

# BILL

No. 104

## An Act to amend *The Local Improvements Act, 1993*

(Assented to \_\_\_\_\_)

HIS 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 Local Improvements Amendment Act, 2022*.

### SS 1993, c L-33.1 amended

2 *The Local Improvements Act, 1993* is amended in the manner set forth in this Act.

### Section 2 amended

3 **Section 2 is amended:**

- (a) in the section number by striking out “(1)”; and
- (b) by adding the following clause after clause (f):

“(f.1) ‘**contact information**’ means:

- (i) the name of a person; and
- (ii) whichever of the following options is considered by the sender to be most likely to effect receipt by the intended recipient:
  - (A) mailing address;
  - (B) street or civic address;
  - (C) email address;
  - (D) telephone number;
  - (E) fax number;
  - (F) any other option prescribed by the minister”.

### New section 2.1

4 **The following section is added after section 2:**

#### “Principles and purpose of the Act

2.1(1) A municipality levies charges with respect to a local improvement on all properties that benefit from the improvement in a manner that ensures all benefiting properties share the costs.

(2) The costs of a local improvement are shared between owners of benefiting properties regardless of the use and ownership of the land.

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- (3) A local improvement benefits a property if it enhances:
  - (a) the land for uses to which it may reasonably be put; or
  - (b) the land's development potential.
- (4) The intent of a local improvement levy is to provide municipalities with options to fund infrastructure and servicing needs within their communities in order that benefiting properties may pay part of the costs.
- (5) The purpose of this Act includes providing:
  - (a) the legal framework for undertaking a local improvement;
  - (b) the methods of determining special assessments for a local improvement; and
  - (c) the procedure for appealing a special assessment for a local improvement".

## New section 3

**5 Section 3 is repealed and the following substituted:****"Works and services that may be undertaken**

- 3(1) A work or service or any combination of works or services may, by bylaw, be undertaken by a municipality as a local improvement if any land specially assessed for the work or service is benefited by it.
- (2) The minister may make regulations prescribing the types of works and services that may be undertaken as local improvements".

## Section 5 amended

**6 Subsection 5(1) is amended in the portion preceding clause (a) by striking out "sections 6 and 7" and substituting "section 6".**

## New section 6

**7 Section 6 is repealed and the following substituted:****"Report respecting local improvement**

- 6(1) Before giving a notice of intention pursuant to section 10, the council shall cause a report to be prepared that includes the following information with respect to the proposed local improvement:
  - (a) the nature and location of the local improvement;
  - (b) a description of the lands, including the civic address, if any, of the lands that will be benefited and against which the cost of the proposed local improvement will be charged;
  - (c) the estimated cost of the local improvement and a statement that the special assessment may be based on actual cost;
  - (d) an estimate of the municipality's share of the cost and how it will be financed;
  - (e) an estimate of the owners' share of the cost and the basis for the special assessment to be applied to raise the owners' share;
  - (f) the lifetime of a work;
  - (g) the basis of the special assessment to be used pursuant to section 19 for the local improvement;

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(h) the rate or rates of special assessment, the proposed payment plan, and, if applicable, the number of annual or other instalments to be imposed against the lands subject to special assessment;

(i) if more than one rate of special assessment is to be applied, an explanation of the differences in benefits received by respective benefited lands;

(j) if the council proposes to proceed pursuant to section 11 or 13, the reason for it.

(2) If the local improvement requires approval pursuant to section 8, the board may require additional information”.

**Section 7 repealed**

**8 Section 7 is repealed.**

**New section 8**

**9 Section 8 is repealed and the following substituted:**

**“Application for approval of Saskatchewan Municipal Board**

**8(1)** A municipality shall apply to the board for approval to undertake a local improvement if the local improvement is initiated pursuant to clause 5(1)(c).

(2) An application to the board pursuant to subsection (1) must contain:

(a) the report prepared pursuant to section 6, adopted in whole or in part, or as amended, by resolution of the council;

(b) a record of consultations conducted pursuant to section 11.1;

(c) any other documentation that may be required by the board; and

(d) copies of any other approvals that may be required by any other Act or law for the local improvement and that have been obtained by the municipality.

