Resolve of Alberta

RESIDENTIAL TENANCIES ACT

SUBSIDIZED PUBLIC HOUSING REGULATION

Alberta Regulation 191/2004

Extract

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ALBERTA REGULATION 191/2004
Residential Tenancies Act
SUBSIDIZED PUBLIC HOUSING REGULATION

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Application
1 This Regulation applies only to

(a) residential tenancy agreements in which the premises
under the agreements are subsidized public housing, and

(b) landlords and tenants under those agreements.

Termination of periodic tenancies
2 For the purposes of section 6 of the Act, a landlord may
terminate a periodic tenancy for one or more of the following
reasons:

(a) the tenant is no longer eligible for subsidized public
housing because the maximum income levels established
under the residential tenancy agreement have been
exceeded;

(b) the tenant has not reported or has misreported income or
other information required under the residential tenancy
agreement;

(c) the public funding for the program on which the
subsidized public housing is based has been cancelled or
will be cancelled when the notice period for terminating
the tenancy has passed;
(d) any of the reasons for terminating a periodic tenancy established in the *Residential Tenancies Ministerial Regulation*.

**Rent**

3(1) In this section, “income of the tenant” means the income of the tenant, the tenant’s family or other persons living with the tenant, or a combination of those incomes, for a year, as adjusted in accordance with any applicable deductions made under section 1(3) of the *Social Housing Accommodation Regulation* (AR 244/94).

(2) If a residential tenancy agreement provides that the tenant’s rent is calculated by multiplying a fixed percentage times the income of the tenant, section 14 of the Act and any regulation made in respect of that section apply only to an increase in rent under that agreement based on an increase in the fixed percentage.

**Security deposit**

4(1) A landlord shall not require a tenant to provide a security deposit that is greater than

(a) the amount the tenant is required to pay to the landlord for the first month under the residential tenancy agreement, or

(b) the amount that would be payable for the first month under the residential tenancy agreement if rent were payable monthly.

(2) Section 43(1) of the Act does not apply to a landlord and tenant under a residential tenancy agreement in which the premises under the agreement are subsidized public housing.

**Offence**

5 A person who contravenes section 4(1) is guilty of an offence and is liable to a fine of not more than $5000.

**Repeal**

6 The *Subsidized Public Housing Regulation* (AR 228/92) is repealed.

**Expiry**

7 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, 2014.
Section 8  AR 191/2004

SUBSIDIZED PUBLIC HOUSING REGULATION

Coming into force

8 This Regulation comes into force on November 1, 2004.