

BILL

No. 3

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

(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 Safer Communities and Neighbourhoods Amendment Act, 2024*.

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 4 amended

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

(a) by striking out “or” after subclause (vi.2); and

(b) by adding the following after subclause (vi.2):

“(vi.3) ongoing incidents of graffiti that the owner does not take reasonable steps to remove or otherwise address;

“(vi.4) the storage, sale or exchange of stolen goods; or”.

Section 8 amended

4 The following subsection is added after subsection 8(1):

“(1.1) For the purposes of clause (1)(a), if the court is satisfied that the property named in the application is being habitually used for a specified use, there is a rebuttable presumption that the community or neighbourhood is adversely affected by the activities”.

Section 14 amended

5 Subsection 14(2) is repealed.

Section 22 amended

6(1) The following subsection is added after subsection 22(1):

“(1.1) A community safety order is valid notwithstanding any failure of the director to comply with subsection (1)”.

(2) Subsection 22(5) is repealed.

Section 28 amended

7 Subsection 28(1) is amended by striking out “, securing”.

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Section 43 amended

8(1) Subsection 43(1) is amended in the portion preceding clause (a) by adding “or there are reasonable grounds to believe that entry will not be provided” after “investigation”.

(2) Subsection 43(2) is amended in the portion preceding clause (a) by striking out “on oath” and substituting “by information on oath or affirmation”.

Section 45 amended

9 Clause 45(2)(a) is amended by striking out “will” and substituting “may”.

New Part III.1

10 The following Part is added after section 59:

“PART III.1
Nuisance Properties

“DIVISION 1
Interpretation

“Definitions for Part

59.1 In this Part:

- (a) ‘investigator’ means a person designated as an investigator pursuant to section 59.62;
- (b) ‘land titles registry’ means the land titles registry as defined in *The Land Titles Act, 2000*;
- (c) ‘nuisance property’ means real property that:
 - (i) is unfit for human habitation, occupation or use; and
 - (ii) negatively affects the health, safety, economic well-being or security of one or more persons within the community or neighbourhood in which the property is located;
- (d) ‘owner’ means, in relation to nuisance property, any of the following:
 - (i) a person who is the registered owner of title to the property pursuant to *The Land Titles Act, 2000*, and if there is more than one registered owner of title to the property, any of them;
 - (ii) a person who is entitled to be the registered owner of title to the property pursuant to *The Land Titles Act, 2000*;
 - (iii) a person shown as the owner of the property in the municipal assessment or tax roll records for the property;
 - (iv) any of the following persons in whom the property or any estate or interest in the property is vested or with whom decision-making responsibility legally resides:
 - (A) a guardian;
 - (B) a property decision-maker or personal decision-maker as defined in *The Adult Guardianship and Co-decision-making Act*;

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- (C) an executor, administrator or trustee;
- (D) an attorney under a power of attorney;
- (v) any other prescribed person;
- (e) **‘prior registered interest’** means an interest that was registered against property in accordance with *The Land Titles Act, 2000* or any former *Land Titles Act* before an interest based on an application for a forfeiture order is registered pursuant to section 59.41;
- (f) **‘Registrar of Titles’** means the Registrar of Titles appointed pursuant to section 6 of *The Land Titles Act, 2000*;
- (g) **‘respondent’** means a person named as a respondent in an application made pursuant to Division 3 or 4 of this Part.

**“DIVISION 2
Application by Director**

“Application re nuisance property

59.11 If the director has reason to believe that a property is a nuisance property, the director may apply to the court for either of the following respecting the nuisance property:

- (a) a rehabilitation order pursuant to Division 3 of this Part;
- (b) a forfeiture order pursuant to Division 4 of this Part.

“Preliminary action by director

59.12(1) The director may do any of the following before making an application to the court pursuant to this Part:

- (a) send a warning letter to the owner demanding that the owner restore the property to a state that is not a nuisance property;
- (b) make arrangements with the owner to restore the property to a state that is not a nuisance property, either by agreement or informal action;
- (c) take any other action that the director considers appropriate to assist the owner to restore the property to a state that is not a nuisance property.

(2) The director is not required to take any action pursuant to subsection (1) before making an application to the court pursuant to this Part.