(3) In reviewing the application, the board in its discretion may confirm the eligibility of the work or service as a local improvement, with reference to whether land to be specially assessed is benefited, and either:

(a) approve the financial agreements for undertaking it, including making any requirement to obtain an agreement with some or all of the owners of benefited land to prepayment of a portion of the estimated cost of the proposed local improvement; or

(b) refuse to approve it”.

**Section 9 amended**

**10 Subsection 9(3) is amended by striking out “but subject to the prior approval of the board,”.**

**Section 10 amended**

**11(1) Clause 10(3)(b) is amended by striking out “12 months” and substituting “2 years”.**

**(2) The following subsection is added after subsection 10(3):**

“(3.1) Any lands specially assessed for the local improvement that are owned by the municipality are not to be included for the purpose of determining the sufficiency of the petition pursuant to subsection (3)”.

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## Section 11 amended

**12(1) Section 11 is amended by renumbering it as subsection 11(1).**

**(2) Subsection 11(1) is amended in the portion preceding clause (a) by striking out “section 12” and substituting “sections 11.1 and 12”.**

**(3) The following subsection is added after subsection 11(1):**

“(2) Subject to the minister’s regulations, the board may establish policies or guidelines regarding the categories and types of local improvements that may be undertaken pursuant to clause 5(1)(c)”.

## New section 11.1

**13 The following section is added after section 11:**

## “Consultation with owners

**11.1(1)** If a municipality proceeds with a local improvement pursuant to section 11 or 13, the municipality shall consult with owners specially assessed for the local improvement according to any:

- (a) policies of the municipality;
- (b) requirements of the board; and
- (c) requirements prescribed by the minister.

(2) The municipality shall provide to the board a record of consultations with owners pursuant to subsection (1) and that record of consultations must form part of any local improvement report submitted to the board for approval pursuant to section 6.

(3) The board may determine the format in which the record of consultations is submitted”.

## Section 12 amended

**14 Subsection 12(1) is amended by striking out “shall” and substituting “may”.**

## New sections 13.1 and 13.2

**15 The following sections are added before section 14:**

## “Requirements of a petition

**13.1(1)** A petition for or against a proposed local improvement shall be deemed to be presented to the council when it is filed with the administrator or clerk at the municipal office.

- (2) A petition must consist of one or more pages, each of which must contain:
- (a) an identical statement of the purpose of the petition; and
  - (b) a statement to the effect that, by signing the petition, the petitioner is attesting that the petitioner is an owner liable to be specially assessed for the local improvement and has not previously signed the petition.

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- (3) The petition must include, for each petitioner:
  - (a) the printed surname and printed given names or initials of the petitioner;
  - (b) the petitioner's signature;
  - (c) the petitioner's street or road address or the legal description of the land located within the municipality on which the petitioner's right to petition is based; and
  - (d) the date on which the petitioner signs the petition.
- (4) Each signature must be witnessed by an adult person who shall sign opposite the signature of the petitioner.
- (5) The petition must have attached to it a signed statement of a person stating:
  - (a) that the person is the representative of the petitioners;
  - (b) that the municipality may direct any inquiries about the petition to the representative; and
  - (c) the date on which the first signature was collected.
- (6) No signatures collected before the date mentioned in clause (5)(c) shall be included in the petition.
- (7) For the purposes of clauses (3)(d) and (5)(c), the date must include the month, day and year.

**“Counting petitioners**

- 13.2(1)** The administrator or clerk is responsible for determining the extent to which a petition complies with section 13.1 before submitting the petition to the assessor for review.
- (2) No name may be added to or removed from a petition after it has been filed with the administrator or clerk.
  - (3) In counting the number of petitioners on a petition, the administrator or clerk shall exclude the name of any person:
    - (a) whose signature is not witnessed;
    - (b) whose signature appears on a page of the petition that does not have the same purpose statement that is contained on all the other pages of the petition;
    - (c) whose printed name is not included or is incorrect;
    - (d) whose street or road address or legal description of land is not included or is incorrect;
    - (e) whose signature is not accompanied by the date on which the person signed the petition or the date is incomplete; or
    - (f) who signed the petition before the date mentioned in clause 13.1(5)(c)”.

