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The Alberta Eviction Process

How the Residential Tenancy Dispute Resolution Service has streamlined the eviction process in Alberta.

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UPDATED Version

Includes changes that became Effective October 1st, 2011

The introduction of the Residential Tenancy Dispute Resolution Service (RTDRS) has enabled both landlord and tenants to get resolutions to problems in a speedier less formal setting the original court process. This document breaks down some of the differences involved and the timeline.

The Eviction Process in Alberta

Unfortunately, evictions happen. **Fortunately**, there is a process that allows you to have tenants evicted and if you understand how it works, you can avoid many of the simple mistakes novice landlords or investors run into and the result is you get control of your property back faster and with less headaches, drama and stress.

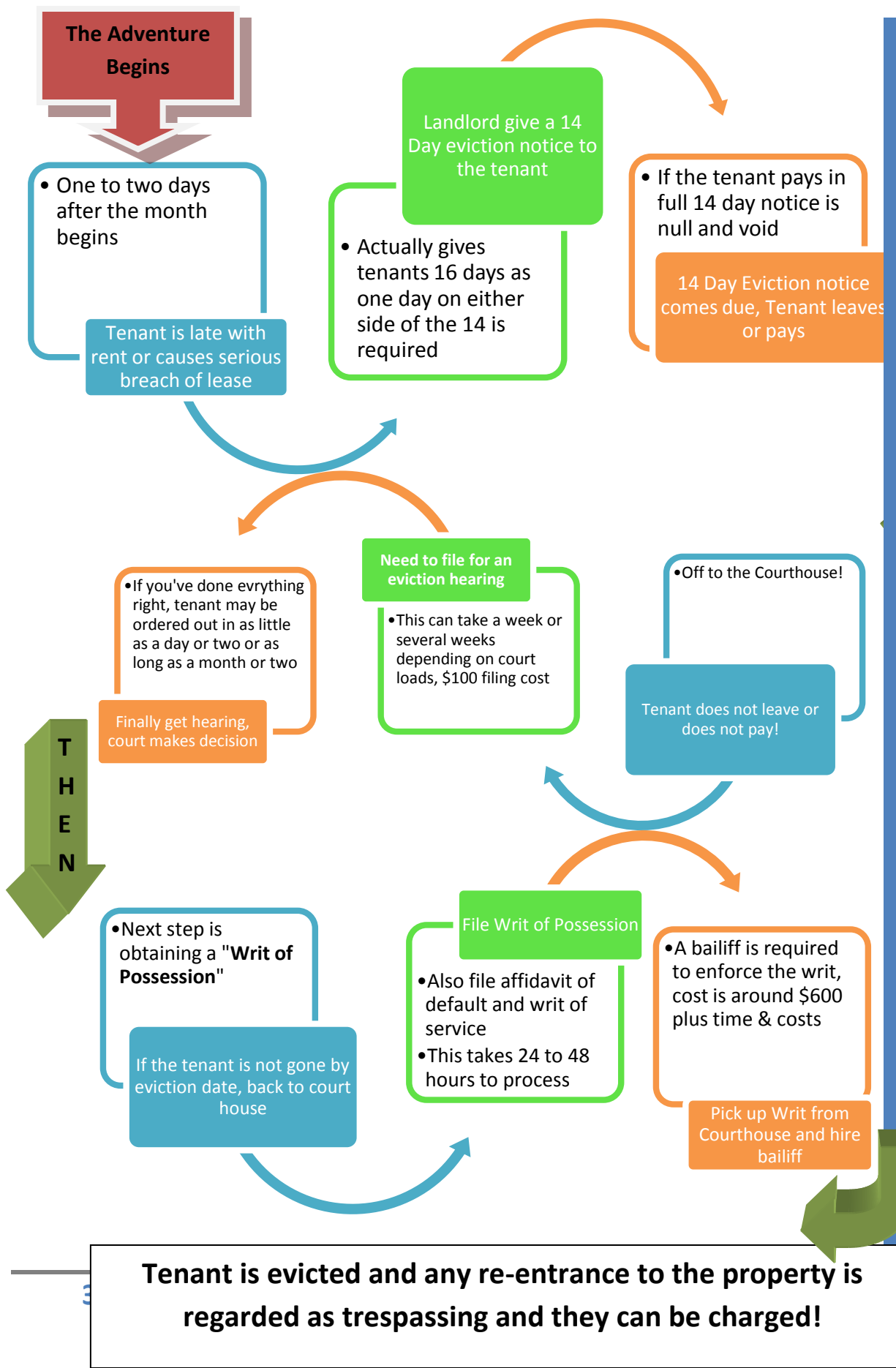
The eviction process in Alberta usually starts with a late payment, but could also include other serious breaches like damage to the property. From there, the typical step for most landlords is the 14 day eviction notice or the 24 hour eviction notice when threats to other tenants or the landlords are involved. If the tenants leave or catch up any late payments prior to the eviction date all is back to square one.

