

BILL

No. 15

An Act to amend *The Residential Tenancies Act, 2006* and to make consequential amendments to *The Victims of Interpersonal Violence Act*

(Assented to _____)

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

Short title

1 This Act may be cited as *The Residential Tenancies Amendment Act, 2020*.

SS 2006, c R-22.0001 amended

2 *The Residential Tenancies Act, 2006* is amended in the manner set forth in this Act.

Section 32 amended

3(1) **Clause 32(2)(a) is amended by striking out “registered or”.**

(2) **Clause 32(3)(c) is amended by adding “or in electronic form” after “ordinary mail”.**

(3) **Subsection 32(5) is amended by striking out “If the tenancy” and substituting “Subject to any outstanding claims for arrears of rent and utility payments, if the tenancy”.**

Section 33 amended

4(1) **Subsection 33(1) is amended by adding “, on payment of the prescribed fee but subject to *The Fee Waiver Act*,” after “the tenant may”.**

(2) **Subsection 33(2) is amended by striking out “two years” and substituting “60 days”.**

(3) **Clause 33(4)(a) is amended by adding “or in electronic form” after “ordinary mail”.**

(4) **Subsection 33(6) is amended by adding “or in electronic form” after “ordinary mail”.**

(5) **Subsection 33(9) is repealed.**

(6) **Subsections 33(10) and (11) are repealed and the following substituted:**

“(10) The director shall provide or cause to be provided a copy of an order made pursuant to subsection (8) to:

- (a) the tenant; and
- (b) the landlord”.

Section 34 amended

5 Subsections 34(5) and (6) are repealed.

Section 57 amended

6 Subsection 57(1) is amended by striking out “15 days” and substituting “7 days”.

Section 58 amended

7(1) Subsection 58(1) is amended:

(a) in clause (a) by striking out “30 days after the date it is required to be paid under the tenancy agreement” and substituting “2 months after the tenancy start date”; and

(b) by adding the following clause after clause (o):

“(p) the tenant has improperly denied the landlord access to a rental unit for the purposes of section 45”.

(2) Subsection 58(2) is amended by adding “, clause (p)” after “clauses (1)(a) to (n)”.

New heading

8 The heading before section 64.1 is struck out and the following substituted:

“DIVISION 1.1

Victims of Interpersonal Violence or Sexual Violence”.

Section 64.2 amended

9(1) Subsection 64.2(1) is amended by adding “or sexual violence” after “interpersonal violence”.

(2) Clause 64.2(3)(d) is repealed and the following substituted:

“(d) state that the ground for ending the tenancy is interpersonal violence or sexual violence”.

Section 70 amended

10(1) The following subsection is added after subsection 70(2):

“(2.01) The fee paid pursuant to this section is non-refundable”.

(2) Subsection 70(2.2) is amended by striking out “registered or”.

(3) Subsection 70(7) is amended by striking out “a tenancy agreement” and substituting “the tenancy agreement”.

(4) Subsection 70(10) is amended:

(a) by striking out “or” after clause (b);

(b) by adding “or” after clause (c); and

(c) by adding the following clause after clause (c):

“(d) in electronic form”.

(5) Clause 70(11)(d) is amended in the portion preceding subclause (i) by striking out “a notice to the end” and substituting “a notice to end”.

New section 70.1

11 The following section is added after section 70:

“Power of attorney—tenants

70.1(1) A tenant may file with the director a duly executed power of attorney in the prescribed form appointing the person named in the power of attorney to be the tenant’s attorney in Saskatchewan:

(a) for the purpose of receiving service of notices and applications pursuant to this Act; and

(b) declaring that services mentioned in clause (a) on the attorney are legal and binding.

(2) Every attorney mentioned in subsection (1):

(a) must be a resident of Saskatchewan; and

(b) must sign the power of attorney form in which the attorney is appointed declaring that the attorney has consented to act as attorney”.

New section 71.1

12 Section 71.1 is repealed and the following substituted:

“Time limit for applications

71.1 Except as otherwise provided in this Act, an application for an order pursuant to this Act must be made within 1 year after the date of the act or omission giving rise to the claim”.

Section 72 amended

13 Subsections 72(1.3) and (1.4) are repealed and the following substituted:

“(1.3) A tenant may only appeal an order that includes a writ of possession pursuant to subsection 70(13) with respect to a failure to vacate a property in accordance with a notice served pursuant to subsection 57(1) or (5) or clause 58(1)(b) if the tenant files with the Court of Queen’s Bench a certificate of payment of rent issued pursuant to the regulations”.

Section 76 amended

14(1) The following subsection is added after subsection 76(2):

“(2.1) The fee paid pursuant to this section is non-refundable”.

