

CONSUMER INFOSHEET



RTA Offences

January 2010

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Service Alberta is responsible for enforcing the *Residential Tenancies Act* and the regulations under the Act. An enforcement action for a chargeable offence under either the Act or the regulations may be a written warning, violation ticket with a specified penalty (no court appearance required), or mandatory court appearance.

The following charts list the chargeable offences under the *Residential Tenancies Act*, the *Residential Tenancies Ministerial Regulation* and the *Subsidized Public Housing Regulation*. Beside each offence is the maximum fine on conviction of the offence as well as the specified penalty for a violation ticket. The *Procedures (Residential Tenancies) Amendment Regulation* under the *Provincial Offences Procedure Act* specifies the penalties that are payable.

CHARGEABLE OFFENCES UNDER THE *RESIDENTIAL TENANCIES ACT*

Section	Description of the Offence	Maximum Fine on Conviction (each offence)	Violation Ticket Specified Penalty
6(2)	Failing to use the premises for the reason set out in the notice to terminate a periodic tenancy within a reasonable time after the tenant moves out.	\$5000	\$250
12(2)(b)	Failing to provide a periodic tenant with termination notice of 365 days to obtain vacant possession for condominium conversion.	\$10000	N/A
18	Failing to provide a "notice of landlord".	\$5000	\$150
19(6)	Failing to retain inspection records for at least three years after the termination of the tenancy or make them available to the Director for purposes of an inspection or investigation.	\$5000	\$150
23	Failing to give proper notice of entry.	\$5000	N/A
24	Failing to provide a tenant or landlord with a key when the locks have been changed.	\$5000	\$400
25	Terminating a tenancy because the tenant makes a complaint under the Residential Tenancies Act or the Public Health Act or taking retaliatory action against a tenant including the imposition of a financial penalty.	\$5000	N/A

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Section	Description of the Offence	Maximum Fine on Conviction (each offence)	Violation Ticket Specified Penalty
31(13)(14)	Failing to keep records of the disposition of abandoned goods for at least three years.	\$5000	\$150
43	Taking more than one month's rent as a security deposit or raising the amount.	\$5000	\$150
44(1)	Failing to put security deposits into a trust account within two banking days.	\$5000	\$250
44(3)	Putting money that is not a security deposit into the trust account.	\$5000	\$250
44(5)(6)	Failing to keep records of security deposits and make them available to the Director for purposes of inspection or investigation for at least three years after the termination of a tenancy.	\$5000	\$150
45	Failing to pay interest on a security deposit. (Refer to the interest chart provided)	\$5000	\$250
46(2)	Failing to return a security deposit or provide a statement of account within 10 days; or, failing to provide an estimated statement of account and any refund within 10 days.	\$5000	\$250
46(2)	Failing to provide the tenant with the balance of the security deposit, if any, and a final statement of account for the estimated deductions within 30 days after the tenant gave up possession of the premises (if the landlord is entitled to make a deduction).	\$5000	\$250
46(6)	Deducting money from the security deposit or damages if proper inspections were not carried out.	\$5000	\$250

CHARGEABLE OFFENCES UNDER THE *RESIDENTIAL TENANCIES MINISTERIAL REGULATION*

Section	Description of the Offence	Maximum Fine on Conviction (each offence)	Violation Ticket Specified Penalty
2	Terminating a periodic tenancy for any reason other than those set out in the regulation.	\$5000	\$250
2.1(1)	Failing to provide notice period to a periodic tenant of 365 days for major renovations requiring vacant occupancy.	\$10000	N/A
3(1)	Increasing rent for a periodic tenant unless at least 365 days have passed since the last rent increase or since the start of the periodic tenancy.	\$10000	N/A

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Section	Description of the Offence	Maximum Fine on Conviction (each offence)	Violation Ticket Specified Penalty
3(2)	Serving a rental increase notice after providing notice to terminate the tenancy for condominium conversion or major renovations.	\$10000	N/A
3(3)	Increasing rent or recovering additional rent during a fixed term tenancy of one year or more.	\$10000	N/A
3(4)	Increasing rent or recovering additional rent when the same tenant has multiple fixed term tenancies of less than one year, unless 365 days have passed since the tenant first occupied the premises, or since the last rent increase, whichever is later.	\$10000	N/A
3(5)	Increasing rent before the end of a fixed term tenancy when the tenancy exceeds 365 days.	\$10000	N/A
4	Failing to include in an inspection report, all the required statements as set out in the regulation.	\$5000	\$150
5	Failing to keep abandoned goods valued at \$2000 or more for 30 days.	\$5000	\$150
6	Failing to provide the tenant with an affidavit setting out the amount owing for rent, damages, or repairs to establish the tenant's liabilities.	\$5000	N/A
7	Non-owner landlord who is sole trustee of security deposit money failing to deposit, hold and administer the security deposit money as required in the regulation.	\$5000	\$250
8	Failing to invest security deposit money in prescribed investment vehicles.	\$5000	\$250
9	Failing to retain the security deposit in a trust account until the end of the tenancy.	\$5000	\$250

CHARGEABLE OFFENCES UNDER THE *SUBSIDIZED PUBLIC HOUSING REGULATION*

Section	Description of the Offence	Maximum Fine on Conviction (each offence)	Violation Ticket Specified Penalty
4(1)	Taking a security deposit greater than what the tenant would be required to pay for the first month's rent under the residential tenancy agreement.	\$5000	\$150

INTEREST PAYABLE ON SECURITY DEPOSITS

The minimum interest rate a landlord must pay on a security deposit is published each year by Service Alberta. A calculator is provided on the Service Alberta website www.servicealberta.ca to assist in calculating the amount of interest that is owed on any specific security deposit based on the regulated interest rate.

Time Period	Minimum Annual Interest Rate	Time Period	Minimum Annual Interest Rate
January 1, 2009 to December 31, 2010	0%	January 1, 1997 to December 31, 1998	0%
January 1, 2008 to December 31, 2008	0.5%	January 1, 1996 to December 31, 1996	2.5%
January 1, 2007 to December 31, 2007	0.3%	January 1, 1995 to December 31, 1995	2.75%
January 1, 2002 to December 31, 2006	0%	July 1, 1994 to December 31, 1994	1.5%
January 1, 2001 to December 31, 2001	1.75%	February 1, 1993 to June 30, 1994	3%
January 1, 2000 to December 31, 2000	1.15%	March 1987 to January 31, 1993	6%
January 1, 1999 to December 31, 1999	0.75%	January 1, 1984 to February 28, 1987	8%

FOR MORE INFORMATION

More information about the *Residential Tenancies Act* is available at the Service Alberta website www.servicealberta.ca or by calling the Consumer Contact Centre at 1-877-427-4088.