



Renting a Condominium



Cover Photo by Derick McKinney from Unsplash.

The contents of this publication are provided as general information only. It is not legal advice. If you have a legal problem, you should consult a lawyer.

The information contained in this publication was correct at the time it was produced. Be aware that there may have been subsequent changes which make the information outdated at the time you are reading it. The Legal Resource Centre of Alberta will not be responsible for any loss arising from reliance on or action taken (or not taken) as a result of this information.

We would like to thank the Alberta Real Estate Foundation for generously funding the Housing Law Information Project.



We would like to thank the Alberta Law Foundation and the Department of Justice Canada for providing operational funding, which makes publications like this possible.



Department of Justice
Canada

Ministère de la Justice
Canada

© October 2024

Legal Resource Centre of Alberta Ltd., Edmonton, Alberta
Operating as: Centre for Public Legal Education Alberta

The Legal Resource Centre of Alberta Ltd., operating as the Centre for Public Legal Education Alberta, is a non-profit organization whose mission is to help people understand the law as it affects their everyday lives. We develop plain language booklets, presentations, and other learning materials to help people recognize and respond to their legal rights and responsibilities. We have a variety of programs, and provide legal information and referrals on many legal topics.

For more information, please visit www.cplea.ca





Photo by ErikaWittlieb from Pixabay

Renting a Condominium

Renting a condominium is different from renting an apartment or a house. If you are a tenant in a condominium, you should know what laws you must follow.

This publication will help you understand Alberta's laws related to renting a condominium.

What is a condominium?

Legally, a condominium refers to a type of property ownership. When a person buys a condominium, they get:

- Full ownership of the condo unit and
- Shared ownership of the common property

A condominium unit ("condo") is a space where an owner has exclusive title and ownership. The common property is the area of the building or complex that everyone uses. Examples of common property are interior hallways and stairways and sometimes exterior sidewalks and roads. All condo owners own the common property together.

Another feature of a condominium is that there is a condominium corporation ("corporation"). The corporation consists of all the individuals who own units in the condominium complex. The condominium's board of directors (the "board") runs the corporation. Condo owners elect the board at each Annual General Meeting following the *Condominium Property Act* and the corporation's bylaws. The board is responsible for the operation of the condominium. For example, the board enforces the condominium's bylaws and maintains the condominium's common property.

What laws in Alberta relate to renting a condo?

In Alberta, the *Residential Tenancies Act* ("RTA") and the *Condominium Property Act* ("CPA") cover condo rentals.

The RTA is provincial legislation that outlines the rights and responsibilities of most landlords and renters in Alberta. The law includes rules about:

- the responsibilities of landlords and tenants
- how landlords and tenants can end the tenancy agreement
- security deposits
- inspection reports
- what landlords and tenants can do if things go wrong

The CPA is provincial legislation that covers matters relating to the formation, organization, and regulation of condominiums. The CPA outlines the rights and responsibilities of tenants, owners, the condominium corporation and the board, for example:

- the obligation the tenant must obey the bylaws of the condominium
- the notice period and circumstances under which the board can evict a tenant
- the obligations that a condo owner has to the corporation and the board

What kind of lease can I have when I rent a condo?

A lease can be a fixed term lease or a periodic lease.

A **fixed term lease** means that you agree to rent the condo for a fixed time (in other words, there is an end date). You may pay rent on a weekly, monthly, or yearly basis. When the lease ends, it is assumed that it will automatically be over and that you will move out. If you want to stay in the condo, contact your landlord before the lease ends to see if you can negotiate a new lease. If you continue to live in the condo after your lease is over, and the landlord continues to accept rent, your lease becomes periodic.

A **periodic lease** means renting the premises without a definite end date. You pay rent periodically, either weekly, monthly, or yearly. A periodic tenancy ends when you give the landlord notice that you want to end the tenancy or when the landlord gives you notice to do so. The amount of notice you give varies depending on the periodic basis on which you pay rent. For example, in a monthly periodic tenancy, you must notify your landlord that you are moving out one full tenancy month in advance.

What are some advantages and disadvantages of renting a condo?

Advantages

- If you have a fixed term lease, costs are fixed for that period.
- You do not need a lot of money upfront. In Alberta, a security deposit cannot be more than one month's rent.
- As a renter, you don't need to be concerned about the property losing equity.
- You can move when the lease is up if you have a fixed term lease. If you have a periodic lease, you can move whenever you like, so long as you give proper notice.
- You will most likely have fewer responsibilities regarding upkeep (e.g., shovelling snow, lawn maintenance, etc.).

Disadvantages

- When you move, the only money you get back is your security deposit after deductions for damage and interest.
- As a renter, you will not benefit from any equity gains on the property.
- Your landlord may choose not to renew your lease when it is up, or they may decide to terminate your agreement for allowable reasons under the RTA (for example, if the landlord wants to move into the rental property).
- You will likely have limitations on how much you can personalize your living space (for example, painting, hanging pictures, renovating, etc.).

What are condominium bylaws?

Condominium bylaws govern how the condominium corporation runs. They often address matters such as what a condo owner and a tenant can and cannot do with their unit and the common property. For example, the bylaws may restrict what pets may be kept in the building. The board passes and enforces bylaws. Tenants must obey the bylaws, or else the board can evict them.

