



Province of Alberta

# **ALBERTA HOUSING ACT**

Revised Statutes of Alberta 2000  
Chapter A-25

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Office Consolidation

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Alberta Queen's Printer  
Suite 700, Park Plaza  
10611 - 98 Avenue  
Edmonton, AB T5K 2P7  
Phone: 780-427-4952  
Fax: 780-452-0668

E-mail: [qp@gov.ab.ca](mailto:qp@gov.ab.ca)  
Shop on-line at [www.qp.alberta.ca](http://www.qp.alberta.ca)

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### Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

### Regulations

The following is a list of the regulations made under the *Alberta Housing Act* that are filed as Alberta Regulations under the Regulations Act

	<b>Alta. Reg.</b>	<i>Amendments</i>
<b>Alberta Housing Act</b>		
Alberta Housing Act Regulations		
Repeal .....	91/2020	
Housing Accommodation Tenancies.....	242/94	409/94, 251/2001, 94/2002, 163/2007, 307/2009, 49/2012, 40/2017, 142/2017
Lodge Assistance Program.....	406/94	273/95, 94/2002, 163/2007, 6/2010, 41/2012, 40/2017, 143/2017
Management Body Operation and Administrations .....	243/94	250/97, 251/2001, 94/2002, 155/2003, 108/2004, 176/2004, 163/2007, 307/2009,

		164/2010, 49/2012, 40/2017, 141/2017, 81/2019, 36/2022
Rent Supplement .....	75/95 .....	114/96, 94/2002, 157/2007, 163/2007, 307/2009, 49/2012, 40/2017, 144/2017, 84/2021
Social Housing Accommodation.....	244/94 .....	408/94, 219/95, 238/96, 40/97, 35/98, 202/98, 146/99, 256/2000, 19/2001, 136/2001, 94/2002, 154/2003, 116/2004, 261/2004, 200/2006, 163/2007, 114/2009, 307/2009, 49/2012, 126/2014, 40/2017, 145/2017, 146/2017, 265/2018, 37/2022



# **ALBERTA HOUSING ACT**

## Chapter A-25

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Schedule

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of Alberta, enacts as follows:

#### **Definitions**

**1** In this Act,

- (a) “affordable housing accommodation” means a housing accommodation designated by the Minister as an affordable housing accommodation under section 31.1(1);
- (a.01) “affordable housing provider” means the owner or operator of an affordable housing accommodation;
- (a.02) “Alberta CPI” means the monthly All-items Consumer Price Index for Alberta, not seasonally adjusted, published by Statistics Canada;
- (a.1) “Corporation” means the Alberta Social Housing Corporation;
- (a.2) “CPI adjustment date” means the CPI adjustment date specified in the regulations;
- (a.3) “CPI adjustment year” means the period from the CPI adjustment date of the specified year to the last day of the 12th month after the CPI adjustment date;

- (b) “Deputy Minister” means the Deputy Minister of the Minister’s department appointed under the *Public Service Act*;
- (c) “federal Act” means the *National Housing Act (Canada)*;
- (d) “housing accommodation” means buildings or units in buildings that are suitable and adequate for human habitation, including services that may be provided to residents of the buildings or units because of their circumstances, and includes a lodge accommodation;
- (e) “lodge accommodation” means a home for the use of senior citizens who are not capable of maintaining or do not desire to maintain their own home, including services that may be provided to them because of their circumstances;
- (f) “management body” means a management body established by the Minister under section 5;
- (g) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (g.1) “monthly disposable income” means monthly disposable income as defined in the regulations;
- (h) “municipality” means a city, town, parks town, village, summer village, municipal district, improvement district, special area or Metis settlement, and includes a collecting board within the meaning of the *Education Act*;
- (i) “senior household” means a senior household as defined in the regulations;
- (j) “standard lodge accommodation” means standard lodge accommodation as defined in the regulations.

RSA 2000 cA-25 s1;2012 cE-0.3 s288;2018 c17 s1  
2021 c23 s2

### **Purpose**

**2** The purpose of this Act is to enable the efficient provision of a basic level of housing accommodation for persons who because of financial, social or other circumstances require assistance to obtain or maintain housing accommodation.

