



THE Rental gazette



Overcoming the Challenge of Change

BY SUE STYLES

PUBLISHED WITH PERMISSION BY REMMAGAZINE

If there is one thing that is true, it's that things change.

The market goes up and down, government starts out great then crumbles, children develop their own minds and take over the ownership of themselves.... and when things change, we are challenged.

What worked before stops working. Then we have a choice – keep beating a dead horse, or adapt.

This spring we noticed a tree in our front yard that had no buds. All the other trees in the neighbourhood were blooming, but ours was dead. We had a choice. Leave it there, standing as if it was fine, or cut it down and plant a new tree.

When you look around at others in your industry, are there things that they are doing to bring forth fruit that maybe you neglected?

It is an honest question, just between me and you – no one else will know.

If I decide to lose five pounds and everyday I eat well and go for a walk, but every night succumb to comfort and the pleasure of a glass of wine and charcuterie tray, I will have pleasure for a moment and zero results for the long term.

This is where a secret ingredient can be tucked in your back pocket. Accountability to rise up to the challenge of change.

When you need to see better results, you need to take better actions! You need to change, and with that, you need a strategy to overcome your challenge.

Here are three simple steps that will have you overcoming your challenges today and seeing better results tomorrow:

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Continued From Cover

1. Isolate the obstacle

Single out exactly what is in your way. Is it time management? Lack of a network? Inability to close deals? Being too reactive and out of control? Are you resisting getting on and using Facebook? If you had to isolate one challenge – what would it be?

2. Clarify the needed action

Take your obstacle and now clarify what a possible solution would be. I highly suggest getting in a great frame of mind first. Think about how much love you have for your family or go on a brisk walk somewhere beautiful. Visit a bird sanctuary or zoo. If you are spiritual, go to a local labyrinth and enlarge the capacity of your mind. Then when your mind is in a positive state, ask it, “What action do I need to take to overcome this challenge?” When we are in a high state of mind, we have an amazing ability to access the “executive centre” of our brain (rather than being stuck in the animal nature), and in that place there are many answers waiting to come to light.

What is an action you can take? Get super clear.

Perhaps you will realize that you need to pick up your phone and call through your entire database and let your network know that you are thinking about them and are here to help. Maybe you need to stop procrastinating and start doing a certain thing. Maybe you could read a great book on getting more organized like Stephen Covey's 7 Habits of Highly Successful People.

You may be surprised that your brain already knows what you can do to solve your challenge!

3. Reach out for accountability

As I often say, “Leaders are not afraid of immediate discomfort, they are motivated by future triumphs.”

It might hurt your pocket-book or your schedule, but reach out to others for accountability. Start a business group at your brokerage, maybe join a mastermind group. There are even support groups online where you may find help.

Once you have an idea on a course of action, you must find the motivation to take action. If you can't make yourself do what must be done, then include someone in that process with you.

The best way not to snack at night is to share your intention with your partner – they will call you out if you reach for the treats!

And by the end of the week, you might find that you have the results you wanted.

What separates us is the ability for transformation, to pick ourselves back up off the ground, to try again. Yes, things are always changing, but you, my friend, can overcome your challenges using these three simple steps.

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Editor's Message

BY RAPHAEL YAU, CHAIR RENTAL GAZETTE

Market Update

Summer is upon us and I hope you are enjoying the outdoors. With the Provincial election resulting in a newly elected conservative government, one must wonder what the future holds for Edmonton and Alberta. With a Federal Election upcoming in the fall, are investors waiting to see if a more free enterprise government will be elected? As many Albertans are hoping to get back to work, they are hoping a change will allow the industries of trade can move forward with pipelines, which may allow for long term capital planning and expenditures?

The slowing economic activity in Alberta first seen in year-end 2018 has continued into the first quarter of 2019. Falling oil prices over the first three months of the year, currently averaging around \$60 CAD a barrel, and weaker energy investment, are indications that Alberta's economic recovery is expected to trend lower in 2019 compared to 2018, with GDP growth projected at just below 2.0%. The unemployment rate has begun to reflect this softening outlook, as Edmonton's first quarter 2019 unemployment rate increased to 7.0% after a continuous quarter-over-quarter decline in 2018. Edmonton lost 3,900 positions between January and March, with loss concentrated in part-time positions occurring in the financial services, manufacturing, logistics, construction, and professional services sectors. Alberta's non-residential construction activity remained weak with total permits down by 0.2% year-over-year.

Purchasers and vendors have begun to slowly narrow the gap between each party's price expectations. However, purchasers' expectations are still often incompatible with those of vendors and not bullish enough to break vendor thresholds and trigger a large number

of sales. Owners are looking to sell, although interest rate increases have slowed dramatically due to cross border and international trade tensions. Refinancing properties are still attractive and helped by continued low interest rates. Large institutional sales influence the average statistics as several significant and newer properties have recently transacted for high prices.

We have seen a steady demand for multi-family properties with cap rates hovering around 6%. Owners with stabilized operations are listing their buildings for sale and looking to diversify their holdings. In 2019, purchasers will continue to be drawn to cash-flowing multifamily opportunities as a stable investment in which equity can be sheltered and grown. There is growing consensus that further central bank rate increases will be tempered with the uncertainty. Going forward, increasing operating expenses and flat rental levels may be the greatest factors to influence value appreciation.

With Pembina Pipeline Ltd.'s proposed petrochemical plant located northeast of Edmonton, coupled with several major infrastructure projects such as Acheson's twinning of Highway 60 east of Edmonton, the rail line overpass, and the \$33M QEII overpass between Leduc and EIA, there are plenty of reasons to be optimistic for Greater Edmonton's business productivity, although the impact in the economy would likely not be seen until 2020. Cap rates are expected to stabilize as future interest rate bumps have been put on hold.

I hope you all are able to get outside and enjoy our beautiful summers.

Raphael M.H. Yau, B.A. (Econ)
Cushman & Wakefield Edmonton

Source: City of Edmonton, Finance Ministry of Alberta, Conference board of Canada, Cushman & Wakefield Edmonton Research



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ARLA Annual Golf Classic Tournament

BY DONNA MONKHOUSE, EXECUTIVE DIRECTOR, ARLA

On Thursday June 13th, 2019 at 8:00 a.m. members of the Alberta Residential Landlord Association (ARLA) teed off at the Sandpiper Golf and Country Club for ARLA's Annual Golf Classic Tournament. As always, this tournament brings out a great crowd for a great day of golf – a bad day at golf is still better than a good day at work. It was nice to see so many Members participate by way of golfing and or/manning their sponsored hole. The gift donations and prizes by way of Sponsorship was beyond compare. Thank you for your tremendous support.

