

Minimum Housing and Health Standards



LAWS FOR
**LANDLORDS
AND TENANTS**
IN ALBERTA



Under the *Residential Tenancies Act*, the landlord must ensure that the rental property meets minimum housing standards under the *Public Health Act* and its regulations such as the *Housing Regulation*. The *Housing Regulation* requires that owners maintain housing premises in compliance with the *Minimum Housing and Health Standards*. The *Minimum Housing and Health Standards* sets out specific conditions that are essential to making a place safe and healthy to live in. Landlords must follow both the *Housing Regulation* and corresponding *Minimum Housing and Health Standards* for the upkeep and condition of their rental properties.

Who is responsible for specific repairs or maintenance outside of the *Minimum Housing and Health Standards* (for example, a burnt out light bulb or clogged toilet)?

The *Residential Tenancies Act* does not say who is responsible for specific repairs or maintenance in a rental property (for example, changing light bulbs or unplugging toilets). You should read your lease to see who is responsible for what. Sometimes, the tenant will be responsible for doing certain repairs or maintenance on the property as stated in the lease.



Tip: As a responsible tenant, you have a duty to keep the rental property clean and cooperate with your landlord in making repairs. You should report any problems to your landlord right away. Any communication about repairs should be in writing.

Tenant Questions

I don't think my landlord is meeting the *Minimum Housing and Health Standards*. What can I do?

The *Minimum Housing and Health Standards* are enforced by Public Health Inspectors or Executive Officers (also known as “inspectors”) of Regional Health Authorities. If your landlord is not meeting the standards, write a letter to your landlord about the problem. Request that your landlord take steps to fix the problem.

If the landlord does not take steps to fix the problem, you can contact your local Environmental Public Health office. Make sure that you have your landlord's contact information ready, and be prepared to describe your problem. An inspector will then contact you to make an inspection appointment. The inspector can investigate the situation and has the power to order the landlord to fix problems covered under the *Minimum Housing and Health Standards*. Your landlord cannot evict you for making a complaint with an inspector.



Tip: Contact information for Environmental Public Health Offices is available on the Alberta Health Services website. You can also make a complaint or contact Environmental Public Health through their on-line website form. See the end of this publication for contact information and links.

Do I still have to pay rent if my landlord fails to make repairs or is undergoing an investigation?

Under the *Residential Tenancies Act*, tenants have an obligation to pay rent on time. You cannot withhold rent if the landlord fails to repair or maintain the property or is undergoing an investigation. You cannot be evicted for making a complaint against your landlord but you can still be evicted if you don't pay your rent in full or on time.

Just because a rental property is in poor condition does not mean that you can withhold rent. Even in situations where the rental property is unsafe or unlivable, a health inspector must confirm that there are problems on the property and you must seek

authority for a rental abatement (reduction) – for example, by making a Residential Tenancy Dispute Resolution Service (RTDRS) or court application for rent abatement (reduction).



What general remedies do I have if a landlord is not meeting the *Minimum Housing and Health Standards*?

When a landlord fails to meet the *Minimum Housing and Health Standards*, a tenant can make a court application for:

- Recovery of damages
- Rent abatement (reduction)
- Compensation for the costs of fulfilling the landlord's obligations
- Termination of the lease



Tip: Tenants have the right to peaceful enjoyment or quiet possession of premises. When a landlord fails to provide the tenant with a habitable property, the Courts may find that the tenant's right to peaceful enjoyment or quiet possession has been breached. Rent abatement may be a remedy.

Seek legal advice if you are thinking of taking legal action against your landlord. For more information on where to find a lawyer, go to the Find Help section of our website: www.landlordandtenant.org/help

An inspector issued an order for the landlord to fix a problem on the property but the landlord is not doing anything about it. What can I do?

If you believe that the landlord did not follow the inspector's order, there are two things you can do:

- 1) You can apply to Provincial Court or RTDRS to end the tenancy or
- 2) Serve a written 14-day notice to end the tenancy. The order must be signed by you and set out the reasons for termination and the termination date.



Tip: A written termination notice will become void if:

- Within 7 days of receiving your notice, the landlord serves you with a written objection notice that they have complied with the order under the *Public Health Act* or has been granted stay of the order and
- At the time of serving you the objection notice, the landlord has complied with the order or has been granted stay of the order

Landlord/Property Owner Questions

I am being investigated by an inspector. What can I expect during the process?

If an inspector believes on reasonable and probable grounds that you are violating the housing regulation and standards, they may carry out the following activities with your consent:

- enter in or on the property at a reasonable hour to inspect it
- ask people about information relevant to the inspection
- take samples of food, medication, equipment or substance used in or on the property
- perform tests, take photographs and making recordings of the property

If you do not allow an inspector to do any of the above activities or hinder/interfere with them, then the officer may make a court application to the Court of Queen's Bench. The court order will direct you to do or refrain from doing anything that the judge considers necessary to help the inspector do their job.