1994 cA-30.1 s2

### **Powers of Minister and Corporation**

**3(1)** To carry out the purpose of this Act, the Minister and the Corporation may, subject to this Act and the regulations,

- (a) provide advisory, financial and other support and resources to persons;
- (b) develop and support the development of housing accommodation;
- (c) enter into agreements, including agreements with the government of another jurisdiction or any person, society or partnership;
- (d) do any other thing or exercise any power not referred to in clauses (a) to (c) that the Minister or the Corporation considers is necessary to be done or exercised.

(2) Where this Act or the regulations confer a power or authority or impose an obligation on the Corporation, the Minister may, with the approval of the Corporation, exercise that power or authority or carry out that obligation.

(3) The Minister may delegate to any person any power, authority or obligation conferred or imposed on the Minister or the Corporation under this Act or any other Act or regulation.

(4) Subsection (3) does not apply to any power or duty to make regulations as defined in the *Regulations Act*.

RSA 2000 cA-25 s3;2021 c23 s3

#### **Financial assistance**

**4(1)** Subject to the regulations, the Minister may provide financial assistance in the form, to the persons and in the amounts that the Minister considers appropriate for any purpose that the Minister considers contributes to achieving the purpose of this Act.

(2) In addition to any applicable terms and conditions prescribed under the regulations, the Minister may make the provision of financial assistance under subsection (1) subject to any terms and conditions the Minister considers appropriate.

1994 cA-30.1 s4

### **Management Bodies**

#### **Establishment of management body**

**5(1)** The Minister may by order establish management bodies.

(2) An existing corporation may be established as a management body.

(3) An order under this section shall set out the following:

- (a) the name of the management body;



- (b) the members of the management body;
  - (c) the number of persons constituting the board of the management body and, subject to the regulations, the method of appointing or electing the members of the board;
  - (d) where the management body is to provide lodge accommodation, the municipalities that are liable to be requisitioned under section 7;
  - (e) a description of the housing accommodation, if any, that the management body is to operate and administer;
  - (f) without limiting section 6(1), a description of any other powers, functions or duties with respect to the provision of housing accommodation that the management body is to have and be subject to.
- (4) An order under this section may
- (a) prescribe the fiscal year of the management body, and
  - (b) in the case of a management body that provides affordable housing, other than a management body referred to in subsection (2),
    - (i) specify the provisions of the regulations made under section 34(1)(c) that apply to the management body in its capacity as an affordable housing provider, and
    - (ii) prescribe any modifications to the provisions referred to in subclause (i) that the Minister considers necessary to enable their application to the management body.
- (5) The Minister may not make an order under this section establishing a management body that is to have the power to requisition under section 7 unless a majority of the municipalities that are liable to be requisitioned have agreed to the number of persons constituting the board and, subject to the regulations, the method of appointing or electing the members.
- (6) Notwithstanding subsection (5), the Minister may amend an order without the agreement of a majority of the municipalities that are liable to be requisitioned.

RSA 2000 cA-25 s5;2021 c23 s4

**Powers and duties of management body**

**6(1)** A management body is a corporation and has the capacity and, subject to this Act, the rights, powers and privileges of a natural person.

(2) An existing corporation that is established as a management body has for the purpose of exercising its powers and functions and carrying out its duties under this Act the capacity and, subject to this Act, the rights, powers and privileges of a natural person.

(3) A management body shall exercise its powers and functions and carry out its duties in accordance with

- (a) the order establishing it,
- (b) any agreement entered into under this Act, and
- (c) this Act and the regulations.

1994 cA-30.1 s6

### Requisitions

**7(1)** On or before April 30 in any year a management body that provides lodge accommodation may requisition those municipalities for which the management body provides lodge accommodation for

- (a) the amount of the management body's annual deficit for the previous fiscal year arising from the provision of lodge accommodation, and
- (b) any amounts necessary to establish or continue a reserve fund for the management body.

(2) The municipalities requisitioned under subsection (1) may determine the basis on which the total requisition is to be shared, and if the municipalities are unable to make that determination for any year, the total requisition for each year shall be shared on the basis of the proportion that the equalized assessment for each municipality in that year bears to the total of the equalized assessments for that year of all the municipalities requisitioned.

(3) If the Minister considers that a municipality that has not been requisitioned under subsection (1) should contribute to the deficit of the management body arising from the provision of lodge accommodation, the Minister may by order direct that the municipality be requisitioned under subsection (1).