There was a Candy Hole, a trick shooter showing members how to "Bat" a golf ball, a beat the pro with Dave Lumley, Ex Edmonton Oiler, lamb kebabs that tasted great, games, shots and snacks galore. Our sponsors went above and beyond on the holes and the golfers enjoyed everything. The Prize draws from the hole sponsors was incredible.

ARLA wishes to thank each and everyone of you that attended and made this day complete and better each year. This event would not be the success it is every year without you. Special acknowledgment goes out to long term volunteers Joanne McNalley (CRHC) & Shawna Thompson, (ServPro) for always being there for this tournament and our members.

There is no other way to say THANK YOU to everyone other than to put on an MEMBER APPRECIATION BBQ in July for all of our members – Mark your calendars for July 25, 2019, parking lot in the far north west corner of Westmount Mall – 11 – 2 Join us for Burgers, dogs, prize giveaway and fun networking.

We can't wait to see all of you at next year's tournament:
Please take a moment and SAVE THE DATE on your

calendar THURSDAY, JUNE 11, 2020 at 8:00 am shotgun start at Sandpiper Golf and Country Club.

TOURNAMENT HIGHLIGHTS



Winning Team who shot a 60:
Team 11A – Captain Matt, Kyle, Murray and Shayne.



Most Honest Team with a score of 90: Congratulations to Jenny, Karen, Donovan and Derek.

CONTINUED PG 5

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Proximity Winners:

Ladies Closet to the Pin: Donetta White



Men's Closet to the Pin: Andrew Gregory



Ladies Longest Drive: Leslee Fitzgerald



Men's Longest Drive: Shaun Khambral
(not present for photo)



Ladies Longest Putt: Vanessa Lofthouse



Men's Longest Putt: Samir Hamid



Fish Badge Winner: Sonny Mirth

Angel Badge Winner: Jannah Huff

Mulligan Proceeds: Sonny Mirth won the Mulligan Draw receiving a 55-inch LG Smart TV.

50/50 Winner: Raised \$780 with half the proceeds going to The Mustard Seed and the other half being won and returned by Shawn Peterson from Four Elements to give to The Mustard Seed. Thank you, Shawn.

Such gracious members we have in our association.

There were many prizes given out at the event:

Marty Govern won the Edmonton Eskimo Endzone party including a \$50 bar tab. Retro Bar Fridges were given out to 3 of our members. Hole sponsors gave out sound bars; google assistants; oiler evening out; 2 very comfy camping chairs, electrical services and gift cards and a golf bag.

Great Canadian raised \$285.00 for the Stollery Foundation and gave away a \$100 Chop Gift Card

A MILLION THANK YOU'S TO OUR SPONSORS

Courtesy of our Sponsors, golfers enjoyed a complimentary continental breakfast, free driving range privileges, team prizes, proximity prizes, door prizes, etc., and a huge and wonderful assortment of prize give-a-ways. A huge shout-out goes to our wonderful and most generous SPONSORS noted below:

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And to all those many other companies who brought PRIZE give-a-way items on tournament day.

Trail Appliances – Pot and Pan set

Oscro Mud jacking – Coat and Clock

Speedy Auto Glass – 2 x 500 off Windshields

AFM – 4 cooler bags

Thanks everyone for the terrific memories and we look forward to seeing you back out on the course next year.

MARK YOUR CALENDAR

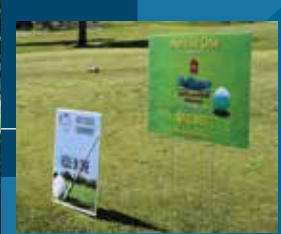
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Golf Classic Tournament

June 13, 2019

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Hoarding & Tenancy Situations

BY JUDY FENG, BCOM

Dealing with hoarding in a tenancy situation involves a balancing act between a landlord's rights and tenant's rights under the law. Under the Residential Tenancies Act (RTA), a tenant has the right to quiet enjoyment of their property, and a landlord has a corresponding duty to make sure this right is upheld. However, a tenant also has a duty to keep their home in a reasonably clean condition and a landlord also has a duty to meet minimum housing and health standards in their housing premises. Hoarding situations can be especially challenging when mental disability and/or other human rights issues are involved.

It is estimated that 2 to 6 out of every 100 people suffer from hoarding disorder, which is recognized as a mental disorder in the 5th Edition of the Diagnostic and Statistical Manual of Mental Disorders. Hoarding disorder is the persistent difficulty in getting rid of things and/or a strong desire to acquire things, resulting in extremely cluttered living space and significant impairment in important areas of functioning (for example, social and occupational functioning).

Hoarding disorder can present in different ways and can

vary in severity. For example, a hoarding tenant may simply accumulate an inordinate amount of clutter or a large number of animals. Sometimes hoarding becomes so severe that it can lead to potential health and safety hazards for both the tenant and others. For example, hoarding can lead to fire hazards, mold, insects, rodent infestations, or noxious odours. Extreme hoarding can lead to property being declared unfit or unsafe for human habitation.

I'm a landlord and have received several complaints that one of my tenants is a hoarder. What can I do?

If you suspect that your tenant is hoarding and there may be potential safety and health issues in the premises, you can serve the tenant with a 24 hour Notice of Entry to inspect the premises. You should document the inspection and outline your concerns in writing. Talk to your tenant about your concerns and work with them to formulate solutions for removing clutter – especially any clutter that poses an immediate health and safety concern. You can also refer your tenant to community resources for hoarding disorder.

Tip: The Residential Tenancies Act does not address the issue of accumulation and removal of clutter on rental properties. If the law is silent on a particular issue, then the landlord and tenant can agree to anything in the rental

agreement, as long as it is not illegal. Consider having your standard rental agreement reviewed by your lawyer. Your lawyer may be able to provide advice on how to address this issue in your rental agreement, as well as any other concerns.

If you are concerned about a tenant's hoarding, be aware that you may have a duty to accommodate the tenant. Under the Alberta Human Rights Act, a landlord cannot discriminate against a tenant based on mental disability or any other grounds under the Alberta Human Rights Act. Hoarding may be considered a disability requiring accommodation under the Alberta Human Rights Act. If a tenant is suffering from hoarding disorder that is a symptom of or amounts to a disability, a landlord has a duty to accommodate that tenant, up to the point of undue hardship. Undue hardship occurs if accommodation would create onerous conditions for a landlord, for example, intolerable financial costs or serious disruption to business.

