

# BILL

No. 21

## An Act to amend *The Safer Communities and Neighbourhoods 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 Safer Communities and Neighbourhoods Amendment Act, 2020*.

### SS 2004, c S-0.1 amended

**2** *The Safer Communities and Neighbourhoods Act* is amended in the manner set forth in this Act.

### Section 2 amended

**3 Section 2 is amended:**

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

“(a.1) **‘business day’** means a day other than a Saturday, Sunday or holiday”; **and**

(b) **by repealing clauses (d.1) and (d.2).**

### Section 4 amended

**4 Clause 4(1)(f) is amended:**

(a) **by adding the following subclause after subclause (ii):**

“(ii.1) the possession, growth, use, consumption, sale, transfer or exchange of cannabis, as defined in *The Cannabis Control (Saskatchewan) Act*, in contravention of that Act and the regulations made pursuant to that Act”; **and**

(b) **by adding the following subclause after subclause (iv):**

“(iv.1) the possession, growth, use, consumption, sale, transfer or exchange of cannabis, as defined in the *Cannabis Act* (Canada), in contravention of that Act”.

**New Division 1.1**

**5 The following Division is added after section 4:**

**“DIVISION 1.1**

**Investigators**

**“Designation of investigators**

**4.1(1)** The director may designate persons as investigators for the purposes of this Part, subject to any terms and conditions set out by the director.

(2) The director may authorize investigators to:

(a) conduct investigations on behalf of the director pursuant to section 6; and

(b) carry out any other powers and duties of the director pursuant to this Part.

(3) The director shall provide to each investigator an identification card for the purposes of this Part.

(4) An investigator who is acting pursuant to this Part shall produce the investigator’s identification card if requested to do so”.

**New section 5**

**6 Section 5 is repealed and the following substituted:**

**“Complaint to director**

**5(1)** A person may make a complaint pursuant to this Part to the director if:

(a) the person believes that:

(i) a community or neighbourhood is being adversely affected by activities on or near a property in the community or neighbourhood; and

(ii) the activities indicate that the property is being habitually used for a specified use; or

(b) the person believes that activities on or near a property create a serious and immediate threat to the health, safety and security of one or more occupants of the property or other persons in the community or neighbourhood in which the property is located.

(2) A complaint pursuant to subsection (1) must:

(a) be made in a form and manner acceptable to the director; and

(b) contain any other information that the director may require”.

**Section 6 amended**

**7(1) The following clauses are added after clause 6(1)(f):**

“(f.1) with the approval of a landlord, serve a demand to vacate, in accordance with any prescribed requirements, that requires any or all persons to vacate the property;

“(f.2) with the approval of a landlord, commence any proceedings pursuant to *The Residential Tenancies Act, 2006* on behalf of the landlord respecting the property, and represent the landlord in those proceedings;

“(f.3) post a community safety warning in accordance with any prescribed requirements”.

**(2) Subsection 6(2) is repealed and the following substituted:**

“(2) The director shall take reasonable steps to notify the complainant, in the manner determined by the director, if the director decides not to act on a complaint or not to continue acting on a complaint”.

**Section 7 amended**

**8 The following subsection is added after subsection 7(2):**

“(3) An application pursuant to this section may be made on three days’ notice to the respondent if there are pressing or emergency circumstances that require the application to be heard on an urgent basis”.

**Section 22 amended**

**9(1) The following subsection is added after subsection 22(3):**

“(3.1) Notwithstanding subsection (3), a demand to vacate property pursuant to clause 6(1)(f.1) must be served:

(a) in accordance with clause (3)(a); or

(b) by posting a copy of the demand in a conspicuous place on the property with respect to which the demand is made and by serving the demand by registered mail addressed to the person to be served”.

**(2) Subsection 22(4) is repealed and the following substituted:**

“(4) A notice or document sent by registered mail is deemed to have been served on the third business day following the date of its mailing unless the person to whom it was mailed establishes that, through no fault of the person, the person did not receive the notice or document or received it at a later date”.

**Section 27 amended**

**10(1) The following subsection is added after subsection 27(1):**

“(1.1) If a community safety order requires any or all persons to vacate a property on or before a date specified by the court, those persons shall leave immediately on request of the director, even if they have not been previously served with the order that requires them to vacate the property”.

**(2) Subsection 27(3) is repealed and the following substituted:**

“(3) Subject to any order made pursuant to section 13, after leaving the property and while the community safety order mentioned in subsection (1) or (1.1) is in effect, no occupant or other person who is subject to the community safety order shall enter or occupy the property without the director’s consent”.

**New sections 30.1 and 30.2**

**11 The following sections are added after section 30:**

**“Director may work with agencies and neighbourhood groups**

**30.1** The director may consult with and work in cooperation with governments and any agencies and neighbourhood organizations or groups to promote and encourage the development of safe and peaceful communities.

**“Director to notify re children**

**30.2** If the director has reason to believe that there are children residing in a building that is the subject of an investigation or application pursuant to this Part, and the director has reason to believe that the health or safety of those children is at risk, the director shall notify the director appointed pursuant to *The Child and Family Services Act* without delay”.

**Section 31 amended**

**12 The following subsection is added after subsection 31(4):**

“(5) In addition to the disclosures authorized pursuant to clause (1)(e) and subsection (3), the director may disclose information collected pursuant to clause (1)(a), (b) or (c), or records made pursuant to clause (1)(d), to a government institution, local authority or law enforcement agency if the director is of the opinion that the disclosure of the information or records:

- (a) would be in the public interest with respect to public health, public safety or the protection of the environment; or
- (b) may disclose a contravention of the *Criminal Code*”.

**Section 47 amended**

**13(1) Subsection 47(2) is repealed and the following substituted:**

“(2) A removal order or closure order sent by registered mail is deemed to have been served on the third business day following the date of its mailing unless the person to whom it was mailed establishes that, through no fault of the person, the person did not receive the removal order or closure order or received it at a later date”.

**(2) Subsection 47(4) is amended by striking out “An order” and substituting “A removal order or a closure order”.**

**New sections 60 and 60.01**

**14 Section 60 is repealed and the following substituted:**

**“Assistance of peace officer**

**60** Any of the following persons may request the assistance of a peace officer in the performance of that person’s duties pursuant to the Act, and if so requested, the peace officer shall provide any assistance required:

- (a) the director;
- (b) persons designated as investigators pursuant to subsection 4.1(1) or who have contracted with or are authorized by the director pursuant to subsection 31(4) to investigate a complaint;
- (c) an inspector as defined in section 38.

**“Evidence based on information and belief**

**60.01** Evidence based on information and belief is admissible with respect to any application pursuant to this Act”.

**Section 60.1 repealed**

**15 Section 60.1 is repealed.**

**Section 64 amended**

**16 The following clauses are added after clause 64(c):**

“(c.1) for the purposes of clause 6(1)(f.1), prescribing the form and contents of a demand to vacate;

“(c.2) for the purposes of clause 6(1)(f.3), prescribing the form and contents of a community safety warning”.

**SS 2010, c 30 repealed**

**17 *The Safer Communities and Neighbourhoods Amendment Act, 2010* is repealed.**

**Coming into force**

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

FIRST SESSION

**Twenty-ninth Legislature**

SASKATCHEWAN

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**B I L L**

No. 21

An Act to amend *The Safer Communities  
and Neighbourhoods Act*

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Received and read the

First time

Second time

Third time

And passed

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Honourable Christine Tell

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