“Factors for consideration by court

59.13 In determining whether a property is a nuisance property for the purposes of an application pursuant to Division 3 or 4 of this Part, the court may take into account all or any of the following:

- (a) whether the property remains open to unauthorized entry despite being vacant;
- (b) whether the property is subject to vandalism, loitering or criminal conduct;

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- (c) any physical destruction or deterioration of the property;
- (d) whether the deteriorating condition of the property increases the risk of fire to the property or adjacent properties;
- (e) whether gas, power, water or other utility services to the property have been terminated;
- (f) any of the following at the property that create potential health or safety hazards:
 - (i) the presence of vermin;
 - (ii) the accumulation of trash or debris;
 - (iii) uncut vegetation;
 - (iv) physical deterioration of any structure or the grounds;
- (g) whether any windows or entrances to the property are:
 - (i) boarded up or closed off;
 - (ii) smashed or broken; or
 - (iii) unhinged or continuously unlocked;
- (h) the presence of hazardous, noxious or unhealthy substances or materials on the property;
- (i) any incomplete construction on the property that leaves the property unsuitable for human habitation, occupation or use;
- (j) whether the appearance or condition of the property materially affects the welfare, including the economic welfare, of the residents of the area near the property;
- (k) the presence of unauthorized persons who reside or otherwise occupy the property in a temporary or permanent manner;
- (l) frequent attendance to the property by police or other emergency service providers;
- (m) any other factor the court considers appropriate;
- (n) any other prescribed factor.

**“DIVISION 3
Rehabilitation Order**

“Application for rehabilitation order

59.2 An application for a rehabilitation order must:

- (a) be made by way of notice of application;
- (b) contain the legal description of the property for which the order is sought;
- (c) describe the condition of the property for which the order is sought; and
- (d) name the owner as the respondent.

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“Registration of interest based on application for rehabilitation order

59.21(1) The director shall, after filing an application for a rehabilitation order, apply to the Registrar of Titles to register an interest based on the application for rehabilitation against the affected title or interest in the land titles registry.

(2) An application pursuant to subsection (1) must be accompanied by a copy of the application for a rehabilitation order containing the legal description of the property affected by the order.

(3) After an interest based on an application for a rehabilitation order is registered, the director:

(a) may, at any time, apply to the Registrar of Titles to discharge the registration of the interest; and

(b) shall apply to the Registrar of Titles to discharge the registration of the interest if the application is dismissed or discontinued.

(4) The registration of an interest may be discharged pursuant to subsection (3) with respect to:

(a) all the titles or interests described in the application for a rehabilitation order; or

(b) any portion of the titles or interests described in the application for a rehabilitation order.

(5) Without limiting the generality of section 63, no action lies or shall be commenced against the director for any loss or damage suffered by any person by reason of:

(a) the registration of an interest pursuant to this section;

(b) the amendment of an interest pursuant to this section; or

(c) the failure of the director:

(i) to register an interest pursuant to this section; or

(ii) to discharge an interest pursuant to this section.

(6) An application for a rehabilitation order filed by the director is valid notwithstanding any failure to comply with this section.

“Interim order for restoration

59.22(1) If the court finds that the property that is the subject of the application for a rehabilitation order is a nuisance property, the court may make an interim order granting the respondent a period, not exceeding 6 months after the date of that order, to restore the property that is the subject of the application to a state that is not a nuisance property.

(2) The onus rests on the respondent to demonstrate to the court that the respondent has complied with an order mentioned in subsection (1).

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(3) If the respondent complies with an order mentioned in subsection (1), the court shall dismiss the application for a rehabilitation order.

(4) If the respondent does not comply with an order mentioned in subsection (1), section 59.23 applies.

“When court shall make a rehabilitation order

59.23(1) Subject to section 59.22, if the court finds that the property that is the subject of the application for a rehabilitation order is a nuisance property, the court shall make a rehabilitation order unless it clearly is not in the interests of justice to do so.