Tip: To learn more about the Alberta Human Rights Act and a landlord's human rights obligations in a tenancy situation, refer to the Alberta Human Rights Commission's website: www.albertahumanrights.ab.ca/Pages/default.aspx

CONTINUED PG 8

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How can I accommodate a hoarder?

Accommodation means making changes to certain rules, standards, policies, and physical environments to ensure that they don't have a negative effect on a person because of the person's mental disability or any other protected ground. In a tenancy situation, reasonable accommodation may include:

- Allowing tenants to accumulate more clutter than other tenants
- Working with tenants to help them improve any legitimate health and safety implications of a large accumulation of property
- Providing extra storage space for tenants unable to get rid of possessions that are safety concerns after all other efforts have failed

Content in list adapted from article by Sarah Eadie, "Human Rights in Residential Tenancies and the RTDRS" (May 8, 2012), online (blog): The Access Review <accessreview.ca/2012/05/08/human-rights-in-residential-tenancies-and-the-rtdrs/>

What can I do if accommodation doesn't work?

Eviction may be an option if accommodation doesn't work. Under the RTA, if a tenant breaches the rental agreement or the RTA, a landlord can evict a tenant through a 14 Day Eviction Notice and, if a tenant opposes

or fails to move out, the landlord can apply to the RTDRS or the Provincial Court for an order terminating the tenancy. While eviction is an option, balancing a tenant's right to enjoy their property with a landlord's duty to maintain minimum housing and health standards is difficult. The situation can become especially complicated when a tenant has a mental disability or if there's any other human rights issues involved. Landlords should speak with a lawyer before evicting a tenant with hoarding disorder or pursuing any legal remedies.

Tip: If a situation involves a tenant hoarding animals, you can contact your local Humane Society or SPCA. Different agencies will investigate concerns based on the animal's location, type and the nature of the concern. For more information, refer to the Edmonton Humane Society's webpage on reporting animal concerns in Alberta: www.edmontonhumanesociety.com/what-we-do/services/report

Community resources for hoarding disorder

Mental Health Help Line

24/7 telephone service for Albertans which provides information about mental health programs and services and referrals to other agencies
1.877.303.2642 (Toll free)

Canadian Mental Health Association (Edmonton)

Sorting Through Hoarding Drop-In Support Group
www.edmonton.cmha.ca/programs_services/hoarding-



support 780.761.5693 or 780.717.1745

Seniors Association of Greater Edmonton (SAGE)

This Full House Program (program for individuals aged 55 and over) www.mysage.ca/help/this-full-house
587.773.1764

Carya (Calgary)

Making Room A Hoarding Support Group
www.caryacalgary.ca/our-programs/older-adults/making-room 403.537.3383

Calgary Community Hoarding Coalition

www.toomuchstuffcalgary.ca

Information on hoarding disorder

My.Health.Alberta.ca

myhealth.alberta.ca/Health/Pages/conditions.aspx?hwid=abq2245&#abq2246

Anxiety Canada

www.anxietycanada.com/adults/hoarding-disorder

eMentalHealth.ca

www.ementalhealth.ca/Alberta/Hoarding/index.php?m=article&ID=13330

For more information on tenancy law in Alberta, go to www.landlordandtenant.org. A PDF version of this publication will be available on the website in June 2019.

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



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Farewell Message

BY LYNN BIGGS, EXECUTIVE DIRECTOR, ARLA

Steve Jobs coined the phrase “The only way to do great work is to love what you do. If you haven’t found it yet, keep looking. Don’t settle.”

In 1998 I was hired as the part-time Administrator for the Edmonton Apartment Association- “EAA” (currently known as the Alberta Residential Landlord Association “ARLA”). Ed Assaly, founder of Ascot Property Management, graciously opened his doors and welcomed EAA as an occupant to its offices located at Rideau Towner on a “rent free” basis. The new office consisted simply of a desk and a chair. There was no phone, computer, paper nor pen. Simple at best it was. You see back at that time, EAA was a small group of dedicated Landlords and Service Members who volunteered their time from their own place of work. Luncheon meetings took place at the Edmonton Real Estate Board. I recall my first meeting holding a paper plate with a sandwich in one hand and a cup of coffee in the other. I would have to put my plate down to shake hands with Members coming up to introduce themselves. Board Meetings

took place in a commercial office building downtown.

The first day on the job, President Greg Pretzlaff (Pretzlaff Construction), came into the office and said “let’s go for breakfast and off we went to Smitty’s Pancake house located at Westmount Mall. Over breakfast we compiled a list of requirements needed to set up the office (e.g. phone, computer, pen, paper, etc.). From that point forward within about a week or less, the EAA office was officially open for business.

Over time I discovered through strong board leadership and a desire to succeed in helping shape the landscape of what it takes to become a “Professional Landlord” in Alberta, I can honestly say I loved every moment being the Executive Director of the greatest non-profit group around. Today, ARLA’s Membership is strong in numbers and sound in Voice advocating on behalf of Landlords.

As I prepare to close this 21-year chapter of my life, I sincerely wish to thank the past and present Board

of Directors for their tremendous support during this time. To this I am most grateful and appreciative. And, to every one of our Members, it has been my distinct honor and privilege knowing you and sincerely wish to thank you for your friendship and loyal support now and over the many, many, years. Always remember that ARLA will always be there working tirelessly for its members and will always be there to assist in any way that it can.

In closing ARLA is fortunate to have such amazing support staff and I wish to truly thank Brittany Dorado (Event & Membership Coordinator) for all her hard work and dedication. It has been a real pleasure working alongside her. Lastly, I am confident that “newly appointed Executive Director, Donna Monkhouse, will do great work and will love the work that she does. She would not settle for anything less.

I will see you around the corner.

find.

