Temporary changes for timelines, locations, etc.

COVID-19

Overview
Responding to the COVID-19 pandemic is challenging the capacity for some organizations to comply with certain legislation and regulations, especially those related to time, location and distance.

For example, some business-related provisions require companies to hold annual general meetings (AGMs) by a certain date. Some provisions allow landlords to access a tenant’s dwelling with advance notice. Others set timelines for filing documents such as corporate returns, birth and death registrations, or responding to access to information requests.

Complying with such requirements during COVID-19 may be unrealistic, unsafe or even prohibited because of interrupted operations or social distancing restrictions. Further, they may direct people and resources away from the COVID-19 response where they are needed most.

Government taking action
Under the authority of the Public Health Act, Service Alberta has issued a Ministerial Order that will temporarily modify certain legislative and regulatory provisions related to time, location, distance, access to information and collection of utility payments.

These measures will protect public safety and allow operations to remain focused on COVID-19.

These temporary changes will allow flexibility for businesses, public bodies, non-profits and other groups to remain compliant with legislation. They will remain in effect for the duration of Alberta’s State of Public Health Emergency.

Key changes

Provisions related to time

- Suspending requirements for holding AGMs in the Companies Act, Business Corporations Act and Regulation, Condominium Property Act, Cooperatives Act and Regulation, and the Societies Act. Virtual meetings are still permissible if set out in legislation.


- Extending the 30-day window a business has to fulfill a direct sales contract, and the 15-day window to provide a refund, under the Consumer Protection Act.
Provisions related to location and distance

- Suspending provisions that require access to physical documents at offices, or at AGMs in the Business Corporations Act, Societies Act and Companies Act, while digital access can continue to be provided.

- Suspending in-person meeting requirements like AGMs in the Business Corporations Act, Condominium Property Act, and Cooperatives Regulation although virtual meetings can continue where allowed.

- Suspending the authority given to a landlord, as well as other individuals, such as prospective tenants or purchasers, to enter the premises of a tenant with notice under Residential Tenancies Act in certain circumstances, such as when the tenant is self-isolating or if the landlord is sick (emergency access will still be permitted).

Provisions related to access to information

- Amending section 11 of the Freedom of Information & Protection of Privacy Act to give public bodies up to 90 days to reply to an access request instead of 30.

- Amending section 14 to allow a further extension of 60 days (up from 30 days) without the Commissioner’s authorization, if the public body feels that COVID-19 is unreasonably interfering with operations.

- Amending section 15 to provide a public body 45 days to decide if a request needs to be transferred to another public body, instead of 15 days.

- Creating a new section 31.1 to give public bodies 90 days instead of 30 days to decide whether to release third party records.

- These changes apply to requests received on or after the date of this order, and to any requests that are underway when the order is made.

Provisions related to utilities

- Amending the Consumer Protection Act to ensure sub-metering agreements, such as those between tenants and landlords, are captured by the utility payment deferral program.

- Changes to the Consumer Protection Act will make it an unfair practice for a supplier of power or heat in a sub-metering arrangement, or any individual (including landlords and condominium corporations), to refuse to defer payments when requested, or to disconnect services.

<table>
<thead>
<tr>
<th>Temporary Changes to 12 Acts &amp; 12 Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consumer Protection Act</td>
</tr>
<tr>
<td>Credit &amp; Personal Reports Regulation</td>
</tr>
<tr>
<td>Societies Act</td>
</tr>
<tr>
<td>Companies Act</td>
</tr>
</tbody>
</table>