Inspectors also have the power to issue written orders after an inspection if they think that you are violating the housing regulation and standards. An order sets out the reasons it was made, what you are required to do and the time within which it must be done. An order may also contain (but is not limited to the following provisions):

- Requiring the vacating of the place or any part of it
- Requiring the closure of the place or any part of it
- Requiring work to be done in, on or about the place
- Declaring the place or any part of it to be unfit for human habitation



Tip: If you violate the Public Health Act, its regulations, or a health inspector's order, you are guilty of an offence and liable for a fine. If you breach a health inspector's order, you can be fined up to a maximum of \$100 per day (up to \$2000 for a first offence and up to \$5000 for a subsequent offence). If you are charged with multiple counts (for example, you breach multiple health inspector orders and/or Minimum Housing and Health Standards), you can be found guilty of each count individually and be sentenced for each count.

Does the health inspector have to tell me how to fix problems or what priority I should fix them?

Property owners always have the responsibility to maintain the premises to the minimum standard and if it falls below standard, the owner must fix it. There is no duty on inspectors to tell the owner *how* to correct defects, *how* to comply with an order or with *what priority*. Even if an inspector misses a defect during an inspection or an inspection never occurs, the owner must comply with the *Minimum Housing and Health Standards*. Doing an inspection does not lower the standards required of an owner, nor does it shift some responsibility of the repairs to the inspector.

Are housing regulations and standards the same as building and construction codes?

Housing regulations/standards are not the same as building/construction codes. They differ in terms of what they do, how they are enforced and when they occur. The following table illustrates the key differences.

<i>Housing Regulations and Minimum Housing and Health Standards</i>	VS	<i>Building and construction codes</i>
<p>Sets minimum conditions that make housing premises safe, sanitary and fit for human habitation.</p> <p>Enforced by inspections of housing premises by Public Health Inspectors/Executive Officers of Regional Health Authorities.</p> <p>Inspections occur on a systematic or complaint basis.</p>		<p>Regulates construction of buildings. Sets minimum regulations for public health, fire safety and structure sufficiency.</p> <p>Enforced through a system of permits that are issued and withheld by Government and accredited agencies.</p> <p>Permits can be granted after plans and specifications have been submitted and evaluated during a construction inspection.</p>



Tip: When several legal minimum standards apply to a rental property (for example, the Building Code and the Minimum Housing and Health Standards), the property owner must comply with all of them.

CHECKLIST: Is your landlord meeting the *Minimum Housing and Health Standards*?

Under the *Minimum Housing and Health Standards*, landlords must ensure that:

- The property is in good repair, safe condition and structurally sound.
- The roof and exterior cladding is waterproof, windproof and weatherproof.
- All windows and outside doors are in good repair, free of cracks and weatherproof.
- Outside doors and windows can be locked. In the winter, windows must protect against the cold weather. In the summer, there must be screens for outside windows.
- Stairs and handrails are in good repair.
- All rooms for sleeping have ventilation.
- All walls, windows, ceilings, floors, and floor coverings are in good repair, free of cracks and holes, and must be in a condition that makes them easy to clean.
- Heating facilities (such as the furnace) are in good repair and are able to heat all living spaces to a temperature of 22 degrees Celsius.
- If electricity, water, and heat are included in the rent, then the landlord must make sure that those utilities are provided.
- All hot running water is between a temperature of 46 degrees Celsius and 60 degrees Celsius.
- The housing premises is not overcrowded.
- There is electrical service. Outlets, switches and fixtures must be properly installed and maintained in a good and safe working condition.
- Smoke alarms are installed between each sleeping area and the remainder of the suite.
- Smoke alarms are working.
- There is a food preparation area which includes:
 - A kitchen sink with running hot and cold water
 - Cupboards or other facilities for food storage
 - Counter or table used for food preparation
 - A safe and operating stove
 - A safe and operating refrigerator
- The property is free of pest infestations (such as insects and rodents). The tenant must cooperate with pest control measures by allowing access for repairs or pest control treatment as required under the *Residential Tenancies Act*.



Tip: For a more detailed list of the *Minimum Housing and Health Standards*, visit these sites:

www.health.alberta.ca/documents/Standards-Housing-Minimum.pdf

www.landlordandtenant.org

Notes



Where to find help and information

Minimum Housing and Health Standards

open.alberta.ca/dataset/minimum-housing-and-health-standards

Alberta Public Health Act Housing Regulation

www.qp.alberta.ca/1266.cfm?page=1999_173.cfm&leg_type=Regs&isbncln=9780779759361&display=html

Alberta Health Services, Environmental Public Health

To make a complaint, contact Environmental Public Health.

List of Environmental Public Health Offices:

www.albertahealthservices.ca/findhealth/Service.aspx?id=1052203

www.albertahealthservices.ca/eph/Page13916.aspx

Law Society of Alberta Lawyer Referral Service

The Lawyer Referral Service will provide you with the names of three lawyers in your area that you can consult. Each lawyer will provide a free half-hour consultation.

Toll free in Alberta: 1-800-661-1095

www.lawsociety.ab.ca/public/lawyer_referral.aspx

A list of legal clinics and services providing legal advice can be found on our website:

www.landlordandtenant.org/help/

www.landlordandtenant.org

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