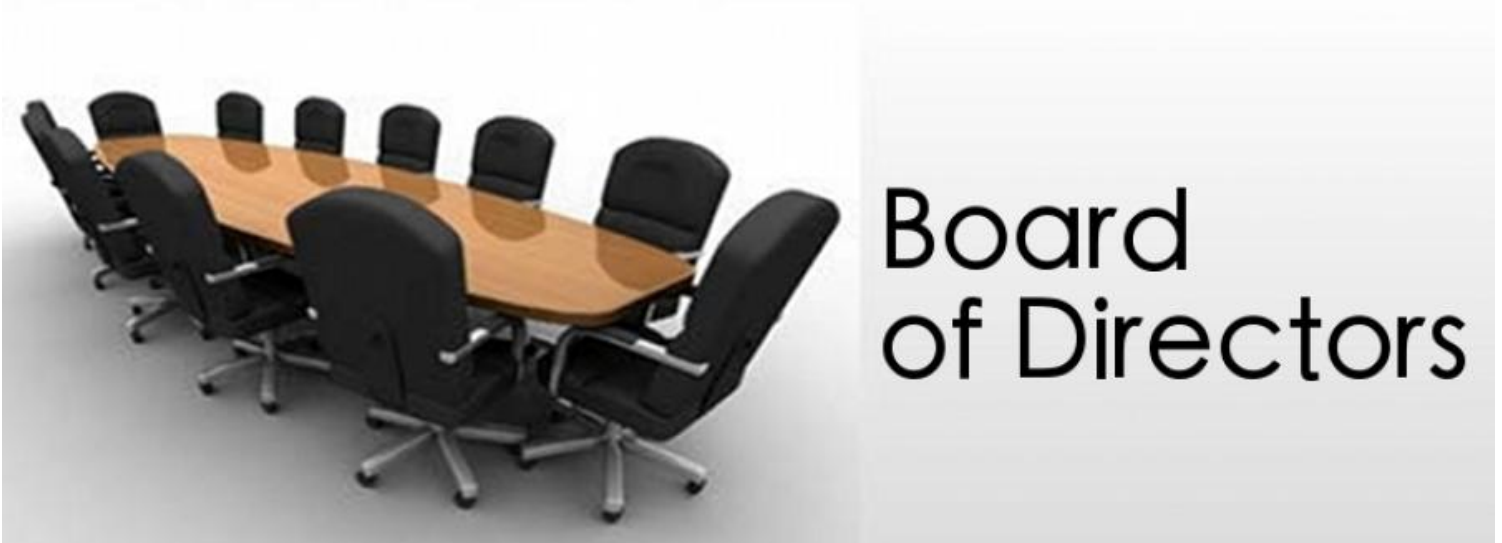
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CALL TO MEMBERS

Board Nominations 2020



On November 22nd, 2019, the Alberta Residential Landlord Association will be hosting its Annual General Meeting & Christmas Social at the Chateau Louis Conference Centre.

President Pete Ages, Chair of the Nomination Committee, calls upon its members who wish their name to stand for nomination to submit their name along with an accompanying Short Bio for committee consideration. This is an excellent opportunity for Members to share their knowledge and expertise while continuing to shape the future and ongoing success of the association.

The Nomination Committee will consider applications received by individuals or company representatives incorporating all membership levels (i.e., 1-9 units, 10-75 units, 76-250 units, 251-500 units, 501+ units and its Preferred Service Members) to fill any vacant board position(s). Watch for further information coming your way via Mailchimp broadcast directed to your inbox in order to apply.

Donna Monkhouse, Executive Director
Alberta Residential Landlord Association
Email: donna@albertalandlord.org or Fax (780) 423-5186

Thank you, in advance, for your interest and commitment to the Alberta Residential Landlord Association.

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Dear Members:

ARLA is introducing some new features into The Rental Gazette Newsletter and we are reaching out to our members to help us fill these spaces.

Owner/ Operators & Property Managers – Share a story on “A Day in the Life a Property Manager”. We know as a Landlord that each and every one of us has that one story that really happened but is hard to believe. We would love to put these in the next Rental Gazette for everyone to enjoy.

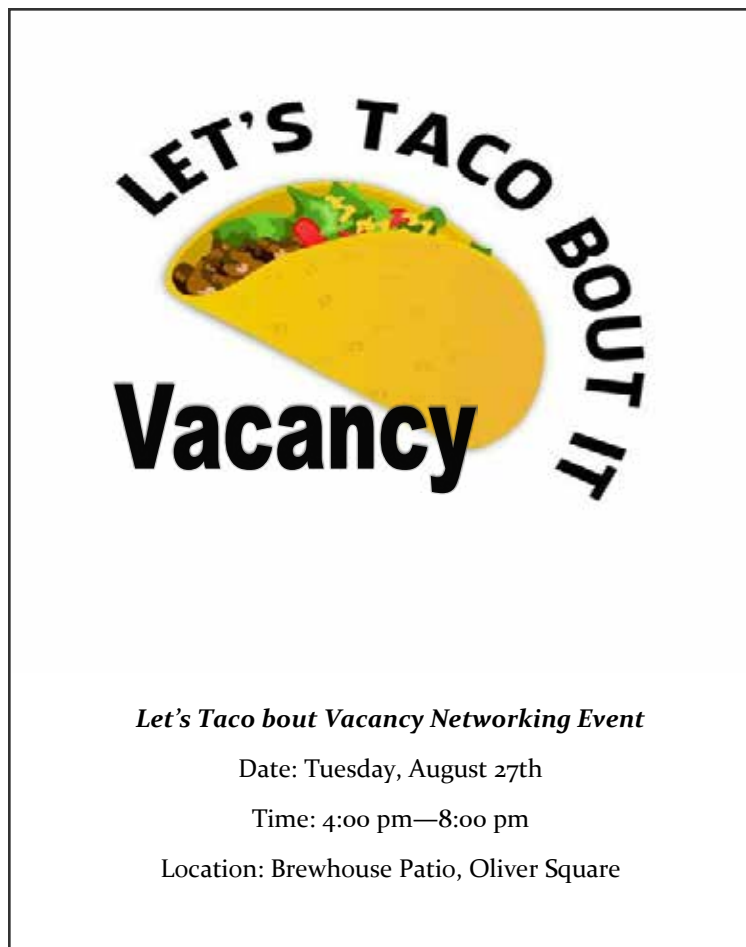
Preferred Service Member (PSM) “Column” - Send in your articles on anything new or send in answers to any questions you think the Members would be interested in.

Professional Photo Gallery - We welcome photos from all our members (e.g. site teams, office teams, awards, or a photo of something you feel worthy of sharing. Include a tag line to accompany photo. If you send in a team or office/ team photo, tell us a bit about it. Your staff will be thrilled to see their photo posted into The Rental Gazette.