(2) A rehabilitation order must:

(a) provide a legal description of the nuisance property with respect to which the order is made;

(b) subject to subsections (3) and (4), grant the director authority to:

(i) demolish any structure on the nuisance property;

(ii) take any action the director considers necessary to prepare for the demolition of any structure on the nuisance property, including:

(A) ordering any occupants still occupying the property and any other persons at the property to leave it immediately;

(B) attaching locks, hoarding or other security devices;

(C) erecting fences;

(D) changing or terminating utility services; and

(E) making interior or exterior alterations to the property so that it is not a hazard;

(iii) take any action the director considers necessary to restore the site of the nuisance property to a state that is not a nuisance property; and

(iv) enter properties, other than dwelling places, that are adjacent to the nuisance property where it is reasonably necessary for the purposes of carrying out the actions mentioned in subclauses (i) to (iii);

(c) require the respondent to do everything reasonably necessary to allow the director to carry out a demolition on the nuisance property and take any other action mentioned in clause (b);

(d) fix a date, that is at least one year after the date on which the order is made, by which the director shall complete the demolition of the nuisance property;

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(e) contain a statement of the right to appeal the order pursuant to Division 5 of this Part; and

(f) contain any other prescribed terms.

(3) A rehabilitation order may:

(a) subject to subsection (4), order the termination of any lease agreement respecting the nuisance property; and

(b) include any other terms the court considers appropriate.

(4) If a lease agreement respecting a nuisance property is terminated pursuant to subsection (3), the Crown in right of Saskatchewan does not assume, and is not bound by, any covenants or other obligations contained in the lease agreement, including any term, penalty or obligation respecting the termination of the lease agreement.

(5) If a rehabilitation order is made pursuant to subsection (1), the order becomes effective as of the date the rehabilitation order is registered against the affected title or interest in the land titles registry.

“Application for variation

59.3(1) The director may apply to the court to vary a rehabilitation order made pursuant to this Division if the order is still in effect and the director considers it appropriate.

(2) The director may apply to vary a rehabilitation order pursuant to this section more than once.

(3) If the court grants an order to vary a rehabilitation order pursuant to this section:

(a) the variation order becomes effective as of the date on which the variation order is registered against the affected title or interest in the land titles registry; and

(b) the duties and powers of the director to act pursuant to this Part with respect to the rehabilitation order are continued, subject to the terms of the variation order.

“Respondent must pay cost of rehabilitation

59.31(1) The respondent shall, on demand from the director, pay to the Minister of Finance the cost of demolishing and restoring the nuisance property pursuant to a rehabilitation order, in the amount set out in the certificate filed by the director pursuant to section 59.32.

(2) An amount payable pursuant to subsection (1) is a debt due and owing to the Crown in right of Saskatchewan.

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“Recovery of director’s costs – filing of certificate

59.32(1) If the director undertakes any work for the purposes of this Division pursuant to a rehabilitation order and incurs any costs and expenses as a result, the director may file in the office of the local registrar of the court at the judicial centre nearest to the place where the work or the greatest portion of the work was done a certificate that is signed by the director and that sets out:

- (a) the amount of the costs and expenses incurred pursuant to this Division;
- (b) the respondent from whom the costs and expenses are recoverable; and
- (c) the director’s address for service.

(2) If the director files a certificate pursuant to subsection (1), the director shall serve a copy of the certificate on the respondent.

(3) The certificate filed pursuant to subsection (1) is conclusive evidence of the amount of the debt due to the Crown in right of Saskatchewan by the respondent.

(4) A certificate filed pursuant to this section has the same effect as if it were a judgment obtained in the court for the recovery of a debt in the amount specified in the certificate, together with any reasonable costs and charges with respect to its filing.

(5) A respondent who has been served with a copy of a certificate pursuant to subsection (2) may, within 30 days after receiving the copy, make written representations to the director requesting the director to reconsider the amount of the costs and expenses.

(6) On receipt of written representations pursuant to subsection (5), the director may:

- (a) withdraw the certificate;
- (b) amend or vary the amount of the costs and expenses and, for that purpose, withdraw the certificate and file a new certificate with the new costs and expenses; or
- (c) confirm the certificate.

(7) The director shall notify the respondent of the director’s decision as soon as is reasonably practicable after making the decision.

“Appeal to court re certificate

59.33(1) A respondent may appeal against the amount of the costs and expenses set out in the certificate to the court:

- (a) within 30 days after the date of the filing of the certificate; or
- (b) if the respondent has made representations to the director pursuant to section 59.32, within 30 days after the director has notified the respondent of the decision.