A condominium corporation may impose rules in addition to bylaws, which often supplement the bylaws. For example, the bylaws may say that unit owners require the condominium board's approval for their pets. Supplementary rules may outline what type of pets are allowed, how big they can be, how many each owner can have, etc.

Before signing a rental agreement, tenants should review the bylaws and rules.

What is a rental agreement?

A rental agreement is a contract that a tenant makes with a landlord. A rental agreement is also called a lease. A rental agreement can be in writing or verbal. A written lease is preferable so that you have a record of the terms in case of a dispute. A lot of misunderstandings can be avoided by having a written lease.

In Alberta, there is no standard lease. You must read the lease carefully to know what you agree to. Once you sign the lease, you are bound by all the terms. The written lease should have all the promises the landlord made to you. If the lease does not include these promises, you usually will not be able to force the landlord to fulfill these promises. The lease should also not have any statements that contradict what the landlord told you.

The promises that you agree to are called the terms of the lease, and these terms are significant because:

- both you and the landlord must abide by these terms (you must fulfill your promises, and the landlord must fulfill their promises) and
- if either side fails in their duties or breaks their promise, they risk having legal action taken against them and facing penalties under the *RTA*.

Is renting a condominium different from renting an apartment?

Yes, renting a condo is different than renting an apartment.

- **The laws that you must obey are different:**

When you rent an apartment, you are bound by your promises in the lease and the *RTA*. When you rent a condo, you are bound by your lease, the *RTA*, the *CPA*, and the condominium's bylaws.

The *CPA* allows the board to evict a tenant in particular situations, such as when a tenant causes damage to the common property or violates the condominium's bylaws. You should ensure you know all the condominium's rules and bylaws.

- **The fees that you must pay might be different:**

Your lease should clearly say who pays the condo fees. Condo fees are money paid to the condo corporation to cover the cost of repairing and maintaining common property, administrative expenses, insurance, and the reserve fund. You or your landlord can pay these fees, and your lease should have a term that addresses who is responsible for paying.

- **The obligations you have might be different:**

The corporation must maintain insurance to protect common property and condominium units (in conventional condominiums) against loss resulting from destruction or damage. However, the condominium corporation's insurance does not protect your personal possessions or liability. As such, you should have your own insurance on the contents of your unit.

What should I do if I have a problem with my landlord?

First, you should try working out the problem with your landlord. For general tips on resolving disputes, refer to CPLEA's *Laws for Landlords and Tenants in Alberta* website.

Next, you may want to refer to other government agencies for more information that may help you. For example, Service Alberta administers the *RTA*, and its Consumer Contact Centre may be able to provide further information. Before contacting the Consumer Contact Centre, you should ensure that you have taken every step to deal with and understand the problem you are facing. You may need to contact a different government agency if a specific law has been broken—for example, your health authority deals with health and sanitation issues.

When you rent a condo, the *CPA* will apply, and you must abide by the condominium's bylaws. For example, the board can serve you with written notice to give up possession of the unit in certain circumstances—even if your landlord does not give you notice and even if your landlord wants to keep you as a tenant.

Other Alberta laws may apply, depending on the problem that you are having with your landlord.

Contacts

Information, Advice and Assistance

Laws for Landlords and Tenants in Alberta

CPLEA's plain language website with everything landlords and tenants need to know about renting law in Alberta.

www.landlordandtenant.org

Email: info@cplea.ca

For a list of where to get legal help, refer to CPLEA's Get Legal Help in Alberta at www.cplea.ca/legalhelp/

Alberta Human Rights Commission

An independent commission who has responsibility for human rights issues. The Commission protects human rights in Alberta by resolving and settling complaints made under the *Alberta Human Rights Act*.

albertahumanrights.ab.ca

Northern Office: 780-427-7661

Southern Office: 403-297-6571

Calgary Residential Rental Association

Provides forms, workshops and information for landlords in rental situations under the *RTA*. An annual membership is required.

crra.ca

Phone: 403-265-6055

Alberta Residential Landlord Association

Provides forms, workshops and information for landlords in rental situations under the *RTA*. An annual membership is required.

www.albertalandlord.org

Phone: 780-413-9773

Law Society of Alberta Lawyer Directory

This database allows people to find a lawyer using certain search criteria. Individuals can find a lawyer by searching by name, location, practice areas, language(s) spoken, gender, and whether a lawyer offers limited scope retainers.

www.lawsociety.ab.ca/public/findalawyer/

Office of the Information and Privacy Commissioner of Alberta

Provides information on the *Personal Information Protection Act (PIPA)*.

oipc.ab.ca

Toll Free: 1-888-878-4044

Residential Tenancy Dispute Resolution Service (RTDRS)

The RTDRS offers landlords and tenants an alternative means of resolving tenancy disputes outside of court.

www.servicealberta.ca/rtdrs/

Email: rtdrs@gov.ab.ca

Phone: 310-0000, then dial 780-644-3000

Service Alberta's Consumer Contact Centre

Provides landlord and tenant information that relates to living situations only covered by the *RTA*, and is a resource for more general information and referrals relating to landlord and tenant matters.

www.servicealberta.ca

Toll Free: 1-877-427-4088

Phone: 780-427-4088



© October 2024, Legal Resource Centre of Alberta Ltd., Edmonton, Alberta
Operating as: Centre for Public Legal Education Alberta

You should NOT rely on this publication for legal advice. It provides general information on Alberta Law only.

This project was made possible through a grant from the Alberta Real Estate Foundation.