However, if the tenants do not leave or payments in full are not made, the next stage of the process is applying to the courts to recover your property. Originally this was a very formal process and very time consuming, but in the last few years,



the Alberta Government has introduced the Residential Tenancy Dispute Resolution Service or RTDRS. This is a streamlined process allowing landlords and tenants to meet in an informal court setting and resolve issues in a much faster time frame than the traditional court systems.

What used to take 16 days before you could even start to apply to the courts can now often be resolved in five to seven days, court time included.



This is how it used to work before the RTDRS arrived on the scene and before Oct. 1st, 2011!

Tenant is evicted and any re-entrance to the property is regarded as trespassing and they can be charged!

This is how the streamlined process works with the RTDRS, with orders prior to Oct. 1st, 2011



Non-paying tenant can be evicted in about seven to fourteen days depending on the situation! Once again, any re-entrance is trespassing and they can be charged!

Effective October 1st, 2011

Enforcement of Orders Has Changed

Note this doesn't affect the hearing or the results of the hearing. The change now affects the process for the landlord and tenant if

- a) the tenant doesn't vacate on the court ordered eviction date or if*
- b) the tenant defaults on any payments related to a Cinderella or Stay Order*

The key change is the courts have removed the Writ of Possession. This streamlines unconditional evictions, which are the straight court ordered evictions where the tenant has to be out by a certain date.

For any orders issued after Oct. 1st, 2011 if the tenants stay past the eviction date put down by the hearing officer or the court, as long as the order was filed properly at the court house, the landlord can now immediately bring in Civil Enforcement (the bailiff) to have the tenant removed. No waiting for the Writ of Possession to be signed!

However, conditional orders, also known as Stay Orders or Cinderella Orders, have become more difficult ([in my guide](#) I explain how you can avoid these types of orders). It is now quite possible if your tenant is granted a conditional order, they could end up staying an extra 2 weeks after they default the conditional order.

This is thanks to a new process called the Notice of Default. The Notice of Default now needs to be served on the tenant if they default on any of the payments described in the court order. This Notice gives the tenants a set period of time to make the payment, effectively giving a tenant in arrears even more time to avoid paying, in my mind at least.

Due to the changes being so new, there appears to be some confusion as to the length of this period of time and it is being interpreted that it may allow the tenants another 14 days to remain in the premises. Hopefully this time frame gets shortened, but it may still give them 7 days.

Compare this too previously, where if they missed a payment, the order automatically became valid and you could get the Writ of Possession! This is why it is now more important now than ever, for a landlord to press for an unconditional order in any future eviction hearings.

Since these changes are so new, there will likely be subtle adjustments to them over time as they are put into place in the real world and hopefully they address any shortcomings that appear. Unfortunately, there will likely be many tenants who quickly determine how they can take advantage of these shortcomings to serve their interests rather than the interests of the landlord. This will make tenant screening an even more important priority for landlords if they wish to avoid having to visit the RTDRS on a consistent basis.

To ensure you stay abreast of the changes, make sure you register on the [AlbertaEviction.com](http://www.albertaeviction.com) website and we will update you as new developments come about.

AlbertaEviction.com will have an interpretation of new changes online shortly in a video slideshow and interview with and Eviction Services Company out of Edmonton, Associated Eviction.

If this document doesn't explain it well enough I recommend visiting the site and watching this expanded explanation.

The RTDRS

The entrance of the RTDRS into the scene has streamlined the entire process to such an extent that it can shave weeks and multiple steps off of an eviction process. Of course, it also works both ways, for landlords that don't follow the laws established under the Residential Tenancy Act it can provide a measure of safety and shelter from abuse by slum lords.

RTDRS Offices

Edmonton, Alberta

Unit 112, 10025-102A Avenue
Edmonton, Alberta T5J 2Y8

Phone: dial toll-free 310-0000 then 780-644-3000
Fax: 780-644-2266
E-mail: rtdrs@gov.ab.ca

Office Hours: 8:15am to 4:30pm Closed between noon and 1pm.

Note that applications are only accepted between 8:15am - 11:45am and 1:00pm - 4:00pm

Calgary, Alberta

Main Floor, Rocky Mountain Plaza
230 - 7 Avenue S.E.
Calgary, Alberta T2G 0H9

Phone: dial toll-free 310-0000 then 780-644-3000
Fax: 403-297-2669
E-mail: rtdrs@gov.ab.ca

Office Hours: 8:15am to 4:30pm
Closed between noon and 1pm

Note that applications are only accepted between 8:15am - 11:45am and 1:00pm - 4:00pm

Note the RTDRS does serve Central Alberta and parts of Northern Alberta. These hearings are done via either video conferencing or telephone conferencing. Filing in these areas can be completed via fax.

The fax numbers are as follows:

Northern Alberta 780-644-2266

Central Alberta 403-476-4904

We hope you found this information helpful, if you have any suggestions as to how to improve it please let us know.

Regards,

Bill Biko

www.AlbertaEviction.com

For more information visit <http://www.investors.housez.ca> or <http://www.albertaevictions.com> or contact us at info@housez.ca

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