The Rental Gazette is published four (4) times per year and stories would need to be into us no later than: March 1, June 15, September 1 and/or December 1.

Please email your story and pictures to:
Donna Monkhouse at donna@albertal landlord.org
Brittany Dorado at executive@albertal landlord.org

Thank you,
Alberta Residential Landlord Association





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Why	<ul style="list-style-type: none"> ... is this a problem/challenge? ... is it relevant to me/others? ... is this the best/worst scenario? ... are people influenced by this? 	<ul style="list-style-type: none"> ... should people know about this? ... has it been this way for so long? ... have we allowed this to happen? ... is there a need for this today?
How	<ul style="list-style-type: none"> ... is this similar to _____? ... does this disrupt things? ... do we know the truth about this? ... will we approach this safely? 	<ul style="list-style-type: none"> ... does this benefit us/others? ... does this harm us/others? ... do we see this in the future? ... can we change this for our good?



Alberta Energy Efficiency Programs in Question

BY BARBARA CARSS

Ontario evidence shows potential for quick and long-term paybacks.

The official repeal of carbon tax as of May 30 eliminates the original funding source for Alberta energy efficiency programs. However, by the new provincial government's own election campaign calculations, there should still be about \$630 million in the pot for the fiscal year 2019-20 and \$570 million thereafter to support greenhouse gas (GHG) reducing initiatives.

Conservation advocates are making the case for an ongoing share of it, citing economic projections for a resulting \$5.1 billion average annual contribution to the provincial GDP. They argue that Energy Efficiency Alberta — the provincial agency established just two years ago to spearhead energy conservation — is still in the very early stage of building public awareness and energy-saving momentum.

"Energy efficiency makes fiscal sense," a coalition of

20 non-governmental environmental organizations wrote in a recent open letter to Alberta Premier Jason Kenney and the Ministers of Energy and Environment. "We urge you to implement meaningful energy efficiency policies and programs to ensure continuity for businesses, non-profits and Albertans."

What's certain for commercial and residential landlords is that the \$1.517 per gigajoule (GJ) surcharge on natural gas no longer applies, at least until the federal government might impose a replacement levy. Lifting of this tax, and those attached to more than 20 other types of fuel, will leave only designated large emitters, producing more than 100,000 tonnes of carbon dioxide equivalent (CO₂e) annually, to pay a per-tonne fee for output in excess of an incrementally declining threshold. That's currently \$30 per tonne, but the new United Conservative Party (UCP) government pledged to lower it to \$20 during this spring's election campaign.

Two incentive programs from the existing slate of

offerings — subsidies for solar installations and free replacements of unduly energy-intensive household items — appear targeted for shutdown, while the status of product rebates and custom retrofit programs for the manufacturing, health care and post-secondary education sectors is still unknown. Taking questions in an online forum last month, Environment Minister Jason Nixon passed sentence on the former, but left the door open for the latter.

"If you're asking if we'll still be subsidizing solar projects or showerheads and light bulbs, the answer is no," he said. "But we're working with the department right now to understand the other parts of Energy Efficiency Alberta before we make a final decision."

Carbon tax applied in period of low natural gas prices

The 29 months of carbon tax collection — pegged at \$1.011/GJ for 2017 before increasing to \$1.517 in

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Continued From Page 14

2018 — coincided with a period of low natural gas prices. Natural Resources Canada reports an average Alberta wholesale price of \$4.18 per million British thermal units (MMBTU), equating to \$4.43/GJ in the years from 2007 to 2016, while Alberta Utilities Commission data shows regulated rates rarely surpassed \$3/GJ in the coldest months of 2017, 2018 and 2019 and more often remained below \$2/GJ.

Although the carbon tax supplanted operational savings that owners/managers might otherwise have enjoyed from a falling commodity price, it didn't push costs above levels of preceding years. Still, that's little solace for rental housing landlords dealing with other aspects of Alberta's prolonged economic downturn.

"The carbon levy has cost our members an average of 30 to 50 per cent more on natural gas billings since implementation," advises Donna Monkhouse, executive director of the Alberta Residential Landlord Association (ARLA). "With high vacancies and large incentives (to attract renters) in the market, owner/operators were unable to pass any of this cost increase through to tenants. The carbon tax directly reduced their bottom line."

Commercial real estate players are less definitive.

"NAIOP Calgary does not have a formal position on the

provincial carbon tax or its repeal," says Robert Homersham, president elect of the association geared to development, asset management and other disciplines related to office, industrial and mixed-use properties. "Amongst our landlord and tenant members there is likely not a consensus position that would guide our organization's views."

Looking at Ontario's somewhat comparative experience — albeit with a lower carbon levy of about 3.3 cents per cubic metre, equating to \$0.886/GJ — energy management specialists hypothesize that low natural gas prices effectively muted real estate industry discontent with the province's short-lived cap-and-trade system, which a new provincial government dismantled in the summer of 2018.

"In Ontario, the impact that the price on carbon had on natural gas prices was almost irrelevant in the grand scheme of things. I don't think anyone really noticed when it got added (in 2017) or really noticed when it was removed," suggests Eric Chisholm, an engineer and principal/co-founder of Purpose Building Inc., specializing in the green building services.

Savings momentum builds over time

Industry experience with energy efficiency incentives differs more markedly in the two provinces. The

Ontario government has recently cut funding and realigned administrative oversight of conservation and demand management (CDM) initiatives, but the legacy of more than a dozen years of programming remains. That's reflected in a deep pool of resources like service providers and in-house energy managers, and in measurable achieved savings that have won industry confidence and buy-in.

In contrast, Alberta energy efficiency programs have had little time to capture public or capital planners' attention. "Not all of our members were even aware of any rebates," Monkhouse says.

"Generally, it can take six months to adequately engage customers and 12 to 18 months to transact due to most organizations' budget and procurement cycles," observes Andrew Pride, speaking from his experience as the former vice president, conservation, with the Ontario Power Authority and a key contributor to the design of Ontario's CDM programs.

"It takes probably a year just for the market to start to understand what's available, let alone react to it," Chisholm concurs. "In the real estate realm, it's not at all shocking to have a two- to four-year budget timeline for what seems like fairly simple projects."

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Energy Efficiency Alberta's commercial program rollout was arguably a good match for that reality, beginning with product rebates and an emphasis on lighting to align with simpler upgrades and quicker paybacks. Geoff Bouckley, president of the Calgary section of the Illuminating Engineering Society and a lighting designer with SMP Engineering, cites examples of both commercial and municipal building operators factoring the rebates for lamps and sensors into their business cases for lighting retrofits and/or installing higher-performance products.