(4) The management body shall supply a copy of its estimates and a copy of its calculation of the requisitioned amount to the municipality.

(5) A municipality shall pay to the management body the amount requisitioned within 90 days after the mailing of the notice by the management body.

(6) If after the 90-day period, the amount of the requisition or any portion of it remains unpaid, the municipality shall pay interest at the rate determined by the Minister to the management body on that unpaid amount, and that unpaid amount and the accrued interest are recoverable as a debt due to the management body.

RSA 2000 cA-25 s7;2021 c23 s5

#### **Other municipal contributions**

**8(1)** If a municipality agrees to contribute to the operating costs of any housing accommodation, other than lodge accommodation, provided by a management body, it shall make the contribution agreed to within 90 days after the mailing of the invoice by the management body.

(2) If after the 90-day period, the amount of the contribution or any portion of it remains unpaid, the municipality shall pay interest at the rate determined by the Minister to the management body on that unpaid amount, and that unpaid amount and the accrued interest are recoverable as a debt due to the management body.

(3) This section applies to agreements entered into either before or after this Act comes into force.

RSA 2000 cA-25 s8;2021 c23 s5

#### **Inspectors**

**9(1)** This section does not apply to a management body in its capacity as an affordable housing provider.

**(1.1)** The Minister may appoint a person to inspect

- (a) the financial or administrative condition of a management body, or
- (b) any other matter connected with the management, administration or operation of a management body.

(2) In addition to the inspection under subsection (1.1), the Minister may order a special inspection of any management body

- (a) on the advice of the Deputy Minister,
- (b) on the request of the majority of the persons on the board of the management body, or
- (c) on the request of the majority of the residents of a housing accommodation operated under the authority of the management body.

(3) An inspector, for the purposes of a special inspection,

- (a) may require the attendance of any member of the board or officer or employee of the management body or any other person whose presence the inspector considers necessary during the course of the inspection, and
  - (b) has the same powers, privileges and immunities as a commissioner under the *Public Inquiries Act*.
- (4) When required to do so by an inspector, for the purposes of a special inspection,
- (a) a member of the board and every officer and employee of a management body, and
  - (b) any other person

shall produce for examination and inspection all books, records and documents in that person's possession that are relevant to the purposes of the inspection.

- (5) After the completion of an inspection under subsection (1.1) or (2), the inspector shall make a report to the Minister and shall provide a copy of the report to the board of the management body.

RSA 2000 cA-25 s9;2021 c23 s6

#### **Bank accounts**

**10** A bank, an agency of a bank or any other financial institution carrying on business in Alberta shall, on request of the Minister, furnish the Minister with a statement showing the balance or condition of the accounts of any management body having an account with the bank, agency or institution, together with any particulars of the accounts that may be required.

1994 cA-30.1 s10

#### **Minister's power over management body**

**11(1)** If, because of an inspection report under section 9 or for any other reason, the Minister determines that the affairs of a management body are being managed in an improper, irregular or improvident manner or without due regard for the health, safety and welfare of the residents of any housing accommodation under the authority of the management body, the Minister may direct the board of the management body, any member of the board or any officer or employee of the management body to take any action the Minister considers appropriate in the circumstances.

(2) If a direction under subsection (1) is not carried out to the satisfaction of the Minister, the Minister may by order do either or both of the following:

- (a) appoint a comptroller to oversee the management of the affairs of the management body and may direct that no liability be incurred, no money be spent and no property be disposed of without the prior written approval of the comptroller until such time as the Minister otherwise directs;
  - (b) dismiss all or any of the members of the board of the management body, or any member, officer or employee who failed to carry out the order.
- (3) If the Minister dismisses a board of a management body, the Minister may by the same or a subsequent order do either or both of the following:
- (a) make an order under section 5 for the appointment or election of a new board;
  - (b) appoint an official administrator to manage the affairs of the management body until a new board is appointed or elected.
- (4) An order under subsection (3)(b) may provide for the payment of remuneration and expenses to the official administrator and may provide that the remuneration and expenses are the responsibility of the management body.
- (5) An official administrator has all the powers and is subject to all the obligations of a management body under this Act.
- (6) An order or direction under subsection (1) or (2) takes effect on the service of a copy of it on the person to whom it is directed.
- (7) Service of an order or direction under subsection (1) or (2) may be carried out by personal service or by sending it by registered mail.
- (8) An order or direction under subsection (1) or (2) that is sent by registered mail is deemed to be served on the expiration of the 7th day after mailing.