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- (2) On hearing an appeal pursuant to this section, the court may issue an order:
- (a) confirming the amount of costs and expenses set out in the certificate;
 - (b) amending or varying the amount of costs and expenses set out in the certificate;
 - (c) quashing the certificate; or
 - (d) doing any other thing that the court considers appropriate.
- (3) In an order issued pursuant to subsection (2), the court may specify the period within which the order must be complied with.

**“DIVISION 4
Forfeiture Order**

“Application for forfeiture order

59.4 An application for a forfeiture order must:

- (a) be made by way of notice of application;
- (b) contain the legal description of the property for which the order is sought;
- (c) describe the condition of the property for which the order is sought; and
- (d) name the following as respondents:
 - (i) the owner;
 - (ii) any person with a prior registered interest in the property;
 - (iii) any other person the director has reason to believe has an interest in the property.

“Registration of interest based on application for forfeiture order

59.41(1) The director shall, after filing an application for a forfeiture order, apply to the Registrar of Titles to register an interest based on the application for a forfeiture order against the affected title or interest in the land titles registry.

- (2) An application pursuant to subsection (1) must be accompanied by a copy of the application for a forfeiture order containing the legal description of the property affected by the order.
- (3) After an interest based on an application for a forfeiture order is registered, the director:
- (a) may, at any time, apply to the Registrar of Titles to discharge the registration of the interest; and
 - (b) shall apply to the Registrar of Titles to discharge the registration of the interest if the application is dismissed or discontinued.

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- (4) The registration of an interest may be discharged pursuant to subsection (3) with respect to:
- (a) all of the titles or interests described in the application for a forfeiture order; or
 - (b) any portion of the titles or interests described in the application for a forfeiture order.
- (5) Without limiting the generality of section 63, no action lies or shall be commenced against the director for any loss or damage suffered by any person by reason of:
- (a) the registration of an interest pursuant to this section;
 - (b) the amendment of an interest pursuant to this section; or
 - (c) the failure of the director:
 - (i) to register an interest pursuant to this section; or
 - (ii) to discharge an interest pursuant to this section.
- (6) An application for a forfeiture order filed by the director is valid notwithstanding any failure to comply with this section.

“Interim order for restoration

- 59.42(1)** If the court finds that the property that is the subject of the application for a forfeiture order is a nuisance property, the court may make an interim order granting the respondent a period, not exceeding 6 months after the date of that order, to restore the property that is the subject of the application to a state that is not a nuisance property.
- (2) The onus rests on the respondent to demonstrate to the court that the respondent has complied with an order mentioned in subsection (1).
- (3) If the respondent complies with an order mentioned in subsection (1), the court shall dismiss the application for a forfeiture order.
- (4) If the respondent does not comply with an order mentioned in subsection (1), section 59.43 applies.

“When court shall make a forfeiture order

- 59.43(1)** Subject to sections 59.42 and 59.5, if the court finds that the property that is the subject of the application for a forfeiture order is a nuisance property, the court shall make an order forfeiting the property to the Crown in right of Saskatchewan unless it clearly is not in the interests of justice to do so.
- (2) If a forfeiture order is made pursuant to subsection (1), the property is forfeited to the Crown in right of Saskatchewan as of the date a transfer based on the forfeiture order is registered in the land titles registry.
- (3) Notwithstanding any other Act or law, the Crown in right of Saskatchewan does not assume, and is not bound by, any covenants or other obligations under a mortgage, lease or other interest affecting the forfeited property.

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“Interest protection order

59.5(1) Subject to subsection (3), if the court finds that property is a nuisance property, the court shall make an order to protect interests in the property held by persons entitled to an interest protection order pursuant to section 59.51 or 59.52.

(2) Without limiting the generality of subsection (1), an interest protection order may:

- (a) sever or partition any interest in the property or require any interest in the property to be sold or otherwise disposed of by any person;
- (b) subject to subsection 59.43(3), provide that the Crown in right of Saskatchewan takes the property subject to the interest of a person;
- (c) direct that any proceeds of the sale of the property be applied to any debt secured by a prior registered interest in the property; or
- (d) direct that any other measures be taken that the court considers necessary to reasonably protect any interest in the property.

(3) The court may refuse to issue an interest protection order if the court considers that it is not in the interests of justice to do so or that it is otherwise not economically feasible.

