary, a short-term rental is the business of providing temporary accommodation for compensation for periods of up to 30 consecutive days. It can be a dwelling unit or portion of a dwelling unit. Unlike the City of Edmonton, the City of Calgary has a two tier

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classification for short-term rentals - Short Term Rental Tier 1 "STR One" (1 to 4 rooms offered for rent) and Short Term Rental Tier 2 "STR Two" (5 or more rooms offered for rent). Depending on the short-term rental class, business licencing fees, renewal fees and necessary consultations/approvals vary.

More regulations to come?

We now have some municipal bylaws on short-term rentals in Alberta - well, at least in Calgary and Edmonton. One development to keep an eye out for in Alberta is a tourism levy on short-term rentals. With the release of the Government of Alberta's fiscal plan, the provincial government indicated that it plans to implement a tourism levy on short-term rental operators by spring 2020. With the continued growth of short-term rentals, we can expect further changes in the regulatory environment to go along with it.

What about subletting?

When a rental property is sublet, the original tenant moves out of the rental property and a new tenant (the subtenant) moves in to take their place but the original lease stays in place. Under Alberta's Residential Tenancies Act (RTA), a tenant must get written permission from the landlord to sublet the residential premises. Some landlords also outline in their leases that tenants must have their landlord's written permission before subletting. Landlords who discover that their tenants are subletting their units without their written permission may have grounds to end the tenancy.

A short-term rental is not the same as a sublet under Alberta law. Recent caselaw in Alberta has held that short term occupancy through platforms (like Airbnb), where no lease is entered into, is like a hotel stay. As a result, Airbnb renters are not tenants of the owner. A short-term rental is like a licence to occupy, and not a lease.

When faced with either a subletting or short-term rental issue, you should get legal advice for your specific situation. Consider having your lawyer review your standard lease agreement, they may be able to give you advice on how to address both subletting and short-term rentals in your agreement.

Tips:

- If you have concerns about a short-term rental unit in Edmonton (such as licencing, noise, parking, garbage collection/disposal, maintenance), you can call 311 or file a complaint on the City of Edmonton's website.
- To sign up for news about short-term rental regulation in Calgary, go to the City of Calgary's website.
- If you are in Alberta and have questions or concerns about short-term rentals outside of Edmonton or Calgary, you should contact your local municipality.
- Tenants should get permission from their landlords before operating a short-term rental. Be aware that landlords may restrict business operations in their property and/or short-term rentals through the lease. For more information on residential tenancies law in Alberta, go to CPLEA's website: www.landlordandtenant.org
- Some condominiums do not allow short-term rentals. For example, some condominiums may have bylaws and/or rules restricting business operations in units and/or short-term rentals. For more information on condominium law in Alberta, go to CPLEA's website: www.condolawalberta.ca

Judy Feng, BCom, JD, is a Staff Lawyer at the Centre for Public Legal Education Alberta. She can be reached at info@cplea.ca.



Comparison Chart: Edmonton and Calgary Short-Term Rental Licencing

*The information for Edmonton and Calgary is based on the proposed wording for its bylaw (current as of March 2020). Be aware that the information may change.

	Edmonton	Calgary
Business licence required for	Operating a short-term rental, operating a business in a premises used as a short-term rental.	Short Term Rental One (STR One): 1 to 4 rooms for rent. Short Term Rental Two (STR Two): 5 or more rooms for rent.
Licence fee	\$94	STR One: \$100 STR Two: \$172 licence fee + \$104 fire inspection cost
Other consultation or approval required during licencing process?	If licence issued, Health Services (AHS) will be notified for follow up with health regulation compliance. This may involve an inspection of the property.	STR One: No consultation/approval required but existing bylaw says that other bodies (e.g., AHS) may be consulted before issuing/renewing a business licence. STR Two: Fire inspection required.
Licencing conditions	Guests must have an updated copy of the information guide on the City of Edmonton's bylaws (covers garbage collection/disposal, noise and parking). Licencee's phone number must be posted in the rental property.	Cannot offer a room for rent or allow a guest to sleep in a room without a window. No more than 2 guests (not including minors) per room. No overlapping bookings. Rental ad must include business licence number. 24-hour emergency contact must be posted in the property.
Fines for non-compliance	\$400 or two times the licence fee for operating without a licence, whichever is greater. \$2,000 for licencees not meeting conditions under the bylaw.	Keep a guest record and provide it to the licence inspector upon request. \$1,000 for operating without a licence. \$1,000 fine for a first offence of not meeting licencing conditions. \$2,000 for not meeting licencing conditions.

