

# **Information for Alberta Tenants during COVID-19** \* \*\*

Are you an Alberta tenant struggling to pay rent or utilities due to a change in your income level related to COVID-19? If so, there are protections and resources in place to help you.

This document provides information to help answer the following questions:

1. [What protections exist if I can't pay my rent or utilities?](#)
  2. [What are "reasonable efforts" to enter a "meaningful payment plan"?](#)
  3. [What should I do if I can't pay rent?](#)
  4. [How do I negotiate a payment plan?](#)
  5. [What if I can't meet my negotiated payment plan?](#)
  6. [Can my landlord use my damage deposit to pay rent?](#)
  7. [Who can help me if my landlord won't cooperate with me?](#)
  8. [Are there any emergency rent or utility subsidy funds available?](#)
  9. [Are there ways I can push for changes to the rent requirements?](#)
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## **1. What protections exist if I can't pay my rent or utilities?**

First and foremost, **Alberta tenants cannot be evicted for non-payment of rent and/or utilities before May 1, 2020.** Source: [Government of Alberta \(GoA\) - Increased security for renters](#).

Other protections are as follows:

- Landlords cannot increase rent on residential properties or mobile home sites while Alberta's state of public health emergency remains in effect. Source: [GoA - Increased security for renters](#) and [Ministerial Order no. SA: 006/2020](#).
- Landlords cannot apply late fees or interest to late payment or non-payment of rent between April 1, 2020 and June 30, 2020. Landlords will not be able to retroactively collect late fees or interest on late or unpaid rents for this period. Source: [GoA - Increased security for renters](#), [Ministerial Order no. SA: 003/2020](#), [Late Payment Fees and Penalties Regulation](#), and [Ministerial Order no. SA: 004/2020](#).

\*Created by Sylvie Vigneux, BA, MA, JD and Grace Campbell, BA, JD. The information in this document was compiled by lawyers. However, this document is intended solely as an informational resource. It is not legal advice.

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- Landlords must work with tenants to develop payment plans while the state of public health emergency is in effect. The Residential Tenancy Dispute Resolution Service (RTDRS) will not hear landlord applications that could lead to eviction due to non-payment unless the landlord has made “reasonable efforts” to enter into a “meaningful payment plan” with their tenant (see “What are ‘reasonable efforts’ to enter a ‘meaningful payment plan’?” below). Source: [GoA - Increased security for renters](#) and [Ministerial Order no. SA: 005/2020](#).
- Landlords cannot have a civil enforcement agency remove a tenant from a premise until after April 30, 2020, even if the landlord already has an order for possession of the premises from either the court or the RTDRS. Source: [GoA - Suspending Eviction Enforcement](#).
- Tenants experiencing financial hardship directly related to COVID-19 can defer electricity and natural gas bills until June 19, 2020 without any late fees or added interest payments. Tenants must contact their utility providers directly to arrange deferral. Tenants will have to pay the deferred amount after June 19, 2020, but not all at once. Source: [GoA - Utility payment deferral](#).

Note: If the reason for the eviction is unrelated to rent or utility payments, landlords can still follow the standard eviction process.

## 2. What are “reasonable efforts” to enter a “meaningful payment plan”?

As noted above, while the state of public health emergency is in effect your landlord cannot start an eviction process unless they have made “reasonable efforts” to work out a “meaningful payment plan” with you. Source: [GoA - Increased security for renters](#) and [Ministerial Order no. SA: 005/2020](#).

As these terms were only recently added to tenancy legislation in specific response to COVID-19, we don’t yet know how they will be interpreted and applied by the RTDRS. Neither the Government of Alberta nor the RTDRS have provided specific factors to be considered.

Until further information has been provided by the Government of Alberta or the RTDRS, it is reasonable to expect that the RTDRS will look at both the tenant’s and the landlord’s circumstances and make decisions about whether a landlord has made “reasonable efforts” on a case-by-case basis.

For now, keep in mind the following:

- Alberta is still operating under the premise that tenants should use their income to pay their rent as fully and consistently as possible and that, eventually, tenants will fully repay their rent. Source: [GoA Info Sheet - Rent Payment Plans](#).

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- The Government of Alberta has stated:

“Reasonable efforts could include the requirement that a landlord accept a payment plan that considers the tenant’s financial circumstances – and provides a meaningful payment each month that will result in full repayment of the amount owing within a specified time period, such as six months, after the end of the State of Public Health Emergency.” Source: [GoA Info Sheet - Rent Payment Plans](#).

### 3. What should I do if I can’t pay rent?

As a tenant, it is important that you take proactive steps to negotiate a payment plan with your landlord (see “How do I negotiate a payment plan?” below).

Don’t be afraid to approach your landlord and explain your financial circumstances. They have an obligation to try to work out a payment plan with you if you are unable to pay full rent on time. If they push back, direct them to the Government of Alberta website titled “[Increased security for renters](#)” and any other applicable resources included in this document.

