

Type of Housing	Does the RTA Apply? Does the RTDRS have jurisdiction?
Apartment	<p>YES: If not a group home. See group home below. <i>RTA Sections: 2 (1) Residential premise, 1(1)(l) occupied by an individual as a residence, 1(1)(m) written, oral, or implied agreement to rent residential premise.</i></p>
Basement Suite	<p>YES: If not a group home. See group home below. YES: If landlord lives upstairs but does NOT share his/her living quarters with the tenant: see sharing with landlord below. YES: If not attached to a business under one agreement as per section 2(2)(b). <i>RTA Sections: 2 (1) Residential premise, 1(1)(l) occupied by an individual as a residence, 1(1)(m) written, oral, or implied agreement to rent residential premise.</i></p>
Condominium	<p>MAYBE: See Sections 53 to 57 of the <i>Condominium Property Act</i>. If the condominium corporation or landlord attempts to evict under these sections of the CPA the RTDRS does not have jurisdiction as these sections specifically state that the application must be made to Court of Queen’s Bench and Section 57 states that where there is a conflict the CPA prevails over the RTA. However, if a landlord (NOT the condominium corporation) brings an application under the RTA the RTDRS has jurisdiction under Part 5.1 of the RTA.</p>
House	<p>YES: If not a group home. See group home below. YES: If not attached to a business under one agreement as per section 2(2)(b). <i>RTA Sections: 2 (1) Residential premise, 1(1)(l) occupied by an individual as a residence, 1(1)(m) written, oral, or implied agreement to rent residential premise.</i></p>
Hotel Room	<p>MAYBE: The RTA does NOT apply if the person resides in the property for less than 6 consecutive months. <i>RTA Section 2 (2) (1)(d): This Act does not apply to a hotel, motel, motor hotel, resort, lodge or tourist camp, a cottage or cabin located in a campground, or a trailer park, tourist home, bed and breakfast establishment or farm vacation home, if a person resides there for less than 6 consecutive months.</i> If less than 6 months see: <i>The Innkeepers Act. Section 1 (a) “inn” means a place of which the innkeeper is the keeper; (b) “innkeeper” means a person who is by law responsible for the property of the innkeeper’s guests and includes a keeper of a hotel, motel, auto court, cabin or other place or house who holds out that to the extent of the innkeeper’s available accommodation the innkeeper will provide lodging to any person who presents himself or herself as a guest, who appears able and willing to pay a reasonable sum for the services and facilities offered and who is in a fit state to be received.</i> Innkeepers’ remedies do not allow application to RTDRS.</p>
Mobile Home	<p>MAYBE: Is the dispute between the owner of the mobile home park in regard to rent for the site on which the mobile sits on; or in regard to the owner of the mobile home and a tenant who resides in the mobile home? The RTA does not apply if the dispute is between the owners of the park/land with regard to rent for the site that the mobile home occupies; in that case the <i>Mobile Home Sites Tenancies Act</i> applies. The RTA does apply if the dispute is between the owner of the mobile home, or the owner’s agent, and the tenant who resides in the mobile home. <i>RTA Section 2(2) (a): The RTA does not apply to a mobile home site as defined in the Mobile Home Sites Tenancies Act. See definition of Mobile Home at Section 1(1) (f) of the MHSTA and Mobile home site at 1(1)(h) of the MHSTA.</i> <i>RTA Sections: 2 (1) Residential premise, 1(1)(l) occupied by an individual as a residence, 1(1)(m) written, oral, or implied agreement to rent residential premise.</i></p>
Sharing with landlord	<p>MAYBE: <i>RTA Section 2(2)(c) : The Act does not apply to rooms in the living quarters of the landlord, if the landlord actually resides in those quarters.</i> However, if tenant resides in a</p>

	<p>separate suite RTA may apply. See basement suite above.</p>
Student dorm room	<p>MAYBE: RTA only applies if tenant is a student and has exclusive possession of a self-contained dwelling unit. <i>Section 2(2)(e) RTA.</i> <i>RTA Sections: 2 (1) Residential premise</i> <i>1(1)(l) occupied by an individual as a residence</i> <i>1(1)(m) written, oral, or implied agreement to rent residential premise.</i></p>
Subsidized public Housing	<p>PROBABLY: <i>RTA Section 1(1)(o) “subsidized public housing” means residential premises rented to a tenant of low income who pays rent that is (i) reduced by reason of public funding provided by the government of Canada or Alberta or a municipality, by their agents, under the National Housing Act (Canada) or the Alberta Housing Act or its predecessor, and (ii) determined by the tenant’s income.</i> <i>RTA 2(1) Subject to subsection (2), this Act applies only to tenancies of residential premises. Subsidized public housing is not excluded under Section 2(2) RTA except for 2(2)(g) of the RTA which excludes lodges operated by a management body under a ministerial order under Section 5 of the AHA, or under an agreement with the minister responsible for the AHA.</i> Also see: Subsidized Public Housing Regulation: Provides additional circumstances for terminating a tenancy.</p>
