



Type of law:
CIVIL LAW

Renting in Student Residence



A 2023 Alberta Guide to the Law



Student Legal Services
of Edmonton



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Living in

STUDENT RESIDENCE

Student residences are housing options where the tenant is the student and the landlord is the student's school. The Residential Tenancies Act does not apply to student residences unless the residence unit is self-contained. It is self-contained if the student has exclusive use and possession of a space that has all the necessary facilities for day-to-day living, such as a kitchen and bathroom. Dormitory style residences are not self-contained.

At the University of Alberta, students who live in student residences should make sure they read over and understand the rules and expectations outlined in their Residence Agreement, their residence's House Rules, the Residence Community Standards Policy, and the Code of Student Behaviour. If a student does not follow any of the rules, they may face a consequence such as a fine or even eviction.



Concerns or issues with your residence or neighbors?

The University encourages students to try and resolve issues between them privately first. If this does not work, students can speak with Residence Staff about the Restorative Justice process and other options.



What is Restorative Justice?

Restorative Justice is usually the first step when a student has breached their Residence Agreement. Everyone is encouraged to have a discussion and come to an agreement on what needs to be done, which is made official in the Restorative Agreement.



Discrimination

You cannot be denied the right to occupy as a tenant or discriminated against in terms of a condition of an agreement because of your ancestry, race, religious beliefs, disability, gender identity, sexual orientation, and more.

Table of Contents

Renting a Student Residence	1
Does the Residential Tenancies Act Apply?	1
Tenant Support Services	1
Other Laws that May Apply	2
Public Health Act	2
Alberta Human Rights Act	2
Residence Agreement	2
General Common Terms in Agreements	3
House Rules & Policies	5
Residence Community Standards Policy	5
Resident Conduct Guide	5
Code of Student Behavior	6
Breach of Residence Agreement	6
Restorative Justice	6
Internal Investigation by the University of Alberta (Landlord)	7
Review and Reconsideration of a Decision	8
Office of the Student Ombuds (University of Alberta)	8
Termination of a Residence Agreement by a Student	8
Student Status Ends	9
Insurance	9
WHO CAN I CALL FOR MORE HELP OR INFORMATION?	10

Renting a Student Residence

Student residences are housing options provided by an educational institution for students enrolled in their school. The "landlord" is the school, and the "tenant" is the student. Keep in mind that the school will often employ staff to assist them in managing the housing programs. This pamphlet specifically addresses student residences at the University of Alberta.

Does the Residential Tenancies Act Apply?

The *Residential Tenancies Act* is not applicable with student housing unless the unit is self-contained and the tenant(s) have exclusive use and possession of said unit. This means that the tenant(s) do not share basic elements of living (e.g. kitchens, bathrooms or living rooms) with individuals who have signed separate rental leases with the same landlord (e.g. the school).

At the University of Alberta, only the following residences are self-contained:

- Hub Mall – Studio or One Bedroom Apartments
- Aspen and Maple House – One Bedroom Apartments
- Graduate Residences – Studio Units

If the *Residential Tenancies Act* applies and they cannot resolve the issue with their landlord, students in student housing can use the **Residential Tenancies Dispute Resolution Services**. Their contact information can be found at the end of this booklet.

Tenant Support Services

Tenant Support Services was established to provide information and advice to address tenancy issues and ensure tenants are aware of their rights and obligations under the *Residential Tenancies Act*.



Other Laws that May Apply

Public Health Act

If a student has concerns that the conditions of the premises pose a public health concern or hinder the prevention/suppression of disease that the Landlord is not dealing with, they can contact a Public Health Officer. Under the *Public Health Act*, if the public health concern or risk is found, an order can be issued to the landlord so that the concern can be resolved. If the landlord does not comply, the student can apply to end their residence without penalty.

Alberta Human Rights Act

Because university institutions are regulated provincially, they are subject to the *Alberta Human Rights Act*. The *Alberta Human Rights Act* protects against discrimination on the following grounds:

- Ancestry, Race, Color, Place of Origin, Religious Beliefs
- Physical or Mental Disability
- Gender, Gender Identity, Gender Expression, Sexual Orientation
- Age
- Marital or Family Status
- Source of Income

You cannot be denied the right to occupy as a tenant based on those grounds or be discriminated against in terms of a term or condition of a tenancy agreement.