1994 cA-30.1 s11

**Interim official administrator**

**12(1)** In addition to the circumstances referred to in section 11(1), the Minister may appoint an official administrator to manage the affairs of a management body

- (a) during the time between the establishment of the management body under section 5 and the appointment or election of the first board under that section,

- (b) during the time between the resignation of the entire board and the appointment or election of a new board, or
- (c) during any time when for any reason there is not a quorum of members on the board.

(2) Section 11(4) and (5) apply to an official administrator appointed under this section.

1994 cA-30.1 s12

#### **Dissolution of management body**

**13** Where the Minister rescinds an order establishing a management body, the order may contain any provisions the Minister considers necessary

- (a) to provide for the transfer or other disposal of the assets and property of the management body,
- (b) to provide for the satisfaction or assumption of the liabilities and obligations of the management body, and
- (c) to otherwise provide for the winding-up of the affairs of the management body.

1994 cA-30.1 s13

#### **Auditor**

**14(1)** A management body shall appoint one or more auditors for the management body.

(2) No member of the board, officer, agent or employee of a management body is eligible to be the auditor of that management body.

(3) An auditor appointed by a management body is at all reasonable times and for any purpose related to an audit entitled to access to

- (a) the records of the management body, and
- (b) data processing equipment owned or leased by the management body.

(4) A member of the board and an officer, agent or employee of a management body shall give the auditor any information, reports or explanations the auditor considers necessary for the purpose of assisting the auditor in carrying out the auditor's duties as auditor.

(5) An auditor who receives information from a person whose right to disclose that information is restricted by law holds that

information under the same restrictions respecting disclosure that govern the person from whom the information was obtained.

**(6)** The auditor must report to the board of the management body on the annual financial statements of the management body, and the report must include

- (a) a statement as to whether
  - (i) the auditor's examination was made in accordance with generally accepted auditing standards, and
  - (ii) in the auditor's opinion, the annual financial statements fairly present the financial position of the management body, the results of its operations and the changes in its financial position for the year, in accordance with the disclosed basis of accounting;
- (b) the reasons for any reservation of opinion expressed by the auditor, and the effect of any deficiency on the financial statements;
- (c) any other comments related to the audit of the financial statements that the auditor considers appropriate.

**(7)** The auditor must report separately to the board of the management body any improper or unauthorized transaction or non-compliance with this or any other enactment that is noted during the course of an audit, and must also forward a copy of that report to the Minister.

**(8)** The Minister or the board of the management body may require any further examination and report from the auditor that the Minister or the board considers necessary.

1994 cA-30.1 s14

#### **Annual financial statements**

**15(1)** A management body shall prepare annual financial statements for the management body for the immediately preceding fiscal year

- (a) in a form and manner acceptable to the Minister, and
- (b) in accordance with
  - (i) Canadian generally accepted accounting principles, which are the accounting standards set out in the CPA Canada Handbook, as published by the Chartered Professional Accountants of Canada from time to time, and

- (ii) any modification of the principles referred to in subclause (i) or any supplementary accounting standards or principles established by the Minister by regulation.

(2) A management body shall forward the annual financial statements, together with the auditor's report prepared under section 14, to

- (a) the Minister, and
- (b) all municipalities that the management body requisitioned for that fiscal year or that made contributions to the management body under section 8 for that fiscal year,

not later than 90 days after the end of the fiscal year to which the financial statements relate.

(3) Not later than 60 days after forwarding the financial statements to the Minister under subsection (2), the management body shall make them or a summary of them available to the public in a manner the board considers appropriate.

RSA 2000 cA-25 s15;2014 cC-10.2 s169

#### **Reports and returns**

**16(1)** The Minister may request a management body to provide to the Minister any reports, returns and other documents concerning the affairs of the management body that the Minister considers appropriate and in the form and manner required by the Minister or under the regulations.

(2) A management body shall comply with a request under subsection (1).