“Protected holders of prior registered interests

59.51(1) The following holders of a prior registered interest in property that is found to be a nuisance property are entitled to an interest protection order:

- (a) a trust corporation, a loan corporation or a financing corporation licensed pursuant to *The Trust and Loan Corporations Act, 1997*;
- (b) a bank;
- (c) a credit union, Credit Union Deposit Guarantee Corporation or Credit Union Central of Saskatchewan;
- (d) an insurance company licensed pursuant to *The Insurance Act*;
- (e) a retail association to which the *Cooperative Credit Associations Act* (Canada) applies;
- (f) the Crown in right of Canada, the Crown in right of Saskatchewan or a municipality;
- (g) the holder of any other prescribed right or interest;
- (h) any class of prescribed persons whose members are similar to the holders set out in clauses (a) to (e).

(2) Subject to subsection 59.5(3), if property is found to be a nuisance property, any person who acquired the property or an interest in the property from a person mentioned in subsection (1) is entitled to an interest protection order.

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“Other persons entitled to interest protection order

59.52 Subject to subsection 59.5(3), if property is found to be a nuisance property, a person who owns or has an interest in the property is entitled to an interest protection order if the person proves that the person:

- (a) acquired the property or an interest in the property before an interest was registered pursuant to section 59.41; and
- (b) did all that the person could reasonably have done in the circumstances to prevent the property from becoming a nuisance property.

**“DIVISION 5
Appeals**

“Appeal

59.53(1) An order of the court made pursuant to this Part may be appealed to the Court of Appeal:

- (a) on a question of law; and
- (b) with leave of a judge of the Court of Appeal.

(2) An application for leave to appeal must be made within 14 days after the day on which the order of the court is made or within any further period that a judge of the Court of Appeal may allow.

“Appeal stays operation of rehabilitation order or forfeiture order

59.6 If an application for leave to appeal is made in accordance with this Division, the operation of a rehabilitation order or forfeiture order that is the subject of the appeal is stayed and no further action may be taken with respect to the order except in accordance with an order of the Court of Appeal or a judge of the Court of Appeal.

“Limitation on other actions and proceedings

59.61(1) Subject to subsection (2), no action or proceeding shall be commenced or maintained:

- (a) to prevent the making of a rehabilitation order or forfeiture order;
- (b) to prevent a rehabilitation order or forfeiture order from being carried out;
- (c) for judicial review of the director’s application for a rehabilitation order or forfeiture order;
- (d) for judicial review of a rehabilitation order or forfeiture order; or
- (e) to obtain relief with respect to a tenancy agreement or lease that is ordered to be terminated.

(2) Subsection (1) does not apply to an appeal pursuant to section 59.53.

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**“DIVISION 6
Investigation**

“Designation of investigators

59.62(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 59.63; and
 - (b) carry out any other powers and duties of the director pursuant to this Part.
- (3) The director shall provide 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.

“Investigation

59.63(1) In this section and sections 59.7, 59.71 and 59.72, **‘record’** means a book, paper, document or thing, whether in electronic form or otherwise, that may contain information relevant to the administration or enforcement of this Part.

- (2) An investigator may conduct an investigation with respect to any matter that the investigator considers necessary respecting the administration or enforcement of this Part or the regulations made for the purposes of this Part.
- (3) For the purposes of an investigation pursuant to this section, the investigator may, at any reasonable time:
- (a) subject to subsection (4), enter and inspect any property that the investigator believes on reasonable grounds is a nuisance property;
 - (b) take measurements and photographs of, and conduct any tests or any type of audio or visual recordings in or on, any property that the investigator considers necessary to determine if the property is a nuisance property; and
 - (c) require any person to produce for inspection and copying any record that the investigator believes on reasonable grounds contains any information relevant to the administration or enforcement of this Part.

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- (4) An investigator may enter a dwelling place only:
 - (a) with the owner's consent;
 - (b) pursuant to the authority of a warrant issued pursuant to section 59.71; or
 - (c) pursuant to an order of the court pursuant to this Part.
- (5) The director may contract with or authorize any person to investigate a matter for the purposes of this Part.
- (6) No person shall obstruct or hinder, or make a false or misleading statement to, an investigator who is acting pursuant to this Part.

“Copies of records

59.7(1) An investigator may make copies of a record that has been inspected pursuant to section 59.63.