"I can tell you, for sure, when the program was introduced there was a tremendous amount of interest in it," Bouckley reports. "I was involved in a number of projects in which our clients were able to secure some pretty nice rebates."

Energy management specialists caution that, in scrutinizing Energy Efficiency Alberta's achievements thus far, the Alberta government won't yet see the best proof of energy-saving outcomes. Drawing from Ontario's annual progress reports, first released in 2009, Chisholm tracks a steady upward trajectory.

"In 2017, we conserved 300 per cent of what we conserved in 2009," he notes. "But in every single year, the cost to conserve energy was lower than the

cost to produce it. Ontario's conservation programs have saved money for end-users and saved money for provincial power grids. Without them, our high cost of electricity would be even higher."

Staking a claim on TIER funds

Energy efficiency advocates urge the new Alberta government to consider the Ontario evidence as it contemplates allocation of revenue from its proposed Technology Innovation and Emissions Reduction (TIER) fund. As outlined during the recent election campaign, the TIER fund is envisioned as a replacement for the \$30/tonne levy that the Carbon Competitiveness Incentive Regulation (CCIR) exacts from large emitters.

For now, the CCIR, instigated by the previous government, is still in place and is projected to collect more than \$487 million this year. The TIER Fund is projected to garner an additional \$142 million once it's invoked, and about \$570 million in 2020-21.

"The first \$100 million in revenues and 50 per cent of remaining revenues paid into the TIER Fund will be used for new and cleaner Alberta-based technologies that reduce carbon emissions even further, including new and improved oil sands extraction technology and supporting research and investment in carbon capture and storage," the UCP election platform states.

Groups like Efficiency Canada — a non-governmental organization promoting the dual economic and environmental benefits of energy and water conservation — argue Alberta could reap even more spinoff benefits investing in energy efficiency. That's in line with findings in the recently released study, *Energy Efficiency Employment in Canada*, that the sector employs 436,000 workers in 51,000 businesses nationwide.

"We know energy efficiency workers help families save money, enable small businesses to create jobs and even improve learning environments at schools," adds Corey Diamond, Efficiency Canada's executive director.

Alberta landlords and tenants could likewise see benefits.

"Our members are always in favour of well-thought-out and balanced programs that make it economically feasible to improve energy efficiency and reduce consumption of resources in our buildings," Monkhouse says. "Incentive or rebate programs should be easy to access, fairly distributed and financially viable."

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

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Rental Gazette Legal Corner

BY HEIDI BESUIJEN, REYNOLDS MIRTH RICHARDS & FARMER LLP

What to do when your tenant is AWOL: Abandonment and Residential Tenancies (Part 1)

This article is the first in a two part series relating to abandoned units; it will focus on your legal obligations with regard to tenancies ending by reason of tenant abandonment. In the next part, to appear in the next issue of the Rental Gazette, the focus will shift to abandoned goods.

Abandoned units can pose a problem because they leave a landlord in position of uncertainty. So if you're a landlord standing at the door of a unit and you think that you might have an abandoned unit on your hands what do you do?

The starting point is to recognize that when a landlord enters into a residential tenancy agreement or lease with a tenant, the essential aspects of the bargain between the parties is that the tenant will receive certain property rights to the leased premises (including the right to occupy them) and the landlord will receive rental payments. The property rights which the tenant receives include the ability to exclude others from the leased premises. When we own property the right to exclude others from that property is one of the most important aspects of property ownership that we have, it's the entire basis of the notion

of trespass to property. We value it highly but think of it infrequently (at least in this way).

If I have a house I get to decide who can come to into my house and when they can do that. If I rent that house to a tenant then the tenant gets to exercise that right. The exception to that is that the tenant cannot exclude me provided that I give proper notice in accordance with the requirements of the Residential Tenancies Act, SA 2004, c R-17.1 (the "Act"). Giving notice can sometimes seem like a real inconvenience or even a hassle to a landlord but because the tenant has the right to exclude it is very important. Whether or not the landlord agrees with its importance, the courts certainly do and for this reason a landlord should always operate to the letter of the law when entering a unit.

What does this mean?

Well, if a tenant comes to the door and provides you access then it's clear that the unit is not abandoned.

If a tenant comes to the door and refuses access then it's also clear that the unit is not abandoned but that you will have to give notice to enter in accordance with the Act.

If no tenant comes to the door then the unit could be abandoned or the tenant could be at work, getting groceries, on vacation... There can be many reasons why a tenant is not in a unit at any given time. The Act does

permit a landlord to enter a lease premises without notice when the landlord has reasonable grounds to believe that the tenant has abandoned the premises. This is where care and caution must be exercised because "reasonable grounds" seems to be an open ended proposition. Here are some tips on how to approach that:

1. Think about the indicator that you are taking as a sign of abandonment; consider whether it could also lead to some other conclusion. For example, if your tenant has not paid rent for two months it would be just as plausible to conclude that they have not paid rent because cash flow is an issue (a common situation) as it would be to conclude that the premises are abandoned.
2. Flowing from #1, since some indicators could lead to more than one conclusion it is best practice not to conclude that there has been abandonment unless there is significant evidence pointing to that fact (i.e. the neighbouring tenant told you they saw this tenant moving boxes out of the unit all last week, the keys are taped to the door or provided to another tenant, mail is overflowing from the mailbox, etc.).
3. When in doubt, give 24 hours' notice before entering. If upon proper you notice you enter the suite then make notes and take pictures as to what you see. This is an

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Cannabis in Canada

BY ROBERT BUCKLER, JOEL BERKOVITZ AND DEREK BROVOLD

THE IMPLICATIONS OF LEGALIZATION ON PROPERTY MANAGEMENT

Canada became the largest country in the world to legalize recreational cannabis on October 17, 2018. Mike Farnsworth, British Columbia's minister of public safety, called the development "the largest public policy shift this country has experienced in the past five decades." Legalization will have wide-ranging effects on many aspects of Canadian society, including property management and the way Canadians live.

While cannabis use in living spaces is by no means a new phenomenon, many are concerned that with legalization, residents may now feel they are entitled to smoke or grow cannabis in their units, and this could have an adverse impact on neighbors.