1994 cA-30.1 s16

### **Alberta Social Housing Corporation**

#### **Alberta Mortgage and Housing Corporation continued**

**17(1)** The Alberta Mortgage and Housing Corporation is continued as a body corporate with the name "Alberta Social Housing Corporation".

(2) The Corporation shall consist of the following members, who shall be its board of directors:

- (a) the Minister, who shall be the chair of the Corporation;
- (b) the Deputy Minister, who shall be the President of the Corporation;



- (c) an employee of the Department of Treasury Board and Finance designated by the President of Treasury Board and Minister of Finance;
  - (d) the official of the Minister's Department responsible for housing as appointed under the *Public Service Act*;
  - (e) the senior financial officer of the Minister's Department appointed in accordance with the *Financial Administration Act*;
  - (f) any other members who are appointed by the Lieutenant Governor in Council to hold office during pleasure.
- (3) A majority of the members of the board of the Corporation constitutes a quorum.
- (4) At its meetings, the Corporation may exercise any of its powers by resolution except where some other mode of exercising the power is prescribed in this or any other Act.

RSA 2000 cA-25 s17;2006 c23 s8;2013 c10 s7

#### **Powers**

##### **18** The Corporation

- (a) shall carry out the duties and functions that are given to it under this Act or by the Lieutenant Governor in Council, and
- (b) may, subject to this Act, take any action or dispose of any assets as is necessary to discontinue its activities or operations that in the opinion of the Corporation no longer meet the purpose of this Act.

1994 cA-30.1 s18

#### **Supervision by Minister**

**19** The Corporation is, in the performance of its duties and functions under this or any other Act, subject to the general supervision and direction of the Minister.

1994 cA-30.1 s19

#### **Agent of the Crown**

**20(1)** The Corporation is for all purposes an agent of the Crown in right of Alberta and its powers may be exercised only as an agent of the Crown in right of Alberta.

**(2)** Any legal proceeding in respect of any right or obligation acquired or incurred by the Corporation on behalf of the Crown in right of Alberta, whether in its own name or in the name of the

Crown in right of Alberta, may be brought or taken by or against the Corporation in the name of the Corporation.

1994 cA-30.1 s20

#### **Administrative services**

**21** The Minister may provide administrative and support services to the Corporation.

1994 cA-30.1 s21

#### **Bylaws**

**22(1)** The Corporation may make bylaws respecting

- (a) the calling of meetings of the Corporation and the conduct of business at them, and
- (b) the general conduct and operation of the Corporation.

**(2)** The *Regulations Act* does not apply to bylaws of the Corporation.

**(3)** Repealed 2021 c23 s7.

RSA 2000 cA-25 s22;2021 c23 s7

#### **Fiscal year**

**23** The fiscal year of the Corporation shall be prescribed by the Lieutenant Governor in Council.

1994 cA-30.1 s23

#### **Auditor**

**24** The Auditor General is the auditor of the Corporation.

1994 cA-30.1 s24

#### **Powers of Corporation**

**25(1)** The Corporation has the capacity and, subject to this Act and the regulations and to any order of the Lieutenant Governor in Council referred to in section 18, the rights, powers and privileges of a natural person.

**(2)** The Corporation shall not pay remuneration or expenses to the members of the board for services provided by those persons as members.

**(2.1)** The Corporation may

- (a) directly or indirectly purchase shares, and
- (b) in a transaction involving the payment of money or the transfer of property, enter into a joint venture or partnership.

(3) The Corporation may do any of the following only with the prior consent of the Lieutenant Governor in Council:

- (a) borrow money;
- (b) sell or otherwise dispose of any notes, bonds, debentures or other securities issued for the purpose of clause (a);
- (c) charge, pledge, hypothecate, deposit or deal with any of the securities referred to in clause (b) as collateral security;
- (d) guarantee the repayment of loans.

(4) The Lieutenant Governor in Council's consent under subsection (3) may be given with respect to a particular transaction or on a general basis with respect to a class of transactions.

(5) In this section, "shares" has the same meaning as in section 42(1)(a) of the *Financial Administration Act*.

RSA 2000 cA-25 s25;2021 c23 s8

#### **Management and pooled investment of funds**

**26** The Corporation may be a participant under section 40 of the *Financial Administration Act*.

RSA 2000 cA-25 s26;2004 c7 s19

#### **Grants in place of taxes**

**27(1)** The Corporation may each year pay to any municipality within which any of the Corporation's real property is situated a grant not exceeding the amount that would be recoverable by the municipality if the property were subject to the property taxes of the municipality for that year.

