

Renting a Condominium



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Renting a Condominium

Renting a condominium is different than renting an apartment or a house. If you are a tenant in a condominium, you should know what laws you have to follow.

This publication will help you understand the laws in Alberta that relate to renting a condominium.

What is a condominium?

Legally, a condominium refers to a type of property ownership. When a person buys a condominium, they get:

- Full ownership of the condo unit
- Shared ownership of the common property (also known as tenants in common co-ownership)

A condominium unit ("condo") is space where an owner has exclusive title and ownership. The common property is the area of the building or complex that is used by everyone. Some examples of common property are interior hallways and stairways, and sometimes exterior sidewalks and roads. All of the condo owners own the common property together.

Another feature of a condominium is that there is a condominium corporation ("corporation"). The corporation consists of all the individuals who own units in the condominium complex. The corporation is run by the condominium's board of directors (the "board"). The directors are elected by the condo owners at each Annual General Meeting in accordance with the *Condominium Property Act* and the corporation's bylaws. The board is responsible for the operation of the condominium. For example, the board is responsible for enforcing the condominium's bylaws, and for maintaining the condominium's common property.

What laws in Alberta relate to renting a condo?

In Alberta, the rental of a condo is covered by the *Residential Tenancies Act* ("RTA") and the *Condominium Property Act* ("CPA").

The RTA is provincial legislation that outlines the rights and responsibilities of most landlords and tenants in Alberta. The law includes rules about:

- the responsibilities of landlords and tenants
- how landlords and tenants can end the tenancy agreement
- security deposits
- inspection reports
- what landlords and tenants can do if things go wrong

The CPA is provincial legislation that covers matters relating to the regulation of condominiums. The CPA outlines the rights and responsibilities of tenants, owners, the condominium corporation, and the board. For example:

- the obligation of a tenant to obey the condominium bylaws
- the notice period and circumstances under which the board can evict a tenant
- the obligations that a condo owner has to the corporation and the board



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What are condominium bylaws?

Condominium bylaws govern how the condominium corporation is run. They often address matters such as what a condo owner, and a tenant, can and cannot do with their unit and the common property. For example, the bylaws may restrict what pets may be kept in the building. The bylaws are enforced by the board. Tenants must obey the bylaws or else they can be evicted by the board.

A condominium corporation may impose rules in addition to bylaws. Rules often supplement the bylaws. For example, the bylaws may state that unit owners require approval of the condominium board to have pets. Supplementary rules may outline what type of pets are allowed, how big they can be, how many each owner can have, etc.

Before signing a rental agreement, tenants should review the condominium bylaws and rules.

Is renting a condominium different from renting an apartment?

Yes, renting a condo is different than renting an apartment.

• *The laws that you must obey are different:*

When you rent an apartment, you are bound by your promises in the lease and by the *RTA*. When you rent a condo, you are bound by your lease, the *RTA*, the *CPA*, and the condominium's bylaws.

The *CPA* allows the board to evict a tenant in particular situations, such as when a tenant causes damage to the common property or violates the condominium's bylaws. You should make sure that you know all of the condominium's rules and bylaws.

• *The fees that you have to pay might be different:*

Your lease should clearly state who is responsible for paying the condo fees. Condo fees are money paid to the condo corporation to cover the cost of repairing and maintaining common property, administrative expenses, insurance, and to maintain the reserve fund. Either you or your landlord can pay these fees, and there should be a term in your lease that addresses who is responsible to pay.

• *The obligations you have might be different:*

The corporation must maintain insurance to protect common property and condominium units (in conventional condominiums) against loss resulting from destruction or damage. However, the condominium corporation's insurance does not protect your personal possessions or liability. As such, you should have your own insurance on the contents of your unit.

Tip: to learn more about residential tenancies law, go to www.landlordandtenant.org

To learn more about condominium property law, go to www.condolawalberta.ca



Photo by George Becker from Pixabay

What should I do if I have a problem with my landlord?

The *RTA* is administered by Service Alberta, so many rental issues can be dealt with through Service Alberta's Consumer Contact Centre. Before you contact the Consumer Contact Centre, you should make sure that you have taken every step that you can to deal with and understand the problem that you are facing. You may need to contact a different government department if a certain law has been broken. For example, health and sanitation issues are dealt with by your health authority.

You should also remember that when you rent a condo, the *CPA* will apply and you will have to abide by the condominium's bylaws. For example, the board can serve you with written notice to give up possession of the unit in certain circumstances—even if your landlord does not give you notice and even if your landlord wants to keep you as a tenant.

Other Alberta laws may apply, depending on the problem that you are having with your landlord.



Contacts: Information, Advice and Assistance

Government and Court Services

Provincial Court (Civil)

albertacourts.ca/pc

Court of Queen's Bench

albertacourts.ca/qb/home

Resolution Court Administration Service (RCAS) Contact Centre

RCAS is a group of programs and services offered by the Government of Alberta in collaboration with the courts of Alberta.

1-855-738-4747

Legal Advice

Law Society of Alberta Lawyer Referral Service

Provides the names of three lawyers. Each lawyer to provide half-hour consultation free of charge.

Toll Free: 1-800-661-1095

In Calgary: 403-228-1722

www.lawsociety.ab.ca/public/lawyer-referral

Court Based Legal Advice Programs

If you are living in Edmonton or Calgary, Civil Claims Duty Counsel or the Queen's Bench Court Assistance Program operating out of the Edmonton Law Courts and Calgary Courts Centre are available. Volunteer lawyers through these programs provide free legal advice and information on court procedures on certain days of the week.

Civil Claims Duty Counsel at the Provincial Court

Edmonton

www.pbla.ca/resourcebank/attachment.275137

Queen's Bench Court Assistance Program

Edmonton

www.pbla.ca/resourcebank/attachment.275133

Civil Claims Duty Counsel at the Provincial Court

Calgary

www.pbla.ca/resourcebank/attachment.275136

Queen's Bench Court Assistance Program

Calgary

www.pbla.ca/resourcebank/attachment.275132

Legal Clinics

Clinics provide legal information and advice. Legal advice may be free of charge to tenants who meet a clinic's income guidelines.

Calgary Legal Guidance

403-234-9266

www.clg.ab.ca

Edmonton Community Legal Centre

780-702-1725

www.eclc.ca

Grande Prairie Legal Guidance

780-882-0036

www.gplg.ca

Lethbridge Legal Guidance

403-380-6338

www.lethbridgelegalguidance.ca

Student Legal Services of Edmonton

780-492-2226

www.slsedmonton.com

Student Legal Assistance (Calgary)

403-220-6637

www.slacalgary.com

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