Residence Agreement

Each residence has specific Residence Agreements. A copy of these agreements are available online at the following link:

<https://www.residence.ualberta.ca/current-residents/residence-agreement>.

Residents will receive an official copy of their Residence Agreement, by email, after they have completed their confirmation contract for renting a residence unit. The University of Alberta is the Landlord in the Residence Agreements; however, the Assistant Dean of Students, Residence Life, and the Associate Director of Residence Operations can also act as the Landlord. These are separate departments within the University of Alberta, but each can deal with residence matters.

General Common Terms in Agreements

While Residence Agreements are residence-specific, there are several common terms that are included in virtually all Residence Agreements:

- While the specifics vary, each Residence Agreement includes a description of the residential premises, the type of lease (e.g., periodic or fixed term), move-in and move-out dates, the Residence Deposit amount, and rental rate.
- Rent can be paid by Interac, Cheque, International Wire Transfer via Convera, or at your Bank using the payment form.
 - A late fee may be imposed if rent is not paid on time (usually the last day of each month or by semester term).
 - In more serious cases, a student can be evicted if they do not pay rent.
 - If the student owes rent or is late in paying certain fees, interest at a rate of 1.5% is charged on the amount owing.
- The Residence Deposit is a fee paid by the tenant to the landlord to accept their room offer and reserve a space. It is non-refundable, excepting situations where you cancel your application before a particular deadline. See this link for details: <https://www.ualberta.ca/residence/current-residents/payment-information.html>. Your Residence Deposit will be credited to your residence account in Bear Tracks and applied towards your first month's rent or any past due charges.
 - If you fail to pay the required fees by the date specified in the Room Offer Letter, your room assignment and the residence application will be cancelled.
- Additional rules within the Residence Agreement are about the student's conduct, visitor policies, the maintenance of the premises and what is expected at move out, being considerate and respectful of staff and other resident students, refraining from making unapproved repairs or renovations affecting the premises, and informing the Landlord of any concerns regarding the functioning, health, and safety of the premises.
- Typically, personnel authorized by the Landlord are allowed to enter the premises without notice to the tenant(s) for emergency reasons. Otherwise, the Landlord must give 24-hour notice.



- The Residence Agreement has a **waiver** contained within it. It states that you **agree not to hold the University of Alberta or its employees responsible** for any damage, injury, or death to you, your property, or your guests. This includes damage, injury, or death resulting from intentional misconduct, negligence, and neglect on the part of University employees, agents, and contractors.
- The Residence Agreement also has an **indemnification** provision contained within it. It states that you agree to pay for any costs the University of Alberta may have to incur (for example, the costs of a lawsuit) because of you, or your guest(s), breaking a rule, using University property, or damaging University property.
- The Residence Agreement has a **force majeure** clause that you should be aware of. This clause relieves the University of Alberta from having to fulfill its obligations if some event “beyond its reasonable control” occurs. For example, if there is a flood or an employee strike that prevents the University from holding up its end of the tenancy agreement, you cannot seek additional compensation or a reduction in fees for the loss you experienced during the event.
- Students are expected to comply with the Community Standards and House Rules or else they can face certain consequences, such as an eviction.

House Rules & Policies

All residences have House Rules that supplement the Residence Agreements. The House Rules cover many areas that support community living, such as how residence spaces and common areas are shared and maintained. In addition to rules and expectations, the House Rules include definitions and information on staff, programming, safety, and dispute resolution processes. Each residence will have their own set of house rules, but some of the common rules regard noise, alcohol consumption, maintenance of units and common areas, and smoking. House Rules can be found online at:

<https://www.ualberta.ca/residence/current-residents/residence-agreement.html>

Residence Community Standards Policy

The University of Alberta created the Residence Community Standards Policy to recognize that their tenants are their students, and that the student's living environment can impact how they pursue their academic studies.

The Residence Community Standard Policy addresses what behavior is expected from

students and their guests so that everyone can cooperate and enjoy their residence living while pursuing their academic studies and personal growth.

If there are issues regarding the behavior of one or more students, the Residence Community Standards Policy encourages the use of the Restorative Justice process (see Restorative Justice under the Breach of Residence Agreement section), which is like a mediation that allows discussion, learning, and understanding between the offending students and those who are negatively impacted by their behavior.