(2) No municipality is entitled as of right to a grant under this section.

1994 cA-30.1 s27

#### **Federal borrowings and contributions**

**28(1)** Subject to any terms and conditions imposed by the Lieutenant Governor in Council, the Corporation may, for the purposes of its duties and functions under this Act or the federal Act, borrow and receive contributions from Canada Mortgage and Housing Corporation.

(2) The Corporation may

- (a) receive contributions available under the federal Act, or

- (b) make contributions to projects undertaken pursuant to the federal Act.

1994 cA-30.1 s28

**Transfer of surplus**

**29** The Lieutenant Governor in Council may order that any surplus money of the Corporation be transferred to the General Revenue Fund.

1994 cA-30.1 s29

**Provincial guarantee**

**30(1)** The repayment of

- (a) the principal and interest of any borrowing by the Corporation, and
- (b) the principal and interest of, and any premiums payable under, any notes, bonds, mortgages, debentures or other securities issued by the Corporation, whether issued before or after the coming into force of this subsection,

is guaranteed by the Government.

**(2)** The guarantee, in a form and manner that the Lieutenant Governor in Council approves, may

- (a) be endorsed on any notes, bonds, debentures or other securities issued by the Corporation, and
- (b) be signed on behalf of the Government by the President of Treasury Board and Minister of Finance, the Deputy Minister of Treasury Board and Finance or any other person that the Lieutenant Governor in Council may designate.

**(3)** The signature of the President of Treasury Board and Minister of Finance, the Deputy Minister of Treasury Board and Finance or the person designated by the Lieutenant Governor in Council on the guarantee is conclusive proof that the relevant provisions of this Act have been complied with.

RSA 2000 cA-25 s30;2006 c23 s8;2013 c10 s7

**Annual report**

**31** The Corporation shall annually, after the end of a fiscal year, prepare for inclusion in the Minister's report on the Department a report summarizing the Corporation's transactions and affairs during the preceding fiscal year, and setting out any other information the Lieutenant Governor in Council may by order require.

1994 cA-30.1 s31

### Affordable Housing Accommodation

#### Designation of affordable housing

**31.1(1)** Subject to subsections (2) and (3), the Minister may designate a housing accommodation as an affordable housing accommodation if the Minister is of the opinion that in the circumstances the housing accommodation is suitable for designation as an affordable housing accommodation.

**(2)** The Minister may not designate a social housing accommodation as an affordable housing accommodation.

**(3)** The Minister may designate a housing accommodation that is a unit in a building as an affordable housing accommodation notwithstanding that other units inside the building are social housing accommodation.

2021 c23 s9

#### Inspections

**31.2(1)** The Minister may appoint a person as an inspector to inspect any matter connected with the management, administration, ownership or operation of an affordable housing accommodation.

**(2)** An inspector

(a) may require the attendance of a director, officer or employee of the affordable housing provider or any other person whose presence the inspector considers necessary during the course of an inspection, and

(b) has the same powers, privileges and immunities as a commissioner under the *Public Inquiries Act*.

**(3)** When required to do so by an inspector, a director, officer or employee of an affordable housing provider or any other person shall produce for examination and inspection all books, records and documents in that person's possession that are relevant to the purposes of the inspection.

**(4)** After the completion of an inspection, the inspector shall make a report to the Minister and provide a copy of the report to the affordable housing provider.

2021 c23 s9

#### Revocation and direction to take actions

**31.3(1)** On receiving a report under section 31.2(4) or on the Minister's own motion, the Minister may revoke a designation made under section 31.1(1) in respect of an affordable housing accommodation if the Minister is of the opinion that in the

circumstances the housing accommodation is no longer suitable for designation as an affordable housing accommodation.

(2) On receiving a report under section 31.2(4), the Minister may direct the affordable housing provider to take any actions that the Minister considers necessary to remedy the deficiencies identified in the report.

