

Legal terms 101: “owner”

OHS information for work site parties

This bulletin explains how the term “owner” is used in occupational health and safety law. It also explains some applicable legal obligations for owners.

KEY INFORMATION

- Owners are a regulated work site party with obligations under occupational health and safety law.

Who is (and isn’t) an owner

Owners are a defined work site party in Alberta’s *Occupational Health and Safety (OHS) Act* (see “[Definition](#)” on Page 2).

In simple terms, an “owner” is the person registered at [Land Titles](#) as the owner of land on which work is or may be carried out. But there are two exceptions to this:

1) Private residences

A registered property owner who occupies their own home is not considered an owner under the OHS Act – unless a business, trade or profession is carried on in the home. (In that case, the exception doesn’t apply and the registered property owner is an owner under the act.)

For example:

- If you are running a home business, then the registered property owner for the house is considered the owner under the OHS Act.
- If you hire a company to install new flooring in your private residence, then the registered property owner is not the owner under the OHS Act.

2) Transfer of responsibility

Another work site party may assume the registered property owner’s obligations as an owner under health and safety law if both parties sign an agreement that [explicitly states](#) the second party is responsible for the property owner’s legal obligations under the OHS Act.

Some examples of agreements that might be written to include this explicit transfer of responsibility are:

- A contract between a registered property owner and a property management company.

- A lease between a registered property owner and a person who will be using the property as their place of business.

Owner health and safety obligations

As a work site party, owners have general duties under the OHS Act. These, as set out in Section 9 of the act, are to:

- Ensure, as much as [reasonably practicable](#), that their land, infrastructure and any buildings or premises on their land won’t endanger anyone’s health and safety.
- Ensure that they inform other work site parties who are conducting work, or could be reasonably anticipated to conduct work on the premises, about hazards on their property.
- Cooperate with anyone carrying out health and safety obligations under the OHS Act, Regulation and Code.

The person in control of the work site is not necessarily the owner

A legal concept that is sometimes confused with owner is “person in control of the work site”. Both terms are used in health and safety law and they can sometimes be the same individual. However, the two concepts are different – and again, an owner is not necessarily the person in control of the work site.

Because both roles come with health and safety obligations, it’s important to understand each term.

Examples of persons in control of the work site may include:

- A business operator who is leasing property from the registered property owner, where the lease states that the business owner is responsible for the owner’s legal occupational health and safety obligations.
- A property management company with a contract to manage a specified property for the registered property owner.
- A property owner who retains control of their property that is a work site. (For example, has not put someone else in control of the site.)

Definition

From the OHS Act:

Section 1(hh) “owner” means the person who is registered under the *Land Titles Act* as the owner of the land on which work is being carried out or may be carried out, or the person who enters into an agreement with the owner to be responsible for meeting the owner’s obligations under this Act, the regulations and the OHS Code, but does not include a person who occupies land or premises used as a private residence unless a business, trade or profession is carried on in that premises;

For more information

Alberta Land Titles
alberta.ca/land-titles

Legal terms 101: “reasonably practicable” (LGT001)
ohs-pubstore.labour.alberta.ca/lgt001

Prime contractor role and duties (LI018)
ohs-pubstore.labour.alberta.ca/li018

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alberta.ca/alberta-kings-printer.aspx

OHS

alberta.ca/ohs-act-regulation-code.aspx

Contact us

OHS Contact Centre

Alberta toll-free

- 1-866-415-8690

Edmonton region

- 780-415-8690

Deaf or hard of hearing (TTY)

- 1-800-232-7215 (Alberta toll-free)
- 780-427-9999 (Edmonton region)

Notify OHS of health and safety concerns

alberta.ca/file-complaint-online.aspx

Call the OHS Contact Centre if you have concerns that involve immediate danger to a person on a work site.

Report a workplace incident to OHS

alberta.ca/ohs-complaints-incidents.aspx

Website

alberta.ca/ohs

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