For other more serious issues, the Residence Community Standards Policy outlines how the Landlord and their staff deal with the matter through reporting, investigating, and decision making.

Resident Conduct Guide

The Resident Conduct Guide summarizes the Residence Community Standards Policy, highlighting:

- The principles of dignity, respect, safety, equity, learning, and community;
- The various processes and potential outcomes involved when misconduct is being addressed; and
- The roles of students and residence staff when dealing with concerns.

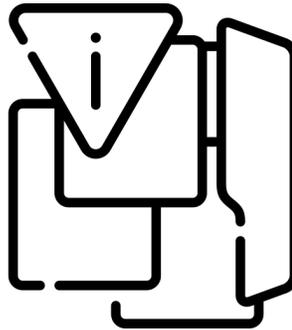
Code of Student Behavior

The Code of Student Behavior governs all students attending the University of Alberta for their studies. It outlines what behavior is considered inappropriate and subject to penalties and sanctions. Breaching the Code of Student Behavior is considered a Breach of the Residence Agreement. The Code of Student Behavior is applied in cases where the behavior is a violation of the Code and the criteria for a restorative process are not met (see below for criteria).

Breach of Residence Agreement

As a tenant, students must be aware of what the terms of their Residence Agreement are because a breach of a term can lead to consequences. Breaches can include, but are not limited to, causing disturbances or damage to the residential premises, including any common areas, as well as failing to maintain student status, and overdue rent. Students who encounter conflicts with one another are encouraged to resolve their own issues, but they can pursue other courses of action if they feel that their concerns cannot be resolved privately. Restorative Justice is the preferred course of action from the

beginning, except in serious cases involving the health, safety, and security of residents, or if residents are unable to complete the restorative process.



Restorative Justice

When a student has breached their Residence Agreement, the first step is usually to pursue Restorative Justice. This is a process whereby the breaching student is given information regarding the harmful impact of their breach and what needs to occur for the breaching student to help make things better. The information is given by staff of the University of Alberta as well as other students who may have been negatively impacted by the breaching behavior. Everyone is encouraged to have a discussion and come to an agreement on what needs to be done, which is made official in the Restorative Agreement. Failure of the breaching student to come to an agreement or uphold their Restorative Agreement may be seen as another breach.

The criteria for resolving issues using a restorative justice process are:

- The identity of the resident who committed the infraction is known (also known as the "Respondent");
- The resident who committed the infraction is willing to participate in a restorative justice process;
- The harmed party is willing to participate either in person, by providing an Impact Statement, or by designating a representative;
- The harm to an individual, the community, or property can be identified; and
- The nature of the incident is appropriate to the restorative justice process (not a serious case involving the health, safety, and security of the residents).

Internal Investigation by the University of Alberta (Landlord)

If Restorative Justice is not pursued or does not lead to a resolution, the Landlord can conduct an internal investigation to determine the nature and severity of the breach. Keep in mind that the Assistant Dean of Students, Residence Life, and the Associate

Director of Residence Operations are each able to act as Landlord. The internal investigation and the resulting decision will be handled by one of these departments. The breaching student will be informed that they can use services to support them through the process, such as the Office of the Student Ombuds and Student Legal Services.



Depending on what is found in the investigation, the Landlord may:

- Ask the student to pay for the cost of cleaning or repair of damages;
- Ask the student to pay overdue rent and expenses;
- Give the student a Letter of Residence Expectations;
 - This letter is also used as a written notice to the student, informing them that another breach could lead to the student being evicted
- Have the student evicted;
 - If a student is evicted, the Landlord can recommend and impose further sanctions after a student is evicted, such as banning them from obtaining other student housing or visiting other students on residence property.

Review and Reconsideration of a Decision

A student can ask for a review of a decision that was made within 5 business days of written notice from the Landlord. The resident can make such a written request to a department that did not make the original decision, such as the Assistant Dean of Students, Residence Life, or the Associate Director of Residence Operations.

A request for reconsideration may be allowed when:

- The resident can show that the appropriate process was not followed or was unfair;
- Information that is relevant to the issue is now available and it was not available at the time the decision was made; or
- The decision was clearly unfair.

The decision that results from a reconsideration is final and cannot be further appealed within the University of Alberta.