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Alberta Cracks Down on Criminal Trespass

Harsher fines and new category of corporate accountability pending

BY BARBARA CARSS

New concepts of criminal trespass and corporate accountability for unauthorized entry onto a property will soon be enshrined in Alberta law. Bill 27, the Trespass Statutes (Protecting Law-Abiding Property Owners) Amendment Act, awaits royal assent after passing third reading in the provincial legislative assembly last week. Along with measures to discourage spurious lawsuits, the legislation has implications for commercial real estate operators and any organization with potential scofflaws among its employees or membership.

"When they were drafting this, the focus might have been on rural Alberta, but the consequences of this legislation are going to go beyond rural Alberta and will apply just as much in a retail mall as they will in ranch land," says Patrick Heinsen, a partner with Borden Ladner Gervais LLP's insurance and tort liability practice group in Calgary. "It's an interesting piece of legislation. I guess we'll see how it gets interpreted."

Changes to the provincial Occupiers' Liability Act will close most opportunities for criminal trespassers or their estates to claim damages for injury or death, while amendments to the Petty Trespass Act introduce penalties for corporations deemed to have "directed, authorized, assented to, acquiesced in or participated in the commission of the offence". The latter is labelled "a first for Canada" and further extends liability to officers, directors and agents of a subject corporation.

Harsher fines and the spectre of imprisonment have also been added to what's presented as an effort to combat rural crime. For individuals, the fee schedule will jump fivefold with first-time offences set at a maximum of \$10,000 and subsequent convictions at a maximum of \$25,000 — up from the current \$2,000 and \$5,000 thresholds for first-time and subsequent offences. The new corporate offence comes with a maximum fine of \$200,000.

"The proposed changes in Bill 27 came directly from listening to rural residents whose lives have been affected by crime," reported Doug Schweitzer, Alberta's Minister of Justice and Solicitor General, as he introduced the legislation on November 19. "This legislation will not only protect property owners and help law-abiding Albertans feel safe in their communities, but also will ensure trespassers face the proper consequences for their actions."

One of the more attention-getting elements of the legislation is generally perceived as a response to a much publicized 2018 incident in which a rural property owner injured an unlawful transgressor. Although that transgressor was later convicted of trespassing and criminal charges against the property owner were

dropped, the trespasser launched a civil claim for personal injuries in September 2019.

The new rules, which will be retroactive to January 1, 2018, exempt property occupiers from liability in almost all such scenarios unless actions causing injury to trespassers are found to be "wilful and grossly disproportionate in the circumstances" and lead to a criminal conviction. The Act also gives occupiers scope to determine and respond to a perceived threat, stating: "a trespasser is a criminal trespasser if the occupier has reasonable grounds to believe that the trespasser is committing or about to commit an offence under the Criminal Code (Canada)."

"It's not like any nefarious character was going to be successful (in a lawsuit) but property owners were left to deal with it. The new legislation really removes any basis for a lawsuit so the good farmers of Alberta don't have that distress," Heinsen says. "In order to be able to bring a claim for a personal injury suffered by a criminal trespasser, there would be two hurdles to crest."

Nevertheless, some testing of the law is anticipated. "One interpretation the Courts will be called on to make is whether it was reasonable for the person trespassing to be deemed a criminal," he speculates.