### 4. How do I negotiate a payment plan?

Your first step is to contact your landlord as soon as possible to let them know your circumstances. If you can afford to pay part of your rent, tell them this. Your “script” can be as simple as this:

*Hi (landlord name), as you probably know, I’m off work right now due to COVID-19. Will you accept \$500 this month rather than the usual \$1,000?*

If you don’t think you can make any payment, ask to work out a plan where you pay once you have income again. For instance:

*Hi (landlord name), I currently have no income due to COVID-19. I am wondering if I can defer payment of this month’s rent and spread out repayment of that amount over a period of six months once I am working again?*

You need to consider what is realistic for you. If you know you won’t be able to pay them back over a period of six months, suggest something that will work for you.

Once you have come to an agreement with your landlord, be sure to confirm the agreement in writing. For example, send an email to your landlord summarizing the agreed-upon payment plan and ask them to confirm that the email accurately reflects the payment plan.

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## 5. What if I can't meet my negotiated payment plan?

If you enter into a repayment plan but then fail to meet it, this could provide grounds for your landlord to terminate the lease. So, you need to be realistic about a repayment timeline that works for you. Source: [GoA Info Sheet - Rent Payment Plans](#).

If your circumstances change and you can no longer meet your payment plan, you need to contact your landlord as soon as possible. Explain your change in circumstances and try to negotiate a new payment plan.

If you renegotiate a new payment plan, be sure to confirm the agreement in writing (see "How do I negotiate a payment plan?" above).

## 6. Can my landlord use my damage deposit to pay rent?

No. Damage deposits must be collected and deposited in a trust account by landlords in accordance with legislation. Your landlord is required by law to keep your damage deposit in a secure account until you move out. Source: [Residential Tenancies Act](#) (see sections 43-47).

If your landlord tries to misuse your deposit, you can file a complaint with Alberta's Consumer Investigation Unit. Source: [GoA - File a consumer complaint against a business](#).

## 7. Who can help me if my landlord won't cooperate with me?

Depending on your income you may be able to access free or low-cost legal clinics in your region. For instance, the Edmonton Community Legal Centre (ECLC) provides free legal advice and is currently taking phone appointments. ECLC cannot help with negotiating a payment plan, but it will help if your landlord tries to take steps to evict you or otherwise takes legal action.

Here is a list of a few legal clinics that assist with residential-tenancy conflicts:

- [Edmonton Community Legal Centre](#)
- [Calgary Legal Guidance](#)
- [Central Alberta Community Legal Clinic](#)
- [Medicine Hat Legal Help Centre](#)
- [Lethbridge Legal Guidance](#)
- [Grande Prairie Legal Guidance](#)

Note: You will need to contact the legal clinics directly to determine whether you are eligible to access their services.

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## 8. Are there any emergency rent or utility subsidy funds available?

Here is a list of resources that may offer rent or utility assistance:

- [Alberta Supports](#)
- [Good Neighbour Fund](#) - Edmonton and surrounding area
- [HomeBridge](#) - Calgary
- [BowWest Basic Needs Fund](#) - Northwest Calgary
- [St. Albert Rental Assistance Program](#) - St. Albert
- [Red Deer Housing Authority Rent Supplement](#) - Red Deer
- [GoA - Emergency Needs Allowance](#)
- [Direct Energy Emergency Fund](#) - Albertans served by United Way of Calgary and Area and United Way of the Alberta Capital Region, regardless of utilities provider

## 9. Are there ways I can push for changes to the rent requirements?

There are many different ways you may decide to take action to encourage the government to provide more support to renters.

- Contact your [local MLA](#)
- Contact the [Minister of Seniors and Housing](#)
- Read up about the “Keep Your Rent” movement – [VICE article](#) and [organizing materials](#) (*Note:* This form of direct action opens you up to the risk of eviction or other legal action. These resources are intended solely for informational purposes and do not constitute legal advice.)

## Key Resources

- Government of Alberta, “Increased security for renters”, online: <https://www.alberta.ca/release.cfm?xID=699342AEE2E54-0A42-6D13-2611F6566D88FBDC>.
- Government of Alberta, “Suspending Eviction Enforcement”, online: <https://www.alberta.ca/assets/documents/COVID-19-suspending-eviction-enforcement.pdf>.
- Government of Alberta, “Rent Payment Plans”, online: <https://www.alberta.ca/assets/documents/COVID-19-rent-payment-plans.pdf>.
- Government of Alberta, “Utility payment deferral”, online: [https://www.alberta.ca/utility-payment-deferral.aspxutilities deferral](https://www.alberta.ca/utility-payment-deferral.aspxutilities%20deferral).
- Centre for Public Legal Education Alberta, “COVID-19: Information for Alberta Landlords and Tenants”, online: <https://www.landlordandtenant.org/covid-19-alberta-landlords-and-tenants/>.
- Residential Tenancy Dispute Resolution Service, online: <https://www.alberta.ca/residential-tenancy-dispute-resolution-service.aspx>.

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