2021 c23 s9

### Miscellaneous

#### Protection from liability

**32(1)** No action for damages may be commenced against

- (a) repealed 2005 c28 s1,
- (b) an employee within the meaning of the *Public Service Act* who is under the administration of the Minister,
- (c) a member of the board of the Corporation or an officer or agent of the Corporation, or
- (d) a member of a management body or an officer, employee or volunteer worker of a management body

for anything done or not done by that person in the performance or intended performance of functions or duties or the exercise of powers under this Act or the *Alberta Mortgage and Housing Corporation Act*, SA 1984 cA-32.5.

(2) Without limiting the generality of subsection (1), the carrying out of duties and the provision of services, as authorized by the board of the management body, by a person referred to in subsection (1)(d) in connection with the provision of housing accommodation under this Act are considered to be the performance of a function or duty or the exercise of a power for the purposes of subsection (1).

(3) Subsection (1) is not a defence if

- (a) the cause of action is defamation, or
- (b) the person was dishonest, grossly negligent or guilty of wilful misconduct.

RSA 2000 cA-25 s32;2005 c28 s1

**Fees**

**33** The Minister may charge fees in connection with any service, program or other thing done by or under the authority of the Minister under this Act.

1994 cA-30.1 s33

**Standard lodge rate**

**33.1(1)** At least annually, a management body shall determine and set monthly basic lodge rates to be charged for standard lodge accommodation in accordance with this section and the regulations.

**(2)** A management body shall review and adjust the monthly basic lodge rate for each senior household in standard lodge accommodation after setting the monthly basic lodge rates under subsection (1) to ensure that each member of the senior household who is 65 years of age or older is left with the minimum monthly disposable income amount under subsection (3).

**(3)** The minimum monthly disposable income amount is the following:

- (a) subject to clause (b), the amount set out in the Schedule;
- (b) effective the CPI adjustment date of the CPI adjustment year determined by the Lieutenant Governor in Council under subsection (3.1), an amount adjusted annually on the CPI adjustment date in accordance with the Schedule.

**(3.1)** The Lieutenant Governor in Council may by order determine the CPI adjustment year effective which the minimum monthly disposable income amount is to be adjusted in accordance with the Schedule.

**(4)** A new CPI adjustment date may be set under the regulations if the new date does not result in more than 12 months between adjustments of the minimum monthly disposable income amount.

**(5)** Despite subsection (3)(b), the minimum monthly disposable income amount must not be adjusted under this section in a CPI adjustment year if the change in the Alberta CPI applicable to that year is a negative number.

**(6)** Despite subsections (3) and (5), the minimum monthly disposable income amount may be increased at any time in accordance with the regulations.

2018 c17 s1;2019 c18 s2

**Ministerial regulations**

**34(1)** The Minister may make regulations

- (a) respecting the type and amounts of financial assistance that may be provided under section 4(1), the purposes for which the financial assistance may be provided, the persons or classes of persons who are eligible for the financial assistance and the eligibility requirements of persons for the financial assistance;
- (b) respecting the manner or method of appointing or electing the members of a board of a management body, including the knowledge, skills, experience, expertise and qualifications required for the members of a board of a management body;
- (c) respecting the management and operation of management bodies and the manner in which they are to exercise their powers and carry out their functions and duties including, without limitation, regulations
  - (i) requiring management bodies to prepare and submit to the Minister business plans and budget documents and respecting the form and content of those business plans and budget documents,
  - (ii) imposing terms and conditions on the exercise by management bodies of their powers or the carrying out of their functions and duties,
  - (iii) respecting the manner in which a management body's surplus of revenues over expenditures in a fiscal year is to be treated,
  - (iii.1) respecting reserve funds for management bodies that provide lodge accommodation;
  - (iv) requiring management bodies to keep records and respecting the form and manner in which records must be kept and what they must contain, and
  - (v) requiring a management body to carry insurance, and respecting the nature and amount of insurance that it must carry;
- (d) governing the disqualification of persons as members of the board of a management body and the conduct of members of a board generally;
- (e) subject to section 5(4), prescribing or providing for the manner of prescribing the fiscal year of management bodies;