(2) A copy of a record certified by an investigator to be a copy made pursuant to this section:

- (a) is admissible in evidence without proof of the office or signature of the person purporting to have signed the certificate; and
- (b) has the same probative force as the original record.

(3) An investigator shall ensure that, after copies of any records inspected pursuant to section 59.63 are made, the originals are promptly returned to:

- (a) the place they were removed from; or
- (b) any other place that may be agreed to by the investigator and the person who had custody, possession or control of the record.

“Warrant authorizing entry

59.71(1) If an investigator, pursuant to section 59.63, requires entry to a property and the owner of the property refuses or neglects to permit investigation, or there are reasonable grounds to believe that entry will not be provided, the investigator may apply without notice to a justice of the peace or judge of the provincial court for a warrant authorizing a person named in the warrant to:

- (a) enter and search any property named in the warrant for the purposes of administering and enforcing this Part; and
- (b) seize and take possession of any record that the investigator believes on reasonable grounds contains information relevant to the administration and enforcement of this Part.

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(2) A justice of the peace or judge of the provincial court may issue a warrant authorizing an investigator and any other person named in the warrant to enter and inspect the property and to seize and take possession of any record if the justice of the peace or judge of the provincial court is satisfied by information on oath or affirmation of the investigator that there are reasonable grounds to believe that:

- (a) the property is a nuisance property;
- (b) entry to the property is necessary for a purpose relating to the administration or enforcement of this Part; and
- (c) entry to the property has not been provided or there are reasonable grounds to believe that entry will not be provided.

“Director’s authority

59.72(1) For the purposes of carrying out a responsibility or exercising a power pursuant to this Part, the director is authorized:

(a) to collect information from a government institution, as defined in *The Freedom of Information and Protection of Privacy Act*, or a local authority, as defined in *The Local Authority Freedom of Information and Protection of Privacy Act*, about a person who owns property with respect to which an application pursuant to this Part may be made, including:

- (i) the person’s name and address;
- (ii) the whereabouts of the person; and
- (iii) the person’s place of employment;

(b) to collect information from any source about the ownership of the property with respect to which an application pursuant to this Part may be made;

(c) to collect information from any source about the state of the property with respect to which an application pursuant to this Part may be made;

(d) to make and maintain written, recorded, electronic or videotaped records of any information received pursuant to clause (a), (b) or (c) or of the state of the property with respect to which an application pursuant to this Part may be made; and

(e) to disclose information obtained pursuant to clause (a), (b) or (c) and records made pursuant to clause (d) to a person, court, government institution, local authority or law enforcement agency.

(2) If the director requests information pursuant to clause (1)(a), (b) or (c), the government institution, local authority or other source shall provide the information that is within its knowledge or is in any record in its possession or control, and give the director a copy of the record in which the information is contained, if applicable.

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(3) The director may disclose information obtained pursuant to clause (1)(a), (b) or (c), or records made pursuant to clause (1)(d):

(a) to a person for the purpose of assisting that person in serving or posting a rehabilitation order or forfeiture order; or

(b) to a peace officer or other person to enable that peace officer or other person to carry out any actions under a rehabilitation order or forfeiture order.

(4) 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:

(a) is in the public interest with respect to public health, public safety or the protection of the environment; or

(b) discloses a possible contravention of the *Criminal Code*.

**“DIVISION 7
General**

“Effect of transfer of property

59.73(1) A person who transfers a legal or beneficial interest in property to another person, or gives a right of occupancy of property to another person, after being served with an application pursuant to this Part or becoming aware of an application pursuant to this Part with respect to the property shall fully inform the other person about the application before completing the transfer or giving the right of occupancy.

(2) A person who receives an interest in property that is the subject of an application pursuant to this Part is deemed to be a respondent to the application when the transfer of the interest is complete, and any order made by the court is binding on that person.

“Service

59.8(1) The director shall, as soon as possible after a rehabilitation order or forfeiture order is made:

(a) serve a copy of the order on each respondent; and

(b) post a copy of the order in a conspicuous place on the property with respect to which the order is made.

(2) A rehabilitation order or forfeiture order is valid notwithstanding any failure of the director to comply with subsection (1).