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## Section 14 amended

**16(1) Subsection 14(1) is repealed.**

**(2) Subsection 14(4) is repealed.**

## Section 15 amended

**17(1) Subsection 15(1) is repealed and the following substituted:**

“(1) If the council intends to pass a bylaw mentioned in section 5, the council shall first cause notice of the proposed local improvement to be made:

- (a) in the form and manner prescribed by the minister;
- (b) before applying for approval of the board pursuant to subsection 8(1)”.

**(2) Subsection 15(3) is repealed and the following substituted:**

“(3) The notice mentioned in subsection (1) must, in accordance with the owner’s contact information, be sent to the owner of every lot that will be liable to be specially assessed with respect to the proposed local improvement”.

**(3) Subsection 15(6) is repealed and the following substituted:**

“(6) For the purposes of subsection (1), the notice for the proposed local improvement shall include the report prepared pursuant to section 6 and the following:

- (a) the time, date and place of a meeting of the council at which the proposed local improvement bylaw will be considered; and
- (b) any other information that:
  - (i) the municipality may include; or
  - (ii) the minister may prescribe”.

## Section 16 amended

**18 Clause 16(h) is amended by striking out “subject to the approval of the board.”.**

## Section 17 amended

**19 Subsection 17(2) is amended by striking out “, subject to approval by the board.”.**

## Section 20 amended

**20(1) Subsections 20(4) and (5) are repealed.**

**(2) Subclause 20(6)(a)(ii) is amended by striking out “as may be approved by the board”.**

**(3) Clause 20(6)(b) is repealed and the following substituted:**

“(b) the municipality may impose a lesser rate”.

## Section 21 amended

**21(1) Subsection 21(1) is amended in the portion preceding clause (a) by striking out “Where the council considers” and substituting “Subject to subsections (1.1) and (1.2), if the council considers”.**

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**(2) The following subsections are added after subsection 21(1):**

“(1.1) If, due to an increase in the cost of the local improvement, the owner’s share of the cost exceeds, by 50% or more, the original cost of that share estimated in the report prepared pursuant to section 6, the municipality shall assume responsibility for the payment of the amount by which the share exceeds a 50% increase.

“(1.2) If, due to an increase in the cost of the local improvement, the owner’s share of the cost exceeds, by 20% or more but less than 50%, the original cost of that share estimated in the report prepared pursuant to section 6, the municipality shall provide notice pursuant to subsection 15(3) to each owner of the increased cost of that owner’s share.

“(1.3) The municipality shall utilize any funds from the general local improvement fund to pay the excess amount mentioned in subsection (1.1)”.

**Section 22 amended**

**22 Clause 22(1)(b) is amended by striking out “, subject to the approval of the board.”.**

**New section 26**

**23 Section 26 is repealed and the following substituted:**

**“Agreements for reduction of assessments on agricultural land, railway right-of-way or station grounds**

**26(1)** If land is used for agricultural purposes or a railway right-of-way or station grounds and is liable to special assessment with respect to a local improvement, the municipality may enter into an agreement with the owner of the land for the purpose of providing a reduction in the amount of the special assessment sufficient to make it fair and equitable, having regard, with respect to the land, right-of-way or grounds, to:

- (a) its location;
- (b) the extent to which it is benefited by the local improvement; and
- (c) the basis used in calculating the special assessment pursuant to section 19.

(2) The whole of the land, right-of-way or grounds shall be charged with the special assessment as reduced pursuant to subsection (1).

(3) Notwithstanding anything in this Act, in the case of land used for agricultural purposes or a railway right-of-way or station grounds, the reduction pursuant to this section in the special assessment that would be chargeable on those lands is 50% of the full amount of the special assessment chargeable on those lands, unless the municipality and the owner agree to a lesser reduction.