- (f) governing the settling of disputes between a management body and a municipality or between 2 management bodies with respect to matters arising under this Act;
- (g) prescribing supplementary standards or principles and modifications to generally accepted accounting principles for the purposes of section 15;
- (h) repealed 2021 c23 s10;
- (i) notwithstanding the *Residential Tenancies Act*, governing the provision of housing accommodation by management bodies including, without limitation, regulations
  - (i) respecting eligibility requirements of tenants in housing accommodation,
  - (ii) prescribing the rent and other charges or the manner of determining the rent or other charges that may be charged in respect of a tenancy in housing accommodation,
  - (iii) governing the termination of tenancies in housing accommodation,
  - (iv) governing other terms and conditions that apply to tenancy in housing accommodation,
  - (v) governing the inspection, maintenance and repair of property used in the provision of housing accommodation, and
  - (vi) respecting standards that must be met in the provision of housing accommodation;
- (i.1) respecting increases to the minimum monthly disposable income amount, including regulations
  - (i) respecting the amounts of increases or the manner in which the amounts of increases are to be determined, and
  - (ii) respecting the timing of increases;
- (i.2) respecting CPI adjustment dates;
- (i.3) respecting matters arising when a CPI adjustment date is changed, including the manner in which adjustments to the minimum monthly disposable income amount are to be calculated;

- (j) governing reports, returns and other documents referred to in section 14;
  - (k) providing that a member of a board of a management body who authorizes an expenditure on behalf of the board that is contrary to the regulations is personally liable to the management body, and governing the nature and extent of the liability;
  - (l) defining terms for the purposes of this Act and the regulations.
- (2) A regulation for the purpose of subsection (1) may adopt with necessary modifications provisions of the *Municipal Government Act* and the *Residential Tenancies Act* and regulations under those Acts.

RSA 2000 cA-25 s34;2018 c17 s1;2019 c18 s2  
2021 c23 s10

#### **Lieutenant Governor in Council regulations**

- 35(1)** The Lieutenant Governor in Council may make regulations
- (a) prescribing additional activities that a management body may carry on and governing the manner in which it is to carry on those activities;
  - (b) governing and restricting the activities that the Corporation may carry on and the manner in which it is to carry on those activities;
  - (c) prescribing the conditions that must be met by applicants to render them eligible for a loan or guarantee from the Corporation;
  - (d) prescribing the terms and conditions on which loans or guarantees are to be given;
  - (e) prescribing the maximum total aggregate liability that the Corporation may incur as a guarantor;
  - (f) prescribing the duties and obligations of a person to whom a loan is made or for whom a loan is guaranteed during the period that the person's indebtedness is outstanding;
  - (g) prescribing the security to be given to the Corporation by applicants in consideration of a loan or guarantee;
  - (h) prescribing the types or classes of lending institutions in respect of whose loans guarantees may be given;

- (i) governing the issuing by the Corporation of insurance policies for loans for the purpose of the provision of housing accommodation;
  - (j) providing for any matter that is not provided for or is insufficiently provided for in this Act.
- (2) A regulation made under subsection (1)(j) expires on the last day of the first session of the Legislature that commences after the regulation is made.
- (3) A person who contravenes a regulation made under this section is guilty of an offence.

1994 cA-30.1 s35

### Schedule

#### Minimum monthly disposable income amount

1 Subject to the regulations, the minimum monthly disposable income amount

- (a) under section 33.1(3)(a) of this Act, is \$322, and
- (b) under section 33.1(3)(b) for this Act, must be adjusted by an amount equal to
  - (i) the minimum monthly disposable income amount for the previous CPI adjustment year, including any increase to that amount made under the regulations,

multiplied by

  - (ii) the change in the Alberta CPI determined in accordance with section 2.

#### Change in Alberta CPI

2(1) The change in the Alberta CPI is the amount determined by the formula

$$X = \frac{A}{B} - 1$$

where

- X is the change in the Alberta CPI, rounded to 3 decimal places;
- A is the sum of the 12 individual Alberta CPI indexes for each month in the 12-month period ending on September 30 of the calendar year that ended before the commencement of the CPI adjustment year;

B is the sum of the 12 individual monthly Alberta CPI indexes for each month in the 12-month period immediately preceding the 12-month period referred to in A.

(2) The Minister, in consultation with the Minister responsible for the *Financial Administration Act*, shall determine the amount by which the minimum monthly disposable income amount must be adjusted under section 1 if the Alberta CPI is not available for part or all of the CPI adjustment year for which the change in the Alberta CPI is being calculated.

2018 c17 s1;2019 c18 s2









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