

Suspending Eviction Enforcement

COVID-19

Overview

The Government of Alberta knows the overall response to COVID-19, including social distancing and self-isolation, is having significant economic impacts, and is challenging the ability of some Albertans to make rent payments on time.

The government has taken several measures to help residential and mobile home site renters meet these challenges, including instituting new rules for the eviction process.

As a result of these new measures, no one will be evicted for non-payment of rent and/or utilities until after April 30, 2020.

Changes to eviction process

Effective immediately and until the state of public health emergency is lifted, landlords are required to work with residential and mobile home site tenants to work out a payment plan before an application for possession of the premises due to non-payment of rent will be considered.

Additionally, the government has suspended civil enforcements of evictions for non-payment of residential rent until April 30, 2020. Landlords who already have an order for possession of the premises from either the court or the Residential Tenancy Dispute Resolution Service (RTDRS)

cannot have a civil enforcement agency remove the tenant from the premises until after April 30.

Standard eviction process

Under normal circumstances, if a tenant commits a substantial breach of the residential tenancy agreement (such as non-payment of rent), the landlord can apply to the Residential Tenancy Dispute Resolution Service (RTDRS) or the courts to end the tenancy.

Through a hearing, a tenancy dispute officer determines whether a substantial breach has occurred. If the tenant commits to paying the outstanding rental arrears, the officer may issue a conditional order setting out a payment schedule for the tenant to get caught up on their rent payments.

The landlord then files the conditional order at Court of Queen's Bench, and serves a filed copy on the tenant so the tenant has notice of their obligations.

If the tenant fails to follow the schedule, the landlord can terminate the tenancy, advise the tenant they are in default, and inform them they must vacate the premises.

If the tenant fails to leave within seven days, the landlord can have a civil enforcement agency conduct a forced eviction of the tenant.

For more information, visit [alberta.ca](https://www.alberta.ca)

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Differences in process

The chart below outlines the standard eviction process a landlord could undergo after a tenant has failed to pay rent, and the new process being implemented during the COVID-19 state of public health emergency.

Standard eviction process for non-payment of rent	Eviction process for non-payment of residential or mobile home site rent during COVID-19 State of Emergency
<ol style="list-style-type: none"> 1. Tenant fails to pay rent. 2. Landlord serves 14-day notice of intent to terminate the tenancy. 3. If, after 14 days, the tenant has not paid rent in full, along with any rent that may become due, the landlord files an application with the Residential Tenancy Dispute Resolution Service (RTDRS) or the court. 4. Landlord receives a notice of hearing and serves the application and notice on the tenant. 5. Hearing takes place (either through RTDRS or the court) and the tenancy dispute officer/judge determines a substantial breach on the part of the tenant. 6. One of two orders is issued: <ol style="list-style-type: none"> a. Conditional order (usually includes a payment plan for tenant to catch up on rent so they do not have to vacate). b. Unconditional order (tenant is told to vacate by a specified date). 7. Landlord files the order at the Court of Queen's Bench, and serves a filed copy on the tenant. 8. Tenant does not comply with conditional order, or refuses to vacate as noted in an unconditional order. 9. Landlord notes the tenant in default and hires the services of a civil enforcement agency to conduct a forced eviction. 10. Tenant is forcibly evicted from the premises. 	<ol style="list-style-type: none"> 1. Tenant fails to pay rent. 2. Landlord is required to enter into a meaningful payment plan with tenant, or make reasonable attempts to do so, so the tenant is provided time to get caught up on rent payments and does not have to vacate. 3. Tenant defaults on payment plan. 4. Landlord serves 14-day notice of intent to terminate the tenancy. 5. If after 14 days, the tenant has not made the appropriate payment, the landlord can file an application with the Residential Tenancy Dispute Resolution Service (RTDRS), or the court. 6. Landlord receives a notice of hearing and serves the application and notice on the tenant. 7. Hearing takes place (either through RTDRS or the court) and the tenancy dispute officer/judge assesses whether there was a meaningful payment plan and whether there was a substantial breach on the part of the tenant. 8. One of two orders is issued: <ol style="list-style-type: none"> a. Conditional order (can include a new payment plan, if circumstances have changed, so the tenant can pay arrears to prevent having to vacate). b. Unconditional order (tenant is told to vacate by a specified date). 9. Landlord files the order at the Court of Queen's Bench, and serves a filed copy on the tenant. 10. Tenant does not comply with conditional order, or refuses to vacate as noted in an unconditional order. 11. Landlord notes tenant in default, but cannot have a civil enforcement agency enforce eviction until after April 30. 12. Tenant is forcibly evicted from the premises.