

Evicting Correctly Via RTDRS

All forms and information available at: <http://www.servicealberta.ca/rtdrs/>

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If you have a tenant in default of rent, there are official steps you must follow in order to produce an enforceable eviction. Simply posting a “14 day notice of eviction” to their door and hoping for the best will not get you anywhere. I have detailed here all of the steps to follow. The process is complex with a lot of paperwork, I hope this helps sort it out for you.

1) Fill out Notice of Hearing

<https://forms.gov.ab.ca/Form/RTDR0007.pdf>

The form is mostly self-explanatory but a couple of key points:

- Everything needs to be filled out correctly; the staff at the RTDRS office may not accept your application unless it is all correct.
- Ensure you photocopy the lease enough times otherwise they will not accept your package
- Section D: The leger. This is very important to fill out correctly. ENSURE you go back as many months as they have been delinquent, not just the month you are filing. (Even if they have paid up on previous late months) It is important for your case to show a history of delinquency.

2) File for Hearing at RTDRS

Bring the completed package to the RTDRS office, they will give you a hearing time and date. The cost will be \$75 per application which will either be billed back to the tenant if they pay, or will come out of the security deposit if you end up kicking them out. They will also give you a “notice of hearing” package that will be served to the tenant and an affidavit of service to affirm that the tenant was properly served.

RTDRS
Unit 112
10025 - 102A Avenue
Office Hours: 8:15 a.m. to 4:30 p.m.
Closed between noon and 1 p.m.

3) Serve the Tenant Notice of Hearing

There are several options to serve the tenant outlined in the affidavit of service package. The easiest method is to visit the property and serve the tenant directly. If the tenant is not home, you need to make at least 3 attempts to serve the tenant directly. There is a space in the affidavit to note when you have attempted to serve in person. On the 4th attempt

you can leave the notice posted to the door (take a photo as well) and then record in the affidavit that you have done so. You must also serve the document by a certain date before the hearing to give the tenant enough time for notice. If you do not, the hearing officer will not see your hearing and it will get rescheduled delaying your entire process.

4) Attend the Hearing

DO NOT BE LATE. If you are late, you will automatically lose the hearing and have to go right back to step 1 delaying your process.

There are a couple different scenarios leading into hearing:

A) Tenants Have Not Paid Arrears

If the tenants have not paid, you will win the hearing and the hearing officer will usually give them another 2-4 days to pay their arrears. Or, they will take the arrears and break it up into a few monthly payments so that the tenant can get caught up in portions over the next few months. Tell the hearing officer what you want. If you just want the tenant out, emphasize this to the officer. You will be granted a court order explaining which decision has been awarded

B) Tenants Have Already Paid Arrears

Very important to still attend the hearing. If the tenant has a history of late payment even better, the hearing officer will still grant you a court order instructing the tenant to pay on time from now on. This allows you to skip steps 1-4 the next time they are late on rent.

5) File Court Order at Court House

Take the court order awarded in wither 4A or 4B to the courthouse to get it filed and stamped. This makes the document official and enforceable.

Alberta Courts

1A Sir Winston Churchill Sq, Edmonton AB T5J 0R

6) Serve Court Order to Tenant

The document is not enforceable until it has been served to the tenant. With this service you can leave it posted to the door right on the first visit. Serve the tenant ASAP. The clerks at the courthouse will give you an affidavit of service. Take a photo of the posted documents.

7) Bring Affidavit of Service to Courts

Once the tenant has been served, you need to bring the affidavit to the courthouse to prove that they have been served. The clerks will swear in your affidavit and stamp it for you.

8) Tenant Breaches Court Order

The tenants have been ordered to pay a certain amount of money by a certain time and they do not. In the order you have a set time limit to serve them a notice of default, usually 14 days. Do not procrastinate, if you do not serve the tenant a notice of default within 14 days of them violating the court order, then you lose your chance to enforce the order and might have to go back to step 1. You will be given a link copy of the notice of default at the courthouse. The notice of default notifies the tenant that they must vacate the property in within 24-48 hours depending on what your Court Order states.

9) Take Possession of the Property

Once the 24-48 hours elapses you can take possession of your property. There are a few different ways this can go.

A) Tenant Leaves Peacefully

If the tenant vacates the property and acknowledges they have done so you can simply change the locks.

B) Tenant Abandons Property

If the tenant is gone and you feel safe in changing the locks do so. If the property seems occupied but no one is home and you do not feel safe changing the locks proceed to step C.

C) Tenant Refuses to Leave

At this point you will need to hire a bailiff to take possession of the property for you. The courthouse will give you all of the bailiff information you need. You will need to send the enforcement agency all of your documentation from the file. They will send a Bailiff to the property for you to officially take possession on your behalf and will change the locks and give you the keys.

Conclusion

Having a Tenant in Arrears can be frustrating and time consuming. If you do not act quickly and in the right order, you will often sustain 2 sometimes 3 months of unpaid rent before you can actually get a tenant out. Do not skip steps, fill out paperwork correctly, and serve documents immediately. This way you will always ensure you're paid on time, or at least have your property vacated and ready for re rental as fast as possible.