

CONDO LAW
FOR ALBERTANS

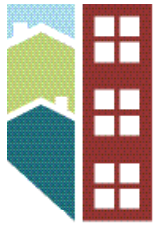
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Condominium Boards and Rental Units

You should **NOT** rely on this booklet for legal advice.
It provides general information on **Alberta law only**.
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Condominium boards and rental units

Some unit owners may wish to rent, or are renting, their units. Condominium boards should know that the *Condominium Property Act* (CPA) addresses the rental process, including what happens before, during and after a tenancy. The following information addresses this process.



TIP

Boards can provide unit owners and tenants with a copy of ***Renting a Condominium*** booklet available on the CPLEA website:

www.cplea.ca/publications

An owner must inform the condo corporation about renting

A condo corporation cannot prevent a unit owner from renting their unit but the condo corporation is legally entitled to certain information. Before renting the unit, the owner must give written notice to the condo corporation of the following information:

- their intention to rent the unit
- their address of service for documents
- the amount of rent

The owner must also provide the condo corporation with the name of the tenant, in writing, within 20 days of the tenancy starting.

The condo corporation can ask the owner for a rental deposit

The owner's rental deposit covers any damage the tenant causes to the corporation's real, personal and common property. The rental deposit cannot be more than \$1000 or one month's rent, whichever is greater.

The rental deposit must be held and repaid along with any interest earned. If a tenancy ends, the owner must advise the condo corporation in writing within 20 days of the tenancy ending. Within 20 days of receiving the notice, the condo corporation must give the owner any unused portion of the rental deposit. If the corporation deducted from the rental deposit, then it must provide a statement of account with the following information:

- The amount used and any interest earned
- The balance of the deposit not used and any interest earned
- An itemized list of deductions from the rental deposit and why the deductions were made

If the condo corporation needs more time to determine the amount to deduct from the security deposit, it must provide the owner with:

- an estimated statement of account within 20 days
- a final statement of account and the balance of the deposit not used, plus any interest earned (if any) within 60 days of delivering the estimated statement of account



TIP

If a condominium corporation collected a rental deposit from an owner before the *Condominium Property Regulation* changes (January 1, 2020), then it may be retained for the remainder of the tenancy.

Unpaid condo contributions can be taken from rent

If an owner rents their unit, but the condominium contributions go unpaid, the condo corporation can require the tenant to pay their rent to the corporation to cover the unpaid contributions.

Tenants must follow the bylaws

Tenants must follow the condo bylaws during their tenancy. Boards have a legal responsibility to enforce the bylaws and meet their obligations under the *Condominium Property Act*. If the board suspects, or is aware, that a tenant is breaching a bylaw, it must take action. More on bylaw enforcement can be found on our website: www.condolawalberta.ca and in our publication, ***What a Condo Board can do if bylaws are not followed***.



TIP

The board should ask the owner to ensure the tenant has a copy of the condo bylaws.

The condo corporation can evict a tenant

The condominium corporation has the power to evict a tenant if the tenant has:

- Caused damage, other than normal wear and tear, to the condominium corporation's common property or any other property
- Breached one of the condominium's bylaws

In an eviction, the condominium corporation must:

- give the tenant written notice to give up possession of the unit
- serve the notice on the tenant
- serve the notice on the unit owner

The tenant must move out by the last day of the month immediately following the month the notice is served. For example, if the notice was served on March 15, the tenant must leave by April 30.

If the tenant received a notice to move out, but does not, the condo corporation can make a court application for an order requiring the tenant to leave. The condo corporation can also make a court application for the tenant to immediately give up possession of the unit if the tenant:

- is causing or has caused excessive damage to the condominium corporation's common property or any other property
- is a danger to or is intimidating the owner or tenants in the complex



TIP

Condo corporations should always seek legal advice in making court applications.