Little public discussion or controversy was evident in the nine-day period from the tabling of the legislation to third reading — "There has not been a major fanfare about it," Heinsen observes — but opposition members of the legislative assembly (MLAs) raised concerns about the new fine schedule and the potential to cast a chill on public dissent.

NDP MLA Lorne Dach called proposed fines of up to \$200,000 for organizations and corporations "a sledgeham-

mer" during the legislative debate. "Is it something that is put into this legislation in an effort to once again stifle dissent or perhaps an effort to disassociate organizations from certain causes for fear of reprisal?" he asked.

Heinsen notes that it could be difficult for corporate or organizational officers and directors to prove that they did not assent or acquiesce to a trespassing offence unless they have somehow stated their dissent on the record at a board meeting.

"This would typically be prosecuted by the Crown and it would be interesting to see who they decide to use this against," Heinsen says. "It certainly opens the door to some prosecutions that they may not have been confident in prosecuting otherwise."

The new rules will come into force with royal assent of the legislation.

Barbara Carss is editor-in-chief of Canadian Property Management.



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Thursday, February 13	Educational Seminar Mold, Asbestos, Fentanyl – what you need to know
Thursday, February 27	25th Anniversary Celebration
Thursday, March 19	Educational Seminar & General Meeting Luncheon Seminar: Social Media & You presented by TEG TweetUp Luncheon: Vision for 2022 presented by John Rose, City of Edmonton
Thursday, April 16	Landlord Resource Trade Show
Thursday, May 21	Educational Seminar & General Meeting Luncheon Seminar: Professional & Personal Safety Strategies presented by AEM Risk & Security Consulting Ltd. Lunch: Fire Safety and Your Buildings presented by Dennis Friedel, Assistant Fire Marshall, City of Edmonton
Thursday, June 11	ARLA's Golf Tournament
Thursday, July 16	Member Appreciation BBQ
Thursday, August 20	Patio Networking Event
Thursday, September 17	Educational Seminar & General Meeting Luncheon Seminar: Sustainability – Making existing buildings more sustainable presented by EcoAmmo Sustainable Consulting Inc. Luncheon: TBD
Thursday, October 15	Educational Seminar & General Meeting Luncheon Seminar: TBD Luncheon: TBD
Friday, November 20	AGM & Christmas Luncheon
Friday, December 4	ARLA's 2nd Annual Jingle & Mingle

