



Province of Alberta

RESIDENTIAL TENANCIES ACT

TERMINATION OF TENANCY (DOMESTIC VIOLENCE) REGULATION

Alberta Regulation 130/2016

Extract

© Published by Alberta Queen's Printer

Alberta Queen's Printer
7th Floor, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668

E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca

Copyright and Permission Statement

Alberta Queen's Printer holds copyright on behalf of the Government of Alberta in right of Her Majesty the Queen for all Government of Alberta legislation. Alberta Queen's Printer permits any person to reproduce Alberta's statutes and regulations without seeking permission and without charge, provided due diligence is exercised to ensure the accuracy of the materials produced, and Crown copyright is acknowledged in the following format:

© Alberta Queen's Printer, 20__.*

*The year of first publication of the legal materials is to be completed.

Note

All persons making use of this document are reminded that it has no legislative sanction. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

(no amdt)

ALBERTA REGULATION 130/2016

Residential Tenancies Act

TERMINATION OF TENANCY (DOMESTIC VIOLENCE) REGULATION

Table of Contents

- 1 Definitions
- 2 Appointment of designated authority
- 3 Application and assessments
- 4 Disclosure of information by landlord
- 5 Review
- 6 Expiry
- 7 Coming into force

Definitions

1 In this Regulation,

- (a) “Act” means the *Residential Tenancies Act*;
- (b) “designated authority” means the person appointed under section 47.5(1) of the Act;
- (c) “Director” means the Director of Residential Tenancies appointed under section 55 of the Act.

Appointment of designated authority

2 The Minister may, by order, appoint a person to act as the designated authority under section 47.5(1) of the Act.

Application and assessments

3 A designated authority carries out the assessment required under section 47.4(2) of the Act if the designated authority receives from the tenant

- (a) an order listed in section 47.4(2)(a)(i) of the Act and determines that it is unexpired, or
- (b) the statement of a person referred to in section 47.4(2)(ii) of the Act and determines that it
 - (i) is signed by that person,

- (ii) affirms that person's opinion that the tenant has been the subject of domestic violence, and
- (iii) affirms that the tenant has reported a risk to the safety of the tenant, the tenant's dependent child or a protected adult who lives with the tenant if the tenancy continues, based on at least one of the following:
 - (A) a previous history of domestic violence, whether directed to the tenant, the tenant's dependent child, or a protected adult residing with the tenant;
 - (B) a tenant's fear for the tenant's own safety or the safety of the tenant's dependent child or of a protected adult who lives with the tenant, based on a presently occurring crisis, investigation, charge, legal proceeding, separation, intention to separate or other relevant circumstance;
 - (C) a tenant's fear for the tenant's own safety or the safety of the tenant's dependent child or of a protected adult who lives with the tenant, based on past conduct or threats directed to the tenant or another person.

Disclosure of information by landlord

4(1) Section 47.7 of the Act does not prevent a landlord from disclosing any information received under Part 4.1 of the Act from or about a tenant who is a victim of domestic violence,

- (a) in connection with the investigation or prosecution of an alleged offence under the Act
 - (i) to the Minister and employees of the Minister responsible for administration of the Act, or
 - (ii) to the Director or to a duly authorized delegate of the Director referred to in section 56 of the Act,
- (b) to the designated authority,
- (c) to a law enforcement agency, but only upon request made by the law enforcement agency in connection with an investigation,
- (d) in connection with an emergency that threatens the life, health or security of an individual or the public,

- (e) to a lawyer who provides services to the landlord,
- (f) to a court or the Residential Tenancy Dispute Resolution Service for the purposes of a proceeding under the Act,
- (g) with the consent of the tenant who served the notice under section 47.3(2) of the Act,
- (h) to the extent that the information is available to the public, or
- (i) as otherwise required by law.

(2) Subject to section 47.3(6) of the Act, section 47.7 of the Act does not prevent a landlord from disclosing the following information to any tenants referred to section 47.3(5) of the Act:

- (a) the fact that a notice was served;
- (b) the termination date specified in the notice.

Review

5 A review of this Regulation must begin on or before August 1, 2017.

Expiry

6 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on July 31, 2018.

Coming into force

7 This Regulation comes into force on the coming into force of the *Residential Tenancies (Safer Spaces for Victims of Domestic Violence) Amendment Act, 2015*.



Printed on Recycled Paper 