

PROFESSIONALS WHO ARE AUTHORIZED TO PROVIDE A WRITTEN STATEMENT FOR VICTIMS OF DOMESTIC VIOLENCE TO END THEIR TENANCY

1. Background

The Government of Alberta has proclaimed Bill 204, the Residential Tenancies (Safer Spaces for Victims of Domestic Violence) Amendment Act.

The Bill amends the *Residential Tenancies Act* (Act) to allow tenants affected by domestic violence to end their tenancy with their landlord without financial penalty, if they believe their personal safety, or that of their dependents in the household, is at risk if the tenancy continues.

This legislation is meant to help those who are a signatory on a tenancy agreement to transition out of unsafe environments.

The tenant must provide their landlord with at least 28-days written notice and a Certificate Confirming Grounds to Terminate Tenancy to confirm there is a risk of domestic violence, should the tenancy continue.

The request for a certificate may be made by either the victim or by someone acting on their behalf with their consent.

The Ministry of Human Services has been appointed the Designated Authority that will issue the certificates to affected Albertans.

Human Services will issue the certificate within seven days upon receipt of the tenant's request and supporting documentation. The tenant can send the documents by email, fax or drop them off in-person at an Alberta Supports Centre.

To obtain a Certificate Confirming Grounds to Terminate Tenancy, the tenant must provide the DA with **one** of the following documents:

- **An Existing Court Order**, such as an Emergency Protection Order, a Queen's Bench Protection Order, a Peace Bond, a Restraining Order or another relevant court order.
- Or
- **A Certified Professional Statement**

There are a number of authorized persons who can provide a written statement for a person to obtain a certificate to end their tenancy.

Providing a written statement

PERSONS AUTHORIZED UNDER THE ACT

Under the Act, authorized persons who may provide a statement on the Albertan's behalf include a regulated member of the:

- College of Physicians and Surgeons of Alberta
- College and Association of Registered Nurses of Alberta,
- Alberta College of Social Workers,
- College of Alberta Psychologists, or
- College of Registered Psychiatric Nurses of Alberta
- A police officer or a member of the Royal Canadian Mounted Police
- An individual employed and authorized by an agency or organization that provides accommodation in an emergency or transitional shelter because of homelessness or abuse or support initiatives for victims of crime.

2. Providing a written statement

Written statements are intended for individuals who are a signatory on a tenancy agreement and believe their personal safety, or that of their dependents in the household, is at risk if the tenancy continues.

You may be asked by someone to provide them with a written statement to obtain a Certificate Confirming Grounds to Terminate Tenancy.

Or, someone may ask you to sign a Certified Professional Statement form, which they will provide to you.

See the sample form in Appendix A. The form is also available online at www.saferspaces.alberta.ca.

On the back of the form, you can refer to the *Guidelines for Professionals: Understanding Domestic Violence* for more information.

If you choose to write your own statement for someone, you must state the following:

- I am an authorized professional under the Act that can provide a written statement.
- I have assessed the information provided by the client and have determined he/she is a victim of domestic violence as outlined under the definitions in the *Guidelines for Professionals: Understanding Domestic Violence*.
- I affirm that the client has reported a risk to the safety of their self, the client's dependent child or a protected adult who lives with the client if the tenancy continues.
- Your printed name, signature and date.

Providing a written statement

3. FAQs

Why has government enacted this legislation?

Alberta has one of the highest rates of domestic violence in Canada and this government is strengthening its protection supports and services for individuals and families through this legislation.

With this action, Alberta has joined other Canadian jurisdictions in protecting victims of domestic violence by reducing the financial barriers to leaving an unsafe environment.

Who was consulted on the amendments to the Act?

The intent to consult with key stakeholders was announced in December 2015 by the Minister of Service Alberta.

An online consultation was conducted in June 2016 about the legislation and supporting regulations with several stakeholders including landlords, tenants, law enforcement agencies, professional organizations and women's organizations.

What is a Certificate Confirming Grounds to Terminate Tenancy?

It is used by tenants to give notice to their landlord to end the tenancy without financial penalty, if there is a risk to their personal safety, or that of a dependent child or adult, who lives with them, if the tenancy continues.

How many certificates do you expect to issue a year?

Based on Alberta's population and looking at provinces with similar legislation, government anticipates that approximately 60 to 100 certificates may be issued a year.

Why were these professions selected as authorized professionals that can issue a statement?

The professionals listed in the Act were identified since they are most likely to come into direct contact with individuals and families who are impacted by domestic violence.

They have more professional knowledge about the issue, and can also provide additional supports and services if needed.

Is there a standard form that I will be asked to sign by a person so they can get a certificate?

If you are authorized under the Act to provide a statement, a person may ask you to sign a Certified Professional Statement form which they will provide to you.

Where can I get copies of the form?

The form is available online at www.saferespaces.alberta.ca

Providing a written statement

Can I write a letter instead of filling out the Certified Professional Statement form?

If you are authorized under the Act, you can compose your own written statement for an individual.

It must include the statements described in this document. See *Section 2 – Providing a Written Statement*.

You can also refer to the sample form in Appendix A of this document for additional wording.

If I am employed in an emergency shelter or support initiatives for victims of crime, can I provide a written statement or sign the form?

The Act says that an individual must be authorized by his or her employer to provide a written statement or sign the form.

It is up to the agency or organization to determine who is an authorized employee(s).

Can I apply on behalf of someone to obtain a certificate?

Yes. If someone has asked you to help them, you can apply for a certificate on their behalf if you have their consent.

Who can I contact if I have questions if I am helping someone obtain a certificate?

If you have questions or require further information about applying on behalf of someone else, call 310-0000 (toll-free) and then enter 780-422-4080 to speak to an advisor.

Will any action be taken against me if I have provided a statement, a certificate is issued and it turns out that domestic violence did not occur?

The Act states that no action or proceeding may be brought against a person in respect of a statement made, if that statement was made in good faith.

Where can I get more information about the Act?

You can learn more about the *Residential Tenancies Act*, and other related information at www.saferspaces.alberta.ca.