Group Homes	<p>MAYBE: If the group home is licensed under the <i>Supportive Living Accommodation Licensing Act</i> the RTA does not apply. <i>RTA Section 2(2) (h.1) the RTA does not apply to a supportive living accommodation licensed under the Supportive Living Accommodation Licensing Act.</i> The Supportive Living Accommodation Licensing Act: <i>Section 1(g) “supportive living accommodation” means buildings or units in buildings that are intended for permanent residential living where an operator also provides or arranges for services in order to assist residents to live as independently as possible.</i> <i>2(1) This Act applies to supportive living accommodation provided by an operator where (a) the supportive living accommodation is provided to 4 or more adults who are not related to the operator, (b) the operator provides or arranges for services related to safety and security for the persons referred to in clause (a) in accordance with the standards set out or adopted in the regulations, and (c) the operator provides, offers or arranges for (i) at least one meal per day, or (ii) housekeeping services, for the persons referred to in clause (a).</i> SLALA Regulation: <i>1(2) For the purposes of section 2(1)(b) of the Act, “services related to safety and security” includes day to day monitoring by an operator of the safety and security of residents of the operator’s supportive living accommodation.</i></p> <p>Is the group home run by a management body and not licensed under the SLALA? (The RTA does apply unless exempted. <i>Section 2 Housing Accommodation Tenancies Regulation of the Alberta Housing Act: 2(1) Except where this or any other regulation under the Act or any order or direction of the Minister under the Act provides otherwise, the Residential Tenancies Act applies to tenancies in housing accommodation provided by management bodies.</i></p> <p><i>(2) The Residential Tenancies Act does not apply to lodge accommodation provided by management bodies. (See Lodge Accommodation below)</i></p> <p>Group homes that accommodate 3 or less adults: Are they run by a management body? If so the RTA applies unless they are exempt as per Section 2 of the <i>Housing Accommodation Tenancies Regulation</i> as above. Does the landlord reside in the premise? The accommodation may be exempt as per <i>Section 2(2)(c) of the RTA: The RTA does not apply to rooms in the living quarters of the landlord, if the landlord actually resides in those quarters.</i> Licensed Group Homes & Lodges can be searched at: http://standardsandlicensing.alberta.ca</p>

<p>Lodge Accommodation</p>	<p>PROBABLY NOT: RTA Section 2(2)(g) does not apply to lodge accommodation as defined in the Alberta Housing Act that is operated (i) by a management body under a ministerial order under section 5 of the AHA, or under an agreement with the Minister responsible for the AHA.</p> <p>Alberta Housing Act: Section 1(e) “lodge accommodation” means a home for senior citizens who cannot or do not wish to maintain their own home, including services provided to them because of their circumstances.</p> <p>Private Lodges: Not operated by management bodies and the RTA does apply to them. Is the ‘lodge’ actually a variation of a hotel? See hotel room above.</p> <p>Licensed Group Homes and Lodges can be searched at: http://standardsandlicensing.alberta.ca</p>
<p>Emergency Women’s Shelters and Second Stage Women’s Shelters</p>	<p>Emergency Women’s Shelters: No. The following conditions probably would not apply: Second Stage Women’s Shelters: No. If a group home. See group home above. Yes. If the following conditions apply: RTA Sections: 2 (1) Residential premise, 1(1)(l) occupied by an individual as a residence, 1(1)(m) written, oral, or implied agreement to rent residential premise.</p>
<p>Jail</p>	<p>NO: RTA Section 2(2)(h.1)(i) does not apply to a correctional institution.</p>
<p>Living quarters attached to a business.</p>	<p>MAYBE: The RTA does not apply if: RTA section 2(2)(b) if the premise is occupied for business purposes with living accommodation attached and rented under a single agreement. RTA Sections: 2 (1) Residential premise 1(1)(l) occupied by an individual as a residence 1(1)(m) written, oral, or implied agreement to rent residential premise.</p>
