

# Galleria Rule

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## RENTAL OF UNITS

1. The rental of units in the Galleria shall be governed by Section 53 of the *Condominium Property Act* included in this rule as Appendix A.
2. The Corporation requires an owner who rents out their unit (i.e. dwelling, titled parking stall and/or titled storage locker) to pay to and maintain with the Corporation a non-interest bearing deposit equivalent to one month's rent which shall be refunded subject to provisions of section 53.
3. This rule shall be administered by the property manager retained by the Corporation.
4. Any owner who rents out their unit (i.e. dwelling, titled parking stall and/or titled storage locker) must also ensure their adherence with all relevant bylaws of the Condominium Corporation, and are ultimately responsible for all actions from their tenants. It is acknowledged that the Condominium Corporation's legal relationship is with the unit owner, not a tenant or occupier.

Relevant bylaws relating to rental or other occupation of an owner's unit includes, but are not limited to, sections 2(g), 4(k), 4(l), and 42 (included as Appendix B). Failure to comply with provisions under the Act or the Condominium Corporation's bylaws could result in a warning, fine or other legal consequence as afforded by the authorities of the Board.

### **Appendix A – Condominium Property Act of Alberta**

#### **Section 53 – Rental of Units:**

- (1) *An owner of a unit shall not rent the owner's unit until the owner has given written notice to the corporation of the owner's intention to rent the unit, setting out*
  - (a) *the address at which the owner may be served with a notice given by the corporation under section 54 or an application or order referred to in section 55 or 56, and*
  - (b) *the amount of rent to be charged for the unit.*
- (2) *If an owner of a unit rents the owner's unit it is a condition of that tenancy, notwithstanding anything in the tenancy agreement, that any person in possession of that unit shall not*
  - (a) *cause damage to the real or personal property of the corporation or the common property, or*
  - (b) *contravene the bylaws.*
- (3) *The corporation may require an owner who rents the owner's unit to pay to and maintain with the corporation a deposit that the corporation may use for*
  - (a) *the repair or replacement of the real and personal property of the corporation or of the common property, and*
  - (b) *the maintenance or repair of any area of the common property that is subject of a grant to the*

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*owner of the unit to exercise exclusive possession under section 50(1),*

*that is damaged, destroyed, lost, or removed, as the case may be, by any person in possession of the rented unit.*

- (4) A deposit referred to in subsection (3) shall not exceed the prescribed amount and shall be held and repaid along with interest earned, if any, as prescribed.*
- (5) The owner of a unit shall give the corporation written notice of the name of the tenant renting the unit within 20 days from the commencement of the tenancy.*
- (6) Within 20 days after ceasing to rent the owner's unit, the owner shall give the corporation written notice that the owner's unit is no longer rented.*
- (7) A corporation shall, within 20 days after receiving a written notice under subsection (6),
  - (a) return the deposit and interest earned, if any, to the owner,*
  - (b) if the corporation has made use of the deposit for one or more of the purposes referred to under subsection (3), deliver to the owner
    - (i) a statement of account showing the amount used and interest earned, if any, and*
    - (ii) the balance of the deposit not used, if any and interest earned, if any,**

*or*

  - (c) if the corporation is entitled to make use of the deposit but is unable to determine the amount of the deposit that it will use, deliver to the owner an estimated statement of account showing the amount it intends to use and, within 60 days after delivering to the owner the estimated statement of account, deliver to the owner
    - (i) a final statement of account showing the amounts used and interest earned, if any, and*
    - (ii) the balance of the deposit not used, if any and interest earned, if any.***
- (8) If a deposit referred to in subsection (3) is owing by an owner to a corporation, the corporation may, in addition to any rights of recovery that it has in law, recover that amount in accordance with section 39.2 as if it were a contribution.*

### **Appendix B—Relevant Sections of Bylaws**

#### **Section 2(g): Tenants and Occupiers Subject to Bylaws**

An Owner shall not lease or grant possession of their Unit to any Tenant or occupier, and no Tenant or occupier shall move into or occupy a Unit:

- (i) until the Owner complies with the deposit requirements of the Corporation and provides the Corporation with an address for service of any notice that may be served pursuant to the Act or the Bylaws, as well as the name and contact details of the Tenant or occupier within twenty (20) days of the commencement of the tenancy;*

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- (ii) unless the Tenant or occupier undertakes in writing to be bound by and comply with the Bylaws, with the undertaking being provided to the Corporation within twenty (20) days of the Tenant or occupier taking possession of the Unit;
- (iii) until the Owner(s) gives notice in writing to the Corporation of the tenancy or other occupancy that the lease is more than four-months accompanied by the written undertaking of the Tenant to be bound by the By-laws;
- (iv) unless the Owner maintains a copy of the By-laws in the Unit for the Tenant or occupier's use; and
- (v) for a term of lease not less than four-months in duration.

### **Section 4(k): Control of Tenants**

Do all things which are specified in the Act, with respect to the tenancy of units, including imposing or collecting a deposit from the owner of a unit which is being rented, under Section 44 of the Act, giving notice to a tenant to give up possession of a unit under Section 45 of the Act, and making applications to the Court of Queen's Bench of Alberta for an Order requiring a tenant to give up possession of a unit under Sections 46 and 47 of the Act;

### **Section 4(l): Deductions from Rent**

Require that a tenant on receiving notice from the Corporation that the owner is in default of a payment or contribution or assessment levied by the Corporation or an instalment or instalments thereof deduct from the rent payable to the owner the contribution or assessment levied or the instalment or instalments in arrears and any interest owing thereon and require that the tenant pay the same to the Corporation and the amount so paid shall be deemed to constitute rent paid to the owner by the tenant.

### **Section 42: One Family Residence**

Each unit shall be occupied only as a one-family residence by the owner, their tenants or authorized occupants and their families, for the purpose of the paragraph;

- (a) "One family residence" means a unit occupied or intended to be occupied as a residence by one family alone and contains one kitchen, and in which no roomers or boarders are allowed; and
- (b) "Boarder" means a person to whom room and board is regularly supplied for consideration; and,
- (c) "Roomer" is a person to whom a room is regularly supplied for consideration.

#### **History of Rule:**

First Drafted: June 9, 2009  
Revisions: February 4, 2021

#### **Board Approval of Rule:**

Board Approved: February 10, 2021