B I L L

No. 40

An Act to amend *The Trespass to Property 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 Trespass to Property Amendment Act, 2021*.

SS 2009, c T-20.2 amended

2 *The Trespass to Property Act* is amended in the manner set forth in this Act.

New section 14

3 Section 14 is repealed and the following substituted:

"Offence and penalty

14(1) Every person who contravenes any provision of this Act or the regulations is guilty of an offence and liable on summary conviction:

(a) in the case of an individual:

(i) for a first offence, to a fine of not more than $5,000, to imprisonment for a term not exceeding 6 months or to both; and

(ii) for a second or subsequent offence in relation to the same premises, to a fine of not more than $25,000, to imprisonment for a term not exceeding 6 months or to both; and

(b) in the case of a corporation, to a fine of not more than $200,000.

(2) A corporation that aids, counsels or directs a person to contravene any provision of this Act or the regulations, whether or not the person actually commits the contravention, is guilty of an offence and liable on summary conviction to a fine of not more than $200,000.

(3) If a corporation commits an offence pursuant to this Act or the regulations, any director or officer 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 penalty provided for the offence, whether or not the corporation has been prosecuted or convicted**".**

New sections 17.3 to 17.5

4 The following sections are added after section 17.2:

"Action for trespass

17.3(1) It is a tort for a person to enter in or on a premises, remain in or on a premises, engage in an activity in or on a premises or continue to engage in an activity in or on a premises in contravention of section 3.

(2) An action for trespass pursuant to subsection (1) may be commenced without proof of damage.

"Reverse onus and defence

17.4(1) If an action for trespass has been commenced pursuant to section 17.3, the defendant must establish that the defendant had reasonable grounds to believe that the defendant had the ongoing consent of the occupier to enter in or on the premises or to engage in the activity in or on the premises.

(2) Subject to subsection (1), section 7 applies in an action for trespass commenced pursuant to section 17.3.

"Remedies

17.5 In an action for trespass pursuant to section 17.3, the court may:

(a) award damages to the plaintiff, including general, special, aggravated and punitive damages;

(b) issue an injunction on any terms and with any conditions that the court determines to be appropriate in the circumstances; and

(c) make any other order that the court considers just and reasonable in the circumstances**".**

Coming into force

5 This Act comes into force on assent.

SECOND SESSION

Twenty-ninth Legislature

SASKATCHEWAN

B I L L

No. 40

An Act to amend *The Trespass to Property Act*

Received and read the

First time

Second time

Third time

And passed

Honourable Gordon Wyant

Printed under the authority of
The Speaker of the Legislative Assembly
of Saskatchewan
2021