

The #1 Resource Site About The Eviction Process in Alberta

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JANUARY 23, 2017 BY ALBERTA EVICTION INFO

How To Evict A Tenant In Alberta



As a landlord in Alberta, I understand having to evict a tenant can be a huge stress both mentally and financially.

Unfortunately the ongoing economic downturn in Alberta has also made evictions a much more common occurrence.

Fortunately though, the process to evict a tenant in Alberta is fairly simple, it just requires an understanding of the landlord and tenant act in Alberta, the eviction rules

relating to the act, how they work and how to get them enforced.

The basic laws covering evictions for Alberta landlords and tenants are laid out in the [Alberta Residential Tenancies Act](#). This landlord and tenant Act gives landlords two

methods to evict a tenant, and it's important that you know both of them. along with the pluses and minuses of each.

Those two methods are,

1. Using a **14 day eviction notice** or
2. **filing for an eviction** with either the Residential Tenancy Dispute Resolution Service (RTDRS) or the Courts

If you have to evict a tenant in Alberta, which one you choose really depends on the severity of the issue.

Now I understand all evictions are severe in the minds of a landlord, the difference in severity could be whether it involves a **late rent payment for the first time**, or a **continued history of late payments** that continue to get later and later.

For first offences (like late rent), or issues that you believe will and can be corrected, using a 14 day eviction notice may be the correct path. This provides the tenant with an opportunity to catch up with rent and more importantly, provides you with a paper trail if it re-occurs or you need to escalate the eviction process.

How To Evict A Tenant in Alberta with an Eviction Notice

For 14 day eviction notices it's important to know that the day you serve the tenant the notice and the day the tenant is to vacate the property aren't part of the 14 days. This means the eviction period actually ends up being 16 days.

“ As an example, if you serve the tenant on the 10th of the month, the 14 day period would include the 11th through to the 24th and the eviction date that they are supposed to vacate would be the 25th.

It's also important to know that if the eviction is for late rent, **if the tenant pays at any point during the notice period the eviction notice is null and void** and the tenancy carries forward. A proper eviction notice is also supposed to mention this somewhere on the notice.

And perhaps most important, if the tenant does not vacate by the date on the eviction notice, you then have to proceed to a hearing anyway, which involves filing at the RTDRS or through the courts.

There are multiple reasons landlords use 14 day eviction notices rather than immediately filing for a hearing and often it's simply due to lack of understanding of the eviction process and how weak eviction notices actually are for landlords.

To help get you up to speed I have multiple other articles that go into more details about using 14 day eviction notices and even 24 hour eviction notices.

If you're confused about what to do, you will want to read through the appropriate articles and for even more information be sure to read through the comments at the bottom where I answer even more questions people have.

I also have 14 day eviction notices for purchase that include complete walk throughs on how to fill them out, how to properly serve them to the tenants and tons of other important details you won't find elsewhere.

If you'd like to grab them you can order and download them here and start filling them out in minutes – [Alberta Eviction Forms](#)

[Don't Wait To Evict Late Paying Tenants](#)

[When Not To Use a 14 Day Eviction Notice](#)

[Know When You Can Use a 24 Hour Eviction Notice](#)

How To Evict a Tenant in Alberta Through The RTDRS

If your eviction is for more serious matters such as **damage to the property, continuous late payments** or even **threats against you or other tenants** then I recommend bypassing an eviction notice and filing and eviction application directly with either the RTRS or the courts.

The **Residential Tenancy Dispute Resolution Service** (referred to as the RTDRS) was set up to make the eviction process easier, less formal and more streamlined and for the majority of landlords and simple evictions it has been great.

(To learn more about the RTDRS read this article [What Is The RTDRS?](#))

It does however have a process and it does have its limitations.

The process (while daunting the first time) is relatively easy once you've gone through it once or twice.

It requires you to download the appropriate [eviction application form from the RTDRS site](#), filling all the information in, compiling all your evidence and then depending on where you're located in the province, either filing in person or faxing in your application.

If you're in one of the major centres in Alberta where you are required to file in person you'll be provided a hearing date that you'll then need to serve your tenant notice of. Depending on the number of applications scheduled in front of you this can be as swiftly as five to seven days, or during more turbulent economic times it's not uncommon to be backed up several weeks.

