



ALBERTA
SERVICE ALBERTA

*Office of the Minister
MLA, Strathcona-Sherwood Park*

MINISTERIAL ORDER NO. SA:005/2020

WHEREAS the Lieutenant Governor in Council made Order in Council 080/2020 under section 52.1(1) of the *Public Health Act* (PHA) on March 17, 2020 declaring a state of public health emergency in Alberta due to pandemic COVID-19 and the significant likelihood of pandemic influenza;

WHEREAS Order in Council 080/2020 has effect for 90 days following March 17, 2020 under section 52.8(1)(a) of the PHA;

WHEREAS section 52.1(3) of the PHA authorizes the Minister of Service Alberta (Minister), to make an order without consultation, to suspend or modify the application or operation of all or part of an enactment, subject to the terms and conditions the Minister prescribes, if the Minister is satisfied that the application or operation of all or part of the enactment is not in the public interest; and

WHEREAS I am satisfied that the application or operation of subsections 26(1)(a), 26(1)(b)(i), 26(1)(b)(ii) and 26(1)(c), of the *Residential Tenancies Act*, RSA2000, c R-17.1, and subsections 30(a), 30(c) 30(d) and 30(e) of the *Mobile Home Site Tenancies Act*, RSA 2000, c M-20 are not in the public interest because tenants face unforeseen financial circumstances wherein they may be unable to pay rent on time unless and until they receive financial assistance, but it may be unsafe for them to leave their places of residence if they are self-isolating or in quarantine;

WHEREAS I am satisfied that the application or operation of subsections 29(1), of the *Residential Tenancies Act*, RSA2000, c R-17.1, and subsections 32(1) of the *Mobile Home Site Tenancies Act*, RSA 2000, c M-20 are not in the public interest because tenants face unforeseen financial circumstances wherein they may be unable to pay rent on time unless and until they receive financial assistance, but it may be unsafe for them to leave their places of residence if they are self-isolating or in quarantine;

THEREFORE, I, Nate Glubish, Minister of Service Alberta, pursuant to section

52.1(2) of the *Public Health Act*, do hereby order that:

1. Section 26(1) of the *Residential Tenancies Act* is hereby modified to read:

"c.1 Notwithstanding subsections 26(1)(a), (b)(i), (b)(ii) and (c), the landlord must demonstrate that an agreed payment plan was in place to which the tenant failed to adhere or that the landlord made reasonable efforts to enter into a meaningful payment plan prior to making an application."

2. Section 30 of the *Mobile Home Sites Tenancies Act* is hereby modified to read:

"30(f) Notwithstanding subsections 30(a), (c) (d) and (e) the landlord must demonstrate that an agreed payment plan was in place to which the tenant failed to adhere or that the landlord made reasonable efforts to enter into a meaningful payment plan prior to making an application."

3. Section 29 of the *Residential Tenancies Act* is hereby modified to read:

"29(1.1) Notwithstanding section 29(1), if the breach relates to a failure to pay rent, arrears of rent or utilities, the landlord may not terminate a tenancy without first making reasonable efforts to enter into a meaningful payment plan or entering into a payment plan and having the tenant fail to adhere to such a plan."

4. Section 32 of the *Mobile Home Sites Tenancies Act* is hereby modified to read:

"32(1.1) Notwithstanding section 32(1), if the breach relates to a failure to pay rent, arrears of rent or utilities, the landlord may not terminate a tenancy without first making reasonable efforts to enter into a meaningful payment plan or entering into a payment plan and having the tenant fail to adhere to such a plan."

This Order is effective from April 1, 2020.

This Order lapses, unless it is sooner continued by an order of the Lieutenant Governor in Council under section 52.811(3) of the PHA, at the earliest of the following:

- (a) August 14, 2020;
- (b) 60 days after Order in Council 080/2020 is terminated by the Lieutenant Governor in Council, if Order in Council 080/2020 is terminated before June 15, 2020;
- (c) when this Order is terminated by the Minister under section 52.811(2) of the PHA because the Minister is satisfied that this Order is no longer in the public

interest; or

(d) when this Order is terminated by the Lieutenant Governor in Council under section 52.811(1)(c) of the PHA.

DATED at Edmonton, Alberta this 27th day of March, 2020.



Honourable Nate Glubish
Minister of Service Alberta