As the policy goes into effect, property managers will play an important role in balancing individual rights with the regulations that help maintain community.

NEED FOR NEW POLICIES

According to an IREM Member in Manitoba, the largest takeaway from legalization is that "it's causing quite a bit of work."

Management has had to develop and implement new rules governing living arrangements and then help enforce them. "We're ensuring that we have tenant educational forums," the member said. "Lots of signage in the building. Lots of tenant meetings. We currently have additional staff to work on a one-on-one basis with tenants to try and ensure ongoing successful tenancy and a continued safe tenancy in the building, and to create a safe work place for staff."

The key question for condominium and strata corporations is whether they have appropri-

ate provisions in place in their governing documents to deal with cannabis. In the lead-up to legalization, many condominium corporations in Ontario took the opportunity to address both tobacco and cannabis smoking, with many moving to make their buildings entirely smoke-free. Most have also chosen to ban cannabis growing. Others have taken a more hands-off approach and have passed rules only with respect to issues such as smoking cannabis in common areas and growing more plants than are permitted by law.

Even for those corporations which have not updated their governing documents, most already have an "anti-nuisance" provision that can be enforced in the event a resident's cannabis use causes a problem for neighbors. Condominium lawyers prefer buildings with more specific rules so that residents have a clear understanding of their legal obligations, though in many cases the existing anti-nuisance provisions are sufficient.

COMPLICATIONS

Because cannabis laws vary by province, property managers will have to pay close attention to local regulations. For example, most provinces are allowing Canadians to grow four plants, but Manitoba prohibits growing cannabis entirely. Saskatchewan has a zero-tolerance policy for driving while high, and public smoking is strictly prohibited in New Brunswick.

In Ontario, condominium corporations are not landlords and can pass rules completely banning all smoking in their buildings. Many tenants who rent in these condominiums, however, misunderstand this point and believe that, because a landlord cannot prohibit smoking if it was not previously agreed to in their lease, the condominium's rules do not apply. This sometimes leads tenants into legal jeopardy.

Social housing, on the other hand, has had to rely on provincial law. Many provinces have allowed landlords to amend leases to address cannabis, but the Ontario government has no immediate plans to change landlord/tenant laws to allow for a ban.

The majority of tenants in social housing typically rent long-term, with apartments rarely turning over (sometimes as low as 1 to 2 percent of a building), which raises the concern that it could take many years to ensure all units have the new cannabis prohibitions in place. This could also be true in older buildings where many leases were signed decades ago.

In addition, there may be cases where provincial human rights codes, which is quasi-constitutional legislation, may override a condominium's governing documents. As a result, if a resident has a disability which requires the use of cannabis for medical reasons, residences that restrict usage will have a duty to accommodate that person.

However, protection against discrimination only applies when the use of cannabis is required for a medicinal purpose. In other words, smoking recreational cannabis in your condo is not a right protected by the government.

CANNABIS IN THE WORKPLACE

It's also important to recognize that multifamily residences are places of employment for many people. Many questions arise: What if allergies to cannabis exist? How do I ensure that building staff are "fit for work?" How can maintenance staff enter an apartment where cannabis is being used?

Although it should be common sense not to enter the workplace under the influence, some building staff may be under the false impression that the legalization of cannabis allows them a "free pass" to consume it anywhere, at any time, and even grow cannabis plants within apartments provided by landlords or boards of directors. Properties with an employee conduct policy will now be forced to update their drug and alcohol policies.

Safety concerns still exist when cannabis is prescribed. Property managers will be faced with critical decisions defining what job requirements staff will be allowed to complete if using medical marijuana.

SEEKING BALANCE

By legalizing cannabis, Canada has introduced new burdens to society at large and in particular to the property management industry, which is positioned at critical points where people's lives overlap. It is evident at this early stage that it will take time for the "smoke to clear" to understand the day-to-day impacts of legalization on Canadians, and the impacts will depend on the jurisdiction. Managers throughout the country will have to be proactive to avoid negative consequences, yet at the same time balance the protection of individual rights with reasonable and enforceable rules.

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opportunity for you to gather further information which you can use to decide if a residence is abandoned or not (i.e. the major furniture is all gone and the fridge appears to have been cleaned out, etc.). This will become important if you need to determine whether or not to change the locks.

This brings up the question of whether or not you can change the locks. The Act is clear, neither the landlord nor the tenant can change the locks without the consent of the other party. If the landlord does need to change the locks they must provide the tenant with a copy of the new key immediately. However, the Act also provides landlords with remedies where there is a "repudiation of the tenancy". If the landlord believes, on reasonable grounds, that the tenant has abandoned the premises then they have the option to (1) accept the repudiation as termination the agreement or (2) to refuse to accept it and continue the tenancy. (Note: to repudiate an agreement means to show an intention not to be bound by the agreement).

Most landlords will pick option #1 which means that they can change the locks and also pursue the tenant for unpaid rent which will be determined in accordance with the circumstances. However, again, the issue will be one of whether or not the landlord has reasonable grounds to believe that the tenant has abandoned the premises so landlords are cautioned to tread lightly. It is difficult to assess what award a court would make where there were not reasonable grounds for concluding abandonment but the time and effort in defending action (whether or not you have legal counsel) should serve as a real deterrent to any landlord who might otherwise conclude "good enough" where reasonable grounds are in question.

In the next issue of the Rental Gazette consideration will be given to what to do with abandoned goods.

This column constitutes legal information only and should not be construed as legal advice. Consult with your legal counsel to receive legal advice which is specific to your situation.



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ARLA welcomes Non-Members to attend their Educational Seminars and Luncheon events. Please contact Brittany Dorado at executive@albertalandlord.org if you would like to attend one of these events.