Office of the Student Ombuds (University of Alberta)

The Office of the Student Ombuds ensures fairness in the application of University processes and assists students in obtaining information, advice, and support when dealing with school related disputes, whether due to their academics, peers, or finances. They are also able to provide mediation services to help resolve the dispute as fairly as possible. While the Office is used to help students, they are an impartial third party to a dispute and will not act as an advocate for a student. Your discussion with the Ombudsperson is confidential. Their contact information can be found at the end of this booklet.



Termination of a Residence Agreement by a Student

Students wishing to terminate their Residence Agreement and move out of their residence have to provide notice if they are moving out before their specified move-out date. The student must complete a Notice to Vacate form and submit it at least 30 days before the move-out date included in the Residence Agreement. Submitting the Notice to Vacate less than 30 days before will lead to an insufficient notice fee. Students will be required to meet with Residence Services staff when filling out the form. A vacating student must pay rent up to the end of the term in the Residence Agreement.

Student Status Ends

The Residence Agreement requires that residents, or at least the primary leaseholder (e.g., If someone was a student with a family using student housing for families), maintain their student status. Typically, they require the student to be enrolled in classes full-time, but they may approve part-time studies. Anyone not in full time studies must be expressly approved by the Landlord. A student is responsible for informing the Landlord immediately when their student status ends, although the Landlord will also check the status of students periodically.

Insurance

The University strongly recommends, but does not require, that residents buy personal tenant's insurance to cover their own personal items and the resident's legal liability for causing loss or damage to the property of others, the University property, or for causing injury to others. The Landlord is not responsible for any loss or damage to a Residents personal items.

Sometimes insurance is available as an extension of the Resident's family's home insurance policy. Or a resident can obtain their own personal tenant's insurance policy.



WHO CAN I CALL FOR MORE HELP OR INFORMATION?

Student Legal Services – Civil Law Project 11036 88 Ave NW Edmonton, AB T6G 0Z2	Ph: 780-492-8244 Admin: 780-492-2226
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The Civil Law Project of Student Legal Services consists of caseworkers, who are law students, that provide basic legal information on various topics in civil law as well as provide free assistance on certain types of issues. Keep in mind that the services available are subject to eligibility criteria however, Student Legal Services can help all University of Alberta undergraduate students with a valid OneCard.

Office of the Student Ombuds 2-702 Students Union Building 8900 – 114 Street NW University of Alberta Edmonton, AB T6G 2J7	Ph: (780) 492-4689 Email: ombuds@ualberta.ca Hours: September - April: Mon - Fri, 8:30 a.m. - 4:30 p.m. May - August: Mon - Fri, 8:00 a.m. - 4:00 p.m.
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The Office of the Student Ombuds ensures fairness in the application of University processes and assists students in obtaining information, advice, support, and mediation services, when dealing with school related disputes, whether due to their academics, peers, or finances. They are an impartial third party to a dispute and will not act as an advocate.

Residential Tenancy Dispute Resolution Service (RTDRS) 44 Capital Boulevard, Main Floor 10044 108 Street NW Edmonton, AB T5J 3S7	Ph: 310-0000 and then 780-644-3000 https://www.servicealberta.ca/landlord-tenant-disputes.cfm
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The RTDRS is an alternative method for resolving disputes between landlords and tenants. Landlords and tenants can apply to this service to help resolve a dispute.

Support for Tenants - City of Edmonton 6606 127 Avenue NW Edmonton, AB T5C 1P9	Ph: 780-496-5959
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Offers information and advice to residential tenants to address tenancy issues, including potential eviction, and ensure tenants are aware of their rights and obligations under the Residential Tenancies Act.

Alberta Health Services - Environmental Public Health Suite 700, 10055 106 Street NW (HSBC Building) Edmonton, AB T5J 2Y2	Contact form: https://ephisahs.albertahealthservices.ca/create-case/
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The Environmental Public Health Program provides information on public health and enforce compliance with the *Public Health Act*. They can be contacted through an online form if there is a public health concern with rental housing.

Alberta Human Rights Commission (AHRC) 800 - 10405 Jasper Avenue NW Edmonton, AB T5J 4R7	Confidential Line: 780-427-7661
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The AHRC provides information and resolution services regarding complaints of discrimination.