If you're outside of the areas served by RTDRS offices, once you've faxed your application in you need to wait for them to process it and determine a hearing date. This can take several days and even weeks depending on the backlog of applications before you find out your hearing date.

Once you've received your hearing date and you've served the tenants notice of the hearing you'll need to wait to the hearing date to have your evidence reviewed and a decision made about the tenant along with the results.

“ Again due to the current economic downturn, there are more evictions going on than ever as people struggle to make ends meet. This is causing a huge backlog of eviction hearings and adding weeks to the timeline. To stay abreast of the current timing for hearings you can read this article which I will update as the situation evolves – [RTDRS Timelines – How Long To Get An Eviction Hearing](#)

These results could range from a **dismissal of the eviction** due to lack of evidence or an error in the process, to receiving a **court ordered date for the tenant to vacate** or possibly a **court ordered payment schedule** for a tenant to get caught up with any arrears.

“ Want to learn to evict tenants successfully, without getting your application dismissed? I've put together a guide walking you through the entire process that also includes my three strategies to help you get the eviction you want. You can find out more here, [How To Evict Problem Tenants](#).

How To Evict a Tenant in Alberta Through the Courts

You also have the ability to evict a tenant through the courts and this is how many of the eviction service companies prefer to go through the process.

It's a much more formal procedure and can have a few pitfalls for the ill prepared landlord.

The judges presiding over these hearings will be much stricter as far as interpretations of the law and evidence so it does require you to be very well prepared which is something you should be anyway!

There is a positive about using the courts to evict a tenant in Alberta though. It's often faster as the wait times are shorter and in severe transitions by tenants the judges provide very swift results.

Preparation & Documentation

Whichever method you plan to go through for an eviction the key is always to be prepared with plenty of documentation and evidence to back up your claims.

Hopefully with an eviction notice the tenant either pays up in the case of late rent, or vacates prior to the eviction date. If however they don't, or you've decided to forgo an eviction notice and apply directly to the RTDRS or the courts, you'll require evidence.

Now I do go through this in more detail in my [Eviction Guide for Alberta Landlords](#), but here are some basics you'll need.

- **Copy of your lease**
- **Copies of any correspondence with the tenant regarding the eviction**

- **Copies of any eviction notices and/or written notices**

There is plenty of additional evidence you'll also want to include and even more documentation I recommend, but at the very minimum you'll need to start with this.

With my typical RTDRS eviction application I fluctuate between approximately 80 and 120 pieces of evidence depending on the situation.

Hopefully this information helps you with your eviction situation.

If you want additional information on how to evict a tenant in Alberta, I also have a **Getting Started Page** where I provide links and information to help you find additional information on this site and to help get you up to speed as quickly as possible.

You can click on the link above or the following image to access the [Getting Started Page](#),



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[Use the RTDRS To Evict Problem Tenants With Less Stress](#)
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[Evicting Tenants In Alberta - What Are A Landlord's Options](#)
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Summary



Article Name How To Evict A Tenant In Alberta

Description Want to learn how to evict a tenant in Alberta? Here are the basic methods to get you started.

Author Bill Biko

Publisher Name Alberta Eviction Info

Publisher Logo



Filed Under: [14 day eviction](#), [24 hour eviction](#), [Alberta Eviction Process](#), [How To Evict A Tenant In Alberta](#), [RTDRS](#) Tagged With: [alberta tenant eviction](#), [evict a tenant](#), [how to evict a tenant](#), [how to evict a tenant in Alberta](#), [using a 14 day eviction notice](#)

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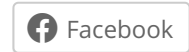
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RESIDENTIAL TENANCIES ACT

Alberta Tenancy Act or Alberta Residential Tenancy Act

The Alberta Tenancy Act, or the Alberta Residential Tenancies Act as it's more commonly known contains the ground rules for landlords and tenants in Alberta. This landlord and tenant act for Alberta provides all the definitions as far as what properties are covered, how both landlords and tenants are protected under the Alberta Tenancies Act [...]

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LANDLORDS GUIDE TO EVICTING TENANTS



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