<p>Nursing Home</p>	<p>NO: RTA Section 2(2)(f): the RTA does not apply to a nursing home as defined in the Nursing Homes Act. NHA Section 1 (j) “nursing home” means a facility for the provision of nursing home care; (k) “nursing home care” means basic care and care provided under an approved program; NHA Section 1(b)&(c) (d) “approved program” means a program approved by the Minister in respect of the provision of care in addition to basic care in one or more nursing homes; (c) “basic care” means the types and levels of basic services prescribed in the regulations to be provided to residents.</p>
<p>Hospitals/provincial cancer hospital.</p>	<p>NO: Residential Tenancies Exemption Regulation. Section 1(a) & (b) The following are exempt from the application of the Residential Tenancies Act: (a) an approved hospital as defined in the Hospitals Act; (b) a provincial cancer hospital operated by the Provincial Cancer Hospitals Board under the Cancer Programs Act.</p>
<ul style="list-style-type: none"> • A Facility designated under the Mental Health Act. • Addictions, Mental Health Treatment and Rehab Centres. 	<p>PROBABLY NOT: The facility would probably not fall under the definition of residential premise: RTA Sections: 2 (1) Residential premise 1(1)(l) occupied by an individual as a residence 1(1)(m) written, oral, or implied agreement to rent residential premise.</p> <p><i>Mental Health Act Section 1(1)(d) “facility” means a place or part of a place designated in the regulations as a facility;</i> <i>Mental Health Act Regulation Section 1(1)(a)to(t)and Section 2:</i> 1(1) The following places are designated as facilities for the purposes of section 1(1)(d) of the Act: (a) Alberta Hospital Edmonton; (b) Centennial Centre for Mental Health and Brain Injury; (c) Peter Lougheed Centre; (d) Foothills Medical Centre;</p>

	<p>(e) <i>Misericordia Community Hospital</i>; (f) <i>Royal Alexandra Hospital</i>; (g) <i>University of Alberta Hospital</i>; (h) <i>Grey Nuns Community Hospital</i>; (i) <i>Chinook Regional Hospital</i>; (j) <i>Medicine Hat Regional Hospital</i>; (k) <i>Northern Lights Regional Health Centre</i>; (l) <i>Queen Elizabeth II Hospital</i>; (m) <i>Rockyview General Hospital</i>; (n) <i>Claresholm Centre for Mental Health and Addictions</i>; (o) <i>Red Deer Regional Hospital Centre</i>; (p) <i>Southern Alberta Forensic Psychiatry Centre</i>; (q) <i>St. Therese — St. Paul Healthcare Centre</i>; (r) <i>Villa Caritas</i>; (s) <i>South Health Campus</i>; (t) <i>Alberta Children’s Hospital</i>.</p> <p>(2) <i>The following places are designated as facilities for the purposes of section 13 of the Act:</i> (a) <i>repealed AR 78/2005 s3</i>; (b) <i>Helen Hunley Forensic Pavilion at Alberta Hospital Edmonton</i>; (c) <i>Southern Alberta Forensic Psychiatry Centre</i>.</p>
<p>Hostel</p>	<p>PROBABLY NOT: <i>RTA Sections: 2 (1) Residential premise RTA Sections: 1(1)(l) occupied by an individual as a residence, 1(1)(m) written, oral, or implied agreement to rent residential premise?</i></p> <p>The <i>Supportive Living Accommodation Licensing Act</i> does not apply to hostels: (2) <i>This Act does not apply to</i> (a) <i>a nursing home under the Nursing Homes Act, 2009</i> (b) <i>an approved hospital or an auxiliary hospital under the Hospitals Act,</i> (c) <i>a hostel or other establishment operated to provide accommodation and maintenance for unemployed or indigent persons, or</i> (d) <i>a class, type or category of supportive living accommodation designated as exempt in accordance with the regulations.</i></p> <p>Is the hostel actually a hotel? See hotel room above. Is it a group home? See group homes above.</p>
<p>Other considerations:</p> <ul style="list-style-type: none"> • SCAN • Federal Crown Lands - National Parks - Banff Housing Corp 	<p><i>Safer Communities and Neighbourhoods Act</i> can terminate a tenancy or entitle a landlord to take possession of residential premises.</p> <p><i>Alberta Housing Act</i> Section 34(2) a regulation under 34(1) may adopt the provisions of the RTA, with any necessary modifications. Therefore although the RTDRS does not have jurisdiction the RTA may be relevant in other forums where the terms of the RTA are adopted by reference.</p> <p>Federal Crown Land – National Parks: The RTA does not apply to a tenancy between the federal (Crown) government and their tenant. In general, the RTA does apply to residential sub-leases entered into by the Crown’s tenant (landlord as defined by the RTA) and their tenant (sub-lessee) as these leasehold interests do not give rise to privity of estate with the federal Crown land. Although the RTA applies, the RTDRS ability to hear all RTA matters is currently under review. Until that is resolved, sub-lessees should be referred to their local courthouse rather than the RTDRS.</p> <p><i>As per The Residential Tenancies Exemption Regulation: The Banff Housing Corporation is exempt from Section 22(3) of the RTA if certain conditions apply. See Section 2 of the Residential Tenancies Exemption Regulation.</i></p>