(2) Subsection 76(3) is amended by striking out “the decision or order is received” and substituting “the date that appears on the decision or order”.

(3) Subsection 76(6) is repealed.

Section 81 amended

15 Clause 81(1.1) is repealed and the following substituted:

“(1.1) for the purposes of subsection 72(1.3), respecting the issuance and filing of a certificate of payment of rent”.

Section 82 amended

16(1) Subsection 82(2) is amended:

- (a) **in subclause (a)(ii) by striking out “by registered mail,”;**
 - (b) **by repealing clause (b) and substituting the following:**
 - “(b) in the case of service on a former tenant:
 - (i) by personal service on the former tenant; or
 - (ii) in electronic form”; **and**
 - (c) **in subclause (c)(i) by striking out “section 83” and substituting “section 82.2 or 83”.**
- (2) **Subsection 82(4) is amended by striking out “registered or”.**
 - (3) **Subsection 82(7) is repealed.**
 - (4) **Clause 82(8)(c) is repealed.**

New section 82.2

17 The following section is added before section 83:

“Power of attorney—landlord

82.2(1) Subject to section 83, before an attorney pursuant to a power of attorney can carry on business for a landlord in Saskatchewan, the landlord must file with the director a duly executed power of attorney in the prescribed form appointing the person named in the power of attorney to be the landlord’s attorney in Saskatchewan:

- (a) for the purpose of receiving service of notices and applications pursuant to this Act; and
 - (b) declaring that services mentioned in clause (a) on the attorney are legal and binding.
- (2) Every attorney mentioned in subsection (1):
 - (a) must be a resident of Saskatchewan; and
 - (b) must sign the power of attorney form in which the attorney is appointed declaring that the attorney has consented to act as attorney.
 - (3) A landlord shall, within 15 days after the date of any of the following events, file another power of attorney with the director:
 - (a) the attorney named in the power of attorney filed pursuant to this section ceases to reside in Saskatchewan, dies or resigns;
 - (b) there is a change in the name or address of the attorney;
 - (c) there is a change in the business name of the landlord;
 - (d) the power of attorney filed becomes invalid or ineffectual for any reason.

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- (4) An attorney who wishes to resign shall:
- (a) file with the director a written resignation; and
 - (b) send a copy of the written resignation mentioned in clause (a) to the landlord.
- (5) A resignation of an attorney is effective at the latest of:
- (a) the time the written resignation is filed with the director pursuant to subsection (4);
 - (b) the time the written resignation is sent to the landlord; and
 - (c) the time specified in the written resignation”.

New section 83

18 Section 83 is repealed and the following substituted:

“Power of attorney—non-resident landlords

83(1) In this section and section 82, **‘non-resident landlord’** means a landlord that does not:

- (a) reside in Saskatchewan; or
 - (b) have an office in Saskatchewan where the landlord may be served pursuant to this Act.
- (2) Subject to subsection (3), before carrying on business, every non-resident landlord shall file with the director a duly executed power of attorney in the prescribed form appointing the person named in the power of attorney to be the non-resident landlord’s attorney in Saskatchewan:
- (a) for the purpose of receiving service of notices and applications pursuant to this Act; and
 - (b) declaring that services mentioned in clause (a) on the attorney are legal and binding.
- (3) If a non-resident landlord has filed pursuant to another Act a power of attorney that, in the opinion of the director, meets the requirements of this section, the non-resident landlord may file a copy of that power of attorney with the director instead of complying with subsection (2).
- (4) Section 82.2 applies, with any necessary modification, to a non-resident landlord and to an attorney appointed pursuant to this section”.

Section 85 amended

19 Clause 85(7)(a) is amended by striking out “the tenancy agreement, this Act or the regulations” and substituting “an order or decision issued by a hearing officer or the director”.

SS 1994, c V-6.02, section 12.4 amended

20(1) Section 12.4 of *The Victims of Interpersonal Violence Act* is amended in the manner set forth in this section.

(2) Subsection (2) is amended:

(a) in subclause (a)(ii) by adding “or sexual violence” after “interpersonal violence”; and

(b) in clause (b) by striking out “from a cohabitant”.

(3) Subclause (4)(g)(ii) is amended by striking out “victims of interpersonal violence” and substituting “persons who have been the subject of interpersonal violence or sexual violence”.

Coming into force

21 This Act comes into force by order of the Lieutenant Governor in Council.

FIRST SESSION

Twenty-ninth Legislature

SASKATCHEWAN

B I L L

No. 15

An Act to amend *The Residential Tenancies Act, 2006*
and to make consequential amendments to
The Victims of Interpersonal Violence Act

Received and read the

First time

Second time

Third time

And passed

Honourable Gordon Wyant
