

2017 Bill 23

Third Session, 29th Legislature, 66 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 23

**ALBERTA HUMAN RIGHTS
AMENDMENT ACT, 2017**

THE MINISTER OF JUSTICE AND SOLICITOR GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 23

2017

ALBERTA HUMAN RIGHTS AMENDMENT ACT, 2017

(Assented to _____, 2017)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Amends RSA 2000 cA-25.5

1 The *Alberta Human Rights Act* is amended by this Act.

2 Section 4 is repealed and the following is substituted:

**Discrimination re goods, services,
accommodation, facilities**

4 No person shall

- (a) deny to any person or class of persons any goods, services, accommodation or facilities that are customarily available to the public, or
- (b) discriminate against any person or class of persons with respect to any goods, services, accommodation or facilities that are customarily available to the public,

because of the race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation of that person or class of persons or of any other person or class of persons.

Explanatory Notes

1 Amends chapter A-25.5 of the Revised Statutes of Alberta 2000.

2 Section 4 presently reads:

4 No person shall

- (a) deny to any person or class of persons any goods, services, accommodation or facilities that are customarily available to the public, or*
- (b) discriminate against any person or class of persons with respect to any goods, services, accommodation or facilities that are customarily available to the public,*

because of the race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, ancestry, place of origin, marital status, source of income, family status or sexual orientation of that person or class of persons or of any other person or class of persons.

Benefit based on age

4.1 Section 4 as it relates to age does not apply with respect to the conferring of a benefit on

- (a) minors or any age-based class of minors, or
- (b) individuals who have reached a specified age not less than 55.

Minimum age for occupancy

4.2(1) Section 4 as it relates to age and family status does not apply with respect to a minimum age for occupancy that applies to

- (a) a residential unit as defined in the *Condominium Property Act*,
- (b) a housing unit as defined in the *Cooperatives Act*, or
- (c) a mobile home site as defined in the *Mobile Home Sites Tenancies Act*,

if that minimum age for occupancy was in existence before January 1, 2018.

(2) Section 4 as it relates to age and family status does not apply with respect to a minimum age for occupancy that applies to accommodation at premises in which every unit or site is reserved for occupancy by one individual who has reached a specified age not less than 55 or by two or more individuals at least one of whom has reached a specified age not less than 55.

(3) A minimum age for occupancy under subsection (2)

- (a) must not prevent occupancy by a prescribed class of individuals or in the prescribed circumstances, and
- (b) may permit occupancy by a prescribed class of individuals or in the prescribed circumstances.

(4) If a minimum age for occupancy is adopted in accordance with subsection (2), the minimum age for occupancy shall not be considered to be non-compliant with subsection (2) by reason of continued occupation by individuals who were resident in the premises before that minimum age for

occupancy was adopted and who do not conform to the minimum age for occupancy, to subsection (2) or to the regulations referred to in subsection (3).

3 Section 5 is repealed and the following is substituted:

Discrimination re tenancy

5(1) No person shall

- (a) deny to any person or class of persons the right to occupy as a tenant any commercial unit, self-contained dwelling unit or mobile home site that is advertised or otherwise in any way represented as being available for occupancy by a tenant, or
- (b) discriminate against any person or class of persons with respect to any term or condition of the tenancy of any commercial unit, self-contained dwelling unit or mobile home site,

because of the race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation of that person or class of persons or of any other person or class of persons.

(2) Subsection (1) as it relates to age and family status does not apply with respect to a minimum age for occupancy for premises that contain a unit or site to which section 4.2(1) applies.

(3) Subsection (1) as it relates to age and family status does not apply with respect to a minimum age for occupancy that applies to a unit or site at premises in which every unit or site is reserved for occupancy by one individual who has reached a specified age not less than 55 or by two or more individuals at least one of whom has reached a specified age not less than 55.

(4) A minimum age for occupancy under subsection (3)

- (a) must not prevent occupancy by a prescribed class of individuals or in the prescribed circumstances, and

3 Section 5 presently reads:

5 No person shall

- (a) deny to any person or class of persons the right to occupy as a tenant any commercial unit or self-contained dwelling unit that is advertised or otherwise in any way represented as being available for occupancy by a tenant, or*
- (b) discriminate against any person or class of persons with respect to any term or condition of the tenancy of any commercial unit or self-contained dwelling unit,*

because of the race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, ancestry, place of origin, marital status, source of income, family status or sexual orientation of that person or class of persons or of any other person or class of persons.

- (b) may permit occupancy by a prescribed class of individuals or in the prescribed circumstances.

(5) If a landlord adopts a minimum age for occupancy in accordance with subsection (3), the minimum age for occupancy shall not be considered to be non-compliant with subsection (3) by reason of continued occupation by individuals who were resident in the premises before that minimum age for occupancy was adopted and who do not conform to the minimum age for occupancy, to subsection (3) or to the regulations under subsection (4).

4 The following is added after section 5:

Regulations

5.1 The Lieutenant Governor in Council may make regulations

- (a) respecting the classes of individuals and the circumstances referred to in sections 4.2(3)(a) and 5(4)(a);
- (b) respecting the classes of individuals and the circumstances referred to in sections 4.2(3)(b) and 5(4)(b);
- (c) determining or respecting the determination of whether and when a minimum age for occupancy is in existence for the purposes of section 4.2(1) or deeming a minimum age for occupancy to be in existence.

5 The following is added after section 10:

Ameliorative policies, programs and activities

10.1 It is not a contravention of this Act to plan, advertise, adopt or implement a policy, program or activity that

- (a) has as its objective the amelioration of the conditions of disadvantaged persons or classes of disadvantaged persons, including those who are disadvantaged because of their race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental

4 Regulations.

5 Ameliorative policies; programs and activities.

disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation, and

- (b) achieves or is reasonably likely to achieve that objective.

6 The following heading is added before section 44:

General

7 Section 44 is amended

(a) in subsection (1)

- (i) **in clause (a) by adding “, except for the purposes of sections 4.1, 4.2, 5(2) to (5) and 5.1,” after “means”;**

(ii) by adding the following after clause (a):

- (a.1) “benefit” means, under section 4.1, preferential access, preferential terms or conditions or any form of preferential treatment in respect of goods, services, accommodation or facilities but does not include a minimum age for occupancy of accommodation;

(b) by adding the following after subsection (1):

(1.1) In this Act, a reference to accommodation includes occupancy of

- (a) a residential unit as defined in the *Condominium Property Act*,
- (b) a housing unit as defined in the *Cooperatives Act*, and
- (c) a mobile home site as defined in the *Mobile Home Sites Tenancies Act*.

6 Heading added before section 44.

7 Section 44 presently reads in part:

44(1) In this Act,

(a) “age” means 18 years of age or older;

(2) Whenever this Act protects a person from being adversely dealt with on the basis of gender, the protection includes, without limitation, protection of a female from being adversely dealt with on the basis of pregnancy.

8 The following is added after section 45:

Repeal

46 The following provisions are repealed on December 31, 2032:

- (a) section 4.2(1);
- (b) section 5(2);
- (c) section 5.1(c).

9 This Act comes into force on January 1, 2018.

8 Repeal.

9 Coming into force.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
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