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(3) Any notice or document that is required to be served pursuant to this Part must be served:

- (a) by personal service made:
 - (i) in the case of an individual, on that individual;
 - (ii) in the case of a partnership, on any partner; or
 - (iii) in the case of a corporation, on any officer or director of the corporation;
- (b) by registered mail addressed to the person to be served; or
- (c) if service cannot be effected by one of the methods described in clauses (a) and (b), by publishing a copy of the order on a website that is accessible to the public.

(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.

“Failure of respondent to comply

59.81 A respondent, other than a person listed in subsection 59.51(1), is deemed to waive the respondent’s right to property if the respondent fails, without reasonable excuse, to do any of the following:

- (a) to attend or be represented at a hearing or other proceeding respecting an application for a rehabilitation order or forfeiture order;
- (b) to answer any question put to the respondent during questioning or cross-examination;
- (c) to provide, as directed by the court, or pursuant to an undertaking given by the respondent, any information or document, whether in writing or electronic form.

“Non-compellability

59.82(1) The director and any person acting for or under the direction of the director are not compellable in a court or in any other proceeding:

- (a) to give evidence about information obtained by or on behalf of the director for the purposes of this Part; or
- (b) to produce any other document or thing obtained by or on behalf of the director for the purposes of this Part.

(2) Subsection (1) does not apply to an application by the director or to an application continued in the director’s name.

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“Assistance from peace officer

59.83 If a person at a property that is subject to a rehabilitation order or forfeiture order does not comply with a request to leave, the director may obtain the assistance of a peace officer to remove the person from the property.

“Engagement of persons by director

59.9 The director may engage any tradespersons and workers that the director considers necessary for the purposes of carrying out a rehabilitation order or forfeiture order, or for any other purpose related to this Part.

“Offences and penalties

59.91(1) No person shall:

- (a) remove, deface or interfere with a copy of an order posted in accordance with this Part;
- (b) without the director’s consent:
 - (i) fail to vacate a property that is subject to a rehabilitation order or forfeiture order; or
 - (ii) enter or re-enter a property that is subject to a rehabilitation order or forfeiture order;
- (c) fail to comply with a rehabilitation order or forfeiture order; or
- (d) obstruct or interfere with the exercise of any powers pursuant to this Part by the director or any other person.

(2) A person who, without reasonable excuse, contravenes subsection (1) is guilty of an offence and liable on summary conviction:

- (a) for a first offence:
 - (i) in the case of an individual, to a fine of not more than \$10,000, to imprisonment for a term of not more than one year or to both; and
 - (ii) in the case of a corporation, to a fine of not more than \$25,000; and
- (b) for a second or subsequent offence:
 - (i) in the case of an individual, to a fine of not more than \$25,000, to imprisonment for a term of not more than one year or to both; and
 - (ii) in the case of a corporation, to a fine of not more than \$100,000.

(3) If a corporation commits an offence pursuant to this Part, any officer or director of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and liable on summary conviction to the penalties mentioned in this section whether or not the corporation has been prosecuted or convicted.

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“Part prevails

59.92 Unless another Act expressly states otherwise, if a provision of this Part, the regulations made for the purposes of this Part or an order made pursuant to this Part conflicts with *The Residential Tenancies Act, 2006*, the provision of this Part, the regulations made for the purposes of this Part or the order prevails”.

Section 60 amended**11 Clause 60(b) is repealed and the following substituted:**

“(b) persons designated as investigators pursuant to this Act, or who have been contracted with or are authorized by the director pursuant to this Act to investigate a matter”.

Section 61 amended**12 Section 61 is amended by striking out “Part II or III of”.****Section 64 amended****13 The following clause is added after clause 64(d):**

“(d.1) for the purposes of Part III.1:

- (i) prescribing persons for the purposes of subclause 59.1(d)(v);
- (ii) prescribing additional factors for the purposes of section 59.13;
- (iii) prescribing additional terms of a rehabilitation order for the purposes of subsection 59.23(2); and
- (iv) prescribing additional rights, interests or classes of persons for the purposes of subsection 59.51(1)”.

Coming into force**14 This Act comes into force by order of the Lieutenant Governor in Council.**

FIRST SESSION

Thirtieth Legislature

SASKATCHEWAN

BILL

No. 3

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

Received and read the

First time

Second time

Third time

And passed

Honourable Tim McLeod