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(4) If an agreement relating to land used for agricultural purposes or a railway right-of-way or station grounds pursuant to subsection (1) is not entered into, the owner of the land or the council, within 60 days after the date of the mailing of the notice pursuant to section 10 or 11, may petition the board to adjudicate in the matter, and the board:

- (a) shall hear the matter within 45 days after receiving the petition; and
- (b) on the hearing, may order the municipality to enter into an agreement in accordance with terms and conditions as may be prescribed by the board.

(5) The period mentioned in subsection (4) for the owner of the land or the council to petition the board may be extended by the board, either before or after its expiry, in the case of unusual circumstances on application or its own initiative.

(6) Subject to section 22, if a reduction has been made pursuant to subsection (1) and a change occurs in the circumstances under which the reduction was made, the municipality may recover any portion of the amount of the reduction that the owner and the municipality agree on.

(7) Notwithstanding anything in this Act, if a work has been constructed and the special assessment with respect to the work has been certified by the assessor, the municipality may make any reduction in the amount of the special assessment on the land mentioned in subsection (1) that the municipality considers proper, and the amount of the reduction shall be assumed and paid by the municipality.

(8) Notwithstanding *The Municipal Board Act*, the decisions of the board pursuant to subsection (4) are final and binding”.

**Section 30 amended****24 Subsection 30(1) is repealed and the following substituted:**

“(1) The following lands are exempt from local improvement levies:

- (a) land that is the property of the Crown, including land held by a person in trust for the Crown;
- (b) any property exempt from taxation pursuant to any of the following:
  - (i) clauses 262(1)(c), (d) and (f) of *The Cities Act*;
  - (ii) clauses 292(1)(c), (d) and (f) of *The Municipalities Act*;
  - (iii) clauses 313(1)(c), (d) and (f) of *The Northern Municipalities Act, 2010*;
- (c) every public square, park or dedicated lands;
- (d) land used in connection with a monument erected as a war memorial; and
- (e) land specially exempted from special assessment for local improvements by statute”.

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## Section 31 amended

**25 Clause 31(1)(c) is repealed and the following substituted:**

“(c) according to any other payment plan approved by the council”.

## Section 33 amended

**26(1) Clause 33(2)(a) is amended by striking out the portion preceding subclause (i) and substituting the following:**

“publish in at least 1 newspaper circulating widely in the municipality, or in any other manner that the municipality considers appropriate, a notice advising of:”.

**(2) Clause 33(2)(b) is repealed and the following substituted:**

“(b) serve a notice of the proposed special assessment, in the form and manner prescribed by the minister, on the owner of every parcel of land proposed to be specially assessed in accordance with that owner’s contact information”.

**(3) Subsection 33(4) is amended in the portion preceding clause (a) by striking out “(3)” and substituting “(2)”.**

**(4) Subsection 33(9) is repealed and the following substituted:**

“(9) A person who wishes to appeal a proposed special assessment shall, within 30 days after the day on which the notice of special assessment is delivered to that person, deliver a notice of appeal to the assessor by mailing it to the assessor at the address shown on the special assessment notice”.

**(5) Clause 33(11)(c) is repealed and the following substituted:**

“(c) include the contact information for the appellant”.

## Sections 42 and 43 repealed

**27 Sections 42 and 43 are repealed.**

## Section 44 amended

**28 Subsection 44(1) is amended by striking out “, on approval of the board,”.**

## Section 48 amended

**29 Section 48 is amended by striking out “shall, may” and substituting “, may”.**

## Section 49 amended

**30 Subsection 49(8) is repealed.**

## Coming into force

**31 This Act comes into force on January 1, 2024.**

THIRD SESSION

# Twenty-ninth Legislature

SASKATCHEWAN

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## **BILL**

No. 104

An Act to amend *The Local Improvements Act, 1993*

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Received and read the

First time

Second time

Third time

And passed

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Honourable Don McMorris

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