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Thursday, July 25, 2019	Member Summer Appreciation BBQ 11:00 am—2:00 pm
Tuesday, August 27, 2019	Taco Bout Vacancy Networking Event Brewhouse Patio, Downtown 4:00 pm—8:00 pm
Thursday, September 26, 2019	Educational Seminar & GM Luncheon Landlord Bootcamp *8:30—11:00 am GM: Cyber Security
Thursday, October 24, 2019	Educational Seminar & GM Luncheon Effective Documentation & Fair Housing GM: Canadian Security Intelligence Service
Friday, November 22, 2019	AGM & Christmas Gala Chateau Louis Conference Centre *11:30 am—2:00 pm
Friday, December 6, 2019	ARLA's 1st Annual Jingle & Mingle Halley's, West Edmonton Mall at 7:30 pm 9-Piece Live Band 8:00 pm

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All Reach Glass Services Inc.	1-780-483-9561	argsales@allreachglass.com
All Weather Windows	1-780-915-6120	efradsham@allweatherwindows.com
Amptec	1-780-426-7878	Contact by phone
Amre Supply	1-780-426-2673	lschaufele@amresupply.com
Atco Energy	1-780-977-0422	jeff.kolbuc@atco.com
Boyle Street Property Maintenance Inc.	1-780-426-0500	jreiniger@boylestreet.org
Burnco Landscape	1-403-510-5945	james.zolkavich@burnco.com
Butler Plumbing Heating & Gas Fitting	1-780-432-3947	kevin.korte@butlerplumbing.ca
Capital Exterior Solutions	1-780-757-3930	craighatt@capital.ca
Cedar Tree Flooring Inc.	1-780-935-6643	info@cedartreeflooring.ca
Centimark Roofing Ltd.	1-780-482-7663	sean.mcgregor@centimark.com
Gerald Tostowaryk - Century 21 Urban Realty	1-780-887-3709	gerald.tostowaryk@century21.ca
Christensen & McLean Roofing Co.Ltd.	1-780-447-1672	phil@cmroofing.ca
CL Painting Inc.	1-403-460-4240	cl.painting@yahoo.ca
Cloverdale Paint	Check store locator online	bhonecker@cloverdalepaint.com
Canada Mortgage & Housing Corporation (CMHC)	1-780-423-8731	rogilvie@cmhc.ca
Coinamatic Canada Inc.	1-780-686-8388	dan.posa@phelps.ca
Consolidated Civil Enforcement	1-780-237-9068	sabrinaw@ccebailiff.ca
Commercial Linocraft	1-780-455-9106	robbyrug@carpetcraft.ca
Complete Pest Control	1-587-599-7378	Pestcontrolalberta@gmail.com
Cushman & Wakefield	1-780-917-8326	raphael.yau@cwedm.com
Dalwing Roof Consulting Ltd.	1-780-993-1323	jsharp@dalwing.com
Davey Tree Expert Company of Canada	1-780-433-8733	kevin.cassells@davey.com
DF Technical & Consulting Services Ltd.	1-780-468-3131	info@dftechnical.ca
DKI Sparklean Group Ltd.	1-780-459-4539	mike@speakeanrestoration.ca
Durabuilt Windows	1-780-577-2049	martyb@durabuiltwindows.com
DSC Construction Inc.	1-780-885-2372	nishal@dsc-construction.ca
Edmonton Eviction Services	1-780-974-8427	don@edmontonevictionservices.com
Edmonton Exterminators Ltd.	1-780-466-8535	edexter@telusplanet.net
Enercare	1-519-520-2571	Warren.Kuchta@enercare.ca
FIREAVERT	1-780-952-8549	terrancedmartin@gmail.com
Four elements ELECTRIC LTD.	1-780-850-0166	Shawn@four-elements.ca
Great Canadian	1-780-449-6991	judyh@greatcanadian.ca
HUB International	1-780-453-8415	kelly.barclay@hubinternational.com
Hydro-Flo Plumbing and Heating Ltd.	1-780-203-2230	james@hydro-flo.ca
Infinite Plumbing Heating & Drain Cleaning Ltd	1-780-782-4441	infiniteplumbing@live.com
Iron Shield Roofing	1-780-758-7663	cory@ironshieldroofing.com
Karlen-Elecom	1-780-453-1362	rick@elecom.ca
Locnest	1-403-818-5335	brett@locnest.com
Modern PURAIR St. Albert – Air Duct Cleaning	1-587-805-2558	customer@modernpurair.com
My Group Insurance Broker	1-587-337-4116	kathleen.corkum@mygroup.ca
Peak Hydronics Corporation	1-780-918-6696	brad@peakhydronics.ca
Peak Sewer & Underground Services	1-780-918-6696	brad@peakhydronics.ca
Polytek 360 Inc	1-780-718-2509	shauna@polytek360.ca
Poo Prints Canada - Revill Group	1-647-202-9877	hello@revillgroup.com
Nelro Services Ltd.	1-780-454-4838	trevor@nelro.com
OAB Reliable Carpet Care	1-780-720-2007	oabcarpetcare@live.ca
Orkin Canada	1-780-483-3070	tbarracough@orkincanada.com
Osco Mudjacking & Shotcreting Ltd	1-780-469-1234	osco@mudjacking.com
Peoples Trust	1-604-683-2881	TerriJ@peoplestrust.com
Poulin's Pest Control	1-780-818-6390	j.ringrose@poulin.ca
QC Experts	1-587-879-9153	ang.hr@qcexperts.ca
RE/MAX Commercial Capital Property Management	1-587-525-8900	scott@rccpm.ca
RentBoard Canada, Inc.	1-403-347-7388	info@rentboard.ca
Rent Check Credit Bureau	1-800-661-7312 Ext 221	bjmaxwell@rentcheck.ca
Rentokil Steritech	1-780-907-9680	doug.wadlow@rentokil.com
Reynolds Mirth Richards & Farmer LLP	1-780-497-3346	emirth@rmrf.com
Screen Savers	1-780-910-6688	aboutin@screen-savers-plus.com
Serv-It Process & Bailiff Services	1-780-424-9020	servit@shawbiz.ca
Servpro Edmonton Southside	1-780-224-6075	dumley@servproedmonton.com
Smart Fix Asphalt Infrared Repair Ltd.	1-780-914-8144	jeff@smartfixasphalt.ca
Solution 105 Consulting Ltd.	1-780-429-4774	vilcsak@solution105.com
Speedy Glass	1-780-437-6548	speedy8638@belroncanada.com
Storm Appliance Inc.	1-587-926-6905	riley@stormappliance.com
Telus Communications Inc.	1-780-868-5904	pauline.phillip@telus.com
Trail Appliances Ltd./Commercial Laundry	1-780-434-9414	tmoulding@trail-appliances.com
Trusty Tree Services	1-780-860-5500	info@trustytree.ca
Treasures Insurance & Risk Management	1-780-452-4405	karen.mccracken@excelrisk.ca
Westview Village	1-780-447-3345	ggriglak@lautrecltd.com
Yardi	1-888.569.2734	Amanda.Moreira@Yardi.com
Zipsure	1-844-856-9876	info@zipsure.ca

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