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Atco Energy	780-420-3473	jeff.kolbuc@atco.com	Solution 105 Consulting Ltd.	780-429-4774	timinski@solution105.com
Boyle Street Ventures Inc	780-426-0500	jreiniger@boylestreet.org	Speedy Glass 8638	780-437-6548	rfullbrook@belroncanada.com
Butler Plumbing Heating & Gas Fitting	780-432-3947	kevin.korte@butlerplumbing.ca	Storm Appliance Inc.	587-926-6905	riley@stormappliance.com
Capital Exterior Solutions	780-757-3930	craighatt@capital.ca	Strata Electrical Contracting Inc.	780-893-3902	janene@strataelectrical.com
Catalyst Condo Management Ltd.	1-844-902-6636	support@catalystcondos.com	Telus Communications Inc.	780-444-7733	pauline.phillip@telus.com
Cedar Tree Flooring Inc.	780-935-6643	info@cedartreeflooring.ca	Trail Appliances Ltd./Commercial Laundry	780-434-9414	tmoulding@trail-appliances.com
Centimark Roofing Ltd.	780-482-7663	paul.penney@centimark.com	Treasures Insurance & Risk Management Inc	780-452-4405	karen.mccracken@excelrisk.ca
Certified Professional Contracting & Flooring	780-452-6293	info@certifiedpro.ca	Tree of Knowledge (TOK) Engineering Ltd.	780-434-2376	mbankey.tok@shaw.ca
Christensen & McLean Roofing Co.Ltd.	780-447-1672	phil@cmroofing.ca	Trufty Tree Services	780-860-5500	info@truftytree.ca
CL Painting Inc	403-460-4240	cl.painting@yahoo.ca	Weiss-Johnson Sheet Metal	780-463-3096	marcus.krampitz@weiss-johnson.com
Cloverdale Paint Inc.	604-551-8083	bhonecker@cloverdalepaint.com	Westview Village		ggriglak@lautrecld.com
Coinomatic Canada Inc.	780-786-8388	dan.posa@phelps.ca	Yardi Canada Ltd.	1-800-866-1144	Amanda.Moreira@Yardi.Com
Colliers International	780-969-2979	perry.gereluk@colliers.com	Zipsure.ca	902-434-8734	kcorkum@zipsure.ca
Consolidated Civil Enforcement Inc.	780-237-9068	sabrinaw@ccebailiff.ca			
Cushman & Wakefield Edmonton	780-917-8326	raphael.yau@cwedm.com			
CVG Canadian Valuation Group Ltd	780-421-4200	cvg@canadianvaluation.com			
Dalwing Roof Consulting Ltd.	780-993-1323	jsharp@dalwing.com			
FireAvert	780-952-8549	terrancedmartin@gmail.com			
Davey Tree Expert Company of Canada	780-433-8733	kevin.cassells@davey.com			
Davpo Enterprises	780-966-0525	davpo.dianne@gmail.com			
DKI Sparklean Group Ltd.	780-460-0623	alison@sparkleanrestoration.ca			
DSC Construction Inc	780-459-0931	nishal@dsc-construction.ca			
Durabuilt Windows	780-577-2007	martyb@durabuiltwindows.com			
Ecopest Inc.	780-448-2661	sameer@ecopest.ca			
Edmonton Eviction Services	780-974-8427	don@edmontonevictionservices.com			
Edmonton Exterminators Ltd.	780-466-8535	edexterm@telusplanet.net			
Enercare Home and Commercial Services	780-884-2742	Warren.Kuchta@enercare.ca			
Entuitive	780-902-9119	brian.shedden@entuitive.com			
Excel Sheppard Insurance Service	780-915-2000	daniel@sheppardinsurance.com			
Four Elements Electric LTD.	780-850-0166	shawn@four-elements.ca			
Gerald Tostowaryk Century 21 Urban Realty	780-887-3709	gerald.tostowaryk@century21.ca			
Great Canadian	780-554-1176	hisham@greatcanadian.ca			
Hub International	780-453-8415	kelly.barclay@hubinternational.com			
Hydro-Flo Plumbing and Heating Ltd.	780-203-2230	james@hydro-flo.ca			
Infinite Plumbing Heating & Drain	780-782-4441	infiniteplumbing@live.com			
Iron Shield Roofing	780-758-7663	cory@ironshieldroofing.com			
Karlen-Elecom	780-453-1362	mark@elecom.ca			
KMS Plumbing	587-340-4059	info@kmsplumbingeg.com			
Kone Elevators	780-452-9227	philippe.petit@kone.com			
Locnest Holding Inc.	403-818-5332	jeremy@locnest.com			
Lydale Construction (Edmonton) LTD.	780-443-8851	lbooth@lydale.com			
MBC Group	780-468-3131	Avery.Miskulin@mbc-group.ca			
My Group Insurance Broker	587-337-4116	Kathleen.Corkum@mygroup.ca			
Nelro Services Ltd.	780-454-4838	trevor@nelro.com			
OAB Reliable Carpet Care Inc.	780-720-2007	oabcarpetcare@live.ca			
Orkin/PCO Services Corp.	780-483-3070	tbarracough@orkincanada.com			
OSCO Mudjacking & Shotcreting Ltd.	780-469-1234	accounts@oscomudjacking.com			
Payment Quality Consulting Ltd.	780-293-1269	darrickpayment@me.com			
Peak Hydronics Corporation	780-918-6696	brad@peakhydronics.ca			



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